

Sources: Gov. Schwarzenegger set to sign e-Discovery Bill

By Linda Rosencrance

California Gov. Arnold Schwarzenegger is planning to sign Assembly Bill 5, the Electronic Discovery Act, according to inside sources.

The bill, which landed on the governor's desk yesterday, could be signed into law as early as today or the beginning of next week, the sources said. However, by law the governor has 12 days to sign or veto the legislation, which was passed unanimously in both the state Assembly and the state Senate.

AB 5 is virtually identical to the original e-discovery bill, Assembly Bill 926, that Schwarzenegger vetoed on Sept. 27, 2008 for "budgetary reasons." The only difference is that the bill's author, Assembly Member Noreen Evans, added an urgency clause to the new legislation that would make it effective as soon as the governor signed it.

Schwarzenegger's spokesperson, Rachel Cameron, said the governor had not yet taken a position on Assembly Bill 5.

"It just came down to the governor's desk [yesterday]. He has 12 days to act on the legislation," she said.

Once signed, the bill would immediately amend California's Civil Discovery Act to include rules governing the discovery of electronically-stored information. The bill has garnered widespread support from organizations that typically don't agree on anything including the Civil Justice Association of California (CJAC) and the Consumer Attorneys of California, said Kim Stone, CJAC's Vice President, Legislation. The bill is also supported by the Judicial Council of California, the California Defense Counsel, and the State Bar of California.

"There are very few bills that CJAC and the Consumer Attorneys, the trial lawyers lobbying group, agree on. We're arch enemies," Stone said. "The fact that we have come together on this is remarkable and momentous; it's a big deal. California's e-discovery law is antiquated. That's why this bill is important and necessary. That's why we hope that the governor will sign it."

Daniel Pone, an attorney with the Judicial Council of California, and several other lobbyists met with members of the governor's staff yesterday about the bill. Pone said the meeting was to touch base with Schwarzenegger's policy person to review the bill, demonstrate its the broad support, and find out if there were any issues or concerns the governor or his staff had with the legislation.

"We are hopeful that the governor will sign the bill," said Pone, Senior Attorney,

Office of Governmental Affairs, Judicial Council of California - Administrative Office of the Courts. "The bill did not receive any 'no' votes when it went through the Legislature. It has very broad support. Last year [the governor's office] assured us his veto was not based on the merits of the bill."