



JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

December 11, 2020

Hon. Gavin Newsom
Governor of California
State Capitol Building
Sacramento, California 95814

Dear Governor Newsom:

I write to provide you with important information and to make a request for consideration. Before doing so, I want to thank you and acknowledge the remarkable work and leadership you are providing in managing an unprecedented degree of multiple crises simultaneously. In my public service career, I have never seen anything like it.

As California anticipates the availability of COVID-19 vaccines and begins to plan for their acquisition and distribution, I request on behalf of the California Judicial Branch that court employees and judicial officers be included as a priority in the plan, given the early limited supply of vaccines. I make this request in light of the California court system's close proximity to our residents/users/partners, and the significant degree of foot traffic cycling through our courthouses.

We fully understand that there are others who should have first priority, but employees and members of the judiciary should not be far behind as they are designated as "essential workers" by the Administration, and current guidance issued by the Centers for Disease Control and Prevention includes several classes of essential workers given their criticality to the functioning of society. Further, the Department of Homeland Security has designated courts as essential critical infrastructure workers¹. Accordingly, state court employees and judicial officers should be included in any early planning given the essential role state courts play in our society and economy. Following are considerations that support this request.

¹ See *Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 4.0*, August 18, 2020 (available at: www.cisa.gov/sites/default/files/publications/Version_4.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_FINAL%20AUG%2018v3.pdf).

- Courts have continued to function during the crisis using technology to conduct many types of proceedings remotely; however, not all essential business can be conducted by remote means and the other cases that have been held in abeyance will soon resume.
- Courthouses continue to be among the busiest government offices; yet, they are also among facilities most difficult to enforce social distancing.
- COVID-19 outbreaks among judicial officers or court employees could easily disable our state court system, significantly impacting public safety, our state, and its economy.
- Unlike schools and some other government facilities, those entering and leaving court facilities are not always the same set of people every day, or even every week. People entering courthouses often do not have the option of missing court; in most, if not all cases, they are mandated to be there to handle essential business. These factors mean that courthouses remain one of the single greatest opportunities for COVID-19 spread.
- Thousands of court cases have been delayed or postponed, creating a growing backlog of cases. Constitutional rights and statutory requirements for conducting court proceedings force some courts to conduct those proceedings in person. For example, in the coming months, the trial courts will face a deluge of cases with various moratoria expiring, including the current moratorium on evictions.

Below are examples of types of matters courts must hear to protect the public and vulnerable populations.

- Criminal
 - Bail hearings to consider detention or release for those accused of crimes.
 - Criminal sentencing.
 - Probation services to ensure probationers are following court mandates, including: supervision/case management, drug testing, community safety activities, and treatment needs.
- Children, Family, and Elders
 - Child abuse and neglect cases to protect children from unsafe conditions.
 - Guardianship and conservatorship cases to protect the elderly and incapacitated from exploitation, neglect, and fraud.
 - Protection orders to keep people safe from violence.
- Civil
 - Unlawful detainer/eviction hearings.

Based on these factors, it is important that courts be considered in the early planning to protect the judicial officers and employees who are essential or working directly next to others who are also designated essential. In addition, exposures are expected to exacerbate as California trial courts will soon be facing an inundation of litigation and increasing demands for in-person proceedings, as noted above.

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For planning purposes, California's court system employs approximately 2,400 judicial officers and 21,000 employees.

In partnership, please advise if we can evaluate any courthouse locations to determine viability as state/coordinated testing or vaccination sites.

Again, thank you for all that you are doing to keep California's residents safe and its government functioning to serve them.

Sincerely,

Handwritten signature of Tani G. Cantil-Sakauye in black ink.

Tani G. Cantil-Sakauye
Chief Justice of California

MH/LS

cc: Mark Ghaly, Secretary, California Health and Human Services Agency
Martin Hoshino, Administrative Director, Judicial Council of California