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FILED / ENDORSED
JUN 12 2020
By K. Swift, Deputy Clerk
K. Swift

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

ORDER

**Access To Court Proceedings By General Public-Restricted
Amended June 12, 2020**

1. On March 4, 2020, the State of California declared a State of Emergency as a result of the COVID-19 pandemic.
2. On March 19, 2020, the County of Sacramento issued an order directing all persons living in the County to shelter in place in their residences, with the exception of engaging in or receiving certain essential services and activities as a means of preventing or curtailing the spread of COVID-19.
3. On March 19, 2020, California Governor Gavin Newsom issued a similar order, directing all residents of the State to shelter-in-place, except as required to maintain and continue operations of essential services to protect and ensure the health and safety of the public.
4. On March 23, 2020, California Supreme Court Chief Justice Tani Cantil-Sakauye issued an order suspending all jury trials in the superior court of California for 60 days. As noted by the Chief Justice, courts cannot comply with the stringent health directives and restrictions established by the State “and continue to operate as they have in the past. Court proceedings require gatherings of court staff, litigants, attorneys, witnesses, and juries, well in excess of the

1 numbers allowed for gathering under current executive and health orders.” On March 28, 2020
2 the Judicial Council of California unanimously recommended that the Chief Justice take action,
3 pursuant Governor Newsom’s Executive Order N 38-20, to permit courts to conduct judicial
4 proceedings and court operations remotely, in order to protect the health and safety of the public,
5 court personnel, judicial officers, litigants, and witnesses.

6 5. On April 29, 2020, the Chief Justice issued additional Statewide Emergency
7 Orders acknowledged federal, state and local “social distancing” guidelines. She also recognized
8 that “courts are clearly places of high risk during this pandemic because they require gatherings
9 of judicial officers, court staff, litigants, attorneys, witnesses, defendants, law enforcement and
10 juries—well in excess of the numbers allowed for gathering under current executive and health
11 orders.”

12 6. Due to the infectious nature of COVID-19 pandemic and the confined public area
13 in our court facilities, permitting the public to enter court facilities poses an extreme risk of
14 exposure to the public, court personnel and members of the Sacramento County Sheriff’s
15 Department. As to certain court facilities, the Sacramento County Sheriff’s Department has
16 opined that the “only effective means to ensure the safety welfare of the public, law enforcement
17 and court employees” is to close the Lorenzo Patino Hall of Justice and the Mail Jail Courts to the
18 public (Correspondence dated March 30, 2020 from Chief Deputy Santos Ramos). However even
19 in the non-criminal court facilities, we are unable to insure compliance with state and local
20 “social distancing” guidelines if the general public is permitted to enter court facilities.

21 7. At this time, and in recognition of the health and safety risks posed to the public by
22 COVID-19, the functions of the Sacramento County Superior Court are limited to proceedings
23 which can be conducted in a manner that does not pose a public safety risk to staff, judicial
24 officers and members of the public.

25 8. As a result of the public health and safety measures the Court has implemented in
26 response to the COVID-19 epidemic, Court services and proceedings are and will continue to be
27 significantly impacted.

28 9. As a general principle, the Sacramento County Superior Court acknowledges and

1 endorses the well-established presumption in favor of universal access to the courts, and the rights
2 of the public and press to attend both civil and criminal trials. It also is recognized, however, that
3 access is not absolute and may be limited where there is a compelling interest that cannot be
4 achieved through less restrictive means. (See, e.g., *Globe Newspaper Co. v. Superior Court*
5 (1982) 457 U.S. 596, 607; *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th
6 1178, 1181-1182.)

7 10. In the particular circumstances attendant to the COVID-19 pandemic, including
8 but not limited to the foregoing cited orders, the Court expressly finds that matters of public
9 health and safety and curtailing the spread of the virus compel restrictions on the public's
10 physical access to the courts to observe court proceedings and that there is no less restrictive
11 means by which to accomplish both full public access and social distancing under the present
12 executive orders.

13 11. In response to the public health risk and consistent with the directives of the Chief
14 Justice, the Court has established numerous remote video and teleconferencing courtrooms in all
15 of our courthouses to maximize the ability of litigants to adjudicate their matters in a safe manner
16 and through the use of remote live streaming capability to permit simultaneous public access to
17 court proceedings.

18 12. Accordingly, out of concern for public health and safety due to the COVID-19
19 pandemic, effective immediately and until further notice, only those persons with court hearings
20 ***in specified criminal actions*** or any matter authorized by the Presiding Judge, the Assistant
21 Presiding Judge or the Supervising Judges of the Family Relations Court and the Carol Miller
22 Justice Center, the Supervising Judges of the Civil and Criminal Divisions of the Sacramento
23 Superior Court and the Presiding Judge of the Juvenile Court shall enter a Sacramento Superior
24 court facility on the day of hearing. Persons who are permitted to enter for proceedings where the
25 presence of parties or counsel is authorized shall include parties and counsel for parties, and those
26 witnesses subject to subpoena. Witnesses shall enter the courthouse only on the day for which the
27 witness is providing testimony. For criminal jury trials that are not live streamed via the Court's
28 public live stream channels or other remote public access is not provided, a limited number of

1 members of the public will be permitted to attend. Members of the public attending any
2 proceeding must follow the protocol set forth in Standing Order:

3 "IN RE LIMITED PUBLIC ASSESS TO JURY TRIAL PROCEEDINGS DURING THE
4 COVID-19 PANDEMIC."

5 General visitors and casual observers shall remain outside the courthouse and are encouraged to
6 practice social distancing while remaining outside. 13. All persons entering our court
7 facilities shall wear a face covering or mask while in any Sacramento Court facility.

8 14. All persons entering a Sacramento Court facility shall submit to a non-invasive
9 temperature screening process and SHALL NOT enter if a temperature of 100.4 degrees or higher
10 is detected.

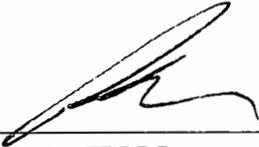
11 15. The Court further orders that persons having any symptoms of illness of any kind
12 SHALL NOT come to Court, even if those persons are parties, counsel or witnesses as described
13 above. All persons are requested and strongly encouraged to attend any hearing remotely through
14 the use of CourtCall (1-888-88-COURT) to appear telephonically whenever possible. (See
15 California Rule of Court, Rule 3.670 [permitting telephonic appearance].)

16 16. The public may simultaneously watch court proceedings live streamed on the
17 Sacramento Superior Court's You Tube Channel <http://www.youtubecom/user/SacCountyCourts>
18

19 **THIS ORDER IS EFFECTIVE IMMEDIATELY. THIS ORDER MAY BE**
20 **AMENDED AS CIRCUMSTANCES REQUIRE.**

21 DATED: June 12, 2020





29 **RUSSELL L. HOM**
30 **PRESIDING JUDGE OF THE SUPERIOR COURT**