

April 9, 2020

TO: All Interested Parties
FROM: Jonathan E. Karesh, Presiding Judge
RE: Second Amended Third Court Emergency Response **Calendar Memo Order** to Novel Coronavirus Pandemic

The COVID-19 crisis continues, with no end in sight. As stated by the Chief Justice of the California Supreme Court in her order of March 30, 2020:

“The World Health Organization, the United States Centers for Disease Control and Prevention (CDC) and the State of California have recognized that the world, country, and state face a life-threatening pandemic caused by the COVID-19 virus.....In California, the Department of Public Health reports more than 5000 confirmed cases and more than 100 deaths. Health officials expect these figures to rise dramatically unless the population adheres to shelter-in-place guidelines and appropriate social distancing. As of this date, there is no known cure or vaccination.”

On March 4, 2020, Governor Newsom declared a State of Emergency in California in response to the crisis. Beginning on March 16, 2020, counties (including San Mateo County) began issuing shelter-in-place or stay-at-home orders. On March 31, 2020, Dr. Scott Morrow, M.D., the Health Officer of San Mateo, issued a new order. The order stated:

“The intent of this order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical health care services to those in need.”

While a court is an “Essential Government Function,” the Order states:

“Each governmental entity shall identify and designate...*appropriate* employees...to continue providing and carrying out any *Essential* Government Functions[.]...Each governmental entity...must employ all necessary emergency and protective measures to prevent, mitigate, respond, to and recover from the COVID-19 pandemic and all Essential Government Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.” Emphasis added.

These rapidly unfolding events forced us to take definitive action on our provision of court services to the public. As a result, on March 16, 2020, the Court issued a “Second Amended Court’s Emergency Response to Novel Coronavirus Pandemic.” The purpose of this Calendar Memo Order was to temporarily discontinue all courtroom and public services that were deemed non-essential. The plan substantially reduced the number of visits by the public to the courthouse and minimized exposure to our court judicial officers and staff, who had to maintain our court services. Approximately 75% of judicial officers and court staff have been sent home.

The Court hereby reissues and extends, and modifies its March 16th Emergency Response Order to do the following:

- Curtail most court calendars and concentrate on only those that are most essential and mandated.
- Except for those court calendars listed below, the court will be closed to the public, beginning immediately, and lasting through May 21, 2020.
- Suspension of all trials until May 21, 2020.

With this order, this Court reestablishes the following changes, which originally took effect on March 17, 2020, through May 21, 2020. There have been some minor changes to the March 16th Order, but most of it is the same.

Calendars that are deemed essential and mandated and should continue to be heard:

- Criminal PJ calendars. TNW and in-custody matters only. However, the Court will conduct pretrials in all custody cases, even those that are TW. All other matters to be continued. Defense attorneys are encouraged to obtain PC 977 waivers for their clients who are out of custody.
- Preliminary Hearing calendars (Northern & Southern – These will be consolidated to Redwood City as of Wednesday, March 18, 2020). While the Preliminary Hearing calendar will be called, only time not waived preliminary hearings will proceed. All other hearings will be continued.
- In-Custody Arraignment calendars (1:30 P.M.)
- Bail motions for people in custody
- 1:30 Parole Hearings (PRCS cases) will be heard along with the Friday afternoon Northern Preliminary Hearing calendar in Redwood City.
- Probate heard at the discretion of the Probate Judge, and Probate ex partes from 10:00 A.M. – 12:00 P.M. – only petitions for elder/dependent adult abuse restraining orders and emergency orders. CourtCall appearance for all matters is authorized and strongly preferred. The Court waives the in-person appearance of all conservators, conservatees, prospective conservators and prospective conservatees. All currently set trials in the Probate Department shall be continued for a trial setting conference.
- LPS Calendar (11:00)
- Ex parte matters in the Presiding Judge's department for restraining order requests and eviction stays only.
- Presiding Judge Master Calendar – All hearings on the Master Calendar will be continued, except the Presiding Judge will consider hearing motions in TNW criminal cases with advance approval. The Presiding Judge will also hear petitions for name change if the petitioner appears on the day of hearing, either in person or by CourtCall. The Court will also hear Claims of Exemption and Disability/Minors Compromise petitions, either in person or by CourtCall.
- Restraining order hearings off of Master Calendar: All Temporary restraining orders and gun violence restraining orders scheduled for hearing until May 21, 2020 will be reissued

and the hearings will be continued to a new date if the petitioner appears on the day of hearing. Appearances may be by CourtCall.

- Family Law Support DCSS calendars (I/C matters to be heard as scheduled, otherwise the cases to be continued).
- Family Law DVPA/TRO Hearings – Restraining order hearings scheduled to occur between now and May 21, 2020 will be continued. Existing issued temporary restraining orders will be reissued and extended until the next scheduled hearing date. Parties scheduled for a pending DVPA hearing should appear in court on the currently scheduled hearing date. Parties and counsel may appear telephonically using CourtCall pursuant to Emergency Rule 8 of the Amendments to the California Rules of Court adopted April 6, 2020. The Court will reschedule the hearing in open court and provide the parties with reissued notices of hearing and temporary orders. (*Please note:* Family Law DVPA/TRO calendars are heard at both the Northern Branch in South San Francisco and Southern Branch in Redwood City.)
- In-Custody Misdemeanor Pretrial Conference calendars (8:30, Thursday & Friday)
- Domestic Violence Pretrial Conferences – in custody only and to be heard on the 8:30 Thursday or Friday In-Custody Misdemeanor Pretrial Conference calendars (depending on jurisdiction).
- Friday PV Conferences (9:00) – Cases to be continued. Urgent matters to be set the following week on the 10:00 Criminal Presiding Judge’s PV Conference calendar (Tuesdays & Wednesdays).

Calendars that will be continued:

- Out-of-Custody Criminal Arraignment calendars (8:30)
- Out-of-Custody Misdemeanor Pretrial Conference calendars
- Out-of-Custody Misdemeanor Domestic Violence Pretrial Conference calendars
- Small Claims
- DV Reviews
- CMCs
- MSCs
- Bridges Review/Intake
- Drug Court/Treatment Court
- Pathways
- Veterans Court
- Military Diversion Court
- Military Personnel – Veterans Resentencing Hearings
- PC 1370 Court
- Mental Health Diversion
- DUI Court
- Restitution Court
- Night Court
- Prop. 63 Noncompliance

- Appellate Calendar
- Traffic Arraignments (8:30)
- Traffic Court Trials (1:30)
- Unlawful Detainer Pre-Trial Conferences
- All Law and Motion matters, both hearings and ex partes. See the Law and Motion order, which will be posted at www.sanmateocourt.org.
- All complex civil cases
- Orders of Examination in civil cases

Staff will notice the parties of all continuances or rescheduling of hearings.

The Court is mindful of the fact that many attorneys and litigants involved with civil cases wish that these calendars be reopened, especially the Law and Motion calendar. There have been suggestions to use e-filing and CourtCall to start hearing these cases again. The Court is sympathetic to those attorneys and litigants in civil cases whose cases are not being heard at this time. However, effectively reopening Civil would necessitate the calling in of a large number of court staff to process filings (even electronically filed papers) and staff the courtrooms. More judges, including those sheltering at home, would have to be called back into court. This would significantly increase the risk of spreading the COVID-19 and would arguably be in violation of the County's Shelter-in Place Order.

The reduction of these calendars, as well as suspension of trials, will allow the court to operate with fewer staff, and therefore reduce social interaction with the public. Court management has implemented a plan for limiting staff presence at the courthouse to only those essential to maintain the operation of the calendars listed above. Most of the staff will continue to be sent home to shelter-in-place.

Changes to Family Law calendars have been made after further consultation with the Supervising Family Law Judge. See the Memo that has been posted at www.sanmateocourt.org.

Changes to Juvenile calendars have been made after further consultation with the Supervising Juvenile Judge. See the Memo that has also been posted on www.sanmateocourt.org.

Judicial Officer Assignments:

The above calendar reduction plan assumes a need for 11 judicial officers: one at Juvenile, one in South San Francisco, and the rest in Redwood City.

The South San Francisco courthouse will be limited to handling arrest and search warrants, search warrant returns, and criminal arraignments in felony cases where the defendant mistakenly shows up in South San Francisco instead of Redwood City. DVPA/TRO matters in South San Francisco: Please see the above section of this memo on DVPA/TRO hearings. No other matters will be heard at the South San Francisco courthouse without the express permission of the South San Francisco judge.

It is our hope that with the reduced calendars and closing the court to the public, the court will be able to maintain these reduced services throughout the duration of this unprecedented pandemic.

With this COVID-19 pandemic, the San Mateo County Superior Court, like every other jurisdiction in California, is operating in uncharted waters. None of us have experienced an emergency of this magnitude, and this Court thanks you for your patience and cooperation as we move forward.