

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF MERCED

3
4 GENERAL ORDER RE: COURTHOUSE ACCESS AND COVID-19
5 MITIGATION
6 #2022-05 Amended
7

8 This Court has previously issued Standing Order #2020-04 and thirty-seven
9 General Orders pursuant to Government Code section 68115 limiting the services
10 provided by this court during the State of Emergency declared by the Governor in
11 response to the COVID-19 pandemic.

12 Effective May 2, 2022, this court is modifying access to the courthouses for
13 in person services. Accordingly, this order authorizes the nature of the services
14 being resumed, the rules in effect for court facilities during this period of
15 additional resumption of services and clarifies the status of the previously issued
16 orders.

17 Remote appearances are encouraged and may be required in some
18 proceedings. All courtrooms are open for in person courtroom observations.

19 This Court HEREBY FINDS AS FOLLOWS:

- 20 1. The remote hearings provided by the Merced Superior Court since March
21 23, 2020, are the fully functional equivalent of live in-court hearings.
22 While they do not proceed as quickly as live in-court hearings, the sound
23 quality and video picture quality are as good as or better than available to
24 a person participating in a live in-court hearing. In all hearings
25 conducted, the judicial officer has been able to understand the testimony
26 and fully evaluate the demeanor of each speaker, unless the speaker
27 appears by telephone.
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- 1 2. Just as in a live hearing, there are times where a participant fails to speak
2 into their microphone and must be prompted to repeat what they said;
3 there are occasions where participants forget to unmute their connection
4 or do not speak clearly and must be prompted to repeat their statements.
5 While a connection has occasionally failed during a hearing, such failure
6 usually comes to the immediate attention of the courtroom clerk
7 controlling the video conference, and the hearing is paused until a new
8 and satisfactory connection can be made.
- 9 3. When an interpreter is required, the hearing proceeds more slowly
10 because the interpreter must proceed with sequential rather than
11 simultaneous interpretation, but the quality of interpretation is as good or
12 better than the use of simultaneous interpretation during a live in-court
13 hearing.
- 14 4. When a participant and their attorney need to conduct a private
15 conversation, the court has developed several processes for
16 accommodating that need.
- 17 5. Remote hearings also preserve the right of the public to observe court
18 proceedings as certain non-confidential remote hearings are being
19 streamed by the Merced Superior Court to the public via a livestream.
- 20 6. The remote hearings have been so successful that there have been
21 inquiries from justice partners, including criminal defense counsel and
22 civil counsel, requesting that the option to provide remote hearings in lieu
23 of in-court hearings continue after the state of emergency is over.
- 24 7. This court concludes that the remote hearings conducted by the Merced
25 Superior Court since March 23, 2020, have fully accommodated the
26 rights of all the participating parties and constitute the fully functional
27 equivalent of live in-court hearings.
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1 **Entrance to Courthouse Buildings:**

- 2 1. Individuals who enter the court facilities shall advise the entrance
3 screening personnel that if at present time, or in the last 10 days, they
4 have tested positive for COVID-19, or have been ill with flu-like
5 symptoms or symptoms consistent with COVID-19. These individuals
6 will not be admitted into the facility. Individuals who are denied entry
7 and are appearing in a matter before the court, must contact their
8 attorney, the subpoenaing party, or the clerk’s office to arrange for their
9 matters to be continued
- 10 2. Individuals admitted to the courthouse are encouraged to wear a face
11 covering, observe social distancing, avoid contact with other individuals,
12 and avoid standing, walking, or sitting within six feet of another
13 individual whenever possible.
- 14 3. Screening personnel shall have the discretion to refuse to admit any
15 person to the courthouse if, in their judgment, the person is ill or
16 otherwise poses a potential danger. Individuals who are denied entrance
17 and are appearing in a matter before the court, must contact their
18 attorney, the subpoenaing party, or the clerk’s office to arrange for their
19 matters to be continued.
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21 **Entrance to Specific Courtrooms:**

22 **2260 “N” Street, Merced, CA Courthouse:**

23 **Courtrooms 1 - 7:**

- 24 1. Remote appearances may be permitted, requested or required in some
25 proceedings. Social distancing is encouraged in the courtrooms.
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1 **627 West 21st Street, Merced, CA Courthouse:**

2 **Courtroom 8:**

- 3 1. Remote appearances are encouraged and may be requested or required in
4 some proceedings. Social distancing is encouraged in the courtroom.

5 **Courtroom 9:**

- 6 1. Remote appearances may be permitted, requested or required in some
7 proceedings. Social distancing is encouraged in the courtroom.

8 **Courtroom 10:**

- 9 1. Remote appearances are encouraged and may be requested or required in
10 some proceedings. Social distancing is encouraged in the courtroom.

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12 **2840 West Sandy Mush Road, Merced, CA Courthouse:**

13 **Courtroom 11:**

- 14 1. Remote appearances are encouraged and may be requested or required in
15 some proceedings. Social distancing is encouraged. Privacy requirements
16 dictate that only individuals involved in a given case may be present when
17 that case is proceeding.

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19 **1159 “G” Street, Los Banos, CA Courthouse:**

20 **Courtroom 12:**

- 21 1. Remote appearances are encouraged and may be required in some
22 proceedings. Social distancing is encouraged. A limited number of
23 individuals who appear at the courthouse may be permitted to use the
24 courthouse terminals to appear at the hearings remotely.

25 **Courtroom 13:**

- 26 1. Remote appearances may be permitted, requested or required in some
27 proceedings. Social distancing is encouraged in the courtroom.

1 **STANDING ORDER #2020-04**

2 Policies outlined in Standing Order #2020-04 have concluded and are no longer
3 applicable except for the following policies, which the court intends to continue:

- 4 • Family Court Services will continue to provide remote mediation services
5 and will schedule telephonic and remote mediation opportunities for
6 litigants.
- 7 • Self-Help Centers will continue with telephonic appointments and remote
8 services. Members of the public can reach the Self-Help office by emailing
9 selfhelp@mercedcourt.org.

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11 **GENERAL ORDERS**

12 The following General Orders are superseded by a current order, rescinded,
13 or are no longer applicable: #2020-01, #2020-02, #2020-03, #2020-04, #2020-05,
14 #2020-06, #2020-07, #2020-08, #2020-10, #2020-11, 2020-12, 2020-12 Amended,
15 #2020-14, #2022-01 and 2022-05. General Orders providing the authority to hold
16 sessions anywhere in the county, including in correctional and juvenile detention
17 facilities, extend the time period provided in section 1382 of the Penal Code,
18 within which a trial must be held and that extend the time periods provided in
19 sections 583.310 and 583.320 of the Code of Civil Procedure to bring an action to
20 trial are not included in this summary.

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24 THIS ORDER IS EFFECTIVE MAY 2, 2022.

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26 Dated: 04 / 29 / 2022

27
28 *Mark V. Bacciarini*

Hon. Mark Bacciarini, Presiding Judge