



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

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RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

March 9, 2010

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, California 95814

Subject: Assembly Bill 2119 (Tran), as introduced – Support
Hearing: Assembly Judiciary Committee – March 23, 2010

Dear Assembly Member Feuer:

The Judicial Council supports AB 2119 because it will help reduce confusion by providing a consistent method for counting days when a statute requires moving, opposition or reply papers to be served a specified number of days before a hearing. Currently, there is no clear authority on the proper method of counting days under these circumstances and the courts are split on this issue. The problem with the ambiguity in the current statutes is that the results may differ depending on whether the days are counted backward from the hearing date or forward from the service date, if the period of time includes a combination of “court” days and “calendar” days. AB 2119 rectifies this problem by providing a bright line rule for counting time for service, providing clarity for both litigants and the courts.

For these reasons, the Judicial Council supports AB 2119.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Members, Assembly Judiciary Committee

Mr. Saul Bercovitch, Legislative Counsel, State Bar of California

Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor



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May 27, 2010

Hon. Ellen Corbett, Chair
Senate Judiciary Committee
State Capitol, Room 5108
Sacramento, California 95814

Subject: Assembly Bill 2119 (Tran), as introduced – Support
Hearing: Senate Judiciary Committee – June 10, 2010

Dear Senator Corbett:

The Judicial Council supports AB 2119 because it will help reduce confusion by providing a consistent method for counting days when a statute requires moving, opposition or reply papers to be served a specified number of days before a hearing. Currently, there is no clear authority on the proper method of counting days under these circumstances and the courts are split on this issue. The problem with the ambiguity in the current statutes is that the results may differ depending on whether the days are counted backward from the hearing date or forward from the service date, if the period of time includes a combination of “court” days and “calendar” days. AB 2119 rectifies this problem by providing a bright line rule for counting time for service, providing clarity for both litigants and the courts.

For these reasons, the Judicial Council supports AB 2119.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Members, Senate Judiciary Committee

Mr. Saul Bercovitch, Legislative Counsel, State Bar of California

Ms. Tara Welch, Counsel, Senate Judiciary Committee

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor



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Director, Office of Governmental Affairs

June 21, 2010

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 2119 (Tran) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 2119 because it will help reduce confusion by providing a consistent method for counting days when a statute requires moving, opposition or reply papers to be served a specified number of days before a hearing. Currently, there is no clear authority on the proper method of counting days under these circumstances and the courts are split on this issue. The problem with the ambiguity in the current statutes is that the results may differ depending on whether the days are counted backward from the hearing date or forward from the service date, if the period of time includes a combination of "court" days and "calendar" days. AB 2119 rectifies this problem by providing a bright line rule for counting time for service, providing clarity for both litigants and the courts.

For these reasons, the Judicial Council requests your signature on AB 2119.

Sincerely,

Daniel Pone
Senior Attorney

DP/ljb

cc: Mr. Saul Bercovitch, Legislative Counsel, State Bar of California
Hon. Van Tran, Member of the Assembly
Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research