

FILED
Superior Court of California
County of Los Angeles

AUG 10 2020

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

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 the rights of those who come to court to enforce their rights with the health and well-being of litigants, attorneys, Court workers, judicial officers, and others who enter the courthouse during the COVID-19 pandemic. Following Governor Gavin Newsom’s March 4, 2020 declaration of a state of emergency due to the COVID-19 pandemic and his issuance of the stay-at-home order on March 19, 2020, the Court had to determine how best to carry out its statutory duties while minimizing the number of people in its courthouses.

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

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

19 **2. Face Coverings and Social Distancing:**

- 20 a. In accordance with General Order No. 2020-GEN-016-01 issued on July 6, 2020, all
21 persons are required to wear face coverings over their nose and mouth while in a
22 courthouse. Persons whose disabilities preclude them from wearing face coverings
23 compliant with the California Department of Public Health Guidance Concerning the
24 Use of Face Coverings issued on June 18, 2020, are urged to seek an accommodation
25 under Rule 1.100 of the California Rules of Court in advance of their appearance.
- 26 b. To enforce social distancing, each courtroom shall schedule only the number of
27 matters during each session that can be conducted while enforcing mandatory social
28

1 distancing requirements. Judicial Officers will stagger their calendars to limit the
2 number of persons who come to the courthouse at the same time.

3 **3. Civil Trial Continuances:**

- 4 a. Public health authorities advise that the most effective means to reduce the possibility
5 of exposure to the virus and to slow the spread of the disease is for individuals to avoid
6 in-person gatherings with persons outside their households. County of Los Angeles and
7 State of California public health officials have also mandated that individuals must
8 wear face coverings over their noses and mouths, wash their hands frequently, and
9 observe social distancing of at least six feet. Because court proceedings inherently
10 involve many people,¹ as the Court determines how to operate during the pandemic, it
11 cannot ignore the fact that many members of our community struggle to observe public
12 health authority guidance.
- 13 b. Moreover, courthouses are not designed to facilitate social distancing given their fixed
14 configuration. Changing that configuration has security implications, affects the
15 presentation of evidence, limits public access, and requires financial and other
16 resources that the Court lacks in light of the 10% reduction in its 2020-2021 fiscal year
17 budget. In addition, the Court's 2021-2022 fiscal year budget will be cut by an
18 additional 5%. Furthermore, while the Court accelerated its plans to implement
19 technology to allow judicial officers to conduct proceedings remotely, for legal and
20 equitable reasons, it cannot mandate remote appearances in every case. Specifically, the
21 Court cannot mandate remote appearances in criminal jury trials because California
22 Rules of Court (CRC) emergency rules 3 and 5 authorize remote proceedings only with
23 the consent of the defendant. The Court cannot mandate remote appearances in civil
24 jury trials due to logistical and social distancing concerns that would arise with respect
25 to jury selection and jury deliberations. There are also evidentiary issues that prevent
26 the Court from imposing mandatory remote civil jury trials.

27 _____
28 ¹ A typical criminal jury trial with one witness testifying involves a minimum of 22 people. Judge, judicial
assistant, court reporter, bailiff, 12 jurors and 2 alternates, prosecutor, defense counsel, witness, and defendant.

1 c. These considerations take on different urgency as the United States Centers for
2 Disease Control and Prevention warns that most of the U.S. population will be
3 exposed to the coronavirus. The Los Angeles County Department of Public Health
4 (DPH) reports that there are over 200,000 COVID-19 cases in Los Angeles County
5 and over 5,000 deaths. The County of Los Angeles has the grim distinction of having
6 the highest number of cases and deaths of the 58 counties in the State of California.
7 For the five days from August 6, 2020 through August 10, 2020, the average number
8 of new COVID-19 cases in Los Angeles County was approximately 2,900 per day
9 and the average number of deaths during this same five-day period exceeded 40 per
10 day. As of August 8, 2020, the number of hospitalizations in the County averaged
11 1,610 per day. DPH officials have also expressed concerns to the Court about
12 commencing jury trials and bringing jurors into County courthouses given the current
13 COVID-19 numbers and trends. The COVID-19 rates of infection, hospitalizations
14 and deaths have increased significantly in Los Angeles County in the last thirty days
15 such that holding jury trials substantially increases the likelihood of transmitting the
16 coronavirus in courthouses. Based on the foregoing, the Court finds and concludes
17 that conducting civil jury trials would also likely place prospective jurors, litigants,
18 attorneys, and court personnel at unnecessary risk and that risk outweighs the
19 interests of the public and the parties in a trial. Accordingly, the Court finds good
20 cause to continue any and all civil jury trials until January 2021.

21 d. In addition, pursuant to Penal Code section 1050, the Court will give preference and
22 priority for available jurors and jury trials to criminal cases. Presently, there are over
23 7,000 criminal cases that must be tried to satisfy defendants' statutory speedy trial
24 rights prescribed in Penal Code section 1382.

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

26 a. Whereas, from March 20, 2020 to June 22, 2020, the Juvenile Dependency courts
27 heard only those matters defined as "Essential Functions," in the General Orders
28

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

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

1 as they could do so within available resources and, if in person, in compliance with
2 social distancing protocols.

- 3 e. Consequently, in light of the severe risks of exposure to the coronavirus that children,
4 litigants, family members, attorneys, and court personnel would face if the Court
5 returned to pre-pandemic calendaring practices, pursuant to Welfare and Institutions
6 Code section 352, my authority consistent with the emergency rules the Judicial
7 Council adopted, and my authority under rule 10.603 of the Cal. Rules of Court, I
8 find good cause to continue dependency cases consistent with the Dependency
9 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, Adoption, Progress Reports, Non-emergent walk on requests	220-270

- 10
11
12
13
14
15
16
17
18 f. The Dependency Prioritization Plan, coupled with the discretion judicial officers have
19 to advance cases in need of immediate attention, is designed to address the delays
20 caused by COVID-19 public health concerns. It prioritizes dependency cases for
21 judicial officers to hear as quickly as circumstances allow in light of COVID-19.
- 22 **5. Juvenile Dependency and Juvenile Delinquency Emergency Order Continuances:**
- 23 a. The Court extends the time periods provided in section 313 of the Welfare and
24 Institutions Code within which a minor taken into custody pending dependency
25 proceedings must be released from custody to not more than **seven (7) days**, applicable
26 only to minors for whom the statutory deadline would otherwise expire from **August**
27 **10, 2020 to September 8, 2020**, inclusive.

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

22 **6. Criminal Continuances:**

- 23 a. One of the most important principles of our constitutional democracy is the right of
24 persons accused of a crime to have a speedy trial. Preserving that right while protecting
25 the well-being of all participants in a trial during a pandemic involving a highly
26 contagious respiratory virus is an unprecedented challenge for trial courts.
- 27 b. A combination of judicial emergency orders issued pursuant to Government Code
28

1 section 68115, emergency rules issued by the Judicial Council and Statewide Orders
2 issued by Chief Justice Tani Cantil-Sakauye (collectively, “Extension Authority”) have
3 extended the time period provided by Penal Code section 1382 for the holding of a
4 criminal trial in Los Angeles County from March 17, 2020 until October 13, 2020. The
5 extensions are applicable to cases in which the original or previously extended deadline
6 expired during the periods referenced in the Extension Authority.

- 7 c. Pursuant to the authority granted by the March 30, 2020 Statewide Emergency Order
8 by Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial
9 Council, which the Court implemented in its General Order No. 2020-GEN-007-00
10 issued on April 2, 2020, and until further notice, the Court extends the time provided by
11 section 859b of the Penal Code for the holding of a preliminary examination and the
12 defendant’s right to release from 10 court days to not more than 30 court days.
- 13 d. The Court extends the time period provided in section 1382 of the Penal Code for the
14 holding of a criminal trial by not more than 30 days, applicable only to cases in which
15 the original or previously extended statutory deadline otherwise would expire from
16 **August 14, 2020 to October 13, 2020**, inclusive.²
- 17 e. The Court extends by 90 calendar days the time to submit status reports and progress
18 reports for defendants for whom a status report or progress report was due from **August**
19 **10, 2020 to September 8, 2020**, inclusive. The Court shall provide notice of when the
20 new proceeding will be held.
- 21 f. The Court extends by 90 calendar days, unless statutorily required otherwise, the time
22 to hold misdemeanor post-arraignment proceedings in which the defendant is out of
23

24 ² This General Order implements the extension authority granted by the Chief Justice for all cases whose last day
25 falls within the emergency period (i.e., August 14, 2020 to October 13, 2020), extending the Penal Code section 1382
26 deadline in all such cases without the need for a further order in each individual case. General Order Nos. 2020-GEN-018-
27 00 and 2020-GEN-019-00 operate similarly to implement the applicable extensions in those orders, and those orders
28 extending the Penal Code section 1382 deadline do not expire and remain in effect unless expressly rescinded by a
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 15, 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 custody that would otherwise be set from **August 10, 2020 to September 8, 2020**,
2 inclusive.

3 **7. Civil Continuances:**

4 a. Unlawful Detainer:

5 The Court deems **August 10, 2020 to September 8, 2020**, inclusive, a holiday/holidays
6 for purposes of computing time under Code of Civil Procedure section 1167. The Court
7 finds good cause to continue all unlawful detainer trials without a determination
8 pursuant to Code of Civil Procedure section 1170.5(c).

9 b. Small Claims:

10 The Court deems **August 10, 2020 to September 8, 2020**, inclusive, a holiday/holidays
11 for purposes of computing the time under Code of Civil Procedure section 116.330(a)
12 (requires a small claims matter to be scheduled for hearing no earlier than 20 days, but
13 not more than 70 days from the date of the order directing the parties to appear at the
14 hearing).

15 **8. Traffic and Infraction Arraignments:**

16 All traffic and infraction arraignments scheduled from **August 10, 2020 to September 8,**
17 **2020**, inclusive, are continued. The parties shall receive notice of the date on which the
18 hearing shall be set.

19 **9. Trial Continuances:**

20 a. All non-jury trials, except Small Claims and Traffic trials, unless statutorily required
21 otherwise, including in General Civil, Criminal, Mental Health, and Probate scheduled
22 from **August 10, 2020 to September 8, 2020**, inclusive, are continued until further
23 notice. All pre-trial dates for trials that are continued pursuant to this paragraph are also
24 continued consistent with the new trial date.

25 b. Except as noted below, Civil non-jury trials shall not be set to commence before
26 November 16, 2020.

27 i. Small Claims and Traffic trials will resume on August 10, 2020.

ii. The Court plans to set certain Unlawful Detainer non-jury trials, and those non-jury trials in preference cases that can be tried in compliance with social distancing protocols, to commence on or after **October 5, 2020**.

c. All unlimited and limited Civil jury trials, including Unlawful Detainer trials, scheduled from **August 10, 2020 to September 8, 2020**, inclusive, are continued until further notice. The parties shall be notified of the continued trial date by the court. All pre-trial dates for trials that are continued pursuant to this paragraph are also continued consistent with the new trial date.

i. Except as noted below, the Court will not set any Civil jury trials to commence before January 2021.

1. Certain Unlawful Detainer jury trials will be set to commence on or after **October 5, 2020**.

10. 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 may be held. Family Law evidentiary proceedings the total duration of which is expected to exceed two court days shall not commence before November 16, 2020, except as authorized by the Supervising Judge of Family Law.

THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE, OR UNTIL ITS PROVISIONS EXPIRE BY THEIR TERMS, ARE RESCINDED, AMENDED, OR ARE SUPERSEDED BY SUBSEQUENT ORDERS. THIS ORDER MAY BE AMENDED AS CIRCUMSTANCES REQUIRE. GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.

DATED: August 10, 2020



Kevin C. Brazile

KEVIN C. BRAZILE
Presiding Judge