FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF NEVADA
MAY 28 2020
JASON B. GALKIN
EXECUTIVE OFFICER & CLERK
By: S. SHUMAKER, Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF NEVADA

EXECUTIVE ORDER #190

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Since March 4, 2020 and March 18, 2020, the State of California and the United States, respectively, have been in a State of Emergency as a result of the COVID-19 pandemic.

On March 18, 2020, this court issued an order (Executive Order No. 178) reducing access to the Nevada County Superior Court in an effort to protect the health and safety of the community, court staff, attorneys, litigants, defendants, law enforcement and judicial officers, and still proceed with the most essential functions of the Court.

On March 19, 2020, the Governor of the State of California issued an order directing all Californians to shelter in place at their place of residence, except as needed to maintain continuity of operations of critical infrastructure sectors, to protect public health and insure that the healthcare delivery system is capable of serving all and prioritizing those at the highest risk. State courts are included in the definition of critical infrastructure in the Governor's order.

In order to balance the aforementioned circumstances with the obligations of the Superior Court to ensure that the business of the Court is conducted to the extent possible, the Court significantly decreased its operations.

On May 8, 2020, based on the state's progress in meeting metrics tied to indicators, Governor Gavin Newsom authorized the state to begin to move into Stage 2 of a four-phase process of modifying his earlier stay at home order. Stage 2 allows the gradual reopening of lower-risk workplaces with adaptations.

As of today, there are no known cases of COVID-19 in Nevada County. No new cases of the virus have been reported in Nevada County since April 28, 2020. Accordingly, the Court is prepared to gradually increase its operations and, at the same time, take steps designed to protect the continued health and safety of the public, court personnel, judicial officers, litigants, attorneys and law enforcement.

Pursuant to California Rules of Court, Rule 10.603, which authorizes the Presiding Judge to ensure effective management of the Court,

THE COURT HEREBY ORDERS, EFFECTIVE JUNE 1, 2020, AS AN ADDENDUM TO PRIOR EXECUTIVE ORDERS, AS FOLLOWS:

1. **FACE COVERINGS:**

All persons, two years of age and older, who enter the Nevada City and Truckee courthouses must wear a face covering in all public areas of the courthouse and in shared workspaces. (See, Executive Order 189, posted on the Court's website).

2. **SOCIAL DISTANCING:**

All persons in the Nevada City and Truckee courthouses will be required to maintain social distancing of at least six feet.

3. **OPERATIONS IN NEVADA CITY:**

A. **CRIMINAL CASES**

The Court will conduct all criminal, pre-trial proceedings for substantive business only including evidentiary hearings. Pursuant to Emergency Rules of Court 3 and 5, with the consent of the defendant, all proceedings shall be conducted remotely by videoconference (or teleconference), and counsel may appear on behalf of each defendant outside the presence of defendant. Pursuant to California Rules of Court, Emergency Rule 3(a)(2), "consent of the defendant" means that the consent of the defendant is required only for the waiver of the defendant's appearance as provided in Emergency Rule 5[1].

If any party does not consent to a remote appearance (whether that relates to counsel, a party or a witness), the party must request an in-court appearance specifying whether it relates

[1] Emergency Rules 1 through 11 of the California Rules of Court can be accessed on the Court's

to counsel, a party or a witness. Said requests must be made via email at least 72 hours in advance of the hearing. Email requests shall be submitted to nccounter@nccourt.net . The Court will thereafter notify the parties of its response to said request.

For good cause shown, the court may require any witness to personally appear in a particular proceeding.

Appearances for unopposed continuance requests are disfavored. If an unopposed continuance is requested by either party, the parties shall submit a written memorandum or stipulation to the Court by e-mail at least 72 hours before the scheduled event, with a suggested new date. The Court will then give notice of the new date or otherwise.

All e-mail requests shall be submitted to nccounter@nccourt.net.

Judicially supervised settlement conferences are encouraged and shall be conducted remotely.

The Court will conduct **remote** proceedings for **Adult Drug Court** for participants as deemed necessary by the Adult Drug Court team. Participants will be advised by the Probation Office of their appearance requirements.

The Court will conduct **remote** proceedings for **Proposition 36 Court** for participants as deemed necessary by the Prop. 36 Court Team. Participants will be advised by the Probation Office of their appearance requirements. If a hearing is necessary, it will be heard the 1st Tuesday of the month at 1:00 pm

The Court will conduct **remote** proceedings for **DUI Court.** All participants and observers in DUI Court are expected to appear remotely via RingCentral on June 5, 2020 at 9:15 a.m. If DUI Court participants are unable to appear remotely, please contact your attorney to make alternate arrangements. The team will meet to staff DUI Court via RingCentral on June 5, 2020 at 8:15 a.m.

The Court will conduct **remote** proceedings for **Mental Health Court**. All participants and observers in Mental Health Court are expected to appear remotely via RingCentral on June 8, 2020 at 2:00 p.m. If Mental Health Court participants are unable to appear remotely,

please contact your attorney to make alternate arrangements. The team will meet to staff MHC via RingCentral on June 8, 2020 at 12:45 p.m.

See, Section D, below, for instructions on how to appear remotely.

Hearings in criminal cases will be heard five days a week in Departments 1and 2. The tentative schedule is:

Monday:

Department 1:

9:00:	Out-of-custody misdemeanor arraignments
10:30-12:00:	Department 4 cases
1:00:	In-custody fresh arrests
1:30:	Out-of-custody felony arraignments
2:00-3:30:	Department 4 cases (3 cases set for each 30 minute time slot)

Department 2:

9:00:	Out-of-custody misdemeanor arraign-ments
11:00-12:00	Private counsel pretrial conferences (misdemeanors) (3 cases set for each 30 minute time slot)
1:00-3:30:	Private counsel pretrial conferences (misdemeanors) (3 cases set for each 30 minute time slot)

Tuesday, Wednesday, Thursday:

Department 1:

Criminal jury trials will take place in Department 1 on Tuesdays, Wednesdays and Thursdays. When no trial is taking place, Department 1 will assist Department 2 with its calendar.

1:00:	On trial and non-trial days, in-custody fresh arrests will be called at 1:00

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Tuesday:

Department 2:

9:00-12:00:	Criminal long cause hearings
1:00-3:30:	Criminal long cause hearings

Wednesday:

Department 2:

9:00-12:00:	Public Defender pretrial conferences (3 cases set for each 30 minute time slot)
1:00-3:30:	Public Defender pretrial conferences (3 cases set for each 30 minute time slot)

Thursday:

Department 2:

9:00-12:00:	Criminal long cause hearings
1:00-3:30:	Felony conferences (3 cases set for each 30 minute time slot)

Friday:

Department 1:

9:00:	DUI Court (on June 5, 2020 and alternating Fridays thereafter)
10:30:	Public Defender pretrial conferences and felony conferences (3 cases set for each 30 minute time slot)
1:00:	In-custody fresh arrests
2:00-3:30:	Public Defender pretrial conferences and felony conferences (3 cases set for each 30 minute time slot)

Department 2:

9:00:	Out-of-custody arraignments
11:00-12:00:	Department 4 cases (3 cases set for each 30 minute time slot)

1:00-3:30: Department 4 cases (3 cases set for each 30 minute time slots)

B. FAMILY LAW CASES

The Court will resume hearings on Family Law Requests for Orders. Telephone appearances are mandatory for all short cause hearings, except for restraining orders. Video appearance may be available for restraining orders. A party may request a personal appearance for good cause. Where possible, the Court will resume Family Law Trials and Long Cause hearings. Video appearances may be available. Due to limitations on availability of courtrooms, trials longer than ½ day are likely not to resume until sometime in August.

Domestic Violence long cause hearings will continue to be heard. Video appearance may be available.

Juvenile Delinquency and Dependency Matters will be heard in Department 3. Please contact your attorney. Juvenile delinquency cases will be heard the 2nd and 4th Tuesdays starting at 1:00 p.m. Juvenile dependency cases will be heard the 1st, 3rd, and 5th Thursdays of the month starting at 1:00 p.m. Contested delinquency and dependency hearings will be specially set on Tuesdays and Thursdays.

All DCSS matters shall resume. Telephonic appearances are mandatory, with the exception of any evidentiary hearings that are to be set for these matters.

Hearings in Family Law Cases will be heard in Department 3 on Tuesdays, Wednesdays and Thursdays.

See, Section D, below, for instructions on how to appear remotely.

C. CIVIL CASES

The Court continues to encourage all appearances to be conducted remotely. The Court will permit limited personal appearances where there is an inability to appear remotely or special circumstances approved by the Court prior to the appearance date. The number of people allowed in the courtroom at one time will be limited by the Court's Executive Order requiring social distancing,

which will be enforced by court and security staff for the safety of all.

Beginning June 1, 2020, civil law calendars will return to a normal schedule. They will be heard in Department 3, as follows:

Monday mornings: case management conferences, mandatory settlement conferences, assisted outpatient treatment (Laura's Law) and LPS conservatorships.

Monday afternoons: collections, restraining order hearings and unlawful detainers will be heard.

Fridays will be for calendared probate, law and motion hearings and trial readiness conferences.

Friday afternoons will be set aside for specially set matters.

Due to the limitations created by the State of Emergency, civil jury trials currently scheduled to begin in June, July, August or September will not be proceeding. New dates will be issued for those cases as the cases appear on calendar.

All interested parties are referred to Local Rules of Court, Appendix 1, Emergency Rules Related to COVID-19.

See, Section D, below, for instructions on how to appear remotely.

D. REMOTE APPEARANCES

In Family Law and Civil Law matters, parties who wish to appear remotely may email the Court at nccounter@nccourt.net at least three business days prior to the scheduled hearing. Remote appearances on ex parte matters must be requested the day prior to the scheduled hearing. Please include your full name, case number and appearance date. Failure to submit that information may delay the court's ability to schedule your remote appearance.

In Criminal Law matters, the Court will send remote appearance notification to the District Attorney's Office, Defense Counsel and Probation, when appropriate. Defense counsel may forward the notification to the defendant or the defendant may email the court at nccounter@nccourt.net and request to appear remotely.

4. OPERATIONS IN TRUCKEE:

Beginning June 1, 2020, the Truckee Court will permit personal appearances on criminal and civil matters. However, because seating in the courtroom is limited to a

maximum of 22 people in order to maintain appropriate social distancing, the Court continues to encourage parties to appear by teleconference whenever possible. The Court also will require all persons entering the courtroom to wear a face covering (See, Executive Order 189, posted on the Court's website).

The Court encourages all persons submitting a filing to the Court to continue using the drop box in the lobby of the courthouse to minimize staff interaction with members of the public.

Calendars will be on the following schedule:

Monday mornings: criminal arraignments;

Monday afternoons: Civil and Family law and motion and Juvenile delinquency.

Tuesday mornings: criminal pre-trials for misdemeanors and felonies;

Tuesday afternoons: long cause criminal law and motion, felony preliminary hearings, and felony sentencings.

Family law Commissioner matters will be held on **Wednesday mornings and Wednesday afternoons.**

Civil, Family law, and criminal trials will be held on Wednesdays, Thursdays and Fridays.

Traffic Arraignments will be held on the first and third Friday mornings and traffic trials on the first and third Friday afternoons.

Once jury trials recommence, the Court will be summoning jurors in small panels staggered every two hours to promote social distancing during jury selection. The Court has reconfigured the courtroom so that seated jurors will be a full six feet apart during all proceedings. Jury deliberations will be held in a room large enough to permit a minimum of six feet of distance among all jurors.

5. **JURY TRIALS:**

Criminal trials will resume in mid-June and will <u>not</u> be conducted remotely. Priority will be given to cases wherein the defendant has not waived his/her speedy trial rights.

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6. **JURORS:**

As jury trials will begin again in mid-June, potential jurors will be receiving summonses in the near future. The Court has taken several precautions to ensure a safe environment for both jury selection and eventual jury trials. First, jury selection and trials will be conducted in a way that allows for consistent social distancing of participants. Accommodations in the form of extensions or postponements will be provided to individuals who are unable to safely appear for jury service. For all those who do appear, the Court will be requiring individuals to wear face coverings within the courthouse. Courtrooms will have significantly reduced occupancy to ensure adequate social distancing in addition to the face-covering requirement. The Court regularly performs surface cleaning, disinfecting, and deep cleaning throughout the building. Signage and markings will be placed throughout the building to reinforce social distancing best practices. All individuals entering the building are encouraged to exercise appropriate caution in social distancing and hygiene in order to ensure a safe environment for all.

8. This Order supplements prior Orders of the Court.

9. This Order may be modified, expanded, or superseded at any time to account for the developing nature of the pandemic and changes in issues related to technology.

IT IS SO ORDERED.

DATED: May 28, 2020

Linda J. Sloven

LINDA J. SLOVEN
Presiding Judge of the Superior Court