



## JUDICIAL COUNCIL OF CALIFORNIA

### GOVERNMENTAL AFFAIRS

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*Director, Governmental Affairs*

May 10, 2019

Hon. Kansen Chu  
Member of the Assembly  
State Capitol, Room 3126  
Sacramento, California 95814

Subject: Assembly Bill 800 (Chu), as amended March 27, 2019 – Oppose

Dear Assembly Member Chu:

The Judicial Council regrettably opposes AB 800, which would permit an individual who is a participant in the address confidentiality Safe at Home program pursuant to [Chapter 3.1 \(commencing with section 6205\) of Division 7 of Title 1 of the Government Code](#) to file a civil proceeding using a pseudonym and to exclude or redact other identifying characteristics of the plaintiff from all pleadings and documents filed with the court. The bill would require the court to prepare documents so as to protect the name or other identifying characteristics of the plaintiff from public revelation. The bill also would require the Judicial Council to coordinate with the Secretary of State to adopt or revise rules and forms to implement the provisions of the bill on or before July 1, 2020.

The council's objections are rooted in the following procedural concerns: First, the reach of the bill, in allowing an individual to file any civil cause of action within a four year (or longer) time frame using a pseudonym, is so broad as to make implementation of the document management, redaction, and other efforts to protect the name or other identifying characteristics of the Safe at Home participant cumbersome and costly. Courts do not have the financial or staff resources to ensure that "all court decisions, orders, petitions, discovery documents, and other documents shall be worded so as to protect the name or other identifying characteristics of the plaintiff" when the filer is a Safe at Home participant. As a corollary, case management systems are not

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designed to provide the kinds of anonymity or redaction that would be required under the bill, and the costs of enhancing case management systems with these capabilities could be significant.

Second, elements of the bill make it difficult for the courts to administer justice. For example, if a Safe at Home participant files a personal injury suit and, pursuant to the provisions of AB 800, is entitled to anonymity in the filing of the suit and related documents, discovery could be problematic. The language of the bill appears to limit the manner in which a defendant being sued by a Safe at Home participant can conduct discovery, all but eliminating 3<sup>rd</sup> party discovery because the defendant is prohibited from divulging the name of the Safe at Home plaintiff. If the name of the plaintiff is not usable in requests for discovery (for example, from doctors, forensic accountants, employers, etc.), the defendant could be hamstrung in their ability to collect information to launch a credible defense. Along these same lines, the bill does not provide a mechanism for allowing the enforcement of a judgment. If the Safe at Home plaintiff's name remains confidential, enforcing the judgment without naming the plaintiff is unworkable. The defendant could simply ignore the judgment because there is no named person to pay.

Third, the implementation deadline of July 1, 2020 for the Judicial Council to collaborate and adopt rules and forms with the Office of the Secretary of State provides insufficient time for the council, and should be delayed by at least another six months, to January 1, 2021.

For these reasons, the Judicial Council opposes AB 800.

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

Sincerely,

*May 10, 2019*

Andi Liebenbaum  
Attorney

AL/yc-s

cc: Ms. Connie Valentine, Policy Director, California Protective Parents Association  
Mr. Anthony Williams, Deputy Legislative Affairs Secretary, Office of the  
Governor  
Mr. Martin Hoshino, Administrative Director, Judicial Council of California