



Superior Court of California County of Orange

HON. TAM NOMOTO SCHUMANN

DEPARTMENT VCC3

TRIAL GUIDELINES

Welcome to Department VCC3. The Court recommends that all counsel and self-represented parties read and familiarize themselves with Orange County Local Court Rules, Division 6 (Probate Rules) and Titles 3 and 7 of the California Rules of Court (Civil and Probate Rules, respectively).

The Court expects all Parties to cooperate with each other to the fullest extent and act at all times with civility and courtesy.

Rules for Probate Cases

Parties should be familiar with the Probate Trial/Hearing Guidelines posted under <https://www.occourts.org/directory/probate/calendar-schedule-requirements.html>, specifically with the section on Trial Procedures.

Rules for Civil Cases

Parties are expected to be in compliance with OC Local Rule 317.

VCC3 Remote Trial Rules

Trials

- a. All parties are responsible for paying in advance, all court reporter per diem fees
- b. No filming, broadcasting, photography, or electronic recording is permitted of this court session per California Rules of Court, rule 1.150 and Orange County Superior Court rule 180. Violations of this rule may result in sanctions or criminal prosecution.
- c. All hearings will be subject to a time limitation to be determined by the Court after consultation with the parties. This time limit will be allocated equitably amongst the parties. Time limits will be strictly enforced.

- d. At the time of trial, the parties will be directed to the Department's "virtual courtroom" through a web-link to be provided by the Clerk. The Clerk will communicate with the parties using the most current email address provided the Court pursuant to applicable Court Rules.
- e. Remote proceedings may be facilitated by the Clerk through the Department's email: LiveVCC3@occourts.org. Use of the Department email is not a substitute for the electronic filing of documents when required. It is not a forum for any and all communications with the Court. It is reserved only for those uses specifically identified and permitted herein. *Ex parte communications with the Court remain strictly prohibited.*
- f. Only parties, counsel, and witnesses previously identified may participate in the trial. The link to the videoconference trial may be forwarded only to such persons. Third party witnesses who have not agreed to appear by using the videoconference link may be directed to appear in C12 on an appointed time by calling the department at (714) 371-9121 for further instructions from the Court.
- g. **Any member of the public wishing to attend a remote proceeding may do so by contacting the courtroom clerk for access instructions.**

Hearing Decorum

- a. The attorney is responsible for a client's behavior while participating. Parties shall likewise advise all witnesses of the rules and procedures relevant to these remote proceedings and shall be responsible to ensure their witnesses display appropriate decorum and compliance with these procedures.
- b. All participants (parties, counsel, and witnesses) must be in an office or room with proper lighting. There should not be any distractions (noise or other things) occurring in the background. While they are present at trial, participants must always be visible and able to be heard when prompted.
- c. Participants shall conduct themselves in the same manner they would if they were physically present before the Court. Participants shall wear professional attire appropriate for all court proceedings and take all necessary steps to eliminate background noise or distractions.
- d. Witnesses will be admitted to the videoconference when it is time for them to testify. They should leave the proceeding after testimony, unless the attorneys/parties make a request to have them remain after their testimony is complete, and the Court has granted the request.

- e. Parties must arrange for witnesses to testify in a quiet location with no other undisclosed or unnecessary persons present and where no documents or other material in any way connected with the case (whether electronic, physical, or in any other form) are accessible except for trial exhibits.
- f. During the examination of a witness, no party, counsel, or other person may communicate with the witness (electronically, verbally, in writing, through signs or signals, or in any other way) except as part of the examination itself and in the full sight and hearing of opposing parties, opposing counsel, and the Court. A violation of this order is a ground for the court to find a party, counsel, or witness in contempt of court.
- g. Participants will be allowed to speak only when prompted by the Court. Participants should ask to sign off before leaving the proceeding to ensure their presence is no longer required.

Technology

- a. Before trial commences all participants must have access to Zoom (or any substituted application) on their electronic devices (computers, cell phones, tablets, or laptops). All participants must test functionality prior to the time of trial. Again, instructions for using Zoom (and other commonly used remote applications) are available on the Court's public website. A strong highspeed internet connection is essential.
- b. If a party's internet connection is poor or the Court is otherwise unable to view, hear or understand a participant, the Court reserves the right to continue the matter, declare a mistrial (where appropriate) or take other necessary action. Where the inability to communicate is immediately resolvable, the Court may permit a temporary delay or explore other real time "work arounds" and/or technological alternatives.
- c. The parties are responsible for ensuring that all witnesses and other necessary participants are able (including necessary software, hardware and use instructions) and available to participate in the contemplated remote trial which responsibility may include providing sufficient details in any subpoena or notice to appear that will create a legal obligation to comply with the Court's remote trial procedures.
- d. All participants will be responsible for providing the Court with a means of "rescue" communication that will allow the Court to quickly, during the hearing, contact the affected party to address technological challenges. In the event a participant is having difficulty hearing or seeing the proceedings, he or she may contact the clerk through the Department email or phone to alert the Court and to receive further instructions.

Interpreters/Reporters

- a. Pursuant to Emergency Rule 3, use of interpreters through videoconference is also expressly permitted. If an interpreter is needed, it will generally be the responsibility of the party whose witness requires an interpreter to make those arrangements. The party requiring an interpreter shall alert the Court before the trial commences.

- b. In the absence of a prior court order, privately hired court reporters must also participate remotely. It is the responsibility of the party hiring a court reporter to make the necessary arrangements for his/her access to the planned remote proceedings. Per the Court's Privately Retained Court Reporter policy, Local Form L-0860 (Stipulation and Appointment of Official Reporter Pro Tempore) must be electronically filed with the court at least 5 days prior to the trial when parties select a court reporter not on the Court-Approved Official Reporters Pro Tempore List.¹

¹ There shall be no other audio or video recording of any of the Court proceedings on or off the record. Again, any such recording is unlawful and may result in sanctions or prosecution.