



Judicial Council of California

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Subject Text

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Title

Judicial Branch Administration: Emergency Rules in Response to the COVID-19 Pandemic (Action Required)

Summary

Due to the immediate and ongoing impact the COVID-19 pandemic is having on California's judicial branch, and at the request of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, the chairs of the Judicial Council's six internal committees recommend that the Judicial Council adopt rules of court to: suspend the entry of defaults in unlawful detainer actions; suspend judicial foreclosures; provide for remote appearance via technology; adopt a statewide emergency bail schedule that sets bail at \$0 for most misdemeanor and lower-level felony offenses; provide for personal appearance through counsel for defendants in pretrial criminal proceedings; prioritize for juvenile dependency and juvenile delinquency proceedings various hearing and orders and set a structure for remote hearings and continuances; extend the timeframes for specified temporary restraining orders; and adopt miscellaneous civil proposals, including suspending the statutes of limitations governing civil actions. The Judicial Council should take these temporary actions in order to protect the health and safety of the public, court employees, attorneys, litigants, and judicial officers, as well as staff and inmates in detention facilities, and law enforcement during the state of emergency related to the COVID-19 pandemic.

Recommendation

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council adopt the following rules of court, to take effect immediately:

Unlawful Detainers and Foreclosures: Proposed Emergency Rules 1-2

1. Adopt emergency rule 1 to suspend the issuance of summons and entry of default and default judgments on unlawful detainer complaints, and to allow courts to set trials on any unlawful detainer actions in which a defendant has appeared more than 60 days after the request for such a trial, unless the court finds that earlier action is needed to protect public health and safety.
2. Adopt emergency rule 2 to stay all actions for judicial foreclosures on mortgages and deeds of trust and extend all deadlines related to such actions.

Use of Technology to Conduct Proceedings Remotely: Proposed Emergency Rule 3

3. Adopt emergency rule 3 to provide that courts may require that judicial proceedings and court operations be conducted remotely; however, in criminal proceedings, courts must receive the consent of the defendant to conduct the proceeding remotely. Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; and the use of remote interpreting, remote reporting, and electronic recording to make the official record of an action or proceeding.

Criminal Proceedings: Proposed Emergency Rules 4-5

4. Adopt emergency rule 4 establishing a statewide Emergency Bail Schedule that sets bail at \$0 for most misdemeanor and lower-level felony offenses and includes other specified provisions.
5. Adopt emergency rule 5 to provide for appearance through counsel and remote appearance via technology for defendants in pretrial criminal proceedings.

Juvenile Dependency and Juvenile Delinquency Proceedings: Proposed Emergency Rules 6-7

6. Adopt emergency rule 6 for juvenile dependency proceedings that would prioritize specified hearings and orders and set a structure for remote hearings and continuances.
7. Adopt emergency rule 7 related to juvenile delinquency that would prioritize hearings and orders in juvenile delinquency proceedings and set a structure for remote hearings and continuances. Emergency rule 7 would also grant an extension of time under Welfare and Institutions Code section 709.

Temporary Restraining Orders: Proposed Emergency Rule 8

8. Adopt emergency rule 8 related to temporary restraining orders that, among other changes, would extend the timeframes for specified orders and allow courts to transmit an order in any format to the entering agency for transmission into the California Department of Justice database.

Civil Proceedings: Proposed Emergency Rules 9-11

9. Adopt emergency rule 9 to toll the statutes of limitation for all civil causes of action from April 6, 2020, to 90 days after the state of emergency related to the COVID-19 pandemic is lifted.
10. Adopt emergency rule 10 to increase by six months, for all civil actions filed on or before April 6, 2020, the five years in which to bring the actions to trial under Code of Civil Procedure section 583.310 and the three years in which to bring a new trial of the actions under Code of Civil Procedure section 583.320.
11. Adopt emergency rule 11 to allow a party or nonparty deponent, at their election or the election of the deposing party, to appear at a deposition remotely through electronic means.

Justice Marsha G. Slough, Chair, Executive and Planning Committee
(Emergency Rules 3-5)

Judge Jonathan B. Conklin, Member, Judicial Council Technology Committee (Emergency Rules 1-2)

Hon. Stacy Boulware Eurie, Vice-chair, Litigation Management Committee (Emergency Rules 6-7)

Hon. Ann Moorman, Vice-chair, Judicial Branch Budget Committee (Emergency Rule 8)

Ms. Gretchen Nelson, Member, Policy Coordination and Liaison Committee (Emergency Rules 9-11)