



Chambers of
ERICK L. LARSH
ACTING PRESIDING JUDGE

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE, WEST
DEPARTMENT C1
SANTA ANA, CALIFORNIA 92701

Administrative Order No. 19/07

GENERAL ORDER RE: EXPRESSIVE ACTIVITY ON COURT GROUNDS

The purpose and intent of this General Order is to ensure the safe and orderly use of court facilities; to minimize activities which unreasonably disrupt, interrupt, or interfere with the orderly and peaceable conduct of court business in a neutral forum, free from actual or perceived partiality or prejudice; to provide for the fair and orderly conduct of hearings and trials; to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities; and to maintain proper judicial decorum. The Court further issues this General Order to facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution, or harassment that may be directed at court users, including but not limited to those court users seeking ingress to or egress from court facilities. This Order regulates conduct and activities occurring in and around court facilities without regard to the content of any particular message, idea, or form of speech.

The inside of a courthouse, including the lobby, hallways and courtrooms, is a nonpublic forum. (*Berner v. Delahanty* (1st Cir. 1997) 129 F.3d 20, 26; *Huminski v. Corsones* (2d Cir. 2004) 396 F.3d 53, 91.) "The doorways and exterior walkways that provide ingress to and egress from the courthouse are also considered a nonpublic forum." (*Comfort v. MacLaughlin* (C.D. Cal. 2006) 473 F.Supp.2d 1026, 1028-1029; see also *United States v. Kokinda* (1990) 497 U.S. 720, 727-728.) The grounds adjacent to the court are also a nonpublic forum (*Hodge v. Talkin* (2015) 799 F.3d 1145; *Cox v. State of Louisiana* (1965) 379 U.S. 559, 562.)

I. Demonstrations, Distributions, Solicitation and Other Expressive Activity

A. The following definitions apply to this Order.

1. "Prohibited Activity" means the acts of demonstrating, picketing, parading, proselytizing or preaching, distributing literature or other materials to the general public, soliciting sales, donations, registration, or membership, engaging in commercial activity unless otherwise authorized by this Order or the Court, or engaging in oral or demonstrative protest, education, or counseling. "Prohibited

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Activity” shall also mean displaying a flag, banner, or other item designed or adapted to bring public notice to a party, organization, point of view, or movement.

2. "Walkway" shall mean (a) the area of any corridor or sidewalk, or other path of pedestrian movement, directly from the edge of the public sidewalk nearest an entrance to any building containing a courtroom to that entrance; (b) the area of any corridor or sidewalk leading directly from any parking lot within a curtilage to an entrance to any building containing a courtroom.
3. "Courtroom" includes any space designated for judicial proceedings, whether permanently or temporarily, with the exception of the courtroom located at 550 N. Flower St., Santa Ana, California 92703 (CJ1).
4. "Courthouse" shall mean any building containing at least one courtroom, with the exception of the courtroom located at 550 N. Flower St., Santa Ana, California 92703 (CJ1).
5. "Court Property" shall mean the real property at the site of a courthouse that is the subject of a transfer or deferred transfer agreement between the Judicial Council of California and the County of Orange.
6. "Curtilage" shall mean the area between any courthouse or court property and the nearest edge of the public walkway surrounding the building. It includes the grounds and lawns of the courthouses, and begins at the physical and symbolic entryways and walkways into the courthouse.

B. Prohibitions.

Pursuant to the explicit authority granted by Code of Civil Procedure sections 128, 187, and 177, the Court's inherent powers, and case law, the Court hereby orders the following:

1. No person shall engage in any prohibited activity on court property.
2. Except for the Lamoreaux Justice Center as detailed in paragraph 2(a) below, no person shall engage in any prohibited activity within the curtilage of a courthouse.
 - a. No person shall engage in any prohibited activity in the walkway to, or within 80 feet from either side of, or in front of, the doorway of the Lamoreaux Justice Center.
3. No person shall obstruct, harass, impede or interfere with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.
4. No person shall engage in any prohibited activity in or near a courthouse with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of his or her duty.

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5. No person shall use amplification equipment to engage in prohibited activity in a manner that interferes with the orderly administration of justice, or harasses or interferes with persons inside a courthouse, with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.
6. No person shall publish, post, or distribute any written material on court property other than written material relating to official court business published, posted, or distributed by duly authorized court personnel.

C. Exclusions.

1. This Order shall not apply to authorized court personnel or law enforcement officers in the performance of their official duties.
2. Sections I(B)(1), (2), and (3) shall not apply to persons engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity (including but not limited to the sale of newspapers, reading materials, sundries, or food) expressly authorized by a written use permit, license, or agreement from the County, the Court, the Judicial Council, or other owner of a building containing a courtroom authorizing that activity in a specific space not dedicated to court functions.
3. This Order shall not apply to the following:
 - a. Media and other requests to photograph, record, film, or tape courtroom proceedings which are governed by California Rules of Court, rule 1.150 and Local Rule 180;
 - b. Court-sponsored or cosponsored activities or events relating to the administration of justice;
 - c. Permitted uses by judicial officers or court employees.

D. Severability Clause.

If any provision of this Order or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Order and the application of such provision to other persons and circumstances shall not be affected thereby.

II. Compliance with Law Enforcement.

While on or in the premises of any Courthouse, all persons are ordered to comply with the lawful requests, directions and orders of any law enforcement officers and their agents in the performance of their duties.

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III. Posting and Service of Order.

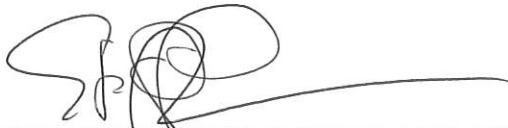
This Order shall be posted at each public entrance to a Courthouse and at such other places that will reasonably provide notice of this Order to persons entering such courthouse. The Sheriff of Orange County and his or her deputies and their agents are directed to serve a copy of this Order personally on any person who appears to be in violation thereof, or to advise such person of the apparent violation, and, if the apparent violation continues after such notice, to take appropriate action. This Order shall not preclude any law enforcement officer from taking appropriate steps to ensure the orderly and peaceable conduct of court business at a courthouse.

IV. Penalties.

Violation of this Order may result in the imposition of monetary sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5; a finding of contempt pursuant to Code of Civil Procedure section 1209; and/or prosecution for criminal violations of Penal Code sections 166(a)(3, 4, or 5), 407, 409, or 647c.

IT IS SO ORDERED.

Dated this 3rd day of September 2019.

A handwritten signature in black ink, appearing to read 'ERICK L. LARSH', written over a horizontal line.

ERICK L. LARSH
ACTING PRESIDING JUDGE