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Clerk of the Court
Superior Court of CA County of Santa Clara
BY David K. Walker DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

GENERAL ORDER ON COURT OPERATIONS EFFECTIVE APRIL 6, 2020

This Court HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Since March 4, 2020, the State of California has been in a State of Emergency as a result of the threat of COVID-19.

2. On March 16, 2020, the County of Santa Clara Public Health Officer, along with six (6) other Public Health Officers, issued an order directing all individuals living in five (5) neighboring Bay Area Counties and the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services to mitigate the spread of COVID-19.

3. On March 19, 2020, the Governor of California issued an order directing all Californians to shelter in place at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors to protect public health and ensure the healthcare delivery system is capable of serving all and prioritizing those at the highest risk and vulnerability.

4. On March 27, 2020, the Governor issued an order permitting the Chief Justice of the California Supreme Court, as Chair of the Judicial Council of California, to address via

1 emergency order or emergency statewide or local rule any action she deems necessary to (1)
2 maintain the safe and orderly operation of the Supreme Court, Courts of Appeal and Superior
3 Courts; (2) amend the California Rules of Court or any other applicable court rule as the Judicial
4 Council may, in its discretion, choose to adopt in response to the COVID-19 pandemic; and (3)
5 suspend any statute concerning civil or criminal practice or procedure under certain conditions to
6 afford the Judicial Council and its Chairperson maximum flexibility to adopt any rules
7 concerning civil or criminal practice or procedure they may deem necessary to respond to the
8 COVID-19 pandemic, while ensuring that the rules adopted "shall not be inconsistent with
9 statute," as provided in Article VI, section 6 of the California Constitution.

10 5. On March 28, 2020, the Judicial Council of California unanimously approved
11 recommendations which have been enacted statewide by the following Order of the Chief Justice
12 on March 30, 2020:

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

17 The World Health Organization, the United States Centers for Disease Control and
18 Prevention (CDC), and the State of California have recognized that the world, country, and state
19 face a life-threatening pandemic caused by the COVID-19 virus. This week it was reported that
20 there have been more than 500,000 confirmed cases of COVID-19 in the world with more than
21 23,000 deaths. In California, the Department of Public Health reports more than 5,000 confirmed
22 cases and more than 100 deaths. Health officials expect these figures to rise dramatically unless
23 the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this
24 date, there is no known cure or vaccination.

25 In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a
26 state of emergency in California, which was followed on March 13, 2020, by President Trump
27 declaring a national emergency. Beginning on March 16, 2020, California counties began issuing
28 shelter-in-place or stay-at-home orders. On March 19, 2020, Governor Newsom issued Executive

1 Order N-33-20, requiring all Californians to stay home, subject to certain limited exemptions.
2 Courts are included in this exemption.

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

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

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

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

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

10 A. Authorize superior courts to issue implementation orders that:

11 1. Extend the time period provided in section 859b of the Penal Code for the
12 holding of a preliminary examination and the defendant's right to release from 10 court days to
13 not more than 30 court days;

14 2. Extend the time period provided in section 825 of the Penal Code within
15 which a defendant charged with a felony offense must be taken before a magistrate from 48
16 hours to not more than seven days;

17 3. Extend the time period provided in section 1382 of the Penal Code for the
18 holding of a criminal trial by no more than 60 days from the last date on which the statutory
19 deadline otherwise would have expired;

20 4. Extend the time periods provided in sections 583.310 and 583.320 of the
21 Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on
22 which the statutory deadline otherwise would have expired;

23 5. These extensions are in addition to any relief provided pursuant to a court-
24 specific emergency order issued under a subdivision of Government Code section 68115 related
25 to another extension or form of relief.

26 B. Order that the 60-day continuance of jury trials, which I authorized in my order of
27 March 23, 2020, is to be calculated from the date for which the trial was set or extended as
28 provided in A.3 or A.4 above, whichever is longer; and

1 C. To support courts in making use of available technology, when possible, to
2 conduct judicial proceedings and court operations remotely, suspend any rule in the California
3 Rules of Court to the extent such rule would prevent a court from using technology to conduct
4 judicial proceedings and court operations remotely, in order to protect the health and safety of
5 the public, court personnel, judicial officers, litigants, and witnesses. This is consistent with the
6 Governor's order, which also provides for the suspension of related statutes that impose
7 limitations on the subject of these emergency orders Courts are urged to timely communicate
8 with attorneys and self-represented litigants regarding the status of pending proceedings.

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

13 6. On March 31, 2020, the County of Santa Clara Public Health Officer, along with
14 six (6) other Public Health Officers, issued an updated order to all individuals, businesses and
15 government agencies in five (5) neighboring Bay Area Counties and the City of Berkeley that
16 clarifies, strengthens and extends certain terms of the prior shelter in place order to increase
17 social distancing and reduce person-to-person contact in order to further slow transmission of
18 COVID-19. The March 31 order is effective through May 3, 2020. Although court personnel
19 are categorically exempt from the order while performing Court functions, the Court must
20 employ all necessary emergency protective measures to prevent, mitigate, respond to and recover
21 from the COVID-19 pandemic and Court functions must be performed in compliance with Social
22 Distancing Requirements to the greatest extent feasible.

23 7. Consistent with the County Public Health order and direction of the Judicial
24 Council and Chief Justice to make use of available technology to conduct judicial proceedings
25 and court operations remotely and to prioritize use of available technology to meet current
26 statutory time requirements for criminal and juvenile proceedings, including arraignments and
27 preliminary examinations, certain limited Court operations described in the attached table will be
28 effective April 6, 2020.

1 8. The limitation of Court operations to those listed in the attached table are to
2 protect the health and safety of the public, court personnel, judicial officers, litigants, and
3 witnesses in connection with the COVID-19 threat while at the same time to ensure that
4 defendants are not held in custody, and children are not held in custody or removed from the
5 custody of their parents or guardians, without timely due process of law or in violation of
6 constitutional rights; to consider requests for protection from harm in cases of family violence,
7 elder abuse, workplace violence and civil harassment; to ensure that involuntarily confined
8 persons have a forum to challenge their confinement and/or medication orders; to hear time-
9 sensitive writs, temporary restraining orders and preliminary injunctions in civil cases; and to
10 hear urgent conservatorship matters.

11 9. It is therefore ordered that the Court operations listed in the attached table will be
12 effective April 6, 2020.

13 IT IS SO ORDERED.

14
15 Dated: April 3, 2020



Presiding Judge Deborah A. Ryan

SUMMARY

Limited Court Operations

Effective April 6, 2020

Locations	Courtrooms
HOJ	4 courtrooms – arraignments/VOP 2 courtrooms – TNW preliminary examinations 2 courtroom – Resolution/plea
Family Justice Center	2 courtrooms – Domestic Violence Restraining Orders, GVRO's and emergency hearings 1 Dependency 1 Mental Health in custody reviews
DTS/Historic Courthouse	1 courtroom – civil harassment restraining orders 1 courtroom – LPS hearings 1 courtroom – conservatorship hearings 1 courtroom – writs, preliminary injunctions and temporary restraining orders
Juvenile Justice	1 courtroom (detentions)