

STATE OF THE VALLEY COURTS UPDATE OVERVIEW

On Thursday, April 16, 2020, members of the San Fernando Valley Bar Association's Bench-Bar Committee convened with key Valley judicial officers for a remote 'State of the Valley Courts Update and FAQs Regarding COVID-19' session.

LASC Judge Huey P. Cotton, Judge David B. Gelfound, Judge Darrell Mavis, Judge Virginia Keeny and Judge Joseph A. Brandolino, SFVBA Bench Bar Co-Chairs Caryn Sanders and James Felton, and SFVBA Executive Director Rosie Soto Cohen were in attendance.

A synopsis of the latest updates on County-wide court operations and activities at the Valley's courtrooms and courthouses follows.

LOS ANGELES COUNTY-WIDE SUPERIOR COURT OPERATIONS:

- Access to any and all court proceedings, including but not limited to arraignments, preliminary hearings, motions, ex parte or trials, are limited to parties, attorneys, witnesses and authorized persons until further notice;
- The number of courtrooms in operation went from 400 to 128 and the number of employees went from 4,900 to a few hundred. COVID-19-related reductions in court operations has allowed for the redeployment of some Los Angeles County Sheriff's deputies to support county law enforcement activities;
- The limited operations of the courts are not a suspension of statutory deadlines in civil or family court. If you have a filing deadline it must be adhered to even if you do not get a hearing date: When the court reconvenes, criminal matters, unlawful detainer matters, and civil preference trials will take priority;
- From April 17, until May 12 of this year (inclusive), all courtrooms will remain closed for judicial business. Exceptions are being made for a number of time-sensitive, essential functions including civil and family temporary restraining orders; civil, criminal, family and probate ex parte proceedings; search warrants; arraignments; criminal preliminary hearings; criminal sentencing and post-sentencing proceedings; and grand jury indictments;
- Attorneys are urged not call the court or bring ex parte motions to continue a hearing date. Civility is a must and judges will not look kindly if they have to entertain motions based primarily on a lack of civility among counsel. If such a situation arises, sanctions may be issued;
- Based on a projected opening of the courts on June 22, civil jury trials will likely not begin for 60-90 days. When the courts reconvene, criminal matters, UD matters, and civil preference trials will take priority.
- It has been suggested that a central early disposition court be established in downtown Los Angeles to hear cases before they advance to the preliminary hearing phase. The court could be located near the central jail to reduce the time and cost of transporting those in custody to other locations throughout the county.

- A program of temporary relief for all traffic and non-traffic infraction defendants. The relief announced today includes a 90-day grace period on all traffic and non-traffic infraction matters;
- All essential dependency hearings are being conducted via WebEx, while CourtCall and/or telephonic appearances are strongly encouraged in all courts. 977(a) appearances can be verbal in most courts;
- Attorneys are encouraged to prepare their civil cases as bench officers have no desire to be informed that, once the courts are fully functional, a case isn't ready for a hearing. If certain depositions can't be made, notice them, remove them from the calendar or come to an agreement with counsel and they will be allowed at a later date;
- For ex partes, papers should be filed the day before and arrange for CourtCall or a telephonic appearance. If the courtroom does not have CourtCall, only then should you call the clerk. Civil should be filed electronically, while family law papers should be filed by fax or in the drop box.

SAN FERNANDO VALLEY COURTHOUSE

Van Nuys Courthouse– East

- Family, civil and UD operations have been condensed into one courtroom with all essential functions operating out of Dept. K on the 7th Floor. Walk-in restraining orders are being processed there, while restraining order hearings and ex parte family and civil being handled through CourtCall or transferred to Dept. K.
- The three family law judicial officers in Van Nuys are rotating through that single courtroom.
- All filings for family law are being done by DropBox, which is located outside the front doors of the Van Nuys-East Courthouse, or by fax filing.
- Hearing dates will not be given immediately, but once one is assigned, it will be sent out by mail to the parties.
- The family law judges are currently handling nearly a full day of restraining order hearings on Mondays, Tuesday, Thursdays and Fridays. Judgments are currently being processed and reduced staff is only about a week behind in handling them, as well as orders to appear, stipulations, and other matters that are being submitted to them.
- Cases and other matters that were on the court calendar previous to the current Covid-19 restrictions will be continued to new dates after June 22, at the earliest, based on their priority. Restraining orders will be set as soon as the courts reopen. After that, other matters have been deemed 'priority' such as requests for orders for initial custody, support or fee orders, requests for orders with respect to property, and move aways. Only after that will the court handle new or previously scheduled RFOs that seek modifications to custody or support.
- Trials and evidentiary hearings that have nothing to do with child support or custody matters will be set for hearings once the initial backlog of hearings have been processed.

- For trials set for anytime in the current time period, in all likelihood, a trial setting conference will be set so the judicial officer can reexamine the case with counsel to determine when it should be rescheduled.
- There are no trial hearings being handled. When the courts reopen, no jury trials will probably be held before August 24. As a result, trial courts will be assisting with UD bench trials, small claims matters, and preference matters as sent out by Dept. 1. With respect to UD matters, ex parte matters are only being at 1:30 every afternoon. Generally referring to UD matters that were on the calendar have all been continued to dates after June 22. If a UD motion matters is filed through eFiling, the matter will be accepted, but not set for a hearing. Instead, counsel will receive notice from the court acknowledging receipt of the filing, but that all proceedings by the court are stayed until further order. Those matters will be accepted and be reset for a hearing after the courts reopen and the backlog has been cleared.
- Some matters filed to eCourt are being rejected and will continue to be: namely requests for entry of default, requests for default judgments, and requests for trial setting. They will have to be refiled when the courts reopen.
- With respect to the IT courts, we are only handling ex partes in Dept. K or over CourtCall. All ex parte matters can be handled through CourtCall until further notice. All of the matters that were on trial starting before March 16 will be continue on dates after June 22. Where there were bench or jury trials that have been advanced or vacated, CourtCall conferences or telephone conference calls with counsel will be scheduled so a trial can be scheduled in June or July.

Van Nuys Courthouse – West

- Operations have been reduced from 19 courts to five.
- A single court, Dept. 100, is handling arraignments, which are usually handled in three courts. All misdemeanor cases have been continued to a later date and the parties have been notified. Currently, only child custody and felony arraignments are currently being handled there.
- Video equipment has been installed and tested in the Dept. 100 arraignment court that connects the courtroom with the Malibu and West Hollywood Sheriff's substations. The new technology will allow direct confidential communication between counsel, defendants and others, and permit proceedings to advance without all, or some, parties being physically present.
- One trial court, Dept. 113, is open to deal with everything that the usual five misdemeanor trial courts handle. Virtually all cases there have been continued.
- One felony trial court, Dept. V, is open rather than the usual six and is also handling bail review issues.
- There are two prelim courts open, Dept. 112 and Dept. 122, and all traffic matters have been continued.
- Through April and May, all trial and pre-trial matters have been continued, pursuant to the emergency orders that have been issued.

NORTHEAST SAN FERNANDO VALLEY - SANTA CLARITA

- Nine courts are currently operating, while eighteen courts have been closed, including the Santa Clarita Courthouse, which alone housed three misdemeanor courts. One of those has been relocated to the San Fernando Courthouse. By closing the Santa Clarita facility, staffing was reduced by 80 percent.
- One courtroom, Dept. 46, will be open at the Chatsworth Courthouse to handle family law matters, CROs, and ex parte hearings. Family law judges there are rotating in handling essential matters such as custody, TROs, and civil ex partes. There is a DropBox for filings outside the courthouse.
- At the San Fernando Courthouse, what are deemed 'essential matters' such as bail reviews, arrangement, and probation offense hearings. At the present time, there is an arraignment court, two prelim courts, a pair of felony courts, and two misdemeanor courts that are open.
- Video technology has been introduced in two of the arrangement courts in San Fernando. That allows video arranging with defendants in Sheriff Department custody in Santa Clarita. Plans call for the Los Angeles Police Department to also utilize that technology.
- The court is also seeing the liberal use of phone appearances in criminal cases. Judges in San Fernando are now allowing attorneys and defendants to appear by phone, after a 977 waiver.
- Family judges are currently triaging cases to determine which matters get priority.

NORTH CENTRAL JUDICIAL DISTRICT

- Collectively, eleven courtrooms remain open at four courthouses, while staff has been reduced by 75 percent.
- Burbank: One courtroom is open out of the six located at the facility. That court handles all criminal matters including preliminary hearings and arraignments. Two judges, one of whom was not originally assigned to Burbank, are rotating there.
- Glendale: One courtroom is open, compared to the six that were functioning before the Covid-19 outbreak. As in Burbank, that court is primarily handling criminal matters with all civil matters consolidated there, as well.
- Alhambra: Two of eight courtrooms are open. Preliminary hearings and arraignments are being heard in one of the courtrooms, while another is handling bail review and felony matters.
- Pasadena: There are seven courts open out of the 17 in the courthouse. Family law cases are being rotated between three bench officers out of Dept. A. Criminal proceedings are being conducted in Dept. D and Dept. J., the preliminary hearing court. Dept. H is also hearing other proceedings on the felony calendar, while Dept E is handling bail review. Misdemeanors proceedings have been consolidated into Depts. O and G.

COURT COMMISSIONER SELECTION COMMITTEE

Court Commissioner Selection Committee has completed the work of vetting potential Court Commissioners. The list of the 30 individuals selected will be published as soon as possible.

NEIGHBORHOOD LEGAL SERVICES

- Neighborhood Legal Services of Los Angeles is serving pro se litigants remotely. Update informational materials are being translated into Spanish, Armenian and Russian and should be available within the next few weeks.
- NLS is seeing applications for TROs at a rate of about 30 per week and is anticipating a surge in requests for services related to matters involving evictions, employment termination, family law matters and small business SBA loans.

LASC COVID-19 ADVISORY COUNCIL

- Los Angeles Superior Court Presiding Judge Kevin C. Brazile set up the Covid-19 Advisory Council, involving various Bar's, to explore ways to better leverage technology, legislation, assistance with evaluating how best to ramp-up court operations and develop a blueprint on ways to maintain social distancing as courts are expected to resume heavier caseloads and trials. Judge Samantha P. Jessner will head up the Advisory Council.
- Judge Jessner and Judge Kevin Brazile recommended that the local courts and the SFVBA setup a similar smaller group, with recommendations to be submitted by June 1, 2020. Judge Virginia Keeny will head up a local initiative/committee, Judge Mavis and Judge Gelfound, or their designees, will be on the committee as well. The judges have asked for SFVBA representatives to help the courts think through how to conduct trials based on physical structures, physical distancing and leveraging technology. The local working group should begin meeting as early as next week.