



JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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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

September 8, 2020

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Senate Bill 1146 (Umberg) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on SB 1146, related to electronic service, remote depositions, electronic filing, and court continuances and postponements due to COVID.

In the early days of the COVID-19 pandemic, your executive order expanded the Judicial Council's authority to enact emergency rules. Pursuant to this authority, the Judicial Council approved [emergency rules 11 and 12](http://www.courts.ca.gov/documents/appendix-i.pdf) (www.courts.ca.gov/documents/appendix-i.pdf) pertaining to depositions through remote electronic means and electronic service.

Only a month prior, as bills were being introduced in late February, Assemblymember Robert Rivas introduced AB 2165, a bill sponsored by the Judicial Council that addresses electronic filing. The essence of electronic filing became more pertinent given the impacts of the pandemic on court operations.

The pandemic brought into focus how valuable technology is in maintaining access to the courts.

For these reasons, the Judicial Council requests your signature on SB 1146.

Hon. Gavin Newsom
September 8, 2020
Page 2

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

Sincerely,

Sent September 8, 2020

Cory T. Jasperson
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Hon. Thomas Umberg, Member of the Senate
Ms. Jessica Devencenzi, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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July 15, 2020

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

Subject: Senate Bill 1146 (Umberg), as amended May 29, 2020 – Support
Hearing: Assembly Judiciary Committee (Postponed) – July 22, 2020

Dear Assembly Member Stone:

The Judicial Council writes in support of SB 1146 related to electronic service, and remote depositions.

In response to his declared [State of Emergency](#) to address the COVID-19 pandemic, Governor Newsom on March 27 authorized, by executive order, the Judicial Council to enact emergency rules as necessary to maintain the safe and efficient operation of California's courts during the pandemic. Executive Order N-38-20 expanded the Judicial Council's authority under Government Code section 68115, and specifically authorized the council to enact rules that could, if necessary, supersede current law¹. Pursuant to this authority, the Judicial Council approved temporary emergency rules 11 and 12; these rules pertain to depositions through remote electronic means, and electronic service, respectively. The temporary emergency rules

¹ The text of Executive Order N-38-20 can be found at <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.27.-20-EO-N-38-20-text.pdf>. It reads, in relevant part, "In the event that the Judicial Council or its Chairperson, in the exercise of rulemaking authority consistent with Paragraph 2, wishes to consider a rule that would otherwise be inconsistent with any statute concerning civil or criminal practice or procedure, the relevant statute is suspended, subject to the following conditions: a) The statute is suspended only to the extent it is inconsistent with the proposed rule; b) The statute is suspended only if the proposed rule is adopted; and c) The statute is suspended only when the adopted rule becomes effective. The purpose of this paragraph is to afford the Judicial Council and its Chairperson maximum flexibility to adopt any rules concerning civil or criminal practice or procedure they may deem necessary to respond to the COVID-19 pandemic, while ensuring that the rules adopted "shall not be inconsistent with statute," as provided in Article VI, section 6 of the California Constitution."

Hon. Mark Stone
July 15, 2020
Page 2

can be found here: www.courts.ca.gov/documents/appendix-i.pdf. SB 1146 seeks to enact legislation to codify these rules.

The Judicial Council acted with all expedience in concern for continued court operations and access to justice during the early days of the pandemic. Now, it is appropriate for the Legislature to act on policy issues such as those addressed in SB 1146. To this end, and for these reasons, the Judicial Council supports this bill.

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

Sincerely,

Submitted via Legislature Portal on July 16, 2020

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Assembly Judiciary Committee
Hon. Thomas Umberg, Member of the Senate
Ms. Nancy Drabble, Chief Executive Officer, Consumer Attorneys of California
Mr. Mike D. Belote, President, California Advocates for California Defense Counsel
Mr. Nicholas Liedtke, Staff Counsel, Assembly Judiciary Committee
Mr. Daryl Thomas Consultant, Assembly Republican Office of Policy
Ms. Jessica Devencenzi, Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Administrative Director

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July 15, 2020

Hon. Thomas Umberg
Member of the Senate
State Capitol, Room 3076
Sacramento, California 95814

Subject: Senate Bill 1146 (Umberg), as amended May 29, 2020 – Support

Dear Senator Umberg:

The Judicial Council writes in support of SB 1146 related to electronic service, and remote depositions.

In response to his declared [State of Emergency](#) to address the COVID-19 pandemic, Governor Newsom on March 27 authorized, by executive order, the Judicial Council to enact emergency rules as necessary to maintain the safe and efficient operation of California's courts during the pandemic. Executive Order N-38-20 expanded the Judicial Council's authority under Government Code section 68115, and specifically authorized the council to enact rules that

could, if necessary, supersede current law¹. Pursuant to this authority, the Judicial Council approved emergency rules 11 and 12; these emergency rules pertain to depositions through remote electronic means, and electronic service, respectively. The emergency rules can be found here: <https://www.courts.ca.gov/documents/appendix-i.pdf>. SB 1146 seeks to enact legislation to codify these rules.

The Judicial Council acted with all expedience in concern for continued court operations and access to justice during the early days of the pandemic. Now, it is right for the Legislature to act on policy issues such as those addressed in SB 1146. To this end, and for these reasons, the Judicial Council supports this bill.

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

Sincerely,

Submitted via Legislature Portal on July 15, 2020

Andi Liebenbaum
Attorney

AL/yc-s

cc: Ms. Nancy Drabble, Chief Executive Officer, Consumer Attorneys of California
Mr. Mike D. Belote, President, California Advocates for California Defense Counsel
Ms. Jessica Devencenzi, Deputy Legislative Secretary, Office of the
Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California

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