

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

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

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

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

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

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

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

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

10 1. **FACE COVERINGS:**

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

14 2. **SOCIAL DISTANCING:**

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

17 3. **OPERATIONS IN NEVADA CITY:**

18 A. **CRIMINAL CASES**

19 The Court will conduct all criminal, pre-trial proceedings for substantive business only
20 including evidentiary hearings. Pursuant to Emergency Rules of Court 3 and 5, with the
21 consent of the defendant, all proceedings shall be conducted remotely by videoconference (or
22 teleconference), and counsel may appear on behalf of each defendant outside the presence of
23 defendant. Pursuant to California Rules of Court, Emergency Rule 3(a)(2), “consent of the
24 defendant” means that the consent of the defendant is required only for the waiver of the
25 defendant’s appearance as provided in Emergency Rule 5¹.

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

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¹ Emergency Rules 1 through 11 of the California Rules of Court can be accessed on the Court’s

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

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

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

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

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

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

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

20 The Court will conduct **remote** proceedings for **DUI Court**. All participants and
21 observers in DUI Court are expected to appear remotely via RingCentral on June 5, 2020 at
22 9:15 a.m. If DUI Court participants are unable to appear remotely, please contact your
23 attorney to make alternate arrangements. The team will meet to staff DUI Court via
24 RingCentral on June 5, 2020 at 8:15 a.m.

25 The Court will conduct **remote** proceedings for **Mental Health Court**. All participants
26 and observers in Mental Health Court are expected to appear remotely via RingCentral on
27 June 8, 2020 at 2:00 p.m. If Mental Health Court participants are unable to appear remotely,
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1 please contact your attorney to make alternate arrangements. The team will meet to staff MHC
2 via RingCentral on June 8, 2020 at 12:45 p.m.

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

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

6 **Monday:**

7 **Department 1:**

8	9:00:	Out-of-custody misdemeanor arraignments
9	10:30-12:00:	Department 4 cases
10	1:00:	In-custody fresh arrests
11	1:30:	Out-of-custody felony arraignments
12	2:00-3:30:	Department 4 cases (3 cases set for each 30 minute time slot)

13 **Department 2:**

14	9:00:	Out-of-custody misdemeanor arraigh- ments
15		
16	11:00-12:00	Private counsel pretrial conferences (misdemeanors) (3 cases set for each 30 minute time slot)
17		
18	1:00-3:30:	Private counsel pretrial conferences (misdemeanors) (3 cases set for each 30 minute time slot)
19		
20		

21 **Tuesday, Wednesday, Thursday:**

22 **Department 1:**

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

26	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)

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3 **B. FAMILY LAW CASES**

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

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

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

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

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

24 **C. CIVIL CASES**

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

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

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

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

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

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

9 **Friday afternoons** will be set aside for specially set matters.

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

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

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

16 **D. REMOTE APPEARANCES**

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

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

26 **4. OPERATIONS IN TRUCKEE:**

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

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

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

8 Calendars will be on the following schedule:

9 **Monday mornings:** criminal arraignments;

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

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

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

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

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

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

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

25 **5. JURY TRIALS:**

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

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6. **JURORS:**

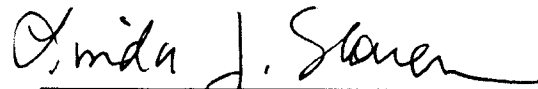
As jury trials will begin again in mid-June, potential jurors will be receiving summonses in the near future. The Court has taken several precautions to ensure a safe environment for both jury selection and eventual jury trials. First, jury selection and trials will be conducted in a way that allows 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
Presiding Judge of the Superior Court