



JUDICIAL COUNCIL OF CALIFORNIA

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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL NOTICE

Circulating Order Number: CO-20-10

Title

Civil Practice and Procedure: Emergency
Rules for Unlawful Detainer and Foreclosure
Proceedings in Response to COVID-19
Pandemic

Action Taken

Vote Suspended

Date

June 10, 2020

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, emergency rules
1 and 2

Contact

Judicial Council Support
JudicialCouncil@jud.ca.gov

On Wednesday, June 10, prior to the 4:00 p.m. deadline for Judicial Council members to vote, the Chief Justice suspended the vote on Circulating Order 20-10, amending emergency rules 1 & 2 to allow the legislative and executive branches additional time to address these issues and provided the following statement:

After discussions with the Governor, legislative leaders, and Judicial Council members—as well as hearing from residents with many different viewpoints—I have suspended for the time being the vote on the emergency rules dealing with evictions and judicial foreclosures. I believe the executive and legislative branches will need more time to sort through various policy proposals.

As I mentioned in April when we first adopted temporary emergency rules and took other actions, we are at a point with the pandemic with no guidance in history, law, or precedent. When the Governor issued his [executive order](#) providing me, as chairperson of the Judicial Council, and the council with the authority to protect the public during the pandemic, I promised the Governor that we would assume this responsibility with the utmost care. The rules we promulgated are temporary measures designed to protect the health and safety of the public while ensuring that access to justice remains

available. The judicial branch cannot usurp the responsibility of the other two branches to deal with the myriad impacts of the pandemic. At the beginning of the statewide shelter-in-place orders, the Legislature was not in session and the Judicial Branch was a constitutional partner with the Executive Branch in adopting temporary, emergency rules designed to protect the public and our justice system. We will work with the Governor and legislative leaders on an updated time frame for amending, sunseting, or repealing the Judicial Council's rules, orders, or other actions taken under the authority assigned to us under the Governor's Executive Order.