

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
7

8 This Court has previously issued Standing Order #2020-04 and thirty-six
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 April 4, 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. The court has established video and/or telephone conferencing in all
19 courtrooms and will continue to limit physical access to all courthouse buildings.
20 This Court HEREBY FINDS AS FOLLOWS:

- 21 1. The remote hearings provided by the Merced Superior Court since March
22 23, 2020, are the fully functional equivalent of live in-court hearings.
23 While they do not proceed as quickly as live in-court hearings, the sound
24 quality and video picture quality are as good as or better than available to
25 a person participating in a live in-court hearing. In all hearings
26 conducted, the judicial officer has been able to understand the testimony
27 and fully evaluate the demeanor of each speaker, unless the speaker
28 appears by telephone.

- 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.

1 **Entrance to Courthouse Buildings:**

- 2 1. Only parties, their attorneys, and witnesses will be admitted to any
3 courthouse. Spectators and friends of parties will not be admitted to any
4 courthouse with exceptions for criminal jury trials and criminal
5 preliminary examinations unless otherwise ordered. Public access to
6 court proceedings is provided online and can be accessed via
7 www.merced.courts.ca.gov.
- 8 2. Every courthouse will designate Screeners to determine which
9 individuals will be admitted to the court.
- 10 3. Individuals who advise the Screeners that if at present time, or in the last
11 14 days, they have been ill with flu-like symptoms or have suffered a
12 fever, cough, or shortness of breath consistent with symptoms of
13 COVID-19, will not be admitted into the courthouse. Individuals who
14 are not permitted to enter must contact their attorney or the clerk’s office
15 to arrange for their matters to be continued.
- 16 4. All persons entering the court facilities shall wear a face covering or face
17 mask at all times while inside the buildings unless advised by the judicial
18 officer that the mask may be removed while speaking in the courtroom.
19 The face covering or face mask must follow the California Department of
20 Public Health guidelines. Neck gaiter style and single layer face
21 coverings are not permitted. Individuals entering the courthouse are
22 strongly encouraged to bring their own masks.
- 23 5. Individuals admitted to the courthouse are encouraged to observe social
24 distancing, avoid contact with other individuals, and avoid standing,
25 walking, or sitting within six feet of another individual whenever
26 possible.
- 27 6. Screeners shall have the discretion to refuse to admit any person to the
28 courthouse if, in their judgment, the person is ill or otherwise poses a

1 potential danger. Individuals who are denied entrance must contact their
2 attorney or the clerk's office to arrange for their matters to be continued.
3

4 **Entrance to Specific Courtrooms:**

5 **2260 "N" Street, Merced, CA Courthouse:**

6 **Courtrooms 1 - 7:**

- 7 1. Social distancing is encouraged in the courtrooms.
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9 **627 West 21st Street, Merced, CA Courthouse:**

10 **Courtroom 8:**

- 11 1. Courtroom 8 will be combined with Courtroom 10, with hearings held in
12 Courtroom 10.

13 **Courtroom 9:**

- 14 1. Social distancing is encouraged in the courtroom.

15 **Courtroom 10:**

- 16 1. Remote appearances are strongly encouraged and may be requested or
17 required in some proceedings. Social distancing is encouraged in the
18 courtroom.
19 2. Courtroom 8 matters will continue to be heard in Courtroom 10.
20

21 **2840 West Sandy Mush Road, Merced, CA Courthouse:**

22 **Courtroom 11:**

- 23 1. Remote appearances are encouraged and may be requested or required in
24 some proceedings. Social distancing is encouraged. Privacy requirements
25 dictate that only individuals involved in a given case may be present when
26 that case is proceeding.
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1 **1159 “G” Street, Los Banos, CA Courthouse:**

2 **Courtroom 12:**

- 3 1. Remote appearances are strongly encouraged and may be required in some
4 proceedings. Social distancing is encouraged. A limited number of
5 individuals who appear at the courthouse may be permitted to use the
6 courthouse terminals to appear at the hearings remotely.

7 **Courtroom 13:**

- 8 1. Social distancing is encouraged.
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10 **STANDING ORDER #2020-04**

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

- 13 • Family Court Services will continue to provide remote mediation services
14 and will schedule telephonic and remote mediation opportunities for
15 litigants.
16 • Self-Help Centers will continue with telephonic appointments and remote
17 services. Members of the public can reach the Self-Help office by emailing
18 selfhelp@mercedcourt.org.

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20 **GENERAL ORDERS**

21 The following General Orders are superseded by a current order, rescinded,
22 or are no longer applicable: #2020-01, #2020-02, #2020-04, #2020-05, #2020-06,
23 #2020-07, #2020-08, #2020-10, #2020-11, 2020-12, 2020-12 Amended, #2020-14
24 and #2020-10. General Orders providing the authority to hold sessions anywhere in
25 the county, including in correctional and juvenile detention facilities, extend the
26 time period provided in section 1382 of the Penal Code, within which a trial must
27 be held and that extend the time periods provided in sections 583.310 and 583.320
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1 of the Code of Civil Procedure to bring an action to trial are not included in this
2 summary.

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4 The following General Order remains in effect until April 30, 2022:

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6 **GENERAL ORDER #2020-03**

7 General Order #2020-03 provided for the extension of time periods in
8 criminal matters and has been superseded by General Order #2021-12, except with
9 respect to extension of time periods for preliminary examinations. The provision
10 that remains in effect until April 30, 2022, is provided as follows:

11 This Court does adopt the findings and orders of the Chief Justice and,
12 incorporating the same herein, does HEREBY FIND AND ORDER:

13 A. Extensions of Time Periods

- 14 1. That the time period provided in section 859b of the Penal Code for
15 the holding of a preliminary examination and the defendant's right to
16 release is extended from 10 court days to not more than 30 court days.

17
18 THIS ORDER IS EFFECTIVE IMMEDIATELY.

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20 Dated: 03/30/2022

21 *Mark V. Bacciarini*

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23 _____
24 Hon. Mark Bacciarini, Presiding Judge