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February 11, 2022

Judicial Council of California
Attention: Chief Counsel Deborah Brown
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Request for an Amendment to Rule 2.507 of the California Rules of Court

Dear Chief Counsel Brown:

On behalf of its members, and those they serve, the Consumer Data Industry Association (“CDIA”) is requesting a change to California’s Rule 2.507 of the California Rules of Court. In particular, CDIA requests that the Council adopt a limited exception to Rule 2.507(c), as interpreted by *All of Us or None—Riverside Chapter v. Hamrick* (2021) 64 Cal.App.5th 751 [279 Cal.Rptr.3d 422] (*Hamrick*), to allow the use of driver’s license number and date of birth as a search term, or a filter to limit search results of court indexes, when those pieces of information are already in the possession of the person conducting the search. This exception will preserve consumers’ right to privacy, as intended with the adoption of the Rules, while allowing the reasonable, expected use of identifying information for the purpose of locating potentially relevant court records for further review.

CDIA, Its Members, and the Role of Background Checks

The Consumer Data Industry Association is the oldest and largest trade association of its kind in the world, representing, for over a century, consumer reporting agencies (“CRAs”), including background check companies. CDIA’s members play a vital role in the American and California economies by creating, maintaining, and communicating consumer reports, regulated by federal and state law, for nearly every adult in the United States. Part of our members work includes providing, where applicable, criminal background information on to employers, principals and general contractors, landlords, property management companies, nonprofits, religious institutions, government agencies, and law enforcement agencies.

To help assure the safety of workplaces, nursing homes, hospitals, schools, subsidized housing communities,¹ and even participation in volunteer organizations across the country, CDIA members prepare ‘background checks’ on individual applications. These ‘background checks’ are a type of

¹ Congress recognized that the government has a “duty to provide public and other federally assisted housing that is decent, safe, and free from illegal drugs” in public housing. 42 U.S.C. §11901(1). As such, public housing authorities must reject: (1) persons subject to a lifetime registration requirement under state sex offender laws; (2) persons convicted of methamphetamine production on public housing property; (3) persons evicted from public housing for drug-related criminal activity in the three years prior to the application, unless the evicted individual completed an approved rehabilitation program; and (4) persons currently engaged in illegal drug use. 42 U.S.C. § 1437n(f); 42 U.S.C. § 13661; 42 U.S.C. § 13663; 24 C.F.R. § 960.204.

consumer report, which is prepared by consumer reporting agencies in accordance with federal law, namely, the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq. (“FCRA”), and any applicable state laws, such as the California Investigative Consumer Reporting Agencies Act, Cal. Civ. Code § 1786 et seq. (“CICRA”).

About 96% of employers run criminal background checks on job candidates nationwide for both full and part-time employees, in both the private and public sectors. (See, Hr.research Institute, *How Human Resource Professionals View and Use Background Screening in Employment* (2019) at 7.² Background checks are common because of the clear correlation between prior criminal history and future arrests and convictions. A recent study released by the federal Bureau of Statistics of the U.S. Department of Justice in July of 2021, found that 62% of state prisoners released in 2012 across 34 states were subsequently arrested within 3 years, and 71% were arrested within 5 years of release.³ Nearly half (47%) of male prisoners, and about a third (34%) of female prisoners returned to prison within 5 years.⁴ Employers large and small have a duty to protect their employees and background checks help them provide safe work environments.

As a result, employers across numerous industries are often required to obtain background checks on potential and existing employees. (See, e.g., *NASA v. Nelson* (2011) 562 U.S. 134, 150 [acknowledging the legitimate needs of the government, as an employer, to screen employees for drug use and other elements of their background].) To take just a few examples, a financial institution subject to FDIC requirements must confirm that the job applicant has not engaged in acts of dishonesty, breach of trust, or money laundering prior to hiring. (12 U.S.C. § 1829.) Similarly, credit unions subject to oversight by the National Credit Union Administration are prohibited from employing “any person who has been convicted of any criminal offense involving dishonesty or a breach of trust” or has entered into a pretrial diversion program in connection with prosecution for such an offense (12 U.S.C. § 1785(d)(1)).

Individuals who wish to work in California as a ride-share driver for companies like Uber and Lyft, or commercial hauling companies, must pass a satisfactory national criminal record background check prior to being hired or engaged, and must remain violation-free during their tenure. (Bus. & Prof. Code, § 7458; Pub. Util. Code, § 5445.2.)⁵ As of 2014, 41 of 50 states require home health agencies to

² https://www.hr.com/en/resources/free_research_white_papers/hrcom-background-screening-june-2019-research_jwvmqi89.html.

³ *Recidivism of Prisoners Released in 34 States in 2012: A 5-Year Follow-Up Period (2021-2017)*, <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr34s125yfup1217.pdf> p. 12.

⁴ *Id.* at 9.

⁵ In 2016, California voters adopted these criminal background check requirements in response to crimes committed by drivers who had prior histories of violent criminal offenses. (See, e.g., Kerr, *California Tightens Background Checks on Uber, Lyft Drivers* (Sept. 29, 2016) CNET <<https://www.cnet.com/news/california-law-tightens-background-checks-on-uber-lyft-drivers/>> [as of July 12, 2021].) Notably, a driver subject to these laws must *never* have been convicted of certain serious felonies (as listed in § 7458(c)(1)), a provision that overrides the traditional seven-year limitation for background checks under other California law. (See Bus. & Prof. Code, § 7458, subd. (f) [“Notwithstanding Section 1786.12 of the Civil Code [the California Investigative Consumer

obtain some form of background check on prospective employees. (U.S. Department of Health and Human Services, *Memorandum Report: State Requirements for Conducting background Checks on Home Health Agency Employees*, OEI-07-13-00131, <<https://oig.hhs.gov/oei/reports/oei-07-14-00131>> [as of May 29, 2014].) Federal regulations prohibit long-term care facilities from employing individuals who “[h]ave been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law.”) (42 C.F.R. § 483.12(a)(3).) Moreover, federal regulation prohibits health care providers, suppliers, and others who have been convicted of certain felony offenses within the prior ten years from enrolling in the Medicare program, which necessarily requires the completion of a successful background check. (See 42 C.F.R. § 424.530(a)(3).)

In addition to traditional employers, licensing and professional organizations also require the successful completion of a background check report for admission, such as a state bar association regulating the licensing of attorneys. (See, e.g., Rules of The Virginia Board of Bar Examiners, Section III Character and Fitness Requirements, promulgated pursuant to Va. Code §§ 54.1-3922 & 3925.1.) Parents who wish to volunteer at a child’s school or extra-curricular activity often are required to pass a background check before being placed in positions of trust with other people’s children. Failure to successfully complete the background check process in a timely fashion can result in the loss of these opportunities.

The California legislature and the voters of California have both recognized the critical importance of background screening. Both the California Consumer Protection Act or “CCPA” (which was passed by the legislature and took effect on November 3, 2020) and the California Privacy Rights and Enforcement Act or “CPRA” (which was passed by the voters as a ballot initiative and will become operative on January 1, 2023) included an identical exemption for consumer reporting activity carried out under the Fair Credit Reporting Act. (Civ. Code, § 1798.145, subd. (d)(1).) Both the legislature and the voters recognized that rules about privacy had to bend to allow for background screening to serve individuals and businesses alike.

To prepare background checks, consumer reporting agencies, and their court researchers, need access to certain public record information, including court records subject to California Rules of Court. For nearly two decades since the Rules of Court related to electronic record access were adopted, consumer reporting agencies have had reasonable access to locate these records, using information provided by the consumer expressly for that purpose. In the application process, the individual provides their name, current and prior addresses, social security number, date of birth, and often, driver’s license number to the landlord or employer, with the understanding that such information will be used to conduct a background check and evaluate their application. Employers provide a written disclosure to the applicant explaining that the employer will obtain a background check from a consumer reporting agency, and the applicant authorizes the use of their application

Reporting Agencies Act], an investigative consumer reporting agency may furnish an investigative consumer report to a network company about a person seeking to become an app-based driver, regardless of whether the app-based driver is to be an employee or an independent contractor of the network company.”.)

information for the purpose of preparing a background check before the request is ever sent to the consumer reporting agency. Upon receipt, the consumer reporting agency, or their researcher, begins what is often a nationwide search for records, including, in California.

The Rules of Court Related to Electronic Records, and Rule 2.507(c)

In 2003, this Committee adopted a comprehensive set of rules governing access to electronic court record data (the “Rules”). In proposing these rules, the Court Technology Advisory Committee (“CTAC”) was particularly concerned with “attempt[ing] to balance the common law right of public access to trial court records against the constitutional right of privacy afforded by article I, section 1 of the California Constitution.” See SPR01-21, “Public Access to Trial Court Records in Electronic Form (adopt Cal. Rules of Court, rules 2070-2077)” p.1. CTAC concluded “...that unrestricted Internet access to case files would compromise privacy and, in some cases, could increase the risk of personal harm to litigants and others whose private information appears in case files.” *Id.*

In particular, CTAC was concerned about three inherent risks of electronic records: (1) ease of access; (2) ease of compilation; and (3) ease of wholesale duplication and the belief that the “difficulty of obtaining and distributing paper case files effectively insulated litigations and third parties from the harm that could result from misuse of information provided in connection with a court proceeding.” *Id.* at 2. To ameliorate the risk of the aggregation of court data, CTAC proposed access to court records on a case by case basis, and allowed the trial court discretion to determine whether to authorize bulk access. *Id.*

Further, Rule 2.507(c) was adopted to prevent the disclosure of certain non- public personal information from the court’s calendars, registers of action, and indexes. It states:

(c) Information that must be excluded from court calendars, indexes, and registers of actions

The following information must be excluded from a court's electronic calendar, index, and register of actions:

- (1) Social security number;
- (2) Any financial information;
- (3) Arrest warrant information;
- (4) Search warrant information;
- (5) Victim information;
- (6) Witness information;
- (7) Ethnicity;
- (8) Age;
- (9) Gender;
- (10) Government-issued identification card numbers (i.e., military);
- (11) Driver's license number; and
- (12) Date of birth.

Reading Rule 2.507(c) in context with the concerns identified by the Committee in adopting the rules, it is clear that Rule 2.507(c) was intended to protect individual privacy by preventing the court from disclosing (i.e., by not “including”) such information in its calendars, indexes, and registers

of action. In other words, what CTAC was attempting to prevent was a publication or disclosure of this information by the court. The Rule does not prevent, nor should it be construed to prevent, the use of such information to locate specific case file information.

As the courts interpreted and implemented the Rules beginning in 2003, systems were developed across the entire State of California to allow members of the public to search court indexes to identify potentially relevant criminal records using the date of birth or driver's license provided by the individual, to filter out court records that are not likely related to the individual. This filtering functionality limits the number of court records the researcher must search by filtering records that are most likely unrelated to the individual applicant on whom they are preparing a consumer report (thereby, actually protecting the privacy of those individuals who are not the applicant in question).

It is important to understand here that the search results, alone, do not affirmatively constitute any particular person's criminal history; instead, the search results constitute a list of court records that require additional review to determine if they pertain to the particular consumer applicant. In short, it directs the researcher where to go to find potentially relevant records. It is not a list of that particular individual's criminal activity, especially where the person has a common name.

For the first time, in 2021, the Court of Appeal in *All of Us or None—Riverside Chapter et. al. v. W. Samuel Hamrick, Jr., et al.* interpreted Rule of Court 2.507 to forbid superior courts from permitting the public to search for and locate criminal records “by inputting an individual's known date of birth and driver's license number.” *Hamrick*, 64 Cal. App. 5th 751 (2021). The Court of Appeal's opinion rests, in part, on the conclusion that the results of a search, filtered down using a date of birth field, would constitute a “local criminal history” (a/k/a a “rap sheet”) as defined, and regulated by, Cal. Pen. Code § 13300. *Id.* at 781. CDIA respectfully maintains that the search results provided by the court access systems are not ‘local criminal histories’ of any person; rather, the results are merely a summary list of criminal case files that contain information matching the search terms input into the system, and require additional review for potentially relevant information.

The judiciary's original interpretation of Rule 2.507 - implicitly evidenced by the creation of the comprehensive access systems available in every courthouse across the state, which allowed for searches of court records to be filtered by date of birth and driver's license number - is the correct interpretation of Rule 2.507(c). Ultimately, however, because of the organization of California courts,⁶ *Hamrick* binds all superior courts across the State, and they are responding by removing search functionality by date of birth and driver's license number.

Impact On California Job Seekers

Hamrick's practical consequences are disastrous for industry and individuals alike—indeed, the decision has driven the background check system in California to the verge of collapse. The removal of

⁶ Decisions of every appellate district of the California Court of Appeal are binding on all superior courts, regardless of their location. *Cuccia v. Super. Ct.*, 153 Cal. App. 4th 347, 354 (2007); see also *Auto Equity Sales, Inc. v. Super. Ct. of Santa Clara Cty.*, 57 Cal. 2d 450, 455 (1962). In the absence of conflicting authority, all superior courts in California must follow *Hamrick*, regardless of their location.

these key search filters poses a real risk that a court researcher—even one who has gone to the courthouse—cannot review relevant court records to complete a background check. A researcher at the courthouse faces one of two potential scenarios. First, when the results are name-based search results only, given the large population of many California counties and the likelihood of duplicate names, these results could include hundreds of criminal case files to be reviewed.⁷ As many courts impose time limits on public access terminals or have closed them entirely,⁸ there is no practical way to consistently search high volumes of records. Some courts have gone beyond *Hamrick*, and are even refusing to confirm individual dates of birth at all.⁹

The second scenario creating problems for comprehensive background checks, is that many court indexes cut off the search results displayed after 99 results.¹⁰ Therefore, even where time and resources are not limited, the research may never know the file exists because the relevant court case is hidden from view when it is the 100th or higher result output from the database.

These challenges have slowed the preparation of consumer reports to a crawl and created the risk that in some cases, the reports prepared are inherently incomplete. These problems are creating significant obstacles to job applicants attempting to secure jobs in virtually every sector of the economy. Some applicants lose opportunities—where the employer, property manager, or nonprofit organization insists on completion of a background check, it disqualifies employees, tenants, and volunteers whom background screeners cannot provide a definitive answer. Other applicants are subject to undisclosed risks they may not have been willing to assume—where an employer, property manager, or nonprofit organization gives up on the background check, it exposes employees, tenants, volunteers, and customers to the very risks that a background check would eliminate.

The Scope of the Problem

Since the opinion was first issued, industry’s worst fears have been realized, as superior courts in counties across California have begun removing search fields from their websites, most notably fields that permit filtering by date of birth. Below is non-exhaustive list of California superior courts that are known have removed date-of-birth search fields from their websites, courthouse public-access

⁷ Name-based only searches should not be included in a consumer report, resulting in background checks that are dangerously incomplete. See, Consumer Financial Protection Bureau Advisory Opinion, *Fair Credit Reporting; Name-Only Matching Procedures*, 86 Fed. Reg. 62468.

⁸ The Superior Court of Marin County has closed “research PCs” and requires appointments for access to the Court Records Division during certain hours. ([http://www.marincourt.org/.](http://www.marincourt.org/))

⁹ The Los Angeles County Clerk’s office has issued a policy that it will not confirm identifiers that are not available in its public access terminals. Further, it has placed a limit on the number of files that it will retrieve per day, which background screeners could otherwise use to manually search for other clues about identity. The limit is five per day per individual appearing at the courthouse, which eliminates file-pulls as a practical method for conducting millions of background checks per year.

¹⁰ For example, San Diego superior court limits searches to 300 results. Searching for “Michael Smith” without a date of birth results in more than 300 potential records.

terminals, or both in the wake of the Court of Appeals decision in *Hamrick*.¹¹ The data in the chart is derived from first-hand reports from PBSA members and from 2020 Census results (released August 12, 2021). The data indicates that:

- More than half the state’s population—23 million Californians—currently live in a county whose superior court has removed the date-of-birth filter from its online search engine, thus severely restricting the availability of meaningful criminal background checks in that county.
- More than 44% of Californians currently live in a county that has eliminated the date-of-birth filter entirely—not only online, but even at the public access terminals at the courthouse.

County (Listed in Order of Size)	County Population Estimate as of April 1, 2020 ¹²	County’s Percentage of California Population	Date-of-Birth Search Field Available in Online Criminal Records?	Date-of-Birth Search Field Available at Public Access Terminals at Courthouses?
Los Angeles	10,014,009	25.33%	No	No
Riverside	2,418,185	6.12%	No	No
San Bernardino	2,181,654	5.52%	Retiring	Retiring ¹³
Santa Clara	1,936,259	4.90%	No	Yes
Alameda	1,682,353	4.26%	No	Yes
Fresno	1,008,654	2.55%	No	Yes
Kern	909,235	2.30%	No	No ¹⁴
Ventura	843,843	2.13%	No	No ¹⁵
San Joaquin	779,233	1.97%	No	No
Tulare	473,117	1.20%	No	Yes
Monterey	439,035	1.11%	No	Yes

¹¹ This chart is current as of February 8, 2022.

¹² United States Census Bureau Population Division, 2020 Census of Population and Housing <<https://www.census.gov/quickfacts/fact/table/US/PST045219>> (as of Aug. 13, 2021).

¹³ San Bernardino Superior Court plans to retire its current search portal containing a search field for date of birth and replace it with a new portal that lacks this feature.

¹⁴ Upon in-person request, Kern County Superior Court clerks will verify date of birth on specific criminal cases, providing an estimated turnaround time of 30 days.

¹⁵ Upon in-person request, Ventura Superior Court clerks will verify date of birth on specific criminal cases.

County (Listed in Order of Size)	County Population Estimate as of April 1, 2020 ¹²	County's Percentage of California Population	Date-of-Birth Search Field Available in Online Criminal Records?	Date-of-Birth Search Field Available at Public Access Terminals at Courthouses?
Merced	281,202	0.71%	No	No
Yuba	81,575	0.21%	No	Yes
TOTAL	23,048,354	58.31%	Answer is no for 58.31% of Californians	Answer is no for 44.08% of Californians

The *Hamrick* decision is not just negatively impacting background screening companies, but its consequences are reaching various industries state-wide. In July of 2021, together with the Professional Background Screening Association (“PBSA”), CDIA petitioned the Supreme Court of California to take up the *Hamrick* decision, on its own motion, under California Rules of Court, rule 8.512(c)(2) on the issue of whether Rule 2.507 bars a search for public record information using the identifiers at issue.¹⁶[Petition, attached.]

Over twenty businesses and trade associations joined in support of the Petition, including:

1. California Bankers Association
2. California Chamber of Commerce
3. California Credit Union League
4. California Financial Services Association
5. Checkr, Inc.
6. Coalition for Sensible Public Records Access
7. Electronic Security Association
8. Lyft, Inc.
9. Moco Incorporated
10. National Consumer Reporting Association
11. National Public Records Research Association
12. Public Records Retrieval Network
13. Security Industry Association
14. Southern California Rental Housing Association
15. Sue Weaver CAUSE: Commit to Always Using Screened Employees
16. The Monitoring Association
17. Tribal Gaming Protection Network
18. Uber Technologies, Inc.
19. Vector Security, Inc.
20. Western Burglar Alarm and Fire Alarm Association
21. Apartment Association of Orange County
22. California Association of Boutique & Breakfast Inns

¹⁶ Riverside separately appealed the decision on other grounds, which are not at issue here.

23. California Hospital Association
24. California Hotel & Lodging Association
25. California Rental Housing Association
26. Hospitality Santa Barbara
27. Hotel Association of Los Angeles
28. Long Beach Hospitality Alliance

Each organization listed above explained their interest in the outcome of the requested appeal, including when and how background checks and these identifiers are used in their business or their industries. [See, Addenda 2 and 3, Exhibit B to Petition, and Supplement to Exhibit B.] From healthcare, to hospitality, to security, to housing, Hamrick's consequences are far-reaching.

Proposed Change to Rule 2.507.

Given all of the foregoing, CDIA respectfully urges this Council to amend Rule 2.507 of the California Rules of Court to clarify that searching by certain identifiers is permissible by adding a new subpart (b)(3), and modifying subpart (c), as set forth below. *See also* Addendum 1, attached.

(b). . .

(3) All electronic indexes, or other search mechanisms that may be used to search court records, including criminal records, must allow individuals conducting searches to search or filter results by the information in subpart (b)(2) above and the following additional information:

(A) Driver's license number; and

(B) Date of birth.

(c) Information that must be excluded from court calendars, indexes, and registers of actions, **except as may otherwise be permitted by these Rules. . .**

The following information must be excluded from a court's electronic calendar, index, and register of actions, except as otherwise permitted by these Rules: . .

The Council could also include a note, or commentary, to the effect of:

Nothing in Rule 2-507(c) may be interpreted as preventing the use of identifiers such as driver's license number and/or date of birth as a search tool or as a means to filter results when such identifiers are in the possession of the individual conducting an electronic search for records. The results returned from such a search constitute a list of trial court records which match the search terms entered, and do not constitute a 'local summary record' pertaining to any individual.

We at the Consumer Data Industry Association are available and prepared to discuss any questions regarding our industry and our requests/suggestions above. Thank you for taking the time to hear our comments and we look forward to working with you to improve employment, and volunteer opportunities for California consumers.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Ellman", with a long horizontal flourish extending to the right.

Eric J. Ellman
Senior Vice President, Public Policy and Legal Affairs

Addendum 1

The Consumer Data Industry Association's Rule Change Request

**Proposed Changes to Rule 2.507 of the
2022 California Rules of Court**

Rule 2.507. Electronic access to court calendars, indexes, and registers of actions

(a) Intent

This rule specifies information to be included in and excluded from the court calendars, indexes, and registers of actions to which public access is available by electronic means under rule 2.503(b). To the extent it is feasible to do so, the court must maintain court calendars, indexes, and registers of actions available to the public by electronic means in accordance with this rule.

(Subd (a) amended effective January 1, 2007.)

(b) Minimum contents for electronically accessible court calendars, indexes, and registers of actions

(1) The electronic court calendar must include:

- (A) Date of court calendar;
- (B) Time of calendared event;
- (C) Court department number;
- (D) Case number; and
- (E) Case title (unless made confidential by law).

(2) The electronic index must include:

- (A) Case title (unless made confidential by law);
- (B) Party names (unless made confidential by law);
- (C) Party type;
- (D) Date on which the case was filed; and
- (E) Case number.

(3) All electronically accessible indexes or other search mechanisms that may be used to search court records, including criminal records, must allow individuals conducting electronic searches to search or filter by the information in subpart (b)(2) above and the following additional information:

(A) Driver's license number; and

(B) Date of birth.

~~(3)~~ (4) The register of actions must be a summary of every proceeding in a case, in compliance with Government Code section 69845, and must include:

- (A) Date case commenced;
- (B) Case number;
- (C) Case type;
- (D) Case title (unless made confidential by law);
- (E) Party names (unless made confidential by law);
- (F) Party type;
- (G) Date of each activity; and
- (H) Description of each activity.

(Subd (b) amended effective January 1, 2007.)

(c) Information that must be excluded from court calendars, indexes, and registers of actions, except as may otherwise be permitted by these Rules

The following information must be excluded from a court's electronic calendar, index, and register of actions except as otherwise provided for in these Rules:

- (1) Social security number;
- (2) Any financial information;
- (3) Arrest warrant information;
- (4) Search warrant information;
- (5) Victim information;
- (6) Witness information;
- (7) Ethnicity;
- (8) Age;
- (9) Gender;
- (10) Government-issued identification card numbers (i.e., military);
- (11) Driver's license number; and
- (12) Date of birth.

(Subd (c) amended effective January 1, 2007.)

Rule 2.507 amended and renumbered effective January 1, 2007; adopted as rule 2077 effective July 1, 2003.

The Council could also include a note, or commentary, to the effect of:

Nothing in Rule 2-507(c) may be interpreted as preventing the use of identifiers such as driver's license number and/or date of birth as a search tool or as a means to filter results when such identifiers are in the possession of the individual conducting an electronic search for records. The results returned from such a search constitute a list of trial court records which match the search terms entered, and do not constitute a 'local summary record' pertaining to any individual.

Addendum 2

All of Us or None—Riverside Chapter, et al. v. W. Samuel Hamrick, Jr., et al.,
Supreme Court Case No. S269654,
Amici Letter of
Consumer Data Industry Association & Professional Background Screening Association
Petition for Review

July 15, 2021

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Via TrueFiling

15 July 2021

The Honorable Chief Justice Tani Cantil-Sakauye & Associate Justices
Supreme Court of California
350 McAllister Street, Room 1295
San Francisco, California 94102-4797

Re: *All of Us or None—Riverside Chapter, et al. v. W. Samuel Hamrick, Jr., et al.*
Supreme Court Case No. S269654
Amici Letter of Consumer Data Industry Association &
Professional Background Screening Association Re: Petition for Review

Dear Chief Justice Cantil-Sakauye and Associate Justices:

The Consumer Data Industry Association and the Professional Background Screening Association submit this letter as amici curiae, with regard to the petition for review filed by plaintiffs-appellants All of Us or None—Riverside Chapter, et al.

The petition itself is limited to a narrow question of statutory interpretation on which undersigned amici take no position. Instead of (or in addition to) granting the petition, amici urge the Court to review the Court of Appeal's published opinion as a whole, on its own motion pursuant to California Rules of Court, rule 8.512, subdivision (c)(2).

Amici are making this unusual and urgent request under rule 8.512(c) because the Court of Appeal's opinion is about to precipitate an utter disaster in nearly every sector of the California economy. In fact, it has already begun. **If this Court does not reverse the opinion, criminal background checks—which make most employment in this State possible—will be severely delayed, and in many instances they will no longer be possible at all.** The Court of Appeal's opinion is premised on an incorrect interpretation of Rule of Court 2.507(c). The rule prohibits a superior court from displaying date of birth and driver's license numbers in certain documents, such as calendars. But nothing in the rule's text bars *searches* that employ these identifiers as *filters*. The Court of Appeal misread the rule by collapsing the crucial distinction between displaying and searching, which has resulted in a blanket ban on search fields for date of birth and driver's license number in many counties across the State.

When conducting a search for criminal records, the background screening company uses identifiers provided by the consumer (like date of birth) as an indispensable tool to identify records that pertain to the consumer applicant, and eliminate records of other

persons with the same name. So, contrary to the Court of Appeal's conclusion, the superior court is not affirmatively *disclosing* any new information merely by offering these identifiers as a filtering option. The opinion simply got this wrong—and the consequences are catastrophic.

The lower court's opinion creates precedent that makes it nearly impossible for amici's member organizations to conduct accurate criminal background checks in California on most individuals, for purposes of prospective employment or otherwise—even when such checks are required by law. The resulting negative effects can scarcely be overstated. Criminal background checks are a type of consumer report, and the consequences of consumer reporting agencies' inability to timely and accurately conduct these checks will carry dramatic statewide, nationwide, and global consequences and will undercut the basic functioning of nearly every sector of the California economy. Healthcare, hospitality, restaurants, travel, ride-sharing, and professional licensing; banking, business, and credit; housing, education, childcare, and retail; law enforcement and state, municipal, and local government—all of these sectors, and many more, depend on properly-conducted criminal background checks to ensure their safe, smooth, and lawful functioning. Without sua sponte action by this Court, it will be nearly impossible to conduct criminal background checks in a volume that is sufficient to keep these sectors functioning.

Recent developments in the current legal landscape also favor this Court's sua sponte action.¹ After the Court of Appeal issued its opinion and denied appellants' rehearing petition, the United States Supreme Court issued its seminal opinion in *TransUnion LLC v. Ramirez* (June 25, 2021, No. 20-297) 594 U.S. __ [2021 WL 2599472] (*Ramirez*). That opinion implied that TransUnion, one of America's major consumer credit reporting agencies, risked exposure to liability under the Fair Credit Reporting Act ("FCRA") for failing to use reasonable procedures to assure maximum possible accuracy in maintaining credit files (another type of consumer report), because TransUnion cross-

¹ While review under Rule 8.512(c) is a seldom-used tool, precedent exists for this Court to exercise its powers of sua sponte review of a decision of the Court of Appeal, for example in the context of late-breaking new authority from a federal circuit court. In *Borello & Sons v. Department of Industrial Relations*, the Court observed that there was no pending petition for review, but "[b]ecause we considered the issue presented to be of substantial importance, we ordered review on our own motion." (*Borello & Sons v. Dep't of Indus. Rel.* (1988) 48 Cal.3d 341, 345 fn. 1 [citing Rule 28(a), Rule 8.512(c)'s predecessor].) The *Borello* docket indicates that the Court's action was prompted by an amicus letter similar to this one, which alerted the Court to a new Seventh Circuit case that it wound up citing extensively in its opinion, *Sec'y of Labor, U.S. Dept. of Labor v. Lauritzen* (7th Cir. 1987) 835 F.2d 1529. While the amicus letter itself is lost to time, a copy of the docket's description of the letter is appended hereto as Attachment A.

checked against terrorist watchlists by first and last name only.² This, however, is *precisely* the type of practice necessitated by the Court of Appeal’s opinion in *All of Us or None—Riverside Chapter v. Hamrick* (2021) 64 Cal.App.5th 751 [279 Cal.Rptr.3d 422] (*Hamrick*). If amici’s members can no longer use search filters such as date of birth and driver’s license number in conducting routine criminal background checks, they will be left with nothing but names, and little or no way to associate a criminal record with a specific individual. Hundreds—indeed, thousands—of potential false positives will result, rendering criminal record search results meaningless. The Court of Appeal’s opinion in *Hamrick*, as it currently stands, effectively bars amici’s members from accessing other identifiers, making it impossible for amici’s members to comply with their accuracy obligations under the FCRA as assumed in *Ramirez*. The preparation of background checks using California criminal records, therefore, will essentially grind to a halt absent this Court’s intervention.

1. Interest of Amici³

The Consumer Data Industry Association (“CDIA”) is a century-old international trade association for consumer reporting agencies, and it is the largest trade association of its kind in the world. Among other activities, CDIA provides business and professional education for its members, and produces educational materials for consumers on their credit rights and the role of consumer reporting agencies in the marketplace. CDIA’s members play a vital role in the American economy by creating, maintaining, and communicating consumer reports—including, where applicable, criminal background information—on millions of American consumers to employers, principal and general contractors, landlords, property management companies, nonprofits, government agencies, and law enforcement agencies.

The Professional Background Screening Association (“PBSA”) is an international trade association of over 650 member companies that provide employment, tenant, and volunteer background screening and related services to virtually every industry around the globe. The consumer reports prepared by PBSA’s background screening members are used by employers, property managers, government entities, and volunteer organizations every day to ensure that communities are safe for all who work, reside, or visit there. Among other goals, PBSA members seek to promote the accurate and timely reporting of a variety of consumer-related information for the purpose of empowering employment, housing, volunteering, and other opportunities to individuals nationwide. Consistent with those purposes, PBSA’s members obtain consumer information from thousands of different courts

² The FCRA is located in Title 15 of the United States Code, sections 1681 to 1681x. The specific statute at issue in *Ramirez* was 15 U.S.C. § 1681e(b).

³ In compliance with California Rules of Court, rule 8.500(g)(2), additional signatories to this letter are listed in Attachment B, along with their statements of interest.

and other sources across the country and, in compliance with federal and state laws, produce millions of consumer reports per month.

2. *Hamrick's Holding*

The Court of Appeal in *Hamrick* interpreted Rule of Court 2.507 to forbid superior courts from permitting public users to search for and locate criminal records “by inputting an individual’s known date of birth and driver’s license number.” (*Hamrick, supra*, 64 Cal.App.5th 751, __ [279 Cal.Rptr.3d 422, 435].) In effect, this leaves organizations conducting criminal background checks on known individuals—who, after all, have authorized the criminal background check—with only the individual’s first and last name to conduct their search.⁴ *Hamrick’s* holding is erroneous because Rule 2.507(c) only prohibits the display or publication of date of birth and driver’s license information in a court calendar, register of action, or index. The Rule does not prohibit searches that use these identifiers as filters.

Nothing in Rule 2.507(c) prohibits a person—such as the consumer herself, or a consumer reporting agency—from searching criminal records using the date of birth or driver’s license. The consumer has both authorized the check of her background and provided her name, date of birth, and other identifying information to the consumer reporting agency specifically for the purpose of checking her background, including public records.⁵ Without the ability to use this consumer-provided information, the search results that would be returned are based on a name-only search, which grossly expands the number of search results to include every record in that court for a person with the same name as the consumer being screened.

No consumer reporting agencies were party to *Hamrick*, not even in an amicus capacity, and their important perspective appears entirely absent from the Court of Appeal’s surprising 67-page opinion, which upsets long-standing court and clerk practices in every county in the State. Plaintiffs filed a petition for review in this Court on other grounds. Defendants did not seek review in this Court, and their deadline for doing so has now passed. (Cal. Rules of Court, rule 8.500, subd. (e).)

⁴ The initial search is conducted to identify the actual court records that may have relevant information about the consumer, which consumer reporting agencies may review further to determine if the record is reportable under the FCRA and applicable state law.

⁵ Under the FCRA, a consumer applying for employment must give written authorization for the preparation of the background check. (15 U.S.C. § 1681b(b)(1)(A)(2)(A)(ii).) Similarly, under the California Investigative Consumer Reporting Agencies Act, consumers must provide written authorization for background checks prepared in connection with employment and housing applications. (Civ. Code, § 1786.16, subd. (a)(2)(C).)

3. The Role of Public Record Data in Our Economy

Public record data, including criminal court records, is crucial to the smooth functioning of the U.S. and California economies.⁶ Consumer reporting agencies, including the nationwide credit bureaus, regional and specialized credit bureaus, and background check and residential screening companies, use public record data every day to help consumers achieve their financial and personal goals, and to help businesses, governments, property managers, and volunteer organizations avoid fraud and manage risk. Additionally, other states use public record data to comply with their own internal statutory requirements for a “multi-state,” “multi-jurisdictional,” or “national” criminal state background check using date of birth and driver’s license number.⁷

Thousands of employers in California and across the country, both private and public, use some form of a background check (which is a type of consumer report) to evaluate job applicants or to monitor existing employees for ongoing compliance with job requirements. The results of criminal record searches (often conducted nationwide) are a key component of these reports. Employers of all sizes, across a myriad of industries, are often *required* to conduct these background checks of potential and existing employees. (See, e.g., *NASA v. Nelson* (2011) 562 U.S. 134, 150 [acknowledging the legitimate needs of the government, as an employer, to screen employees for drug use and other elements of their background].)

To take just a few examples, a financial institution subject to FDIC requirements must confirm that the job applicant has not engaged in acts of dishonesty, breach of trust, or money laundering prior to hiring. (12 U.S.C. § 1829.) Similarly, credit unions subject to oversight by the National Credit Union Administration are prohibited from employing “any person who has been convicted of any criminal offense involving dishonesty or a breach of

⁶ As of 2020, 94% of American employers state that their organization conducts one or more types of employment background screening, and 73% of employers have a documented screening policy. (Professional Background Screening Association, *Background Screening: Trends and Uses in Today’s Global Economy* (2020) <<https://pubs.thepbsa.org/pub.cfm?id=459B8AB7-0CEA-625E-0911-A4A089DE5118>> [as of July 13, 2021].)

⁷ See, e.g., Conn. Gen. Stat. Ann. § P.A. 21-23, § 10 (providing that, instead of a criminal history records check, a potential employee may submit to a “national criminal background check that includes a multistate and multijurisdictional criminal record locator”); 40.1 R.I. Gen. Laws Ann. § 40.1-25.1-1 (requiring all persons over the age of 18 who are seeking employment at facilities operated by the department of behavioral healthcare, developmental disabilities, and hospitals, to undergo a national criminal background check); Wyo. Stat. Ann. § 31-20-106 (providing that in order to hire a driver for a transportation network company, the company shall conduct “[a] local and national criminal background check on the individual that shall include review of multistate and multijurisdictional criminal records locators.”).

trust” or has entered into a pretrial diversion program in connection with prosecution for such an offense (12 U.S.C. § 1785(d)(1)).

Individuals who wish to work in California as a ride-share driver for companies like Uber and Lyft, or commercial hauling companies, must pass a satisfactory national criminal record background check prior to being hired or engaged, and must remain violation-free during their tenure. (Bus. & Prof. Code, § 7458; Pub. Util. Code, § 5445.2.)⁸

As of 2014, 41 of 50 states require home health agencies to obtain some form of background check on prospective employees. (U.S. Department of Health and Human Services, *Memorandum Report: State Requirements for Conducting background Checks on Home Health Agency Employees*, OEI-07-13-00131, <<https://oig.hhs.gov/oei/reports/oei-07-14-00131>> [as of May 29, 2014].) Federal regulations prohibit long-term care facilities from employing individuals who “[h]ave been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law.” (42 C.F.R. § 483.12(a)(3).) Moreover, federal regulation prohibits health care providers, suppliers, and others who have been convicted of certain felony offenses within the prior ten years from enrolling in the Medicare program, which necessarily requires the completion of a successful background check. (See 42 C.F.R. § 424.530(a)(3).)

In addition to traditional employers, licensing and professional organizations also require the successful completion of a background check report for admission, such as a state bar association regulating the licensing of attorneys. (See, e.g., Rules of The Virginia Board of Bar Examiners, Section III Character and Fitness Requirements, promulgated pursuant to Va. Code §§ 54.1-3922 & 3925.1) Parents who wish to volunteer at a child’s school or extra-curricular activity often are required to pass a background check before being placed in positions of trust with other people’s children. Failure to successfully complete the background check process in a timely fashion can result in the loss of these opportunities.

⁸ In 2016, California voters adopted these criminal background check requirements in response to crimes committed by drivers who had prior histories of violent criminal offenses. (See, e.g., Kerr, *California Tightens Background Checks on Uber, Lyft Drivers* (Sept. 29, 2016) CNET <<https://www.cnet.com/news/california-law-tightens-background-checks-on-uber-lyft-drivers/>> [as of July 12, 2021].) Notably, a driver subject to these laws must *never* have been convicted of certain serious felonies (as listed in § 7458(c)(1)), a provision that overrides the traditional seven-year limitation for background checks under other California law. (See Bus. & Prof. Code, § 7458, subd. (f) [“Notwithstanding Section 1786.12 of the Civil Code [the California Investigative Consumer Reporting Agencies Act], an investigative consumer reporting agency may furnish an investigative consumer report to a network company about a person seeking to become an app-based driver, regardless of whether the app-based driver is to be an employee or an independent contractor of the network company.”].)

Landlords and rental property managers use consumer reports not only to evaluate the applicant's ability to satisfy their monetary leasing obligations but also to satisfy their obligation to ensure the safety and wellbeing of their employees, residents, and guests. (See, e.g., *Dept. of Housing & Urban Development v. Rucker* (2002) 535 U.S. 125, 134–135 [affirming the ability of public housing authorities to conduct no-fault evictions to protect health and safety interests]; Preventing Crime in Federally Assisted Housing—Denying Admission and Terminating Tenancy for Criminal Activity or Alcohol Abuse, 24 C.F.R. §§ 5.850–5.861 (2013) [defining times when public housing authorities may or must terminate tenants involved in particular types of criminal activity].) The responsible use of tenant screening reports advances all of these interests—economic stability, protection from identity theft, and general public safety.

The California legislature and the voters of California have both recognized the critical importance of background screening. Both the California Consumer Protection Act or “CCPA” (which was passed by the legislature and took effect on November 3, 2020) and the California Privacy Rights and Enforcement Act or “CPRA” (which was passed by the voters as a ballot initiative and will become operative on January 1, 2023) included an identical exemption for consumer reporting activity carried out under the Fair Credit Reporting Act. (Civ. Code, § 1798.145, subd. (d)(1).) Both the legislature and the voters recognized that rules about privacy had to bend to allow background screening.

4. The Consequences of *Hamrick*'s Contemplated Restrictions on Access to Public Records

Restrictions on access to public records impair these critical activities to the detriment of consumers and businesses alike. The result of the *Hamrick* decision is that meaningful criminal public records are effectively unavailable to the public, including consumer reporting agencies. Multiple courts, including Riverside County Superior Court, have taken steps in response to *Hamrick* that frustrate the ability of a consumer reporting agency to search for and identify criminal record information. For example, CDIA and PBSA members report that some clerks are now preventing the use of search filters such as a date of birth or a driver's license number on the electronic interface, while at the same time limiting the number of results returned. This causes the criminal record to be, in many instances, completely undetectable by the consumer reporting agency and, by extension, its customers.

Take, for example, a consumer reporting agency tasked with conducting a search for records of a person with a common name such as James Smith.⁹ If, as is likely, the court

⁹ The most common first/last name combination in the United States is James Smith. (Chalabi, *Dear Mona, What's the Most Common Name in America?* (Nov. 20, 2014) FiveThirtyEight < <https://fivethirtyeight.com/features/whats-the-most-common-name-in-america/> > [as of July 13, 2021].) The three most common surnames in the State of California are García, Hernández and López. (Olaya, *García: The Sixth-Most-Common*

limits the number of search results to 100, and the court records contain over 100 criminal records that match “James Smith,” the search tool would only show the first 100 results. If the relevant criminal record is the 101st search result, the consumer reporting agency will not see it, and the result of the search is a ‘no hit’ or ‘clear’ report—even when that may not be factually accurate.

Equally troublingly, the consumer reporting agency may ultimately be forced to review many irrelevant criminal records pertaining to other individuals. Practically speaking, this would skyrocket the privacy violations of the very type *Hamrick* seeks to prevent.

By contrast, allowing the consumer reporting agency to limit the search results using even one known additional identifier—date of birth—results in significantly higher accuracy, fewer search results, and a greater likelihood that the relevant record will be identifiable. It also limits the need to review the irrelevant criminal records of dozens of other individuals.

Underlying *Hamrick* seems to be the assumption that public users may simply appear in person to retrieve the records they need, and thus, the record remains available. (*Hamrick, supra*, 64 Cal.App.5th 751, __ [279 Cal.Rptr.3d 422, 439].) This assumption is invalid and baseless. Many courts, including Riverside County Superior Court, have limited the number of in-person searches that an individual may conduct on any given day, both at in-person terminals and via inquiries through the clerk’s office. So if a consumer reporting agency has twenty individuals to screen on any given day, but it is limited to six inquiries, then it will take at least three days to search for public record data on those individuals. In the meantime, two additional days of twenty more searches per day will be lining up behind those. On top of this, budget constraints have forced numerous courthouses across California to limit hours and services available to the general public. (Judicial Council of California, *Reduced Court Services* <<https://www.courts.ca.gov/12973.htm>> [as of July 12, 2021] [public page providing notice of court closures as required by Gov. Code, § 68106, subd. (b)(1)].) These limited resources will be utterly incapable of handling the hugely magnified demand for clerk assistance arising from name-only searches, particularly when those searches return hundreds of (mostly irrelevant) records that background screeners must request.

The impact on consumers when such data is not readily available is highly detrimental, as recent reporting on gig economy job applicants during the pandemic has

Surname in the United States (Apr. 26, 2021) El País <<https://english.elpais.com/usa/2021-04-26/garcia-the-sixth-most-common-surname-in-the-united-states.html>> [as of July 13, 2021].)

demonstrated.¹⁰ The time necessary to complete a background check during the pandemic has already slowed to a crawl, and it would be rendered even slower by *Hamrick's* restrictions—in some instances, slow to the point of impossible. For many, this could result in a loss of income due to a delay, or worse, the loss of a job opportunity entirely.

Sometimes, moreover, tragic consequences result when criminal record information is not available and considered. (See, e.g., *Cure v. Pedcor Mgmt. Corp.* (D. Neb. 2016) 265 F.Supp.3d 984, 988–989 [child kidnapped and raped by a fellow resident in a housing community who had been allowed to move in without first passing a background check]; *Galanis v. CMA Management Co.* (Miss. 2015) 175 So.3d 1213 [college student murdered by roommate after student housing management company failed to reveal results of roommate's background check]; Kleinberg, *Lawsuit: Background Check Would Have Averted Boca Hammer Death* (Sept. 27, 2019) The Palm Beach Post <<https://www.palmbeachpost.com/news/20190927/lawsuit-background-check-would-have-averted-boca-hammer-death>> [as of July 14, 2021]; Background Screening Information Center, *Cab Drivers Commit Crimes, Too* (March 23, 2016) Consumer Data Industry Association <<https://www.cdiaonline.org/cab-drivers-commit-crimes-too-2/>> [as of July 14, 2021].) *Hamrick* will prevent consumer reporting agencies from being able to prepare full and complete background checks on applicants nationwide, creating unnecessary risk to our most vulnerable populations. This Court must act to prevent such harm.

5. *Ramirez's* Holding

In addition to the policy concerns outlined above, an important recent development in the law has occurred that drives home the necessity of this Court's action. On May 26, 2021, the Court of Appeal published its opinion in this matter. On June 17, 2021, the Court denied plaintiffs' rehearing petition. Eight days after that, the United States Supreme Court issued its seminal opinion in *Ramirez* (June 25, 2021, No. 20-297) 594 U.S. __ [2021 WL 2599472]. Due to this quirk of timing, this Court will be the first forum to consider *Ramirez's* impact on the criminal background check dispute at the heart of this case.

TransUnion, the defendant in *Ramirez*, offered a service to its customers that compared a consumer's name against a list of “specially designated nationals' who threaten America's national security” maintained by the Office of Foreign Assets Control (“OFAC”)

¹⁰ As recently as March of this year, employees report serious delays in the processing of their applications due to the pandemic, making it hard to get (or maintain) a job in the face of the unavailability of public record data. (See Ahearn, *Some Uber Drivers Affected by Background Check Delays Due to COVID-19* (Mar. 11, 2021) Employment Screening Resources News Blog <<https://www.esrcheck.com/wordpress/2021/03/11/uber-background-check-delays-covid-19/>> [as of July 12, 2021].)

in the U.S. Treasury Department. (*Ramirez, supra*, 2021 WL 2599472, p. *4.) “If the consumer’s first and last name matched the first and last name of an individual on OFAC’s list, then TransUnion would place an alert on the credit report indicating that the consumer’s name was a ‘potential match’ to a name on the OFAC list.” (*Ibid.*) As the Court observed, “[t]housands of law-abiding Americans happen to share a first and last name with one of the terrorists, drug traffickers, or serious criminals on OFAC’s list of specially designated nationals.” (*Ibid.*)

Because of this likelihood of name-sharing, the Court held that TransUnion’s provision of these OFAC alerts to third parties, without any cross-check other than first and last names, inflicted on class members “a concrete harm” resembling the tort of defamation. (*Id.* at p. *11; *see also Michaeli v. Kentfield Rehabilitation Hospital Foundation* (N.D. Cal. July 7, 2021, No. 21-cv-03035-EMC) 2021 WL 2817162, *4 [observing that under *Ramirez*, “class members whose credit reports (containing misleading information) were actually disseminated to third-party businesses suffered a concrete harm”].) The Court therefore instructed the Ninth Circuit to consider class certification for the affected individuals under 15 U.S.C. § 1681e(b), a provision of the FCRA that “requires consumer reporting agencies to ‘follow reasonable procedures to assure maximum possible accuracy’ in consumer reports.” (*Ramirez, supra*, 2021 WL 2599472, p. *4.)

6. *Ramirez* and *Hamrick*, Taken Together, Make It Virtually Impossible to Consult California Court Records When Conducting Criminal Background Checks

Ramirez and *Hamrick*, taken together, place amici and their member organizations between a rock and a hard place. *Ramirez* assumes, without deciding, that it is not a “reasonable procedure” under 15 U.S.C. § 1681e(b) to cross-check the OFAC list (and presumably by extension, any criminal records) using only first and last names without further filters, due to the high likelihood of name sharing with “law-abiding Americans.” (*Ramirez, supra*, 2021 WL 2599472, p. *4.)¹¹

But according to *Hamrick*, superior courts in California are forbidden from providing access to the very search tools needed to supplement first and last name searches, thereby locating relevant records, eliminating records belonging to other individuals with the same name, and ensuring a reasonable degree of accuracy. (*Hamrick, supra*, 64 Cal.App.5th 751, __ [279 Cal.Rptr.3d 422, 441] “[O]ur holding does not authorize defendants to permit members of the public to remotely search the Riverside Superior Court’s databases through

¹¹ The precise question whether “TransUnion failed to ‘follow reasonable procedures to assure maximum possible accuracy’ of the plaintiffs’ credit files maintained by TransUnion” was not, strictly speaking, before the Court. (*Ramirez, supra*, 2021 WL 2599472, at p. *10.) Rather, the Court assumed this to be the case, and simply pointed out that if it were true, plaintiffs would suffer a concrete injury in fact if TransUnion provided misleading files to third parties. (*Id.* at p. *11.)

the use of local summary information such as date of birth and driver’s license number pursuant to the rules of court.”].)

Without vital filtering tools such date of birth and driver’s license number, amici’s members have nothing to go on except names—which may not be enough, according to *Ramirez*. Practically speaking, it will no longer be possible to consult criminal records in California for purposes of conducting routine background checks for many or most employment, tenant, and volunteer applicants. This Court should grant review of *Hamrick* in order to restore the effective operation of criminal background checks in California. It can easily do so without invalidating Rule of Court 2.507 itself; rather, this Court can restore the effect of the Rule to its stated terms—prohibiting superior courts from displaying and publishing dates of birth and driver’s license numbers, but not from allowing the public to use that information as a filter or search criterion.

In summary, for both urgent policy reasons and compelling legal reasons, amici urge the Court to order a full review of the Court of Appeal’s published opinion on its own motion pursuant to Rule 8.512(c)(2).

Respectfully Submitted,

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/s/ Elizabeth Holt Andrews

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/s/ Dana Frederick Clarke

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Attorneys for Amici Curiae

Consumer Data Industry Association &
Professional Background Screening Association

Attachment A

Appellate Courts Case Information

Supreme Court

Change court ▼

Docket (Register of Actions)

BORELLO & SONS v. DEPARTMENT OF INDUSTRIAL RELATIONS

Division SF

Case Number S003956

Date	Description	Notes
01/22/1988	Request for Depublication filed (case init.)	By Resp
02/11/1988	Time Extended to grant or deny Petition for Review	On Ct's own motion to 3-17-88 or the Date Upon which Review Is Either granted or denied. Rule 28(A)(1) Crc.
02/17/1988	Received document entitled:	2-16-88 letter of Calif. Rural Legal Assistance to support Decertification.
02/26/1988	Received letter from:	Calif Rural Legal Assistance Citing Recent Federal Appellate Decision (Secretary of Laor V. Lauritzen (7th Cir. 12-15-87) 835 F.2d 1529. (Tct)
03/17/1988	Review Granted on Court's Own Motion (civil case)	Votes: Lucas C.J., Broussard, Arguelles & Eagleson JJ.
03/18/1988	Telephone conversation with:	Corrine (6th Dca) Record Inadvertently Shpped Back to 6th Dca. will be Re-Shipped to this Ct this Date. (Rec. Rec'd 3-22-88)
03/30/1988	Order filed:	Resp State of Cal Is Deemed Petr and Shall Serve & file A brief on the merits on or before 4/28/88. Review Shall Encompass all issues before C/A.Court Requests Petr to Include Suppl P&as directed to A Specific Question (See Ord for Complete Text)
04/14/1988	Permission to file amicus curiae brief granted	To Cal Applicant's Atty's Assn. Brf Due: 5-16-88. Any Ans: 5-31-88.
04/21/1988	Application for Extension of Time filed	For State of Calif to file Opening brief on merits
04/25/1988	Extension of time granted	To 6-27-88 To file Resp's brief on the merits

05/09/1988	Application for Extension of Time filed	Re California Appicants' Attorneys Association to June 16, 1988 to file A/C brief.
05/12/1988	Extension of Time application Granted	Calif Applicants' Attys Assn to file Amicus Curiae brief To: 6-16-88. Any answer Due: 7-1-88.
06/16/1988	Amicus Curiae Brief filed by:	Calif Applicants' Attys Assn.
06/27/1988	Opening brief on the merits filed	By Resp Dept. of Ind Relations
07/18/1988	Received document entitled:	Appln & A/C Brf of Western Growers Assn in Suppt of Aplt Sg Borello
07/27/1988	Answer brief on the merits filed	by respondents
07/28/1988	Permission to file amicus curiae brief granted	By Western Growers Assn in Suppt of Aplt. Ans Due 8-11-88
07/28/1988	Amicus Curiae Brief filed by:	By Western Growers Assn in Suppt of Aplt. Ans Due 8-11-88
08/10/1988	Motion for leave to intervene filed	Motion to intervene with points and authorities and brief filed, by Cirilo Lopez
08/15/1988	Filed document entitled:	Opposition to Application of Cirilo Lopez to Intervene in the case by Respondent Dept. of Industrial Relations
08/16/1988	Reply brief filed (case fully briefed)	By State of Cal.
08/25/1988	Motion for leave to intervene denied	The 8/10 application of Cirilio Lopez to intervene is denied. The applicant lacks the requisite direct interest in judgment. The brief in intervention is stricken.The application is treated as an amicus curiae request, and as such is granted. The brief-in-intervention is ordered refiled as an amicus curiae brief. Answer due 9-8-88.
08/25/1988	Amicus Curiae Brief filed by:	Cirilio Lopez. Ans Due 9-8-88
08/25/1988	Permission to file amicus curiae brief granted	By Calif Farm Bureau Federation. Ans Due 9-8-88
08/25/1988	Amicus Curiae Brief filed by:	Calif Farm Bureau Federation. Ans Due 9-8-88
10/13/1988	Case Ordered on Calendar:	Nov 1, 1988 - 1:30 P.M.
11/01/1988	Cause Called and Argued (not yet submitted)	
01/13/1989	Received letter from:	Wm Hoerger, C.R.L.A., Atys for A/C Cirilo Lopez dated 1-11-89 Re New Cite.

03/22/1989	Submitted by order	
03/23/1989	Opinion filed: Judgment reversed	The Court of Appeal judgment directing the Superior Court to grant Borello's petition is reversed. Majority Opinion by Eagleson, J. -- joined by Lucas C.J., Mosk, Broussard & Arguelles JJ. Dissenting Opinion by Kaufman, J. -- joined by Panelli, J.
04/17/1989	Motion filed (in non-AA proceeding)	Motion to extend finality of decision (filed by attorney Quandt)
04/21/1989	Received:	Instructions from Court - no Action to be Taken on motion to extend finality
04/26/1989	Remittitur Issued	

Click here to request automatic e-mail notifications about this case.

Attachment B

RULE 8.500(G)(2) STATEMENT OF INTEREST

The following organizations support and join in the amici curiae letter filed in this Court on July 15, 2021, by the Consumer Data Industry Association (“CDIA”) and the Professional Background Screening Association (“PBSA”).

1. California Bankers Association
2. California Chamber of Commerce
3. California Credit Union League
4. California Financial Services Association
5. Checkr, Inc.
6. Coalition for Sensible Public Records Access
7. Electronic Security Association
8. Lyft, Inc.
9. Moco Incorporated
10. National Consumer Reporting Association
11. National Public Records Research Association
12. Public Records Retrieval Network
13. Security Industry Association
14. Southern California Rental Housing Association
15. Sue Weaver CAUSE: Commit to Always Using Screened Employees
16. The Monitoring Association
17. Tribal Gaming Protection Network
18. Uber Technologies, Inc.
19. Vector Security, Inc.
20. Western Burglar Alarm and Fire Alarm Association

Each organization has its own unique mission statement, all of which indicate an interest in supporting the amici curiae letter from the CDIA and the PBSA.

California Bankers Association. The California Bankers Association (CBA) is a division of the Western Bankers Association, one of the largest banking trade associations

and regional educational organizations in the United States. CBA advocates on legislative, regulatory, and legal matters on behalf of banks doing business in the state of California.

California Chamber of Commerce. The California Chamber of Commerce (“CalChamber”) is a non-profit business association with more than 13,000 members, both individual and corporate, representing virtually every economic interest in California. CalChamber acts on behalf of the business community to improve the state’s economic and jobs climate by representing business on a broad range of issues.

California Credit Union League. The California Credit Union League (CCUL) is the trade association for California’s credit unions. CCUL provides advocacy, information, education, and business solutions for the benefit of its Members. There are currently 223 member credit unions of CCUL with over \$241 billion in assets serving nearly 12 million Californians. Credit unions are required to conduct background checks in order to comply with the National Credit Union Administration (NCUA) rules and regulations.

California Financial Services Association. The California Financial Services Association represents consumer lenders that rely upon the accuracy of information provided by credit reporting agencies.

Checkr, Inc. As a Consumer Reporting Agency regulated by the Fair Credit Reporting Act, Checkr, Inc. (www.checkr.com) leverages data and technology to compile accurate, transparent, and compliant background checks for its customers. Checkr provides employment screening to a variety of industries and helps its customers—big and small—make safer, more informed hiring decisions in less time. Checkr also promotes fair chance hiring, through customer and consumer education and enablement.

Coalition for Sensible Public Records Access. The Coalition for Sensible Public Records Access is a nonprofit organization dedicated to promoting the principle of open public records access to ensure that consumers and businesses have the freedom to collect and use public record information for legitimate personal and commercial benefit, including access to unique identifiers such as date of birth so that the subject of a record can be accurately and fairly associated with that record.

Electronic Security Association. The Electronic Security Association is a national trade association representing the electronic security and life safety industry.

Lyft, Inc. Lyft is a transportation network company that is legally required to screen drivers for criminal records. Lyft maintains a thorough screening process through its consumer reporting agency partners, which rely on the availability of personal identifiable information (including date of birth and driver's license number) to locate and match criminal records.

Moco Incorporated. Moco Incorporated provides tenant and pre-employment screening services to professional property managers and employers. Moco was established in 1989 and covers a wide geographical range, with concentrations in the Pacific Northwest and Southern California.

The Monitoring Association. The Monitoring Association (TMA) is the trade association representing the professional monitoring industry. Our membership community includes companies spanning all industry sectors, including monitoring centers, systems integrators, service providers, installers, consultants, and product manufacturers. TMA is dedicated to the advancement of the professional monitoring industry through education, advocacy, standards, and public safety relationships. Since its founding in 1950, TMA has worked to foster and improve relations between its members and various related groups—law enforcement and fire officials, the insurance industry, equipment suppliers and government/regulatory agencies. TMA's members, as well as others in the industry, protect people's lives and property. Every day, businesses and families in California, as well in other states, trust that the people working in our industry are reputable and trustworthy people. Anything that would hamper TMA members' abilities to conduct background checks could cause irreparable harm to TMA members' customers. Drivers' licenses are the most commonly used form of identification. Removing date of birth and driver's license numbers as data identifying criminal defendants will handicap TMA members and background check companies from being able to have a complete picture of an individual and be able to screen out those who should not be entrusted with people's lives and property.

National Consumer Reporting Association. Founded in 1992, the National Consumer Reporting Association, (NCRA) is a national trade organization of specialty consumer reporting agencies and associated professionals that provide products and services to hundreds of thousands of property owners or managers and mortgage lenders who use consumer reports to make housing decisions. The NCRA's members include about 80% of the consumer reporting agencies in the United States that can produce a credit report that

meets the requirements of the Department of Housing and Urban Development (“HUD”), the Federal National Mortgage Association (“Fannie Mae”), and the Federal Home Loan Mortgage Corporation (“Freddie Mac”) for mortgage lending, as well as the nation’s leading resident screening firms providing the consumer data required by HUD for the Housing Choice Voucher Program and critical information needs of the multifamily housing industry.

National Public Records Research Association. The National Public Records Research Association is the premier industry resource for businesses engaged in the public record and corporate services industry.

Security Industry Association. The Security Industry Association (“SDI”) is a nonprofit trade association representing businesses providing a broad range of security products and services from home alarm security systems to airport body scanners. The security industry prides itself on having a well experienced and professional workforce that helps people all over the country feel safe and secure in their everyday activities. Background checks on industry personnel are essential to make sure that personal security is not undermined by the people installing a security system or device in a home or a place of business. As such, SDI supports all measures that would make this process as safe, secure, and efficient as possible.

Southern California Rental Housing Association. The Southern California Rental Housing Association is the leading trade association serving individuals and companies who own, manage, or provide services to the rental housing industry throughout Southern California.

Sue Weaver CAUSE: Commit to Always Using Screened Employees. Sue Weaver CAUSE is a nonprofit organization advocating for comprehensive background screening of in-home service workers.

Tribal Gaming Protection Network. The vision of the Tribal Gaming Protection Network (TGPN) is to empower gaming professionals, regulators, and tribal governments to ensure the integrity and professionalism of gaming and the prosperity of tribes. The mission of the Tribal Gaming Protection Network is to provide unique resources, educational materials, and cutting-edge programs to gaming professionals, regulators, and

governments to enhance the integrity and professionalism of gaming and tribal enterprises for the prosperity of tribal communities.

Uber Technologies, Inc. Uber is a technology company building products that are changing how people, food, and things move through cities. Screenings, including background checks, are part of Uber's commitment to help keep its users safe when requesting/providing rides, delivery, or other services with Uber.

Vector Security, Inc. Vector Security, Inc., is a company offering commercial and residential electronic security and automation solutions. The company utilizes background screenings for employees and requires background screenings for temporary contractors and subcontractors.

Western Burglar Alarm and Fire Alarm Association. The Western Burglar Alarm and Fire Alarm Association provides skilled training to those in California who want to deepen their knowledge of the industry. It currently uses driver's license numbers to verify the identity of students.

PROOF OF SERVICE (Court of Appeal) <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	
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Case Name: ALL OF US OR NONE - RIVERSIDE CHAPTER v. HAMRICK Court of Appeal Case Number: S269654 Superior Court Case Number: 37-2017-00003005-CU-MC-NC	

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My residence business address is (*specify*):
Troutman Pepper Hamilton Sanders LLP, Three Embarcadero Center, Suite 800, San Francisco, CA 94111
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
Amici Letter of Consumer Data Industry Association & Professional Background Screening Association Re: Petition for Review
 - a. **Mail**. I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: 7/15/2021
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name:
 - (ii) Address:
 - (b) Person served:
 - (i) Name:
 - (ii) Address:
 - (c) Person served:
 - (i) Name:
 - (ii) Address:
- Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Francisco, CA

Case Name: ALL OF US OR NONE - RIVERSIDE CHAPTER v. HAMRICK	Court of Appeal Case Number: S269654
	Superior Court Case Number: 37-2017-00003005-CU-MC-NC

3. b. **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/15/2021

Elizabeth Holt Andrews

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)

APP-009, Item 3a

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Court of Riverside County*

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Appellant(s):
All of Us or None - Riverside
Chapter; Jane Roe and Phyllis
McNeal*

Addendum 3

All of Us or None—Riverside Chapter, et al. v. W. Samuel Hamrick, Jr., et al.,
Supreme Court Case No. S269654,
Additional Co-Signatories to *Amici* Letter of
Consumer Data Industry Association & Professional Background Screening Association
Petition for Review

July 22, 2021

Elizabeth Holt Andrews

D 415.477.5762

elizabeth.andrews@troutman.com

Via TrueFiling

22 July 2021

The Honorable Chief Justice Tani Cantil-Sakauye & Associate Justices
Supreme Court of California
350 McAllister Street, Room 1295
San Francisco, California 94102-4797

Re: *All of Us or None—Riverside Chapter, et al. v. W. Samuel Hamrick, Jr., et al.*
Supreme Court Case No. S269654

Additional Co-Signatories to Amici Letter of Consumer Data Industry Association &
Professional Background Screening Association Re: Petition for Review

Dear Chief Justice Cantil-Sakauye and Associate Justices:

On July 15, 2021, the Consumer Data Industry Association (CDIA) and the Professional Background Screening Association (PBSA) filed and served a letter as amici curiae pertaining to the petition for review filed by plaintiffs-appellants All of Us or None—Riverside Chapter, et al.

The letter included an Attachment B, which listed additional signatories and their respective statements of interest. (See California Rules of Court, rule 8.500(g)(2).)

The following organizations would like to join the entities listed in Attachment B in co-signing the CDIA and PBSA's amici letter. They respectfully request the Court to order review of the entirety of the Court of Appeal's published opinion in the above-referenced matter. (See California Rules of Court, rule 8.512(c)(2).)

1. Apartment Association of Orange County
2. California Alarm Association
3. California Association of Boutique & Breakfast Inns
4. California Hospital Association
5. California Hotel & Lodging Association
6. California Rental Housing Association

7. California State Council of the Society for Human Resources Management
8. DoorDash, Inc.
9. Hospitality Santa Barbara
10. Hotel Association of Los Angeles
11. Long Beach Hospitality Alliance
12. Public Record Retriever Network
13. Western Burglar and Fire Alarm Association Unilateral Apprenticeship and Training Program

Each organization listed herein has its own unique mission statement, all of which indicate an interest in supporting the amici curiae letter from the CDIA and the PBSA. (See California Rules of Court, rule 8.500(g)(2).)

Apartment Association of Orange County. The Apartment Association of Orange County is a non-profit trade association that advocates on behalf of rental-housing providers in Orange and Riverside Counties, whose ability to thoroughly screen their prospective renters would be negatively impacted by the removal of significant identifiers (date of birth or driver's license number) from criminal records.

California Alarm Association. The California Alarm Association (CAA) is a nonprofit state trade association representing the electronic security industry statewide and regulated by the Department of Consumer Affairs Bureau of Security and Investigative Services and the Contractors State Licensing Board. CAA's state licensing regulations require background checks through the Federal Bureau of Investigation.

California Association of Boutique & Breakfast Inns. The California Association of Boutique & Breakfast Inns is California's largest association of professional innkeepers and certified bed and breakfast inns. Similar to its state and local counterparts, the staff and contractors of represented establishments are charged with tasks such as entering guest rooms to clean, temporarily storing valuable items such as cars or luggage, and providing security for guests and other employees.

California Hospital Association. The California Hospital Association (CHA) is a nonprofit organization dedicated to representing the interests of California hospitals and the patients they serve. CHA represents more than 400 hospital and health system members and 97 percent of the patient beds in California, including general acute care hospitals, children's hospitals, rural hospitals, psychiatric hospitals, academic medical centers, county hospitals, investor-owned hospitals, and multi-hospital health systems. These hospitals furnish vital health care services to millions of Californians. CHA provides its members with state and federal representation in the legislative, judicial, and regulatory arenas, in an effort to improve health care quality, access and coverage; promote health care reform and integration; achieve adequate health care funding and contain costs; improve and update laws and regulations; and maintain public trust in health care.

CHA's members are responsible for protecting their patients, many or most of whom are in a very vulnerable condition. In this regard, they rely on background checks as a vital tool to help protect pediatric patients from child abuse (including sexual abuse), senior patients from elder abuse, and unconscious/comatose patients from abuse or theft of valuables, particularly when they arrive in the emergency department. CHA members also rely on background checks to identify individuals with known drug abuse problems and prevent them from obtaining employment that requires handling narcotics. CHA members' financial departments manage large sums of money and need to conduct background checks on employees who will be trusted to perform tasks in this area. Furthermore, hospitals are prohibited by federal law from employing or contracting with "excluded individuals." These are persons who have a conviction relating to patient abuse or health care fraud, student loan defaults, license revocation or suspension, obstruction of investigations, and other reasons.

California Hotel & Lodging Association. Established in 1893, the California Hotel & Lodging Association represents over 6,000 properties in California that provide lodging, food, and recreational services to traveling customers. Among other things, staff and contractors of represented establishments are placed in a position of trust and charged with tasks such as entering guest rooms to clean, temporarily storing valuable items such as cars or luggage, and providing security for guests and other employees.

California Rental Housing Association. The California Rental Housing Association (CalRHA) represents over 19,000+ members totaling more than 536,000+ units, made up of small, medium, and large rental housing owners throughout the State of California. CalRHA's purpose is to advocate in the best interest of the rental housing industry and collectively address industry needs and challenges. CalRHA provides timely grassroots mobilization for the purpose of advocating at the State level and contributing to change in the multifamily housing industry.

California State Council of the Society for Human Resources Management. The California State Council of the Society for Human Resources Management is the largest organization of human resources professional members in California, and as part of ensuring a safe workplace for employees and employers, its members often are tasked with conducting reasonable background searches on applicants.

DoorDash, Inc. DoorDash, Inc., is a technology company that connects consumers with their favorite local and national businesses in California. DoorDash is required under California law to screen couriers providing delivery services for criminal records.

Hospitality Santa Barbara. Hospitality Santa Barbara is a local association dedicated to supporting the local lodging community by promoting safe and responsible hospitality policies. Similar to its state and local counterparts, the staff and contractors of represented establishments are charged with tasks such as entering guest rooms to clean, temporarily storing valuable items such as cars or luggage, and providing security for guests and other employees.

Hotel Association of Los Angeles. Representing the greater Los Angeles hotel industry for over 70 years, the Hotel Association of Los Angeles is the industry voice for hoteliers and their service and supplier partners. Similar to its state and local counterparts, the staff and contractors of represented establishments are charged with tasks such as entering guest rooms to clean, temporarily storing valuable items such as cars or luggage, and providing security for guests and other employees.

Long Beach Hospitality Alliance. The Long Beach Hospitality Alliance is a nonprofit business organization that was founded in 2015 in order to better support the growth and

success of the local hotel industry in Long Beach. Similar to its state and local counterparts, the staff and contractors of represented establishments are charged with tasks such as entering guest rooms to clean, temporarily storing valuable items such as cars or luggage, and providing security for guests and other employees.

*Public Record Retriever Network.*¹ Members of the Public Record Retriever Network (PRRN) are professionals who access government records on-site at local, federal, and state courts and recorder's offices, to do name searches and/or obtain copies of file documents. PRRN Members are often hired to assist with the pre-employment screening, investigations, lending, litigation, or legal compliance.

Western Burglar and Fire Alarm Association Unilateral Apprenticeship and Training Program. This nonprofit state and federally approved apprentice and training program for Fire/Life Safety Technicians is regulated by the Division of Apprenticeship Standards and the Department of Industrial Relations.

Respectfully Submitted,

TROUTMAN PEPPER HAMILTON SANDERS LLP

/s/ Elizabeth Holt Andrews

Elizabeth Holt Andrews (Cal. Bar No. 263206)

HUDSON COOK LLP

/s/ Dana Frederick Clarke

Dana Frederick Clarke (Cal. Bar No. 228344)

Attorneys for Amici Curiae

Consumer Data Industry Association &
Professional Background Screening Association

¹ The Public Record Retriever Network was a co-signatory on the original amici letter from CDIA and PBSA, but its statement of interest was inadvertently omitted and is therefore included here.

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1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My residence business address is (*specify*):
 Troutman Pepper Hamilton Sanders LLP, Three Embarcadero Center, Suite 800, San Francisco, CA 94111
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
 Additional Co-Signatories to Amici Letter of Consumer Data Industry Association & Professional Background Screening Association Re: Petition for Review
 - a. **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: 7/22/2021
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name:
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 - (i) Name:
 - (ii) Address:
 - (c) Person served:
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 - (ii) Address:
- Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
- (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): San Francisco, CA

Document received by the CA Supreme Court.

Case Name: ALL OF US OR NONE - RIVERSIDE CHAPTER v. HAMRICK	Court of Appeal Case Number: S269654
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(b) Address where delivered:

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(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2021

Elizabeth Holt Andrews
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)

Document received by the CA Supreme Court.

APP-009, Item 3a

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*Counsel for Plaintiff(s) &
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