

JANUARY 2021 — ADI NEWS ALERT

ADI wishes all of our colleagues across the Fourth District and state and country and world a Happy New Year!

This alert¹ covers:

- [Status of courts during pandemic](#): Updated guide to coronavirus emergency measures applicable to Fourth District cases.
- [New laws highlighted on ADI website](#).
- [Captions on briefs no longer to indicate whether case is assisted or independent](#).
- [JCC agrees to extend pandemic interim claims policies](#).

Coronavirus emergency measures: current situation

ADI staff attorney Cindi Mishkin has updated her [report on the status of coronavirus emergency measures](#). The report is posted on the ADI website home page, center column, under CORONAVIRUS EMERGENCY MEASURES.

In brief, superior courts are gradually reopening, with considerable caution. Counties have resumed, or are making plans for resuming, jury trials. Courts of Appeal remain open for limited services.

Oral arguments are remote. All three divisions now use the BlueJeans platform. Contact the court if you want to request telephonic argument only, because of concerns about Internet connections or for other reasons.

The California Supreme Court no longer requires paper copies for any filing. All cases, including review-granted cases, are now using TrueFiling.

¹As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

New laws highlighted on ADI website

ADI has posted Garrick Byers' [New Laws for 2021](#) on its Recent Changes in the Law pages (with the author's permission). Some especially important changes for criminal practitioners:

[AB 3043](#), granting the right to a monthly telephone call for clients housed in CDCR.

[AB 1950](#), amending Penal Code sections 1203a and 1203.1 and shortening the permissible length of probation in many cases.

[AB 1869](#), effective July 1, 2021, repealing various fees that adversely burden our clients. Affected are Government Code sections 6111, 27706, 27707, 27712, 27750, 27752, 27753, 29550, 29550.1, 29550.2, 29550.3, 29550, and 29551, as well as Penal Code sections 295, 987, 987.2, 987.4, 987.5, 987.8, 987.81, 1000.3, 1203, 1203.016, 1203.018, 1203.1b, 1203.1bb, 1203.1d, 1203.1e, 1203.9, 1208, 1208.2, 1208.3, 1210.15, 1465.9, 4024.2, 3010.8, and 6266.

[SB 823](#), discussed in more detail below, creating realignment in juvenile law and setting the stage for DJJ closure in July 2021.

Senate Bill No. 823 – DJJ Closure and Changes to Commitments

Senate Bill No. 823 sets timelines and conditions for the closure of the Department of Juvenile Justice (DJJ). The intent of the legislation is to reduce the transfer of youth into the adult criminal system and eventually close DJJ by shifting responsibility for youth adjudged a ward of the court to the counties.

With the exception of transfer cases, DJJ intake will close July 1, 2021. And with a narrow exception, beginning July 1, 2021, "a ward shall not be committed to" DJJ. (Welf. & Inst. Code, § 736.5, subd. (b).) Provisions set out in newly created section 208.5 of the Welfare and Institutions Code require most persons whose case originated in juvenile court and who are held in a secure detention facility to remain in a county juvenile facility rather than in adult custody. This statute thus authorizes advocates to move for the removal of persons under the age of 25 from county jail.

SB 823 makes several changes to Penal Code sections impacting youth and the Welfare & Institutions Code. For more information see the full text of the bill (link above). Notable is the amendment to Welfare and Institutions Code section 731, subdivision (c), which limits the maximum term calculation to the middle term when a commitment to DJJ is ordered. Beginning July 1, 2021, the middle term limit applies to all juvenile facility commitments. (Welf. & Inst. Code, § 730, subd. (a)(2).) And beginning July 2021,

revised Welfare and Institutions Code section 607 takes effect to set the maximum age of juvenile court jurisdiction.

Captions on briefs no longer to indicate whether case is assisted or independent

Administrative Presiding Justice Judith McConnell has decided brief covers no longer need to indicate whether a case is assisted or independent. That status is a matter governing the working relationship between the attorney and the project and has little meaning to outsiders.

The cover should continue to state the case is “appointed” in all cases. Thus the caption should now include this statement, after the attorney’s name and contact information:

By appointment of the Court of Appeal under the Appellate Defenders, Inc., program.

This statement assures the court the quality control measures used by ADI have been applied.

JCC agrees to extend pandemic interim claims policies

The JCC has agreed that the special rules for interim claims adopted near the start of the pandemic shutdowns can be extended to June 30, 2021. Those rules are spelled out on the home page of ADI’s Case Management website: <https://cms.adi-sandiego.com/> (the panel portal), first item.