



JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY
COMMITTEE

www.courts.ca.gov/aac.htm
aac@jud.ca.gov

APPELLATE ADVISORY COMMITTEE RULES SUBCOMMITTEE

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: February 03, 2020
Time: 2:00 p.m.
Public Call-In Number 1-877-820-7831, Passcode: 5846649 (listen only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to aac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, 5th Floor, San Francisco, California, 94102, attention: Christy Simons. Only written comments received by 12:00 p.m. on January 31 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-4)

Item 1

Method of notice to the court reporter Cases (Action required)

Consider amending rules 8.405, 8.450, and 8.454 to remove or modify the requirement that the clerk notify the court reporter “by telephone and in writing” to prepare a transcript. This language may be outdated or inconsistent with other rules requiring notification by the clerk.

Item 2

Consent to electronic service (Action required)

Amend rules 8.72, 8.74, and 8.78 to conform to section 1010.6 of the Code of Civil Procedure, which was recently amended and provides that the act of electronic filing does not constitute consent to electronic service.

Item 3

Clarify the filing date of an electronically filed document (Action required)

Amend rule 8.77 to clarify that an e-filed document received by the court before midnight that meets the filing requirements is deemed to have been filed that day. This project addresses an ambiguity in the rule that has resulted in inconsistent treatment of e-filed documents that are received after business hours.

Item 4

Record retention in criminal appeals (Action required)

Consider amending rule 10.1028 to extend the time for keeping reporters’ transcripts in criminal appeals. The rule currently requires that the original reporter’s transcript be kept for 20 years, but this is not long enough to account for longer sentences and lengthy appellate processes. Also consider whether to require a digital copy.

Item 5

Revision of Judicial Council forms with a gender identity question or term (Action required)

Review forms within the committee’s purview to identify gender terms or questions. Propose revisions to those forms to replace gender terms with neutral terms or eliminate the questions.

IV. ADJOURNMENT

Posted: 1/13/2020