

Superior Court of California County of Santa Clara

191 North First Street
San José, California 95113
(408) 882-2700

Chambers of
HON. THEODORE C. ZAYNER, Presiding Judge



February 19, 2021

Via Email

Jeffrey V. Smith, M.D., J.D.
County Executive Officer
County of Santa Clara
70 West Hedding Street, 11th Floor
San Jose, CA 95110
jeff.smith@ceo.sscgov.org

Re: Vaccine Priority for Court Workers

Dear Dr. Smith:

I first want to thank you for the leadership the County has consistently provided throughout the pandemic, beginning with the proactive declaration of a public health emergency over one year ago. We at the court continue to be privileged to work closely together with your office, the County public health officers, and the County justice partners who regularly come to our courthouses, to maintain essential court operations as much as possible. The Court is conducting such operations while observing public health guidance on safe and appropriate COVID-19 protocols, providing safety and health assurances to all.

I write with some urgency to request that court employees, judicial officers, and county justice partners be moved higher on the vaccination priority classification. This would recognize the essential nature of the court's work and those who have continued to work courageously and diligently in our courts every day during the pandemic.

As you know, throughout the pandemic, our Court, as the third branch of government, has worked tirelessly to keep our doors open and provide access to justice in furtherance of our commitment and duty to uphold constitutional, statutory, and legislative mandates. We have been fortunate to work with you and our County's Public Health Department to ensure that we conduct court proceedings and business safely, and we are grateful for the responsiveness and attention of Drs. Sarah Rudman and George Han, who have visited our court and provided helpful observations and advice. We have drastically reduced foot traffic in our courthouses, moved court operations and proceedings to remote formats where lawful and permissible, issued Emergency Orders to delay many proceedings and jury trials, implemented social distancing, mandated the use of face coverings and other safety protocols, retrofitted our facilities with Plexiglas and hand sanitizer stations, and greatly enhanced our facilities' sanitization services. Nonetheless, the hardworking

Jeffrey V. Smith, M.D., J.D.
February 19, 2021
Page 2

essential workers of our Court must continue to carry out many of their duties in-person, every day.

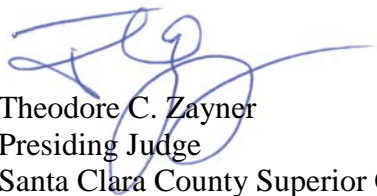
Our uninterrupted operation means that inmates continue to be transported to courthouses from our county jails, and must interact in-person with Court employees and our justice partners. These same dedicated public servants must regularly hold in-person proceedings involving litigants who often lack the means and/or capacity to observe recommended hygiene practices or to quarantine. These in-person proceedings necessarily include the most vulnerable, many of whom have no access to the internet or technological resources that would permit them to appear remotely, even if permitted by law. Also, we must regularly summon regular citizens of our county to our courthouses to serve as trial jurors, requiring our jury and courtroom staff to work in-person with these members of the public who are coming to court not because of their own cases, but because of their own sense of duty and responsibility to the rule of law.

You may be aware that many other counties across the State, most recently Los Angeles and Alameda, have taken appropriate steps to reprioritize all court workers for earlier access to vaccinations. Vaccinations for Alameda court employees, along with all the Criminal justice partners, began on February 18. I also understand that our local justice partners have been offered vaccine doses on short notice, where those doses might otherwise have gone unused. I urge your consideration of court workers in both categories – scheduled for sooner vaccine access, and placed on call for available vaccine doses, in the interim.

Again, thank you for the County's leadership during this time, and for your tireless efforts to keep all of us informed, updated, and safe. I, my judicial colleagues, and our dedicated court staff greatly appreciate your recognition of our service to the public, and your consideration of this request.

Please know that any and all of you should feel free to contact me, and/or our Chief Executive Officer Rebecca Fleming, any time should you wish to discuss this. We would be happy to answer any questions or provide any clarification.

With sincere regards,



Theodore C. Zayner
Presiding Judge
Santa Clara County Superior Court

cc: Hon. Beth McGowen, Assistant Presiding Judge
Rebecca J. Fleming, Chief Executive Officer
Lisa Herrick, Assistant Chief Executive Officer and General Counsel

Jeffrey V. Smith, M.D., J.D.

February 19, 2021

Page 3

Miguel Marquez, Santa Clara County Chief Operating Officer
Martha Wapenski, Santa Clara County Deputy County Executive
Sara H. Cody, M.D., Santa Clara County Health Officer
James R. Williams, Santa Clara County Counsel
Jeffrey F. Rosen, Santa Clara County District Attorney
Molly O'Neal, Santa Clara County Public Defender
David W. Epps, Santa Clara County Alternate Defender
Sylvia Perez-MacDonald, Independent Defense Counsel Office
Laura Garnette, Santa Clara County Chief Probation Officer
Laurie Smith, Santa Clara County Sheriff