



**Superior Court of California
County of Orange**

Superior Court of California
County of Orange
Lamoreaux Justice Center

Hon. William G. Watson, Dept. L63

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 TEAMS videoconference on a mandatory basis in certain cases. Once identified for mandatory hearing, the procedures to conduct the hearing will be managed according to the following Department L63 procedures:

- I. Preliminaries
 - a. Consent to participate by remote hearing (including self-represented litigants and counsel) is NOT REQUIRED, but rather MANDATORY as set forth in Administrative Order No. 20/15.
 - b. All hearings and conferences are limited to no more than 2 hours (60 minutes per side). More time may be allowed at the Court's discretion based on scheduling and Court availability.
 - c. Maximum of 15 exhibits per side (maximum 15 pages per exhibit).
 - i. If submitted exhibits exceed these limitations, those exhibits (or those portions of the exhibit) will not be admitted as evidence.
 - d. All exhibits must be emailed to the courtroom e-mail address (L63@occourts.org), and emailed to the opposing party/counsel, at least 72 hours prior to the hearing.
 - e. If exhibits are not previously provided to the Court or the opposing party, they will not be considered.

¹ Use of technology for remote appearances

- (a) Notwithstanding any other law, in order to protect the health and safety of the public, including court users, both in custody and out of custody defendants, witnesses, court personnel, judicial officers, and others, courts must conduct judicial proceedings and court operations as follows:
 - a. Courts may require that judicial proceedings and court operations be conducted remotely. (. . .)
 - b. Conducting proceedings remotely includes, but is not limited to, the use of video, audio, and telephonic means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and the use of remote reporting and electronic recording to make the official record of an action or proceeding.
- (b) Sunset

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

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- f. Just because an exhibit is produced correctly, does not mean it is admissible. Parties remain free to object to exhibits during the hearing.
- II. Scheduling
 - a. Parties must be on time for 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. Neither attorneys, parties, witnesses, nor any third parties are permitted to record the proceeding. Recording of any kind may run afoul of existing Penal Code statutes.
 - 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.**
- 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 TEAMS on their electronic devices (computers, cell phones, tablets, or laptops). All participants must test 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. Attorneys/parties will not be allowed to forward the link to the meeting. They must provide the emails of all proposed parties, other counsel, and witnesses in advance. Any unidentified entrants will be expelled from the hearing.
 - f. 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 meeting. Said request may be made by emailing L63@occourts.org with case name and case number at least 24 hours prior to the hearing date and time. In

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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.

V. Miscellaneous

- a. No notice of hearing will be required for a remote hearing. The Court's invitation to the TEAMS hearing will be sufficient.
- b. All other pertinent Statutes and Rules will apply to the hearing.
- c. Business casual or business attire is appropriate dress for parties, counsel, and witnesses.
- d. All participants must be able to be seen and heard by all other participants.
- e. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
- 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. 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.
- h. No one may communicate with witnesses privately during the hearing without Court permission.
- i. 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.
- j. All participants must have their camera on AT ALL TIMES.
- k. Participants will be allowed to speak only when prompted by the Court.
- l. Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.
- m. 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.
- n. 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.

VI. Conduct at Hearing:

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- 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. 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. 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 (L63@occourts.org).

VII. Interpreters

- a. Pursuant to Emergency Rule 3, use of interpreters through videoconference is also 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 is necessary considering these circumstances.
- c. If an interpreter is needed, please indicate that in an email to the Court (L63@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 L63@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 72 hours prior to scheduled videoconference.
 - iv. ALL parties and attorneys will have electronic copies of ALL anticipated exhibits prior to beginning the videoconference.
 - v. 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

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attorneys must **pre-tag every anticipated exhibit** with a PDF cover sheet. You may call the Court Clerk if unfamiliar with this process.