



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

March 30, 2020

Action Requested

For Information

To

Administrative Presiding Justices, Clerk
Executive Officers, Presiding Judges, and Court
Executive Officers of the California Courts

Deadline

N/A

From

Hon. Marsha G. Slough
Chair, Judicial Council Executive and Planning
Committee

Contact

Hon. Marsha G. Slough, Chair, Judicial
Council Executive and Planning Committee
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Subject

Advisory Clarifying Temporary Emergency
Measures re: Use of Technology to Aid Courts
During the COVID-19 Pandemic

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Following the Judicial Council meeting held on Saturday, March 28, 2020, we have received questions regarding the use of technology at the courts. This memo serves as additional guidance to assist courts with the selection and implementation of technology solutions in the near term.

Council Action

During its emergency March 28, 2020 business meeting, the Judicial Council unanimously approved the following measures:

- A. Extend specific statutory deadlines until 90 days after the state of emergency related to COVID-19 is lifted, and
- B. Direct the superior courts to:
 1. Make use of available technology, when possible, to conduct judicial proceedings and court operations remotely, in order to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses. This includes the use of video, audio, and telephonic means for remote appearances, reporting, and interpreting in judicial proceedings, the electronic exchange and authentication of documentary evidence, and the use of e-filing and e-service; and
 2. For criminal and juvenile proceedings, including arraignments and preliminary examinations, prioritize use of available technology to meet current statutory time requirements and ensure that defendants are not held in custody, and children are not held in custody or removed from the custody of their parents or guardians, without timely due process of law or in violation of constitutional rights.

Question

Following the Judicial Council meeting, we have received questions regarding the direction in B.1. and B.2. Courts have asked if the Judicial Council approval of temporary emergency measures to aid courts during the COVID-19 pandemic allows courts to implement any technology for any case type.

Guidance

The emergency measures are intended to be temporary in nature and are effective March 28, 2020, for an unspecified short-term timeframe. Therefore, any solutions implemented during that time would need to terminate or comply with policies and laws in effect when the temporary measures expire. Solutions can include various technologies deployed across different case types as courts determine appropriate after careful consideration.

The following considerations are intended to assist courts with selecting and implementing technology solutions during this time:

1. Expanding the use of existing proven technologies already implemented at a court is likely the fastest way to deploy solutions in a secure and reliable fashion.

2. Plan for and estimate ongoing support and maintenance costs before any implementation.
3. Establish a plan for when the temporary measures expire to:
 - a. Terminate the temporary solution, or
 - b. Ensure that it is compliant with policies and laws in effect after expiration of the temporary measures.
4. Work with local justice partners to ensure technology solutions can be incorporated into their business processes.

This is an opportunity for everyone to share ideas and best practices with each other. The Judicial Council's entire management team and staff are focused on supporting you, your judicial officers, and court employees.

Thank you for your tireless efforts during this challenging time and the collaborative spirit that is providing support for all of us.