



JUDICIAL COUNCIL OF CALIFORNIA

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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 9, 2021

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

Subject: Senate Bill 241 (Umberg) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on SB 241, which, among other things, authorizes the California Court Reporters Board to regulate out-of-state court reporters, authorizes the use of remote technology in civil proceedings, requires electronic service of documents by the courts, and requires a hearing on a minor's compromise petition to be (scheduled within 30 days).

The COVID-19 pandemic has resulted in an unprecedented expansion in remote access to the courts. Currently, all 58 local courts have the capability to hold proceedings remotely in at least one case type, and 39 courts have the capacity to hold proceedings remotely in most (if not all) case types. In the last six months alone, just the 25 courts that received modernization funding for remote video have conducted over half a million remote proceedings benefiting countless Californians, particularly vulnerable populations, throughout the state. The Los Angeles County Superior Court alone holds an average of approximately 5,000 remote proceedings daily.

In the [Interim Report released on August 16, 2021](#) by the Chief Justice's Workgroup on Post-Pandemic Initiatives, most stakeholders who presented to the workgroup voiced strong support for maintaining extensive remote access to court proceedings. Continuing the option for remote civil proceedings has myriad benefits for court users. It increases equity by using everyday technologies to provide safe and timely access to justice when conducting civil court proceedings

remotely where appropriate. It increases participation of litigants, attorneys, court personnel, and others while maintaining and expanding efficient and effective courtroom proceedings. It reduces time and expense for residents and vulnerable court users who lose time from work and incur travel and parking costs for brief hearings and appearances (reduced travel has environmental benefits as well). It preserves equal access to justice and court services by continuing to allow courts the flexibility to hold in-person court proceedings when more appropriate for the public. And, it incentivizes courts to develop or maintain efficiencies and refine practices developed to increase participation in court functions. SB 241 provides a significant step forward in fully realizing these benefits.

Specifically, SB 241, allows:

- ***Option to participate remotely in civil proceedings:*** Gives parties the option to appear remotely and courts the option to conduct civil proceedings, in whole or in part, through the use of remote technology. It also specifies that a court can never require a person to appear remotely.
- ***In-person appearances as necessary:*** Allows the court to require an in-person appearance due to technology or audibility issues, as well as when an in-person appearance would materially assist in the determination of the proceeding or resolution of the case.
- ***Consideration for needs of court reporters, court interpreters, and attorneys:*** Allows the court to require an in-person appearance when the quality of the technology or audibility at the proceeding inhibits the court reporter's ability to accurately prepare a transcript, inhibits a court interpreter's ability to provide language access to a court user, or prevents an attorney from being able to provide effective representation to their client.
- ***Remote civil trials:*** Allows civil trials to be conducted, in whole or in part, through the use of remote technology while also requiring the court reporter to be present in the courtroom and the court interpreter, upon request, to be present in the courtroom.

SB 241 will allow the courts to continue offering a full menu of remote access options until July 1, 2023. The council looks forward to continuing to work with you and the Legislature to extend or eliminate this sunset in the future.

Remote access to the courts as authorized by [Emergency Rule 3](#) during the pandemic has demonstrated its value as the pandemic revealed the need for a variety of options for accessing courts, both in-person and remotely. In order to avoid further delays or outright denials of access to justice, remote access must become a basic service rather than a temporary way to address current statutory restrictions on access to the courts. Investment in those services as well as the flexibility to continue expanding remote access as provided for in the temporary emergency rules will provide more access to the public, reduce disruption to the public and prepare courts for future crises—whether caused by pandemics, wildfires, natural disasters, bad weather or other

Hon. Gavin Newsom
September 9, 2021
Page 3

unexpected events. Courts must be allowed to continue to utilize and develop the tools rolled out during the pandemic and maximize the ability to provide a full menu of equal, safe, and reliable access to justice and court services.

For these reasons, the Judicial Council requests your signature on SB 241.

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

Sincerely,

Sent September 9, 2021

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/KN/jh

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



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September 8, 2021

Hon. Thomas Umberg
Member of the Senate
State Capitol, Room 5097
Sacramento, California 95814

Subject: Senate Bill 241 (Umberg), as amended September 3, 2021 – Support

Dear Senator Umberg:

The Judicial Council is pleased to support SB 241, which, among other things, authorizes the California Court Reporters Board to regulate out-of-state court reporters, authorizes the use of remote technology in civil proceedings, requires electronic service of documents by the courts, and requires a hearing on a minor's compromise petition to be scheduled within 30 days. We appreciate your willingness to work with the council on the electronic service portion of the bill and for your leadership in encouraging the use of technology to increase and streamline access to the courts.

The COVID-19 pandemic has resulted in an unprecedented expansion in remote access to the courts. Currently, all 58 local courts have the capability to hold proceedings remotely in at least one case type, and 39 courts have the capacity to hold proceedings remotely in most (if not all) case types. In the last six months alone, just the 25 courts that received modernization funding for remote video have conducted over half a million remote proceedings benefiting countless Californians, particularly vulnerable populations, throughout the state. The Los Angeles County Superior Court alone holds an average of approximately 5,000 remote proceedings daily.

In the [Interim Report released on August 16, 2021](#) by the Chief Justice's Workgroup on Post-Pandemic Initiatives, most stakeholders who presented to the workgroup voiced strong support for maintaining extensive remote access to court proceedings. Continuing the option for remote civil proceedings has myriad benefits for court users. It increases equity by using everyday

technologies to provide safe and timely access to justice when conducting civil court proceedings remotely where appropriate. It increases participation of litigants, attorneys, court personnel, and others while maintaining and expanding efficient and effective courtroom proceedings. It reduces time and expense for residents and vulnerable court users who lose time from work and incur travel and parking costs for brief hearings and appearances. Reduced travel has environmental benefits as well. It preserves equal access to justice and court services by continuing to allow courts the flexibility to hold in-person court proceedings when more appropriate for the public. And, it incentivizes courts to develop or maintain efficiencies and refine practices developed to increase participation in court functions. SB 241 provides a significant step forward in fully realizing these benefits.

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Hon. Thomas Umberg
September 8, 2021
Page 3

future crises—whether caused by pandemics, wildfires, natural disasters, bad weather or other unexpected events. Courts must be allowed to continue to utilize and develop the tools rolled out during the pandemic and maximize the ability to provide a full menu of equal, safe, and reliable access to justice and court services

For these reasons, the Judicial Council supports SB 241.

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

Sincerely,

Sent September 8, 2021

Kate Nitta
Attorney

KN/jh

cc:

Ms. Jessica Devencenzi, Deputy Legislative Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California