

Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3358
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

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 8, 2012

Hon. Felipe Fuentes, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 2073 (Silva), as amended April 30, 2012 – Fiscal Impact Statement
Hearing: Assembly Appropriations Committee – May 16, 2012

Dear Assembly Member Fuentes:

AB 2073 authorizes the Orange County Superior Court to establish a pilot project to require electronic filing in specified civil actions. The bill requires the Judicial Council to conduct an evaluation of this pilot project on or before December 31, 2013, and issue a report to the Legislature. Finally, the bill requires the Judicial Council to adopt rules on or before July 1, 2014, to permit the mandatory electronic filing in trial courts statewide.

Fiscal Impact

The two requirements placed on the Judicial Council by AB 2073 both create one-time costs. First, in fiscal year 2012-13, the council will be required to conduct the evaluation described in the bill on the cost of electronic filing to program participants, cost-effectiveness of the court, the effect on unrepresented parties and parties with fee waivers, and the ease of use. Taking into account data collection, contacts with e-filing vendors, contacts with other courts, determination of cost avoidance, determination of infrastructure and staff usage requirements in the pilot court, interviews or surveys of program participants, site visits, cleaning and analysis of data, etc., we estimate that it will take between 340 and 640 staff hours to conduct the evaluation and prepare the report depending on the level of rigor that would be most beneficial to the courts and the Legislature. These activities will be most appropriately performed by a research analyst (performing roughly 2/3 of the estimated workload) and a senior research analyst (performing

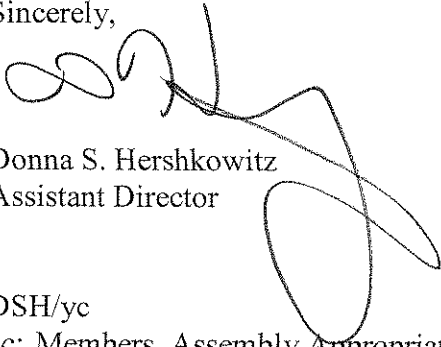
roughly 1/3 of the estimated workload). Using the midstep salary and benefits for each of these positions, plus overhead, it is estimated that the cost of the evaluation and report will range from \$27,740 to \$49,951.

The Judicial Council has not yet established a standard cost for rule or form development, and thus is unable to estimate here the additional cost associated with that activity for development of a rule by July 1, 2014.

Assuming the evaluation determines that the mandatory use of electronic filing in civil actions under the pilot project, or statewide pursuant to the rule of court, is cost-effective for the courts, this bill could prove to be an efficiency for courts, allowing them to better operate with the reduced resources with which they are provided. However, because trial court operations and funds for the Judicial Council / Administrative Office of the Courts are budgeted separately, efficiencies for the trial court do not offset the costs to the Judicial Council for conducting the required evaluation.

Please contact me at 916-323-3121 or donna.hershkowitz@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Donna S. Hershkowitz
Assistant Director

DSH/yc

cc: Members, Assembly Appropriations Committee

Hon. Jim Silva, Member of the Assembly

Mr. Chuck Nicol, Consultant, Assembly Appropriations Committee

Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office

Ms. Leora Gershenzon, Counsel, Assembly Judiciary Committee

Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy

Mr. Gareth Elliot, Legislative Affairs Secretary, Office of the Governor

Ms. Madelynn McClain, Budget Analyst, Department of Finance



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June 14, 2012

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4032
Sacramento, California 95814

Subject: AB 2073 (Silva), as amended April 30, 2012 - Support
Hearing: Senate Judiciary Committee – June 19, 2012

Dear Senator Evans:

The Judicial Council supports AB 2073, which authorizes the Orange County Superior Court, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. The bill also requires the Judicial Council to conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation. AB 2073 further requires the Judicial Council, on or before July 1, 2014, to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases.

Electronic filing is a critically important technology that will achieve significant efficiencies and cost savings for both litigants and the courts. The Judicial Council strongly supports e-filing and the beneficial effects it will have in improving court operations. The council appreciates being

Hon. Noreen Evans

June 14, 2012

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given until July of 2014 to adopt the statewide rules governing mandatory e-filing that are required under AB 2073, but it fully intends to accomplish this task well before the statutory deadline so that more courts will be able to take advantage of this important technology.

For these reasons, the Judicial Council supports AB 2073.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Pone". The signature is fluid and cursive, with the first name "Daniel" and last name "Pone" clearly distinguishable.

Daniel Pone
Senior Attorney

DP/lp

cc: Members, Senate Judiciary Committee

Hon. Jim Silva, Member of the Assembly

Ms. Ronak Daylami, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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Director, Office of Governmental Affairs

June 26, 2012

Hon. Christine Kehoe, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 2073 (Silva), as amended April 30, 2012 – Fiscal Impact Statement
Hearing: Senate Appropriations Committee

Dear Senator Kehoe:

AB 2073 authorizes the Orange County Superior Court to establish a pilot project to require electronic filing in specified civil actions. The bill requires the Judicial Council to conduct an evaluation of this pilot project on or before December 31, 2013, and issue a report to the Legislature. Finally, the bill requires the Judicial Council to adopt rules on or before July 1, 2014, to permit the mandatory electronic filing in trial courts statewide.

Fiscal Impact

The two requirements placed on the Judicial Council by AB 2073 both create one-time costs. First, in fiscal year 2012-13, the council will be required to conduct the evaluation described in the bill on the cost of electronic filing to program participants, cost-effectiveness of the court, the effect on unrepresented parties and parties with fee waivers, and the ease of use. Taking into account data collection, contacts with e-filing vendors, contacts with other courts, determination of cost avoidance, determination of infrastructure and staff usage requirements in the pilot court, interviews or surveys of program participants, site visits, cleaning and analysis of data, etc., we estimate that it will take between 340 and 640 staff hours to conduct the evaluation and prepare the report depending on the level of rigor that would be most beneficial to the courts and the Legislature. These activities will be most appropriately performed by a research analyst (performing roughly two-thirds of the estimated workload) and a senior research analyst

Hon. Christine Kehoe
June 26, 2012
Page 2

(performing roughly one-third of the estimated workload). Using the midstep salary and benefits for each of these positions, plus overhead, it is estimated that the cost of the evaluation and report will range from \$27,740 to \$49,951.

The Judicial Council has not yet established a standard cost for rule or form development, and thus is unable to estimate here the additional cost associated with that activity for development of a rule by July 1, 2014.

Assuming the evaluation determines that the mandatory use of electronic filing in civil actions under the pilot project, or statewide pursuant to the rule of court, is cost-effective for the courts, this bill could highlight a significant efficiency for courts, allowing them to better operate with the reduced resources with which they are provided. However, because funds for trial court operations and the Judicial Council's Administrative Office of the Courts are budgeted separately, efficiencies for the trial courts do not offset the costs to the Judicial Council for conducting the required evaluation.

Please contact me at 916-323-3121 or andi.liebenbaum@jud.ca.gov if you would like further information or have any questions about the fiscal impact of this legislation on the judicial branch.

Sincerely,



Andi Liebenbaum
Senior Governmental Affairs Analyst

ABL/yc

cc: Members, Senate Appropriations Committee

Hon. Jim Silva, Member of the Assembly

Ms. Jolie Onodera, Consultant, Senate Appropriations Committee

Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office

Ms. Ronak Daylami, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor

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CURTIS L. CHILD
Director, Office of Governmental Affairs

August 28, 2012

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

Subject: AB 2073 (Silva) – Request for Signature

Dear Governor Brown:

The Judicial Council supports AB 2073, which authorizes the Orange County Superior Court, until July 1, 2014, to adopt a local rule of court that would establish a pilot project mandating parties to civil actions identified by the court to electronically file and serve documents. The bill also requires the Judicial Council to conduct an evaluation of the pilot project and report to the Legislature, on or before December 31, 2013, on the results of the evaluation. AB 2073 further requires the Judicial Council, on or before July 1, 2014, to adopt uniform rules that would permit trial courts throughout the state to mandate electronic filing and service of documents in civil cases.

Electronic filing is a critically important technology that will achieve significant efficiencies and cost savings for both litigants and the courts. The Judicial Council strongly supports e-filing and the beneficial effects it will have in improving court operations. The council appreciates being given until July of 2014 to adopt the statewide rules governing mandatory e-filing that are required under AB 2073, but it fully intends to accomplish this task well before the statutory deadline so that more courts will be able to take advantage of this important technology.

For these reasons, the Judicial Council requests your signature on AB 2073.

Sincerely,

Daniel Pone
Senior Attorney

DP/lp

cc: Hon. Jim Silva, Member of the Assembly
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor