

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

Thursday, September 20, 2018  
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

**“State of the Court with Administrative Presiding Justice Elwood Lui  
and Clerk of the Court Daniel Potter ”**

Presiding Justice Elwood Lui of Division Two, the Acting Administrative Presiding Justice of the Second District, and Daniel Potter, the Second District’s Clerk/Executive Officer, provided information regarding the state of the court. They were joined by Supervising Deputy Clerk Eva McClintock.

Some of the topics discussed were the following:

**Budget/Vacancies/Appointments**

- The budget is relatively the same as last year. The court is not anticipating cuts or layoffs but may have to watch the budget more closely as more judicial vacancies get filled. It is unlikely that the budget will be restored to pre-2008 levels.
- There are two current judicial vacancies: the Presiding Justice position in Division Five and an Associate Justice position in Division Four. The recently appointed justices will have an immediate impact on court operations as they are generally very experienced and many have served as pro tem justices.
- The divisions of the court of appeal recruit specific superior court judges to serve as pro tems and also try to accommodate other judges who want to serve. Currently, the Presiding Judge of the Superior Court limits the pro tem term to two months but allows two of those terms. The Chief Justice may place some restrictions on how long retired justices can serve as pro tems.

## **Lack of court reporters/increase of self-represented litigants**

- There are few cases that proceed on appeal with settled statements rather than reporters' transcripts, but the new court form has simplified the process for electing to proceed by way of settled statement and has lessened the need for motions to proceed by settled statement.
- There are more and more self-represented litigants. The Self-Help Clinic is packed each week all day and because of the demand operates on an appointment-only basis. The Fifth District of the Court of Appeal is developing a website for self-represented litigants; it will be like a virtual clinic.

## **Caseloads**

- The number of dependency court appeals continues to rise, with 300 more cases than last year, while the numbers of civil, criminal, and juvenile appeals have remained level.
- The mediation program is not very active, and varies by division, but plans for reviving it are under consideration.
- In fiscal year 2017-2018, the court had roughly 5,100 appeals, broken down approximately as follows: 2,300 civil; 1,390 criminal; 82 juvenile delinquency; and 1,330 dependency.
- The district's average time from a case being fully briefed to opinion was 120 days in civil cases and 100 days, which ranks first in the state.

## **TrueFiling**

- TrueFiling is almost a year in and is generally doing fine. For some self-represented litigants, the court still accepts paper filing and will continue to do so. Requests to make large filings on flash drives can be made. Some TrueFiling users need to improve bookmarking and pagination.
- In response to the problem that some litigants file documents on TrueFiling but serve them by mail – which can delay receipt until after an imminent hearing date – it was suggested that possibly an amendment to the local rule

be made and that, in the meantime, clerks will try to flag instances where service was by mail.

- The next step in the e-filing progression is court management of e-filed documents. The court is working on a system for public access to e-filed documents, likely for a fee, similar to PACER.
- With emergency writ petitions, it is recommended that paper copies be provided because there is a lag time between submitting documents for filing on TrueFiling and when the court staff can access the documents.

### **Miscellaneous**

- Justice Lui emphasized that the court looks forward to collaborating with practitioners like this Section's members and welcomes input on improving court operations.
- Second District Clerk of Court Joseph Lane's last day as clerk was September 14, but he has continued to work on court projects.
- By this time next year, all districts should be live video streaming oral arguments.
- Nineteen appellate justices are on the November ballot for retention votes, so Section members should get the word out.

### **Appellate Courts Section business**

- Section Chair Sarvenaz Bahar discussed the holiday party and the plan to provide a fingerprinting vendor for members to comply with the State Bar's fingerprint requirement.
- Ideas for this year's Supreme Court luncheon speaker are solicited. Upcoming section programs tentatively include: an arbitration program in October moderated by Section Treasurer George Abele; a program on waiver of appellate rights by compliance with court orders moderated by Section member Daniel Barer; a likely "meet the new justices" program in January; a likely mock oral argument program in February; the annual Phil Goar night

of the roundtables program in March; and a program on brief writing by Justice Tangeman and his research attorney in May.

- Help is solicited for creating and fundraising for a brief bank that Section member Tyna Orren, who operates the Self-Help Clinic, would like to create to help the overflow of self-represented litigants that need help and that the weekly clinic is unable to accommodate.

Approved on October 25, 2018

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Kent J. Bullard  
Secretary, Appellate Courts Section