

Harbor Court soft – opening:

Judges Anderson and Robinson participated in a meeting this afternoon (5/21/20) with members of the public (DA – Tony Ferrentino and Paul Chrisopoulos (new assistant head of court), PD – Ken Norelli, and Alts – Derek Bercher) and the private bar (me).

As you know, as of Tuesday, the “soft opening” is happening. The general public will not be in the courthouse and only litigants (JT and PX) will be in the building. Livestreaming will give “public access”.

There will be a limited number of hearings – priority JTs and PXs.

The courthouse “soft-opening”– this does not mean the courthouse doors are open. They expect that the clerk’s office will not be re-opened until the next week.

WHICH DOOR TO USE: Access – the door that we are accustomed to using will be closed – it is too close to the clerk’s office windows. . The entrance to the courthouse will likely be on the west end (the old entrance near the DA’s office). THIS IS NOT FINAL YET DUE TO LOGISTICS.

You **must wear a mask at the courthouse.** (This is an order from the Court in general.) You will see that there are markings around the courthouse to ensure social distancing. Courthouse cleaning will be increased. The mask rule will apply to all lawyers, OSCD, etc... If you do not have a mask, there has been a donation of some masks (1000).

Jury trials and preliminary hearings will be going forward. Limited in custody matters will be sent from Central. Central Court will be sending preliminary hearings to the branch courts (not North due to unrelated issues).

The court is working on having room for jurors and to keep safety in mind.

Jury summons have been sent out.

If you have a jury trial, you will be contacted for a “mandatory settlement” conference that will not be in person. You will not need 977 waiver for that “appearance” – it will be by phone or video.

H7 currently has livestream. It is expected that 6 courtrooms will be outfitted with livestream. This will enable the judges to participate in hearing and conferences with lawyers (Judge London will likely be working remotely.)

All judges at HJC will be available and most of the court staff (17 CLERKS) will be reporting for work starting Tuesday.

Judicial Assignments will be the same :

Prickett – long cause felony cases H2

Markman – H3

Anderson – H4

Adams – H6

Adams, Johnson, Kelly, Pacheco – open courts – THEY WILL BE BACK UP FOR

CALENDAR/SETTLEMENT COURTS

Johnson – H9

London – arraignments – HE WILL BE AVAILABLE TO SETTLE CASES

Pacheco – H12

Jones – pretrial and trials.

Kelly – H11

London – H8

CALENDAR COURTS WILL REMAIN REMOTE (THIS ALSO INCLUDES SETTLEMENT DISCUSSIONS)

Biggs (post-conviction) - H5

Jones – H7

In custody capacity:

HJC will have the capacity to handle 5 in custody defendants per day (this is the initial plan)

FELONY MATTERS – CONTINUE TO USE FORMS WE HAVE BEEN USING.

Prelims will be sent out (after livestreaming will be in 6 courtrooms – not yet completed) H1 will be used for arraignments. If you have a HARBOR Court felony – use the same procedures that we have been using. (A new form may come out.) ***All appearances will be remote until further notice. Call the DA's office and you can coordinate a date. H1 will not be "open" next week – BUT WILL BE AVAILABLE FOR CERTAIN MATTERS – THERE WILL BE A DOUBLE MASTER CALENDAR TO ADDRESS THE C-5 BACKLOG.***

AS A SIDE NOTE – I LEARNED TODAY THAT C-5 AND C-55 WILL BE USED AS SETTLEMENT COURTS – I HEAR THAT WE WILL HAVE SETTLEMENT JUDGES WHO ARE RETIRED JUDGES – 2 OF THE 4 ARE RUMORED TO BE MAKINO AND ROBISON.

For cases that do not settle and will go to PX or JT, goal is to decentralize and to get hearings to the branch courts.

It is expected that we will have 45 courtrooms opened around the county in the next couple weeks.

The courts are compiling lists of jury trials that are set.

Use felony action form for pre-prelim matters and motions (in and out of custody). Use this to have a settlement conference and to have motion set. Contact the DA and get a date. These “hearings” will be under 977b and will be by livestreaming or the phone. These hearing will be decentralized – i.e., sent to WJC.

The court is working on getting the clerk’s office to get the ability to file motions back on track.

MISDEMEANOR MATTERS:

There are 1000s of cases in the pipeline. Cases are being calendared – keep checking VISION.

As a general matter, cases are being set as follows:

March cases will be set in July
April cases will be set in August
May cases will be set in September

There are about 600 cases that have been initiated by the DA’s office that have not been yet processed by the court – arraignment letters should go out, but keep checking VISION on the newer filings.

Continue to use the Misdemeanor Action request forms. That process has been working well and the Court is hopeful that the process will remain and grow. The form can be used for continuances, recall warrants, etc... H7 has been busy and handling the requests using Microsoft teams and by stipulated continuances.

MISDEMEANOR JURY TRIALS AND MANDATORY SETTLEMENT / STATUS CONFERENCES:

Much like WJC, if you have a case that is set for trial at HJC, you will be contacted by the Court to set a mandatory settlement conference / status conference. You will have about 48 hours notice. The Court looks forward to people being prepared to discuss the cases. You will not need 977 authority for this conference. The conference will be held remotely – could be by phone or other method. It is expected that HJC trials will stay at HJC.

MANDATORY SETTLEMENT / STATUS CONFERENCES:

THIS APPLIES TO ALL MISDEMEANOR JURY TRIALS. THE COURT WILL CALENDAR IT WITH YOU. YOU WILL BE GIVEN ABOUT 48 HOURS NOTICE. HJC’S MASTER CALENDAR CLERK (THIS MAY BE JUDGE ANDERSON’S CLERK, LAURA TROTTIER – 657-622-5404)– WILL CONTACT YOU TO SCHEDULE AND CALENDAR THE CONFERENCE. JUDGES JONES, ADAMS

AND JOHNSON WILL ASSIST IN THIS PROCESS. IF THERE IS A PLEA AS A RESULT OF THE CONFERENCE, YOU WILL NEED 977 AUTHORITY TO ENTER THE PLEA (AND IN SOME CASES, NEED CLIENT TO PARTICIPATE- MAYBE BY PHONE OR VIDEO – DEPENDS ON THE CASE). SETTLEMENT CONFERENCES WILL BE CONDUCTED AS CHAMBERS CONFERENCES WITH HJC JUDGE VIA MICROSOFT TEAMS, TELECONFERENCE OR WEBEX. PLEA FORMS AND OTHER SETTLEMENT DOCUMENTS CAN BE SUBMITTED TO THE COURT USING THE MISDEMEANOR ACTION REQUEST (MARS) – EMAIL TO : COVIDMisdRequestHJC@occourts.org

SETTLEMENT CONFERENCES WILL BE CONDUCTED AS CHAMBERS CONFERENCES AND REFLECTED AS CHAMBERS WORK IN THE COURT MINUTES, AS DIRECTED BY THE JUDGE.

MARSY'S LAW COMPLIANCE IS REQUIRED.

SETTLEMENT JUDGE WILL DETERMINE THE DATE, TIME AND DURATION OF THE SETTLEMENT / STATUS CONFERENCES. SETTLEMENT JUDGES WILL BE AVAILABLE MONDAY – FRIDAY WITH BACKUP JUDGES ON EACH CALENDAR. THE CLERK WILL CALENDAR THE CASES AS DIRECTED BY THE JUDGE.

VOLUNTARY SETTLEMENT CONFERENCES:

YOU CAN INIATE THE REQUEST FOR A CONFERENCE, BUT COURT MAY ALSO CONTACT YOU.

THIS APPLIES TO ONE OR MULTIPLE CASES. IF YOU HAVE A LOT OF CASES (CAN BE DIFFERENT CLIENTS) (SIMILAR TO WJC PROCESS WITH W12 / COMMISSSIONER VANCAMP) – LET THE COURT KNOW WHAT CASES YOU HAVE AND THE COURT WILL ASSIGN A JUDGE AND SCHEDULE A SETTLEMENT CONFERENCE. YOU *DO NOT NEED SEPARATE MISDEMEANOR ACTION FORMS FOR EACH CASE – MAKE THE REQUEST USING ONE FORM AND LISTING ALL OF THE CASE*. NOTE WHICH CALENDAR THE CASE IS ON – I.E., ARRAIGNMENT, PRETRIAL, POST-CONVICTION, JURY TRIAL.

977 AUTHORITY IS NOT REQUIRED TO INITIATE OR PARTICIPATE IN SETTLEMENT CONFERENCE. 977(a) AUTHORITY IS REQUIRED FOR PLEA AND SENTENCING.

PLEAS AND SENTENCING WILL BE CONDUCTED AS CHAMBERS CONFERENCES WITH AN HJC JUDGE VIA MICROSOFT TEAMS OR TELECONFERENCE (THE COURT MAY TRANSITION TO WEBEX AS A SUBSTITUTE TO MICROSOFT TEAMS).

PLEA FORMS AND OTHER SETTLEMENT DOCUMENTS CAN BE SUBMITTED TO THE COURT USING THE MISDEMEANOR ACTION REQUEST (MARS) – EMAIL TO : COVIDMisdRequestHJC@occourts.org

EMAIL THE REQUEST FOR VOLUNTARY SETTLEMENT CONFERENCE TO (USE MARS

FORM): COVIDMisdRequestHJC@occourts.org

INCLUDE CASE NAMES AND NUMBERS ON THE MARS FORM – BE SURE TO INCLUDE PROBATION VIOLATION CASES. FELONIES WILL NOT BE INCLUDED.

IF YOU HAVE CASES ON DIFFERENT CALENDARS, THE SETTLEMENT JUDGE ASSIGNED TO THE RELEVANT CALENDAR WILL HANDLE. IF A CLIENT HAS A BLEND OF CALENDARED CASES (I.E., ARRAIGNMENT, PRETRIAL AND / P.V.), THEN THE COURT WILL DESIGNATE ONE OF THE SETTLEMENT JUDGES.

ONCE THIS IS RECEIVED BY THE COURT, THE CLERK WILL FORWARD THE CASE LIST TO THE DA AND NOTICE OF SETTLEMENT CONFERENCE DATE AND TIME AS DIRECTED BY THE COURT.

A MINIMUM OF 2 DAYS NOTICE WILL BE PROVIDED.

IT IS OK TO CALL H4: JUDGE ANDERSON'S CLERK, LAURA TROTTIER – 657-622-5404

SETTLEMENT CONFERENCES WILL BE CONDUCTED AS CHAMBERS CONFERENCES AND REFLECTED AS CHAMBERS WORK IN THE COURT MINUTES, AS DIRECTED BY THE JUDGE.

MARSY'S LAW COMPLIANCE IS REQUIRED.

SETTLEMENT JUDGE WILL DETERMINE THE DATE, TIME AND DURATION OF THE SETTLEMENT / STATUS CONFERENCES. SETTLEMENT JUDGES WILL BE AVAILABLE MONDAY – FRIDAY WITH BACKUP JUDGES ON EACH CALENDAR. THE CLERK WILL CALENDAR THE CASES AS DIRECTED BY THE JUDGE.

SENTENCING:

IF SETTLEMENT IS REACHED, THE JUDGE WILL DETERMINE IF THE PLEA AND SENTENCING WILL REQUIRE LIVESTREAMING OR CAN BE RESOLVED AS CHAMBERS WORK. IF A TAHL FORM IS REQUIRED, THE FORM MUST BE SUBMITTED TO THE COURT VIA EMAIL PRIOR TO THE SENTENCING HEARING. USE OF A NOTARIZED TAHL FOR AND/OR REQUIREMENT OF A DEFENDANT'S "PRESENCE" WILL BE DECIDED BY THE JUDGE. IF THE DEFENDANT DOES NOT APPEAR REMOTELY, THEN 977(a) AUTHORITY IS REQUIRED.

FIREARMS RELINQUISHMENT – PROP 63:

This is in the works- detail to follow.

SERVICE OF PROTECTIVE ORDER AND OTHER ORDERS:

This is in the works – detail to follow.

IF THE CASE DOES NOT RESOLVE:

If your case does not resolve, the matter will be taken off calendar and the future date will remain. EXCEPT FOR MANDATORY SETTLEMENT / STATUS CONFERENCES, if the DA cannot or will not "appear" at the Settlement Conference, the matter will be taken off-calendar and docketed as "no action taken." Continuance and rescheduling for any purpose will be determined by the Judge.

MOTIONS–

Motions can proceed via livestream. If you want the motion to be in person, let the Court know by sending in the COVID19 misdemeanor action form. On that form, you will be required to provide a time estimate, the number of people that will need to be in the courtroom for the motion to proceed (you, DDA, witnesses, defendant)

If there are motions pending, you can get the motion set – you can do by phone, livestreaming or live. The court wants to get motions OUT.

If you have cases that can be settled, Judges London, Adams, Jones, Johnson (and maybe others) will be working in this capacity. My note: This is a great opportunity to get some offers on your cases.

Guilty pleas – They can be accomplished through livestreaming. (SEE ABOVE NOTES ON PLEAS AND SENTENCING.)

MISDEMEANOR ARRAIGNMENTS:

There are a lot of pending arraignments and cases that have not yet been filed by the DA's office. The Court is working on getting information to the public on what to do and how to apply for PD.

If you have an arraignment date on a case. Use the misdemeanor action form to set new date. JUDGE LONDON WILL BE AVAILABLE.

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Court staff is now coming back to the courthouse and they are working on backed up dates. Backlog in the DA's portal – HJC (as of today) is still a work in progress.

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The clerk's office is sending out notices on some court dates – minute orders will be sent. If you do not have a court date on a case, check VISION.

THIS IS ALL A WORK IN PROGRESS. THERE WILL LIKELY BE CHANGES AND TWEAKS THAT NEED TO BE ACCOMPLISHED. THIS INFORMATION MAY BE REVISED OR CHANGED BUT PROVIDES A GOOD ROADMAP FOR NOW.
BE PATIENT !

(Thank you to Kate Corrigan of Corrigan Welbourn Stokke, APLC for this information
<https://www.cwsdefense.com/>)