

**YUKEVICH | CAVANAUGH**  
**CALIFORNIA COURT UPDATE**

**September 22, 2020**

**Table of Contents**

**Introduction from James J. Yukevich..... 2**

California Superior Courts: Southern California Counties. .... 4

    Los Angeles County Superior Court ..... 4

    Orange County Superior Court ..... 5

    Riverside County Superior Court ..... 6

    San Bernardino County Superior Court ..... 7

    San Diego County Superior Court ..... 8

California Federal Courts by District ..... 9

    Central District of California ..... 9

    Southern District of California ..... 9

    Northern District of California ..... 10

    Eastern District of California ..... 10

## **Introduction Message From Our Managing Partner**

The global pandemic has touched the lives of everyone on earth in one way or another; the world has witnessed an unimaginable loss of life, and changes to how everyone does business in all sectors of the global economy.

At Yukevich | Cavanaugh, we have successfully undertaken comprehensive measures to ensure our business continues to provide the unparalleled level of service, stability, and professionalism that our clients, colleagues, and community especially need during these unprecedented times.

For over 25 years, Yukevich | Cavanaugh continues to deliver our clients a special level of service and outstanding results in civil litigation defense. We continue to invest in state of the art legal and communication technology focused on information security, cultivating processes that enable us to continue our client work under all circumstances.

Since our last video, many courts have issued revised COVID-19 orders. Below is the status of each California federal court and superior court in the major Southern California counties. The following website which has updated information on the status of all California state courts with links to all the courts' websites and COVID-19 orders: <https://support.onelegal.com/california-court->

[updates-covid-19](#). Please contact James Yukevich if you have a question about the status of any case, anywhere.

**James J. Yukevich**

Tel: (213) 362-7777 Ext. 212

Email: [jyukevich@yukelaw.com](mailto:jyukevich@yukelaw.com)

[VCARD](#)

## **California Superior Courts: Major Southern California Counties.**

The **Los Angeles County Superior Court** announced on September 10, 2020 that it will continue to delay almost all civil trials until January 2021. The LA County stated its courthouses are not configured to promote social distancing, and changing the layout would affect presentation of evidence, security, and public access, among other things. The LA County court also said it doesn't currently have the budget to make the necessary changes to facilitate social distancing, as it will be subject to a 10% reduction in its budget for the upcoming 2020-2021 fiscal year. Non-jury traffic and small claims trials restarted in August.

Although civil trials are suspended, criminal trials have started up again, pursuant the constitutional right to a speedy trial. There are over 7,000 pending criminal trials in LA County. The first criminal trial during the COVID-19 emergency orders went forwarded and concluded in early September.

The clerk's office has re-opened, but requires an appointment. E-filing is continues to be encouraged.

LA County continues to have the largest number of COVID-19 cases in California. We will continue to monitor the situation carefully in Los Angeles.

**Orange County** announced that as of September 1, 2020, it has implemented a process to allow civil trials to go forward on a limited basis. Cases to be tried will be selected based on the following criteria:

- Statutory priority or preference cases (CCP § 36) that were not yet scheduled for trial

- Age of the case
- Estimated length of trial
- Number of parties
- 5-year statutory requirement (CCP §§ 583.310 et seq.)
- Stipulation by parties to fewer than 12 jurors
- Whether the trial is an expedited jury trial (CCP §§ 630.01 et seq.)
- Other relevant case-specific factors

Cases that answer ready to commence trial will be placed on the Trailing Trial List on the day set for trial. The Civil Supervising Judge will consider the criteria noted above in selecting cases to proceed to trial.

To facilitate social distancing requirements, only certain Orange County courtrooms will be used for trial.

On August 20, 2020, the Orange County court also advised that it will conduct trials by WebEx remote video. All parties, counsel, and their respective

witnesses will appear remotely. Of note, counsel and their clients appearing in separate locations may communicate by email or text, so long as it does not interfere with the proceedings. No communication is allowed while the party is testifying.

A judge may grant a request for an in-court session or proceeding based on a showing of good cause.

Orange County provides a link at the court's website for the public to view livestreaming of proceedings. No recordings of the remote video sessions is permitted.

**Riverside County** has restarted in-person (in limited circumstances) and telephonic hearings. The court anticipates moving forward with trials sometime in the last quarter of 2020, but no specific date has been set.

Unlimited and complex civil court and jury trials will be scheduled at the Trial Setting Conference (TSC) hearings only. Parties that would like to seek a priority trial date may either stipulate or file an ex parte to shorten the time on the TSC. The court will not accept stipulations to set trial dates.

Riverside County provides a link at the court's website for the public to view live streaming of non-confidential proceedings.

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.

**San Bernardino County** announced on September 14, 2020 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 of San Bernardino County's 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. Any document deposited in a court's drop box by 4:00 p.m. on a court day is deemed to have been deposited for filing on that day. Documents may also be submitted electronically.

**San Diego County's** presiding judge issued an order on September 9, 2020. The order explains the various Covid-19 related issues that prevent the San Diego County courts from restarting jury trials. Along with social distancing issues in elevators and in the courtrooms, the presiding judge noted the reduced number of potential jurors summoned to appear at any one time (due to social distancing concerns), along with the expected low report rate of summoned jurors.

In attempt to restart trials, as well as to meet constitutional requirements for a speedy trial for criminal defendants, the San Diego County court has implemented the following plan: Jurors have been summoned for a criminal trial starting October 13, 2020, a second criminal trial starting October 19, 2020, and two criminal trials per week starting October 26, 2020.

Because of the backlog of over 2,000 criminal trials, 300 of those involving in-custody defendants. All available courtrooms in San Diego County will be dedicated to in-custody criminal trials only. As usual, an exception may be made where a judge finds good cause to commence trial on any case, civil or criminal.

## California Federal Courts

The **Central District of California's** COVID-19 order of September 14, 2020 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 are now allowed. Non-emergency hearings will continue to be held via videoconference or telephone.

The **Southern District of California** announced that as of August 31, 2020, civil trials and criminal trials involving out of custody defendants will proceed, with priority given to criminal cases. Criminal cases involving in-custody defendants will not proceed until such defendants can be brought to court without quarantine.

- 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

On September 18, 2020, the Southern District announced that it will allow in-person misdemeanor bench trials, with the required COVID-19 health and safety protocols in effect to the extent applicable.

The **Northern District of California** ordered on September 16, 2020 that civil trials may now go forward.

- Jury trials and bench trials may proceed in accordance with the logistical considerations necessitated by the Court's safety protocols.
- Each judge will determine whether to hold a hearing or decide a civil matter on the papers. Hearings will be held via telephone or videoconference.

Criminal jury trials may proceed in accordance with the logistical considerations necessitated by the Court's safety protocols.

The **Eastern District of California's** 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.