
ORANGE COUNTY BAR ASSOCIATION

**CRIMINAL LAW
SECTION WEBINAR**

The Criminal Court's "New Normal"
in the COVID Era



Friday, May 22, 2020



Superior Court of California County of Orange ***News Release***

May 21, 2020

Public Information Office
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URGENT RELEASE:

Orange County Superior Court Announces Soft Re-Opening

On Tuesday, May 26, 2020, the Superior Court of California, County of Orange will re-open courthouses for limited services, but members of the public should not visit a courthouse unless they have been notified by the Court that they have a hearing scheduled on their matter.

Beginning May 26, 2020, the branch courthouses will begin conducting preliminary hearings on felony matters. Criminal jury trials will start up in June. The number of hearings and trials is expected to grow over the coming weeks, as conditions allow. "We will be resuming four criminal jury trials that were suspended due to the Court closure and we hope to commence additional criminal jury trials in early June," said Orange County Superior Court Presiding Judge Kirk Nakamura.

Public service windows will remain closed, as this is a soft reopening. Since the Court is not yet able to assist parties on a walk-in basis, it will continue to provide drop boxes for filing documents. The Court recommends all persons consult the Court's coronavirus website (<https://www.occourts.org/media-relations/CoronaVirusUpdate.html>) for more details and the most up-to-date information regarding their case type.

As part of the soft opening, **the Court will be strictly enforcing health protocols. The use of facemasks or face coverings is mandatory for anyone entering a courthouse. Social distancing rules will also be strictly enforced in all facilities**, thus the number of individuals entering public courtrooms and elevators will be subject to space limitations. **Persons displaying possible coronavirus symptoms will not be allowed in court facilities.**

The gradual reopening is necessary to ensure that the Court, as well all court users, comply with all Federal, State, and local health guidelines. The gradual reopening will enable the Court to slowly increase the caseload and visitor level at each courthouse, while at the same time monitor that health protocols are being followed.

The public is encouraged to visit the OC Health Care Agency website for up-to-date information about COVID-19 symptoms:

http://www.ochealthinfo.com/phs/about/epidasmt/epi/dip/prevention/novel_coronavirus

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Superior Court of California County of Orange

Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

Superior Court of California County of Orange Emergency Administrative Order for Emergency Bail Reductions and Own Recognizance

ADMINISTRATIVE ORDER NO. 20/10

In light of the State of Emergency declared in the State of California, the Chief Justice's Advisory on COVID-19 and Court Operations, and pursuant to Penal Code section 1270, the Presiding Judge of the Superior Court of California, County of Orange is hereby issuing an administrative order permitting own recognizance release for persons charged with low level misdemeanors, and felony crimes punishable pursuant to Penal Code section 1170(h), not inconsistent with the current PARS Eligibility Guidelines and Orange County Sheriff Department's No Cite and Release policy for warrants, until further notice.

Except for those misdemeanors listed below and those contained in the Orange County Sheriff Department's "Street Bookings Not to be Cited and Released" list, a person arrested or detained for a misdemeanor may be booked and released without being taken into custody, or if taken into custody, shall be released from custody on the person's own recognizance upon a promise in writing to appear in court as required, to obey all laws, and to comply with coronavirus emergency restrictions, including Governor Gavin Newsom's March 19, 2020 Executive Order N-33-20, stay at home order.

I. Misdemeanors violations:

Except for those misdemeanors listed below and those contained in the Orange County Sheriff Department's "Street Bookings Not to be Cited and Released" list, a person arrested or detained for a misdemeanor may be booked and released without being taken into custody, or if taken into custody, shall be released from custody on the person's own recognizance upon a promise in writing to appear in court as required, to obey all laws, and to comply with coronavirus emergency restrictions, including Governor Gavin Newsom's March 19, 2020 Executive Order N-33-20, stay at home order.

- (a) A violation of Penal Code section 136.1 where punishment is imposed pursuant to subdivision (c) of Section 136.1
- (b) A violation of Penal Code sections 262, 273.5, or 422 where the offense is punished as a felony.

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- (c) A violation of Penal Code section 646.9.
- (d) A violation of paragraph (1) of subdivision (e) of Penal Code section 243.
- (e) A violation of Penal Code section 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.
- (f) A person arrested for an offense listed in Penal Code section 290.

A person arrested or detained for the following misdemeanors are NOT eligible for release on own recognizance pursuant to this order:

- (a) A violation of those crimes listed in Penal Code section 1270.1.
- (b) A violation of Penal Code section 136.1 where punishment is imposed pursuant to subdivision (c) of Section 136.1
- (c) A violation of Penal Code sections 262, 273.5, or 422 where the offense is punished as a felony.
- (d) A violation of Penal Code section 646.9.
- (e) A violation of paragraph (1) of subdivision (e) of Penal Code section 243.
- (f) A violation of Penal Code section 273.6 if the detained person made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protected party.

II. Felony Violations:

The Pretrial Services Unit (PTSU) will release in-custody defendants from the OC Jail who qualify under the Pretrial Assessment and Release Supervision (PARS) Program eligibility criteria. PARS eligible criteria will include the expansion guidelines implemented in 2018.

PARS Eligibility Guideline:

Defendants charged with felony crime(s) punishable pursuant to Penal Code § 1170(h) absent any of the following exclusions:

Exclusions under Penal Code §1170(h):

- (a) Prior adult conviction(s), juvenile W&I § 707(b) adjudication(s), or present charge(s) for serious or violent felonies as defined in Penal Code § 667.5(c) or Penal Code § 1192.7(c), including an out-of-state felony conviction of a crime that would qualify as a serious or violent felony under California law

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- (b) Current or past requirement to register as a sex offender pursuant to Penal Code § 290
- (c) Conviction of a felony with sentencing enhancement of aggravated theft as defined in Penal Code § 186.11
- (d) Other expressly excluded charge(s)

Exclusion per program guidelines:

- (a) ICE hold or under active deportation
- (b) Out-of-county felony warrants

Expanded PARS Eligibility Guidelines will Include the following:

Defendant Booked for Non-PC § 1170(h) Charges

- Charge(s) are not serious or violent as defined in Penal Code § 667.5(c) or § 1192.7(c)
- Current charge(s) do not involve firearms, GBI, or sexual assault

Defendants booked for a Penal Code § 1170(h) eligible felony and have a prior serious/violent conviction (strike), must fit following criteria:

- No criminal convictions within the last ten years, including 5 years following supervised release date
- Current charge(s) do not involve firearms, GBI, or sexual assault

Defendants booked for serious/violent felonies and they meet both criteria:

- No prior criminal convictions; and
- Current charge(s) do not involve firearms, GBI, or sexual assault

The following modifications will be made to the Pretrial Services Unit's (PTSU) procedures and processes:

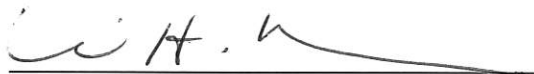
- Own recognizances (O/R) releases under this order will not require On-Call Magistrate (OCM) approval.
- 1275.1 PC bail hearing declaration will not be accepted and presented to judicial officers for review.
- Court appearance dates will be set 90 days from the date of release. If date falls on a weekend/holiday, the date will be the following court day.

March 27, 2020

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- Magistrate approved declarations to increase bail will exclude defendants from O/R consideration.
- Pretrial Services Officers will have the discretion to contact the appropriate judicial officer for guidance based on a defendant's criminal history.

IT IS SO ORDERED this 27th day of March 2020, at Santa Ana California.

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

Kirk H. Nakamura
Presiding Judge



Superior Court of California County of Orange

Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

ADMINISTRATIVE ORDER NO. 20/16

REQUIRED SAFETY MEASURES AND FACE COVERINGS IN COURT

On March 18, 2020, the Orange County Health Officer issued an [amended order](#) and guidance directing the public to operate in compliance with social distancing guidelines issued by the California Department of Public Health.

On March 19, 2020 California Governor Gavin Newsom and the State Public Health Officer issued [Executive Order N-33-20](#), ordering all individuals living in the State of California to stay home or at their place of residence, except as needed, to maintain continuity of operations of essential critical infrastructure sectors. Courts are designated [Essential Critical Infrastructure Workers](#) and provide essential services during the stay at home order.

On April 1, 2020, the California Department of Public Health issued guidance regarding the use of face coverings in public.

On April 4, 2020, the [Centers for Disease Control and Prevention recommended](#) wearing cloth face coverings in public settings where other distancing measures are difficult to maintain, especially in areas of significant community-based transmission.

[On April 9, 2020 County of Orange Health Officer Dr. Nichole Quick issued a recommendation](#) strongly encouraging all employees at essential businesses to wear a face covering while at work and all residents engaged in essential activities outside the home to do the same. The cities of Fullerton, Westminster, and Santa Ana, and others have issued orders strongly encouraging essential service providers to require face coverings for both employees and patrons. (See [Director of Emergency Services for the City of Santa Ana Executive Order No. 3](#); [City of Fullerton City Manager Proclamation No. 2020-02](#); [Interim Westminster City Manager Executive Order](#).)

On April 21, 2020, the Board of Supervisors of the County of Orange issued an order requiring face coverings for all employees of any grocery store, pharmacy/drug store, convenience store, gas station, restaurant, food preparation establishment, or retail store in Orange county who may have contact with the public."

As of May 5, 2020, Orange County has had 2,873 cumulative cases of COVID-19 and 69 deaths from COVID-19.

Pursuant to my authority to control matters before the Court (Code Civ. Proc., § 128; Gov. Code, § 68070); my authority as the Presiding Judge (Cal. Rules of Court, rule 10.603); the inherent powers of the Court (*In re Reno* (2012) 565 Cal.4th 428, 522); and in compliance with state and local guidelines and ordinances, I therefore order as follows:

Effective May 8, 2020, to prevent the spread of COVID-19 and to protect public health, all members of the public entering the court are subject to the following restrictions:

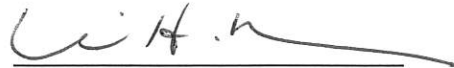
- Social distancing of at least six feet (6') shall be enforced in all courthouses, courtrooms, and public areas to the extent possible.
- All members of the public entering a court building, including law enforcement, attorneys, parties, and vendors must wear face coverings for the purpose of covering their mouth and nose at all times in the public areas of any court building, including courtrooms. Face coverings may include a mask, scarf, or any other cloth material that covers both mouth and nose.
- Individuals who are not wearing a mask will be denied entry to the building. Individuals who remove their masks after entering the building will be reminded of this requirement. If compliance is refused, services may not be provided, and the person may be asked to leave the court building immediately. Children under the age of three are exempt from this Order.
- For individuals with disabilities who seek an exemption from this Order as a reasonable accommodation pursuant to the Americans with Disabilities Act or California Rules of Court, rule 1.100, please contact the Court's ADA site coordinator at <http://www.occourts.org/general-info/> or at ADAInformation@occourts.org.

This Order will remain in effect until 90 days after the Governor declares that the State of Emergency related to the COVID-19 pandemic is lifted, or until amended or repealed.

May 21, 2020

THIS ORDER IS EFFECTIVE IMMEDIATELY.

IT IS SO ORDERED this 21st day of May 2020, at Santa Ana California.

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

Kirk H. Nakamura
Presiding Judge



ORANGE COUNTY BAR ASSOCIATION CIVILITY GUIDELINES

PREAMBLE

The practice of law is a noble, time-honored profession requiring and inspiring trust and confidence. Lawyers rightly take pride in seeking mutual cooperation and maintaining personal dignity. Lawyers practicing in Orange County share a commitment to civility and recognize their obligation to be professional with clients, other parties and counsel, the courts, and the public.

Courts expect lawyers to show others respect. Lawyers are officers of the court. Each lawyer's conduct should reflect well on the judicial system, the profession, and the fair administration of justice. Judicial resources are limited and wisely conserved when lawyers avoid frivolous disputes.

Lawyers should inspire public regard for the profession and for the judicial system. Rudeness, distrust, or abusive tactics by lawyers do not reflect well on the legal profession or inspire the public's confidence.

Civility allows for zealous representation, reduces clients' costs, better advances clients' interests, reduces stress, increases professional satisfaction, and promotes effective conflict resolution. These guidelines foster the civility and professionalism that are hallmarks of the best traditions of the legal profession.

All OCBA members are encouraged to adopt these guidelines as their personal standards. The guidelines exceed the Rules of Professional Conduct; do not replace any statute or rule; and are not intended as an independent basis for sanctions, discipline, or more litigation. Rather, the guidelines remind us that law is best practiced with civility and that clients, courts, the public, and the fair administration of justice are best served thereby.

GUIDELINES

1. Counsel shall show civility to other counsel and self-represented litigants.

- a. Communicate in a professional, businesslike manner. Respond to communications within a reasonable time, using reasonable means. Provide accurate redlines and note significant changes when exchanging drafts. Avoid personal attacks, demeaning comments, and misleading characterizations of the other side's positions, both in private communications and in court. Act civilly toward opposing counsel's staff members.
 - b. Extend professional courtesies. Agree to reasonable requests, including those regarding service of papers or extensions of time, whenever possible without prejudicing the client's interests or violating a court's scheduling order. Honor commitments.
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- c. Advise clients about the need for civility. Assure clients you will zealously represent them while still treating others with civility. Resist client requests to engage in abusive or disrespectful behavior.

2. Counsel shall show civility during discovery.

- a. Work together to make discovery self-executing. Meet and confer in good faith to try to limit and expedite discovery – and to resolve disputes without motions. Cooperate to make discovery reasonably convenient: e.g., provide written discovery requests in electronic format, discuss search terms for electronic discovery in advance, produce written responses and responsive documents in a user-friendly manner. Avoid pursuing discovery only to harass adversaries or increase litigation costs. Respond forthrightly and timely to non-objectionable requests.
- b. Schedule depositions reasonably. Respond to inquiries for dates within a reasonable time and on reasonable terms. Make good-faith efforts to accommodate the schedules of other parties, counsel, and witnesses. Delay or cancel depositions only with good cause and as much notice as practicable.
- c. Behave professionally at depositions. Avoid abusive or rude behavior, mischaracterizations of anyone's conduct, baseless instructions not to answer, and questions asked only to embarrass the witness. Make reasonable use of the allotted time, without needlessly running out the clock or requiring an additional day.

3. Counsel shall show civility to the courts.

- a. Respect the court's time. Make good-faith efforts to avoid or narrow issues before raising them with the court. Plan to make witnesses available while minimizing their wait time – consider on-call agreements. Notify the court as soon as possible if a matter resolves.
- b. Communicate respectfully with the court. Treat the court and its personnel with dignity. Avoid personal attacks, disrespectful familiarity, the appearance of impropriety, and improper ex parte communications.
- c. Conduct yourself professionally in court. Be punctual and prepared for every appearance. Wait for your matter respectfully. Let others speak, without interrupting. Accept responsibility for your handling of the case without blaming subordinates.
- d. Show this civility to all bench officers (judges, commissioners, temporary judges, referees), arbitrators, mediators, other dispute resolution providers, and their staffs.

JUDICIAL COUNCIL OF CALIFORNIA
STATEWIDE EMERGENCY ORDER BY HON. TANI G. CANTIL-SAKAUYE,
CHIEF JUSTICE OF CALIFORNIA AND CHAIR OF THE JUDICIAL COUNCIL
MARCH 30, 2020

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus. This week it was reported that there have been more than 500,000 confirmed cases of COVID-19 in the world with more than 23,000 deaths. In California, the Department of Public Health reports more than 5,000 confirmed cases and more than 100 deaths. Health officials expect these figures to rise dramatically unless the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this date, there is no known cure or vaccination.

In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Trump declaring a national emergency. Beginning on March 16, 2020, California counties began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption.

The CDC, the California Department of Public Health, and local county health departments have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces. The continuous operation of our courts is essential for our constitutional form of government, for providing due process and protecting the public. However, courts are clearly places with high risks during this pandemic because they require gatherings of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers allowed for gathering under current executive and health orders.

In response to these circumstances, on March 20, 2020, I issued an advisory recommending steps superior courts could take to mitigate the effect of reduced staffing and court closures and to protect the health of judges, court staff, and court users. The advisory included actions that superior courts could take immediately to protect constitutional and due process rights of court users, including revising on an emergency basis the countywide bail schedule and prioritizing arraignments and preliminary hearings for in-custody defendants, the issuance of restraining orders, and juvenile dependency detention hearings. In addition, on March 23, 2020, I also issued an order requiring superior courts to suspend jury trials for 60 days, unless they were able conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology; extending statutory deadlines for holding last day trials in criminal and civil proceedings; and authorizing courts to adopt any proposed local rules or rule amendment intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for public comment.

Governor Newsom, also responding to the crisis, on March 27, 2020, issued Executive Order N-38-20, which among other things, suspends Government Code section 68115 and any other provision of law to the extent that those laws impose or imply a limitation on my authority to authorize via emergency order or statewide rule, any court to take any action I deem necessary to maintain the safe and orderly operation of the courts.

The Judicial Council on March 28, 2020, met in an emergency session and authorized and supported my issuing statewide emergency orders to extend statutory deadlines for preliminary hearings, arraignments, and last day trials in both criminal and civil proceedings.

Pursuant to my constitutional and other legal authority, including the authority granted by Governor Newsom and the Judicial Council, and by the California Constitution, article VI, section 6, and Government Code section 68115, and after careful

consideration, balancing the constitutional due process rights of parties in both criminal and civil proceedings with the health and safety of these parties, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings, among other considerations, I find good cause to:

- A. Authorize superior courts to issue implementation orders that:
 - 1. Extend the time period provided in section 859b of the Penal Code for the holding of a preliminary examination and the defendant's right to release from 10 court days to not more than 30 court days;
 - 2. Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than seven days;
 - 3. Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired;
 - 4. Extend the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired;
 - 5. These extensions are in addition to any relief provided pursuant to a court-specific emergency order issued under a subdivision of Government Code section 68115 related to another extension or form of relief.
- B. Order that the 60-day continuance of jury trials, which I authorized in my order of March 23, 2020, is to be calculated from the date for which the trial was set or extended as provided in A.3 or A.4 above, whichever is longer; and
- C. To support courts in making use of available technology, when possible, to conduct judicial proceedings and court operations remotely, suspend any rule in the California Rules of Court to the extent such rule would prevent a court from using technology to conduct judicial proceedings and court operations remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This is consistent with the Governor's order, which also provides for the suspension of related statutes that impose limitations on the subject of these emergency orders.

Courts are urged to timely communicate with attorneys and self-represented litigants regarding the status of pending proceedings.

This relief is temporary, intended to address the current COVID-19 crisis as it poses a challenge to court proceedings. I reserve the authority to rescind or modify this order, as appropriate, to address changing circumstances. This order may be deemed part of the record in affected cases for purposes of appeal without the need to file the order in each case.

Date: March 30, 2020

Tani G. Cantil-Sakauye

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

JUDICIAL COUNCIL OF CALIFORNIA
STATEWIDE EMERGENCY ORDER BY TANI G. CANTIL-SAKAUYE,
CHIEF JUSTICE OF CALIFORNIA AND CHAIR OF THE JUDICIAL COUNCIL
APRIL 29, 2020

The World Health Organization, the United States Centers for Disease Control and Prevention (CDC), and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus. As of April 27, 2020, the CDC reported that there were almost 1,000,000 cases in this country and almost 54,000 deaths. In California, the Department of Public Health reports more than 43,000 confirmed cases and more than 1,700 deaths. Health officials expect these figures to continue to rise unless the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this date, there is no known cure or vaccination.

In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a state of emergency in California, which was followed on March 13, 2020, by President Trump declaring a national emergency. Beginning on March 16, 2020, California counties began issuing shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions. Courts are included in this exemption.

The CDC, the California Department of Public Health, and local county health departments have recommended stringent social distancing measures of at least six feet between people and encouraged vulnerable individuals to avoid public spaces. The continuous operation of our courts is essential for our constitutional form of government, and for providing due process and protecting the public. However, courts are clearly places of high risk during this pandemic because they require gatherings of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement, and juries—well in excess of the numbers allowed for gathering under current executive and health orders.

In response to these circumstances, on March 20, 2020, I issued an advisory recommending steps superior courts could take to mitigate the effect of reduced staffing and court closures, and

to protect the health of judges, court staff, and court users. The advisory included actions that superior courts could take immediately to protect constitutional and due process rights of court users, including (1) revising on an emergency basis the countywide bail schedule; and (2) prioritizing arraignments and preliminary hearings for in-custody defendants, the issuance of restraining orders, and juvenile dependency detention hearings. In addition, on March 23, 2020, I issued an order requiring superior courts to suspend jury trials for 60 days, unless they were able to conduct such a trial at an earlier date, upon a finding of good cause shown or through the use of remote technology, when appropriate; extending statutory deadlines for holding last-day trials in criminal and civil proceedings; and authorizing courts to adopt any proposed local rules or rule amendments that are intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment.

Governor Newsom, also responding to the crisis, on March 27, 2020, issued Executive Order N-38-20, which, among other things, suspends Government Code section 68115 and any other provision of law to the extent that those laws impose or imply a limitation on my authority to authorize via emergency order or statewide rule, any court to take any action I deem necessary to maintain the safe and orderly operation of the courts.

On March 28, 2020, the Judicial Council met telephonically in an emergency session, and authorized and supported my issuing statewide emergency orders to extend statutory deadlines for preliminary hearings, arraignments, and last-day trials in both criminal and civil proceedings.

On March 30, 2020, I issued a second order, which (1) authorized superior courts to issue implementation orders to extend the statutory time provided for conducting arraignments and preliminary examinations, and the holding of criminal and civil trials; (2) clarified that the 60-day continuance of jury trials that I ordered on March 23, 2020, be calculated from the date on which the trial was set or the last date on which the statutory deadline otherwise would have expired, whichever was longer; and (3) suspended any rule in the California Rules of Court to the extent such rule would prevent a court from using technology to conduct judicial proceedings and court operations remotely.

The Judicial Council met telephonically on April 6, 2020, for a second emergency session and adopted 11 emergency rules of court that addressed the suspension of certain civil proceedings (emergency rules 1 and 2), the use of technology for court proceedings and operations (emergency rule 3), the conduct of criminal proceedings (emergency rules 4 and 5), the conduct of juvenile dependency and delinquency proceedings (emergency rules 6 and 7), the issuance of emergency protective orders (emergency rule 8), and the conduct of civil proceedings and discovery (emergency rules 9, 10, and 11). Since adopting these emergency rules, the council has by circulating order adopted additional rules on electronic service of papers (emergency rule 12) and the effective date for modification of support orders (emergency rule 13), and has amended emergency rule 8.

Pursuant to my constitutional and other legal authority, including the authority granted by Governor Newsom and the Judicial Council, and by the California Constitution, article VI, section 6, and Government Code section 68115, and after careful consideration, balancing the constitutional due process rights of parties in criminal proceedings with the health and safety of these parties, the public, court staff, judicial officers, attorneys, witnesses, jurors, and others present at these proceedings, among other considerations, I find good cause to order:

1. The 60-day continuance of criminal jury trials and the 60-day extension of time in which to conduct a criminal trial under Penal Code section 1382, both of which I first authorized in my order of March 23, 2020, are to be extended an additional 30 days. The total extension of 90 days shall be calculated from the last date on which the trial initially could have been conducted under Penal Code section 1382, as illustrated below.
2. This extension applies only to those matters for which the last date on which the trial could be conducted under Penal Code section 1382 occurred or will occur between March 16, 2020, and June 15, 2020. This will result in a range of trial dates as follows: A criminal trial for which March 16, 2020, is the last day a trial could be conducted under Penal Code section 1382 would be extended to June 14, 2020, and a criminal trial for which June 15, 2020, is the last day a trial could be conducted under Penal Code section 1382 would be extended until September 13, 2020.
3. Any previously issued extensions of time in which to conduct a criminal trial under Penal Code section 1382 that I authorized in an emergency order or orders issued to an individual court pursuant to Government Code section 68115(a)(10) shall run concurrently with the extension authorized in this paragraph, such that the total authorized extension of the section 1382 deadline in a case is 90 days.

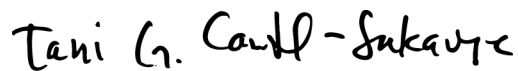
4. Courts are strongly encouraged to collaborate with local justice partners to conduct a trial at an earlier date, if a court may do so in compliance with applicable health and safety laws, regulations, and orders, including through the use of remote technology, when appropriate.
5. To the extent a court needs a further extension of time in which to conduct criminal trials, it shall submit a request under Government Code section 68115 and describe the specific facts supporting the request, and specifically address the efforts the court is making to avoid the necessity of further extensions, including collaboration with justice partners and use of available technology.

Courts are urged to timely communicate with justice partners regarding the status of pending proceedings.

Courts are further urged to work with justice partners to encourage and facilitate expeditious settlement, where possible, of cases pending before the court, in compliance with applicable health and safety laws, regulations, and orders, including through the use of remote technology, when appropriate.

This relief is temporary, intended to address the current COVID-19 pandemic as it poses a challenge to court proceedings. I reserve the authority to rescind or modify this order, as appropriate, to address changing circumstances. This order may be deemed part of the record in affected cases for purposes of appeal, without the need to file the order in each case.

Date: April 29, 2020



Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

Because of the COVID-19 pandemic, leading to health and safety concerns resulting in substantial operational impediments, and the proclamations of states of emergency by federal, state, and local officials, it was determined that the conditions described in Government Code section 68115(a) were met with regard to the Superior Court of Orange County (Court) as of March 16, 2020, and that those conditions continued to exist as of March 26, 2020. Pursuant to requests of Presiding Judge Kurt Nakamura, orders issued on those dates authorizing the Court to implement certain relief authorized by Government Code section 68115(a). Upon a second renewed request of Presiding Judge Nakamura, it is determined that the conditions described in Government Code section 68115(a) continue to exist (Gov. Code, § 68115(b)), and it is ordered that the Court is authorized to do the following:

- Declare that from April 27, 2020, through May 22, 2020, inclusive, be deemed holidays for purposes of computing the time for filing papers with the Court under Code of Civil Procedure sections 12 and 12a, if the above-described emergency conditions substantially interfere with the public's ability to file papers in a Court facility on those dates (Gov. Code, § 68115(a)(4));
- Declare that from April 27, 2020, through May 22, 2020, inclusive, be deemed holidays for purposes of computing time under Welfare and Institutions Code sections 313, 315, 334, 631, 632, 637, and 657, if the above-described emergency conditions prevent the Court from conducting proceedings or accepting filings as necessary to satisfy these deadlines on those dates (Gov. Code, § 68115(a)(5));
- Extend 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 60 days in cases in which the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive (Gov. Code, § 68115(a)(6));

- Extend by not more than 30 days the duration of any temporary restraining order that would otherwise expire from April 27, 2020, through May 22, 2020, inclusive, because the emergency condition described herein prevented the Court from conducting proceedings to determine whether a permanent order should be entered (Gov. Code, § 68115(a)(7));
- Extend 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 days, applicable only to cases in which the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive (Gov. Code, § 68115(a)(9));
- Extend the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 30 days in cases in which the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive (Gov. Code, § 68115(a)(10));
- Extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be taken before a magistrate from 48 hours to not more than 7 days. (Gov. Code, § 68115(a)(8).) This authority applies only to defendants for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive;
- Extend the time period provided in section 313 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be released from custody to not more than seven (7) days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive;
- Extend the time period provided in section 315 of the Welfare and Institutions Code within which a minor taken into custody pending dependency proceedings must be given a detention hearing to not more than seven (7) days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive;
- Extend the time periods provided in sections 632 and 637 of the Welfare and Institutions Code within which a minor taken into custody pending wardship proceedings and charged with a felony offense must be given

a detention hearing or rehearing to not more than seven (7) days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive;

- Extend the time period provided in section 334 of the Welfare and Institutions Code within which a hearing on a juvenile dependency petition must be held by not more than fifteen (15) days. (Gov. Code, § 68115(a)(12).) This applies only to minors for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive;
- Extend the time period provided in section 657 of the Welfare and Institutions Code within which a hearing on a wardship petition for a minor charged with a felony offense must be held by not more than fifteen (15) days. (Gov. Code, § 68115(a)(12).) This applies only to minors for whom the statutory deadline otherwise would expire from April 27, 2020, through May 22, 2020, inclusive.

Date: April 24, 2020



Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

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

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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**
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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 Sakaue, 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.

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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
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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.
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4 **THIS ORDER IS EFFECTIVE IMMEDIATELY.**
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7 DATED: 4/1/20



8 Kirk H. Nakamura
9 Presiding Judge
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3 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
4 **IN AND FOR THE COUNTY OF ORANGE**
5

6 **In Re:**)
7 **COVID-19 Pandemic**)
8) **THIRD**
9) **IMPLEMENTATION ORDER**
10) **RE EMERGENCY ORDER**
11) **(Gov. Code, § 68115)**
12 **April 24, 2020**)
13 _____)

14 Exercising the authority granted by Government Code section 68115 and the April
15 24, 2020 Order of Chief Justice Tani Cantil-Sakauye, Chair of the California Judicial
16 Council, issued in response to the April 21, 2020 Request for a Judicial Emergency Order
17 made by the Superior Court of Orange County ("Court"), this Court HEREBY FINDS
18 **AND ORDERS AS FOLLOWS:**

19 1. The Court declares that all dates from 4/27/2020 to 5/22/2020 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 4/27/2020 to 5/22/2020 are holidays for
23 purposes of computing the time under:

- 24 a. Welfare and Institutions Code section 313 (time to release minor
25 taken into custody pending dependency proceedings);
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- b. Welfare and Institutions Code section 315 (time to hold detention hearing for minor taken into custody pending dependency proceedings);
- c. Welfare and Institutions Code section 334 (time to hold hearing on dependency petition);
- d. Welfare and Institutions Code section 631 (detention of minor in wardship proceedings);
- e. Welfare and Institutions Code section 632 (detention hearing for minor in wardship proceedings);
- f. Welfare and Institutions Code section 637 (detention rehearing for minor in wardship proceedings); and
- g. 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 sixty (60) days. (Gov. Code, § 68115(a)(6).) This request applies only to cases in which the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.

4. The Court extends by not more than thirty (30) days the duration of any temporary restraining order that would otherwise expire from 4/27/2020 to 5/22/2020, 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 30 court

1 days, applicable only to cases in which the statutory deadline otherwise would expire from
2 4/27/2020 to 5/22/2020, inclusive. (Statewide Emergency Order by Hon. Tani Cantil-
3 Sakauye, March 30, 2020.)

4 6. The Court extends the time period provided in section 1382 of the Penal Code
5 for the holding of a criminal trial by not more than 60 days in cases in which the statutory
6 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive. (Statewide
7 Emergency Order by Hon. Tani Cantil-Sakauye, March 30, 2020.)

9 7. The Court extends the time period provided in section 825 of the Penal Code
10 within which a defendant charged with a felony offense must be taken before a magistrate
11 from 48 hours to 7 days, applicable only to cases in which the statutory deadline otherwise
12 would expire from 4/27/2020 to 5/22/2020, inclusive. (Gov. Code, § 68115(a)(8).)

14 8. The Court extends the time period provided in section 313 of the Welfare and
15 Institutions Code within which a minor taken into custody pending dependency proceedings
16 must be released from custody to 7 days. (Gov. Code, § 68115(a)(11).) This applies only to
17 minors for whom the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020,
18 inclusive.

20 9. The Court extends the time period provided in section 315 of the Welfare and
21 Institutions Code within which a minor taken into custody pending dependency proceedings
22 must be given a detention hearing to 7 days. (Gov. Code, § 68115(a)(11).) This applies only
23 to minors for whom the statutory deadline otherwise would expire from 4/27/2020 to
24 5/22/2020, inclusive.

26 10. The Court extends the time periods provided in sections 632 and 637 of the
27 Welfare and Institutions Code within which a minor taken into custody pending wardship
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1 proceedings and charged with a felony offense must be given a detention hearing or rehearing
2 to 7 days. (Gov. Code, § 68115(a)(11).) This applies only to minors for whom the statutory
3 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.

4 11. The Court extends the time period provided in section 334 of the Welfare and
5 Institutions Code within which a hearing on a juvenile dependency petition must be held by
6 15 days. (Gov. Code, § 68115(a)(12).) This applies only to minors for whom the statutory
7 deadline otherwise would expire from 4/27/2020 to 5/22/2020, inclusive.
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9 12. The Court extends the time period provided in section 657 of the Welfare and
10 Institutions Code within which a hearing on a wardship petition for a minor charged with a
11 felony offense must be held by 15 days. (Gov. Code, § 68115(a)(12).) This applies only to
12 minors for whom the statutory deadline otherwise would expire from 4/27/2020 to 5/22/2020,
13 inclusive.
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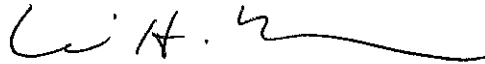
15 13. The declaration in paragraph 1 of this Order shall not apply to: (a) proceedings
16 regarding a guardianship or conservatorship under the Probate Code; (b) proceedings
17 pursuant to Title 7, Chapter 20 of the California Rules of Court (“Claims of Minors and
18 Persons With Disabilities”) and (c) proceedings regarding a conservatorship under the
19 Lanterman-Petris-Short (LPS) Act (Welfare & Institutions Code section 5150, et seq.). Such
20 proceedings remain subject to the other provisions of this Order, to the extent applicable.
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22 Except as indicated in paragraph 13, it is the intent of this Order to provide the
23 maximum length of constitutionally permitted continuance days authorized by the April 24,
24 2020 Order issued by the Hon. Tani G. Cantil-Sakauye, Chief Justice of the California
25 Supreme Court. Any conflicts in the above language are to be resolved in favor of granting
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1 the lengthier of the continuance options. The clerk's office, as well as access to the court's
2 physical files and records shall remain closed to the general public during this time.

3 THIS ORDER IS EFFECTIVE IMMEDIATELY.
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5 Dated: April 24, 2020
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9 Kirk H. Nakamura
10 Presiding Judge
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