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PRESIDING JUDGE KEVIN C. BRAZILE ISSUES NEW GENERAL ORDER EXTENDING SOME MATTERS AS COURT CONTINUES PHASED RAMP UP OF PROCEEDINGS

Court Begins Tackling Criminal Backlog - Resumes Criminal Jury Trials

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. As the COVID-19 pandemic persists, the Superior Court of Los Angeles County continues to seek to balance its obligation to render justice and its commitment to protect the health and well-being of everyone who visits or works in the courthouses during this challenging time.

"Presently, there are more than 7,000 criminal cases that must be tried to satisfy defendants' statutory speedy trial rights," Presiding Judge Brazile said. "As the Court continues to ramp up operations, we will prioritize the resumption of Criminal jury trials, while remaining vigilant about enforcing the COVID-19 health and safety protocols in 38 courthouses so that litigants, attorneys, witnesses, jurors, court personnel, justice partners, judicial officers, and others can participate safely in court proceedings. The Court has implemented many significant changes to the jury processes to protect jurors

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NEW GENERAL ORDER

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and maintain social distancing standards, allowing us to get back to the business of the Court.”

The first Criminal jury trial held since the shutdown began was completed the first week of September. The Court resumed Small Claims trials and Traffic non-jury trials in August. Juvenile Dependency courts resumed operations on June 22, 2020, and have held the vast majority of proceedings remotely, enabling litigants and counsel to access the courts safely.

“In order to provide options to in-person appearances, the Court has implemented remote appearance technology, audio and video, in every area of litigation,” Presiding Judge Brazile said. “This project had an original roll-out schedule of 18 months, but thanks to the hard work and dedication of our judicial officers and court staff, these remote options have been successfully completed in just three months. The Court cannot mandate remote appearances for all hearings and case types, however, we strongly encourage the use of this technology where practical and applicable.”

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.

The Court’s *Here For You | Safe For You* initiative is designed to provide a safe courthouse environment while offering services that allow court business to be conducted remotely. Information on [Here For You | Safe For You](#) can be found [here](#) and on the Court’s Twitter page ([@LASuperiorCourt](#)).

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Sherri R. Carter, Executive Officer/Clerk

By Rizalinda Mina, Deputy
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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 six 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, 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.

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

2. Face Coverings and Social Distancing:

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

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

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

3. Civil Trial Continuances:

- a. Public health authorities advise that the most effective means to reduce the possibility of exposure to the virus and to slow the spread of COVID-19 is for individuals to avoid in-person gatherings with persons outside their households. County of Los Angeles and State of California public health officials have also mandated that individuals must wear face coverings over their noses and mouths, wash their hands frequently, and observe social distancing of at least six feet. Because court proceedings inherently involve many people,¹ as the Court determines how to operate during the pandemic, it cannot ignore the fact that many members of our community struggle to observe public health authority guidance.
- b. Moreover, courthouses are not designed to facilitate social distancing given their fixed configuration. Changing that configuration has security implications, affects the presentation of evidence, limits public access, and requires financial and other resources that the Court lacks in light of the 10% reduction in its 2020-2021 fiscal year budget. In addition, the Court's 2021-2022 fiscal year budget will be cut by an additional 5%. Furthermore, while the Court accelerated its plans to implement technology to allow judicial officers to conduct proceedings remotely, for legal,

¹ 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.

equitable, and logistical reasons, it cannot mandate remote appearances in every case. Remote appearances in civil jury trials will create logistical issues with respect to jury selection, jury deliberations, and the handling of evidence.

- c. These considerations take on different urgency as the United States Centers for Disease Control and Prevention warns that most of the U.S. population will be exposed to the coronavirus. The Los Angeles County Department of Public Health reports that as of September 9, 2020, there are over 249,859 COVID-19 cases in Los Angeles County and over 6,090 deaths. The County of Los Angeles has the grim distinction of having the highest number of cases and deaths of the 58 counties in the State of California. Based on the foregoing, the Court finds and concludes that conducting civil jury trials would also likely place prospective jurors, litigants, attorneys, and court personnel at unnecessary risk and that risk outweighs the interests of the public and the parties in a trial. Accordingly, except as noted below, the Court finds good cause to continue any and all civil jury trials until January 2021.
- d. In addition, pursuant to Penal Code section 1050, the Court will prioritize available jurors and jury trials to criminal cases. Presently, there are over 7,000 criminal cases that must be tried to satisfy defendants' statutory speedy trial rights prescribed in Penal Code section 1382.

4. Juvenile Dependency Prioritization Plan Continuances:

- a. Whereas, from March 20, 2020 to June 22, 2020, the Juvenile Dependency courts heard only those matters defined as "Essential Functions," in the General Orders issued by Presiding Judge Kevin C. Brazile. All previously scheduled Dependency matters were continued. At the direction of Presiding Judge Brazile, in preparation for resuming full operations the Hon. Victor H. Greenberg, Presiding Judge of Juvenile, developed a prioritization plan (Dependency Prioritization Plan) that strictly limited the daily number of cases each Dependency courtroom would hear. This plan considered the social distancing capacity of the Dependency courtrooms and the

1 available public waiting areas in the Edmund D. Edelman Children's Court and the
2 Alfred J. McCourtney Juvenile Justice Center. Such preparation was necessary and
3 designed to protect children, parents, family members, foster parents, other litigants,
4 attorneys, and court staff from the transmission of COVID-19, a highly contagious
5 respiratory virus while they waited in close proximity for hours in public areas of the
6 courthouse. It would also protect them in courtrooms that in most cases are too small
7 to hold all participants when the Court enforces social distancing protocols.

- 8 b. Whereas, efforts to safeguard the well-being of litigants, counsel, court personnel and
9 judicial officers preclude Dependency courts from handling the same number of
10 cases they did pre-pandemic. As a result, there is a substantial backlog of proceedings
11 that continues to grow as new cases are filed and the ability of judicial officers to
12 hear cases is constrained by social distancing protocols.
- 13 c. Whereas, when the Dependency courts reopened on June 22, 2020, they were
14 equipped with technology that enabled them to conduct hearings remotely. While
15 social distancing protocols limit courtroom capacity significantly, remote hearing
16 technology enables litigants and counsel to access the Courts safely. Since
17 Dependency courts resumed full operations on June 22, 2020, they have held the vast
18 majority of proceedings remotely.
- 19 d. Whereas, when the Dependency court resumed operations, its judicial officers were
20 encouraged to use the Dependency Prioritization Plan as a guide but were reminded
21 that they retained the discretion to advance hearings on cases they continued so long
22 as they could do so within available resources and, if in person, in compliance with
23 social distancing protocols.
- 24 e. Consequently, in light of the severe risks of exposure to the coronavirus that children,
25 litigants, family members, attorneys, and court personnel would face if the Court
26 returned to pre-pandemic calendaring practices, pursuant to Welfare and Institutions
27 Code section 352, my authority consistent with the emergency rules the Judicial
28

Council adopted, and my authority under rule 10.603 of the Cal. Rules of Court, I find good cause to continue dependency cases consistent with the Dependency 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

- f. The Dependency Prioritization Plan, coupled with the discretion judicial officers have to advance cases in need of immediate attention, is designed to address the delays caused by COVID-19 public health concerns. It prioritizes dependency cases for judicial officers to hear as quickly as circumstances allow in light of COVID-19.
5. **Juvenile Dependency and Juvenile Delinquency Emergency Order Continuances:**
- a. The Court extends the time periods 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, applicable only to minors for whom the statutory deadline would otherwise expire from **September 9, 2020 to October 8, 2020**, inclusive.
 - b. The Court extends the time periods 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, applicable only to minors for whom the statutory deadline would otherwise expire from **September 9, 2020 to October 8, 2020**, inclusive.

- c. The Court extends 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, applicable only to minors for whom the statutory deadline would otherwise expire from **September 9, 2020 to October 8, 2020**, inclusive.
- d. The Court extends 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, applicable only to minors for whom the statutory deadline would otherwise expire from **September 9, 2020 to October 8, 2020**, inclusive.
- e. The Court extends 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, applicable only to minors for whom the statutory deadline otherwise would expire from **September 9, 2020 to October 8, 2020**, inclusive.

6. **Criminal Continuances:**

- a. One of the most important principles of our constitutional democracy is the right of persons accused of a crime to have a speedy trial. 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.
- b. A combination of judicial emergency orders issued pursuant to Government Code section 68115, emergency rules issued by the Judicial Council and Statewide Orders issued by Chief Justice Tani Cantil-Sakauye (collectively, “Extension Authority”)

have extended the time period provided by Penal Code section 1382 for the holding of a criminal trial in Los Angeles County from **March 17, 2020 until November 12, 2020, inclusive**. The extensions are applicable to cases in which the original or previously extended deadline otherwise would expire during the periods referenced in the Extension Authority.

- c. Pursuant to the authority granted by the March 30, 2020 Statewide Emergency Order by Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council which the Court implemented in its General Order No. 2020-GEN-07-00 issued on April 2, 2020, and until further notice, the Court extends the time provided by 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.
- d. The Court extends the time period provided in section 1382 of the Penal Code for the holding of a criminal trial by not more than 30 days, applicable only to cases in which the original or previously extended statutory deadline otherwise would expire from **September 14, 2020 to November 12, 2020, inclusive**.²
- e. The Court extends by 90 calendar days the time to submit status reports and progress reports for defendants for whom a status report or progress report was due from **September 9, 2020 to October 8, 2020, inclusive**. The Court shall provide notice of when the new proceeding will be held.
- f. The Court extends by 90 calendar days, unless statutorily required otherwise, the time to hold misdemeanor post-arraignment proceedings in which the defendant is out of custody that would otherwise be set from **September 9, 2020 to October 8,**

² This General Order implements the extension authority granted by the Chief Justice for all cases whose last day falls within the emergency period (i.e., September 14, 2020 to November 12, 2020), extending the Penal Code section 1382 deadline in all such cases without the need for a further order in each individual case. General Order Nos. 2020-GEN-018-00, 2020-GEN-019-00, and 2020-GEN-020-00, operate similarly to implement the applicable extensions in those orders, and those orders 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, extended to October 14, 2020 under No. 2020-GEN-020-00, and further extended to November 12, 2020 under No. 2020-GEN-021-00.

2020, inclusive.

7. Civil Continuances:

a. Unlawful Detainer:

The Court deems **September 9, 2020 to October 8, 2020**, inclusive, a holiday/holidays for purposes of computing time under Code of Civil Procedure section 1167. The Court finds good cause to continue all unlawful detainer trials without a determination pursuant to Code of Civil Procedure section 1170.5(c).

b. Small Claims:

The Court deems **September 9, 2020 to October 8, 2020**, inclusive, a holiday/holidays for purposes of computing the time under Code of Civil Procedure section 116.330(a) (requires a small claims matter to be scheduled for hearing no earlier than 20 days but not more than 70 days from the date of the order directing the parties to appear at the hearing).

8. Traffic and Infraction Arraignments and Trials:

All traffic and infraction arraignments scheduled from **September 9, 2020 to October 8, 2020**, inclusive, are continued. The parties shall receive notice of the date on which the hearing shall be set.

Traffic non-jury trials resumed on August 10, 2020.

9. Trial Continuances:

a. All non-jury trials, except Small Claims and Traffic trials, unless statutorily required otherwise, including in General Civil, Criminal, Mental Health, and Probate scheduled from **September 9, 2020 to October 8, 2020**, inclusive, are continued until further notice. All pre-trial dates for trials that are continued pursuant to this paragraph are also continued consistent with the new trial date.

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

i. Small Claims trials resumed 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 **September 9, 2020 to October 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 and those jury trials in preference cases that can be tried in compliance with social distancing protocols, 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 five court days may be held. Family Law evidentiary proceedings the total duration of which is expected to exceed five 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: September 10, 2020



Kevin C. Brazile
 KEVIN C. BRAZILE
 Presiding Judge