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FILED
SUPERIOR COURT OF CA, COUNTY OF KERN

NOV 14 2019

BY *E. Sen* DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF KERN

**STANDING ORDER RE: EXPRESSIVE
ACTIVITY**

MISCELLANEOUS NO.: STO-19-0004

By Order of the Presiding Judge:

It is the purpose and intent of the Court in issuing this Standing Order to ensure the safe and orderly use of court facilities; to minimize activities which unreasonably disrupt, interrupt, or interfere with the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality, bias, prejudice, or favoritism; to provide for the fair and orderly conduct of hearings and trials; to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities; and to maintain proper judicial decorum.

The Court further issues this Standing Order to facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution, or harassment that may be directed at court users including but not limited to those court users waiting in line outside a courthouse.

The Court intends this Standing Order to be enforced in a content-neutral fashion. The

1 Order regulates only conduct occurring in and around court facilities without regard to the
2 content of any particular message, idea, or form of speech. The Court does not intend to ban
3 all expressive activities from the environs surrounding court facilities and intends that this
4 Order be construed so as to provide for ample alternative channels for communication of
5 information near but not within court facilities nor on courthouse grounds. (*See Comfort v.*
6 *MacLaughlin* (C.D. Cal. 2006) 473 F.Supp.2d 1026).

7 **THE COURT HEREBY ORDERS:**

8 **1. Demonstrations, Distributions, Solicitation, and Other Expressive Activity**

9 **a. Definitions:**

10 i. "Prohibited Activity" shall mean the acts of demonstrating, protesting,
11 gathering, picketing, parading, proselytizing or preaching, posting written materials,
12 distributing literature or other materials to the general public, recording or broadcasting (other
13 than news media recording or broadcasting which is covered by a different order), soliciting
14 sales or donations, engaging in commercial activity, or engaging in oral or demonstrative
15 protest, education, unhygienic activity, or counseling, unless otherwise authorized by this
16 Order or the Court.

17 ii. "Walkway" shall mean (a) the area of any corridor or sidewalk, or
18 other path of pedestrian movement, directly from the edge of the public sidewalk nearest an
19 entrance to any building containing a courtroom to that entrance; (b) the area of any corridor or
20 sidewalk leading directly from any parking lot within a curtilage to an entrance to any building
21 containing a courtroom; or (c) a corridor or passageway within a multi-purpose, commercial, or
22 private building that leads directly to the part of the building containing a courtroom.

23 iii. "Curtilage" shall mean the area between any building containing a
24 courtroom and the nearest edge of the public sidewalk surrounding the building. It shall not
25 include the area adjacent to that portion of a multi-purpose, commercial or private building that
does not contain a courtroom.

1 iv. "Courthouse" shall mean any building containing at least one
2 courtroom. It shall also include that portion of a multi-purpose, commercial or private building
3 that contains at least one courtroom.

4 v. "Courtroom" includes any space designated for judicial
5 proceedings, whether permanently or temporarily.

6 **b. Prohibitions**

7 i. No person shall engage in any prohibited activity within a courthouse.

8 ii. No person shall engage in any prohibited activity on the exterior
9 property of a courthouse, or within the curtilage of a courthouse, or engage in any prohibited
10 activity that affects the exterior property of a courthouse.

11 iii. No person shall obstruct, harass, impede, or interfere with persons
12 entering or leaving a courthouse, persons waiting in line to enter a courthouse, or persons
13 inside a courthouse.

14 iv. No person shall approach persons entering or leaving a courthouse,
15 persons waiting in line to enter a courthouse, or persons inside a courthouse, for the purpose of
16 engaging in any prohibited activity.

17 v. No person shall engage in any prohibited activity in or near a courthouse
18 with the intent to interfere with, obstruct, or impede the administration of justice or with the
19 intent to influence any judge, juror, witness, officer of the court, or court personnel in the
20 discharge of his or her duty.

21 vi. No person shall use amplification equipment to engage in prohibited
22 activity in a manner that harasses or interferes with persons inside a courthouse, with persons
23 entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.

24 vii. If sound from any prohibited activity travels onto Court property or
25 inside a courthouse, that sound, at any decibel level, is subject to the restrictions of this

1 Standing Order. It is not the decibel level of the sound that is prohibited, it is whether the
2 sound interferes in any way with the business or purpose of the Court.

3 viii. No person shall publish, post, or distribute any written material other
4 than written material relating to official Court business published, posted or distributed by duly
5 authorized Court personnel, inside any Court facility of this County, without the prior written
6 approval of this Court.

7 **c. Exclusions**

8 i. This Order shall not apply to authorized court personnel or law enforcement
9 officers in the performance of their official duties.

10 ii. Sections 1(b)(i), (ii), and (viii) above shall not apply to persons engaged in the
11 stationary solicitation of sales as part of any commercial, primarily non-expressive activity
12 (including but not limited to the sale of newspapers, reading materials, sundries, or food
13 stuffs) expressly authorized by a written use permit, license, or agreement from the County or
14 the Court or the Judicial Council or other owner of a building containing a courtroom
15 authorizing that activity in a specific space not dedicated to court functions.

16 iii. The Kern County Liberty Bell, which is located in front of the Superior Court of
17 California, County of Kern, at 1415 Truxtun Avenue, in Bakersfield, is a county facility. It has
18 been designated as a landmark and historical place. This site is exempt from sections 1(b)(ii),
19 (iii), and (iv) this Order. Permission for the use of this site must be obtained from the County
20 of Kern.

21 **d. Severability Clause**

22 If any provision of this Order or the application thereof to any person or circumstances
23 is held invalid, the validity of the remainder of the Order and the application of such provision
24 to other persons and circumstances shall not be affected thereby.

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1 **e. Delegation**

2 To the extent the terms of this Order do not accomplish its stated purpose at a
3 courthouse, on delegation by the Presiding Judge, the Supervising Judge responsible for that
4 courthouse or his or her designee is hereby authorized to issue an order to accomplish the
5 stated purpose of this Order.

6 **f. Other Restrictions**

7 This Order does not prohibit the Court from imposing any other reasonable time, place
8 and manner restrictions on persons engaged in such activity. There may be more restrictions,
9 depending upon the circumstances.

10 **g. Courtroom**

11 This Order does not prohibit any judge from making necessary orders to ensure that
12 judicial proceedings in the judge's courtroom are conducted in an orderly manner and to halt or
13 prevent disruptions of court proceedings.

14 **2. Compliance with Law Enforcement**

15 While on or in the premises of any courthouse, all persons are ordered to comply with
16 the lawful requests, directions, and orders of any law enforcement officers and their agents in
17 the performance of their duties. This Order shall not preclude any law enforcement officer
18 from taking appropriate steps outside this order to ensure the orderly and peaceable conduct of
19 Court business at a courthouse, or to enforce the laws of California.

20 **3. Posting and Service of Order**

21 This Order shall be posted at each public entrance to a courthouse and at such other
22 places that will reasonably provide notice of this Order to persons entering such courthouse.
23 The Sheriff of Kern County and his deputies and their agents are directed to serve a copy of
24 this Order personally on any person who appears to be in violation thereof, to advise such
25 person of the apparent violation, and, if the apparent violation continues after such notice, to


1 immediately notify the Court's Executive Officer, Presiding Judge, or Supervising Judge
2 responsible for that courthouse, as may be available in that order, so that the Court can
3 determine whether proceedings should be initiated to ensure compliance with this Order. This
4 Order shall not preclude any law enforcement officer from taking appropriate steps to ensure
5 the orderly and peaceable conduct of court business at a courthouse.

6 **4. Penalties**

7 Violation of this Order may result in the imposition of sanctions in amounts of up to
8 \$1,500 per violation pursuant to Code of Civil Procedure § 177.5 and/or prosecution for
9 criminal violations.

10 **IT IS ORDERED.**

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12 Dated: November 14, 2019.

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15 Judith K. Dulcich, Presiding Judge
16 Kern County Superior Court
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