



Superior Court California County of Orange

March 1, 2021

Department L-52, Commissioner Nancy J. Kasch
Lamoreaux Justice Center
Clerk: Michelle Salazar
Courtroom Assistant: Sarah Abeyta
Court Reporter: Warren Webb
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OFFICIAL RULES FOR REMOTE HEARINGS

Pursuant to California Judicial Council Emergency Rule 3 and Orange County Superior Court Administrative Order No. 20/15, this Court will conduct Remote Hearings via Zoom videoconference on a mandatory basis. Once identified for mandatory hearing, the procedures to request dates/times for hearing will be managed according to the following Department L52 procedures:

- I. Preliminary information:
 - A. The courthouse is closed. Therefore, all hearings and trials must be accomplished electronically. Consent to participate by remote hearing is NOT REQUIRED, but rather MANDATORY. [Administrative Order No. 20/15]
 - B. All hearings, conferences and trials are limited to no more than two (2) hours (60 minutes per side). More time may be allowed at the Court's discretion based on scheduling and Court availability.
 - C. If an interpreter is requested, please notify the court clerk at least ten (10) days prior to the date of the hearing.
 - D. A maximum of 15 exhibits per side (maximum 15 pages per exhibit).
 - a. If submitted exhibits exceed these limitations, those exhibits, or portions of them might not be admitted into evidence.
 - b. Each exhibit must be emailed to L52@occourts.org and emailed to the other parties and counsel, *at least 72 hours prior to the hearing*.
 - E. If exhibits are not previously provided to the Court or the other parties to the case, they will not be considered.
 - a. Although an exhibit is produced correctly, it might not be admitted into evidence. Parties remain free to object to any exhibit during the hearing.
 - b. The Court does not use or have access to Dropbox.

Page 2

- II. Scheduling:
 - a. Once identified for proceeding via mandatory remote appearance, all remote hearings will be scheduled through the Department's email: L52@occourts.org. A Zoom link will be sent prior to the hearing by the Department.
 - b. Once contacted by the Department, the parties are to meet and confer regarding potential settlement and to limit the issues for hearing and limit the time needed for hearing. *Domestic violence matters are excused from this requirement.*
 - i. Petitioner or Petitioner's counsel shall give written notice of the remote hearing and file a Proof of Service of the Notice with the Court, unless notice has been waived.
 - ii. Parties must be on time for the hearing or risk having to request a new hearing date and time in the future, and risk being sanctioned for failure to appear absent good cause.
- III. Recording:
 - a. Recording by audio, photography or video any part of the Court proceedings is prohibited. If a party/counsel/witness unlawfully records the proceedings in violation of Penal Code Section 632, or any other section, the Court will forward the matter to the Orange County District Attorney's Office for prosecution.
- IV. Attendance:
 - a. Only parties, counsel, and witnesses previously identified will be invited to the hearing.
 - b. All parties, counsel and witnesses must be able to be seen and heard by all other parties.
 - c. Prior to the hearing date it will be necessary for participants to have access to ZOOM on their electronic devices (computers, cell phones, tablets, or laptops). All participants must test their functionality prior to their hearing date.
 - d. Witnesses will be admitted to the meeting when it is time for them to testify. They should leave the meeting after testimony, unless the attorneys/parties make a request to have them remain after their testimony is complete, and the Judicial Officer has granted the request.
 - e. The Court does have the ability to place parties in a virtual "waiting room". The Court can move people in and out of the "waiting room" as appropriate.
 - f. Attorneys/parties will not be allowed to forward the link to the meeting. Names of witnesses including their email address must be emailed to Department L52 email box *in advance*. Any unidentified entrants will be expelled from the hearing.
 - g. 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 including friends or family who wish to attend must make a request directly to the Court to be invited to the hearing. The request can be made by emailing L52@occourts.org with the case name and case number at least 24 hours prior to the

hearing date and time. In such instances, the Court will respond by providing an audio/telephonic link to enable access. Again, such persons are prohibited from recording these proceedings and may be subject to sanction and/or prosecution for doing so.

- h. These proceedings will include a Court Reporter and it is important people do not speak out of turn, or over the top of one another.
 - i. The Court will generate the invitation to the hearing and will include only those people who were listed on the request or court order.
 - j. The clerk will send a notice of the time of the Zoom hearing.
 - k. Each party is ordered to “meet and confer” at least ten (10) days prior to the hearing with the other party. If any party is represented by an attorney, then the attorney will coordinate the meeting. The purpose of the meeting is to discuss the issues to be presented in the hearing.
- V. General advisements:
- a. Parties/Counsel are not to forward or share the meeting link with any third parties.
 - b. The purpose of the Department L52 email box is only for providing you your Zoom meeting link (and attachments) and submitting party/attorney information upon request. **General questions or concerns will be addressed by contacting the courtroom directly by phone.**
 - c. All pertinent statutes, rules and laws apply to the hearing.
 - d. Business casual or business attire is expected and is appropriate dress for parties, counsel, and witnesses.
 - e. Each participant must be able to be seen and heard by the other participants. All participants must always have their camera on.
 - f. 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.
 - g. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
 - h. If a person who is testifying has papers or documents with them, turn them face down until given permission by the Court to review them.
 - i. If an attorney and client are in separate rooms, they may confidentially communicate by text or email, provided however, parties may not communicate with counsel while they are testifying.
 - j. No one may communicate with witnesses privately during the hearing without Court permission.
 - k. All participants must be in an office or room with proper lighting. There should not be any distractions (noise or other things) occurring in the background.
 - l. Participants will be allowed to speak only when prompted by the Court.
 - m. Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.

Page 4

- n. The attorney is responsible for a client's behavior while participating. An attorney's client will not be allowed to speak unless prompted by the Court.
- o. 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.

VI. Conduct at Hearing:

- a. Please do not talk when another person is speaking. The court reporter and the Court cannot listen to more than one person at a time. If you want to interrupt another person to make, for example, an objection, then raise your hand to be recognized by the Court.
- b. Disturbances will not be tolerated.
- c. 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. If any documents have not been previously emailed to the Court, if the Court grants permission to send them to the courtroom then do so to L52@occourts.org. They must also be forwarded to counsel, to the witness and to the other party.
 - i. The clerk will keep the official record of exhibits.

VII. Interpreters:

- a. Pursuant to Emergency Rule 3, use of interpreters through videoconference is expressly permitted.
- b. The use of simultaneous translation will not be available. The parties and the interpreter will have to use consecutive translation, which slows down the process but necessary under the circumstances.
- c. If an interpreter is needed, please indicate that in your scheduling email.

VIII. Evidence:

- a. Determining admissibility/authentication
 - i. Admissibility of documents and other evidence will be considered as it is otherwise handled in person.
 - ii. All filings are to be exchanged and filed (e-filed) timely per California Rules of Court or Local Rules of Court. If you have e-filed a document and have not received a "filed" confirmation 2 days prior to the hearing date call the courtroom directly. Documents are not to be emailed to the department unless requested by the Court or Clerk
 - iii. Electronic documents/exhibits will have to be created by the proffering party by way of scanning and emailing to L52@occourts.org as described above.
 - iv. All exhibits must be exchanged with the other party/counsel, and sent to the above email address, at least 72 hours prior to scheduled videoconference.

Page 5

- v. ALL parties and attorneys will have electronic copies of ALL anticipated exhibits prior to beginning the videoconference.
 - vi. To the extent necessary, any objections should be kept to a minimum. Counsel, or self-represented litigants, must simply raise their hand, for visual cuing, wait to be recognized by the Court, then, and only then, state your objection. This is NOT an invitation for a speaking objection, simply the legally recognized objection is all that is needed.
- b. Mark and maintain exhibits:
- i. The Court Clerk will remain responsible for maintaining the official record of admitted exhibits. To facilitate this process, all parties and attorneys must **pre-tag every anticipated exhibit** in PDF form with a cover sheet. You may call the Court Clerk if unfamiliar with this process.
- IX. Appreciation to each of you
- a. Our courtroom staff is here to assist all of us. To the extent possible, they will assist the attorneys and parties. It is necessary to be mindful of the stressful times we are now experiencing and the enormous number of cases in this department. Sometimes they will be involved with other court matters so they might have to delay or deny a response.