

REMOTE HEARING
Policies and Procedures for
Lamoureux Justice Center Department L53
Judge Nathan Vu (657) 622-5553

Effective February 7, 2022, all matters set before Judge Nathan Vu have been transferred to Department L53, but shall remain assigned to Judge Vu.

Pursuant to Code of Civil Procedure section 367.75, Rules of Court Rule 3.672, California Judicial Council Emergency Rule 3 and Orange County Superior Court Administrative Order No. 20/15, all hearings in Department L53 shall be set for remote hearing via Zoom videoconference.

I. Preliminaries

- a. A party wishing to appear in-person for any hearing in Department L53 shall file and serve a Notice of Intent to Appear In Person or an Opposition to Remote Proceeding at Evidentiary Hearing or Trial (Form RA-015) at least five (5) court days before the scheduled hearing.
- b. If a matter is set for an in-person hearing in Department L53, a party wishing to appear remotely shall file and serve a Notice of Remote Appearance (Form RA-010) and submit an Order Regarding Remote Appearance (Form RA-020) at least three (3) court days before the scheduled hearing.
- c. Absent extraordinary circumstances, counsel shall appear by the same means as their client. For example, if the client is appearing remotely, then counsel shall appear remotely.
- d. The right to have a hearing heard remotely, or through hybrid means (i.e., partially remote and partially in-person), is subject to the Court having the necessary technology and quality of technology to hold a remote or hybrid hearing without unduly impairing the parties, the counsel, the court reporter, the court interpreter, and the Court.

II. Prior to the Remote Hearing

- a. Parties are required to meet and confer prior to the remote hearing regarding potential settlement and accessibility of the remote hearing technology. Domestic Violence matters are excused from this requirement.
- b. All parties, counsel, and other participants shall ensure that they have access to Zoom by downloading the Zoom app or plug-in at <https://zoom.us/download> and placing it on the device or computer of their choice prior to the remote hearing.
- c. All parties, counsel, and other participants are responsible for testing the functionality of and learning how to use Zoom prior to the remote hearing.
- d. All parties, counsel, and other participants should ensure that they have a reliable internet connection that has sufficient speed to conduct a video and audio Zoom conference. All parties, counsel, and other participants should ensure that they have a camera and microphone that will work well with Zoom. The Court encourages parties to use headphones and/or high-quality microphones.
- e. If a party or counsel cannot access the remote hearing, or has technology or audibility issues during the hearing, they must inform the opposing party, opposing counsel, and the Court as soon as reasonably possible. The Court may be informed by sending an e-mail to L53@occourts.org or calling the courtroom clerk at (657) 622-5553.
- f. All parties, particularly parties without counsel, should be aware that potential technological or audibility issues may arise when using remote technology. Avoiding and rectifying these issues is the responsibility of parties or counsel, and may result in a delay of or

halt the hearing or other consequences. More information may be found at <https://www.occourts.org/directory/family/> and below.

III. During the Remote Hearing

- a. Parties and counsel must be on time for the remote hearing and be ready to proceed by remote means. The Court may continue the remote hearing, take the matter off calendar, proceed with the hearing, and/or issue sanctions if a party or counsel fails to appear or the Court is unable to view, hear, or understand a party or counsel.
- b. The Virtual Courtroom may be accessed in the manner stated in the notice of remote hearing, which will be mailed to all parties or their counsel.
- c. Once a participant has logged in through Zoom, they will be placed into a virtual waiting room until admitted by the Court into the Virtual Courtroom. Participants should wait to be admitted.
- d. Only parties, counsel, and witnesses identified by the parties will be admitted into the virtual courtroom. Therefore, every participant must enter their first and last name (not initials, nickname, first name only or last name only, or device name) into Zoom.
- e. All remote hearings, except those for trials and specially-set hearings, shall be limited to a maximum of 2 hours (45 minutes of testimony and argument per side). More time may be allowed at the Court's discretion, based on the Court's calendar and availability.
- f. All participants must have their video camera turned on during the calendar call and during their hearing, unless a participant makes a request that they only participate by audio and the Court has granted the request.
- g. During the hearing, all participants should have their microphones muted unless they are speaking or the Court gives them permission to leave themselves unmuted.

- h. While a witness is testifying, the witness shall be in a room alone, shall not communicate with any other person, and shall not access any documents or materials, without Court permission.
- i. During the hearing, parties shall be in a room alone except for their counsel. Parties and counsel may communicate privately during the hearing, if they first notify the Court and the opposing party and opposing counsel. While a party is testifying, the party shall not communicate with their counsel or any other person, and shall not access any documents or materials, without Court permission.
- j. Remote hearings will include a court reporter. Therefore, it is important participants do not speak out of turn or over one another. Generally, participants should speak only when prompted by the Court.
- k. All participants are expected to wear attire appropriate to a courtroom setting, such as business casual or business attire.
- l. All participants must be in a room with proper lighting. There should not be any distractions (such as speaking, noises, or unusual visual items) in the background.
- m. Attorneys are responsible for their client's behavior while participating in remote hearings.
- n. Disturbances of any kind will not be tolerated. The Court may move any participant in and out of the virtual waiting room or expel any participant from the Zoom videoconference altogether.
- o. All participants are expected to wear attire appropriate to a courtroom setting, such as business casual or business attire.
- p. All participants must be in a room with proper lighting. There should not be any distractions (such as speaking, noises, or unusual visual items) in the background.

- q. No person shall photograph, record, or broadcast court proceedings, including remote hearings, except as permitted by law. (See Penal Code, § 632; California Rules of Court, rule 1.150(c); OCSC Local Rule 180.) If any person violates Penal Code section 632, the Court may refer the matter to the Orange County District Attorney's Office for prosecution.

IV. Interpreters

- a. Pursuant to Emergency Rule 3, use of interpreters through videoconference is expressly permitted.
- b. Due to the limitations of remote hearings, the use of simultaneous translation may not be available. The parties and the interpreter may have to use consecutive translation.
- c. When an interpreter is translating, all parties and counsel shall speak slowly and clearly, and shall pause after every sentence.
- d. If an interpreter is needed, the requesting party or counsel shall be responsible for informing the Court prior to the remote hearing.

V. Exhibits

- a. Parties and counsel are responsible for submitting electronic or physical copies of the exhibits to the Court in the same manner as for in-person hearings. See the General Policies and Procedures Exhibit Section for further instructions.
- b. Parties or counsel are responsible for submitting electronic or physical copies of the exhibits to all parties and all witnesses if counsel intend to ask the party or witness to testify about an exhibit at a remote hearing.

- c. The court clerk will remain responsible for maintaining the official record of admitted exhibits in the same manner as for in-person hearings.

VI. Miscellaneous

- a. The Court may decide to close the courtroom for the remote hearing, based on the applicable statutory justifications for doing so.
- b. 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 e-mailing L53@occourts.org with the case name, the case number, and hearing date at least three (3) court days prior to the hearing date.
- c. The Court may grant exceptions to these policies and procedures upon a showing of good cause.
- d. Communications relating to remote hearings, as well as proposed orders, courtesy copies, and other documents that would normally be handed to the court clerk, may be sent to L53@occourts.org. This e-mail address may not be used for filing documents or for questions not related to remote hearings. For all other case-related matters, you may call courtroom clerk at (657) 622-5553.
- e. All other pertinent Statutes, Rules, and Policies and Procedures will apply to the hearing.