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May 6, 2013

Assemblyman Anthony Rendon  
12132 South Garfield Ave.  
South Gate, CA 90280

Assembly Judiciary Committee  
1020 N. Street, Room 104  
Sacramento, CA 95814

Re: AB 642, Use of Newspapers exclusively published on the Internet for Public Notices

Dear Sirs and Madams:

One of my local newspapers, *The Press Enterprise*, of Riverside County, has been calling attention to AB 642 before your committee. My reading of AB 642 suggests that if enacted, an exclusively Internet publication can qualify as a newspaper of general circulation if it meets the other requirements imposed upon a newsprint newspaper, such as a satisfactory degree of readership, circulation and maintenance of an editorial or reporting staff.

I have been a practicing attorney of California for more than fifty years, primarily in Riverside County. My familiarity with newspapers of general circulation particularly follows my experience as a City Attorney for a small general law city for eighteen years in the last century and having practiced primarily in Probate, and Estate Planning law the past thirty years including five years as a Certified Specialist thereof. Both areas required paying attention to publication of notices of hearing or of ordinances. Thus I have some familiarity with newspapers of general circulation.

Ultimately a web-based newspaper may acquire the familiarity and utility of newsprint newspapers as usage and access to the Internet develops. Even that assumption may be challenged by the continued rapid development of technology that could transform the Internet into something we can't yet envision. Thus I recommend careful consideration before enabling an exclusive Internet publication as a newspaper of general circulation.

Part of my concern is from my own experience of watching the published notices of Petition for Letters to administer estate and other Probate notices for years. The notices are time-based, affording only a relatively short time before legal action may be taken.

Letter to Assembly Judiciary Committee AB 642

Web based newspaper..doc

The use of Internet search tools has limited use when the notice requires rather quick action. Internet search tools are best suited for historical searches of facts such as deaths, births and marriages.

As a City Attorney, I recall the question arose whether notices had to be published local newspaper that had been adjudicated as both published and circulated in the city but after adjudication had removed its publishing facilities outside the city limits. The alternative was merely posting the city's notices in a public place where passersby could read. The city chose to do both to provide more notice, relying on the presumption that an adjudicated newspaper remains as adjudicated until otherwise adjudicated.

The single useful application for a newspaper published exclusively on the web, would be in circumstances when the only other authorized publication of notice would be by posting at say, City Hall. But another suitable alternative would be to authorize or direct publication in a newsprint newspaper adjudicated as of general circulation nearby in the same county.

Sincerely,

Donald C. Wickham

Cc: *The Press Enterprise*, 3450 14<sup>th</sup> St., Riverside, CA 92501, *The Town Crier*, P.O. Box 157, Idyllwild, CA, 92549