

YUKEVICH | CAVANAUGH
CALIFORNIA COURT UPDATE

November 11, 2020

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COVID-19 COURT PROCEDURE UPDATE – November 11, 2020

The following is Yukevich | Cavanaugh's latest update on the California court procedures during the COVID-19 emergency (as of November 11, 2020).

California Superior Courts in Major Southern California Counties

Los Angeles County

- Most all civil trials until January 2021.
- Trials involving preference cases that comply to social distancing protocols resumed on October 5.
- Criminal trials have restarted and have priority access to jurors over civil trials (to satisfy a criminal defendant's right to a speedy trial).
- In-person filings at the clerk's office has re-opened, but requires an appointment. E-filing continues to be encouraged.

Orange County

- Cases will be selected for trial based on the following:
 - Statutory priority or preference cases (CCP § 36)
 - Age of the case
 - Estimated length of trial
 - Number of parties
 - 5-year statutory requirement

- Stipulation by parties to fewer than 12 jurors
- Whether the trial is an expedited jury trial
- Other relevant case-specific factors (the “factors” are unstated in the order, as they are esoteric to each individual case).

- Orange County also conducts bench trials by WebEx remote video, wherein all parties and witnesses appear remotely.
- Jury selection will be conducted to facilitate the health and safety of potential jurors, including, but not limited to:
 - Civil jury panels will include 40 prospective jurors per panel.
 - When space limitations require, voir dire may be done in rounds (*e.g.* in 2 groups of 20 jurors each). In some courtrooms, voir dire of the first group will be broadcast live to the second group in a separate location. This will allow both groups to see and hear all voir dire questioning.
 - During trial, jurors will be seated throughout the jury box and gallery to maintain social distancing.

Riverside County

- Limited in-person hearings have restarted.
- The court anticipates moving forward with trials sometime in the last quarter of 2020.

- Several of the Riverside County courthouses continue to remain closed until further notice, and there continues to be reduced public access hours (7:30 a.m. to 2:00 p.m.) in courthouses that are open.
- All courthouses will be closed the third Friday of every month. Upcoming closure dates are November 20, December 18, and January 15, 2021. Certain courts will be open for emergency matters and statutorily required proceedings.

San Bernardino County

- Continues with its order that most jury trials are continued until 2021. San Bernardino has limited jury trials to the following:
 - Criminal cases
 - Unlawful detainer jury trials
 - Civil cases with statutory preference under the Code of Civil Procedure
 - Civil cases approaching the 5-year deadline under the Code of Civil Procedure
 - Upon a showing of good cause, a civil jury trial for cases that do not require disposition within a specific period of time at an earlier date
 - A civil jury trial through the use of remote technology
- Starting December 1, 2020, the operating hours of the clerk's office in all San Bernardino County courts will be reduced to 8:00 a.m. to 2:00 p.m. until further notice. Drop boxes are available at each court location to file papers from 8:00 a.m. to 4:00 p.m. Documents may also be submitted electronically.

San Diego County

- On November 5, 2020, San Diego County announced that it recently restarted in-person civil bench trials, with appropriate social distancing and other safety procedures.
- Remote civil bench trials will continue to be offered.
- The first in-person civil jury trial involving a preference case is scheduled for January 2021. Non-preference civil jury trials are expected to restart shortly thereafter.
- Criminal trials will take priority over civil trials regarding access to jurors.

California Federal Courts

Central District of California

- Continues to put a hold on jury trials and most in-person civil hearings, under its Reopening Plan adopted on August 6, 2020.
- In-person hearings regarding emergency civil matters in the Southern Division of the Central District continue. Non-emergency hearings will continue to be held via videoconference or telephone.

Southern District of California

- Continues with its restart of civil trials and criminal trials involving out of custody defendants, with priority given to criminal cases.

- One jury selection per day may be scheduled Monday through Thursday of each week. To facilitate social distancing, only one trial a week may start per floor.

Northern District of California

- Civil jury trials and bench trials may proceed in accordance with the Court's safety protocols. Each judge has the discretion to either hold a hearing or decide a civil matter on the papers. Hearings are currently held via telephone or videoconference.
- Criminal jury trials may proceed in accordance with the logistical considerations necessitated by the Court's safety protocols.

Eastern District of California

- COVID-19 order issued on May 13, 2020 remains in effect. No civil or criminal trials will go forward, as no jurors will be called for jury duty until further notice.
- All civil matters will continued to be decided on the papers; but if the judge believes a hearing is necessary, it will be conducted by telephone or video conference. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences, and ADR proceedings.