JUDICIAL COUNCIL OF CALIFORNIA

770 L Street, Suite 1240 • 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

June 3, 2016

Hon. Mike Gatto
Member of the Assembly
State Capitol, Room 5136
Sacramento, California 95814

Subject: AB 2244 (Gatto), as amended April 13, 2016 – Support

Dear Assembly Member Gatto:

The Judicial Council is pleased to support AB 2244, which recognizes that electronic filing service providers (EFSP) may impose, on behalf of the court, a fee not to exceed costs for the use of a credit or debit card or electronic funds transfer in collecting the payment for filing and other court fees. The bill also allows prevailing parties in civil actions to recover the costs associated with mandatory electronic filing, serving, and hosting of court documents.

The council believes that AB 2244, if signed into law, will result in a more consistent electronic filing universe for both the public and courts, while also providing clarity for EFSPs in planning their operations under the improved laws.

For these reasons, the Judicial Council supports AB 2244.

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

Sincerely,

Andi Liebenbaum
Legislative Advocate, Governmental Affairs

CTJ/AL/ml
cc: Ms. Nichole Rapier, 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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GOVERNMENTAL AFFAIRS

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TANI G. CANTIL-SAKAUYE
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Director, Governmental Affairs

June 9, 2016

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

Subject: AB 2244 (Gatto), as amended April 13, 2016 – Support
Hearing: Senate Judiciary Committee – June 21, 2016

Dear Senator Jackson:

The Judicial Council is pleased to support AB 2244, which provides that electronic filing service providers (EFSP) may impose, on behalf of the court, a fee not to exceed costs for the use of a credit or debit card or electronic funds transfer in collecting the payment for filing and other court fees. The bill also allows prevailing parties in civil actions to recover the costs associated with mandatory electronic filing, serving, and hosting of court documents.

The council believes that AB 2244, if signed into law, will result in a more consistent electronic filing universe for both the public and courts, while also providing clarity for EFSPs in planning their operations under the improved laws.

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

Sincerely,

Cory T. Jasperson
Director, Governmental Affairs

CTJ/AL/yc-s
cc: Members, Senate Judiciary Committee
Hon. Mike Gatto, Member of the Assembly
Mr. Michael Belote, California Advocates, Coalition for Improving Court Access
Ms. Nichole Rapier, 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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TANI G. CANTIL-SAKAUYE
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 2, 2016

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, California 95814

Subject: AB 2244 (Gatto), as amended June 13, 2016 – Support
Hearing: Senate Appropriations Committee – August 11, 2016

Dear Senator Lara:

The Judicial Council is pleased to support AB 2244, and we urge you to pass the bill out of Appropriations to the Senate for a Floor vote. The bill provides that electronic filing service providers (EFSPs) and electronic filing managers (EFMs) may impose fees that do not exceed the costs related to providing the electronic filing services to court users. The bill also allows prevailing parties in civil actions to recover the costs associated with mandatory electronic filing, serving, and hosting of court documents.

The council believes that AB 2244, if signed into law, will result in a more consistent electronic filing universe for both the public and courts, while also providing clarity for EFSPs and EFMs in planning their operations under the improved laws. Electronic filing is an efficiency that courts employ to improve file and document management, which further frees up court employees to assist and interact with court users directly rather than being assigned to process case filings. Additionally, electronic filing is a significant convenience for many court users for whom getting to a court poses its own hardships.

In the Senate Appropriations analysis, concerns were raised related to fee restrictions and cost verification.

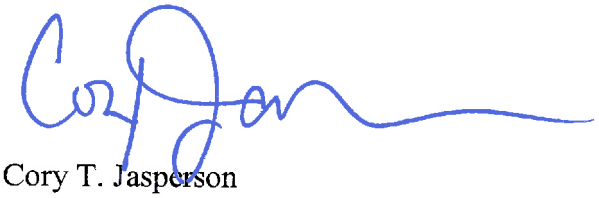
The first issue, fee restrictions, appears to be based upon the concern that as more courts becomes EFMs, they would be subject to increased loss of revenues from the fee waiver provisions in the bill, which require EFMs and EFSPs to honor waivers granted by the courts. This provision is not likely to result in revenue loss for courts for several reasons: (1) Few courts serve as EFMs, preferring instead to contract with professional services providers. Anticipated losses from fee waivers would be externalized, built into contracts and subject to reasonable cost analyses, thus minimizing any impact across an entire court system; (2) Electronic filing, case management, and document management platforms are currently being developed for and implemented in courts around the state, and the costs for these systems are not reliant on revenues from court user fees. More importantly, the addition of EFM and EFSP capabilities to court case management systems do not assure cost recovery from users; and (3) Electronic filing provides an alternative to in-person service, for which waivers are already granted pursuant to Government Code section 68632. We do not see waivers as lost revenue, but instead as improved access to justice. Ensuring that qualified e-filers are entitled to waivers promotes greater access to justice.

The second issue, verification of costs, is not a provision that is new to the courts in AB 2244. Service providers, such as credit card companies, are already limited to charging fees that reflect the costs of the services provided. More significantly, Assembly Member Gatto, in consultation with and support from the Judicial Council, addressed the verification of costs in the bill by adding language referring to guidelines that would be developed by the council and used by service providers in determining and imposing costs; the bill also provides the council or its designee with the right to inspect the records and documents pertaining to costs of charging vendor fees to court users. It should be noted that the council had already contemplated the need for such guidelines, prior to the introduction of AB 2244, so this effort is not seen as a cost burden to the courts, but rather a best practice in working with court service providers.

For these reasons, the Judicial Council supports AB 2244, and we urge the Senate Appropriations Committee to vote the bill out of committee and to the Senate Floor.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121 or andi.liebenbaum@jud.ca.gov.

Sincerely,



Cory T. Jasperson
Director, Governmental Affairs

CTJ/AL/yc-s
cc: Members, Senate Appropriations Committee
Hon. Mike Gatto, Member of the Assembly
Mr. Michael Belote, California Advocates, Coalition for Improving Court Access
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Consultant, Senate Republican Fiscal Office
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

August 24, 2016

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

Subject: AB 2244 (Gatto) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on AB 2244, which provides that electronic filing service providers (EFSPs) and electronic filing managers (EFMs) may impose fees that do not exceed the costs related to providing the electronic filing services to court users. The bill also allows prevailing parties in civil actions to recover the costs associated with mandatory electronic filing, serving, and hosting of court documents.

The council believes that AB 2244, if signed into law, will result in a more consistent electronic filing universe for both the public and courts, while also providing clarity for EFSPs and EFMs in planning their operations under the improved laws. Electronic filing is an efficiency that courts employ to improve file and document management, which further frees up court employees to assist and interact with court users directly rather than being assigned to process case filings. Additionally, electronic filing is a significant convenience for many court users for whom getting to a court poses its own hardships.

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For these reasons, the Judicial Council requests your signature on AB 2244.

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

Sincerely,

Cory T. Jasperson
Director, Governmental Affairs

CTJ/AL/yc-s

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Mr. Michael Belote, California Advocates, Coalition for Improving Court Access
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
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