

MAY 22 2020

By: M. Johnson, Deputy

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE: RESTRICTED PUBLIC ACCESS;
FACE-COVERING AND TEMPERATURE-
SCREENING REQUIREMENTS; AND
LIVESTREAM BROADCASTING**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 052220-54

The COVID-19 pandemic continues to cause significant health and safety concerns nationally, throughout the State of California, and in San Diego County. In response to the 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, Ord. Nos. 031820-34, 040320-39, and 043020-47.)

Due to the pandemic and the governmental guidance and restrictions in response thereto, the court has found that it continues to be unsafe to conduct in-person proceedings that would require convening large groups of people, including parties, judicial officers, court staff, law enforcement, attorneys, witnesses, jurors, the public, and others.

The court will resume most services on May 26, 2020; however, with community spread of COVID-19 still a concern, many services will be provided remotely. Accordingly, all San Diego Superior Court courthouses and courtrooms remain closed to the public with limited exceptions for those seeking or participating in urgent emergency services such as those that were available during the suspension of services. The court will continue to update its website (www.sdcourt.ca.gov) with information regarding which in-person services are available. For

1 those who must enter the court's facilities, the court will comply with the guidance from county,
2 state, and federal health authorities, including, but not limited to, conducting temperature
3 screenings, requiring face coverings, enforcing social distancing, implementing increased cleaning
4 measures, and providing hand sanitizer kiosks.

5 The court remains cognizant of the general presumption in favor of allowing public and
6 media access to court proceedings; however, such access is neither absolute nor unrestricted and
7 may be limited where there is a compelling interest that cannot be achieved through less restrictive
8 means. The court has provided, and will continue to provide, media access for the duration of the
9 closure, subject to prior approval pursuant to the procedures outlined in the California Rules of
10 Court, the San Diego Superior Court Rules, and General Order of the Presiding Department, Order
11 No. 010120-02. In addition, in an effort to provide expanded public access to court proceedings
12 consistent with its Sixth Amendment responsibilities, the court began providing public access to
13 live audio streams of certain court proceedings on or around May 13, 2020, and the court intends
14 to continue this practice for the duration of the restrictions on in-person public access.

15 For good cause and pursuant to the court's inherent supervisory and administrative
16 authority, as well as the Presiding Judge's duty to promote access to justice for all members of the
17 public, taking into account the needs of the public and court as they relate to the efficient and
18 effective management of the court (Cal. Rules of Court, rule 10.603), and in order to protect the
19 health and safety of the public, court personnel, judicial officers, parties, attorneys, witnesses, and
20 law enforcement officers, this court **HEREBY FINDS AND ORDERS AS FOLLOWS:**

21 1. Until further notice, access to any and all San Diego Superior Court courthouses
22 shall be authorized and restricted as follows:

- 23 a. Access to any and all courthouses, courtrooms, business offices, and public
24 areas shall be restricted at all times to judges, commissioners, court staff,
25 persons seeking or participating in emergency services, persons required or
26 permitted to appear for scheduled hearings, and other authorized persons.
- 27 b. Access to any and all court proceedings shall be limited to parties, their
28 attorneys, witnesses subpoenaed to testify, one support person statutorily

1 permitted to accompany a person seeking a temporary restraining order, and
2 other authorized persons.

3 c. The term “other authorized persons” in subparagraphs (a) and (b) above
4 includes, but is not limited to, news reporters and news media representatives
5 subject to prior approval pursuant to the procedures outlined in the California
6 Rules of Court, the San Diego Superior Court Rules, San Diego Superior Court
7 General Order of the Presiding Department, Order No. 010120-02, or any other
8 applicable rule, order, or policy.

9 d. This order does not restrict or otherwise abrogate the express and inherent
10 authority of the court and its judges to provide for the orderly conduct of
11 proceedings, including the decision to permit or deny access to any courtroom
12 or hallways adjacent to courtrooms.

13 2. Until further notice, the court will comply with guidance from county, state, and
14 federal health authorities and impose COVID-19 preventative control measures and symptom
15 screening, including, but not limited to, the following:

- 16 a. All persons, including court staff and judicial officers, who enter the courthouse
17 must wear a face covering as described in California Department of Public
18 Health Face Coverings Guidance issued on April 1, 2020 (available at:
19 [https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx)
20 [Guidance.aspx](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx)), at all times while in the courthouse. “All persons” is defined
21 as persons who are two years old or older. (See County of San Diego Order of
22 the Health Officer and Emergency Regulations, dated May 21, 2020, at ¶ 9.)
23 Persons with a medical or mental health condition or developmental disability
24 that prevents wearing a face covering will be exempt from this requirement.
25 Any non-exempt person without a face covering may be denied entry to the
26 courthouse or courtroom.
- 27 b. To be permitted into the courthouse, all persons, including court staff and
28 judicial officers, must submit to temperature screening. The temperature

1 screening is being coordinated with the San Diego County Sheriff's Department.
2 Temperature screening will be conducted Monday through Friday, with the
3 hours varied depending on location. No individual will be permitted to enter the
4 courthouse with a temperature of 100 degrees or more.

- 5 c. Social distancing of at least six (6) feet shall be enforced in all courthouses,
6 courtrooms, business offices, and public areas to the extent possible.

7 3. Until further notice, the court will broadcast live audio streams of certain court
8 proceedings as follows:

- 9 a. The health and safety concerns caused by the COVID-19 pandemic necessarily
10 require restricting the public's physical access to observe court proceedings,
11 and there is no less restrictive means by which to accomplish full public access
12 and social distancing under the current recommendations of governmental
13 health authorities.
- 14 b. The court will broadcast, and the public may simultaneously access, live audio
15 streams of certain court proceedings via the court's YouTube channel, to which
16 links will be available on the court's website on the court's COVID-19 page
17 (www.sdcourt.ca.gov).
- 18 c. However, each judge retains the discretion and authority to refuse, limit, or
19 terminate such broadcasts, in whole or in part, pursuant to the factors and
20 prohibitions articulated in California Rules of Court, rule 1.150, and in
21 consideration of other statutory and constitutional provisions.
- 22 d. The livestreamed court proceedings may not be photographed, recorded (audio
23 or video), or re-broadcast by anyone without prior written judicial authorization
24 consistent with California Rules of Court, rule 1.150, and San Diego Superior
25 Court General Order of the Presiding Department, Order No. 010120-02.
- 26 e. This order does not restrict or otherwise abrogate the express and inherent
27 authority of the court and its judges to provide for the orderly conduct of
28 proceedings.

1 4. The following General Orders are rescinded as moot: General Order 051220-50 and
2 General Order 051420-52.

3 **THIS ORDER IS EFFECTIVE IMMEDIATELY AND MAY BE AMENDED AS**
4 **CIRCUMSTANCES REQUIRE.**

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6
7 DATED: May 22, 2020



HON. LORNA A. ALKSNE
PRESIDING JUDGE