



Superior Court of California County of Orange

Superior Court of California
County of Orange
Lamoreaux Justice Center

Paul T. Minerich, Commissioner – Department L71

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Effective 3/1/2021

Pursuant to California Judicial Council Emergency Rule 3 dated 4-4-2020 and Orange County Superior Court Administrative Order No. 20/15 dated 5-12-2020, Department L71 will be conducting remote hearings via Zoom videoconference on a mandatory basis. Once identified for mandatory remote hearing, the procedures to initiate and conduct the hearing will be according to the following:

I. PRELIMINARIES

- a. Each party must provide the Department with their email address and email of any witnesses and keep that address current with the Department.
- b. All hearings and conferences are limited to no more than 2 hours (60 minutes per side) unless more time is allocated by the court on a showing of good cause. Note: court availability for hearings is very limited and the parties should communicate with the goal to settle or reduce the time needed for hearing.

II. SCHEDULING THE HEARING

- a. Once identified for mandatory remote hearing, the hearings will be scheduled through the Department and the Zoom link for the hearing will be sent prior to the hearing by the Department.
- b. Prior to the hearing date, the parties are to meet and confer regarding settlement to LIMIT the issues for hearing AND LIMIT the time needed for hearing. Domestic Violence matters are excused from these requirements.
- c. 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.

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III. Zoom

Prior to the hearing date, it will be necessary for all participants to have access to Zoom on their electronic devices (computers, cell phones, tablets, or laptops). All participants must test functionality prior to their hearing date.

(a) You may refer to the OCSC website or zoom.us.

(b) If the participant will be using a cell phone to connect to Zoom they will be required to download the app.

IV. RECORDING

a. Neither attorneys, parties, witnesses, nor any third parties are permitted to record the proceeding unless prior court order to record has been obtained pursuant to applicable court rules. 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.

V. ATTENDANCE AND CONDUCT OF HEARING

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. 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' request to have them remain after their completed testimony is granted by the Judicial Officer.

d. 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.

e. Attorneys/parties will not be allowed to forward the link for 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 such as friends or family who wish to attend must make a request directly to the Court to be invited to the meeting. Said

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request may be made by emailing the case name and case number at least 24 hours prior to the hearing date and time to the department.

- g. 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 make a clear record.
- h. If there are any potential rebuttal documents that need to be submitted during the hearing, litigants may do so, however, when possible, they need to scan those documents into their computer prior to the hearing. This will mean that they are available to forward to the other party, to their counsel, to the witness, and to the Department via email when ready to present.

VI. INTERPRETERS

- a. Pursuant to Emergency Rule 3, use of interpreters through videoconference is also expressly permitted.
- b. The use of simultaneous translation is available. The Court may instruct the parties to call the court for simultaneous translation if deemed necessary.
- c. If an interpreter is needed, please contact the department prior to the hearing so the interpreter can be ordered.

VII. EXHIBITS

- a. 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.
- b. All exhibits are to be emailed to FamilyLawExhibits@occourts.org, and emailed to the opposing party/counsel, at least 72 hours prior to the hearing or as otherwise ordered by the court.
 - 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:

L71/Case#/Litigant & Name

For example, if your case is Case No. 22D000123, then your Subject line is: **L71/22D000123/Petitioner Jane Smith**

No spaces, no other words, or comments.

Make sure you use a forward-slash, and not a back-slash.

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- c. IN ADDITION TO THE ABOVE, FOR ANY HEARING SCHEDULED FOR TWO (2) HOURS OR MORE, EACH PARTY SHALL DELIVER TWO (2) BINDERS OF HARDCOPY EXHIBITS TO DEPARTMENT L71. To accomplish this, parties are to call the department directly and arrange with staff for an afternoon delivery to the courthouse at least 5 days prior to the hearing.
- d. If exhibits are not previously provided to the Court or the opposing party, they will **not** be considered except for impeachment exhibits.
- e. Just because an exhibit is produced correctly does not mean it is admissible. Parties remain free to object to exhibits during the hearing.
- f. Determining admissibility/authentication
 - i. Admissibility of documents and other evidence will be considered as it is otherwise handled in person.
 - ii. 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.
 - iii. ALL parties and attorneys will have electronic copies of ALL anticipated exhibits prior to beginning the videoconference.
 - iv. 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.
- g. 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** with a PDF cover sheet. *Please refer to the end of these procedures for a sample.*

VIII. MISCELLANEOUS

- a. All other pertinent Statutes and Rules will apply to the hearing.
- b. Business casual or business attire is appropriate dress for parties, counsel, and witnesses.
- c. During the hearing, parties who are not testifying should have their microphones muted unless they are speaking. Participants should eliminate distractions/disturbances in the room from which they are testifying.
- d. Participants should be in a properly lighted room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.

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- e. If 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. Participants will not be allowed to “Chat” on Zoom during the hearing.
- f. No one may communicate with witnesses privately during the hearing without Court permission.
- g. All participants must have their camera on during the entire hearing.
- h. Participants will be allowed to speak only when prompted by the Court.
- i. Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.
- j. 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.
- k. It is strongly recommended that participants use headphones/headsets to minimize feedback and background noise.**

Thank You,
Paul T. Minerich, Commissioner

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David H. Yamasaki, Executive Officer and Clerk

By _____, Deputy

**NOTE: THIS ITEM IS A PERMANENT COURT RECORD.
DO NOT REMOVE FROM THE COURTROOM**