



JUDICIAL COUNCIL OF CALIFORNIA

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M E M O R A N D U M

Date

March 2, 2022

Action Requested

Please Review

To

Presiding Judges of the Superior Courts
Court Executive Officers of the Superior
Courts

Deadline

N/A

From

Hon. Marsha G. Slough, Chair, Executive and
Planning Committee
Hon. David M. Rubin, Chair, Judicial Branch
Budget Committee and Litigation
Management Committee
Hon. Kyle S. Brodie, Chair, Technology
Committee
Hon. Marla O. Anderson, Chair, Legislation
Committee
Hon. Carin Fujisaki, Chair, Rules Committee

Contact

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Subject

Sunsetting of Emergency Rules Related to
COVID-19

We write to inform you of important changes to statewide emergency rules and statewide emergency orders that will go into effect in the coming months. At the March 11, 2022, meeting, we will recommend that the Judicial Council amend all statewide emergency rules to sunset on June 30, 2022. Furthermore, Chief Justice Tani G. Cantil-Sakauye has informed us that she intends to rescind all the provisions in her statewide emergency orders effective April 30, 2022.

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On March 4, 2020, Governor Gavin Newsom declared a state of emergency in response to the spread of COVID-19 in California. Continuing to respond to the crisis and assist the courts, Governor Newsom on March 27, 2020, issued Executive Order N-38-20, which, among other things, gave the Judicial Council of California and its Chairperson, the Chief Justice of California, the authority to take actions necessary to maintain access to the essential operations of California's court system while protecting the health and safety of California residents.

Over the course of several months in 2020, the Judicial Council adopted 13 emergency rules and the Chief Justice signed four statewide emergency orders under her constitutional and other legal authority, including the authority granted in the executive order. This was in addition to the approximately 700 individual court emergency orders she signed under Government Code section 68115.

The Judicial Council and its Chairperson have already repealed, sunsetted, or rescinded many of these actions as the courts and public adapted to changes resulting from the COVID-19 pandemic and consistent with the intent that they were temporary and intended to address the impact of the pandemic.

On February 17, 2022, Governor Newsom announced a new plan for the state as we move from the pandemic phase of COVID-19 to a new endemic phase. The next week, on February 25, 2022, Governor Newsom signed Executive Order N-04-22, which states that many executive orders that Governor Newsom issued in response to the COVID-19 pandemic will expire between February 25, 2022 and June 30, 2022. Some expired that day, others will expire on March 31, 2022, and still others will expire on June 30, 2022. Executive Order N-38-20 is among the last group of these executive orders, which will expire on June 30, 2022. These events mark an important and hopeful change as the residents and government of our state transition to a semblance of pre-COVID-19 California.

To ensure timely access to justice for all Californians, and in alignment with the Governor's recent actions, we write to inform you that we will recommend to the Judicial Council that it act at its March 11, 2022, meeting to sunset the emergency rules that are still in effect. This action responds to the request by the Chief Justice that we develop and propose to the Judicial Council a plan for retiring any emergency rules that are still in effect.

Specifically, our recommendation will be that the following rules sunset on June 30, 2022:

- Emergency rule 3 (Remote technology in criminal proceedings)
- Emergency rule 5 (Criminal appearance waivers)
- Emergency rule 6 (Juvenile dependency proceedings)

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- Emergency rule 7 (Juvenile delinquency proceedings)
- Emergency rule 8 (Temporary restraining or protective orders)
- Emergency rule 9 (Tolling of statutes of limitations for civil causes of action)
- Emergency rule 10 (Extensions of time in which to bring a civil action to trial)
- Emergency rule 13 (Effective date for requests to modify support)

We believe it is important to continue addressing the criminal case backlog, maintaining continuity of operations, and improving efficiencies in criminal cases. Accordingly, we will pursue legislation that authorizes remote appearances in criminal matters with the consent of the defendant.

Additionally, the Chief Justice has informed us that she intends to rescind all the provisions in her statewide emergency orders that still remain in effect. The following orders will be rescinded as of April 30, 2022:

- The extension of time for holding preliminary examinations;
- The extension of time to bring a civil action to trial;
- The waiver of certain requirements to adopt local rules related to the pandemic; and
- The suspension of any California Rules of Court to the extent the rules prevented a court from using technology to conduct proceedings and operations remotely.

We write to you now understanding that it will take time for the courts to respond and adjust to these changes. Thank you again for your tireless commitment to providing Californians access to justice during these extraordinary times.

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice of California
Mr. Martin Hoshino, Administrative Director, Judicial Council
Ms. Millicent Tidwell, Chief Deputy Director, Judicial Council
Mr. Robert Oyung, Chief Operating Officer, Judicial Council
Mr. John Wordlaw, Chief Administrative Officer, Judicial Council
Mr. Cory Jasperson, Director, Governmental Affairs
Ms. Deborah Brown, Director, Legal Services, Judicial Council
Ms. Laura Speed, Director, Leadership Support Services