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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONO

In Re
Order of the Presiding Judge

Special Order 2020-x
Amended Emergency Orders for
Expanded Phase Two and Three

In consideration of the public health crisis due to the outbreak of the Coronavirus (COVID-19) virus, to follow the leadership and direction of our National, State, and local governments, and to mitigate the transmission of the Coronavirus, the Mono County Superior Court will be limiting access to the courthouse in Mammoth Lakes and the courtroom in Bridgeport. The Mono County Public Health Officer issued an Order on March 17, 2020, that prohibits all non-essential public gatherings, regardless of size. The County Health Orders have been amended as safety protocols have been enacted and the public health community has learned more about the transmission of the Covid-19 virus. As of June 11, 2020, the County of Mono is under an Expanded Stage Two (2) of the California Resilience Roadmap safety protocol. This means that many types of businesses may open with certain safety measures in place. Any large gatherings remain prohibited. At this time the court remains open with the following orders in place. Prior Special Orders not consistent with this Order are rescinded or

1 modified to be consistent with this Order. The effective date of this Order is June 15, 2020. If
2 the Mono County Superior Court is required to implement the highest level of restriction to
3 court facilities because of increased transmission of the Covid-19 virus, the Court may be
4 required to close or return to more stringent safety measures.
5

6 Effective June 15, 2020, the court will allow a limited number of persons to appear
7 personally in court, depending on the type of matter before the court, subject to court's safety
8 measures. The policy of this current order is to allow persons to come to court when they
9 believe that their rights to due process, a fair hearing, to protect a constitutional right, or for
10 other specific reasons, warrant appearing in open court. The policy continues to encourage all
11 persons to appear by remote technology pursuant to Emergency Rules adopted by the Judicial
12 Council. The court finds that the court's use of Zoom has been effective and fair, and that
13 remote appearances provide access and due process to all persons who appear in that manner.
14 The court also finds that the use of remote technology provides access to members of the public
15 who wish to observe open court proceedings. There shall be no cost to anyone appearing
16 electronically by Zoom.
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19 **The Mono County Superior Court Phase Two (2) and Three (3) emergency orders:**

20 **Access by remote technology.** The court will authorize, and encourages, telephonic
21 appearances to the fullest extent authorized by Rule 3.670 of the California Rules of Court, and
22 by Zoom appearance as provided by Judicial Council Emergency Rule 3. Unless a party or
23 person requests to appear personally in court, the court will assume that the party or person will
24 appear by remote technology. Instructions on how to sign in to Zoom are on the Mono County
25 Superior Court website and can be provided by contacting a clerk of the court. All calendars
26 shall include instructions on how to sign in to a Zoom court session.
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- 1 a. For all proceedings where testimony is to be heard, that is considered a critical stage
2 of a criminal proceeding (and with the consent of the Defendant), or matters where a
3 personal appearance is required pursuant to Rule of Court 3.670(e) (unless
4 permission granted pursuant to Rule 3.670), any person appearing by Zoom shall
5 appear by both video and audio when their matter is being heard and when they are
6 speaking. The background and Zoom appearance shall be consistent with decorum
7 appropriate to judicial proceedings and not be distracting to other participants.
8 Participants shall make sure that there are no distractions by noise, other persons,
9 pets, etc.
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12 b. Any documents to be considered, reviewed, filed, entered into the record, or marked
13 for admission as evidence, shall be electronically transmitted to the court (for filing
14 or lodging) and all parties prior to the matter being called. The parties shall contact
15 the Clerk of the Court for instructions.
16
17 c. Any party requiring an interpreter shall notify the Clerk of the Court at least five (5)
18 court days prior to the hearing.
19
20 d. Any party requiring special accommodation for access shall contact the Clerk of the
21 Court as soon as possible, and at least (5) court days prior to the hearing.
22
23 e. The judge presiding over a matter being conducted by remote technology shall have
24 the discretion to discontinue the hearing if the judge finds that the remote technology
25 is not working properly, or is not providing sufficient access and due process to the
26 parties. Any such matter will be continued to a future date.

27 2. **Procedures for appearing personally in court.**
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1 Any party may request to appear personally in court on any manner, subject to the
2 following procedures and safety protocols:

3 **General Rules**

- 4
- 5 a. All persons entering a courthouse building in Mono County will be subject to
6 screening by the court security officers. The screening will follow protocols
7 established by Mammoth Hospital as much as possible. These protocols may
8 include, and are not limited to, responding to questions concerning health related to
9 symptoms and exposure to the Covid-19 virus, temperature screening, and visual
10 observation. Any person who is determined to be suffering symptoms of the
11 coronavirus will be refused entry and encouraged to seek medical examination.
12 Please use common sense and exercise basic civic responsibility. If you are ill, stay
13 at home. Contact the Clerk of the Court for a new hearing date. A person who is
14 denied entry or cannot make a court appearance will have this fact placed on the
15 record and this will presumptively be good cause for a continuance of the matter.
16
- 17 b. All persons who are authorized entry into the courthouse shall comply with existing
18 public health orders, specifically including wearing a mask at all times and
19 exercising social distance of a minimum of six feet away from another person where
20 feasible. Family members, counsel and clients, persons entering the courtroom, may
21 be closer than six feet when necessary to perform an essential function. Any person
22 who cannot wear a mask for a health condition shall seek prior approval for entry.
23
- 24 c. Persons allowed into a courtroom shall comply with social distancing measures as
25 directed by court security staff or the clerks. Available seats will be marked. No
26 person shall enter the well of the courtroom without express permission. No person
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1 shall approach a clerk, court staff, court security officer, or another person in the
2 court for any reason without express permission of the judge presiding over the
3 matter. Masks must be worn by all persons at all times unless excused by the judge
4 presiding over the matter.
5

6 d. The number of persons who will be allowed entry into a courtroom for any
7 proceeding will be consistent with local Public Health Directives or guidance, unless
8 a specific exemption is granted by the judge presiding over the proceeding. Matters
9 where personal appearances will occur will be calendared to allow a period of time
10 between matters to allow for the complete exit of persons from one proceeding and
11 entry of persons for the next proceeding, and to allow cleaning of the courtroom.
12

13 e. All documents or exhibits must be sufficiently sanitized or placed in quarantine
14 before they will be handled by a clerk or admitted into evidence. Parties shall
15 transmit written documents electronically to the clerk prior to any hearing. The
16 clerk will then print them and have them available for filing, lodging, or admitting
17 into evidence.
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19 **Criminal Proceedings**

20 a. In all criminal matters where a personal appearance is required, a defendant may
21 appear remotely as provided by Emergency Rule 5. If a defendant does not consent
22 to appear by remote appearance, counsel for the defendant, or a self-represented
23 defendant, shall notify the court that a personal appearance is requested. Counsel for
24 the defendant, or a self-represented defendant, shall promptly notify the court of the
25 number of persons (witnesses, family members, etc.) that they will request appear in
26 person before the court at the time of the proceeding.
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- 1 b. Counsel for both the People and the Defense of any person shall appear by telephone
2 or Zoom meeting if at all possible. The court encourages that attorneys for the
3 People and Defense to arrange to have one attorney specially appear for all other
4 attorneys.
5
- 6 c. Effective immediately, any defendant who is ordered to appear in a misdemeanor
7 case on calendar between June 15, 2020, and September 30, 2020, may comply with
8 the order by making a remote appearance unless specifically ordered to personally
9 appear by the court. Counsel can appear as described above pursuant to Penal Code
10 Section 977.
11
- 12 d. The court will accept Penal Code Section 977 written waivers issued out of court for
13 any person charged with a felony who is released on bond or on his or her own
14 recognizance for matters on calendar between June 15, 2020, and September 30,
15 2020. Counsel can appear as described above pursuant to Penal Code Section 977.
16 Appearance by counsel for this purpose will constitute good cause for any the
17 nonappearance of any person ordered to appear.
18
- 19 e. No criminal jury trials will be set until after September 1, 2020. Criminal court
20 trials, including traffic and infraction matters, may be set for personal appearance
21 trials commencing July 1, 2020, at the discretion of the trial court judge.
22
- 23 f. Effective immediately, all remand orders for any person sentenced to time in custody
24 or ordered to remand as a condition of probation, community supervision, to serve
25 time in lieu of a fine, or for any other reason, are hereby temporarily vacated.
26 Matters with remand orders will be calendared at a future date and new remand
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1 orders will be made. Persons with remand orders may contact their attorney or the
2 Clerk of the Court by telephone or email for further instructions.

- 3
4 g. Probationers shall not be arrested and brought to the Mono County Jail without prior
5 discussion and approval of the District Attorney's Office, and only if the underlying
6 offense is an offense with a presumptive bail amount or a "no bail" order. All flash
7 incarceration orders remain suspended until further order of the court.
- 8
9 h. The court, in consultation with the Mono County Sheriff and the Mono County
10 District Attorney, will take all necessary action to limit the entry of persons into the
11 custody of the Mono County Jail.

12 **Civil Proceedings**

- 13 a. In all civil matters where a personal appearance is required, parties may appear
14 remotely as provided by Emergency Rule 3, and as set forth above. If any party
15 does not consent to appear by remote appearance, counsel for a party, or a self-
16 represented litigant, shall notify the court that a personal appearance is requested.
17
18 Counsel for the defendant, or a self-represented defendant, shall promptly notify
19 the court of the number of persons (witnesses, family members, etc.) that they
20 will request appear in person before the court at the time of the proceeding. A
21 party, or the Clerk of the Court, will then set the matter for a trial or hearing
22 setting conference.
23
- 24 b. At a trial or hearing setting conference, the parties must advise the court of the
25 number of witnesses they intend on calling and a time estimate for the hearing or
26 trial. The court will determine if the matter is a short-cause or long-cause matter.
27
28 The matter will then be calendared appropriately. Short-cause matters are

1 matters that will take one hour or less. Long-cause matters are matters that will
2 take more than one hour.

3 **Small Claims Proceedings**

4 Small Claims trials may be conducted by remote technology if consented to by the
5 parties. Small Claims matters that need to be conducted with the parties personally
6 present shall not be calendared until after August 1, 2020.

7 **Self-Help Center and Family Law Facilitator**

8 The Mono County Self-Help terminals remain closed until further notice. Please
9 contact the Family Law Facilitator for assistance and instructions on how to proceed.


10 **Court Reporters and Interpreters**

11 The court will allow the independent court reporters and interpreters under contract
12 with the court to report remotely if they are able to accurately report the proceedings
13 by using remote technology. This accommodation will continue as long as
14 Emergency Rule 3 remains in effect, or until further order of the court.

15 This order shall be in effect until 60 days after the Governor of the State of California
16 has vacated the emergency shelter-in-place orders and/or when the Mono County Public Health
17 Officer has determined that the County of Mono is in Phase Four, or until further order of the
18 court.

19 IT IS SO ORDERED.

20 Dated: June 12, 2020

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22 _____
23 Mark Magit
24 Presiding Judge of the Superior Court