

**MINUTES OF THE MEETING OF THE APPELLATE COURTS SECTION
OF THE LOS ANGELES COUNTY BAR ASSOCIATION**

Tuesday, September 16, 2015
4:30 p.m. to 6:00 p.m.
Court of Appeal
Second Appellate District
Employee Lounge on Third Floor
300 S. Spring Street
Los Angeles, California 90013

“Annual Kick Off And State Of The Court Meeting”

Honorable Roger Boren, Administrative Presiding Justice of Second District, and Joseph Lane, Clerk/Executive Officer of the Court, delivered a report on the state of the court.

Honorable Roger Boren

Justice Boren discussed the state of the Second District. Some highlights:

Vacancies/Appointments

- Four judicial vacancies were recently filled: (1) Elwood Lui (Div. 1); (2) Lamar Baker (Div. 5); (3) Luis Lavin (Div. 3); and (4) John Segal (Div. 7).
- He had some concerns about integrating four new justices all at once, but the transition has gone very well.
- There are three current judicial vacancies: (1) Justice Patti Kitching (Div. 3), is retiring as of October 5; (2) Justice Fred Woods (Div. 7) recently retired; and (3) Justice Paul Coffey (Div. 6) retired in 2012. As to Justice Coffey’s vacancy in Division Six, Presiding Justice Arthur Gilbert has asked the Governor not to fill the position.

Trends

Justice Boren noted certain trends in the Second District’s caseload:

- Fewer appeals, but bigger appeals.
- More requests for leave to file oversized briefs.

- Anti-SLAPP cases are the number one civil filing. Boren raised the topic of whether the anti-SLAPP law should be changed and indicated that there is a lot of judicial interest in reining in its use, but he has not seen any concrete efforts in that direction.
- Wrongful foreclosure cases are declining.
- In criminal cases, there are a lot of re-sentencing cases, and aiding and abetting cases.

Automatic Depublication Rule

- Justice Boren noted that the Supreme Court has circulated proposals to change the rule automatically depublishing Court of Appeal opinions when a petition for review has been granted. A brief discussion ensued over the two potential options as to how that rule could be modified. No clear consensus exists from that discussion or amongst judges.

Court Reporters

- The Court of Appeal has been getting a lot of appeals without a record and without a settled statement.
- The chances of reducing court reporter costs by outsourcing that task remains stymied in the Legislature.

Digitization

- Almost all filings are now being digitized. It makes it easier to deal with cases and leads to time-saving. It also allows the Justices to be more informed about the cases, because they call up all the filings easily.

Joseph Lane

Electronic Filing

- E-filing will become mandatory for all Courts of Appeal; probably not mandatory in the Second District until October of next year.
- The Second District will still require paper copies, because staff and justices read paper copies.
- True Filing will build a web portal for free for the Second District, which will allow the Court of Appeal to take the payment of fees online.
- True Filing will be the only vendor to choose from; the hope is that the True Filing portal will be the same in every Court of Appeal.
- Division One of the Fourth District is the next in line to roll out e-filing.
- Consecutive pagination will be mandatory.
- The digital mandatory e-filing creates problems for appointed counsel in criminal cases and does create issues as to who keeps copies of the digital record.

Other Issues

- The future is still hyperlinking and a guide will be prepared by the Second District, but it will not become mandatory; the cost of hyperlinking might become a recoverable cost under the statutes.
- It is taking forever to get a settled statement out of the Superior Court.
- Another issue with records on appeal is when there are multiple court reporters and they need to coordinate to put together one transcript.
- The state budget is the same, so at least the Court is not having to deal with further cuts.

Upcoming Programs of the Appellate Courts Section

Tuesday, October 27, 2015, 4:30-6:00 p.m., Court of Appeal Employee Lounge

Topic: Making, Changing and Researching Legislation

Moderator: Sarvenaz Bahar

Speakers:

Larry Doyle, Legislative Representative, Conference of California Bar Associations

Carol Ebbinghouse, Library Director, California Court of Appeal (2nd District) Law Library

Ralph Stahlberg, Director of Reference & Research, Los Angeles Law Library

November 16, 2015, Noon, Court of Appeal, Auditorium

Topic: Probate Appeals

Moderator: Marc Sallus

Speakers: Tyna Orren and Herb Fox

December 2015 – Holiday Party

Wednesday, January 13, 2016, 4:30-6:00 p.m., Court of Appeal Employee Lounge

Topic: Meet the New Justices

Speakers: Justices Elwood Lui, Luis Lavin, Lamar Baker, and John Segal

Moderator: Jens Koepke

February 2016

Topic: Court of Appeal Walkthrough

Moderator: Tyna Orren (with co-sponsorship of LACBA Barristers)

March 2015: Electronic Filing

April 6, 2016: Supreme Court Luncheon

Organizers: Terri Keville and Dawn Cushman

May 2016 – Annual Roundtables

June 2016

Topic: Writing Briefs for Electronic Age

Moderator: Kate Galston

Appellate Court Experience – Still running several programs during the school year.

Organizer: Ben Shatz

Other Events of Interest

November 12-15, 2015: The Appellate Judges Education Institute annual summit will be held in Washington, D.C. The summit is presented by the ABA's Appellate Judges Conference and the Council of Appellate Lawyers

WLALA's Distinguished Service Award was conferred on the Section's past Chair Lisa Jaskol at WLALA's gala dinner on September 17, 2015.

Approved on October 27, 2015



Jens B. Koepke
Secretary, Appellate Courts Section