



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • 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

March 21, 2017

Hon. Mark Stone, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: AB 976 (Berman), as introduced – Support/Sponsor
Hearing: Assembly Judiciary Committee – April 4, 2017

Dear Assembly Member Stone:

The Judicial Council is pleased to sponsor AB 976 (Berman), which modernizes the law to facilitate electronic filing and service in civil, criminal, juvenile and probate proceedings.

Superior courts across the state are implementing new case management systems that have electronic filing capabilities. The Judicial Council's Information Technology Advisory Committee (ITAC) is leading a modernization project to amend the statutes and California Rules of Court to facilitate electronic filing and service and to foster modern e-business practices across all case types. AB 976 combines four e-filing and e-service proposals that were developed by ITAC with the council's Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, and Probate and Mental Health Advisory Committee, which are summarized briefly below.

Electronic Filing and Service in Civil Proceedings—AB 976 provides for a consistent effective date of electronic filing and service across courts and case types by establishing midnight as the cutoff time for determining the effective date of filing and service for both permissive and

mandatory electronic filings. AB 976 also codifies protections for self-represented litigants by providing that unrepresented persons are exempt from mandatory electronic filing and service. In addition, the bill makes clear that mandatory electronic service applies to parties and other persons only if they are represented. AB 976 further authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents. The bill also consolidates and makes other clarifying changes to the law governing mandatory electronic filing and electronic service.

Permissive Electronic Filing and Service in Criminal Proceedings—AB 976 provides authority for, *but does not mandate*, electronic filing and service in criminal actions *upon the consent of the parties*. The bill also requires the Judicial Council to adopt uniform implementing rules of court.

Electronic Filing and Permissive Electronic Service in Juvenile Proceedings—AB 976 authorizes electronic filing and service in juvenile dependency and delinquency proceedings, subject to specified limitations and conditions. Among other things, the bill authorizes electronic service *only if the county and the court choose to permit electronic service and the party or person to be served provides consent*. AB 976 also makes clear that a party or other person may withdraw prior consent to electronic service. In addition, the bill specifies that electronic service is not permitted on minors who are under the age of 16, and that if the party or other person to be served is a minor who is 16 years of age or older, electronic service is permitted only upon consent by both the minor and the minor's attorney. AB 976 further provides that electronic service of medical or psychological documentation relating to a minor is not permitted on a minor who is 16 years of age or older. And the bill codifies provisions governing electronic filing and service to preserve the confidentiality of juvenile records when the records are transmitted electronically through encryption.

Electronic Delivery of Notices of Hearings in Probate Proceedings—AB 976 authorizes the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means *if the persons to receive notice have consented to electronic notice* in the proceeding before the court and have provided electronic addresses.

Providing consistency and clarity across courts and case types for electronic filing and electronic service will make litigation more efficient and cost-effective for both litigants and the courts.

For these reasons, the Judicial Council supports AB 976 and respectfully requests your Aye vote on the measure.

Hon. Mark Stone

March 21, 2017

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

Sincerely,

Mailed on March 21, 2017

Cory T. Jasperson

Director, Governmental Affairs

CTJ/DP/jh

cc: Members, Assembly Judiciary Committee
Hon. Marc Berman, Member of the Assembly
Mr. Eric Dang, Counsel, Assembly Judiciary Committee
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy and Budget
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

June 16, 2017

Hon. Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: AB 976 (Berman), amended June 15, 2017 – Support/Sponsor
Hearing: Senate Judiciary Committee – June 27, 2017

Dear Senator Jackson:

The Judicial Council is pleased to sponsor AB 976 (Berman), which modernizes the law to facilitate electronic filing and service in civil, criminal, juvenile and probate proceedings.

Superior courts across the state are implementing new case management systems that have electronic filing capabilities. The Judicial Council's Information Technology Advisory Committee (ITAC) is leading a modernization project to amend the statutes and California Rules of Court to facilitate electronic filing and service and to foster modern e-business practices across all case types. AB 976 combines four e-filing and e-service proposals that were developed by ITAC with the council's Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, and Probate and Mental Health Advisory Committee, which are summarized briefly below.

Electronic Filing and Service in Civil Proceedings—AB 976 provides for a consistent effective date of electronic filing and service across courts and case types by establishing midnight as the cutoff time for determining the effective date of filing and service for both permissive and

mandatory electronic filings. AB 976 also codifies protections for self-represented litigants by providing that unrepresented persons are exempt from mandatory electronic filing and service. In addition, the bill makes clear that mandatory electronic service applies to parties and other persons only if they are represented. AB 976 further authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents. The bill also consolidates and makes other clarifying changes to the law governing mandatory electronic filing and electronic service.

Permissive Electronic Filing and Service in Criminal Proceedings—AB 976 provides authority for, *but does not mandate*, electronic filing and service in criminal actions *upon the consent of the parties*. The bill also requires the Judicial Council to adopt uniform implementing rules of court.

Electronic Filing and Permissive Electronic Service in Juvenile Proceedings—AB 976 authorizes electronic filing and service in juvenile dependency and delinquency proceedings, subject to specified limitations and conditions. Among other things, the bill authorizes electronic service *only if the county and the court choose to permit electronic service and the party or person to be served provides express consent*. AB 976 also makes clear that a party or other person may withdraw prior consent to electronic service by completing the appropriate Judicial Council form. In addition, the bill specifies that consent, or the withdrawal of consent, to receive electronic service may be completed by a party or other person entitled to service, or that person's attorney. AB 976 further requires electronic filing and service in these cases to utilize encryption in order to preserve and ensure the confidentiality of juvenile records.

Electronic Delivery of Notices of Hearings in Probate Proceedings—AB 976 authorizes the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means *if the persons to receive notice have consented to electronic notice* in the proceeding before the court and have provided electronic addresses.

Providing consistency and clarity across courts and case types for electronic filing and electronic service will make litigation more efficient and cost-effective for both litigants and the courts.

For these reasons, the Judicial Council supports AB 976 and respectfully requests your Aye vote on the measure.

Hon. Hannah-Beth Jackson

June 16, 2017

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

Sincerely,

Mailed June 16, 2017

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/DP/jh

cc: Members, Senate Judiciary Committee
Hon. Marc Berman, Member of the Assembly
Mr. Christian Kurpiewski, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
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

September 19, 2017

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

Subject: AB 976 (Berman) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 976, which modernizes the law to facilitate electronic filing and service in various civil, criminal, juvenile and probate proceedings.

AB 976 provides for a consistent effective date of electronic filing and service across courts and case types by establishing midnight as the cutoff time for determining the effective date of filing and service for both permissive and mandatory electronic filings in civil cases. AB 976 also codifies protections for self-represented litigants by providing that unrepresented persons are exempt from mandatory electronic filing and service. In addition, the bill makes clear that mandatory electronic service applies to parties and other persons only if they are represented. AB 976 further authorizes the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents. The bill also consolidates and makes other clarifying changes to the law governing mandatory electronic filing and electronic service.

Hon. Edmund G. Brown, Jr.

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AB 976 provides authority for, but does not mandate, electronic filing and service in criminal actions upon the consent of the parties. In addition, AB 976 authorizes electronic filing and service in juvenile dependency and delinquency proceedings, subject to specified limitations and conditions. Among other things, the bill authorizes electronic service only if the county and the court choose to permit electronic service and the party or person to be served provides express consent. AB 976 further requires electronic filing and service in these cases to utilize encryption in order to preserve and ensure the confidentiality of juvenile records.

AB 976 also authorizes the delivery of notices and other papers in uncontested or not-yet-contested proceedings under the Probate Code to persons by electronic means if the persons to receive notice have consented to electronic notice in the proceeding before the court and have provided electronic addresses.

Providing consistency and clarity across courts and case types for electronic filing and electronic service will make litigation more efficient and cost-effective for both litigants and the courts. AB 976 has no opposition and it received no “no” votes.

For these reasons, the Judicial Council requests your signature on AB 976.

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

Sincerely,

Mailed September 19, 2017

Cory T. Jasperson
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