



March 20, 2020

TO: GOVERNOR NEWSOM

FR: CONSUMER ATTORNEYS OF CALIFORNIA  
CALIFORNIA DEFENSE COUNSEL

RE: **COVID-19 Executive Order Preserving Legal Rights Needed**

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As we face the COVID-19 crisis, an immediate Emergency Order is needed to (1) ensure all Californians' rights are preserved and (2) allow litigation to continue remotely by utilizing technology. As of March 19<sup>th</sup>, 20 states have already issued emergency orders to extend the statute of limitations and other legal deadlines. Consumers and businesses alike are facing closed courtrooms or courts opened only at extremely limited capacities, with inconsistencies across counties and courtrooms leading to uncertainty in the judicial process. Statewide action by the Governor is required to provide uniformity, quell the significant legal concerns this pandemic has caused, and ensure Californians' access to justice.

- 1. Statute of limitations and other legal deadlines:** Tolling is needed to ensure rights are preserved during the State of Emergency as court closures limit or prohibit the filing of actions.
- 2. Remote depositions:** A statutory waiver is needed on a temporary basis to allow all parties to proceed with their depositions remotely to comply with the social distancing safety precautions.
- 3. Electronic service between represented parties:** Service by mail and other physical means is impractical if not impossible during this time. Electronic service on opposing counsel must be permitted without stipulation while businesses and law offices are closed under the shelter in place orders.

We have explored other avenues for action but have come up short. The Judicial Council and Chief Justice have limited statutory authority and cannot act to protect legal rights and allow for litigation to continue electronically during this pandemic. Similarly, we hope emergency legislation will eventually address these issues but the situation is dire and must be addressed immediately to preserve the basic functioning of the legal system.

Technology can allow legal matters to continue while still ensuring the safety of Californians. For these reasons, we respectfully request an Emergency Order to maintain access to justice during this pandemic.