



JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 8, 2022

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

Subject: Senate Bill 233 (Umberg) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on SB 233, which repeals the obsolete statutes relating to telephonic appearances. The enactment of CCP 367.75 on January 1, 2022, established a new framework governing remote civil proceedings in California. Nevertheless, pre-existing statutes related to telephonic appearances remain in the codes, causing unnecessary overlap and confusion.

CCP section 367.5 originally authorized telephone appearances, but only in certain kinds of civil proceedings. It is more limited than CCP section 367.75, which encompasses all civil remote appearances, including telephonic appearances. With the enactment of CCP section 367.75, CCP section 367.5 is no longer necessary.

CCP section 367.6 requires the Judicial Council to adopt a statewide fee for telephonic appearances; however, a statewide fee structure is not required for remote appearances pursuant to CCP 367.75. As a result of these co-existing statutes, telephonic appearances require a significantly high fee (currently \$94) compared to substantially lower or no fees charged for other remote appearances, including video. Repealing CCP section 367.6 will eliminate the \$94 telephonic appearance fee, whereby telephonic appearances will be treated equally to other remote appearances.

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Government Code section 72010 requires the council to enter into a master services agreement (MSA) with vendors for telephonic appearances. There is no such requirement for remote appearances, which has, as a benefit, resulted in greater competition among vendors for courts as customers. Many courts are using vendors for video appearances and negotiating far more competitive pricing and options for a wider range of services than the statewide master services agreement required by this section for telephonic appearances currently offers. Repealing Government Code section 72010 will end the master services agreement requirement for telephonic appearances, thus enabling more competitive pricing options for remote services.

Government Code section 72011 requires courts to collect a \$20 deposit payable to the Trial Court Trust Fund for every telephonic appearance. This fee is in addition to whatever a vendor charges and is applicable even to courts that provide their own telephonic remote appearance services. In addition, section 72011 requires the collection of an approximately \$960,000 annual “legacy payment” from vendor(s) for telephonic appearances, which is distributed to those courts that had revenue-sharing contracts in place for telephonic appearances in the 2009-2010 Fiscal Year. Government Code section 72011 is no longer necessary.

Removing these obsolete code sections benefits court users, the state, and the courts by properly harmonizing statutory authority over remote civil proceedings under CCP section 367.75 and greatly reducing or eliminating fees to users that choose to participate in civil remote proceedings. It also reduces state work and costs by eliminating the now unnecessary requirement for an MSA for only a small subset of remote proceedings.

For these reasons, the Judicial Council requests your signature on SB 233.

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

Sincerely,

Sent September 8, 2022

Cory T. Jaspersen
Director, Governmental Affairs

CTJ/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
Ms. Shelley Curran, Chief Policy & Research Officer, Judicial Council of California