

APR 20 2020

By 
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SOLANO

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Case No.: MISC: MO-9-2020

In Re: Procedures for Remote Court

**STANDING ORDER REGARDING
PROCEDURES FOR REMOTE COURT**

THE COURT FINDS AS FOLLOWS:

1. On February 27, 2020, the County of Solano proclaimed a local emergency to exist due to the Novel Coronavirus (COVID-19) pursuant to Government Code, §§ 8630 et seq. On March 4, 2020, California Governor Newsom proclaimed a state of emergency to exist due to COVID-19 pursuant to Government Code, §§ 8550 et seq. On March 13, 2020, President Trump proclaimed a national state of emergency to exist due to COVID-19.

2. On March 17, 2020, acting as the Chair of the Judicial Council, Chief Justice Tani G. Cantil-Sakauye granted the application for emergency orders sought by the Solano County Superior Court pursuant to Government Code, § 68115 for the period of March 17, 2020 through April 5, 2020. Pursuant to Government Code, § 68115(a)(4), due to the existence of an emergency condition that substantially interferes with the public's ability to file papers in court, the days are deemed "holidays" for the purpose of computing time for filing papers with the court under sections 12 and 12a of the Code of Civil Procedure. On March 30, 2020, these orders were extended to May 1, 2020. On March 17 and April 1, 2020, Solano County

1 Superior Court Presiding Judge Donna Stashyn issued a General Order re: Implementation of
2 Emergency Relief authorizing implementation of the emergency orders by individual judicial
3 officers.

4 3. On March 18, 2020, the Solano County Health Officer issued an order effective through
5 April 7, 2020, directing all individuals living in Solano County to shelter at their place of
6 residence except to provide or receive certain essential services or engage in certain essential
7 activities on behalf of businesses and governmental agencies. The order further directed
8 businesses and governmental agencies to cease non-essential activities at places within Solano
9 County and to cease non-essential gatherings. On March 30, 2020, the order to shelter at home
10 was extended to April 30, 2020.

12 4. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all
13 individuals living in the State of California to stay at home or their place of residence except as
14 needed to maintain continuity of operations of the federal critical infrastructure sectors.
15 Executive Order N-33-20 is in effect until further notice.

16 5. On March 19, 2020, the Solano County Superior Court announced the reduction of
17 operations to implement the order of the Solano County Health Officer and to focus on public
18 safety.

19 6. On March 27, 2020, Governor Newsom adopted Executive Order N-38-20 authorizing
20 the Chairperson of the Judicial Council or Judicial Council to adopt emergency orders and rules
21 as necessary for court administration, practice and procedure. Executive Order N-38-20 further
22 suspends any state laws in conflict with the emergency orders and rules adopted by the Chair
23 Person of the Judicial Council or Judicial Council.
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1 7. On April 6, 2020, the Judicial Council adopted Emergency Rule 3 authorizing courts to
2 require that judicial proceedings and court operations be conducted remotely by using means
3 including video, audio and telephonic appearances. Emergency Rule 3 additionally authorizes
4 the use of remote reporting and electronic recording to make an official record of an action or
5 proceeding.

6 **BASED UPON THE ABOVE FINDINGS, IT IS ORDERED:**

7 1. Protection of public health and safety in connection with the COVID-19
8 pandemic has necessitated the reduction in court operations. While the court has limited
9 operations, hearings conducted in physical courtrooms are restricted to processing and hearing
10 essential matters that are required to comply with an individual's constitutional rights,
11 necessitate emergency relief and/or to protect the health and safety of the public.

12 2. During emergency operations, remote proceedings may be initiated by a court
13 department as appropriate in the discretion of the individual judicial officer and as resources
14 permit. Remote proceedings may be utilized in either a physical courtroom or a remote
15 courtroom.

16 3. The court will initiate any remote court proceeding. The remote court
17 proceeding will typically be initiated via an email calendar invitation sent to the attorney of
18 record at the email address of record. The invitation will include a description of the meeting,
19 the date and time, a link to the meeting, a meeting identification number and a conference call
20 telephone number which may alternatively be used to access the meeting. Participation in the
21 remote court proceeding may be by telephone call or via audio and video via the internet link.
22 Individuals who have the ability to appear via audio and video are encouraged to do so.
23 However, access to a computer is not a requirement to appear in remote court. Telephonic
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1 appearances are also encouraged. Participants are advised the current telephone number
2 generated that is used to access remote court may involve a toll.

3 4. Participants who receive an invitation to remote court via email should accept
4 that appointment, confirm identification of the attorney and/or participant to appear and provide
5 a telephone number at which the participant can be reached. Acceptance of the invitation
6 informs the court that you have received notice of the hearing and helps the court to manage
7 remote court appearances. If a substitute attorney will appear at a remote court proceeding, the
8 acceptance should be modified to so indicate. The court email address used to generate the
9 appointment will not be used to communicate with the court or court staff. Any
10 communications sent to the email address will not be read, forwarded or filed.
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12 5. It is expected that participants will join the remote court appearance promptly at
13 the scheduled time. Each participant in a remote court proceeding is expected to conduct
14 himself or herself in the same manner as he or she would if the proceeding were conducted in a
15 public courtroom (i.e. appropriate attire, no eating or drinking, cell phones switched to silent).
16 Participants should update their profile name so that it is consistent with the name used in
17 regular court operations and to ensure the name listed includes a first and last name.
18 Participants should make every effort to reduce or eliminate background noises and distractions
19 that may interfere with the remote court proceedings. In the event that the participation of any
20 individual interferes with the remote court proceeding, intentionally or inadvertently, that
21 participant may be muted, including both audio and video participation, and/or the participant
22 may be removed from the proceeding by being returned to the waiting room or dismissed by
23 the court.
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1 6. Depending upon calendar and resource needs, the court may schedule remote
2 court proceedings as individual appointments or blocks of appointments. Participants may
3 expect to wait until admission to the remote court hearing.

4 7. An attorney who receives an invitation to a remote court proceeding may choose
5 to include his or her client and to forward the invitation to his or her client to participate.
6 Because of the advance planning required, the difficulty in hearing remote proceedings and the
7 challenges in managing multiple participants, invitations to remote proceedings shall not be
8 forwarded to any other third party without advance approval of the court.

9 8. Unless otherwise ordered, remote court proceedings are public proceedings.
10 Members of the public, the media, professional journalists or interested persons may request to
11 be included in a remote court proceeding. Such a request should be made at least one day in
12 advance to permit sufficient time to administer the request. Requests to join a remote court
13 proceeding should be submitted by following the directions on the court's website at
14 www.solano.courts.ca.gov. Access to any public calendars for each department are on the
15 court's website. Use the calendar link on the home screen.

16 9. If remote proceedings are initiated utilizing the Zoom application, a participant
17 may only utilize the "chat" function to communicate privately with his or her client or attorney.
18 No other use of the "chat" function is permitted.

19 10. No participant in a remote court proceeding may record, video, tape or
20 photograph any portion of the proceeding. The reporter's transcript shall be the official
21 transcript.

22 11. For evidentiary proceedings conducted via remote court, it is the responsibility
23 of the party introducing documentary evidence to ensure that the evidence is provided to the
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1 court and any other party in advance of the remote court proceeding. Court exhibits may be
2 emailed to the department email address used to establish the remote court appointment at least
3 two (2) days in advance of the evidentiary hearing, or as otherwise ordered by the judicial
4 officer. The exhibits should be attached to the email as separate but complete individual
5 exhibits and be identified by a descriptive title that includes the case number and brief
6 description (ex: FCS123456 Cell Phone Records). As with traditional court proceedings,
7 witnesses will be admitted to a remote waiting room, or invited to join by email upon their
8 being called by a party, but will not be added to the proceedings until called. The clerk or the
9 court will administer the oath to any witness. Unless authorized in advance by the court, a
10 witness must appear both by video and audio.
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12 **IT IS SO ORDERED.**

13 Dated: April 20, 2020



DONNA L. STASHYN
Presiding Judge
Solano County Superior Court

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