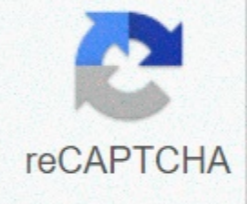




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## Contra costa county superior court open access

California Supreme Court Justice Tani Cantil-Sakauye addresses lawmakers in his annual court on April 10, 2015 in California, California. (Penne Soltysik, California's Attorney General) (CN) - While some courts have made progress in preserving access to litigation during the coronavirus pandemic, First Amendment advocates say others are still withholding records and shutting the press and the public out of hearings. Three chapters of the ACLU, legal nonprofit Public Justice, and the First Amendment Coalition on Monday sent a letter to California Supreme Court Justice Tani Cantil-Sakauye, requesting that the legal counsel she directs to ensure that the courts do not unconstitutionally prohibit the public from either the physical or virtual courthouse. We understand the challenges facing California courts in the midst of a global pandemic. We have no doubt that restricting access in accordance with best practices for social distancing and expanding external hearings is the right thing to do. But failures by some courts to prevent secret negotiations and extended delays in the availability of records have resulted in serious, ongoing constitutional violations, the letter reads. We fear that without the direction and support of the legal counsel of all superior courts, the public's First Amendment rights will continue to be irreparably damaged, and that these harms will fall disproportionately on low-income people of color who are overrepresented in our criminal justice system. Some don't seem to be aware or aware of the public's right to access at all, while others acted quickly to provide not only audio but video access. First Amendment Coalition Executive Director David Snyder said in a phone interview Monday. He praised Orange County Superior Court and Sacramento County Superior Court for moving to videoarraignments on YouTube relatively quickly. In other cases, it took months for the courts to become fully aware of this issue and try to resolve it, he said. Since March, these groups and others have pushed for courts whose doors have closed because of Covid-19 to continue holding open hearings by phone or video. It's a problem that has persisted for three months now, as the groups' research into public access around the state reveals. Alameda County held a closed hearing in April in a high-profile criminal case that should have been public. Records in the case were also withheld from the press, and a gag order prevented journalists from talking to any of the lawyers involved to learn what had happened. This is a good example of what secret cases can happen when the courts are not focused on this issue, Snyder said. In many cases, relatively routine criminal cases have occurred, but there is no easy way to confirm that they happened, much less if the public or press had any ability to see or hear Takes place. In Contra Costa County, a grandmother was allegedly refused permission by the presiding judge to attend the grandson's preliminary hearing. The First Amendment Coalition says their representatives were also turned away from Santa Clara Superior Court as they tried to observe criminal and civil hearings. No alternative access was granted in any of the cases. When the judiciary did not respond to the FAC's letter in March, the group began reaching out to individual courts. Multi-letter exchanges between the First Amendment Coalition and judges in Alameda, Contra Costa, and Santa Clara courts yielded some positive results. In Santa Clara, for example, the court opened phone lines for criminal and civil cases in response to several of the FAC's letters. But Snyder said the FAC realized it had to take a statewide approach. It became clear that this problem is much bigger than a handful of courthouses, he said. There has been progress, there have been courts that have listened to our concerns and have been tending to them properly, but the problem is much wider. The only way this is going to be resolved in a way that is consistent across the state is for the Legal Council to take a leadership role and provide guidance to the courts that the rights of the press and the public to testify trials are observed and enforced. Monday's letter to the attorney general also says the courts have restricted the public from watching the negotiations online. For example, the San Mateo Superior Court requires members of the public to apply one day in advance to receive listening instructions. Similarly, the Marin County Superior Court limits the number of people who access external negotiations and requires an application one day in advance. Both cited judicial infrastructure as reasons for the limits, the letter states. Journalists have also complained about having to pay average hourly rates to listen to hearings remotely via teleconference services such as CourtCall. To be clear: We do not claim that there was or is no public access to the above courts. In fact, we are aware of important improvements made in several of the above-referred courts, the letter reads. The above specific problems, however, illustrate a larger trend of secrecy and barriers to access throughout California's legal system —barriers that have thwarted and continue to prevent even experienced users of the courts and specific relatives of the criminal accused. The letter also lists courts in Calaveras, Fresno, Kern, Lake, San Benito, San Bernardino, San Joaquin and Tuolumne counties whose emergency restraining orders have restricted public access. At a minimum, public matters should be available through a free public telephone line that can be used by anyone, the groups say. Their letter asks that the council take concrete measures to ensure that California Superior Courts provide meaningful public access to case management and records, by requesting that each court confirm that the public has access either physically or remotely to all litigation or hearings that would normally be public. It also asks the council to respond by March 22. The Judicial Council is responsible for ensuring that the judicial administration across the state is consistent and accessible. And it's clear that the lack of public access to the court has become a statewide issue, Kathleen Guneratne, senior staff attorney at the ACLU's Northern California chapter, said in an email. Access to open courts is a pillar of a free society, she said. One of the things that sets us apart from a police state, after all, is that we retain our commitment to the rule of law during an emergency. But this morning we learned of a member of the public who turned away from his loved one's court proceedings in Kern County, without the possibility of remote access. That this continues to happen after the spokesman we have made is extremely problematic and warrants immediate action. IF YOU'RE SICK, DON'T COME TO COURT. NO ONE WHO IS ILL OR WHO SHOWS COVID-19 SYMPTOMS WILL BE ALLOWED TO ENTER ANY LEGAL FACILITY. YOU MUST WEAR A MASK OR FACE COVER TO GET INTO ANY LEGAL SYSTEM AND AT ANY TIME WHILE YOU ARE INSIDE. ANYONE WHO ENTERS A COURT WILL HAVE THEIR TEMPERATURE TAKEN. IF YOU HAVE A TEMPERATURE OF 100 DEGREES OR HIGHER, YOU WILL BE DENIED ENTRY FOR THAT DAY. PLEASE EXPECT LONG QUEUES AND LONG WAIT TIMES. THE COURT WILL FOLLOW SOCIAL DISTANCING REQUIREMENTS AND BUILDING ACCESS WILL BE LIMITED. PLEASE FOLLOW ALL CHARACTERS. YOUR PATIENCE IS APPRECIATED. CLERK OFFICES ARE OPEN 08:00 . M 14:00 . M, WITH TELEPHONE HOURS FROM 10: . M 00 TO 14:00 . M 0, UNTIL FURTHER NOTICE. MARTINEZ COURT RECORDS OFFICE REMAINS CLOSED. SEE BELOW FOR INFORMATION ABOUT MAIL ACCESS. READ THE REST OF THIS RELEASE FOR INFORMATION ABOUT SPECIFIC OPERATIONS. Inputs and outputs. All buildings will operate a single entry/starting point. Please follow all signs carefully. The Court Street entrance to the Wakefield Taylor building in Martinez will not be open; use only the Main Street entrance. Non-essential parties. Due to restrictions on social distancing, persons who are essential to the court's cases should not follow the parties in the court for any case or type of case. DropBox filings. Drop boxes will still be available from 9 A.M. - 3 P.M. (one hour after office closure). Because the secretary's offices will experience high demand and significant waiting times, the court encourages you to submit items of dropbox. Items placed in the dropbox before 3 pm .m will be file stamped that day. Dropbox locations are: Civil: Main Street entrance to Wakefield Taylor Courthouse in Martinez. Criminal: Main entrance to wakefield taylor courthouse in Martinez. Family: The main entrance to the family court building in Martinez. Juvenile: The main entrance to the Walnut Creek Courthouse. Probate: Main Street entrance to Wakefield Taylor Courthouse in Martinez. Pittsburg and Richmond courthouses: These drop boxes are only available for submissions in case types heard in these locations. Jury service. Jury service resumes. Rest assured that we are working with the county health department to ensure your safety. Those who are summoned must follow the rules above for access to the Court, including the use of masks. To comply with social distancing requirements, jurors will be called in two-hour blocks. See the jury's summons for dial-in information. No more than 50 jurors will be present in a jury room at all times. If you are ill, show COVID-19 symptoms, or are a high-risk person (e.g. over 60 years of age, immunocompromised, etc.), the Court will excuse you from service by evidence. Call 925-608-1000 and follow the instructions for jury services. Local emergency rules. All local emergency rules still apply unless otherwise stated or replaced by the effect of the court's reopening. Rules are available Filing Holidays. On May 26, 2020, the court is open for submission. Submission holidays under this court's implementation orders and/or emergency local rules expire as of the court's reopening. The rule of law for hearing and/or orders from the Supreme Court, which are available on the court's website, may further extend the filing holiday in certain cases. Review these carefully. Records. The Court Records office in Martinez remains closed. The Court will only accept archive requests and background checks requests via dropbox or mail, subject to all legal confidentiality exemptions. Do not wait in line or come to a clerk's window with a post request. Request forms can be downloaded from the relevant website to Court Documents: Specific cases of restraining orders. The court continues to accept applications for domestic violence, civil harassment and gun violence restraining orders. For civil restraining orders, please read civil preparedness local rules. For domestic violence bans and emergency protection orders, please read the family's local rules. Traffic. The court is in the process of rescheduling all traffic cases and you will receive a notification of new dates. Read the notification carefully: The location of your case may differ from the original notification. All traffic cases have been granted a 120-day extension which also applies to payment deadlines as well as deadlines for traffic school and completion of community services. Small requirements. The court will schedule all small claims cases and give notice of new dates. Read the alert carefully: your case may differ from the original notice. Illegal prisoner. The Court of Justice's emergency rules prohibit the court from issuing a summons for any new unlawful arrest complaints, with limited exceptions for urgent public health and safety issues. For cases involving violence, threats of violence and/or health and safety issues, parties should provide documents with the submission, such as a statement under oath, of facts that support urgency on these grounds. Civil Limited and Unlimited. Hearings and submissions will continue under civil preparedness local rules. Hearings from May 18, 2020 to May 27, 2020, will go ahead on fully oriented cases. As of May 28, 2020, it must be submitted under normal statutory timeframes even if it requires submission during the closing period. Please review local civil emergency rules for more information. The judicial petition process in the civil law rules will be used for all hearings until further notice. Don't come to court for your hearings. Review complex local emergency rules for procedures for complex cases. Probate. All cases should be submitted via dropbox. Probate File Examiner Office will not be open to accept ex parte submissions until further notice. Please review local probate for information on hearings and the use of external technology. The probate department will provide additional guidance separately. Criminal virtual and emergency courtrooms. These courtrooms will close as of May 26, 2020, except by the written determination of the parties approved by the presiding judge. See the full alert here. First Legal, your premier litigation support provider. Vendor.