

MAR 27 2020

By: C. McCoy

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

**IN RE: APPOINTMENT OF COUNSEL IN } GENERAL ORDER OF THE
NEW CRIMINAL AND JUVENILE JUSTICE } PRESIDING DEPARTMENT
CASES TO BE FILED ONCE THE COURT IS }
FULLY OPERATIONAL AFTER THE COVID- } ORDER NO. 032720-37
19 PANDEMIC }**

This Order is made pursuant to California rules of Court, rule 10.603, which vests in the Presiding Judge the responsibility of promoting access to justice for all members of the public, establishing policies and providing a forum for the fair and expeditious resolution of disputes, and Penal Code section 987.2.

Due to the health and safety concerns caused by the COVID-19 pandemic, the court has ceased all but the most essential functions. (See San Diego Superior Court, General Orders of the Presiding Department, Order Nos. 031820-34, 032420-35, and 032420-36; see also, Statewide Order by Hon. Tani G. Cantil-Sakauye, Chief Justice of California, dated March 23, 2020 [staying all trials for a period of 60 days].) Due to the pandemic and ensuing court “shutdown,” it is unsafe to convene criminal defendants or juveniles in juvenile justice proceedings, attorneys, court staff, and judges to conduct criminal/juvenile justice proceedings.

1 In addition, the court is operating with severely reduced staffing levels due to a state-wide stay-at
2 home order (see Executive Order N-33-20, issued by Governor Newsom on March 19, 2020),
3 county-wide school closures, and necessary social-distancing measures.

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

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

21 In order to more fully protect the rights of those arrested/detained at a time when the
22 court is unable to process their criminal/juvenile justice cases, and in order to facilitate speedy
23 and possibly early resolution of those cases in this unprecedented situation, this court hereby
24 orders:


- 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
27 (“PD”) of cases in which the DA and CA intend to file criminal/juvenile justice
28 charges in this court immediately upon the court reopening;

- 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
3 any conflicts and refer cases in which there is a conflict to either the Alternate Public
4 Defender's Office ("APD"), Multiple Conflicts Office (MCO), or the Office of
5 Assigned Counsel ("OAC"), as appropriate. If a case is referred to the APD, MCO,
6 or OAC, that office is appointed to represent the 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
9 and proceed with retained counsel and, for criminal defendants, the option to proceed
10 in propria persona ("in pro per"). If the defendant/juvenile notifies the appointed
11 agency that he or she has retained counsel, or if the defendant/juvenile declines
12 appointment, the appointed agency is relieved of its appointment.
- 13 4. Any appointment of counsel pursuant to this order is temporary pending the
14 defendant/juvenile's first court appearance. At that first court appearance, the
15 appointment will either be confirmed or discontinued. Accepting or declining
16 appointment prior to this first court appearance does not affect any rights regarding
17 representation the defendant/juvenile would otherwise have.

18
19 THIS ORDER IS EFFECTIVE IMMEDIATELY.

20 IT IS SO ORDERED.

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22 DATED: 3-27-20

23 
24 HON. LORNA A. ALKSNE
25 PRESIDING JUDGE
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