

*The Orange County Bar Association
Covid-19 Task Force Presents*

COVID-19 UPDATE

WITH ORANGE COUNTY SUPERIOR COURT LEADERSHIP

Thursday, April 16, 2020



Speakers

Honorable Kirk Nakamura

Presiding Judge

Orange County Superior Court

Honorable Maria Hernandez

Orange County Superior Court

Judge, Felony Trial Panel

David Yamasaki

Orange County Superior Court Executive Officer

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(a) When war, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other substantial risk to the health and welfare of court personnel or the public, or the danger thereof, the destruction of or danger to the building appointed for holding the court, a large influx of criminal cases resulting from a large number of arrests within a short period of time, or a condition that leads to a state of emergency being proclaimed by the President of the United States or by the Governor pursuant to [Section 8625 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7a5f8013db11e9b4f1d3005c7f04\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7a5f8013db11e9b4f1d3005c7f04), threatens the orderly operation of a superior court location or locations within a county or renders presence in, or access to, an affected court facility or facilities unsafe, the presiding judge may request and the Chairperson of the Judicial Council may, notwithstanding any other law, by order authorize the court to do one or more of the following:

(1) Hold sessions anywhere within the county.

(2) Transfer civil cases pending trial in the court to a superior court in another county. A transfer shall not be made pursuant to this paragraph except as follows:

(A) With the consent of all parties to the case, a pending civil case may be transferred to a superior court in any county.

(B) Upon a finding by the court that extreme or undue hardship would result unless the case is transferred for trial, a pending civil case may be transferred to any superior court in an adjacent county or to any superior court within 100 miles of the border of the county in which the court impacted by the emergency is situated. In addition to the foregoing, if a court is located within an area identified to be within the boundary of a state of emergency proclaimed by the Governor pursuant to [Section 8625 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7a869013db11e9b4f1d3005c7f0\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7a869013db11e9b4f1d3005c7f0), a pending civil case may be transferred to any superior court within 100 miles of the outer boundary of the area proclaimed to be experiencing a state of emergency.

(3) Any civil case so transferred pursuant to paragraph (2) shall be integrated into the existing caseload of the court to which it is transferred pursuant to rules to be provided by the Judicial Council. This section does not affect a court's authority under [Section 69740 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7aada013db11e9b4f1d3005c7f0\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7aada013db11e9b4f1d3005c7f0).

(4) Declare that a date or dates on which an emergency condition, as described in this section, substantially interfered with the public's ability to file papers in a court facility or facilities be deemed a holiday for purposes of computing the time for filing papers with the court under [Sections 12 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=I0d7aada113db11e9b4f1d3005c7f0\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=I0d7aada113db11e9b4f1d3005c7f0) and [12a of the Code of Civil Procedure \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=I0d7aada113db11e9b4f1d3005c7f0\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=I0d7aada113db11e9b4f1d3005c7f0).

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This paragraph applies to the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.

(5) Declare that a date on which an emergency condition, as described in this section, prevented the court from either (A) conducting proceedings governed by [Section 825 of the Penal Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=10d7ad4b013db11e9b4f1d3005c7f0\)](#), or [Section 315 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b113db11e9b4f1d3005c7f0\)](#), [334 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b213db11e9b4f1d3005c7f0\)](#), [631 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b313db11e9b4f1d3005c7f0\)](#), [632 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b413db11e9b4f1d3005c7f0\)](#), [637 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b513db11e9b4f1d3005c7f0\)](#), or [657 of the Welfare and Institutions Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b613db11e9b4f1d3005c7f0\)](#), or (B) accepting the filing of petitions for purposes of [Section 313 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b713db11e9b4f1d3005c7f0\)](#) or [631 of the Welfare and Institutions Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7ad4b813db11e9b4f1d3005c7f0\)](#), be deemed a holiday for purposes of computing time under those statutes. This paragraph applies to the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.

(6) Extend the time periods provided in [Sections 583.310 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=10d7afbc013db11e9b4f1d3005c7f0\)](#) and [583.320 of the Code of Civil Procedure \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=10d7afbc113db11e9b4f1d3005c7f0\)](#) to bring an action to trial. The extension shall be for the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.

(7) Extend the duration of any temporary restraining order that would otherwise expire because an emergency condition, as described in this section, prevented the court from conducting proceedings to determine whether a permanent order should be entered. The extension shall be for the fewest days necessary under the circumstances of the emergency, as determined by the Chairperson of the Judicial Council.

(8) Within the affected county during a state of emergency resulting from a natural or human-made disaster proclaimed by the President of the United States or by the Governor pursuant to [Section 8625 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=10d7b22d013db11e9b4f1d3005c7f0\)](#), extend the time period provided in [Section 825 of the Penal Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=10d7b22d113db11e9b4f1d3005c7f0\)](#) within which a defendant charged with a felony offense shall be taken before a magistrate from 48 hours to not more than seven days, with the number of days to be designated by the Chairperson of the Judicial Council. This authorization shall be effective for 30 days unless it is extended by a new request and a new order.

(9) Extend the time period provided in [Section 859b of the Penal Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=10d7b49e013db11e9b4f1d3005c7f0\)](#) for the holding of a preliminary examination from 10 court days to not more than 15 court days.

(10) Extend the time period provided in [Section 1382 of the Penal Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=10d7b49e113db11e9b4f1d3005c7f0\)](#) within which the trial must be held by not more than 30 days, but the trial of a defendant in custody whose time is so extended shall be given precedence over all other cases.

(11) Within the affected area of a county during a state of emergency resulting from a natural or human-made disaster proclaimed by the President of the United States or by the Governor pursuant to [Section 8625 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=10d7b70f013db11e9b4f1d3005c7f0\)](#), extend the time periods provided in [Sections 313 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7b70f113db11e9b4f1d3005c7f0\)](#), [315 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=10d7b70f213db11e9b4f1d3005c7f0\)](#), [632 \(https://1.next.westlaw.com/Link/Document/FullText?](#)

[findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7b70f313db11e9b4f1d3005c7f0](#), and 637 of the Welfare and Institutions Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7b70f413db11e9b4f1d3005c7f0>), with the number of days to be designated by the Chairperson of the Judicial Council. The extension of time shall be for the shortest period of time necessary under the circumstances of the emergency, but the time period shall not be extended to more than seven days. This authorization shall be effective for 30 days unless it is extended by a new request and a new order. With regard to the time periods provided in [Sections 632](#) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7b70f513db11e9b4f1d3005c7f0>) and 637 of the Welfare and Institutions Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7b70f613db11e9b4f1d3005c7f0>), this paragraph applies only if the minor has been charged with a felony.

(12) Within the affected county during a state of emergency resulting from a natural or human-made disaster proclaimed by the President of the United States or by the Governor pursuant to [Section 8625 of the Government Code](#) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=I0d7bbf1013db11e9b4f1d3005c7f0>), extend the time period provided in [Sections 334](#) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7bbf1113db11e9b4f1d3005c7f0>) and 657 of the Welfare and Institutions Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7bbf1213db11e9b4f1d3005c7f0>) within which a hearing on a juvenile court petition shall be held by not more than 15 days, with the number of days to be designated by the Chairperson of the Judicial Council. This authorization shall be effective for 30 days unless it is extended by a new request and a new order. With regard to the time periods provided in [Section 657 of the Welfare and Institutions Code](#) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=I0d7bbf1313db11e9b4f1d3005c7f0>), this paragraph applies only if the minor has been charged with a felony.

(b) The limitations on extensions of time provided for in subdivision (a) set forth the maximum respective extensions allowable from the time when the Chairperson of the Judicial Council makes a determination that circumstances warranting relief under this section exist. The limitations on extensions of time do not preclude the Chairperson of the Judicial Council, at the request of a presiding judge, from granting further extensions, up to the maximum permitted under the relevant paragraph, upon making a renewed determination that circumstances warranting relief under this section continue to exist.

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Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
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**Superior Court of California
County of Orange
AMENDED ADMINISTRATIVE ORDER NO. 20/09**

PREFACE:

With the challenges presented by COVID-19, the court is faced with an unprecedented situation of balancing the rights of residents of Orange County to justice against the Emergency Orders of the President, Governor and the Orange County Department of Health outlining precautionary steps to minimize the danger of transmission of the virus.

Despite criticism from the Orange County District Attorney and Public Defender, who, along with other justice partners, have always been consulted with the court's plans, the court will continue to provide justice consistent with the conditions that exist and the recommendations of Chief Justice Tani Cantil-Sakauye.

The court is grateful for the Chief Justice's guidance in clarifying the scope of Governor Newsom's order of March 19, 2020, and for setting priorities and recommendations for operating the court during this challenging time.

Governor Newsom's Order of March 19, 2020 Does Not Close the Courts

The Chief Justice sought and received clarification from Governor Newsom that the Governor's Order does not close the courts. The courts are—and continue to be—an essential service.

Implementation of Chief Justice Tani-Cantil Sakauye's Recommendations

The court intends to implement the recommendations of the Chief Justice insofar as is practicable under the current circumstances. These are:

CRIMINAL PROCEDURES

1. Revise, on an emergency basis, the countywide bail schedule to lower bail amounts significantly for the duration of the coronavirus emergency, including lowering the bail amount to \$0 for many lower level offenses – for all misdemeanors except for those listed in Penal Code section

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1270.1 and for lower-level felonies. This will result in fewer individuals in county jails thus alleviating some of the pressures for arraignments within 48 hours and preliminary hearings within 10 days.

The court will be meeting with justice partners with a proposal to revise the Court's bail schedule. Insofar as these responsibilities have been previously delegated to the Court's Bail Review Committee, such responsibilities are hereby revoked until further notice.

2. In setting an adult or juvenile defendant's conditions of custody, including the length, eligibility for alternative sentencing, and surrender date, the court should consider defendant's existing health conditions, and any conditions existing at defendant's anticipated place of confinement that could affect the defendant's health, the health of other detainees, or the health of personnel staffing the anticipated place of confinement.

As to adult defendants, Judge Cheri Pham, Acting Supervising Judge of the Criminal Panel is communicating with her panel to effectuate this recommendation as applicable. As to juvenile justice youth, Presiding Juvenile Judge Joanne Motoike met with juvenile justice partners in effectuating this recommendation and will continue to do so on a regular basis.

3. With the assistance of justice partners, identify those persons currently in county jail or juvenile hall custody who have less than 60 days remaining on their jail sentence for the purpose of modifying their sentences to permit early release of such persons with or without supervision or to community-based organizations for treatment.

As to adult defendants, the court will be meeting with its justice partners to effectuate this recommendation. The District Attorney will be given 48 hours' notice before release. As to in-custody juvenile justice youth, Presiding Juvenile Judge Joanne Motoike has already met with its justice partners and identified youth with commitments of 45 days or less for release, and is assessing youth who now have commitments of 60 days or less for possible release.

4. With the assistance of justice partners, calendar hearings for youth returning to court supervision from Department of Juvenile Justice following parole consideration for a Welfare & Institutions Code, §1766 hearing.

During the court closure, the juvenile court will continue to calendar and hold hearings for these youth/former youth.

5. With the assistance of justice partners, determine the nature of supervision violations that will warrant "flash incarceration," for the purpose of drastically reducing or eliminating the use of such an intermediate sanction during the current health crisis.

Acting Supervising Judge of the Criminal Panel Cheri Pham has contacted the Deputy Chief Probation Officer Sue DeLacy and was advised that effective last Thursday, March 19, 2020, Probation has ceased all "flash incarcerations" and will only place holds on individuals with new law violations that present a risk to the community.

Page 3

6. Prioritize arraignments and preliminary hearings for in-custody defendants, and the issuance of restraining orders.

Acting Supervising Judge of the Criminal Panel Cheri Pham has been directed to follow these recommendations emphasizing the need to keep personal appearances at a minimum and use telephone and video appearances as well as video live streaming to comply with the court's Sixth Amendment responsibility for public hearings to minimize exposure to all involved in these hearings. (See item 8, *infra.*) A plan must be developed for implementation in phases by hearing types so that they are not dependent upon each other and can be scaled back quickly if the circumstances warrant. Judge Richard King has worked diligently to identify those preliminary hearings that must proceed in order to prevent release of potentially dangerous defendants under Penal Code section 859(b) and Government Code section 68115, which provides for limited time extensions for these hearings. His working group consisting of himself, Judge Cheri Pham, Judge Maria Hernandez and Judge Karen Robinson has done an exceptional job in identifying and organizing these preliminary hearings.

7. Prioritize juvenile dependency detention hearings to ensure they are held within the time required by state and federal law.

Under the leadership of Presiding Judge Joanne Motoike, the juvenile court continues to have these hearings on a limited basis. Judge Motoike has been directed to minimize the in-person appearances of counsel and parties by using video appearances as authorized by law.

8. For routine or non-critical criminal matters, allow liberal use of telephonic or video appearance by counsel and the defendant, and appearance by counsel by use of waivers authorized by Penal Code, § 977. Written waivers without being obtained in open court have been approved if the waiver is in substantial compliance with language specified in section 977, subdivision (b)(1). (*People v. Edwards* (1991) 54 Cal.3d 787, 811; *People v. Robertson* (1989) 48 Cal.3d 18, 62.)

Acting Supervising Judge of the Criminal Panel Cheri Pham has been directed to follow these recommendations including the use of written waivers for appearances authorized by Penal Code section 977. Information and Technology Chief Brett Howard has been so directed to provide support.

CIVIL PROCEDURES

1. Suspend all civil trials, hearings, and proceedings for at least 60 days, with the exception of time-sensitive matters, such as restraining orders and urgent dependency, probate, and family matters. Consider whether an emergency order may be needed to address cases reaching 5-year deadlines under Code of Civil Procedure section 583.310.

All such hearings have been suspended by Administrative Order Nos. 20/06 (Civil) No. 20/07 (Probate) and No. 20/08 (Family Law). (Attached) On March 23, 2020 the Chief Justice ordered that the time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial is extended for a period of sixty (60) days from the date of this order. (See below.)

Page 4

2. When possible, provide that any urgent matters may be done telephonically, under the general policy encouraging use of telephonic appearances in Code of Civil Procedure section 367.5(a) and California Rule of Court, rule 3.670.

Civil Panel Supervising Judge James DiCesare, Probate Panel Supervising Judge Gerald Johnston and Family Law Supervising Judge Lon Hurwitz are directed to comply with this recommendation to the fullest extent practicable.

CHIEF JUSTICE'S ORDER OF MARCH 23, 2020

On March 23, 2020 the Chief Justice ordered that:

1. All jury trials are suspended and continued for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.

2. The time period provided in Penal Code section 1382 for the holding of a criminal trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.

3. The time period provided in Code of Civil Procedure sections 583.310 and 583.320 for the holding of a civil trial is extended for a period of sixty (60) days from the date of this order. Courts may conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate.

4. All superior courts are authorized under rule 10.613(i) of the California Rules of Court to adopt any proposed rules or rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment. A court adopting any such rule change must provide a copy to Judicial Council staff and post notice of the change prominently on the court's website, along with the effective date of the new or amended rule. Additionally, the court must immediately distribute the new or amended rule as set forth in rule 10.613(g)(2). No litigant's substantive rights shall be prejudiced for failing to comply with the requirements of a new or amended rule until at least 20 days after the rule change has been distributed.

The court will comply with this order.

Judge Maria Hernandez is appointed to be the COVID 19 Judge responsible for disseminating information about the impact of the virus on our courts. We have received many questions from members of the local Bar and will be endeavoring to provide information on protocols that are developed in response. This information will be provided to OCBA leadership for further distribution. The questions are voluminous and ask for your patience in awaiting responses. We ask that questions be submitted to OCBA leadership to relay to Judge Hernandez.

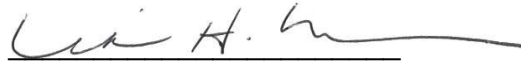
March 24, 2020

Page 5

The assistance of Assistant Presiding Judge Erick L. Larsh in handling the Judicial Officers' personnel problems is gratefully appreciated.

The court acknowledges the fine work of our judges and administrative staff for their Herculean efforts in dealing with this crisis.

IT IS SO ORDERED this 24th day of March 2020, at Santa Ana California.

A handwritten signature in dark ink, appearing to read "Kirk H. Nakamura", written over a horizontal line.

Kirk H. Nakamura
Presiding Judge

1
2
3 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
4 **IN AND FOR THE COUNTY OF ORANGE**
5

6 **In Re:**) **CASE/ORDER NO. _____**
7 **COVID-19 Pandemic**)
8) **SECOND**
9) **IMPLEMENTATION ORDER**
10) **RE EMERGENCY ORDER**
11) **(Gov. Code, § 68115)**
12 **March 27, 2020**)
13 _____)

14 Exercising the authority granted by Government Code section 68115 and the
15 March 27, 2020 Order of Chief Justice Tani Cantil-Sakauye, Chair of the California
16 Judicial Council, issued in response to the March 25, 2020 Request for a Judicial
17 Emergency Order made by the Superior Court of Orange County ("Court"), this Court
18 **HEREBY FINDS AND ORDERS AS FOLLOWS:**

19 1. The Court declares that all dates from 3/30/2020 to 4/24/2020 are holidays for
20 purposes of computing the time for filing papers with the Court under Code of Civil Procedure
21 sections 12 and 12a. (Gov. Code, § 68115(a)(4).)

22 2. The Court declares that all dates from 3/30/2020 to 4/24/2020 are holidays for
23 purposes of computing the time under:

24 a. Penal Code section 825 (time to bring criminal defendant before
25 magistrate after arrest);

26 b. Welfare and Institutions Code section 313 (time to release minor
27 taken into custody pending dependency proceedings);
28

- c. Welfare and Institutions Code section 315 (time to hold detention hearing for minor taken into custody pending dependency proceedings);
- d. Welfare and Institutions Code section 334 (time to hold hearing on dependency petition);
- e. Welfare and Institutions Code section 631 (detention of minor in wardship proceedings);
- f. Welfare and Institutions Code section 632 (detention hearing for minor in wardship proceedings);
- g. Welfare and Institutions Code section 637 (detention rehearing for minor in wardship proceedings); and
- h. Welfare and Institutions Code section 657 (hearing on petition to declare minor a ward).

3. The Court extends the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by not more than fifty-six (56) days. (Gov. Code, § 68115(a)(6).) This request applies only to cases in which the statutory deadline otherwise would expire from 3/30/2020 to 4/24/2020, inclusive.

4. The Court extends by not more than thirty (30) days the duration of any temporary restraining order that would otherwise expire from 3/30/2020 to 4/24/2020, inclusive, because the emergency condition prevents the Court from conducting proceedings to determine whether a permanent order should be entered. (Gov. Code, § 68115(a)(7).)

5. The Court extends the time period provided in section 859b of the Penal Code for the holding of a preliminary examination from 10 court days to not more than 15 court

1 days, applicable only to cases in which the statutory deadline otherwise would expire from
2 3/30/2020 to 4/24/2020, inclusive. (Gov. Code, § 68115(a)(9).)

3 6. The Court extends the time period provided in section 1382 of the Penal Code
4 for the holding of a criminal trial by not more than 56 days in cases in which the statutory
5 deadline otherwise would expire from 3/30/2020 to 4/24/2020, inclusive. (Gov. Code,
6 § 68115(a)(10).)
7

8 7. The Court extends the time period provided in section 825 of the Penal Code
9 within which a defendant charged with a felony offense must be taken before a magistrate
10 from 48 hours to not more than 7 days, applicable only to cases in which the statutory deadline
11 otherwise would expire from 3/30/2020 to 4/24/2020, inclusive. (Gov. Code, § 68115(a)(8).)
12

13 8. The Court extends the time period provided in section 313 of the Welfare and
14 Institutions Code within which a minor taken into custody pending dependency proceedings
15 must be released from custody to not more than 7 days. (Gov. Code, § 68115(a)(11).) This
16 applies only to minors for whom the statutory deadline otherwise would expire from
17 3/30/2020 to 4/24/2020, inclusive.
18

19 9. The Court extends the time period provided in section 315 of the Welfare and
20 Institutions Code within which a minor taken into custody pending dependency proceedings
21 must be given a detention hearing to not more than 7 days. (Gov. Code, § 68115(a)(11).) This
22 applies only to minors for whom the statutory deadline otherwise would expire from
23 3/30/2020 to 4/24/2020, inclusive.
24

25 10. The Court extends the time periods provided in sections 632 and 637 of the
26 Welfare and Institutions Code within which a minor taken into custody pending wardship
27 proceedings and charged with a felony offense must be given a detention hearing or rehearing
28

1 to not more than 7 days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom
2 the statutory deadline otherwise would expire from 3/30/2020 to 4/24/2020, inclusive.


3 11. The Court extends the time period provided in section 334 of the Welfare and
4 Institutions Code within which a hearing on a juvenile dependency petition must be held by
5 not more than 15 days. (Gov. Code, § 68115(a)(12).) This applies only to minors for whom
6 the statutory deadline otherwise would expire from 3/30/2020 to 4/24/2020, inclusive.
7

8 12. The Court extends the time period provided in section 657 of the Welfare and
9 Institutions Code within which a hearing on a wardship petition for a minor charged with a
10 felony offense must be held by not more than 15 days. (Gov. Code, § 68115(a)(12).) This
11 applies only to minors for whom the statutory deadline otherwise would expire from
12 3/30/2020 to 4/24/2020, inclusive.
13

14 It is the intent of this Order to provide the maximum length of constitutionally
15 permitted continuance days authorized by the March 26, 2020 Order issued by the Hon. Tani
16 G. Cantil-Sakauye, Chief Justice of the California Supreme Court. Any conflicts in the above
17 language are to be resolved in favor of granting the lengthier of the continuance options.
18

19 THIS ORDER IS EFFECTIVE IMMEDIATELY.
20

21 Dated: 3/27/20
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Kirk H. Nakamura, Presiding Judge

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3 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
4 **IN AND FOR THE COUNTY OF ORANGE**
5

6
7 **In Re:**)
8 **COVID-19 Pandemic**)
9) **SUPPLEMENTAL**
10 **March 30, 2020**) **IMPLEMENTATION ORDER**
11) **RE: EMERGENCY RELIEF**
12) **AUTHORIZED BY GOVERNOR**
13) **EXECUTIVE ORDER AND**
14) **BY THE JUDICIAL COUNCIL OF**
15) **CALIFORNIA**
16)
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29 Exercising the authority granted by Governor Gavin Newsom's Executive Order
30 N-38-20 and the March 30, 2020 Statewide Emergency Order of Chief Justice Tani Cantil-
31 Sakauye, Chair of the California Judicial Council, and in addition to the measures the
32 Superior Court of Orange County ("Court") instituted in its March 27, 2020 Second
33 Implementation Order, this Court **HEREBY FINDS AND ORDERS THE**
34 **FOLLOWING ADDITIONAL MEASURES:**

35 1. The Court extends the 10 court day period provided in Penal Code section 859b
36 for the holding of a preliminary examination and the defendant's right of release to 30 court
37 days.

38 2. The Court extends the time period provided in Penal Code section 825 for the
39 time in which a defendant charged with a felony offense shall be taken before a magistrate
40 from 48 hours to 7 days.

1 3. The Court extends the time period provided in Penal Code section 1382 for the
2 holding of a criminal trial by 60 days from the last date on which the statutory deadline
3 otherwise would have expired.

4 4. The Court extends the time periods provided in Code of Civil Procedure
5 sections 583.310 and 583.320 to bring an action to trial by 60 days from the last date on which
6 the statutory deadline otherwise would have expired.

7
8 5. The Court clarifies that the 60-day continuance of jury trials, authorized by the
9 March 23, 2020 order by the Chief Justice, and the March 27, 2020 Second Implementation
10 Order, is to be calculated from the date for which the trial was set or extended as provided in
11 section 3 or 4 above, whichever is longer.

12
13 6. The Court also declares that it will make use of available technology, when
14 possible, to conduct judicial proceedings and court operations remotely, suspend any rule in
15 the California Rules of Court to the extent such rule would prevent the Court from using
16 technology to conduct judicial proceedings and court operations remotely, in order to protect
17 the health and safety of the public, court personnel, judicial officers, litigants, and witnesses.

18
19 It is the intent of this Order to provide the maximum length of constitutionally
20 permitted continuance days authorized by the March 30, 2020 Statewide Emergency Order
21 issued by the Hon. Tani G. Cantil-Sakauye, Chief Justice of the California Supreme Court.
22 Any conflicts in the above language are to be resolved in favor of granting the lengthier of the
23 continuance options. To the extent that any provision of this Supplemental Order conflicts
24

25 ///

26 ///

1 with any provision in the Court's Second Implementation Order, this Supplemental Order will
2 supersede the provisions of this Court's March 27, 2020 Second Implementation Order.
3

4 **THIS ORDER IS EFFECTIVE IMMEDIATELY.**
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6
7 DATED:

4/1/20



8 Kirk H. Nakamura
9 Presiding Judge
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Biographies



HON. KIRK H. NAKAMURA, JUDGE

Superior Court of California, County of Orange

BIOGRAPHY OF KIRK H. NAKAMURA



Employment History:

- Shield and Smith (Los Angeles, CA) Associate -(August 1980 to June 1985) Beam, DiCaro, et. al. and successors firms (Santa Ana, CA): Associate/Partner (June 1985 to November 2001)
- My litigation experience (19 years) included all aspects of civil litigation including, but not limited to complex multiple party construction cases, pleading, law and motion, discovery, court and jury trials and appellate work.
- City of Yorba Linda Planning Commissioner (May 2000 to October 2001)
- State of California, Superior Court Judge (November 9, 2001 to present)

Education Background: J.D. (1980), Duke University School of Law; University of California, Irvine, B.S. Biological Science (1977) Chancellor's Scholar; Admitted to the California State Bar December, 1980.

Assignments: West Justice Center (2001-2004) -Open trial court (criminal misdemeanor trials and preliminary hearings; small claims hearings); Limited Jurisdiction Civil Court; Master Calendar; Central Justice Center (2004 to present) – Limited and Unlimited Civil Trial Court; Chair, Temporary Judge Committee (2006 to 2009);Member, Grand Jury Selection Committee (2001 to present); Member, ADR Committee (2007 to present);Jury Orientation Committee (2003 to present); Elected to Orange County Superior Court Executive Committee (2009); Elected by the Judges of the Orange County Superior Court as Assistant Presiding Judge for the term January 22, 2016 to December 31, 2018 and as Presiding Judge for the term January 1, 2019 to December 31, 2019.

Organizations: Former President, Orange County Japanese American Lawyers Association 1998-1999); Former President, Orange County Asian American Bar Association (1999-2000); Former Board of Director, Orange County Bar Association (1996 to 2001); Chair, Bias Grievance Subcommittee (1997-2001); Co-Chair, ADR Committee (1998); Warren J. Ferguson Inn of Court (2000); William P. Gray/Lex Legion Inn of Court (Board Member; 2001-present); Duke Alumni Interview Advisory Committee (1991-2001).

Awards: Recipient, Orange County Asian American Bar Association Outstanding Service Award (2008).

Teaching/Speaking Experience: Keynote Speaker, Orange County Japanese American Lawyers Association (February, 2002); Adjunct Professor, Chapman Law School teaching Construction Law(2004); Temporary Judge Training, Elimination of Bias, Bench Demeanor (2007); I have supervised over 20 law school interns over the course of my judicial career; in 2009 seven of my former interns passed the California bar examination; I have spoken on numerous occasions on topics ranging from Law and Motion practice to the implementation of the court's new Mediation program; I have presided over numerous mock trials for high school (CRF-OC), college and law students.

Hon. Maria D. Hernandez

Presiding Judge of the Juvenile Court

The Honorable Judge Maria Hernandez was appointed Presiding Judge of the Juvenile Court for Orange County on January 1, 2014. Prior to her appointment she was responsible for both dependency and delinquency inventories, presided over Juvenile Drug Court, Dependency Drug Court and the Boys Court program, and chaired the task force relating to Commercially Sexually Exploited Children (CSEC). Judge Hernandez has been assigned to the Juvenile Court since 2010 and prior to that assignment served at the West Justice Center presiding over adult criminal matters.

Currently, Judge Hernandez also serves as a member of Chief Justice Cantil-Sakauye's "Keeping Kids in School and Out of Court Initiative", the Judicial Council of California's "Advisory Committee on Providing Access and Fairness" and is a faculty member for the Judicial Council of California's Center for Judiciary Education and Research (CJER). Judge Hernandez leads numerous projects and commissions working to reduce truancy and creating successful educational outcomes for the youth in Orange County. Judge Hernandez is an active member of numerous law and community related organizations at the local, state and national levels.

Judge Hernandez worked as a senior deputy public defender for the County of Orange as a trial lawyer until she was appointed to the bench as a Commissioner in 2006, and appointed by Governor Schwarzenegger as a judge in 2009. Since 2011, she has served as adjunct Professor of Juvenile and Domestic Law at Western State College of Law. Judge Hernandez is a University of California, Irvine alumni, having graduated with her undergraduate degree from UC Irvine in 1986 and law degree from Western State University-Fullerton in 1991.

As the Presiding Juvenile Court Judge, Judge Hernandez enjoys maintaining a small inventory of cases while working with juvenile justice partners in the daily administration of juvenile court.



Mr. David H. Yamasaki, Court Executive Officer
Superior Court of Santa Clara County

Term: Sept 2011–Sept 2014 (term has expired)

Membership: Advisory member, appointed by Chief Justice Tani G. Cantil-Sakauye

Internal Committees: Executive and Planning Committee; Litigation Management Committee; Technology Committee; AOC Trial Court Administrative Services Office

Before joining the Superior Court of Santa Clara County in 2008, Mr. Yamasaki was Assistant Executive Officer of the Superior Court of San Diego County, Central Division, where he was responsible for the administration of the criminal, civil, family law, traffic, probate, and juvenile departments and the court's administration of court reporters and court interpreters. He began his career with the Superior Court of San Diego County as administrative operations manager responsible for finance and personnel administration. His previous positions include senior administrative assistant for the Court Services Division of the Los Angeles Municipal Court, and legal research assistant and deputy clerk for the San Diego Municipal Court. Mr. Yamasaki is presently the Chair of the council's Court Executives Advisory Committee. He is also a current member of the Trial Court Budget Working Group. In November 2012, the Chief Justice appointed him to the Trial Court Fund Workgroup, a judicial and executive branch working group evaluating the progress of state wide funding for trial courts.