



**AB 2165: Access to Justice and Electronic Court Filings Act
(As Amended July 7th)**

SUMMARY

AB 2165 improves access to justice and overall efficiency by allowing trial courts to recover costs of electronic filing. It is vital the State of California continue to expand access to justice through digital avenues, especially for the remote parts of California where a trip to the courthouses is a daylong commitment.

BACKGROUND

Electronic filing and service in the Superior Courts has been authorized since January 1, 2000. AB 2073 (Silva, 2012) also instructed the Judicial Council to adopt uniform rules to permit mandatory electronic filing and service in specified civil actions. On adoption of those rules, AB 2073 (Silva, 2012) allowed Superior Courts to require mandatory electronic filing if the local jurisdiction adopts a rule requiring electric filing. In 2017, the Judicial Council sponsored Assembly Bill 976 (Berman, 2017) which, among other things, provided for use of electronic signatures under penalty of perjury on electronically filed documents and codified provisions on mandatory electronic service that had been in the California Rules of Court. The State has made recent changes to improve digital access, but must continue to take further strides to digitize courts' processes to expand access to justice for all Californians. When a court permits electronic filing by local rule, it may charge a fee not to exceed the costs of processing a payment.

Electronic filing is available in about half of trial courts today. Allowing recovery of actual costs for electronic filing will result in the courts' improved accessibility and efficiency within the judicial system. As more make electronic filing mandatory, courts can relieve the burden on litigants to retain paper records by allowing electronic signatures on electronically filed documents, reduce the travel requirements of Californians in the rural parts of the State, and ultimately increase access to the judicial system. For Californians in the remote and rural parts of the State, this is especially important. Oftentimes courthouses are hours away, resulting in litigants having to take time off of work to access services, thus creating a disincentive to access the judicial system.

SOLUTION

AB 2165 would amend Code of Civil Procedure Section 1010.6, which governs electronic filing and service in civil matters in the trial courts. The legislation allows trial courts to recover actual costs of electronic filing to expand access to justice for California's residents across the State. This bill would clarify when a fee waiver is granted in a case, it applies to e-filing fees as well. Additionally, AB 2165 clarifies the timelines within which the courts must send e-filing receipt or rejection notices.

SUPPORT

Judicial Council (Sponsor)
California Judges Association
Coalition for Improving Court Access
King City
Legal Aid Association of California

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