



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

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APPELLATE ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

June 1, 2017

12:00 p.m.

Teleconference

Advisory Body Members Present: Hon. Louis R. Mauro, chair, Hon. Kathleen M. Banke, Mr. Kevin K. Green, Mr. Jonathan D. Grossman, Hon. Adrienne Grover, Hon. Richard D. Huffman, Mr. Daniel M. Kolkey, Hon. Leondra R. Kruger, Mr. Joseph A. Lane, Mr. Jorge Navarrete, Hon. Stephen D. Schuett, Ms. MC Sungaila, Hon. Thomas L. Willhite, Jr.

Advisory Body Members Absent: Ms. Laura Arnold, Hon. Kent M. Kellegrew, Mr. Jeffrey Laurence, Ms. Mary K. McComb, Ms. Sheran L. Morton, Hon. M. Bruce Smith, Ms. Kimberly A. Stewart

Others Present: Ms. Heather Anderson, Mr. Patrick O'Donnell, Mr. Dan Pone, Ms. Christy Simons, Hon. Elizabeth W. Johnson

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:00 p.m., and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the January 30, 2017, Appellate Advisory Committee meeting.

Chair's Report

Justice Mauro provided an update from JATS on e-filing and a document management system. The Supreme Court is going live with e-filing in July; it will be optional until September 1, and then mandatory. The Second District Court of Appeal is also going to e-filing. A new document management system for the appellate courts will be piloted in the Third District Court of Appeal and the Fifth District Court of Appeal. OnBase will replace ACCMS as the document repository, and additional functionality will be added over the next couple of years.

Justice Mauro announced a new project led by the Information Technology Advisory Committee to develop standards for online access to court records. Justice Banke volunteered to assist.

Patrick O'Donnell provided information on a privacy resource guide that is being developed to provide guidance on rules and standards relating to privacy.

DISCUSSION AND ACTION ITEMS (ITEMS A–H)

Item A

Format of electronic reporter’s transcripts

The committee reviewed public comments on proposed amendments to rule 8.144 to include additional provisions regarding the format of electronic reporter’s transcripts. AB 1450 amending Code of Civil Procedure section 271 is pending; the rule amendments cannot be finalized until the bill is signed. There are strong objections in the comments, but those groups are willing to discuss. A key concern is placing responsibility for a master index on the lead court reporter; practices are not consistent across all 58 counties. Justice Mauro will meet with stakeholders.

Action: The committee approved the rules subcommittee’s recommendation that action be delayed on this proposal.

Item B

Legislative Update (Information only)

Dan Pone provided information about legislative activities of interest to the committee including the Governor’s May budget revisions.

Action: No action required

Item C

Verification of Writ Petitions

The committee reviewed the public comments on the proposal circulated for comment and the rules subcommittee’s recommendations for responding to these comments.

Action: The committee voted to recommend adoption of this proposal as circulated, as recommended by the rules subcommittee.

Item D

Settled Statements

The committee reviewed the public comments on the proposal circulated for comment and the rules subcommittee’s recommendations for responding to these comments. The committee considered input from the Family and Juvenile Law Advisory Committee (Fam/Juv), which recommended a separate settled statement form for family law and probate proceedings. The committee also considered whether to delay recommending adoption of all or any part of the proposal to allow for development of other forms and plain language review. Committee members expressed concern with delaying the guidance on settled statements.

Action: The committee voted to recommend adoption of this proposal as recommended by the rules subcommittee.

Item E

Record on Appeal in Juvenile Case

The committee reviewed the public comments on proposed amendments to Welfare and Institutions Code section 827 and the rules subcommittee's recommendations for responding to the comments. The committee also considered input from the Family and Juvenile Law Advisory Committee members who had worked on the invitation to comment on the rules subcommittee's suggested revisions to the proposal. The Fam/Juv members expressed concern with some of the proposed language identifying the records an individual who is a party to an appeal or writ proceeding would be authorized to inspect and copy. Staff noted that there was time to bring the working group members back together to consider the issues and provide the committee with a recommendation.

Action: The committee approved having the working group of AAC and Fam/Juv members meet to discuss the issue and hold a conference call of the AAC to consider the working group's recommendation.

Item F

Designation of the Record

The committee reviewed the public comments on the proposal that circulated for comment and the appellate division subcommittee's proposed responses to the comments. The responses included the subcommittee's recommendation that form APP-103 be revised to clarify the deposit options for a transcript of an electronic recording.

Action: The committee voted to recommend adoption of the proposal as recommended by the appellate division subcommittee.

Item G

Service of Briefs

The committee reviewed the public comments on the proposal that circulated for comment and the appellate division subcommittee's proposed responses to the comments.

Action: The committee voted to recommend adoption of the proposal as recommended by the appellate division subcommittee.

Item H

Payment for Partially Prepared Transcripts

The committee reviewed the public comments on the proposal that circulated for comment and the appellate division subcommittee's proposed responses to the comments. The committee

discussed and declined to accept the suggestion to require the court reporter to provide any partial transcript to the appellant.

Action: The committee voted to recommend adoption of the proposal as recommended by the appellate division subcommittee.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:10 p.m.

Approved by the advisory body on 02/21/19.