



SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

MEMORANDUM FROM THE HONORABLE CLARE KEITHLEY, PRESIDING JUDGE

DATE: May 28, 2021

TO: Counsel Appearing in the Criminal Division

RE: COVID ADVANCED READINESS CALENDAR (ARC)

Dear Counsel,

Please be advised that the Butte County Superior Court is implementing a pilot program to reflect the goals stated by the Chair of the California Judicial Council and Chief Justice of the California Supreme Court, the Honorable Tani Cantil-Sakauye. The goals stated by the Chief Justice are in response to the backlog of criminal cases that has developed as a result of the pandemic. The Chief Justice recognizes the hardship brought to defendants, victims, and all justice partners by delayed proceedings and has urged the trial courts to create an early disposition calendar. Aligned with the concerns and the goals of the Chief Justice, the Butte Superior Court is implementing a COVID Advanced Readiness Calendar.

Participation in the COVID Advanced Readiness Calendar is voluntary but encouraged. The purpose is to provide time on a calendar to discuss cases well before their trial dates to determine whether the case is ready for trial or whether the case can resolve. The goal is to provide a settlement conference opportunity that incorporates any changed circumstances during the time the case was delayed for trial. The goal of the calendar is to resolve a case on the day of the calendar, if the matter is ready to be resolved. Readiness requires consultation between counsel, their client, and the District Attorney, in advance of the calendar. Although, a judicial officer will navigate a settlement discussion to assist as well.

Counsel so noticed should immediately seek input from their client about the opportunity, and contact the District Attorney's Office to determine appearances, as described below. Anyone agreeing to participate must follow the calendar protocol, as follows:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE
COVID ADVANCED READINESS CALENDAR**

CASE TYPES

- A. Cases on the COVID calendar will be trial matters continued due to COVID mitigation measures
 - 1. Priority will be given to cases that have been most frequently continued
 - 2. The Supervising Judge of the Criminal Division decides which cases go onto the calendar¹

- B. Felony and Misdemeanor Out of Custody Cases
 - 1. Either case type may be placed on the calendar by the Supervising Judge of the Criminal Division
 - 2. Out of custody cases are chosen to afford resolution sooner for cases ready to resolve

CASE CALENDARING

- A. The Supervising Judge of the Criminal Division will:
 - 1. Review the list of outstanding trials and determine up to 5 cases to be placed on each calendar and direct the selected cases to be so calendared
 - 2. Consider requests from self-represented defendants, counsel, or judges, to place cases on the COVID calendar
 - 3. Self-represented defendants, counsel, or judges, who would like to request a case be placed on the COVID calendar shall contact a Court Operations Manager at the Butte Superior Court for the request

CALENDAR DATE AND TIME

- A. The COVID calendar date will be each Friday from 10:00 a.m. to Noon, at the Oroville courthouse
 - 1. The courtroom and resources assigned to the Trial Assignment Calendar are intended to be used
 - 2. The COVID calendar (ARC) will not be called until the conclusion of the TAC calendar
 - 3. The Clerk of the Court will provide notice to counsel, or a self-represented party, 4 weeks prior to the calendar date

- B. The COVID calendar will be presided over by retired Judge Reilley, sitting as a Temporary Assigned judge
 - 1. If Judge Reilley is unavailable, a judge of the Butte Superior Court will be assigned to preside
 - 2. The judge presiding will hold a settlement conference on each case
 - (a) The conference may be in the courtroom with the defendant present, or
 - (b) The conference may be in a jury room with counsel only, if counsel and the defendant agree, or
 - (c) The conference may take place by remote means if arranged in advance with the court and counsel

- C. The COVID calendar will have at least 3 but not more than 5 cases
 - 1. The limited number of cases is to ensure productive use of time for settlement conferences
 - 2. The limited number of cases facilitates that goal of bringing forward renewed case analysis and an opportunity to address any changed circumstances affecting case resolutions

¹ The Presiding Judge or the Supervising Judge of the Criminal Division may designate a judge to assume the duties in the absence of the Supervising Judge of the Criminal Division, or as needed for efficient court operations.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE
COVID ADVANCED READINESS CALENDAR**

APPEARANCES

- A. To participate in the COVID calendar:
 - 1. The District Attorney must personally appear or be available for contact through the assigned Deputy
 - 2. The attorney of record for the defense must personally appear

- B. The conference may take place through remote appearances, if arranged in advance with the court and counsel.

- C. Felony cases
 - 1. The defendant charged in a felony case must personally appear

- D. Misdemeanor cases
 - 1. Appearance by phone will be allowed for a defendant represented by counsel in a misdemeanor case if there is agreement with the District Attorney
 - 2. In receiving requests for a phone appearance, the District Attorney will timely respond and be guided by Penal Code section 977(a)(2)-(3) [DV & DUI cases]
 - 3. The nature of the appearance must be resolved no later than close of business 5 court days before the calendar date
 - 4. If there is no agreement on a phone appearance for the defendant, the defendant must appear in person to participate in the settlement conference, or file an objection pursuant to the procedure below

OBJECTION TO SETTLEMENT CONFERENCE

- A. Objection to appearance
 - 1. Objection must be filed with the court no later than 4 court days prior to the court date
 - 2. Objections must be properly noticed with service to opposing counsel or party
 - 3. Reason for the objection need not be included but the objection must be clear and unambiguous
 - 4. The objection will be kept in the case file
 - 5. An objection may render the case ineligible for another COVID Advanced Readiness Calendar
 - 6. Despite an objection, the case will remain on the calendar and called by the court without a settlement conference
 - 7. A written objection does not relieve counsel from appearing in court

REQUEST FOR CONTINUANCES

- 1. Requests for continuances are to be filed with the court and properly noticed
- 2. Filed requests for continuance are to be ruled on by the Supervising Judge of the Criminal Division
- 3. An Order of the court is required for a continuance