



Going to Court During COVID-19

By Gregory M. Smith, Esq.

On March 13, 2020, Judge Kevin Brazile, Presiding Judge of the Los Angeles Superior Court issued the first of many orders announcing the Court's responses to the COVID-19 crisis. Since then, Los Angeles' usually-bustling courthouses have been closed to all but emergency hearings. Recently, I had the opportunity to go to the Stanley Mosk Courthouse in Downtown LA for one such ex parte hearing. The experience was weird, but given the push to "reopen America" it is likely that at least some of the present protocols will carry over as part of the "new normal" that we have all been hearing about. While experiences may vary by day, I hope this helps paint a picture of my experience.

As I approached the courthouse, there was no line. The doors slid open and immediately at entry - even before passing through the metal detector - I encountered a masked Sheriff's deputy with a clipboard and a list. In a tone that was professional, but not remotely friendly, he asked me why I was there and where I was going. I explained that I had an ex parte but that I understood my assigned department to be closed so I really had idea where to go. I showed him a copy of my papers and was told that all attorneys without a scheduled hearing were to go to Department 1. I put my briefcase through the x-ray machine and stepped through the metal detector in silence, with none of the usual banter with the security staff, and made the walk down the long hall to the escalators. There were few people, a discomfoting stillness, and a notable lack of energy.

I rode the elevator to the next floor and encountered another masked deputy who asked me where I was going. I told him "Department 1" and he gestured toward the end of the hall and I continued walking. I reached the Courtroom and stopped to notice the signs taped to the walls reminding everyone to maintain social distance and keep their masks on. I arrived a few minutes prior to 8:30, so I sat waiting for the Courtroom to open.

The most noticeable difference, other than the lack of people, was the silence. Although they came from around the corner, I could hear a single set of steps far down the hall. Whereas normally the footfalls would be swallowed in a cacophony of false pleasantries between opponents, fervid whispers between litigants and counsel, and intense shuffling of papers in preparation, each step of the unseen individual hit the tile like a hammer striking a gong. Finally, another attorney appeared around the corner, walked toward me, and sat on the opposite bench. The clerk then opened the door, and told us that we could enter, but that we were only to place our papers in the designated basket, sit in a marked seat, and wait.

I entered, and followed directions, as did the other attorney. It was just the two of us seated in the room, which could normally hold hundreds. Shortly thereafter, I was told that my ex parte would be heard in another department. My papers were returned to the box and I was invited to retrieve them. I did so and left, again making the walk down the silent hallway and past the deputy who commented that I was done very soon.

I arrived at the designated department, opened the door, and was immediately told by the Courtroom assistant to exit and wait in the hallway. I turned around and awkwardly stood in the middle of the empty hall, waiting for something - anything really - to happen. After an agonizing delay, the assistant, also masked, opened the door and inquired why I was there. I explained I had an ex parte and had been sent from Department 1. She took my papers and told me to continue to wait. I sat on the bench, under yet another "social distancing" sign taped to the wall. Eventually, the door opened just far enough for the assistant to stick her head out, and I was summoned inside.

The first thing I noticed was that the podium had been moved to the center of the aisle, about two feet in front of the door, looking past it, I saw that the judge was already on the bench and also wearing a mask. He told me to stand at the podium and I complied. "So, tell me about this matter," he instructed, his voice muffled, and his face invisible through his mask. Although we were barely in the same room, I stated my appearance and started explaining my ex parte. Due to my mask suppressing my voice, and the fact that we were on opposite sides of the room, I felt like I was screaming. As we continued, both the judge and I had to repeat ourselves due to difficulties communicating behind masks. Multiple times we talked over each other because of our inability to see each other speaking, and the entire time I was frustrated because his mask prevented me from reading his face for reaction to various lines of argument. After several minutes, the judge took my matter under submission, but before I left, he invited me to appear via Courtcall next time. I then retreated down the long hallway to the exit, again encountering only a handful of people in the usually crowded halls.

In a word, the entire experience was surreal.

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