



PRESIDENT'S PAGE

DANIEL S. ROBINSON

Navigating 2022 With 20/20 Hindsight

The beginning of each year typically brings a renewed sense of optimism and hope. We reset our intentions and map out our resolutions and goals for the new year. Many of us looked to 2022 as a year to return to some semblance of normalcy and for the world to get back on track.

But for all our best laid plans, nature is taking its course. Omicron's high transmissibility and ability to infect both vaccinated and previously-infected individuals is alarming. Reports of Omicron being associated with less severe health outcomes would be comforting if it weren't for the staggering infection rates and their impact on healthcare providers and schools. As I write this (January 10, 2022), case positivity rates are surging above 20% in Orange County. I pray they have dropped by the time you're reading this.

Something's different this time around though—we're ready. This is not our first COVID rodeo. With 2020 under our belt and roughly 75% of Orange County residents vaccinated, Orange County is ready to keep calm and carry on through this latest COVID storm. And that feels especially true for members of the Orange County Bar.

Orange County lawyers are once again adapting to fluid working conditions. They're getting their work done while extending professional courtesies to their adversaries when needed. Law firms are re-evaluating their in-office / remote workforce balance. As you evaluate the best course of action for your practice, I encourage you to reach out to your fellow OCBA members. We are all in this together and can learn from each other.

The Orange County legal community has postponed most of its in-person legal events, including the OCBA Judges' Night (now set for April 7, 2022). The Central District of California has temporarily suspended federal civil and criminal jury trials until at least February 28. Los Angeles, Riverside, and San Bernardino Superior Courts announced suspensions of criminal trials for three weeks and civil trials until mid-February.


Orange County and San Diego County Superior Courts have not suspended jury trials, but Orange County Presiding Judge Erick Larsh is requiring face masks and social distancing for all jury trials and is "strongly encouraging" attorneys to use remote appearances: "[T]he winter COVID surge, fueled by dual variants, requires that we do our part to protect the health of our community. . . . We will continue to coordinate with our justice partners, aiming to provide the greatest possible access to justice, without compromising the health and safety of our community." Under California Code of Civil Procedure Section 367.75, which went into effect on January 1, 2022, all non-evidentiary hearings have been set for remote appearance. For the

latest on COVID-related status of Orange County courts, go to the "Local Courts Update" section of www.ocbar.org/covid-19.

I want to pause here and note that, as members of the Bar, we all owe a great debt of gratitude to our federal and state court judges, as well as their staff, who've worked tirelessly to maintain access to justice in Orange County during this unprecedented time. For example, from June 2020 to December 2021, our Orange County Superior Courts conducted 96 civil jury trials, 179 felony trials, and 247 misdemeanor trials. Our courts' COVID-19 rules and procedures served as models for other counties' superior courts looking to reopen. Importantly, all that hard work has helped reduce the backlog of Orange County civil and criminal cases down to near pre-pandemic levels. Those of us who are civil practitioners also owe tremendous praise to our criminal law counterparts—deputy district attorneys, public defenders, legal aid counsel, and other criminal practitioners—who are working to ensure that our community's criminal justice system remains in operation throughout this difficult period.

Our legal community is strong, resilient, and capable of facing whatever may come. Whether this latest COVID storm lasts weeks or months, we are as prepared as ever to navigate 2022. And we'll be ready to get back up to speed quickly when this latest caution flag is lifted. As Presiding Judge Larsh commented recently:

Despite our small geographical area, we're the third largest court in the State of California. And there is a great camaraderie in Orange County, especially with our local bars. Our local leaders know they can get on the phone with me when there's a problem. Our deputy district attorneys and public defenders work together when there's a problem. They may not agree on everything, but they will sit down and ask, "How can we work through this?" The same goes for our whole criminal bar, civil bar, family bar, and others. Without our camaraderie and ability to work together, we would be in much worse shape today. It is so important, and we judges appreciate the unlimited source of knowledge and ideas from members of the Bar.

I hope you all continue to stay healthy as we work through this together. And I hope to see everyone in person soon. 

Daniel S. Robinson is the 2022 President of the Orange County Bar Association. He is a partner at Robinson Calcagnie, Inc. where he represents plaintiffs in consumer and personal injury cases. He can be reached at drobinson@robinsonfirm.com.