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Superior Court of California
County of San Francisco
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CLERK OF THE COURT
BY:

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

MARCH 9, 2021 GENERAL ORDER RE: CONTINUING AUTHORITY FOR REMOTE PROCEEDINGS IN UNLAWFUL DETAINER PROCEEDINGS

On March 4, 2020, Governor Gavin Newsom issued executive order N-33-20, which proclaimed a state of emergency to exist in California as a result of the threat of COVID-19.

On March 27, 2020, Governor Gavin Newsom issued executive order N-38-20, which related to the emergency authority of the Chief Justice and the Judicial Council based on the threat of COVID-19. Among other items, the order states:

> In the event that the Judicial Council or its Chairperson, in the exercise of rulemaking authority consistent with Paragraph 2, wishes to consider a rule that would otherwise be inconsistent with any statute concerning civil or criminal practice or procedure, the relevant statute is suspended, subject to the following conditions:
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> a. The statute is suspended only to the extent it is inconsistent with the proposed rule;
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> b. The statute is suspended only if the proposed rule is adopted; and
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> c. The statute is suspended only when the adopted rule becomes effective.

As of the date of this general order, this provision in executive order N-38-20 has not been amended or rescinded.

On April 6, 2020, the Judicial Council of California exercised its rule-making authority and, among other actions, adopted California Rules of Court, emergency rule 3. Emergency rule 3 provides that courts may require that judicial proceedings and court operations be conducted remotely; however, in criminal proceedings, courts must receive the consent of the defendant to conduct the proceeding remotely. Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; and the use of remote interpreting, remote reporting, and electronic recording to make the official record of an action or proceeding.

As of the date of this general order, emergency rule 3 has not been amended or rescinded.

On April 30, 2020, this court issued its General Order re: Implementation of Emergency Relief, which, among other actions, ordered the use of available technology, when possible, to conduct judicial proceedings and court operations remotely to protect the health and safety of the public, court personnel, judicial officers, litigants, and witnesses.

As of the date of this general order, this court has not amended or rescinded its April 30, 2020, General Order.

This court HERBY FINDS AND ORDERS:

COVID-19 continues to pose risks that recommend the use of available technology, when appropriate, practicable, and constitutionally permissible, to conduct judicial proceedings and court operations remotely to protect the health and safety of the public, court personnel, judicial officers, litigants, witnesses, and other persons participating in judicial proceedings and court operations.

Under the authority of emergency rule 3, the court's inherent authority, and any other applicable legal authority, the court orders that litigants, their counsel, and witnesses may appear (1) by video; (2) by telephone; or (3) in person for the following proceedings in unlawful detainer actions: hearings on fee waiver requests, evidentiary hearings, trial calls, settlement conferences, and pretrial hearings.

To protect the health and safety of litigants, counsel, witnesses, court staff, and judicial officers, while balancing the benefits of participants being able to see each other during the proceedings identified in the previous paragraph, the court strongly urges litigants, their counsel, and witnesses to participate in these proceedings by video, when possible. A judge may require a person to appear by video or in person at any proceeding if the judge determines that such appearance could be made safely and would materially assist in the determination of a particular hearing or proceeding or in the effective management or resolution of a particular case.

Except as specifically stated, nothing in this order rescinds or modifies provisions of previous general orders issued by this court. The court reserves its authority to rescind or modify this order, as appropriate, to address changing circumstances and this order will remain in effect until the court rescinds or modifies this order.

IT SO ORDERED.

Dated: March 9, 2021

SAMUEL K. FENG
Presiding Judge,
Superior Court of California
County of San Francisco