

April 13, 2020

Hello LASC Family Law Community:

We hope you watched the 90 minute webinar on Friday featuring Presiding Judge Brazile, Assistant Presiding Judge Taylor and CEO Sherri Carter.

They presented a great deal of useful information about where we have been and where we likely are going in this unprecedented Covid 19 emergency. Their presentation was informative concerning the challenges which confront our ~580 judicial officer, multi-dozen courthouse, many-thousand court employee enterprise. Likewise, Judge Brazile explained how the collection of orders from the Chief Justice, the Presiding Judge and emergency court rules from the Judicial Council bring us to the present point. (Note: all such orders and rules are posted on the court's website and warrant your reading.)

We want now to provide additional information directed to the family law community.

**\*\*COURT CLOSURE LIKELY TO BE EXTENDED TO MAY 29**

We expect the current court closure, in which the Court is limited to conducting only time sensitive, essential functions, to be extended through May 29. We await authorization from the Chief Justice and expect it will be received very soon.

**\*\*COURT PLANS TO REOPEN JUNE 22**

Our present working assumption is that we will reopen the Court on June 22. Note well: it is our *assumption* and it is subject to change.

**\*\*FAMILY LAW DIVISION TO PERMIT FILING OF EX-PARTE PAPERS VIA EMAIL "RESOURCE ACCOUNTS"**

Judge Brazile expects to announce via press release soon (we hope this week) that the Family Law Division will, during the emergency period, accept ex-parte applications and oppositions for filing via an email modality called a "resource account". Litigants can attach their ex-parte papers to a Judicial Council Form MC-005 and (if a party has not previously obtained a fee waiver) will be able to pay fees via that form. **Watch the Court's website for that announcement and the effective date.**

Each courthouse handling Family Law ex-parte applications will have a dedicated resource account--and those email addresses will be set out in the press release. Parties wishing to participate remotely in the court session may do so via CourtCall.

For those using the resource account tool, the Clerk will return, using that same tool, the Court's ruling on the ex-parte application within one court day. The moving party will be required to provide notice forthwith.

All the traditional rules about advance notice will still apply.

Parties will be able to present ex-parte applications via fax filing and in person as well.

**\*\*FAMILY LAW DIVISION IS BETA-TESTING WEBEX TOOLS FOR RESTRAINING ORDER HEARINGS**

We are further testing the use of WebEx as a method of permitting persons to participate in Family Law restraining order hearings during the emergency period. **Please watch the court's website for further information.**

**\*\*PARTIES MAY FAX FILE RESTRAINING ORDER APPLICATIONS IN ALL DISTRICTS CURRENTLY CONDUCTING FAMILY LAW COURT LOCATIONS**

This is in follow up to a question from last week.

Also, parties may fax file such applications in Central (Mosk) and the matter will be set for hearing in the appropriate courthouse. The court's website has fax filing information.

An obvious question: may parties file *restraining order applications* via a "resource account"? The answer is, not yet, but we are closely examining that expansion.

**\*\*CONTEMPT PROCEEDINGS ARE NOT A FAMILY LAW ESSENTIAL FUNCTION**

Judge Brazile's March 17 General Order identified contempt proceedings involving custody as a Family Law essential function but that was modified in his March 23 General Order. Contempt proceedings are not an essential function at this time.

**\*\*THE FAMILY LAW DIVISION IS PLANNING FOR THE REOPENING OF COURT OPERATIONS**

Judge Brazile commented on Friday that each division of the Court has submitted plans to the Court's Covid-19 Task Force, and for his ultimate approval, concerning court proceedings once the Court reopens. This note is not the place for a detailed description of the Family Law plan. But I share in broad brush that our plan provides for the scheduling of hearings largely on the basis of a priority scheme. Not surprisingly, the top priority matters involve physical safety and the provision of resources for food and shelter.

Starting soon, we will be triaging all pending and newly-filed matters, and assigning each to a priority category. Then, the departments in each district will begin setting such matters on calendars and notifying the parties. The judges in each district will have discretion and latitude in the setting process but, overall, the division will have a unified approach.

We expect soon to know far more as to when a given category of matter is likely to be set in a given district, and we will also have more to say about how we will deploy our nine dedicated trial courts and two dedicated settlement courts in the process. We will also have information concerning our AB1058 courts. And we will have practical information about possible ways to expedite matters and cautions concerning potential abuses of the priority scheme.

Bear in mind that reopening our Court is unlikely to be a return to normal for some time. We may well be in a far longer period of further social distancing, court staff working from home and other reduced judicial and staff resources. All of this will effect how efficiently we can move through a backlog of matters.

For now, I repeat my earlier caution that the your hearing dates now on calendar--even those recently continued--are not likely "real" dates although restraining order matters set after June 22 do have a somewhat higher likelihood of proceeding as currently calendared.

We know you need to know, first, when a given matter is likely to be heard and, second, the "real" calendar date. And we are anxious to be able to tell you both. In the weeks to come, we expect to be able to provide far more precise information.

Thank you.

Judge Riff