



# Superior Court of California County of Orange

Chambers of  
**KIRK H. NAKAMURA**  
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST  
SANTA ANA, CA 92701

## ADMINISTRATIVE ORDER NO. 20/18

### TEMPORARY PROCEDURE TO ESTABLISH GOOD CAUSE TO CONDUCT CIVIL AND PROBATE JURY TRIALS UPON REOPENING DURING PANDEMIC

This order establishes a procedure for determining priority for jury trials among noncriminal case types to ensure the orderly administration of justice, provide adequate personnel, facilities, and resources, and protect the health and safety of court users and court personnel.

The combined impacts of the COVID-19 pandemic, social distancing measures, and court closure, have significantly impacted the Court's capacity to conduct jury trials. The lengthy shutdown and continuing impact of the Covid-19 pandemic have left the Court with a backlog of over 1,000 last-day criminal jury trials and a limited jury pool to address the backlog. Social distancing requirements imposed by State and Local authorities have further impacted the Court's ability to provide sufficient facilities to address this backlog. Extraordinary measures must be undertaken to timely process the backlog. Criminal trials have priority when jury trials resume. (See Pen. Code, § 1050, subd. (a).) But in the interests of justice, jury trials in noncriminal case types may be permitted to proceed. (See Code Civ. Proc., § 36, subd. (e); *People v. Engram* (2010) 50 Cal.4th 1131, 1152; *People v. McFarland* (1962) 209 Cal.App.2d 772, 777.)

For the next 90 days, good cause is required for civil, probate and mental health jury trials to commence. The assigned trial judge shall make the initial determination whether there is good cause for a jury trial to resume or commence in a limited civil, unlimited civil, probate, or mental health proceeding. Upon making the determination of good cause, the trial judge shall communicate to the Presiding Judge the facts for and against the determination of priority over criminal and other civil matters. The trial judge shall include facts for and against a finding of good cause, including but not limited to the estimated length of jury trial, the courtroom capacity to support proceedings, the possible need for additional court space, the number of individuals required to attend trial -- including jurors, counsel and parties, and any other relevant information.

The Presiding Judge will consider the information presented and determine whether good cause exists to conduct a civil or probate jury trial, and in what priority order. Priority of jury trials in civil, probate, and mental health cases will be established based on an assessment of the following criteria:

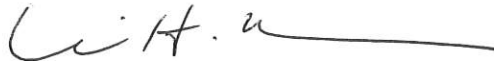
- The Constitutional and statutory preference governing specific case types;
- The urgency of the matters pending before the Court;
- The number of jurors available;
- The staffing resources available;

June 9, 2020

- The physical facility resources available;
- The Court's ability to meet constitutional and statutory standards;
- The Court's ability to comply with health and safety standards; and
- The interests of justice.

This procedure is effective immediately and shall remain in effect for 90 days from its effective date. This relief is temporary, intended to address the current COVID-19 pandemic as it poses a challenge to jury trials.

IT IS SO ORDERED this 9<sup>th</sup> day of June 2020, at Santa Ana, California.



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Kirk H. Nakamura  
Presiding Judge