

TO: Presiding Judges and Court Executive Officers of the California Courts
FROM: Tani G. Cantil-Sakauye, Chief Justice of California
DATE: December 7, 2020
RE: **Advisory on COVID-19 and Court Operations: No new statewide emergency order at this time**

Dear Judicial Branch Colleagues:

As we enter the tenth month of the pandemic health crisis, the state is facing a renewed COVID-19 surge that prompted Governor Newsom on December 3, 2020, to announce a regional [stay-at-home order](#) when certain conditions are met.

Under the new order, restrictions will go into effect within 24 hours in regions in the state with less than 15 percent ICU availability. It prohibits private gatherings of any size, closes sector operations except for critical infrastructure, restricts access to retail, and requires 100 percent masking and physical distancing, among other constraints. More information about the new order can be found [here](#). Orders issued over the weekend were a combination of state and local requirements based on real time responses to conditions on the ground, with stay-at-home orders imposed in Southern California, the San Joaquin Valley, and parts of the Bay Area.

As an essential service listed under the [Governor's guidelines](#), our courts are exempt from closure and continue to balance constitutional and statutory rights with the safety and health of all court users, employees, jurors, justice partners, and judicial officers.

The Judicial Council of California, like the Governor, recognizes that the health crisis has manifested itself differently throughout the state. Because our 58 trial courts and six appellate districts face different impacts from the latest COVID-19 surge, and have different capacities and resources, statewide orders for case processing, at this time, are inappropriate and would impair the flexibility trial and appellate courts need to respond to local conditions and access to justice. Courts should assess their circumstances and ability to operate under their local constraints. Courts may still make requests for emergency orders based on local conditions, the ability to hold remote hearings and provide social distancing while harmonizing directives from local health officers and local government officials, as well as clarity for local emergency rules of court.

Since March 2020, I have reviewed and signed 353 emergency orders to help individual trial courts manage caseloads in the face of the pandemic. Fifty-five trial courts have needed emergency orders and 33 are currently using them.

The Judicial Council’s management team and staff are focused on supporting you, judicial officers, and court employees as we all continue to balance health and safety concerns with constitutional rights and civil liberties. Legal staff will continue to provide court leadership with information on court opinions, rules, and practices that may affect or guide court practices during the pandemic.

Below is a partial list of the available resources:

Emergency rules of court — Beginning April 6, 2020, the Judicial Council began adopting a series of temporary emergency rules of court to assist courts in continuing to provide access to justice during the pandemic. The emergency rules currently in effect can be found [here](#).

Pandemic Continuity of Operations Resource Guide — The [resource guide](#) was compiled by the Pandemic Continuity of Operations Working Group, with the support of Judicial Council staff, and includes information outlined by the Occupational Safety and Health Administration, the Centers for Disease Control and Prevention, and best practices from the National Center for State Courts as well as other courts across the state and country. Accompanying the resource guide are many materials from federal and state agencies, the National Center for State Courts, and several superior courts.

Emergency orders under Government Code section 68115 — [Government Code section 68115](#) allows a presiding judge to seek authority, as needed, from the Chief Justice, in my capacity as Chair of the Judicial Council, to extend statutory deadlines in some but not all proceedings, among other relief. (These emergency orders can be found [here](#), arranged by court.)

Advisories — [Six advisories](#) issued since March 2020 suggest best practices for court proceedings and operations, including for responding to individuals with behavior issues, civil matters, videoconferencing, and cybersecurity.

The Judicial Council continues to actively monitor and receive reports from the Governor’s Office of Emergency Services and the courts. Should conditions require additional actions or other changes, you will be advised.

As each court endeavors to maintain access to justice while following all health and safety parameters, I am encouraged by your dedication and innovation to meet our public service obligations as the judicial branch of government. Thank you for all that you are doing.

Tani G Cantil-Sakauye
Chief Justice of California