



# Judicial Council of California

455 Golden Gate Ave.  
San Francisco, CA  
94102-3688

## Meeting Minutes

Meeting materials  
are available through  
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this document.

## Judicial Council

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Thursday, September 20, 2018

2:10 PM

San Francisco

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### OPEN SESSION (RULE 10.6(A)) – MEETING AGENDA

#### Attendance

##### Council Members

- Present:** 29 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Justice Marsha G. Slough, Presiding Judge C. Todd Bottke, Presiding Judge Gary Nadler, Judge Marla O. Anderson, Judge Paul A. Bacigalupo, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge Ann C. Moorman, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Ms. Rachel W. Hill, Ms. Audra Ibarra, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, and Ms. Andrea K. Wallin-Rohmann
- Absent:** 2 - Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

##### Others Present

Ms. Barbara Gates, Mr. Harlan Grossman, and Ms. Mikaela Rubinowitz

#### Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 2:10 p.m. in the Judicial Council Board Room.

#### Swearing in of New and Reappointed Judicial Council Members

Chief Justice Tani G. Cantil-Sakauye administered the oath of office to new and reappointed members who took office on September 15. Five new Judicial Council members include:

- Hon. Brad R. Hill, Administrative Presiding Justice, Court of Appeal, Fifth Appellate District
- Hon. Paul A. Bacigalupo, CJA President, Superior Court of Los Angeles County

- Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
- Hon. Ann C. Moorman, Presiding Judge, Superior Court of Mendocino County
- Ms. Nancy CS Eberhardt, Court Executive Officer, Superior Court of San Bernardino County

Six reappointed members include:

- Hon. Kyle S. Brodie, Judge, Superior Court of San Bernardino County
- Hon. Samuel K. Feng, Judge, Superior Court of San Francisco County
- Hon. Scott M. Gordon, Judge, Superior Court of Los Angeles County
- Hon. Gary Nadler, TCPJAC Chair, Superior Court of Sonoma County
- Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte County
- Mr. Patrick Kelly, Attorney, Wilson Elser Moskowitz Edelman & Dicker

## DISCUSSION AGENDA

### [18-174](#)

#### **Family and Juvenile Law: Judicial Council Resolution for Court Adoption and Permanency Month (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California’s juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective September 20, 2018, proclaiming November 2018 to be Court Adoption and Permanency Month.

**A motion was made by Ms. Ibarra, seconded by Judge Boulware Eurie and Judge Gordon, that this proposal be approved. The motion carried by a unanimous vote.**

### [18-175](#)

#### **Rules and Forms: Remote Access to Electronic Records (Action Required)**

**Summary:** The Information Technology Advisory Committee recommends that the Judicial Council adopt a new set of rules of court governing remote access to electronic records by parties, parties’ attorneys, court-appointed persons, legal organizations, qualified legal services projects, and government entities. This proposal advances a major initiative of the judicial branch’s *Tactical Plan for Technology 2017-2018* to develop rules “for online access to court records for parties and justice partners.” These changes will facilitate the trial courts’ existing relationships with these persons and entities, and will provide clear authority for the trial courts to provide them with

remote access to electronic court records. The committee also recommends limited amendments to the existing public access rules to bring them into conformance with the new rules.

**Recommendation:** The Information Technology Advisory Committee recommends that the Judicial Council, effective January 1, 2019:

1. Amend chapter 2 of division 4 of title 2 of the California Rules of Court to split the chapter into the following four articles to organize the chapter topically and accommodate the new proposed rules:
  - Article 1. General Provisions
  - Article 2. Public Access
  - Article 3. Remote Access by a Party, Party's Attorney, Court-Appointed Person, or Authorized Person Working in a Legal Organization or Qualified Legal Services Project
  - Article 4. Remote Access by Government Entities
2. Adopt rules 2.515-2.528 and 2.540-2.545 to allow remote access to electronic records by specified persons.
3. Amend rules 2.500-2.503 to expand the scope of the chapter and define new terms relevant to remote access.

**A motion was made by Justice Slough, seconded by Judge Lyons, that this proposal be approved. The motion carried by a unanimous vote.**

## **Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 3:00 p.m.

*Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on November 29, 2018.*