



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
*Chief Justice of California
Chair of the Judicial Council*

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

February 1, 2018

Hon. Marc Berman
Member of the Assembly
State Capitol, Room 6011
Sacramento, California 95814

Subject: AB 1531 (Berman), as amended January 10, 2018 - Support

Dear Assembly Member Berman:

The Judicial Council is pleased to support AB 1531. As you know, the bill proposes a “last in, first out” approach for processing duplicate court filing refunds. Although there is no existing law on the subject, a number of courts currently use this approach to address duplicate payments for electronic filings, consistent with the statute that governs how counties handle duplicate property tax payments. The Judicial Council believes that codifying this commonly used practice would promote uniformity and consistency across the courts in handling duplicate payments that occur in connection with both paper filings and electronic filings. The enactment of AB 1531 would also clarify the law and help avoid any unnecessary confusion, which should improve the overall efficiency of the courts’ handling of refunds in duplicate payment cases

For these reasons, the Judicial Council supports AB 1531.

Sincerely,

Mailed February 1, 2018

Daniel Pone
Attorney

DP/jh

cc: Mr. Mike Belote, Lobbyist, Coalition for Improving Court Access
Ms. Leora Gershenson, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

July 3, 2018

Hon. Marc Berman
Member of the Assembly
State Capitol, Room 6011
Sacramento, California 95814

Subject: AB 1531 (Berman), as amended July 2, 2018 - Support

Dear Assembly Member Berman:

The Judicial Council is pleased to support AB 1531, which addresses duplicate payment and nonpayment problems facing Electronic Filing Service Providers (EFSPs). As you know, the bill proposes a “last in, first out” approach for processing duplicate court filing refunds. The bill also provides that, where a represented party fails to remit payment to an electronic filing service provider, the EFSP may notify the clerk, and the clerk may notify the attorney of record that the attorney may be sanctioned for nonpayment of fees. The bill would allow, but not require, the court to sanction the attorney of record if the fees to the electronic service provider remain unpaid 20 days after notice by the clerk.

Duplicate payments: Although there is no existing law on the subject, a number of courts currently use the “last in, first out” approach to address duplicate payments for electronic filings, consistent with the statute that governs how counties handle duplicate property tax payments. The Judicial Council believes that codifying this commonly used practice would promote uniformity and consistency across the courts in handling duplicate payments that occur in connection with both paper filings and electronic filings. The enactment of AB 1531 would also clarify the law and help avoid any unnecessary confusion, which should improve the overall efficiency of the courts’ handling of refunds in duplicate payment cases.

Hon. Marc Berman

July 3, 2018

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Nonpayment of court fees: Under current law, when a court receives filing fees from filers by personal checks which are dishonored, courts provide notice to filers and provide them with 20 days to make the fees good. If funds are not made good in the prescribed period, courts are authorized to void the filing, as if it had never occurred. No parallel process exists in statute for the relatively new payment model where EFSPs, acting as agents of the court, submit credit card or ACH payments through payment gateways on behalf of filers. Rather than authorizing the voiding of filings in these cases, the bill simply allows the court to sanction the attorney of record if the fees to the EFSP remain unpaid 20 days after notice by the clerk. The *possibility* of sanctions be imposed in such cases should act as an incentive to filers to proffer “good funds” to the EFSP in the bulk of the cases.

In summary, AB 1531 should improve the overall efficiency of the courts’ processing of refunds in cases of duplicate payments and help facilitate payments when filers utilize electronic filing service providers in both mandatory and permissive e-filings.

For these reasons, the Judicial Council supports AB 1531.

Sincerely,

Mailed July 5, 2018

Daniel Pone
Attorney

DP/jh

cc: Mr. Mike Belote, Lobbyist, Coalition for Improving Court Access
Ms. Margie Estrada Caniglia, Chief Counsel, Senate Judiciary Committee
Ms. Leora Gershenzon, Deputy Chief Counsel, Assembly Judiciary Committee
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 21, 2018

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 1531 (Berman) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on Assembly Bill 1531, which addresses duplicate payment and nonpayment problems facing Electronic Filing Service Providers (EFSPs). AB 1531 proposes a “last in, first out” approach for processing duplicate court filing refunds. The bill also provides that, where a represented party fails to remit payment to an electronic filing service provider, the EFSP may notify the clerk, and the clerk may notify the attorney of record that the attorney may be sanctioned for nonpayment of fees. AB 1531 would allow, but not require, the court to sanction the attorney of record if the fees to the electronic service provider remain unpaid 20 days after notice by the clerk.

Duplicate payments: Although there is no existing law on the subject, a number of courts currently use the “last in, first out” approach to address duplicate payments for electronic filings, consistent with the statute that governs how counties handle duplicate property tax payments. The Judicial Council believes that codifying this commonly used practice would promote uniformity and consistency across the courts in handling duplicate payments that occur in connection with both paper filings and electronic filings. The enactment of AB 1531 would also clarify the law and help avoid any unnecessary confusion, which should improve the overall efficiency of the courts’ handling of refunds in duplicate payment cases.

Hon. Edmund G. Brown, Jr.

August 21, 2018

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In summary, AB 1531 should improve the overall efficiency of the courts’ processing of refunds in cases of duplicate payments and help facilitate payments when filers utilize electronic filing service providers in both mandatory and permissive e-filings.

For these reasons, the Judicial Council requests your signature on AB 1531.

Should you have any questions or require additional information, please contact Daniel Pone at 916-323-3121.

Sincerely,

Mailed August 21, 2018

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/DP/jh

cc: Hon. Marc Berman, Member of the Assembly
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California