



Superior Court of California County of Orange

Chambers of
KIRK H. NAKAMURA
PRESIDING JUDGE

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

ADMINISTRATIVE ORDER NO. 20/22 **AUTHORIZING REMOTE CIVIL AND PROBATE COURT TRIAL SESSIONS**

Purpose and Findings

This Order authorizes all Civil and Probate court trial sessions and proceedings, other than jury trials, to be held remotely.

The World Health Organization, the United States Center for Disease Control and Prevention (CDC), the State of California, and the County of Orange have recognized that the world, country, state, and county face a life-threatening pandemic caused by the COVID-19 virus. The Orange County Superior Court is committed to protecting the health and safety of court users and court staff while performing its constitutional duties. The combined impacts of the COVID-19 pandemic and social distancing measures have significantly impacted the Court's capacity to conduct court proceedings, including hearings and bench trials. The lengthy shutdown and continuing impact of the Covid-19 pandemic have left the Court with a backlog of over 1,000 last-day criminal jury trials. Social distancing requirements imposed by the CDC, the California Department of Public Health, and the Orange County Health Care Agency to mitigate the spread of the virus have further impacted the Court's ability to provide sufficient facilities to address this backlog. Extraordinary measures must be undertaken to provide timely access to justice.

Authorization for Mandatory Remote Proceedings

Any judicial officer has discretion to mandate that any civil or probate bench trial or other court proceeding, other than jury trials, be held remotely. This Order is made pursuant to [Emergency Rule 3 of the California Rules of Court](#), which authorizes the Court to require judicial proceedings and court operations be conducted remotely; Government Code section 69740 which requires the trial court to determine the number and location of sessions of the court necessary for

the prompt disposition of the business before the court; California Rules of Court, rule 10.603; and the Court's inherent authority. This Order specifically authorizes bench trials, court sessions, and other proceedings (except jury trials) to take place via remote technology as designated by the court from locations which may include the courtroom, chambers, or other remote location that maintains the dignity, decorum, and security of the court session and complies with state law and court policy regarding court sessions.

Objection to Remote Proceedings

A judicial officer may grant a request for an in-court session or proceeding based on a showing of good cause why a remote session or proceeding cannot occur, and subject to available facilities and resources to conduct the session or proceeding in the courthouse.

Need for Personal Appearance

If, at any time during a remote hearing, session, proceeding, or trial, the judge determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

Evidence

Hard copies of evidence submitted to the court in connection with remote sessions, proceedings or trials shall be lodged with the court according to the statutes, rules, and local rules addressing evidentiary material, unless otherwise ordered. Specific protocols for the submission of, and presentation of evidence will be provided by the court in an order issued by the judicial officer who will preside over the case.

Other Orders

Judges retain discretion to issue orders regarding the conduct of remote and traditional trials in their departments. Counsel and parties will be required to comply with all other orders, including but not limited to, any order regarding remote trial procedures.

Public Access

Public audio and video access will be available for all remote court trial proceedings. Any individual seeking access to a public court trial hearing shall contact the courtroom where the trial is set. The clerk shall then provide information to enable remote access to the trial. All those who apply for public access to a Civil or Probate trial should be advised that no part of the proceeding may be recorded without permission of the Court, and a violation of this order shall subject the

individual(s) to potential civil and criminal penalties. (Code Civ. Proc., § 177.5; Pen. Code, § 632 *et seq.*)

Fees

Parties may be required to pay the reasonable fees for the costs of remote appearances. (See Gov. Code, §§ 70630 & 72010; Code Civ. Proc., § 367.6; Cal. Rules of Court, rule 3.670.)

Recording, Photography, and Broadcasting Prohibited

Video recording, still photography, electronic recording, and broadcasting of remote court proceeding is prohibited, unless explicitly authorized pursuant to California [Rules of Court, rule 1.150](#) and [Orange County Superior Court rule 180](#).

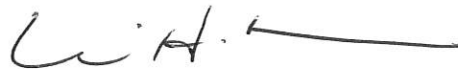
Effective Date

This Order is effective immediately, and will remain in effect until the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or ordered otherwise. This relief is temporary, intended to address the current COVID-19 pandemic as it poses a challenge to court proceedings.

IT IS SO ORDERED.

7/14/20

Date



Kirk H. Nakamura
Presiding Judge