



# JUDICIAL COUNCIL OF CALIFORNIA

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TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

## Meeting Documents

Meeting Date

June 1, 2020



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

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## TRIAL COURT FACILITY MODIFICATION ADVISORY COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(2))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** June 1, 2020  
**Time:** 12:00 Noon – 1:00 PM  
**Public Call-in Number:** 1-877-820-7831; passcode 4502468 (Listen Only)

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This meeting is being held due to an urgent matter requiring a prompt response by the committee. Meeting materials for open portions of the meeting will be posted on the advisory body web page on the California Courts website at least 24 hours before the meeting. Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

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In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [tcfmac@jud.ca.gov](mailto:tcfmac@jud.ca.gov) no later than 4:00 PM on May 29, 2020. Only written comments received by this deadline will be provided to advisory body members.

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#### III. DISCUSSION ITEMS (ITEMS 1-2)

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##### Item 1

##### **May Revision Impact to the Court Facility Trust Fund (No Action Required)**

Updated status of the Court Facility Trust Fund (Fund 3066), including proposed reductions in the May Revision of the 2020/21 State Budget.

Presenters: Mr. Mike Courtney, Director, Facilities Services  
Ms. Donna Newman, Budget Supervisor, Budget Services

**Item 2**

**Social Distancing Best Practices Guide (No Action Required)**

*Social Distancing Best Practices Guide for Trial Courts* status report.

Presenter: Mr. Mike Courtney, Director, Facilities Services

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**IV. ACTION ITEMS (ITEMS 1-1)**

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**Item 1**

**Allocation and reimbursement of not more than \$5,000,000 from the Court Facilities Trust Fund to assist trial courts with temporary facilities modifications in response to COVID-19 (Discussion and Action Required)**

**SUMMARY:**

Pursuant to Government Code 70352, Judicial Council funds will be made available to trial courts for temporary facilities modifications related to COVID-19. The Committee conditionally approved the use of Maintenance Budget (CFTF 3066) funds up to \$5,000,000 to develop and implement social distancing measures at the trial court facilities. Staff will present i) two methodologies for the allocation of the funds, ii) an overview of eligible costs, and iii) the reimbursement process.

Presenter: Mr. Mike Courtney, Director, Facilities Services

**ACTION:**

- i) Approve one of the following methodologies to allocate up to \$5,000,000 from the Maintenance Budget (CFTF 3066) to trial courts statewide for temporary facilities modifications related to the re-opening of courthouses during the COVID-19 pandemic.
  - Option 1 - Allocate funding by number of courtrooms per court, with a \$10,000 minimum for small courts.
  - Option 2 – Allocate funding by the total court exclusive area per court, with a \$10,000 minimum.
- ii) Approve the following eligible costs for temporary trial court facilities modifications related to Covid-19:
  - a. Temporary signage
  - b. Temporary removal of high touch surfaces
  - c. Hand sanitizer and other Personal Protective Equipment
  - d. Additional disinfecting and sanitizing costs
  - e. Temporary reconfiguring of physical space to ensure Social Distancing
  - f. Creating temporary physical barriers to reduce COVID-19 transmission
  - g. Temporary court labor costs
  - h. Other temporary measures upon approval

Permanent improvements are not eligible for reimbursement:

- a. Structural Improvements

- b. Ballistic glazing
  - c. Audio visual improvements
  - d. HVAC improvements
  - e. Other permanent improvements
- iii) Approve the following process for trial courts to recover eligible costs for temporary facilities modifications related to Covid-19:
- a. Submit receipts with a written description of the work completed, the location (courthouse) in which it was completed, and how the work supports the response to COVID-19
  - b. Reimbursement requests to be submitted once monthly through December 11, 2020
  - c. Alternatively, a trial court may submit a request to Judicial Council Facilities Services to provide the eligible modifications, services, or products not to exceed the trial court's specified allocation amount.

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**V. ADJOURNMENT**

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**Adjourn**



# JUDICIAL COUNCIL OF CALIFORNIA

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TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

Meeting Date: 06/01/2020

## **Discussion Item 1 – May Revision Impact to the Court Facility Trust Fund (No action required)**

### **Summary:**

Updated status of the Court Facility Trust Fund (Fund 3066), including proposed reductions in the May Revision of the 2020/21 State Budget.

### **Supporting Documentation:**

- See Presentation

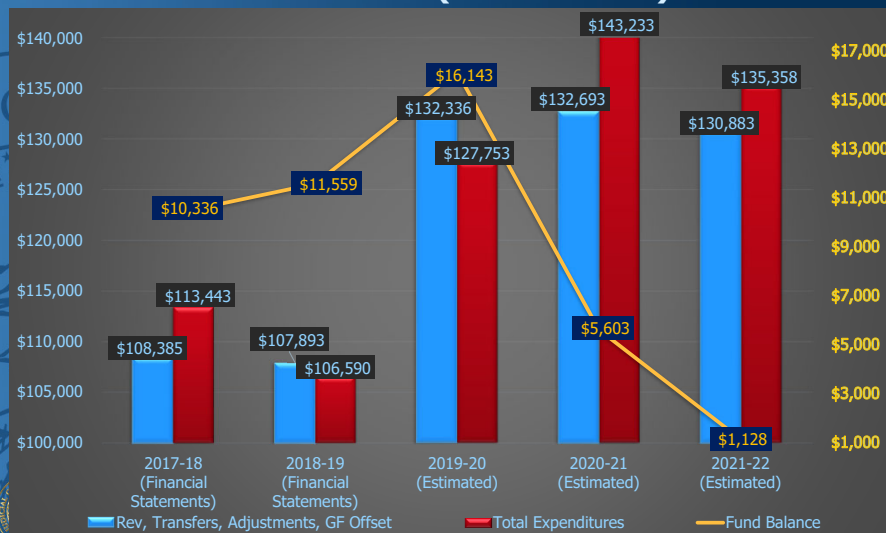
# Discussion Item 1 May Revision Impact to the Court Facility Trust Fund

## Court Facilities Trust Fund Fund Status



# Discussion Item 1 May Revision Impact to the Court Facility Trust Fund

## Court Facilities Trust Fund (CFTF) Fund Status (in thousands)



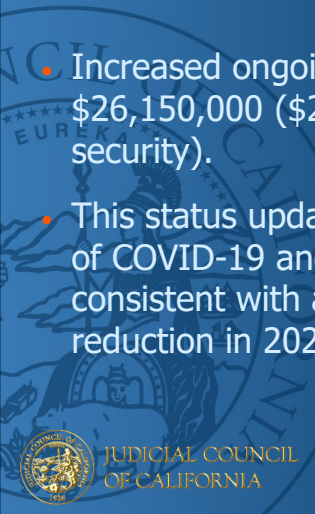
**Discussion Item 1**  
**May Revision Impact to the Court Facility Trust Fund**  
**CFTF – Fund Condition Statement**  
**FY 2018-19 to FY 2021-22**

	2018-19 Financial Statements	2019-20 Current Projection	2020-21 Current Projection	2021-22 Current Projection
	A	B	C	D
Beginning Balance	10,336,000	11,559,000	16,143,000	5,603,000
Prior Year Adjustments	<u>-79,000</u>			
<b>Adjusted Beginning Balance</b>	<b>\$10,257,000</b>	<b>\$11,559,000</b>	<b>\$16,143,000</b>	<b>\$5,603,000</b>
Revenues, Transfers and Adjustments	99,840,000	98,133,000	98,490,000	98,390,000
General Fund Offset	<u>8,053,000</u>	<u>34,203,000</u>	<u>34,203,000</u>	<u>32,493,000</u>
<b>Total Rev, Transfers, Adj, GF Offset</b>	<b>\$107,893,000</b>	<b>\$132,336,000</b>	<b>\$132,693,000</b>	<b>\$130,883,000</b>
<b>Total Resources</b>	<b><u>\$118,150,000</u></b>	<b><u>\$143,895,000</u></b>	<b><u>\$148,836,000</u></b>	<b><u>\$136,486,000</u></b>
Total Expenditures	106,590,000	127,753,000	143,233,000	135,358,000
<b>Fund Balance</b>	<b>\$11,559,000</b>	<b>\$16,143,000</b>	<b>\$5,603,000</b>	<b>\$1,128,000</b>



**Discussion Item 1**  
**May Revision Impact to the Court Facility Trust Fund**  
**Court Facilities Trust Fund (CFTF)**  
**Key Takeaways**

- Increased ongoing authority starting in 2019-20 is \$26,150,000 (\$20.15M Maintenance/Utilities+\$6M security).
- This status update has slightly lower revenues because of COVID-19 and keeps expenditures at a level consistent with available resources given the GF reduction in 2021-22.





# JUDICIAL COUNCIL OF CALIFORNIA

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TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

Meeting Date: 06/01/2020

## **Discussion Item 2 – Social Distancing Best Practices Guide (No action required)**

### **Summary:**

*Social Distancing Best Practices Guide for Trial Courts* status report.

### **Supporting Documentation:**

- *Draft Social Distancing Best Practices Guide*



## **DISCLAIMER**

This resource guide is compiled from approaches outlined by Occupational Safety and Health Administration (OSHA), the Centers for Disease Control and Prevention (CDC), and best practices from the National Center for State Courts as well as other courts across the state and the country. This crisis is dynamic and evolving every day. As more evidence-based information becomes available, this guidance is subject to change.

This guidance is not a standard or regulation, and it creates no new legal obligations. It contains recommendations that are advisory in nature, informational in content, and are intended to assist Courts in providing a safe environment for the public, litigants, lawyers, judicial and administrative staff.

DRAFT

**DRAFT**

## Facilities

*California court functions are considered medium-risk exposure jobs which, according to OSHA, are those that require frequent and/or close contact with (i.e., within 6 feet of) people who may be infected with COVID-19, but who are not known or suspected COVID-19 patients. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., schools, high-population-density work environments, courthouses and some high-volume retail settings).*

*As courts return to full operations, they will need to consider a variety of safety measures and guidelines issued by local, state and federal officials. CDC, Cal OSHA and local public health officials provide specific guidance to reduce workplace exposures for all court staff and maintain a healthy environment for all users of the court facility.*

*The CDC is providing states and other jurisdictions with technical assistance regarding surveillance data collection and reporting, contact tracing, infection control and outbreak investigation. They developed and are guiding the overall response to COVID-19 to advise and support communities during the phased reopening.*

*Cal OSHA regulates workplace health and safety in California, requiring employers to take steps to protect workers exposed to infectious diseases, like COVID-19. Workplace risk is dependent on the industry type and the need for contact with people known to be or suspected of being infected with COVID-19. Courthouses fall into the Medium Exposure Risk since court staff may have frequent and/or close contact with the general public. Cal OSHA issued guidance identifying ways to mitigate the risk associated with this exposure.*

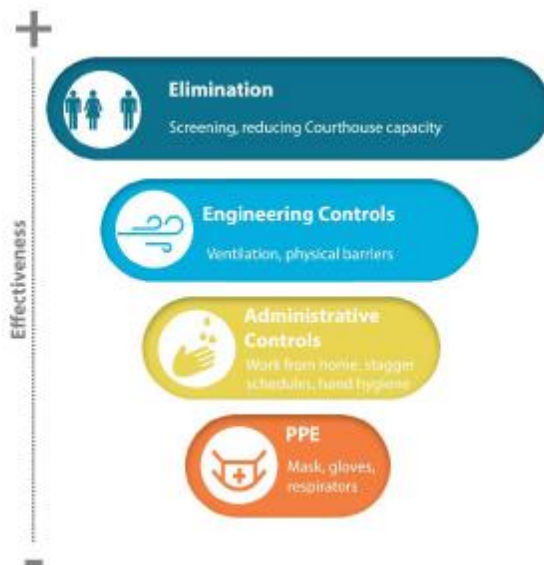
*Safe work practices encompass how the court will implement the guidance provided by the CDC and Cal OSHA. These safe work practices must be developed in conjunction with the safety requirements established by the public health official in each local jurisdiction. Local conditions will influence the decisions that public health officials make regarding community-level strategies. The activities required to maintain safe court operations must be developed by each court based upon their operational needs, capabilities, and resources along with their local jurisdictional requirements. This section is not intended to address operational areas like in-custody holding, sally port area and law enforcement areas, law libraries, and mechanical spaces.*

## Summary of Considerations

ID	Topic
1	<a href="#">Hierarchy of Controls</a>
<b><a href="#">FACILITY COMPONENTS GUIDELINES</a></b>	
2	<a href="#">Court Entrances</a>
3	<a href="#">Public Counters</a>
4	<a href="#">Jury Assembly</a>
5	<a href="#">Jury Selection (Voir Dire)</a>
6	<a href="#">Jury Deliberations</a>
7	<a href="#">Public Corridors and Vertical Circulation (Elevators and Stairs)</a>
8	<a href="#">Courtroom Areas</a>
9	<a href="#">Staff Support Areas</a>

## Consideration 1 | Hierarchy of Controls

The hierarchy of controls (see diagram below) is a framework to create an operational plan and select ways of controlling and mitigating the hazard of exposures to COVID-19. The best way to control exposures to the virus is to systematically remove it from the court context. The most effective approach is elimination of the hazard by limiting the possibility of exposure by screening potentially infected people as well as strategies to limit the occupancy of the building. During the COVID-19 outbreak, when it may not be possible to eliminate the hazard, operational plans and protection measure should be deployed using the most effective protection measures feasible for the activity. There are advantages and disadvantages to each type of control measure when considering the ease of implementation, effectiveness, and cost. In most cases, a combination of control measures will be necessary to protect workers from exposure to the COVID-19 virus. The hierarchy of protection controls listed below range from most effective to least effective with examples of tactics under each heading. The categories are based on OSHA guidance developed for reopening offices.



### ELIMINATION (SCREENING, REDUCING COURTHOUSE CAPACITY)

- Institute temperature checks at the entries to Courthouses
- Develop health questions for screening of judges, staff and public entering the building
- Consider use of technology to conduct proceedings remotely

## **ENGINEERING CONTROLS (VENTILATION, PHYSICAL BARRIERS)**

### *Modifications to Building Mechanical Systems (HVAC)*

Though most building mechanical systems have limitations for modification, there are a few things that could help with reduction of air-borne particles. Cal/OSHA regulations and ASHRAE best practices generally require that in mechanically ventilated buildings, the HVAC system must be run continuously during working hours. All Judicial Council buildings are being maintained to their original ASHRAE design criteria. Filter changes will be increased to improve indoor air quality.

The following additional engineering controls can be considered based on risk assessment and feasibility for individual buildings:

- Increase outdoor air ventilation where practical and feasible with a lower population in the building, this increases the effective dilution ventilation per person.
- Further open minimum outdoor air dampers, as high as 100%, thus eliminating recirculation (in the mild weather season, this need not affect thermal comfort or humidity, but clearly becomes more difficult in extreme weather).

### *Communication and Signage*

- Place posters at the entrance of the courthouse and other areas where they will be seen that encourage staying home when sick and cover: cough and sneeze etiquette, preventive practices such as physical distancing, hand hygiene, and avoiding face touching.
- Floor markings demonstrating six-foot spacing in areas where large numbers of people may congregate or need to wait in line (queuing)
- Elevator and Room Capacity signage
- Instructions for one-way circulation, etc.

Further information regarding communication and signage can be found here[WILL LINK TO APPENDIX 3].

### *Physical Distancing to Maintain Six Feet*

- Establish and communicate maximum capacity for rooms and spaces
- Rearrange furniture within existing rooms and spaces
- Consider alternate locations for Court functions that will provide adequate space to allow for the recommended 6 feet of separation
- Consider use of technology to maintain separation between parties
- Install physical barriers, such as clear plastic sneeze guards, where 6 feet of separation cannot be achieved
- Install queuing control devices, such as stanchions with retractable belts, to define paths that provide separation of 6 feet or more

## **ADMINISTRATIVE CONTROLS (WORK FROM HOME, STAGGER SCHEDULES, HYGIENE)**

Administrative controls include procedures for taking appropriate action to reduce the duration, frequency, or intensity of exposure to a hazard or potential hazard.

### *Work from Home*

- Initiate/maintain work-from-home programs when appropriate to continue delivering services to the public.
- Return to work considerations and approaches are discussed in the Personnel/Human Resources section.
- Courts may wish to establish clear responsibilities for supervisors and employees such as the following:

#### **Supervisor Responsibilities**

- Communicate with employees about the resources necessary to work remotely.
- Assist employees to obtain the equipment, technology, and technical support to work from home.
- Communicate expectations to employees regarding their roles and responsibilities while working from home.
- Establish communication processes to contact employees during regularly scheduled work hours.
- Establish scheduled hours during which telecommuting employees are expected to work.
- Determine how time and attendance will be maintained.

#### **Employee Responsibilities**

- Establish and maintain a safe home office environment.
- Be flexible and willing to perform the duties assigned to you by management, even if they are outside your usual or customary duties.
- Follow the communication processes established by your supervisor.
- Be available to be contacted for work-related matters at all times during your normal work hours.
- Adhere to policies around the security and confidentiality of data and information.
- Be vigilant about locking your computer screen if you walk away from your computer when working with confidential information.
- Increase awareness of potential malicious email communications including requests for payments, helpdesk support email requesting passwords or other personal information, urgent access to sensitive information, and links to web pages.

### *Stagger Schedules*

- Modifying staff work schedules, courtroom calendars, and general service hours to the public, attorneys, and justice partners may all be considered to help manage the flow and volume of people in the courthouse.
- The Personnel/Human Resources section contains suggestions regarding staggering staff schedules.
- The Case Processing section contains suggestions regarding the prioritization and sequencing of case processing.

### *Hygiene and Cleanliness*

- Provide resources that promote personal hygiene:
  - Provide tissues, no-touch trash cans, hand soap, alcohol-based hand rubs containing at least 60 percent alcohol, disinfectants, and disposable towels for workers to clean their work surfaces.
  - Provide cleaning crews with personal protective equipment (PPE) and waste bins lined with a plastic bag so that they can be emptied without contacting the contents.

Further information regarding promoting personal hygiene can be found here [WILL LINK TO APPENDIX 2].

- Require regular handwashing or use of alcohol-based hand wipes.
- Clean premises frequently, especially counters, door handles, and other surfaces that people touch often

### **PERSONAL PROTECTIVE EQUIPMENT (MASKS, GLOVES, RESPIRATORS)**

- Consider requiring (and whether you will be providing) face covers for occupants in the courthouse
- Provide gloves, face covers, and training for cleaning crews
- The Personnel/Human Resources section contains considerations regarding PPE and court personnel.

# Facility Components Guidelines

## Consideration 2 | Court Entrances

### CONCERNS AND CHALLENGES

The primary concerns in these areas are generally related to providing separation during queuing, particularly where Court facilities have space constraints. Narrow entries and limited interior queuing spaces, or lack of exterior covered area will create difficulties at times of high traffic like Jury Assembly.

Another area of primary concern is in the security screening area and provision of sufficient space and separation between screeners and people entering the building. Activities like passing through trays or use of a Hand-Held Metal Detector (HHMD) are likely to result in reduced social distancing.

### PLANNING AND BEST PRACTICES

#### *Exterior Space*

It is likely that there will be times where Court visitors will need to queue outside the entrance to maintain 6 feet of separation. Floor or pavement markings can be used to provide proper spacing but planning the alignment of queuing spaces should include considerations for shelter from sun and rain as well as accessibility. Long queues can be especially difficult for seniors and people with disabilities. Provision of a separate priority lane with a temporary shelter may be necessary to accommodate people in this category.

#### *Vestibules and Pre-Security Queuing Areas*

- Inclement weather - wind and wind driven rain. A “metering” concept would help to maintain door closure.
- Extension of spaced queuing inside building – space limitations will likely be an issue but maintaining spaced queuing will allow for social distancing.
- Temperature and health question screening will help to significantly decrease the risk of admittance of an infected individual.

#### *Security*

- Metal detector screening – maintain spacing and staff distance as much as possible to achieve distancing goals.
- Consider use of an acrylic or glass screen between staff and public that is similar to accommodations in retail check-outs.
- Pass-through trays – Consider using an increased number of trays with frequent sanitizing. A tray “slide” could help to avoid the need for touching by staff.



- Sanitizer stations could be located to allow staff to sanitize after handling each bag or other item that is handled.
- Hand-Held Metal Detector (HHMD) – reduce need through use of higher threshold for metal detector, staff always masked when using HHMD, turn away instead of pat-down.

### **POTENTIAL ALTERNATIVES**

Consider strategies to limit occupancy of the courthouse:

- Alternate work schedule with two shifts for employees, combine with a telework option.
- Utilize Night Court proceedings.
- Clerk Office weekend hours. Allow staff to work on weekends. Work together with labor organizations to explore potential options.
- Look across court divisions to leverage appointment systems and best practices from one division to another.
- Onsite reservation system to control queues and waiting. On busy days, customers who lineup in the morning can be given appointment slips for a time later that day.

## **Consideration 3 | Public Counters**

### **CONCERNS AND CHALLENGES**

- Queuing control.
- Proximity of adjacent counter space.
- Transaction window, proximity of staff to client.

### **PLANNING AND BEST PRACTICES**

#### *Counter Queuing Areas*

Floor markings can be used to provide proper spacing but planning the alignment of queuing spaces should include considerations for size and the potential need for a queuing line to extend into other spaces.

#### *Counters*

- Check spacing between counter spaces and provide floor markings.
- Close off counters to provide additional space if necessary, may reduce capacity.
- Provide physical barriers between staff and client if not currently employed.
- Provide sanitizer stations near the counters.

### **POTENTIAL ALTERNATIVES**

As most buildings have built-in Public Counter spaces with secure connections to staff areas, alternatives are limited. Some uses may allow for the placement of a table or desk in an open

area to allow for screening or other uses not involving money transfer or frequent access to secure areas.

## **Consideration 4 | Jury Assembly**

### **CONCERNS AND CHALLENGES**

Jury Assembly rooms can get congested, particularly in older courthouses that weren't designed for larger volumes of people. Quick studies show that most spaces have chair counts reduced to about 20 percent of normal.

Jury calls may need to be spread over several days to assure that qualified jurors can be selected. See the Jury Management section for best practices regarding jury summoning, jury selection, and jury management during a trial.

### **PLANNING AND BEST PRACTICES**

#### *Counter Queuing Areas*

- Check spacing between counter spaces and provide floor markings.
- Close off counters to provide additional space if necessary, may reduce capacity.
- Provide physical barriers between staff and client if not currently employed.

#### *Seating and Amenity Areas*

- Remove or mark off chairs to reduce density and provide distancing.
- Define walking paths with stanchions or tape floor markings.
- Limit occupancy in amenity areas, potentially close off certain sections.

### **POTENTIAL ALTERNATIVES**

- Rework Jury Assembly procedures to allow for smaller pools.
- Move operations to an off-site location that allows for larger groups.
- Use technology to create a pre-screening process or receive more accurate ideas about attendance counts.

## **Consideration 5 | Jury Selection (Voir Dire)**

### **CONCERNS AND CHALLENGES**

The efficiency of Court operations will likely be reduced significantly with a limited pool of potential jurors. Having fewer potential jurors available at one time will extend the process over a longer time period.

Most current courtrooms will hold only about 15 potential jurors at a time with social distancing. This will likely require additional voir dire sessions and cleaning time, further extending the length of the process.

### **PLANNING AND BEST PRACTICES**

#### *Courtroom*

- Assess courtroom seating and remove or mark off chairs as needed to achieve proper distance.
- Traditional method of numbering jurors will likely need some modification. Sequencing of seating will help with maintenance of social distance.
- Consider releasing selected jurors to clear the courtroom after each session if sessions are back-to-back.

### **POTENTIAL ALTERNATIVES**

- Schedule pools for specific time periods to reduce pressure on Jury Assembly and allow for faster recovery time in the courtroom.
- Move operations to an off-site location that allows for larger groups.
- Use technology to create a screening process that addresses the potential jurors and allows for a faster dismissal process.
- Use technology to perform the process virtually.

## **Consideration 6 | Jury Deliberations**

### **CONCERNS AND CHALLENGES**

Jury Deliberation rooms are generally designed to be just large enough to accommodate 14 to 16 people without social distancing. Test fits of these rooms show that once social distancing is established, they will only fit from 6 to 9 people and thus are completely inadequate for use when the entire jury must participate. Alternate locations may not be acoustically protected or provide secure restroom access, etc.

## PLANNING AND BEST PRACTICES

In jury deliberation and amenity areas:

- Confirm the maximum capacity of the jury deliberation suite
- Evaluate other large volume space options in the Courthouse for viability of hosting jury deliberations. Is there acoustic isolation? Are there restroom facilities? What staffing will be needed in an alternate location?

## POTENTIAL ALTERNATIVES

Consider using the Courtroom as the deliberation suite. The jurors will already be spaced appropriately and there is access to the jury suite for needed amenities. See Figure 1 below for an example of potential arrangements and provision of alternative measures that could work for some courtrooms as well as sensitive areas in the courtroom.

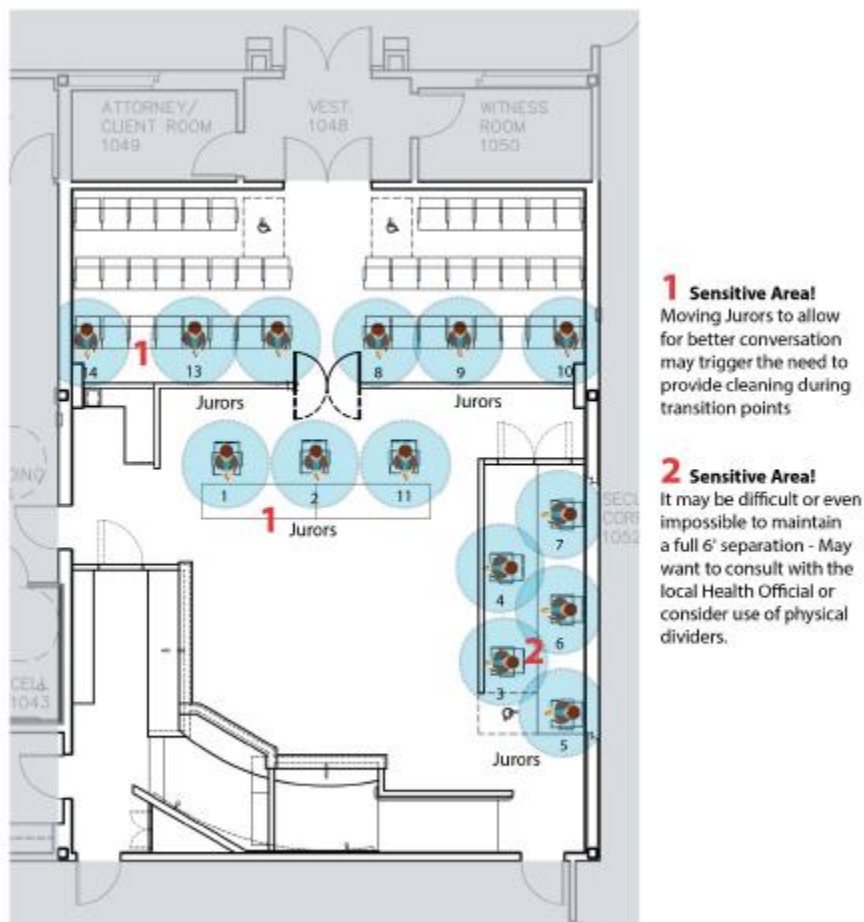


Figure 1. Jury Deliberation in Courtroom

## **Consideration 7 | Public Corridors and Vertical Circulation (Elevators and Stairs)**

### **CONCERNS AND CHALLENGES**

Circulation spaces are generally confined and pose significant interaction challenges. Corridors are often not wide enough for two people to pass while being socially distanced and separating traffic is impossible. Elevators are extremely confined and would only allow room for a single person and requires physical interaction with controls.

### **PLANNING AND BEST PRACTICES**

#### *Public Corridors*

- Where corridors are at least 8 feet wide, stanchions or floor markings can be used to define walking paths.
- For smaller corridors, consider use of a “one-way” strategy where possible.
- If seating is placed in walkway areas, planning should consider removal or reconfiguration to maintain distancing.
- Planning efforts should consider that these spaces are generally part of the emergency exit system and cannot be reduced in width or obstructed by placed objects.

#### *Elevators*

- Elevators are extremely confined spaces, establishing rules for occupancy can help but directing able bodied persons to consider the use of stairs as an alternative will serve to reduce occupancy in low rise buildings.
- Controls should receive a higher frequency of cleaning and hand sanitizer stations should be located at each level of access.

#### *Stairs*

- Open stairs can be treated like Public Corridors as mentioned above.
- Stairs may help with creating one-way traffic solutions to reducing elevator use.

### **POTENTIAL ALTERNATIVES**

Most building layouts are not conducive to provision of alternatives to circulation so any planning efforts should look to reducing exposure through revisions to operations in addition to inclusion of physical equipment.

## Consideration 8 | Courtroom Areas

### CONCERNS AND CHALLENGES

Fixed casework and furnishings can create difficulty when planning for a new standard of distancing. Modification of these features would likely be expensive and may require additional cost to reverse changes in the future. Because of this, we are focused on adapting those things that can more readily be adjusted.

The dynamic nature of courtroom operations naturally creates conditions where reduced distancing will occur. Discreet sidebar conversations, passing of materials, etc. will create exposure potential and will require solutions with a higher level of attention to detail. See Figure 1 and Figure 2 on pages 17 and 18 for an example of potential arrangements and provision of alternative measures that could work for some courtrooms as well as sensitive areas in the courtroom.

### PLANNING AND BEST PRACTICES

#### *Spectator Seating*

- Remove or mark off chairs to reduce density and provide distancing. Many spectator seating areas have 3 rows so it may be necessary to block off the entire middle row.
- Open spaces for wheelchair accommodation could be used by placing a chair in that position so long as it is easily moved and can be stored out of the way.
- When using the spectator area for jury seating, clearly identifying jury areas will help with separation.
- Consider creating a hierarchy for assignment of seats to spectators like what might be enacted for a high-profile trial.

### POTENTIAL ALTERNATIVES

#### *The Well/Bench/Stand Area*

- **Bench:** Many courtroom layouts generally allow for 6 feet of separation for the Bench except for times of interaction. Floor tape can be used to define levels of approach for counsel, or to define paths of travel within the Well.
- **The Stand:** This area is also generally well separated but could be protected through use of floor markings to establish distancing.
- **Court Reporter:** This station is generally well separated but can be further protected through use of floor markings to define paths.
- **Lecterns:** Mobile lecterns can be used to help with definition of paths and stations in the Well but should be cleaned regularly if used with any frequency.
- **Counsel Tables:** Most tables do not allow for 6 feet of separation. Moving or reorienting tables may help with this, but it is likely that the participants in the well will be limited

to 4 people. Use of the spectator gallery may be necessary for all or part of the prosecution to maintain 6 feet of social distance.

### Clerk Stations

- Many clerk stations will not allow for a 6-foot separation between clerks. Clerks should try to maintain as much separation as possible and can employ PPE or physical barriers where practical.
- Clerks frequently need to pass documents to the bench. Short moments of decreased social distancing can be made safer using physical barriers, PPE or physical devices like document slides.
- Many clerk stations are used as offices for day-to-day operations. If the courtroom is used for Jury Deliberation, the clerks will need to have access to other areas for office space. Repurposing of Jury Deliberation areas, etc. might work for this function.

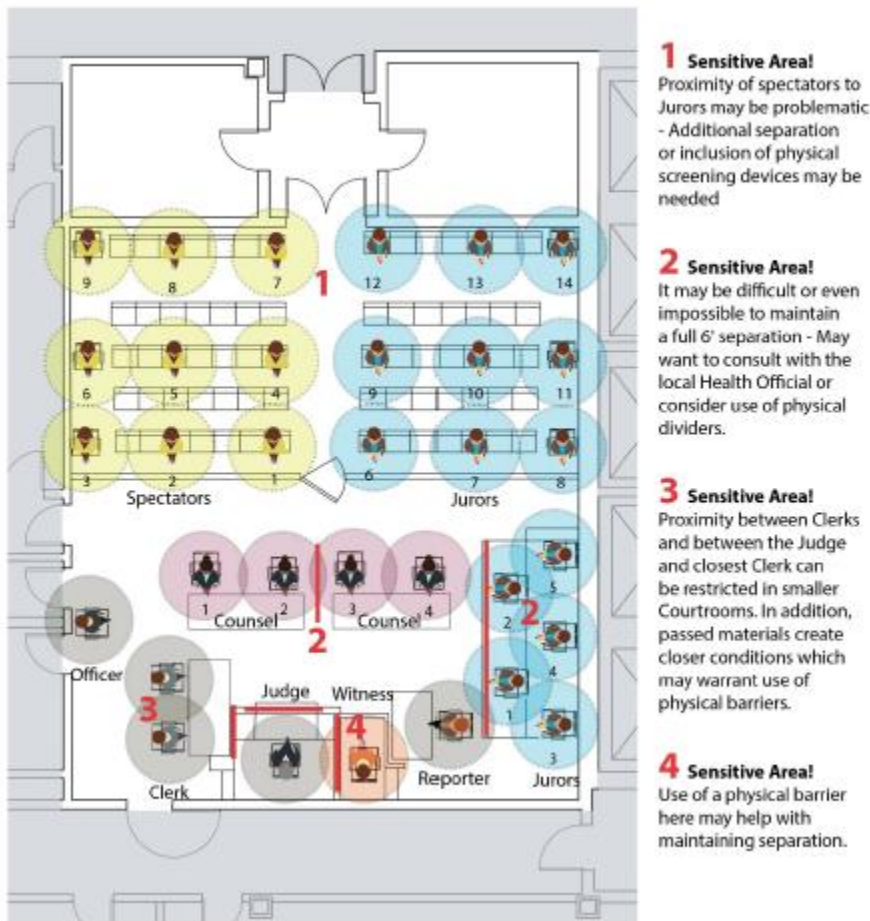


Figure 2. Potential Mitigations in a Small Courtroom

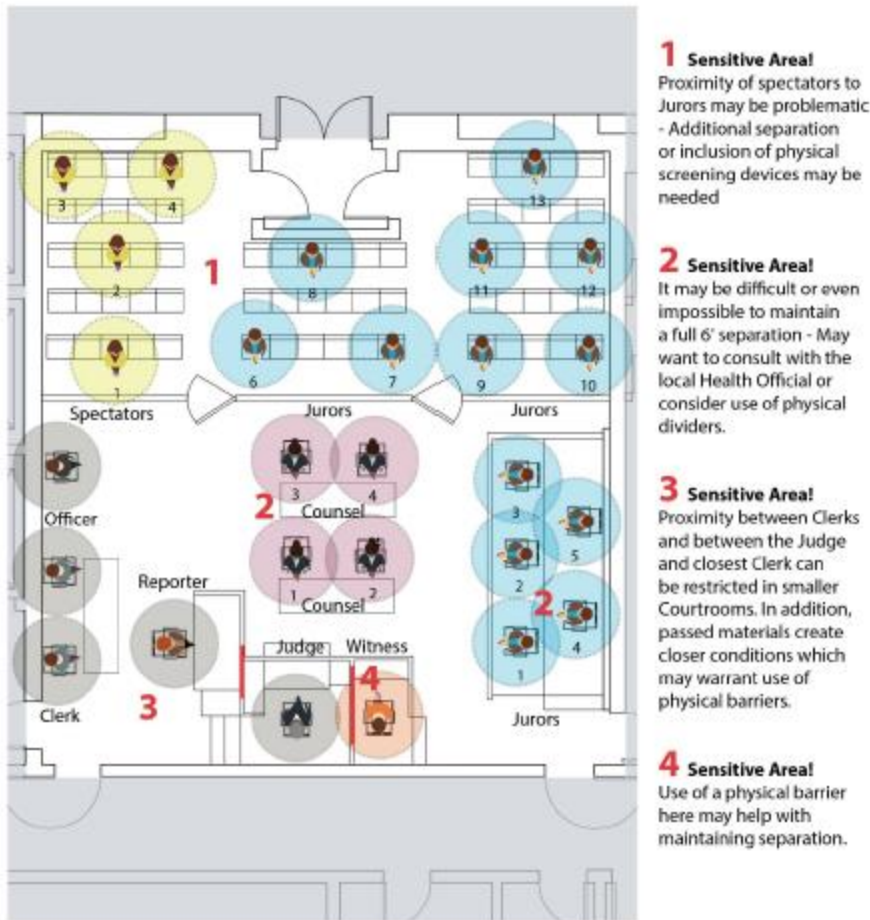


Figure 3. Potential Mitigations in an Alternately Configured Courtroom

### Jury Box

Most Jury Boxes will only allow for 4 or 5 positions when socially distanced. Depending on Well size and configuration, 2 additional jurors might be located just outside the box. The remainder of the jurors could be seated in the Spectator Seating area. See Figure 4 below for an example of potential arrangements and provision of alternative measures that could work for some courtrooms as well as sensitive areas in the courtroom.



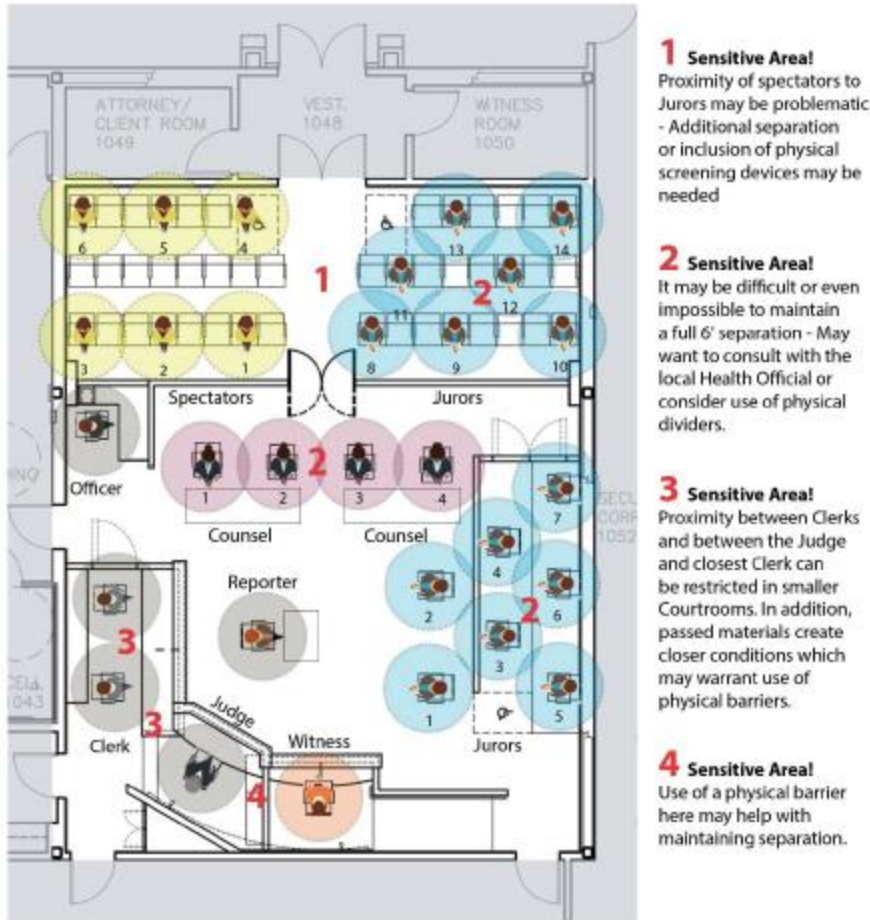


Figure 4. Potential Jury Arrangement for a Typical Courtroom

### Other Potential Alternatives

- Move operations to an off-site location that allows for larger groups. This obviously comes with a lot of problems and might necessarily be limited to civil calendars.
- Consider use of technology to allow for witness interaction and/or presentation of evidence to jurors. Some courts may currently have this capability. Benefits would include reduced Well traffic and visits by “new” participants.

## Consideration 9 | Staff Support Areas

### CONCERNS AND CHALLENGES

Modern open office areas often have low height workstations with staff in a closer proximity than is necessary to attain social distancing. In addition, circulation paths and work patterns often create conditions where staff members are nearer to each other than desired.

Conference rooms and other gathering spaces also create potential problems when used for meetings. Much like Jury Deliberation Rooms, these spaces will no longer accommodate their intended occupancy counts.

### PLANNING AND BEST PRACTICES

#### *Open Office Areas*

- Developing a floor plan diagram with 6-foot “bubbles” will help with determining locations of potential concern.
- Physical barriers between staff positions may help with allowing for increased density. When employing these physical barriers, higher barriers may be required if sit-stand desks are employed in the office.
- Provide sanitizer stations throughout open spaces for convenience.

#### *Conference and Meeting Spaces*

- Planning diagrams for each space will be helpful in determining how many people can use these spaces safely. Within the space, removal or marking-off of chairs will help with keeping people separated.
- Consider keeping meetings short to avoid build-up of airborne particles. Scheduling gaps between meetings will help as well by allowing air to be exhausted from the room.
- Provide sanitizer stations at entrances for use before and after meetings.

#### *Judicial Staff and Chambers*

- Judicial staff generally work closely together and will find difficulty in staying separated. Consider use of more frequent cleaning and testing of staff in these areas.
- Consider use of other, larger, rooms for conferences, etc.

### POTENTIAL ALTERNATIVES

- Consider allowing certain staff to work from home on a rotating basis. Staggering days or weeks will help in reducing density.
- Use technology to effectively “gather” larger groups, even if those staff members are in the office. Video conferencing technology at each workstation or provision of hoteling conference stations could help with this.



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

Meeting Date: 06/01/2020

## **Action Item 1 – Allocation and reimbursement of not more than \$5,000,000 from the Court Facilities Trust Fund to assist trial courts with temporary facilities modifications in response to COVID-19**

### **SUMMARY:**

Pursuant to Government Code 70352, Judicial Council funds will be made available to trial courts for temporary facilities modifications related to COVID-19. The Committee conditionally approved the use of Maintenance Budget (CFTF 3066) funds up to \$5,000,000 to develop and implement social distancing measures at the trial court facilities. Staff will present i) two methodologies for the allocation of the funds, ii) an overview of eligible costs, and iii) the reimbursement process.

Presenter: Mr. Mike Courtney, Director, Facilities Services

### **ACTION:**

- i) Approve one of the following methodologies to allocate up to \$5,000,000 from the Maintenance Budget (CFTF 3066) to trial courts statewide for temporary facilities modifications related to the re-opening of courthouses during the COVID-19 pandemic.

Option 1 - Allocate funding by number of courtrooms per court, with a \$10,000 minimum for small courts.

Option 2 – Allocate funding by the total court exclusive area per court, with a \$10,000 minimum

- ii) Approve the following eligible costs for temporary trial court facilities modifications related to Covid-19:

- a. Temporary signage
- b. Temporary removal of high touch surfaces
- c. Hand sanitizer and other Personal Protective Equipment
- d. Additional disinfecting and sanitizing costs
- e. Temporary reconfiguring of physical space to ensure Social Distancing
- f. Creating temporary physical barriers to reduce COVID-19 transmission
- g. Temporary court labor costs
- h. Other temporary measures upon approval

Permanent improvements are not eligible for reimbursement:

- a. Structural Improvements
- b. Ballistic glazing
- c. Audio visual improvements
- d. HVAC improvements
- e. Other permanent improvements



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT FACILITY MODIFICATION  
ADVISORY COMMITTEE

Meeting Date: 06/01/2020

- iii) Approve the following process for trial courts to recover eligible costs for temporary facilities modifications related to Covid-19:
  - a. Submit receipts with a written description of the work completed, the location (courthouse) in which it was completed, and how the work supports the response to COVID-19
  - b. Reimbursement requests to be submitted once monthly through December 11, 2020
  - c. Alternatively, a trial court may submit a request to Judicial Council Facilities Services to provide the eligible modifications, services, or products not to exceed the trial court's specified allocation amount.

## **Supporting Documentation:**

- Allocation Options with Breakdown by Court

**TCFMAC - Distribution of \$5M for Social Distancing Measures**

Allocation by Number of Courtrooms					Allocation by Court Exclusive Area			
	County	No. of Courtrooms	Cost Distribution by Courtroom	Redistributed Costs	County	Court Exclusive Area	Cost Distribution by Court Exclusive Area	Court Exclusive Area with Cap and minimum & remaining distributed
1	Alameda	95	\$ 220,132	\$ 217,335	Alameda	661,924	\$ 204,038	\$ 200,819
2	Alpine	1	\$ 2,317	\$ 10,000	Alpine	2,552	\$ 787	\$ 10,000
3	Amador	3	\$ 6,488	\$ 10,000	Amador	20,346	\$ 6,272	\$ 10,000
4	Butte	16	\$ 37,075	\$ 36,604	Butte	143,406	\$ 44,205	\$ 43,507
5	Calaveras	4	\$ 9,269	\$ 10,000	Calaveras	44,629	\$ 13,757	\$ 13,540
6	Colusa	2	\$ 4,634	\$ 10,000	Colusa	9,015	\$ 2,779	\$ 10,000
7	Contra Costa	45	\$ 104,273	\$ 102,948	Contra Costa	376,501	\$ 116,057	\$ 114,225
8	Del Norte	3	\$ 6,952	\$ 10,000	Del Norte	15,437	\$ 4,758	\$ 10,000
9	El Dorado	10	\$ 23,172	\$ 22,877	El Dorado	62,515	\$ 19,270	\$ 18,966
10	Fresno	53	\$ 122,810	\$ 121,250	Fresno	448,938	\$ 138,385	\$ 136,202
11	Glenn	3	\$ 6,952	\$ 10,000	Glenn	35,586	\$ 10,969	\$ 10,796
12	Humboldt	8	\$ 18,537	\$ 18,302	Humboldt	51,189	\$ 15,779	\$ 15,530
13	Imperial	12	\$ 27,806	\$ 27,453	Imperial	68,257	\$ 21,040	\$ 20,708
14	Inyo	2	\$ 4,634	\$ 10,000	Inyo	12,625	\$ 3,892	\$ 10,000
15	Kern	47	\$ 108,907	\$ 107,524	Kern	302,685	\$ 93,303	\$ 91,831
16	Kings	10	\$ 23,172	\$ 22,877	Kings	147,232	\$ 45,384	\$ 44,668
17	Lake	5	\$ 11,586	\$ 11,439	Lake	26,298	\$ 8,106	\$ 10,000
18	Lassen	4	\$ 9,269	\$ 10,000	Lassen	45,434	\$ 14,005	\$ 13,784
19	Los Angeles	608	\$ 1,408,842	\$ 1,390,943	Los Angeles	4,661,556	\$ 1,436,927	\$ 1,414,254
20	Madera	10	\$ 23,172	\$ 22,877	Madera	128,928	\$ 39,742	\$ 39,115
21	Marin	15	\$ 34,758	\$ 34,316	Marin	65,548	\$ 20,205	\$ 19,886
22	Mariposa	3	\$ 6,952	\$ 10,000	Mariposa	6,018	\$ 1,855	\$ 10,000
23	Mendocino	8	\$ 18,537	\$ 18,302	Mendocino	37,251	\$ 11,483	\$ 11,301
24	Merced	13	\$ 30,123	\$ 29,741	Merced	122,685	\$ 37,818	\$ 37,221
25	Modoc	2	\$ 4,634	\$ 10,000	Modoc	13,530	\$ 4,171	\$ 10,000
26	Mono	3	\$ 6,952	\$ 10,000	Mono	27,039	\$ 8,335	\$ 10,000
27	Monterey	21	\$ 48,661	\$ 48,042	Monterey	160,743	\$ 49,549	\$ 48,767
28	Napa	9	\$ 20,855	\$ 20,590	Napa	84,634	\$ 26,088	\$ 25,677
29	Nevada	6	\$ 13,903	\$ 13,726	Nevada	29,907	\$ 9,219	\$ 10,000
30	Orange	152	\$ 352,211	\$ 347,736	Orange	744,597	\$ 229,522	\$ 225,901
31	Placer	15	\$ 34,758	\$ 34,316	Placer	156,994	\$ 48,393	\$ 47,630
32	Plumas	2	\$ 4,634	\$ 10,000	Plumas	23,114	\$ 7,125	\$ 10,000
33	Riverside	94	\$ 217,814	\$ 215,047	Riverside	864,339	\$ 266,433	\$ 262,229
34	Sacramento	77	\$ 178,422	\$ 176,156	Sacramento	742,855	\$ 228,985	\$ 225,372
35	San Benito	3	\$ 6,952	\$ 10,000	San Benito	41,339	\$ 12,743	\$ 12,542
36	San Bernardino	125	\$ 289,647	\$ 285,967	San Bernardino	873,031	\$ 269,112	\$ 264,866
37	San Diego	161	\$ 373,065	\$ 368,325	San Diego	1,361,383	\$ 419,647	\$ 413,026
38	San Francisco	67	\$ 155,251	\$ 153,278	San Francisco	330,416	\$ 101,851	\$ 100,244
39	San Joaquin	34	\$ 78,784	\$ 77,783	San Joaquin	464,226	\$ 143,098	\$ 140,840
40	San Luis Obispo	14	\$ 32,440	\$ 32,028	San Luis Obispo	81,123	\$ 25,006	\$ 24,612
41	San Mateo	35	\$ 81,101	\$ 80,071	San Mateo	208,602	\$ 64,302	\$ 63,287
42	Santa Barbara	27	\$ 62,564	\$ 61,769	Santa Barbara	215,130	\$ 66,314	\$ 65,268
43	Santa Clara	102	\$ 236,352	\$ 233,349	Santa Clara	772,971	\$ 238,269	\$ 234,509
44	Santa Cruz	14	\$ 32,440	\$ 32,028	Santa Cruz	97,142	\$ 29,944	\$ 29,472
45	Shasta	12	\$ 27,806	\$ 27,453	Shasta	57,163	\$ 17,621	\$ 17,342
46	Sierra	1	\$ 2,317	\$ 10,000	Sierra	5,440	\$ 1,677	\$ 10,000
47	Siskiyou	5	\$ 11,586	\$ 11,439	Siskiyou	11,096	\$ 3,420	\$ 10,000
48	Solano	27	\$ 62,564	\$ 61,769	Solano	179,461	\$ 55,319	\$ 54,446
49	Sonoma	22	\$ 50,978	\$ 50,330	Sonoma	129,242	\$ 39,839	\$ 39,210
50	Stanislaus	25	\$ 57,929	\$ 57,193	Stanislaus	132,860	\$ 40,954	\$ 40,308
51	Sutter	6	\$ 13,903	\$ 13,726	Sutter	94,119	\$ 29,012	\$ 28,554
52	Tehama	6	\$ 13,903	\$ 13,726	Tehama	73,473	\$ 22,648	\$ 22,291
53	Trinity	2	\$ 4,634	\$ 10,000	Trinity	9,493	\$ 2,926	\$ 10,000
54	Tulare	27	\$ 62,564	\$ 61,769	Tulare	215,240	\$ 66,348	\$ 65,301
55	Tuolumne	5	\$ 11,586	\$ 11,439	Tuolumne	25,930	\$ 7,993	\$ 10,000
56	Ventura	57	\$ 132,079	\$ 130,401	Ventura	288,438	\$ 88,911	\$ 87,508
57	Yolo	14	\$ 32,440	\$ 32,028	Yolo	179,448	\$ 55,315	\$ 54,442
58	Yuba	6	\$ 13,903	\$ 13,726	Yuba	29,500	\$ 9,093	\$ 10,000
	<b>Total</b>	<b>2,158</b>	<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>	<b>Total</b>	<b>16,220,573</b>	<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>

**TCFMAC - Distribution of \$5M for Social Distancing Measures**

**Allocation by Covid 19 Cases**

	<b>County Name</b>	<b>Covid 19 Cases as of 5/22/20</b>	<b>Distribution based on Covid 19 Cases</b>
1	Alameda	2,606	\$ 147,328
2	Alpine	1	\$ 57
3	Amador	9	\$ 509
4	Butte	31	\$ 1,753
5	Calaveras	13	\$ 735
6	Colusa	4	\$ 226
7	Contra Costa	1,243	\$ 70,272
8	Del Norte	9	\$ 509
9	El Dorado	67	\$ 3,788
10	Fresno	1,362	\$ 77,000
11	Glenn	12	\$ 678
12	Humboldt	79	\$ 4,466
13	Imperial	1,096	\$ 61,962
14	Inyo	20	\$ 1,131
15	Kern	1,684	\$ 95,204
16	Kings	417	\$ 23,575
17	Lake	10	\$ 565
18	Lassen	0	\$ -
19	Los Angeles	42,063	\$ 2,377,999
20	Madera	82	\$ 4,636
21	Marin	359	\$ 20,296
22	Mariposa	15	\$ 848
23	Mendocino	12	\$ 678
24	Merced	226	\$ 12,777
25	Modoc	0	\$ -
26	Mono	33	\$ 1,866
27	Monterey	363	\$ 20,522
28	Napa	96	\$ 5,427
29	Nevada	41	\$ 2,318
30	Orange	4,975	\$ 281,258
31	Placer	176	\$ 9,950
32	Plumas	4	\$ 226
33	Riverside	6,245	\$ 353,056
34	Sacramento	1,258	\$ 71,120
35	San Benito	61	\$ 3,449
36	San Bernardino	3,950	\$ 223,310
37	San Diego	6,317	\$ 357,127
38	San Francisco	2,248	\$ 127,089
39	San Joaquin	730	\$ 41,270
40	San Luis Obispo	251	\$ 14,190
41	San Mateo	1,791	\$ 101,253
42	Santa Barbara	1,541	\$ 87,119
43	Santa Clara	2,520	\$ 142,466
44	Santa Cruz	164	\$ 9,272
45	Shasta	34	\$ 1,922
46	Sierra	0	\$ -
47	Siskiyou	6	\$ 339
48	Solano	424	\$ 23,971
49	Sonoma	427	\$ 24,140
50	Stanislaus	602	\$ 34,034
51	Sutter	38	\$ 2,148
52	Tehama	2	\$ 113
53	Trinity	1	\$ 57
54	Tulare	1,606	\$ 90,794
55	Tuolumne	2	\$ 113
56	Ventura	907	\$ 51,277
57	Yolo	185	\$ 10,459
58	Yuba	24	\$ 1,357
	<b>Total</b>	<b>88,442</b>	<b>\$ 5,000,000</b>