

**FILED**  
Clerk of the Superior Court

**DEC 31 2020**

By: A. Husted, Deputy

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**  
**CENTRAL DIVISION**

**IN RE: APPOINTMENT OF COUNSEL IN ) GENERAL ORDER OF THE PRESIDING**  
**NEW CRIMINAL AND JUVENILE ) DEPARTMENT**  
**JUSTICE CASES ) ORDER NO. 010121-37**

As a result of the COVID-19 pandemic, the Governor of California declared a state of emergency in this state. The President of the United States has also declared a national emergency. The COVID-19 pandemic continues to cause significant health and safety concerns nationally, throughout the State of California, and in San Diego County.

Due to the health and safety concerns caused by the COVID-19 pandemic, the court was closed to the public and suspended services, except for certain time-sensitive and essential functions, from March 17 to May 22, 2020. (See General Orders of the Presiding Department, Order Numbers 031820-34, 040320-39, and 043020-47.) The court resumed most services on May 26, 2020; however, with community spread of COVID-19 still a concern, many services have been and will continue to be provided remotely, and the court continues to experience substantial operational impediments. The resumption of services has been a slow and incremental process, taking into consideration, among other things, the rights of defendants in criminal cases, as well as

1 the safety of all persons entering the courthouse, including litigants, court staff, judicial officers,  
2 and Sheriff's deputies.

3 The court is cognizant of the pressure the incremental resumption of services has placed on  
4 the timely disposition of criminal and juvenile justice cases, and the strain this puts on criminal  
5 defendants/juveniles, particularly those who remain in custody. In addition, the number of new and  
6 existing criminal and juvenile justice cases that will need to be brought into court once the court is  
7 fully operational again will be staggering, creating a significant strain on court resources, as well as  
8 the resources of the defense and prosecuting attorneys/agencies. The more the court and counsel  
9 can do to reduce delays in court hearings, and reduce the inevitable "bottleneck" of cases once the  
10 court is fully operational, the better.

11 Thus, it is imperative that counsel in criminal and juvenile justice cases be able to continue  
12 to work on their caseloads until the court is fully operational. Appointing counsel for new cases in  
13 which the San Diego District Attorney's Office and the San Diego City Attorney's Office intend to  
14 file charges once the court is fully operational will help alleviate the above concerns and will  
15 facilitate a more efficient and expeditious handling of cases by allowing the parties to proceed with  
16 providing and reviewing discovery and engaging in negotiations for possible early disposition of the  
17 cases. In addition, appointing counsel in these cases substantially benefits the defendants/juveniles  
18 by giving them access to a lawyer when they might otherwise have to wait until the court is fully  
19 operational to speak to one.

20 For good cause and pursuant to Penal Code § 987.2, the court's inherent supervisory and  
21 administrative authority, and the Presiding Judge's duty to promote access to justice for all  
22 members of the public, taking into account the needs of the public and court as they relate to the  
23 efficient and effective management of the court (Cal. Rules of Court, rule 10.603), this court

24 **HEREBY FINDS AND ORDERS AS FOLLOWS:**

25 1. The San Diego District Attorney's Office ("DA") and San Diego City Attorney's  
26 Office ("CA") are to notify the San Diego Office of the Primary Public Defender ("PD") of cases in  
27 which the DA and CA intend to file criminal/juvenile justice charges in this court;

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1           2.       The PD is appointed to represent the defendants/juveniles in those cases the DA or  
2 CA notifies them that they intend to file charges. The PD is to screen the cases for any conflicts and  
3 refer cases in which there is a conflict to either the Alternate Public Defender's Office ("APD"),  
4 Multiple Conflicts Office ("MCO"), or the Office of Assigned Counsel ("OAC"), as appropriate. If  
5 a case is referred to the APD, MCO, or OAC, that office is appointed to represent the  
6 defendant/juvenile.

7           3.       The appointed agency is to notify the defendant/juvenile as expeditiously as possible  
8 of the appointment and of the defendant/juvenile's option to decline the appointment and proceed  
9 with retained counsel and, for criminal defendants, the option to proceed in propria persona ("in pro  
10 per"). If the defendant/juvenile notifies the appointed agency that he or she has retained counsel, or  
11 if the defendant/juvenile declines appointment, the appointed agency is relieved of its appointment.

12           4.       Any appointment of counsel pursuant to this order is temporary pending the  
13 defendant/juvenile's first court appearance. At that first court appearance, the appointment will  
14 either be confirmed or discontinued. Accepting or declining appointment prior to this first court  
15 appearance does not affect any rights regarding representation the defendant/juvenile would  
16 otherwise have.

17           THIS ORDER IS EFFECTIVE IMMEDIATELY AND WILL REMAIN IN EFFECT  
18 UNTIL OTHERWISE ORDERED BY THE PRESIDING JUDGE.

19           IT IS SO ORDERED.

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21 DATED: December 31, 2020

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24 **HONORABLE LORNA A. ALKSNE**  
25 **PRESIDING JUDGE**  
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