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Superior Court of California, County of Los Angeles

# NEWS RELEASE

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FOR IMMEDIATE RELEASE:  
October 9, 2020

## **PRESIDING JUDGE KEVIN C. BRAZILE ISSUES NEW GENERAL ORDER PRIORITIZING CRIMINAL JURY TRIALS WHILE PERMITTING CERTAIN CIVIL CASES TO PROCEED IN ACCORDANCE WITH SOCIAL DISTANCING REQUIREMENTS**

***NEW: Civil Preference Jury Trials, Certain Unlawful Detainer Trials, Some  
Family Law Hearings/Trials Completed Within Two Court Days  
Allowed to Proceed***

***Most Civil Trials Continued Until January 2021; All Other Civil Non-Jury Trials  
May Resume on or After November 16, 2020***

Presiding Judge Kevin C. Brazile announced today that Chief Justice Tani G. Cantil-Sakauye authorized him to issue a new General Order pursuant to the emergency powers granted under Government Code 68115 that supports the Court's efforts to ramp up operations while prioritizing public health measures and social distancing protocols as the pandemic enters its seventh month.

"One of the most important principles of our constitutional democracy is the right of persons accused of a crime to have a speedy trial," Presiding Judge Brazile said.

"Preserving that right while protecting the well-being of all participants in a trial during a pandemic involving a highly contagious respiratory virus is an unprecedented challenge for trial courts. Pursuant to Penal Code section 1050 and Government Code section 68115, the Court will give priority to criminal trials that were previously continued under a judicial emergency order (Penal Code §1382) in assigning available prospective jurors

**-MORE-**

## **NEW GENERAL ORDER**

**2-2-2-2**

for either Misdemeanor or Felony jury trials. Presently, there are approximately 7,000 criminal cases that must be tried to satisfy defendants' statutory speedy trial rights."

Criminal jury trials have resumed with the Court's [Here For You | Safe For You](#) precautions in courthouses and courtrooms to protect all participants, including jurors, attorneys, witnesses, judicial officers, employees, and bailiffs.

The Order also details the resumption of:

- Small Claims and Traffic trials.
- Juvenile Dependency matters allowed under the Dependency Prioritization Plan, which strictly limits the cases each Dependency courtroom may hear. Since Dependency courts resumed operations on June 22, 2020, the vast majority of proceedings have been held remotely.
- Certain Unlawful Detainer jury and non-jury trials, which resumed on October 5, 2020.
- Civil jury trials in preference cases under Code of Civil Procedure section 36 that can be tried in compliance with social distancing, which resumed on October 5, 2020.
- Non-jury trials in any other preference cases, which also resumed October 5, 2020.
- Family Law evidentiary proceedings, whether Family Code section 217 hearings or trials, other than Restraining Order hearings, that may be completed within two court days.

Consult the Order, which is attached, for its specific extensions.

The new General Order maintains and reiterates the previous orders of Presiding Judge Brazile regarding mandatory face coverings, observance of social distancing protocols, limited access to proceedings, and the need for appointments to visit the Clerk's Office and Self-Help Centers.

**###**

**FILED**  
Superior Court of California  
County of Los Angeles

OCT 09 2020

Sherril R. Carter, Executive Officer/Clerk  
By Rizalinda Mina, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

ADMINISTRATIVE ORDER OF THE  
PRESIDING JUDGE RE COVID-19  
PANDEMIC

**GENERAL ORDER**

As the COVID-19 pandemic persists in Los Angeles County, the Superior Court of Los Angeles County (LASC or Court) continues to seek to balance its obligation to render justice with its obligation to protect the health and well-being of litigants, attorneys, Court workers, judicial officers, and others who enter the courthouse during the COVID-19 pandemic. To that end, in the seven months since Governor Gavin Newsom declared a state of emergency due to the COVID-19 pandemic, the Court has taken numerous measures to reduce the risk of COVID-19 contagion and to enforce social distancing which public health authorities identify, in addition to wearing face coverings and vigorous sanitation practices, among the only effective tools available to combat the spread of the novel coronavirus. As the Court resumes criminal jury trials, it must remain vigilant about enforcing these measures in its 38 courthouses so that litigants, attorneys, witnesses, jurors, court personnel, justice partners, judicial officers and others can participate safely in court proceedings.

**THE COURT HEREBY FINDS, AND ORDERS AS FOLLOWS:**

**1. Courthouse Access and Remote Appearances:**

- a. In the interest of safeguarding the well-being of court users and enforcing social distancing, persons seeking services from the Clerk’s Office, court support services,

1 and/or the Self-Help Centers must have a prescheduled appointment. Appointments  
2 may be made the same day for persons seeking restraining orders who have  
3 completed paperwork and arrive at the courthouse no later than 3:00 p.m. For  
4 telephone or video assistance, or to schedule an appointment, the telephone number  
5 for each courthouse is listed at the courthouse entry and posted on the Court's  
6 website, [www.lacourt.org](http://www.lacourt.org).

- 7 b. Access to LASC proceedings shall be limited to the judicial officer presiding, Court  
8 personnel, parties, counsel, witnesses, mediators, arbitrators, and those members of  
9 the public (including news reporters and news media representatives) that can be  
10 accommodated in the designated courtroom while enforcing mandatory social  
11 distancing of at least six (6) feet. The Judge or Commissioner presiding over the  
12 proceedings shall determine when the courtroom has reached the socially-distanced  
13 capacity established by the Court.
- 14 c. In furtherance of Executive Order N-33-20, paragraph 4, subpart (b), and as required  
15 by the California Rules of Court, Emergency Rule 12, the Court orders all parties  
16 who use electronic filing to accept electronic service, except in those circumstances  
17 when personal service is required by law or where any of the parties are self-  
18 represented.
- 19 d. Parties and counsel are strongly urged to avoid in-person appearances and make use  
20 of technology to appear remotely whenever possible.
- 21 e. Judicial officers are urged to avoid in-person hearings to the greatest extent possible  
22 and to use technology to conduct hearings and other court proceedings remotely for  
23 the duration of the state of emergency related to the COVID-19 pandemic. However,  
24 when the interests of justice require, judicial officers retain the discretion to require  
25 in-person appearances.

26 **2. Face Masks and Social Distancing:**

- 27 a. In accordance with General Order No. 2020-GEN-016-01 issued on July 6, 2020, as  
28

1 amended, all persons are required to wear face masks over their nose and mouth  
2 while in a courthouse. Persons whose disabilities preclude them from wearing face  
3 masks compliant with the California Department of Public Health Guidance  
4 Concerning the Use of Face Coverings issued on June 18, 2020, are urged to seek  
5 accommodation under Rule 1.100 of the California Rules of Court in advance of their  
6 appearance.

- 7  
8 b. To enforce social distancing, each courtroom shall schedule only the number of  
9 matters during each session that can be conducted while enforcing mandatory social  
10 distancing requirements. Judicial Officers will stagger their calendars to limit the  
11 number of persons who come to the courthouse at the same time.

12 **3. Civil Trial Continuances:**

- 13 a. Public health authorities advise that the most effective means to reduce the possibility  
14 of exposure to the virus and to slow the spread of COVID-19 is for individuals to avoid  
15 in-person gatherings with persons outside their households. County of Los Angeles and  
16 State of California public health officials have also mandated that individuals must  
17 wear face coverings over their noses and mouths, wash their hands frequently, and  
18 observe social distancing of at least six feet. Because court proceedings inherently  
19 involve many people,<sup>1</sup> as the Court determines how to operate during the pandemic, it  
20 cannot ignore the fact that many members of our community struggle to observe public  
21 health authority guidance.
- 22 b. Moreover, courthouses are not designed to facilitate social distancing given their fixed  
23 configuration. Changing that configuration has security implications, affects the  
24 presentation of evidence, limits public access, and requires financial and other  
25 resources that the Court lacks in light of the 10% reduction in its 2020-2021 fiscal year  
26 budget. In addition, the Court's 2021-2022 fiscal year budget will be cut by an

27  
28 <sup>1</sup> A typical civil jury trial with one witness testifying involves a minimum of 23 people: Judge, judicial assistant, court reporter, 12 jurors and 2 alternates, plaintiff, plaintiff's counsel, defendant, defense counsel, and witness.

1 additional 5%. Furthermore, while the Court accelerated its plans to implement  
2 technology to allow judicial officers to conduct proceedings remotely, for legal,  
3 equitable, and logistical reasons, it cannot mandate remote appearances in every case.  
4 Remote appearances in civil jury trials will create logistical issues with respect to jury  
5 selection, jury deliberations, and the handling of evidence.

- 6 c. These considerations take on different urgency as the United States Centers for  
7 Disease Control and Prevention warns that most of the U.S. population will be  
8 exposed to the coronavirus. The Los Angeles County Department of Public Health  
9 reports that as of October 8, 2020, there are over 278,665 COVID-19 cases in Los  
10 Angeles County and over 6,726 deaths. The County of Los Angeles has the grim  
11 distinction of having the highest number of cases and deaths of the 58 counties in the  
12 State of California. Based on the foregoing, the Court finds and concludes that  
13 conducting civil jury trials would also likely place prospective jurors, litigants,  
14 attorneys, and court personnel at unnecessary risk and that risk outweighs the  
15 interests of the public and the parties in a trial. Accordingly, except as noted below,  
16 the Court finds good cause to continue any and all civil jury trials until January 2021.
- 17 d. In addition, pursuant to Penal Code section 1050 and Government Code section  
18 68115, the Court will give priority to criminal trials that were previously continued  
19 under a judicial emergency general order (Penal Code §1382) in assigning available  
20 prospective jurors for either Misdemeanor or Felony jury trials. Presently, there are  
21 approximately 7,000 criminal cases that must be tried to satisfy defendants' statutory  
22 speedy trial rights prescribed in Penal Code section 1382.

23 **4. Juvenile Dependency Prioritization Plan Continuances:**

- 24 a. Whereas, from March 20, 2020 to June 22, 2020, the Juvenile Dependency courts  
25 heard only those matters defined as "Essential Functions," in the General Orders  
26 issued by Presiding Judge Kevin C. Brazile. All previously scheduled Dependency  
27 matters were continued. At the direction of Presiding Judge Brazile, in preparation  
28

1 for resuming full operations, the Hon. Victor H. Greenberg, Presiding Judge of  
2 Juvenile, developed a prioritization plan (Dependency Prioritization Plan) that strictly  
3 limited the daily number of cases each Dependency courtroom would hear. This plan  
4 considered the social distancing capacity of the Dependency courtrooms and the  
5 available public waiting areas in the Edmund D. Edelman Children's Court and the  
6 Alfred J. McCourtney Juvenile Justice Center. Such preparation was necessary and  
7 designed to protect children, parents, family members, foster parents, other litigants,  
8 attorneys, and court staff from the transmission of COVID-19, a highly contagious  
9 respiratory virus while they waited in close proximity for hours in public areas of the  
10 courthouse. It would also protect them in courtrooms that in most cases are too small  
11 to hold all participants when the Court enforces social distancing protocols.

- 12 b. Whereas, efforts to safeguard the well-being of litigants, counsel, court personnel and  
13 judicial officers preclude Dependency courts from handling the same number of  
14 cases they did pre-pandemic. As a result, there is a substantial backlog of proceedings  
15 that continues to grow as new cases are filed and the ability of judicial officers to  
16 hear cases is constrained by social distancing protocols.
- 17 c. Whereas, when the Dependency courts reopened on June 22, 2020, they were  
18 equipped with technology that enabled them to conduct hearings remotely. While  
19 social distancing protocols limit courtroom capacity significantly, remote hearing  
20 technology enables litigants and counsel to access the courts safely. Since  
21 Dependency courts resumed full operations on June 22, 2020, they have held the vast  
22 majority of proceedings remotely.
- 23 d. Whereas, when the Dependency court resumed operations, its judicial officers were  
24 encouraged to use the Dependency Prioritization Plan as a guide, but were reminded  
25 that they retained the discretion to advance hearings on cases they continued so long  
26 as they could do so within available resources and, if in person, in compliance with  
27 social distancing protocols.
- 28

1 e. Consequently, in light of the severe risks of exposure to the coronavirus that children,  
 2 litigants, family members, attorneys, and court personnel would face if the Court  
 3 returned to pre-pandemic calendaring practices, pursuant to Welfare and Institutions  
 4 Code section 352, my authority consistent with the emergency rules the Judicial  
 5 Council adopted, and my authority under rule 10.603 of the Cal. Rules of Court, I  
 6 find good cause to continue dependency cases consistent with the Dependency  
 7 Prioritization Plan as follows.

Dependency Prioritization Plan	
Type of Proceeding	No. of Calendar Days from June 22, 2020
Adjudication (detained) & Disposition (detained)	1-60
Welfare & Institutions Code §§366.21e, 366.21f, 366.22, and 366.25	60-120
Adjudication (in home placement) and Disposition (in home placement)	120-180
Welfare & Institutions Code §§366.3, 366.26, and 388, NMD	180-220
Welfare & Institutions Code §364, Dependent Child Adoptions and Non-dependent (private) Adoptions, Progress Reports, Non-emergent walk-on requests	220-270

21 f. The Dependency Prioritization Plan, coupled with the discretion judicial officers have  
 22 to advance cases in need of immediate attention, is designed to address the delays  
 23 caused by COVID-19 public health concerns. It prioritizes dependency cases for  
 24 judicial officers to hear as quickly as circumstances allow in light of COVID-19.

25 **5. Juvenile Dependency and Juvenile Delinquency Emergency Order Continuances:**

26 a. The Court extends the time periods provided in section 313 of the Welfare and  
 27 Institutions Code within which a minor taken into custody pending dependency  
 28



1 proceedings must be released from custody to not more than seven (7) days, applicable  
2 only to minors for whom the statutory deadline would otherwise expire from **October**  
3 **9, 2020 to November 6, 2020**, inclusive.

- 4 b. The Court extends the time periods provided in section 315 of the Welfare and  
5 Institutions Code within which a minor taken into custody pending dependency  
6 proceedings must be given a detention hearing to not more than seven (7) days,  
7 applicable only to minors for whom the statutory deadline would otherwise expire from  
8 **October 9, 2020 to November 6, 2020**, inclusive.
- 9 c. The Court extends the time periods provided in sections 632 and 637 of the Welfare and  
10 Institutions Code within which a minor taken into custody pending wardship  
11 proceedings and charged with a felony offense must be given a detention hearing or  
12 rehearing to not more than seven (7) days, applicable only to minors for whom the  
13 statutory deadline would otherwise expire from **October 9, 2020 to November 6, 2020**,  
14 inclusive.
- 15 d. The Court extends the time period provided in section 334 of the Welfare and  
16 Institutions Code within which a hearing on a juvenile dependency petition must be  
17 held by not more than fifteen (15) days, applicable only to minors for whom the  
18 statutory deadline would otherwise expire from **October 9, 2020 to November 6, 2020**,  
19 inclusive.
- 20 e. The Court extends the time period provided in section 657 of the Welfare and  
21 Institutions Code within which a hearing on a wardship petition for a minor charged  
22 with a felony offense must be held by not more than fifteen (15) days, applicable only  
23 to minors for whom the statutory deadline otherwise would expire from **October 9,**  
24 **2020 to November 6, 2020**, inclusive.

25 **6. Criminal Continuances:**

- 26 a. One of the most important principles of our constitutional democracy is the right of  
27 persons accused of a crime to have a speedy trial. Preserving that right while  
28

1 protecting the well-being of all participants in a trial during a pandemic involving a  
2 highly contagious respiratory virus is an unprecedented challenge for trial courts.

- 3 b. A combination of judicial emergency orders issued pursuant to Government Code  
4 section 68115, emergency rules issued by the Judicial Council and Statewide Orders  
5 issued by Chief Justice Tani Cantil-Sakauye (collectively, "Extension Authority")  
6 have extended the time period provided by Penal Code section 1382 for the holding  
7 of a criminal trial in Los Angeles County from **March 17, 2020 until November 12,**  
8 **2020, inclusive.** The extensions are applicable to cases in which the original or  
9 previously extended deadline otherwise would expire during the periods referenced in  
10 the Extension Authority.
- 11 c. Pursuant to the authority granted by the March 30, 2020 Statewide Emergency Order  
12 by Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial  
13 Council which the Court implemented in its General Order No. 2020-GEN-07-00  
14 issued on April 2, 2020, and until further notice, the Court extends the time provided  
15 by section 859b of the Penal Code for the holding of a preliminary examination and  
16 the defendant's right to release from 10 court days to not more than 30 court days.
- 17 d. The Court extends the time period provided in section 1382 of the Penal Code for the  
18 holding of a criminal trial by not more than 30 days, applicable only to cases in  
19 which the original or previously extended statutory deadline otherwise would expire  
20 from **September 14, 2020 to November 12, 2020, inclusive.**<sup>2</sup>
- 21 e. The Court extends by 90 calendar days the time to submit status reports and progress  
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23 <sup>2</sup> This General Order implements the extension authority granted by the Chief Justice for all cases whose last day  
24 falls within the emergency period (i.e., August 14, 2020 to October 13, 2020), extending the Penal Code section 1382  
25 deadline in all such cases without the need for a further order in each individual case. General Order Nos. 2020-GEN-018-  
26 00 and 2020-GEN-019-00 operate similarly to implement the applicable extensions in those orders, and those orders  
27 extending the Penal Code section 1382 deadline do not expire and remain in effect unless expressly rescinded by a  
28 subsequent order. If the last day in a case falls within the emergency period of multiple General Orders, the extension shall  
apply separately and consecutively under each General Order. For example, the last day for trial in a case in which the  
statutory deadline otherwise would expire on July 16, 2020 is extended to August 17, 2020 under No. 2020-GEN-018-00,  
extended to September 14, 2020 under No. 2020-GEN-019-00, and further extended to October 13, 2020 under No. 2020-  
GEN-020-00.

1 reports for defendants for whom a status report or progress report was due from  
2 **October 9, 2020 to November 6, 2020**, inclusive. The court shall provide notice of  
3 when the new proceeding will be held.

- 4 f. The Court extends by 90 calendar days, unless statutorily required otherwise, the time  
5 to hold misdemeanor post-arraignment proceedings in which the defendant is out of  
6 custody that would otherwise be set from **October 9, 2020 to November 6, 2020**,  
7 inclusive.

8 **7. Civil Continuances:**

9 a. Unlawful Detainer:

10 The Court deems **October 9, 2020 to November 6, 2020**, inclusive, a holiday/holidays  
11 for purposes of computing time under Code of Civil Procedure section 1167. The Court  
12 finds good cause to continue all unlawful detainer trials without a determination  
13 pursuant to Code of Civil Procedure section 1170.5(c).

14 b. Small Claims:

15 The Court deems **October 9, 2020 to November 6, 2020**, inclusive, a holiday/holidays  
16 for purposes of computing the time under Code of Civil Procedure section 116.330(a)  
17 (requires a small claims matter to be scheduled for hearing no earlier than 20 days, but  
18 not more than 70 days from the date of the order directing the parties to appear at the  
19 hearing).

20 **8. Trial Continuances:**

- 21 a. Except as noted below, all non-jury and jury trials, except Small Claims and Traffic  
22 trials, unless statutorily required, including in Limited and General Civil, Mental  
23 Health, and Probate scheduled from **October 9, 2020 to November 6, 2020**, inclusive,  
24 are continued until further notice. All pre-trial dates for trials that are continued  
25 pursuant to this paragraph are also continued consistent with the new trial date.
- 26 b. Certain Unlawful Detainer jury and non-jury trials resumed on October 5, 2020. In  
27 addition, civil jury trials in preference cases under Code of Civil Procedure section 36  
28

1 that can be tried in compliance with social distancing protocols resumed on October 5,  
2 2020. Non-jury trials in any other preference cases also resumed as of October 5, 2020.  
3 All other civil non-jury trials may resume on or after November 16, 2020.

4 c. All non-preference civil jury trials may commence on or after January 4, 2021.

5 9. Family Law evidentiary proceedings, whether Family Code section 217 hearings or trials,  
6 other than restraining order hearings, that may be completed within two court days may be  
7 held. Family Law evidentiary proceedings the total duration of which is expected to exceed  
8 two court days shall not commence before November 16, 2020, except as authorized by the  
9 Supervising Judge of Family Law.

10  
11 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT**  
12 **UNTIL FURTHER NOTICE, OR UNTIL ITS PROVISIONS EXPIRE BY THEIR TERMS,**  
13 **ARE RESCINDED, AMENDED, OR ARE SUPERSEDED BY SUBSEQUENT ORDERS.**  
14 **THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.**

15 **GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.**

16  
17  
18  
19 DATED: October 9, 2020



20 *Kevin C. Brazile*  
21 KEVIN C. BRAZILE  
22 Presiding Judge  
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