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SAN LUIS OBISPO SUPERIOR COURT

BY: Jennifer Novick
Jennifer Novick, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

ADMINISTRATIVE ORDER RE:
SUPPLEMENTAL IMPLEMENTATION
OF EMERGENCY RELIEF AUTHORIZED
BY GOVERNOR AND CHAIR OF
JUDICIAL COUNCIL

**ADMINISTRATIVE ORDER
NO. 20-06**

ADMINISTRATIVE ORDER RE:
SUPPLEMENTAL IMPLEMENTATION
OF EMERGENCY RELIEF
AUTHORIZED BY GOVERNOR AND
CHAIR OF JUDICIAL COUNCIL

Exercising the authority granted by Governor Newsom’s March 27, 2020, Executive Order N-38-20, and the Statewide Emergency Order issued on March 30, 2020, by Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, and in addition to the measures the Superior Court of San Luis Obispo (“Court”) previously adopted in its March 16, 2020 Implementation Order, this Court

HEREBY FINDS AND ORDERS:

1. Any judge of the Court may 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. Any judge of the Court may extend the time period provided in section 825 of the Penal Code within which a defendant charged with a felony offense must be

1 taken before a magistrate from 48 hours to not more than 7 days; and, in cases in which
2 the statutory deadline otherwise would expire from March 16, 2020, to April 10, 2020,
3 inclusive, those days are deemed holidays for purposes of computing time under Penal
4 Code section 825;

5 3. Any judge of the Court may extend the time period provided in section
6 1382 of the Penal Code for the holding of a criminal trial by no more than 60 days from
7 the last date on which the statutory deadline otherwise would have expired;

8 4. Any judge of the Court may extend the time periods provided in sections
9 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no
10 more than 60 days from the last date on which the statutory deadline otherwise would
11 have expired;

12 5. For purposes of computing time under section 1382 of the Penal Code
13 and sections 583.310 and 583.320 of the Code of Civil Procedure, the 60 day
14 continuance of jury trials authorized by the March 23, 2020, order of the Chair of the
15 Judicial Council is to be calculated from the date for which the trial was set or extended,
16 whichever is longer.

17 6. Any judge of the Court may use available technology to conduct judicial
18 proceedings and court operations remotely, and suspend any rule in the California Rules
19 of Court to the extent such rule would prevent the Court from using technology to
20 conduct judicial proceedings and court operations remotely, in order to protect the
21 health and safety of the public, court personnel, judicial officers, litigants, and
22 witnesses.

23 These extensions are in addition to the emergency relief pursuant to Government
24 Code section 68115 specifically provided to San Luis Obispo Superior Court by the
25 Chair of the Judicial Council on March 16, 2020.

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THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT UNTIL RESCINDED OR MODIFIED BY THE CHAIR OF THE JUDICIAL COUNCIL, AND MAY BE AMENDED AS CIRCUMSTANCES REQUIRE.

DATED: April 1, 2020



Jacquelyn H. Duffy
Presiding Judge of the Superior Court

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