

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

Tuesday, September 13, 2016  
5:00 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”**

**Margaret Stevens (LACBA President)**

Margaret Stevens, the current President of the Los Angeles County Bar Association, addressed the audience and thanked the Section for allowing her to speak. She acknowledged that LACBA was in transition after a tumultuous year and announced the formation of the Section Liaison Task Force, one of whose members is Brad Pauley, current chair of the ACS Section. She also acknowledged the Section’s involvement with the self-help clinic at the Court of Appeal, as well as the unique needs of the Section and appellate specialists for MCLE tailored to them.

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**

- Given all the vacancies that have been fairly recently filled, the Divisions are taking on new personalities.
- There are three current judicial vacancies: (1) Justice Patti Kitching (Div. 3) has retired; (2) Justice Fred Woods (Div. 7) retired; and (3) Justice Richard Mosk (Div. 5) died. Given all the new appointments and vacancies, there are a lot of new research attorneys, and some that are still waiting for the dust to settle.

- In appointing pro tem Justices from the Superior Court, the method is changing somewhat. At the behest of the Presiding Judge of the Superior Court, the terms of the pro tems will be shortened to four months, which means there will be more new faces.

## **Trends**

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

- Number of cases have not changed dramatically, although the complexity of anti-SLAPP cases appears to be increasing, with attorneys coming up with more creative and complex arguments for coming under the statute. The increase in the number of criminal appeals concerning Props 36 & 37 will likely slow.
- The budget is pretty much the same, which is only working because there are judicial and staff vacancies that have not been filled. The Chief Justice hopes for more money in the next budget.
- Court staff did receive a 2 ½ percent salary increase this year. Also CAP panel attorneys got a 10% raise, but CAP attorneys haven't received an increase yet. More requests for leave to file oversized briefs.

## **E-Filing and Its Impact**

- E-Filing is around the corner and the Second District will probably go online in January. The issue of who will be paying for paper copies that some judges want is holding up the roll-out date.
- The growth of electronic filing has meant that more briefs are being read on a screen, including tablets, which is changing how some cases are reviewed. For example, it is easier for a presiding judge to have all the history of the case at fingertips while considering motions.

## Joseph Lane

### Electronic Filing

- E-filing will become mandatory in January, at the earliest, in the Second District. What is holding it up is that some judges still want paper copies, and it's not clear who should pay for that.
- One complication is that the appellate record supplied by the Superior Court Clerk is still only in paper form.
- The Tru-Filing web portal will likely be opened in November, but only accept filings from the AG's office and appointed counsel.
- The Court will likely try to coordinate some classes on working with Adobe regarding pagination, etc.

### Other Issues

- The Court of Appeal will be issuing a local rule about changing formatting and fonts, to make briefs more easily read on tablets and computers. Some 29 Justices have access to tablets. Times New Roman will be out and Century School Book will be in. A statewide rule will ultimately follow.
- Given Lisa Jaskol's appointment to the Superior Court, the appellate self-help clinic is now closed. Public Counsel has not indicated it will hire someone new to take over, but the Court is exploring/entertaining all options to resuscitate this popular program.
- Outside of the pilot programs in a few of the Divisions, a court-wide adoption of issuing tentative rulings before oral argument is "dead in the water."
- Original signatures are not necessary on proofs of service; pretty much only necessary on original proceedings (e.g., writ petitions).
- Filings are up slightly. There is some delay in the process, almost all due to multiple extensions agreed to by the parties, as well as the long time involved with record preparation by the superior court.

**Brad Pauley (Section Chair)**

Brad gave attendees a brief recap of the tumult of the last year in LACBA, and the election, which put him on the Board of Trustees. He noted that solving the economic issues at LACBA, while retaining affordable MCLE, will be a challenge.

**Upcoming Programs of the Appellate Courts Section**

**Tuesday, October 18, 2016, 4:30-6:00 p.m., Court of Appeal Employee Lounge**

**Topic: Anti-SLAPP Program**

Moderator: Ben Shatz

Speakers:

Justice Paul Turner (Division Five)

Jeremy Rosen, Horvitz & Levy

**November 15, 2016**

**Topic: Ethics Panel**

Moderator: Herb Fox

**December 2016 – Holiday Party**

**January 2017**

**Topic: Brief Writing, Including Writing Briefs for the Electronic Age**

Moderator: Kate Galston

**February 2017**

**Topic: Oral Argument Clinic**

Moderator: Tyna Orren

**March 14, 2017, 4:30-6:00 p.m., Court of Appeal Employee Lounge**

**Topic: Phil Goar Night of the Roundtables**

Moderator: Rashida Adams

**April 4, 2017: Supreme Court Luncheon**

Organizers: Terri Keville and Dawn Cushman

**May 2017, Noon, Court of Appeal, Auditorium**

**Topic: Probate & Trusts Appeals**

Moderators: Herb Fox & Tyna Orren

**June 2016**

**Topic: Writ Petitions**

Moderator: Jens Koepke

**Appellate Court Experience Program (ACE)** – Still running several programs during the school year.

Organizer: Ben Shatz

### **Other Events of Interest**

**November, 2016:** The Appellate Judges Education Institute annual summit will be held in Philadelphia. The summit is presented by the ABA's Appellate Judges Conference and the Council of Appellate Lawyers

Approved on October ??, 2016

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Jens B. Koepke  
Secretary, Appellate Courts Section