

Judicial Council urges Gov. Newsom to sign legislation codifying remote court proceedings

HOT TOPICS

By **Juliette Fairley** | Sep 27, 2021



Tani G. Cantil-Sakauye | courts.ca.gov

The Judicial Council is urging Gov. Gavin Newsom to sign Senate Bill (SB) 241, which would legalize remote technology in civil proceedings.

“The [COVID-19 pandemic](#) has resulted in an unprecedented expansion in remote access to the courts,” wrote Cory T. Jasperso, director of Judicial Council governmental affairs, in a **Sept. 9 letter** addressed to Gov. Newsom. “Continuing the option for remote civil proceedings has myriad benefits for court users.”

Specifically, SB 241 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.

“Both houses, the Senate and Assembly, have approved this and now it goes up to the governor,” said [top family law attorney](#) Christopher C. Melcher. “The one thing that is a bit of an issue is what we call appropriations, which is where is the money going to come from? This is always a problem with legislation is that we have great ideas and we want these state agencies or courts to implement them but there has to be funding attached with that.”

All 58 trial 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 case types, according to data obtained by the *Southern California Record*. An average of 5,000 remote proceedings happens daily at the Los Angeles County Superior Court.

“That was a good thing from the pandemic is that it forced the court and lawyers to really embrace this technology that other industries have been using for a long time,” [celebrity divorce lawyer](#) Christopher C. Melcher told the *Southern California Record*. “It is an access to justice issue because the cost of a litigant going to court may mean taking a day off from work or finding childcare or if they're unable to do those things, missing a court appearance and losing their rights or even being punished for not going when they really had no way of participating.”

In its Aug. 16 report, the Workgroup on Post Pandemic Initiatives created by Chief Justice Tani G. Cantil-Sakauye voiced strong support for making remote technology permanent but also raised concerns for parties to cases who cannot afford a computer or who do not use remote technology.

Only 52% of Californians have more than minimally fast broadband connections, and 28% of tribal lands have no broadband at all, according to the Workgroup report.

“When we were in the lockdowns and the courts were considering what to do, this was an issue that was raised,” said the [international family law attorney](#). “But if you deny or delay the rollout of an entire program because some people are unable to access it, then you keep the other people who do have access from having it. So, they eventually just pushed through that issue and decided that it was better to roll out remote access, even while recognizing that some folks just won't be able to access it because they don't have an internet connection or the computer equipment to do it.”