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California courts expand operations, many allow remote proceedings

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Over the past weeks, state and local authorities across California have begun to loosen shelter-in-place restrictions. The California superior, or trial, courts are similarly expanding their operations. However, each of the 58 superior courts retains authority to establish and maintain its own operations. As a result, procedures vary widely across the state.

Courts are not reopening to the public at the same time, and in the meantime, courts are taking different approaches to remote appearances. Before the shelter-in-place orders took effect, California courts allowed attorneys and litigants to appear by telephone, but only for certain non-evidentiary pre-trial proceedings lasting less than 15 minutes. Now many courts are expanding the use of remote appearances in civil cases, with some even going as far as to allow bench trials to proceed remotely. Where in-person appearances are allowed, many courts are requiring face masks or other coverings, limiting building access, and enforcing other social distancing measures.

Courts also diverge in their handling of civil motions and trials that were originally scheduled to be held during court closures. Some courts are rescheduling motions and providing notice to parties, while others require parties to request new dates affirmatively (and in some cases, to do so within tight deadlines). Depending on the court, trials could be delayed by as little as 60 days or as much as half a year, with correspondingly revised pre-trial deadlines.

Following is a summary of the civil proceedings in select superior courts as of May 19, 2020. Additional procedures are set forth in the emergency orders of each superior court. Emergency proceedings, including requests for temporary restraining orders, may be subject to additional procedures.

Alameda County

The Alameda County Superior Court is closed to the public through May 29, 2020, although limited remote-appearance hearings have been conducted since April 20, 2020. As of May 18, 2020, the court is holding remote hearings for all motions to the extent resources are available, and is accepting reservations for all civil motions. Jury trials are not being held, but bench trials may be conducted remotely. The court is also accepting all filings, including new complaints.

Contra Costa County

All Contra Costa County Superior Court locations will reopen to the public on May 26, 2020, including for jury trials. However, hearings, case management conferences, and informal discovery conferences will be conducted remotely until further notice.

Los Angeles County

All Los Angeles Superior Court locations remained closed for judicial business through June 10, except time-sensitive essential functions. Court hearings will resume on June 22, and the Clerk's Office will open on June 15 to prepare. Civil trials — both jury and bench — scheduled between May 13 and June 10, 2020, will be continued or reset.

Orange County

The Orange County Superior Court will remain closed to the public through May 22, 2020. Hearings in most civil matters will resume the week of June 15, 2020, and matters with hearings set as of March 17, 2020, will be rescheduled approximately 13 weeks from the original hearing date.

Riverside County

The Riverside County Superior Court is closed through May 29, 2020. Most hearings are being continued, and the court will send notice of new hearing dates by mail.

Sacramento County

The Sacramento County Superior Court remains closed to the public. Previously continued hearings will be reset for dates after June 1, 2020, and the court will send notices of new hearing dates and times to parties. Hearing dates for new motions may be reserved. All hearings will be conducted remotely. Civil filings, including new cases, have been accepted since May 6, 2020.

San Diego County

The San Diego Superior Court will reopen on May 26, 2020. As of May 18, 2020, attorneys and litigants may use a scheduling app to schedule status conferences on vacated motions; motions will not be rescheduled unless a status conference is held in the six-week period from June 1, 2020, to July 10, 2020. Case management conferences will be rescheduled for 120 days from the original date, and trials will be rescheduled for 180 days from the original date; the court will send notices to the parties. The court is not currently accepting civil filings, except in certain specified cases.

San Francisco County

The San Francisco Superior Court is providing reduced services through June 1, 2020. In non-complex matters, hearing dates for law and motion and discovery matters have been vacated. For motions filed before March 17, 2020, parties may request a new hearing date. For civil matters that have been designated complex, one judge has vacated hearing dates but requests compliance with previously-set briefing schedules, while another judge is holding hearings telephonically unless specifically vacated. Trial dates have been vacated, and the court will set new trial dates 60 days from the vacated date.

San Mateo County

The San Mateo Superior Court is closed to the public through June 12, 2020. All hearings will be conducted remotely. Tentative rulings for pending motions will be posted and hearing dates scheduled according to specific procedures in Emergency Local Rule 3-102. Electronic filing will be mandatory, rather than permissive, beginning on June 1, 2020. All trials are suspended through June 15, 2020.

In short, everything from the manner of appearance to the ability to schedule a motion varies depending on the court before which a case is pending. Given the differing and rapidly changing orders across California's superior courts, it is important to monitor for updates and seek knowledgeable counsel.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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