

May 12, 2020

TO: All Interested Parties
FROM: Jonathan E. Karesh, Presiding Judge
RE: Fourth 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 April 29, 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 43,000 confirmed cases and more than 1,700 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 shelter in place order. On April 29, 2020, the order was renewed. While there were some loosening of restrictions, most of the restrictions remain in place. The Order states:

“This Order continues to restrict most activity, travel, and governmental and business functions. But in light of the progress achieved in slowing the spread of COVID-19 in the County of San Mateo (the “County”) and neighboring counties, the Order allows a limited number of Essential businesses and certain lower risk Outdoor Businesses...to resume operating. This initial, measured resumption of those activities is designed to keep the overall volume of person-to-person contact very low to prevent a surge in COVID-19 cases in the County and neighboring counties....”

All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities...[and] Essential Governmental Functions[.]”

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

“Each governmental entity shall identify and designate...*appropriate* personnel...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 were sent home. On April 9, 2020, the Court issued its Second Amended Third Court Emergency Response Calendar Memo Order to Novel Coronavirus Pandemic.

The Court hereby reissues, extends and modifies its April 9, 2020 Emergency Response Order to do the following:

- Curtailing court calendars, but safely reopening certain court calendars that had been closed.
- Except for those court calendars listed below, the court will be closed to the public, beginning immediately, and lasting through June 12, 2020.
- Suspend all trials until June 15, 2020.

With this Order, this Court reestablishes the following changes, which originally took effect on March 17, 2020, through June 12, 2020.

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

- Effective May 26, 2020, all matters set on the Criminal Presiding Judge’s calendars will be heard. Zoom appearances will be allowed.
- Effective May 26, 2020, all matters set on the Preliminary Hearing calendar will be heard. The Northern and Southern Preliminary Hearing calendars will be consolidated and heard in Redwood City. Zoom appearances will be allowed unless the matter will proceed to an evidentiary hearing, in which case parties/attorneys must appear in person. Advanced authorization by the judge hearing the calendar will be required for a witness to appear remotely.
- In-Custody Arraignment calendars (Monday – Friday at 1:30 P.M.). Zoom appearances will be allowed.
 - Effective immediately, out-of-custody Domestic Violence Arraignments may be heard on the 1:30 P.M. Northern/Southern In-Custody Arraignment calendars (limit is 5 DV Arraignments per calendar (Northern and Southern) for a total of 10 DV Arraignments per day). Out-of-custody defendants must appear in person.
- Bail motions for people in custody

- 1:30 Parole Hearings (PRCS cases) will be heard along with the Friday 2:00 P.M. Northern Preliminary Hearing calendar in Redwood City. Zoom appearances will be allowed.
- Probate calendar (Mondays, Tuesdays, Wednesdays and Fridays at 9:00 A.M.), heard at the discretion of the Probate Judge, and Probate ex partes (Monday - Friday 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. Contested hearings will be continued, and all currently set trials in the Probate Department shall be continued for a trial setting conference.
 - Effective May 26, 2020, hearings regarding Probate wills and estates will also be heard.
- LPS Calendar (Tuesdays at 11:00 A.M.)
- Effective May 26, 2020, all matters set on the Presiding Judge’s Master Calendar will be heard. If the matter will proceed to an evidentiary hearing, parties/attorneys must appear in person. The Presiding Judge will hear petitions for name change if the petitioner appears on the day of hearing, either in person or by Zoom audio. The Court will also hear Claims of Exemption and Disability/Minor’s Compromise petitions, either in person or by Zoom audio. Zoom audio appearances, instead of CourtCall, will be allowed (Zoom credentials for Courtroom 8C/Master Calendar are listed on the court’s website at www.sanmateocourt.org).
- Claims of Exemption in civil cases.
- Presiding Judge ex partes – for restraining order requests and eviction stays only.
- Effective May 26, 2020, all matters set on the Family Law Support (DCSS) calendars (Wednesdays at 9 A.M. and Thursdays at 2 P.M.) will be heard. Zoom appearances will be allowed.
- Effective May 26, 2020, all matters set on the Family Law DVPA/TRO calendars (short cause and long cause hearings) will be heard. Zoom appearances will be allowed. If the matter will proceed to an evidentiary hearing, parties/attorneys must appear in person. (*Please note:* Family Law DVPA/TRO calendars are heard at both the Northern Branch in South San Francisco and Southern Branch in Redwood City.)
- Effective May 26, 2020, out-of-custody Misdemeanor Pretrial Conference calendars, will be heard. Zoom appearances will be allowed. (*Please note:* Out-of-Custody Misdemeanor Pretrial Conference calendars are heard at both the Northern Branch in South San Francisco and Southern Branch in Redwood City.)
- In-Custody Misdemeanor Pretrial Conference calendars (Thursdays & Fridays at 8:30 A.M.). Zoom appearances will be allowed.
- Effective May 26, 2020, all matters set on the 1:30 Domestic Violence Pretrial Conference calendar (Thursdays) will be heard. Zoom appearances will be allowed.

- Friday Probation Violation Conferences (9:00 A.M.) – Cases to be continued. Time-not-waived matters to be set the following week on the 10:00 A.M. Criminal Presiding Judge’s Probation Violation Conference calendar (Tuesdays & Wednesdays).
- Effective May 26, 2020, Civil Mandatory Settlement Conferences. Zoom appearances only.
- Effective May 26, 2020, Law & Motion calendar – CourtCall appearances only. (*Please note:* For matters that were set between March 18, 2020 and May 22, 2020, please see the court’s website at www.sanmateocourt.org, under Law & Motion Tentative Rulings (click on any day, Monday - Friday), for instructions on how to get your matter placed back on calendar.)
- Effective June 1, 2020, Traffic Court Trials (Monday – Friday at 1:30 P.M.). (*Please note:* Friday afternoon sessions have been added temporarily)
- Effective June 24, 2020, Traffic Arraignments (Monday – Friday at 8:30 A.M.)

Calendars that will be continued:

- Out-of-Custody Criminal Arraignment calendars (8:30 A.M.)
 - Effective immediately, out-of-custody Domestic Violence Arraignments may be heard on the 1:30 P.M. Northern/Southern In-Custody Arraignment calendars (limit is 5 DV Arraignments per calendar (Northern and Southern) for a total of 10 DV Arraignments per day). Out-of-custody defendants must appear in person.
- Out-of-Custody Misdemeanor Pretrial Conference calendars (until May 26, 2020)
- Out-of-Custody Misdemeanor Domestic Violence Pretrial Conference calendars (until May 26, 2020)
- Small Claims
- DV Reviews
- Case Management Conferences
- Civil Mandatory Settlement Conferences (until May 26, 2020)
- 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
 - *Exception:* A specially-set DUI Court calendar will be heard on May 26, 2020 at 9:30 A.M. to address new probation violations and sanctions.
- Restitution Court
- Night Court
- Prop. 63 Noncompliance

- Appellate Calendar
- Traffic Arraignments (8:30 A.M.) (until June 24, 2020)
- Traffic Court Trials (1:30 P.M.) (until June 1, 2020)
- Unlawful Detainer Pre-Trial Conferences
- All Law and Motion calendars (until May 26, 2020). See the Law and Motion order, which is posted on the court's website at www.sanmateocourt.org, under Law & Motion Tentative Rulings (click on any day, Monday - Friday).
- Law and Motion ex partes
- All complex civil cases
- Orders of Examination in civil cases (until May 26, 2020)

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

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

Changes to Juvenile calendars have been made after further consultation with the Supervising Juvenile Judge. See the forthcoming Memo that will also be posted at www.sanmateocourt.org.

Judicial Officer Assignments:

The South San Francisco courthouse will be limited to handling arrest and search warrants, search warrant returns, criminal arraignments in felony cases where the defendant mistakenly shows up in South San Francisco instead of Redwood City and out-of-custody Misdemeanor Pretrial Conferences (effective May 26, 2020). 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.