

GENERAL QUESTIONS

1. Will counsel have the option of attending hearings by CourtCall or Zoom, or will attendance by Zoom be required, when available? *In criminal, Zoom will be available on 5/26/20. Starting the week of 5/26/20 Commissioner Foley will be using Zoom videoconferencing. For weeks of 5/26/20 and 6/1/20: Judges in civil departments countywide will use CourtCall. Starting the week of 6/8/20 Judges in civil departments countywide will incorporate Zoom. It is not known how Zoom will function with many users at one time. Judges will use CourtCall or Zoom at their discretion.*
2. In what order and in what manner will the Hearings already indefinitely postponed be put back on calendar? *Criminal will prioritize cases by last day, in-custody and by cases that are prepared to resolve. Most civil cases are being rescheduled commencing the week of 6/8/20, in a first-missed, first to be rescheduled method, taking court availability into consideration. Judicial Officers may set any missed hearing at their discretion. SM Civil Law and Motion and Probate matters are being rescheduled in a high-priority first method at the discretion of the Research attorneys, taking court availability into consideration. SM is continuing to post Probate notes to assist parties and attorneys with curing deficiencies. SB Probate matters are being rescheduled at the discretion of the Probate Examiner, in both a first-missed, first to be rescheduled method, combined with court availability and combining multiple hearings, e.g. if a case has a missed hearing and also has an upcoming hearing scheduled, the missed hearing may be scheduled on the same date as the upcoming hearing. Comm. Foley's missed Family Support hearings are being rescheduled by DCSS, at their discretion, commencing 5/26/20. Non-DCSS matters are being rescheduled by the court in a first-missed, first to be rescheduled method, taking court availability into consideration.*
3. For uncontested matters already indefinitely postponed, may counsel submit a Stipulation and Order executed by all persons entitled to notice whereby said persons acknowledge receipt, waive objection, and consent to the requested orders? If so, these matters would never have to be put back on calendar. *Yes. A proposed order must be submitted with a stipulation for the court's consideration. The court may or may not grant all or part of a stipulation.*
4. When will CourtCall hearings commence in Santa Barbara, and in Santa Maria? *On 5/26/20 in all civil courtrooms except for Commissioner Foley, he will be using Zoom videoconferencing.*
5. Do the Rules and Protocols for the conduct of "Remote" and "Personal Presence" hearings effective April 29, 2020 for criminal matters also apply to civil matters? *The Remote and Personal Presence Hearings rules address criminal hearings but could apply to Civil proceedings. The Civil bench officers will review this issue.*

Basic guidelines and instructions for CourtCall and Zoom hearings for Civil/Family/Probate are posted on the Court's website.

6. Besides Commissioner Foley, which courtrooms will be having hearings via Zoom? *All courtrooms will have Zoom capability and hearings may proceed by Zoom commencing 6/8/20 or at the discretion of the judge.*
7. Can we use our photo instead of being live? *No.*
8. What if our clients do not have the technology for Zoom? *Your clients may participate with you from your office. Zoom also provides a method of appearing by telephone.*
9. What is being done to insure witnesses are not in the same actual room while on Zoom? *Witness will be given an oath.*
10. Will the town hall questions/answers/information be published for those of us to know what was discussed if we don't / cannot attend? *Yes.*

CIVIL QUESTIONS

11. Does the May 15th Civil Calendar Plan supersede the May 9th Court Operations Plan? In several key respects the Civil Calendar Plan is inconsistent with the Operations Plan. *Yes.*
12. Section III CIVIL of the Court Operations Plan refers repeatedly to a "Stay-at-Home Order." Section B, the "Reduced Services Operation Plan" begins by saying that from "May 4, 2020 until the Stay-at Home Order is lifted, the Court will operate reduced services." Similarly, it begins Section C, the "Long Term Services Operations Plan" by saying, "During the period of operations from lifting the Stay-at-Home Order until normal operations are restored the court will operate substantial services." The Civil Calendar Plan does not refer to the Stay-at-Home Order. Does that mean that the Stay-at-Home Order is no longer relevant to determining when the rules will change? If the Stay At Home Order is still relevant, what is the Stay-at-Home Order that is referenced? How will we know when the Stay At Home Order is lifted? How much notice will be given if the Stay At Home Order is lifted? If the Stay At Home Order is lifted on August 1 and a hearing is scheduled for August 3, will the August 3 hearing go forward since the Stay At Home Order has been lifted or will the court provide a grace period? *The 3/19/20 Order of Dr. Sonia Angell, the State Public Health Officer, and Governor Newsom's Executive Order N-33-20, issued 3/19/20 ordering all residents to stay home except as needed to facilitate authorized necessary activities. The State Public Health Officer may issue new orders as the public health situation changes, such as her Order issued 5/7/20 stating all local health jurisdictions in the state may move into Stage 2 of California's Pandemic Roadmap. A local health jurisdiction may implement more restrictive health*

measures if the local health officer believes it is warranted. The Court will start to modify its procedures and provide notice when appropriate.

13. Section III B 2 of the Court Operations Plan states that all trial dates between March 16, 2020 and the Stay-at-Home Order are vacated. Section III C 2 states that all trial dates between March 16th and December 31, 2020 are vacated. The Civil Calendar Plan says, “Trials will be rescheduled to a Case Management Calendar or as determined by the Judge.” Taking all of this together, does that mean all civil trial dates from now until December 31st are vacated, subject to being reset by the court? If not, which cases remain on the trial calendar? *Section III B 2 addresses an operation plan during the time the Stay-at-Home Order is in place. Trial dates scheduled during this time period will be rescheduled. Section III C 2 addresses an operation plan during the time period after the Stay-at-Home Order is lifted until the court is able to restore normal operations. Cases set to commence trial during the court closure (3/17/20 – 5/22/20) and until such time as the Stay-at Home Order is lifted and the court is able to resume normal operations, (which the court anticipates will not be before 12/31/20) will be rescheduled. In order to manage the rescheduling of the trial dates, most cases are set for a case management conference. However, the court may make different orders as deemed necessary, based on the circumstances of a case, and the state of the COVID-19 pandemic.*
14. Section III B 3 (a) of the Court Operations Plan states that “hearing dates for all law and motion and discovery matters currently calendared for hearing between March 16th and the date the Stay-at-Home Order is lifted, inclusive are hereby vacated and will be rescheduled by the court.” But the Synopsis indicates all hearings scheduled from the week of 5/26 and beyond remain on calendar. The Synopsis says civil law and motion hearings from 5/26 forward will be heard at “10:00 a.m. instead of 9:30 a.m. but remain on the same date.” *The time change applies to Santa Barbara courts only.*
15. The Synopsis doesn’t specifically address civil law and motion hearings presently scheduled during the week of 6/8 and beyond, although presumably the hearing schedule is the same as the prior two weeks; law and motion will be at 10:00 a.m. rather than 9:30 a.m. It appears that the Court Operations Plan and the Synopsis are in conflict. Which controls? *The language “from 5/26/20 forward” necessarily includes “6/8/20 and beyond.”*
16. Are all law and motion and discovery matters set for hearing from now until the Stay-at-Home Order is lifted vacated? If not, what hearings are vacated under section III B 3 (a) and what hearings remain on calendar? *No. Missed hearings scheduled during the court’s closure will be rescheduled. If necessary to accommodate criminal matters, it may be necessary to reschedule civil matters scheduled after the court reopens.*

17. If the trial date is vacated, is the MSC date also vacated? It appears that's the case under the Court Operations Plan Sections III B 2 (c) and C 2 (c). *Yes. Generally the settlement conferences are scheduled in close proximity to a trial date.*
18. Are CMCs vacated? If not, what time will CMCs be heard? When will we be able to schedule CMCs and how should we go about getting a CMC on calendar? *Missed CMC hearings scheduled during the court's closure will be rescheduled by the court. Parties do not need to reschedule a missed CMC hearing. If necessary to accommodate criminal matters, it may be necessary to reschedule CMC hearings scheduled after the court reopens. There is no time change for CMCs. They remain at 8:30 am.*
19. The Civil Calendar Plan states that hearings in Departments 3, 4, and 5 will be by court call and that missed hearings between March 17 and May 22 will be rescheduled starting June 6, 2020. Does this include LPS conservatorships hearings where the conservatee contests the conservatorship and wishes to participate in the hearing? *The Probate Examiner in Santa Barbara is rescheduling missed Probate and LPS hearings. Missed hearings during the court closure will be rescheduled starting the week of 6/8/20. Hearings scheduled during the weeks of 5/26/20 and 6/1/20 will be by CourtCall.*
20. The initial Santa Barbara Superior Court – Court Operations Plan provided, “During the period of operations from May 4, 2020 until the Stay-at-Home Order is lifted, the court will operate reduced services.” What are we considering “lifted” for purposes of court services and for UDs? Will Mr. Corbo be available to assist in the backlog so that more Shriver conferences can be scheduled throughout the court week? *The State Public Health Officer may issue new orders as the public health situation changes, such as her Order issued 5/7/20 stating all local health jurisdictions in the state may move into Stage 2 of California's Pandemic Roadmap. A local health jurisdiction may implement more restrictive health measures if the local health officer believes it is warranted. Effective 4/6/20 Emergency Rule of Court 1 prohibits the court from issuing a summons on a complaint for unlawful detainer unless the court finds it is necessary to protect public health and safety. It also prohibits the court from setting a trial earlier than 60 days from the date of request. This rule remains in effect until 90 days after the Governor declares that the state of emergency related to COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council. At the time the court is able to proceed with unlawful detainer cases, if the court experiences a backlog, we will take steps to address it, including examining Mr. Corbo's services in the North County.*
21. The latest plan states: “Trials and Evidentiary hearings may not be rescheduled on the same week by week basis: Trials will be rescheduled to a Case Management Calendar or as determined by the Judge.” Are the trials currently set for June, July, and August being re-set at a CMC? Or can we assume that June, July, August trials will remain as previously set and other trials may be folded in? *At*

this time the court is not routinely rescheduling matters which were previously set after 5/26/20. Trials will proceed or be rescheduled at the discretion of the judge, according to availability, and the circumstances of the case.

22. Per the order regarding personally accessing the court campus, how will you be taking our temperatures? Will we be lining up at the front gate? Or as we go through security? *At Weapons Screening Stations.*
23. When can we expect the Zoom hearings to be scheduled? *Hearings are being conducted now by Zoom in criminal proceedings. Civil hearings will be conducted in Zoom as soon as possible.*
24. When will we receive notice regarding the cases that were vacated as to when they will be rescheduled? *The court is currently rescheduling hearings and sending notices.*
25. How will exhibits be presented? *Hardcopy delivered to the courtroom prior to hearing. To be determined.*
26. Since there is a charge to use CourtCall, how will low income self-represented litigants appear via CourtCall when they do not have a phone, or if they do have a phone, do not have the funds to pay? What is the plan for them? *They can request a fee waiver, and if granted, it will be honored by CourtCall. In the event a SRL does not have access to a phone, Legal Aid should file a declaration to that affect with the court and the court will address.*
27. What is the plan for Non-English speaking litigants to access the Court? Will instructions for non-English speakers be provided in their language as to how to use CourtCall? What will the hearings look like when one or both of the parties need an interpreter? *The court has interpreters. If the litigant speaks an exotic language, a request for an interpreter should be made. Instructions are provided in Spanish.*
28. In family law cases, evidentiary hearings were set and rescheduled due to COVID-19. Will there be evidentiary hearings held by CourtCall and if so, will the attorneys/parties be notified in advance to the hearing? Or will the first hearing after COVID closure be a setting hearing? *Most hearings are being rescheduled for setting. The court will provide notice of an evidentiary hearing.*
29. In a couple of the Temporary Restraining Orders I have received, the court has written: No Court Date Set or No Hearing Set, but then gives the option to set a hearing through form SC-4014. What does this mean about when the TRO expires and is the court requesting that we set a hearing date? If so, when would the court like us to request a hearing date? Now or after the Stay-At-Home Order is lifted?

*The TRO remains in place until further order of the court. The Emergency Ex Parte Judge included **detailed** orders on these. If they desire to set a hearing, they can do so by using local form SC-4014 to place the matter on calendar in the assigned department. The orders usually directed the hearing to be scheduled after a specific date, e.g. June 1. Now that we are reopening, a hearing date in the assigned dept. can be requested after 5/26/2020.*

CRIMINAL QUESTIONS

30. Regarding defendants who are in PC 1368 status, are those defendants who are at the County's Psychiatric Health Facility ("PHF") considered "in custody" even though they aren't at the jail? *Defendants at the PHF are considered in committed status, not in-custody. Status is the same as before emergency order.*
31. For other PC1368 defendants receiving restoration services in an outpatient status, are they more appropriate on calendar on the "977" days? *Yes.*
32. Will there be a court reporter available? *Yes.*
33. Will there be interpreters available? *Yes.*
34. For appearances in the criminal court for non-detained clients, may we use the alternative of Court Call to avoid use of the Zoom app? *No.*
35. My out-of-custody client is under a mental health diversion order issued by Judge Adams, and had been appearing regularly before Judge Dandona (Dept. 7). The court's website indicates that Dept 7 is closed and will remain closed until the Stay-at-Home order is lifted. Do I correctly infer that I'll receive a mailed or e-mail notice re when my client and I need to appear again? He has worked hard to comply with his order and I don't want to mess up and have a FTA. Do I need to make an affirmative effort to check with the clerk in Dept 7? *Notice will be provided via email once a hearing is set.*