



**Superior Court of California
County of Orange**

Superior Court of California
County of Orange
Harbor Justice Center
H13 Remote Hearing Procedures (Updated: 2/11/2021)

Pursuant to California Judicial Council Emergency Rule 3¹ and Orange County Superior Court Administrative Order No. 20/15, this Court will proceed with conducting Remote Hearings via WebEx videoconference or Team. Basic procedures are as follows:

Hearings:

- a. Maximum of 15 exhibits per side (maximum 10 pages per exhibit). If submitted exhibits exceed these limitations, those exhibits (or those portions of the exhibit) will not be admitted as evidence. In the event your Exhibits exceed the maximum limit, please review item "c" below. Reports such as 730 evaluations, CCI's, etc. will be an exception to this rule, but as a courtesy please advise the Court prior to the hearing.
- b. All exhibits must be emailed to FamilyLawExhibits@occourts.org, and emailed to the opposing party/counsel, at least 72 hours prior to the hearing.

DO NOT SEND TO THE DEPARTMENT EMAIL

- i. **IMPORTANT:** Your email to the Court at the above address **MUST** bear the exact designation in the Subject line for it to be automatically routed to the correct repository. Your email must use the following Subject line format:

H13/Case#21D000001

(Please use your case number)

- c. If your case has been specially set for hearing/trial and your exhibits will exceed the maximum number as set forth in "a." above, your exhibits can be processed as follows:
 - i. Prepare two sets of Exhibit Binders which are properly labeled (numerical for petitioner and alphabetical for respondent).
 - ii. Contact the courtroom **5 days** prior to the hearing to make arrangements for delivery of the binders to the courtroom.
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- d. **Copies of exhibits must be provided to litigants who are testifying remotely by their attorney or directly to litigants who do not have an attorney.** If exhibits are not previously provided to the Court or the opposing party, they will not be considered.
 - e. The Rules of Evidence with regard to the admissibility of evidence remains in full force and effect.
- II. Scheduling:
- a. All remote hearings will be scheduled through the Department's email: H13@occourts.org. DO NOT send requesting email until you have been contacted by the Department. If you have a matter already on calendar you will receive a remote hearing appointment from H13@occourts.org.
 - b. After being notified of your appearance date the parties are to meet and confer regarding potential settlement AND to discuss proposed dates for setting of future remote hearings, MSC's, future long cause trials, etc. *Domestic Violence matters are excused from this requirement.*
- III. Remote Hearing Session:
- a. Clients Attendance – It is counsel's discretion to include their clients for status conference hearings. If counsel is desirous of conducting an MSC without their client, they are required to have written consent.
 - b. In order to "invite" their client to a remote session, counsel need only forward the email they received for the session and their client can "accept" the invitation and will be automatically included.
 - c. Witness Attendance – Counsel must file and serve a complete witness list no later than ten (10) days prior to the hearing. If no objections are filed, they may "invite" their witnesses to the hearing in the same manner as their client, as set forth above.
 - d. Parties and witnesses may not forward the link to the meeting.
 - e. Parties must be on time for hearing or risk the matter being taken off calendar.
 - f. Continuances - If either counsel has a conflict they are to meet and confer, and discuss new dates. Thereafter, they are to contact the court at 657-622-5413.
 - g. ***THE COURT WILL NOT FORWARD THE EMAIL LINK TO CLIENTS OR WITNESSES. THIS IS THE SOLE RESPONSIBILITY OF THE ATTORNEY OR LITIGANT.***

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PLEASE ADVISE OFFICE STAFF NOT TO UTILIZE THE H-13@OCCOURTS.ORG EMAIL ADDRESS AS A MEANS OF COMMUNICATION WITH THE COURTROOM OR TO FORWARD PLEADINGS. SAID CORRESPONDENCE CANNOT BE ACCEPTED.

- IV. Recording
- a. Neither attorneys, parties, witnesses, nor any third parties are permitted to record the proceeding.
 - b. If a party/counsel/witness unlawfully records the proceedings in violation of Cal. Pen. Code Sec. 632, or any other section, the Court will forward the matter to the Orange County District Attorney's Office for prosecution.**
- V. Attendance
- a. Prior to the hearing date, it will be necessary for participants to have access to WebEx or Teams on their electronic devices (computers, cell phones, tablets, or laptops). All participants must test functionality prior to their hearing date.
 - b. The Court may decide to "close the courtroom" for the remote hearing, based on the applicable statutory justifications for doing so. Otherwise, members of the public such as friends or family who wish to attend must make a request directly to the Court to be invited to the meeting. Said request may be made by calling the department at least 24 hours prior to the hearing date and time.
- VI. Miscellaneous
- a. All participants must be able to be seen and heard by all other participants.
 - b. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.**
 - c. Witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
 - d. If they are in separate locations, attorneys and parties may communicate privately via text or email during the hearing, provided however, parties may not communicate with counsel while they are testifying.

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- e. No one may communicate with witnesses privately during the hearing without Court permission.
 - f. All participants must have their camera on AT ALL TIMES.
 - g. Participants will be allowed to speak only when prompted by the Court.
 - h. If a party's internet connection is poor and the Court is unable to view, hear or understand an attorney or litigant, the Court reserves the right to continue the matter or to take the matter off-calendar.
- VII. Conduct at Hearing:
- a. These hearings will still include a Court Reporter, and as usual, it is important people not speak out of turn or over top of one another, as the Court Reporter will be unable to catch everything.
 - b. If there are any potential rebuttal documents that need to be submitted during the hearing, litigants may do so, but, when possible, they need to scan those documents into their computer prior to the hearing. This will mean that they are available and ready to forward to the other party, to their counsel, to the witness, and to the Court (H13@occourts.org).
- VIII. Evidence
- a. Determining admissibility/authentication
 - i. Admissibility of documents and other evidence will be considered as it is otherwise handled in person.
 - ii. Electronic documents/exhibits will have to be created by the proffering party by way of scanning and emailing to FamilyLawExhibits@occourts.org, as discussed above.
 - iii. All exhibits must be exchanged with the other party/counsel, and sent to the above email address, at least 5 days prior to scheduled hearing.
 - iv. ALL parties and attorneys will have electronic copies of ALL anticipated exhibits prior to beginning the videoconference.