

REMOTE HEARING
Policies and Procedures for
West Justice Center Department W10
Judge Nathan Vu (657) 622-5910

Effective June 3, 2021, all matters set before Judge Nathan Vu have been transferred to Department W10, but shall remain assigned to Judge Vu.

Pursuant to California Judicial Council Emergency Rule 3 and Orange County Superior Court Administrative Order No. 20/15, this Court will proceed with conducting remote hearings via Zoom videoconference on a mandatory basis.

I. Preliminaries

- a. Prior to the hearing date, 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.
- b. All parties, counsel, and other participants are responsible for testing the functionality of and learning how to use Zoom prior to the remote hearing.
- c. 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.
- d. All remote hearings, except those for trials and specially-set hearings, shall be limited to no more than 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.
- e. 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.

- f. 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.
- II. Prior to the Remote Hearing
- a. Parties are required to meet and confer prior to the remote hearing regarding potential settlement AND availability and accessibility to the remote hearing. **Domestic Violence matters are excused from this requirement.**
 - b. If parties or counsel are not available for the remote hearing or cannot access the remote 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 W10@occourts.org or calling the courtroom clerk at (657) 622-5910.
 - c. A party that is unavailable shall meet and confer with the opposing party and opposing counsel to determine dates when all parties and counsel are available, and shall inform the Court of dates when all parties and counsel are available.
- 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 if a party or counsel fails to appear or the Court is unable to view, hear, or understand a party or counsel. The Court may sanction said person if the failure is without good cause.

- b. 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 until admitted.
- c. Only parties, counsel, and witnesses identified by the parties will be admitted into the virtual courtroom. Therefore, it is important that you enter your full name (not initials, nickname, first name only or last name only, or device name) into Zoom.
- d. Witnesses will be admitted into the virtual courtroom when it is time for them to testify. They should leave the virtual courtroom after testimony, unless a party or counsel makes a request to allow them to remain and the Court has granted the request.
- e. 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.
- f. All participants must have their video camera on at all times, 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. Witnesses should be in a room alone during testimony. Witnesses shall not communicate with any other person during the hearing, or access any documents or materials during the hearing, without Court permission.
- i. Parties and counsel may communicate privately during the hearing, if they first notify the Court and the opposing party and opposing counsel. A party may not communicate with counsel while the party is testifying.

- j. Remote hearings will include a court reporter and it is important participants do not speak out of turn or over one another, as the court reporter will not be able to hear everyone. Generally, participants should speak only when prompted by the Court.

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 one or two sentences.
- 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. For all matters that are not trials or specially-set hearings (this applies to most Requests for Order and Motions), each side is limited to 15 exhibits of no more than 15 pages each.
 - i. All exhibits for matters that are not trials or specially-set hearings **must** be e-mailed to W10@occourts.org and emailed to opposing counsel (or opposing party if self-represented), at least 72 hours prior to the remote hearing.

- ii. The e-mail must use the following Subject line format:

[Case Number]/[Party and Name]/[Date of Hearing]

For example, a proper subject line would be “Case No. 22D000123/Respondent John Smith/January 22, 2021”

- iii. Please do not send links to websites where the exhibits may be accessed. For security reasons, the Court cannot enter into and download documents from websites. If your exhibits are large, you may send multiple e-mails with attached exhibits or make arrangements with the Department W-10 court clerk to submit a flash drive with the exhibits.
- b. For all trials and specially-set hearings, each side is limited to 50 exhibits per side with a maximum of 100 pages per exhibit. Exhibits longer than 100 pages may be split into separate parts that are less than 100 pages each, but each part shall be counted as one exhibit.
 - i. Effective July 12, 2021, all exhibits and lodged documents for trials and specially-set hearings **must** be submitted at least 10 days before the trial or hearing using the Court’s electronic evidence portal:

<https://www.occourts.org/online-services/EvidencePortal.html>

If you are a new portal user, you must create a portal account prior to attempting to upload evidence. To create an account, access the Electronic Evidence Portal and click on “Sign Up”.
 - ii. Please see the Court’s Regular Policies and Procedures Policy #24 for further information on handling exhibits for trials and specially-set hearings.
- c. Parties and counsel do not need to submit physical copies of the exhibits to the Court for remote hearings.
- d. 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.
- e. Exhibits that do not abide by the number or page limitations, or are not properly submitted to the Court or opposing counsel (or

opposing party if self-represented), may not be admitted into evidence or may not be considered.

- f. If there are any rebuttal documents that need to be submitted during the hearing, parties and counsel may submit them by e-mail, but counsel must scan those documents into a pdf format prior to the hearing. This will assure that they are available and ready to forward to the other party, to their counsel, to the witness, and to the Court.
- g. Correctly submitting an exhibit does not mean it is admissible. Parties remain free to object to exhibits during the hearing. Admissibility of documents and other evidence will be determined as it would be in an in-person hearing.
- h. 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, and then, state their objection. There shall be no speaking objections; the legally-recognized objection is all that is needed.
- i. The Court Clerk will remain responsible for maintaining the official record of admitted exhibits.

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 W10@occourts.org with the case name and the case number at least 24 hours prior to the hearing date and time.
- c. All participants are expected to wear attire appropriate to a courtroom setting, such as business casual or business attire.

- d. 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.
- e. Attorneys are responsible for their client's behavior while participating in remote hearings.
- f. The Court may grant exceptions to these policies and procedures upon a showing of good cause.
- g. 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 W10@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) 622-5910.
- h. All other pertinent Statutes, Rules, and Policies and Procedures will apply to the hearing.