



JUDICIAL COUNCIL OF CALIFORNIA

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RULES AND POLICY SUBCOMMITTEE UNLIMITED CASE AND COMPLEX LITIGATION SUBCOMMITTEE

MINUTES OF OPEN MEETING

January 19, 2017

12:10 PM

Teleconference

Advisory Body RPS:
Members Present: Hon. Peter J. Siggins; Hon. Julie R. Culver; Hon. Jackson Lucky; Hon. Louis R. Mauro; Mr. Darrel Parker; Mr. Don Willenburg
UCCLS:
Hon. Ann I. Jones; Hon. David Chapman; Mr. Keith Childlaw; Mr. William Chisum; Hon. Harold Kahn; Ms. Brenda McCormick; Mr. Robert Olson; Ms. Twila White; Hon. Debre Weintraub

Advisory Body
Members Absent: Mr. Saul Bercovitch; Hon. Victoria Chaney; Hon. Michael Sachs; Hon. Richard K. Sueyoshi

Others Present: Ms. Christy Simons; Ms. Andrea Jaramillo; Mr. Patrick O'Donnell; Ms. Fati Farmanfarmaian, Ms. Nicole Rosa

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 PM, and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the August 19, 2016, Rules and Policy Subcommittee meeting.

There were no written public comments received for this meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

Item 1

Modernization Project Rules Proposal: Proposed Amendments to Title 2, Chapter 3, Division 2 of the California Rules of Court (Action Required)

Consider circulating for public comment whether to recommend proposed amendments to title 2, chapter 3, division 2 of the California Rules of Court. The proposed amendments reduce redundancies and improve consistency between California Rules of Court governing electronic service and electronic filing

in the trial courts, and provisions of the Code of Civil Procedure that provide statutory authority for permissive and mandatory electronic service and electronic filing in the courts. The proposal also includes amendments to make limited organizational changes to the rules to improve their logical ordering.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Mr. Patrick O'Donnell, Managing Attorney, Legal Services
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Ms. Jaramillo provided a brief review of some of the proposed changes. Changes include reducing redundancies; aligning submission times to match existing rules; and electronic service changes. Recommending advancing to ITAC to approve for public comment. Members felt that these changes overall help to clean up.

Motion for both subcommittees to refer to respective Judicial Advisory Committees with recommendation to go for public comment.

Motion approved.

Item 2

Legislative Proposal to Amend section 1719 of the Civil Code and sections 405.22, 405.23, 594, 659, 660, and 663a of the Code of Civil Procedure (Action Required)

Consider circulating for public comment whether to recommend proposed amendments to the Civil Code and Code of Civil Procedure. The purpose of the legislative amendments is to provide clarity about and foster the use of electronic service. The proposed amendments authorize electronic service for certain demands and notices. The proposal also clarifies that the broader term "service" is applicable rather than "mailing" in certain code sections.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee
Mr. Patrick O'Donnell, Managing Attorney, Legal Services
Ms. Andrea Jaramillo, Attorney II, Legal Services

Action: Ms. Jaramillo provided a brief update on proposed changes. The amendments would add electronic service to code sections that only reference mail service. Notice of pendency statutory requirements only refer to mailing now, and the proposal would add a provision allowing electronic service in certain circumstances. The Civil Code allows for certain damages relating to bad checks and requires courts to mail a demand; the proposal would allow courts that are the payee on a bad check to use electronic service for a demand in lieu of mailing. Finally, the proposal authorizes notices of intention to move for new trial and notices to vacate judgment to be served electronically rather than just mailed. Member raised question, how do you know if an email address is bad or no longer being used (bounce backs)? Current rules of court must provide address they will be served and provide an update if it changes. Burden is on the parties to maintain correct address.

Motion for both subcommittees to refer to respective Judicial Advisory Committees with recommendation to go for public comment.

Motion approved.

At this time, Justice Siggins thanked the members of the Unlimited Case and Complex Litigation Subcommittee for their time and invited members to drop off the call.

Item 3

Rules and Subcommittee 2017 Work Plan (Discussion Item)

Review, prioritize and plan ITAC's 2017 Annual Agenda projects assigned to the subcommittee.

Presenters: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee

Update: Justice Siggins discussed various projects this subcommittee priorities this year. Most will be dictated as other sub/committees and workstreams finish their projects. Privacy policy, remote access for justice partners, electronic records and data are a couple examples. Asked if there were concerns about prioritization. Also if there are other ITAC members to include.

Judge Culver noted privacy policy is on the agenda and other committees will need to be involved beyond ITAC. Appellate has already said they would like to be included. She believes that judges need to look and weigh in on this topic. Previous Rules & Policy Subcommittee efforts on this project have not gone too far due to lack of resources. Hoping there will be staff or other judicial committees or officers to assist going forward.

Justice Siggins ask if any other ITAC members might be helpful on this committee. He suggested that perhaps new ITAC member Ms. Grimwade with her technology background. Please let him know if you have other suggestions.

Judge Culver sees the privacy policy document more as a reference document courts can refer to about where they can find it as well as offering basic privacy policy on their websites.

Justice Siggins follow up with the subcommittee after some investigation about various resources and staff help.

Justice Mauro added that at the recent advisory committee chair meeting, Justice Miller wants approval for all new working groups in an effort to manage resources appropriately.

A D J O U R N M E N T

There being no further business, the meeting adjourned at 12:40 PM.

Approved by both subcommittee members on May 23, 2017.