



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

At CAOC's urging, Judicial Council expands electronic service during COVID-19 crisis

Emergency order applies to general civil, family and probate proceedings

SACRAMENTO (April 17, 2020) – California's top court authorities issued an emergency rule pushed by Consumer Attorneys of California that promotes electronic service of documents to guard public health and protect legal rights during the coronavirus pandemic.

The [California Judicial Council action](#) will expand electronic delivery of legal papers that in normal times would be sent to a law office via mail, fax or overnight delivery.

That victory follows on CAOC's efforts earlier this month that prompted the Judicial Council to extend the statute of limitations until the crisis is over, approve a procedure for remote depositions and grant a six-month extension of the five-year limit for bringing civil cases to trial.

The latest emergency action expands on a 2003 rule that allowed electronic service of documents in civil cases only when both sides agreed to it. In the weeks since statewide stay-at-home orders shuttered law offices and courthouses, complaints arose about opposing counsel refusing electronic service.

Such inflexibility puts legal staff and attorneys in a difficult and potentially risky position. Documents delivered by mail to a law office require a staffer to pick up the material and deliver it to the appropriate attorney, raising risks to all involved. Similarly, using mail to serve documents involves a trip to the office to make copies and then to the post office, compounding the public health risk. Under the new rule, only one side needs to request e-service.

"During this very difficult and scary time, our clients need us to continue pursuing justice on their behalf by moving claims forward, and e-service will help," said CAOC President Micha Star Liberty. "It's shameful that intentional bad-faith tactics have been putting lawyers and legal staff at risk of being exposed to COVID-19 in order to carry out their duties."

The new rule will apply until 90 days after the crisis is over and is intended to provide statewide uniformity. It will not, however, eclipse existing rules already adopted for electronic service in some counties.

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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