

FILED
JAN 08 2021
FRESNO COUNTY SUPERIOR COURT
By _____ DEPUTY

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

ADMINISTRATIVE ORDER REDUCING) GENERAL ORDER
COURT OPERATIONS DUE TO COVID-))
19 REGIONAL STAY-AT-HOME ORDER))
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Due to the health concern presented by the surge in novel coronavirus cases in Fresno County, and the Regional Stay-at-Home Order announced by Governor Newsom made effective Sunday, December 6, 2020 by the Fresno County Public Health Department and other health departments in the San Joaquin Valley Region, and the Governor's December 29, 2020 extension of that order, the Court orders court operations proceed as described below:

1. IN-CUSTODY MISDEMEANOR, FELONY, AND VIOLATION OF SUPERVISION HEARINGS

The Court will hear in-custody (misdemeanor, felony, and violation of supervision) criminal cases. All parties are encouraged to attend hearings via Zoom. Counsel is strongly encouraged to obtain a waiver of the defendant's personal appearance, pursuant to Penal Code § 977 (977 waiver).

1 2. OUT OF CUSTODY FELONY AND MISDEMEANOR ARRAIGNMENT AND
2 VIOLATION OF SUPERVISION HEARINGS

3 The Court hereby finds good cause to continue felony and
4 misdemeanor out-of-custody defendant arraignment hearings and
5 violation of supervision arraignment hearings, including
6 probation, Mandatory, Post Release Community, and Parole
7 supervision, where an attorney has not yet made an appearance.

8 If an out of custody defendant fails to appear as ordered or
9 cited, an arrest warrant will issue for the defendant. If an out
10 of custody defendant is not represented by an attorney in the case
11 set for a hearing, the defendant will receive a new court date
12 when he or she appears as ordered or cited and signs a promise to
13 appear form. The time of any new appearance date will 8:30 a.m.

14 A defendant who has a private or public attorney should
15 contact the attorney's office *before the court date*. The attorney
16 may be able to appear on the defendant's behalf. Counsel is
17 encouraged to appear on behalf of the client, using the 977
18 waiver. If the defendant appears at the Main Courthouse, the
19 matter will be addressed by court personnel and the defendant will
20 be advised to contact their attorney immediately.

21 3. OTHER FELONY HEARINGS

22 All other cases will proceed as currently set, utilizing
23 remote hearing processes already in place. All attorneys are
24 encouraged to obtain a waiver of defendant's personal appearance
25 pursuant to Penal Code, § 977.

26 4. OTHER MISDEMEANOR HEARINGS

27 All other cases, other than jury trials, will proceed as
28 currently set, utilizing remote hearing processes already in

1 place. All attorneys are encouraged to utilize the waiver of
2 defendant's personal appearance pursuant to Penal Code, § 977.

3 5. TRAFFIC

4 The Traffic Division will continue current operations. Zoom
5 appearances are available for arraignment and court trials and are
6 strongly encouraged. Personal appearances in Court are
7 discouraged.

8 6. JUVENILE DELINQUENCY

9 Juvenile Delinquency proceedings will continue to be heard
10 pursuant to Juvenile Justice Court procedures in light of the
11 current California Rules of Court, Emergency Rules 3 and 7.

12 7. JUVENILE DEPENDENCY

13 Juvenile Dependency will continue to hear all cases, in light
14 of the current California Rules of Court, Emergency Rules 3 and
15 6. All parties are encouraged to utilize Zoom.

16 8. FAMILY LAW

17 All Family Law and Family Law DCSS matters will continue to
18 be heard as scheduled, with the following exceptions:

19 All trials/long cause contested hearings may be continued on
20 a case-by-case basis. If continued, the hearing will be
21 rescheduled to a trial setting date in the department of origin.
22 Notices will be sent.

23 Courtroom appearances are limited to attorneys and parties on
24 the case. In departments utilizing Zoom, attorneys and self-
25 represented litigants are strongly encouraged to appear remotely
26 whenever possible (unless ordered to be present), however, in-
27 person appearances are still allowed.

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1 Attorneys and self-represented litigants are strongly
2 encouraged to appear via CourtCall for Case Management Conferences
3 in Department 202 on Tuesday and Wednesday mornings, and for
4 Settlement Conferences in Department 202 on Tuesday and Wednesday
5 afternoons, however, in-person appearances are still allowed.

6 Please refer to Notification Regarding Family Law Cases and
7 Notification Regarding Family Law DCSS Cases on the Court's
8 website, effective August 1, 2020.

9 **9. CIVIL UNLIMITED**

10 All civil unlimited mandatory settlement conferences, trial
11 readiness hearings, and jury trials scheduled to occur from
12 Monday, January 11, 2021, through Friday, February 12, 2021,
13 inclusive, will be rescheduled to occur on later dates in 2021 and
14 2022 with the exception of the re-scheduled Trial Setting
15 Conferences set for 9:00 a.m. in Department 503 on Tuesday,
16 January 12, 2021. Appearance by CourtCall is strongly encouraged.
17 The new settlement conference, trial readiness, and trial dates
18 will be assigned at that time based upon a case-by-case
19 assessment.

20 For the month of January 2021 through February 12, 2021,
21 civil unlimited law and motion will be heard as follows:

22 Monday - No matters

23 Tuesday - Dept. 403 @ 9:00 a.m. or 1:30 p.m.

(Judge Culver Kapetan)

25 Wednesday - Dept. 501 @ 9:00 a.m. or 1:30 p.m.

(Judge Tharpe)

27 Thursday - Dept. 502 @ 9:00 a.m. or 1:30 p.m.

(Judge McGuire)

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Friday - Dept. 503 @ 9:00 a.m. or 1:30 p.m.

(Judge Gaab)

Notices will be sent with the new hearing dates and times for cases affected by the changes in the schedule.

10. CIVIL LIMITED/SMALL CLAIMS

All small claims matters scheduled in Dept. 402 to be heard through February 12, 2021, will be rescheduled to be heard on later dates in 2021. Notices will be sent with the new hearing dates and times.

11. PROBATE

All Probate matters will continue to be heard as scheduled, with the following exception:

Court trials may be continued on a case by case basis.

THIS ORDER IS EFFECTIVE JANUARY 11, 2021, AND WILL REMAIN IN EFFECT UNTIL FURTHER NOTICE.

DATED this 8th day of January, 2021.

ARLAN L. HARRELL
PRESIDING JUDGE OF THE SUPERIOR COURT