

JUDICIAL COUNCIL OF CALIFORNIA
STATEWIDE ORDER BY TANI G. CANTIL-SAKAUYE,
CHIEF JUSTICE OF CALIFORNIA AND CHAIR OF THE JUDICIAL COUNCIL
MARCH 3, 2022

The United States in 2020 became the epicenter of a global pandemic caused by the COVID-19 virus. As of February 23, 2022, the U.S. Centers for Disease Control and Prevention reported there were over 78 million cases in this country, with over 900,000 deaths. The California Department of Public Health reported over 8 million cases in the state, with over 80,000 deaths.

In response to the spread of COVID-19, Governor Newsom on March 4, 2020, declared a state of emergency 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, suspended Government Code section 68115 and any other provision of law to the extent that those laws impose or imply a limitation on my authority to authorize via emergency order or statewide rule, any court to take any action I deem necessary to maintain the safe and orderly operation of the courts.

In response to these circumstances, I issued on March 23, 2020, and March 30, 2020, orders authorizing superior courts to extend the time in which to conduct certain judicial proceedings, including arraignments, preliminary examinations, and both criminal and civil trials. On April 29, 2020, and June 10, 2020, I issued two more statewide orders. Based on changing conditions, these orders rescinded the provisions authorizing extensions of time for arraignments and criminal trials, among other actions.

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. In light of these developments, I have reassessed the provisions remaining from my earlier statewide orders.

Based on the changed circumstances in California, and after careful consideration, I find good cause to order:

1. The provision in my order of March 23, 2020, in which I authorized courts to adopt any proposed local rule or local rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment, is hereby rescinded effective April 30, 2022. This does not prevent a court from requesting an alternative effective date for adopting a local rule under California Rules of Court, rule 10.613(i).
2. The provision in my order of March 30, 2020, in which I authorized courts to issue implementation orders to extend the 10-day time period provided in section 859b of the Penal Code for a preliminary examination to not more than 30 court days, is hereby rescinded effective April 30, 2022. The statewide authority to issue implementation orders to extend to not more than 30 court days the time period for preliminary examinations will cease to apply beginning with those defendants who, on or after April 30, 2022, are arraigned or enter a plea of not guilty, whichever occurs later, or are reinstated pursuant to chapter 6 (commencing with section 1367) of title 10 of part 2 of the Penal Code. Courts will retain the statewide authority to extend to not more than 30 court days the time period provided in section 859b of the Penal Code for a preliminary examination as to defendants who, before April 30, 2022, are arraigned or enter a plea of not guilty, whichever occurs later, or are reinstated pursuant to chapter 6 (commencing with section 1367) of title 10 of part 2 of the Penal Code. To the extent a court needs an extension of the 10-day time period provided in section 859b of the Penal Code, it may submit a request seeking appropriate relief under Government Code section 68115(a)(9) and describe the specific facts supporting the request.

and specifically address the efforts the court is making to avoid the necessity of further extensions, including collaboration with justice partners and use of available technology.

3. The provision in my order of March 30, 2020, in which I authorized courts to issue implementation orders to extend the time periods provided in sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to trial by no more than 60 days from the last date on which the statutory deadline otherwise would have expired, is hereby rescinded effective April 30, 2022.
4. The provision in my order of March 30, 2020, in which I suspended any rule in the California Rules of Court to the extent such rule would prevent a court from using technology to conduct judicial proceedings and court operations remotely, is hereby rescinded effective April 30, 2022.

Any extensions of time I authorized in an emergency order or orders issued to an individual court pursuant to Government Code section 68115 are not affected by this order.

I reserve the authority to modify this order, as appropriate, to address changing circumstances. This order may be deemed part of the record in affected cases for purposes of appeal, without the need to file the order in each case.

Date: March 3, 2022

Tani G. Cantil-Sakauye

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Chief Justice of California and
Chair of the Judicial Council