

The court system and the workplace has adapted to many new rules and changes during in the past months. The biggest changes being discussed related to the expansion of technology. The use of video-conference in place of in-person meetings as well the expanded use of collaboration software like Slack and Microsoft Teams in the legal community.

A recent report from the Judicial Council Technology Committee has recommends a \$25 million for the 13 technology projects that would modernize court operations. Some of most interesting items include the upgrading of the audio and video technology to promotion remote appearances as well as upgrading the current Judicial Council Forms.

In order to address some of the immediate difficulties caused by the coronavirus pandemic, SB 1146 was recently signed by Gov. Gavin Newsome. This new law was introduced by Senator Umberg and co-sponsored by the California Defense Counsel and the Consumer Attorneys of California.

Clarity re Deadline Extension:

According to the Senator Umberg, “This pivotal law will eliminate confusion and give predictability to counsel and parties on timelines for several pretrial deadlines.” The setting of consistent deadlines will be achieved by extending deadlines for the same length of time as the continuance or postponement of a trial. Proposed Code of Civil Procedure section 599 provides that:

“a continuance or postponement of a trial date extends any deadlines that have not already passed as of March 19, 2020, applicable to discovery, including the exchange of expert witness information, mandatory settlement conferences, and summary judgment motions in the same matter. The deadlines are extended for the same length of time as the continuance or postponement of the trial date.”

This provision is automatically repealed 180 days after California’s March 4 state of emergency is lifted.

Allowing remote depositions on a permanent basis.

Emergency Rule 11 issued by the California Judicial Council temporarily remove the statutory requirement that deponent must be physically present with the court reporter at the time of a deposition. The Amended Code of Civil Procedure section 2025.310 will not be repealed after the state of emergency is lifted. Below is the text:

- At the election of the deponent or the deposing party, the deposition officer may attend the deposition at a different location than the deponent via remote means. A deponent is not required to be physically present with the deposition officer when being sworn in at the time of the deposition.

- Subject to section 2025.420 [(protective orders relating to deposition attendance)], any party or attorney of record may, but is not required to, be physically present at the deposition at the location of the deponent.

This change will allow for remote depositions on a permanent basis.

Rejection of efiled complaint or cross-complaint close to the statutory deadline.

Everyone who is fearful of the e-filing rejection has been given some relief. Now E-filing notification delays cause by the rejection of filings for technical issues or for non-payment of filing fee have been addressed. Proposed Code of Civil Procedure section 1010.6(b)(4)(E) tolls any applicable statute of limitations for the period between when a complaint or cross-complaint is received through the date that the court or e-filing system sends a notice of rejection, whichever is later. The provision also tolls the statute for an additional day if the filer corrects the complaint or cross-complaint and resubmits it, without making any changes other than those required to correct the errors that caused the document to be rejected.

Extension of E-service Provisions under Emergency Rule 12.

SB 1146 also extends the e-service provisions of the Judicial Council's Emergency Rule 12, which requires a represented party who has appeared to accept e-service and to use e-service if requested.

Below is that rule:

Emergency rule 12. Electronic service

(a) Application

(1) Notwithstanding any other law, including Code of Civil Procedure section 1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all general civil cases and proceedings under the Family and Probate Codes, unless a court orders otherwise.

(2) Notwithstanding (1), the rule does not apply in cases where parties are already required by court order or local rule to provide or accept notices and documents by electronic service, and is not intended to prohibit electronic service in cases not addressed by this rule.

1. **(b) Required electronic service**

(1) A party represented by counsel, who has appeared in an action or proceeding, must accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party must confirm by telephone or email the appropriate electronic service address for counsel being served.

- (2) A party represented by counsel must, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address and a copy of this rule, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

2. **(c) Permissive electronic service**

Electronic service on a self-represented party is permitted only with consent of that party, confirmed in writing. The written consent to accept electronic service may be exchanged electronically.

3. **(d) Time**

- (1) In general civil cases and proceedings under the Family Code, the provisions of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic service under this rule.
- (2) In proceedings under the Probate Code, the provisions of Probate Code section 1215(c)(2) apply to electronic service under this rule.

(e) Confidential documents

Confidential or sealed records electronically served must be served through encrypted methods to ensure that the documents are not improperly disclosed.

The e-service requirements will stay in place until 180 days after California's state of emergency is lifted instead of the 90 days set-forth in the Judicial Council's Emergency Rule 12.

RESOURCES:

Below is a link to website with links to all California Superior Courts
[California Superior Court Websites](#)

The local rules for each of the California Superior Courts
[California Superior Court Local Rules](#)

ADDITIONAL RESOURCES:

[California Codes](#)
[CA Code of Regulations](#)
[CA Court Forms – Judicial Council](#)
[California Rules of Court](#)



PUBLIC NOTICE
(Government Code §69106)

Superior Court of California, County of Ventura
Court Closures

September 30, 2020, October 21, 2020,
November 19 & 25, 2020, December 16, 23, 24, 30 & 31, 2020,
January 15, 2021, February 11, 2021,
March 10 & 17, 2021, April 21, 2021,
May 5 & 19, 2021 and June 9 & 23, 2021

Pursuant to Government Code §69106 the Superior Court of California, County of Ventura, is providing sixty (60) days notice of limited operation days.

The majority of the courtrooms and all of the clerk's offices will be closed to mitigate the impact of employee furlough days on court operations on the following days:

September 30, 2020,
October 21, 2020,
November 19 & 25, 2020,
December 16, 23, 24, 30 & 31, 2020,
January 15, 2021,
February 11, 2021,
March 10 & 17, 2021,
April 21, 2021,
May 5 & 19, 2021,
June 9 & 23, 2021

These days are not court holidays, so statutory deadlines will not be extended. Documents may be submitted through the United States mail or drop boxes located at the entrance to the Hall of Justice and Juvenile Courthouse. In civil, family, probate, appeals and/or small claims, documents may also be submitted by e-Delivery. The clerk's offices will be closed to in-person services. Documents received by 4 p.m. and accepted for filing, will be filed that same business day. Documents received after 4 p.m. will be processed and filed the following business day. Documents placed in the drop boxes by 4:30 p.m. are deemed deposited for filing that same business day. An extra walk-up window on the north side of the Hall of Justice at the Government Center near parking lots A, B and C will be open from 7:00 a.m. to 4:30 p.m. and the East County Courthouse walk-up window will be open from 8:00 a.m. to 4:30 p.m. for handling criminal traffic and collections payments only.

Most cases already calendared for hearing will be rescheduled and the affected parties notified by the court. Limited courtrooms will be open to hear urgent criminal, juvenile, unlawful detainer, and temporary restraining order issues.

While the court regrets having to take the above actions, it is required to address the reduction in funding to the California court system caused by the COVID-19 pandemic. For the 2020-2021 fiscal year, the Governor and Legislature have approved a reduction of \$200 million, in budget cuts to the judicial branch. For fiscal year 2020-2021, the Ventura Superior Court budget has a structural deficit of \$5.7 million.

The court has instituted various cost saving measures, including furloughs, eliminating or freezing vacant positions, reengineering court processes for efficiencies and reducing expenditures of services and supplies. Limited court closures are needed to manage the large number of furlough days. The above dates were selected to minimize the impact on the public and court staff by spreading out the dates through the fiscal year and court business is generally slower in the middle of the business week and around holidays.

Anyone wishing to comment on this proposed plan may do so, by either regular mail or e-mail, by September 28, 2020. Please direct your response to:

Michael D. Planet, Court Executive Officer
P.O. Box 6489
Ventura, CA 93009-6489
or
closuresresponse@ventura.courts.ca.gov

The San Diego Superior Court has issued several COVID-19 related orders in the month of September. Below are the links to these order:

[September 28, 2020 General Order 092820-92 In Re: Face-Covering and Screening Requirements](#)

[September 9, 2020 General Order 090920-90 In Re: Restricted Public Access](#)

[September 9, 2020 General Order 090920-89 In Re: Prioritization of Jury Trials Due to the COVID-19 Pandemic](#)



NEWS RELEASE

SUPERIOR COURT OF CALIFORNIA • COUNTY OF SAN DIEGO
1045 Office Center Blvd • San Diego, CA 92101-0405

Media Contact:
Bridly Cox, Public Affairs Officer
619-644-2353 | bridly.cox@sdcourts.ca.gov

FOR IMMEDIATE RELEASE

San Diego Superior Court Expands E-Filing Options

September 24, 2020 – Beginning October 1, the Superior Court of California, County of San Diego will now provide additional e-filing service providers for members of the public and attorneys who wish to file Civil and Probate cases with the Court electronically. E-filing saves time by allowing parties to electronically file documents from personal computers, rather than bringing paperwork to the courthouse for processing.

Since 2013, One Legal has been the Superior Court's only e-filing service provider. The Court, in conjunction with One Legal, worked to expand e-filing options for the public and attorneys by including additional e-filing service providers to provide litigants with more filing options.

This new option will be available on the Court's website (sdcourts.ca.gov) on Thursday, October 1, and will be accessible by choosing the link for additional e-filing providers in the Civil and Probate e-filing sections.

Additional information will be posted to the Court's website as it becomes available.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

NEW / REVISED/ REPEALED FORMS

* INDICATES MANDATORY FORM ** FORMS WITH INTERNET CHECKBOX MAY BE FILED BY E-FILE ACCOUNT OR GPO
Forms with "REPEALED" checked may be found at San Diego Superior Court's business office.

| SSDC NO. OR CATEGORY | JUDICIAL COUNCIL NO. | REV. DATE | FORM TITLE | INTERNET | PRINTED |
|----------------------|----------------------|-----------|--|-------------------------------------|-------------------------------------|
| CVJ-408 | | 5-20 | UNLAWFUL DETAINER SUPPLEMENTAL COVER SHEET | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CRM-514 | | 7-20 | COLLABORATIVE COURT PARTICIPANT CONTRACT ADDENDUM | <input type="checkbox"/> | <input type="checkbox"/> |
| JUR-789 | | 5-20 | WHIPP TO FILE JURY/ARBITRATION AND JURY/ARBITRATION CONTRACT INFORMATION | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| JV | JV089* | 5-20 | PROOF OF SERVICE - PETITION FOR ACCESS TO JUVENILE CASE FILE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| JV | JV911* | 5-20 | NOTICE OF PETITION FOR ACCESS TO JUVENILE CASE FILE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| JV | JV 979* | 5-20 | OBJECTION TO RELEASE OF JUVENILE CASE FILE | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| JV | JV420 | 5-20 | NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD TO REVIEW ORDER SETTING A HEARING UNDER WELFARE AND INSTITUTIONS CODE SECTION 159.25 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MO-012 | | 5-20 | REQUEST FOR ARRANGEMENT AND TRIAL ON SAME DATE - INFRACTIONS | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MO-620* | | 5-20 | COURT INFORMATION SHEET - TRAFFIC AND MINOR OFFENSES - CENTRAL | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MO-620* | | 5-20 | COURT APPEARANCE INFORMATION SHEET - TRAFFIC AND MINOR OFFENSES - CENTRAL (FORM 5) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| MO-632 | | 7-20 | MOTION FOR COVINCANCE OF "TEMPTED" CARING | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PKT-002* | | 5-20 | CIVIL HARASSMENT - PETITIONER PACKET | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| PKT-006 | | 5-20 | DOMESTIC VIOLENCE - RESTRAINING ORDER APPLICANT PACKET | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| PKT-021 | | 5-20 | UNLAWFUL DETAINER ANSWER PACKET | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| PKT-022 | | 5-20 | UNLAWFUL DETAINER COMPLAINT PACKET | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| PKT-042 | | 5-20 | CIVIL VIOLENCE RESTRAINING ORDER PETITIONER PACKET | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PKT-043 | | 5-20 | CIVIL VIOLENCE RESTRAINING ORDER RESPONDENT PACKET | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PKT-043 | | 5-20 | CIVIL VIOLENCE RESTRAINING ORDER RESPONDENT PACKET | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PKT-044 | | 5-20 | CIVIL VIOLENCE RESTRAINING ORDER AFTER EX PARTE PACKET | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PR-065 | | 7-20 | CERTIFICATE OF TRUSTEE | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| PK-186 | | 7-20 | CERTIFICATE OF COMPLETION - CONSERVATORSHIP ORIENTATION CLASS | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| UD | UD-100 | 5-20 | COMPLAINT - Unlawful Detainer (INCLUDED IN PKT-022) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| UD | UD-125 | 5-20 | ANSWER - UNLAWFUL DETAINER (INCLUDED IN PKT-021) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Monday, September 21, 2020

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