DIGEST
Enforcement of Judgments: Collecting Judgments from all California Jurisdictions
Amends Code of Civil Procedure section 699.520 to clarify a discrepancy between Judicial
Council Form EJ130 and the authorizing statute.

RESOLUTIONS COMMITTEE RECOMMENDATION
APPROVE IN PRINCIPLE

History:
No similar resolutions found.

Reasons:
This resolution amends Code of Civil Procedure section 699.520 to clarify a discrepancy
between Judicial Council Form EJ130 and the authorizing statute. This resolution should be
approved in principle because the discrepancy presents collections problems for creditors with
small claims judgments or administrative agency judgments.

A judgment creditor can collect on a judgment by using Judicial Council Form EJ130 to issue a
Writ of Execution which the county sheriff or marshal enforces. This Judicial Council form
allows enforcement of judgments issued by trial courts with jurisdiction over unlimited, limited,
small claims actions, and by other California tribunals such as the California Department of
Labor Standards Enforcement ("DLSE"). The authorizing statutes for Judicial Council Form
EJ130 are Code of Civil Procedure sections 699.520, 712.010, 715.010 and Government Code
section 6103.5 ("authorizing statutes").

The problem is that Code of Civil Procedure section 699.520, the only authorizing statute which
lists the types of judgments available for enforcement through the use of Judicial Council Form
EJ130, only mentions judgments in unlimited and limited civil cases. But the Judicial Council
Form EJ130, if filled out correctly, issues a Writ of Execution for judgments issued by all
tribunals including the small claims courts and administrative agencies such as the DLSE. This is
a discrepancy that should be corrected so that collections efforts are not hampered.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be
sponsored to amend Code of Civil Procedure Section 699.520 to read as follows:

1 § 699.520
2   The writ of execution shall require the levying officer to whom it is directed to enforce
3 the money judgment and shall include the following information:
4   (a) The date of issuance of the writ.
5   (b) The title of the court where the judgment is entered and the cause and number of the
6 action.
7   (c) The name and address of the judgment creditor and the name and last known address
8 of the judgment debtor.   If the judgment debtor is other than a natural person, the type of legal

9   entity shall be stated.
10   (d) The date of the entry of the judgment and of any subsequent renewals and where
11   entered in the records of the court.
12   (e) The total amount of the money judgment as entered or renewed, together with costs
13   thereafter added to the judgment pursuant to Section 685.090 and the accrued interest on the
14   judgment from the date of entry or renewal of the judgment to the date of issuance of the writ,
15   reduced by any partial satisfactions and by any amounts no longer enforceable.
16   (f) The amount required to satisfy the money judgment on the date the writ is issued.
17   (g) The amount of interest accruing daily on the principal amount of the judgment from
18   the date the writ is issued.
19   (h) Whether any person has requested notice of sale under the judgment and, if so, the
20   name and mailing address of that person.
21   (i) The sum of the fees and costs added to the judgment pursuant to Section 6103.5 or
22   68511.3 of the Government Code, and which is in addition to the amount owing to the judgment
23   creditor on the judgment.
24   (j) Whether the writ of execution includes any additional names of the judgment debtor
25   pursuant to an affidavit of identity, as defined in Section 680.135.
26   (k) A statement indicating whether the case is limited, or unlimited, small claims, or
27   other originating jurisdiction.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Sacramento County Bar Association

STATEMENT OF REASONS

The Problem: This corrects an inconsistency between an authorizing code section and a judicial
counsel form. The inconsistency creates an inability to enforce a judgment for back wages in the
administrative arena. About 15% of judgments issued by the Department of Labor Standards
Enforcement (DLSE) are actually collected. Of the estimated $30 million in wages, less than $5
million are collected. (http://www.labor.ucla.edu/publication/hollow-victories-the-crisis-in-
collecting-unpaid-wages-for-californias-workers/). Once DLSE issues a judgment, it is filed
with the Superior Court. A Form EJ-130 or Writ of Execution is used for collection by the party
seeking to enforce the judgment. The box which indicates the origin of the judgment is located
to the right-hand side just below the caption and offers these options for origin: "limited,
unlimited, small claims, or other___". In the "other" blank you insert the originating
jurisdiction, for example "Other DLSE". CCP § 699.520 authorizes the judicial council form;
the Writ of Execution. There is a conflict in the language of the form and the CCP. The code
does not provide for small claims and other judgments, which impacts employees seeking to
collect on wage judgments against employers, but it also impacts those seeking to enforce small
claims judgments and other administrative agencies judgments.

The Solution: This resolution seeks to clarify the authorizing statue with the intent of the judicial
council that the form EJ-130, may be used to enforce judgments from limited, unlimited, small
claims or other originating jurisdictions. This resolution seeks to correct the discrepancy by
adding language from the judicial council form to the authorizing statute, allowing all judgments
to be collected by the sheriff after being issued by the superior court through the writ as intended
by the judicial counsel.

IMPACT STATEMENT
This resolution does not affect any other law, statute or rule other than those expressly identified.

CURRENT OR PRIOR RELATED LEGISLATION
None known.

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