

## **Rule 375. Remote and In-Person Proceedings for Civil**

### **(a) Purpose**

The purpose of this rule is to provide greater access to justice, promote court efficiency, and facilitate remote and in-person proceedings consistent with Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672. This rule sets forth the remote and in-person proceeding Protocols and Decorum for civil cases.

### **(b) Definitions**

As used in this rule:

1. “Civil case” is defined as a limited civil case, unlimited civil case, complex civil case, or small claims action.
2. “Evidentiary hearing or trial” is any proceeding at which oral testimony may be provided.
3. “Non-evidentiary proceeding” is any proceeding other than an evidentiary hearing or trial.
4. “Oral testimony” is a spoken statement provided under oath and subject to examination.
5. “Party” is any person appearing in an action and that person’s counsel, as well as any nonparty who may be subject to discovery in the action.
6. “Proceeding” means a conference, hearing, or any other matter before the court, including evidentiary hearing or trial.
7. “Remote appearance” or “appear remotely” means the appearance of a party at a proceeding through the use of remote technology.
8. “Remote proceeding” means a proceeding conducted in whole or in part through the use of remote technology.
9. “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

**(c) Decorum for In-Person and Remote Court Appearances**

Individuals appearing in court, whether in person or remotely, must:

1. Dress in an appropriate manner, so as not to be distracting to the Court or others of usual sensibilities. Attorneys should be dressed in accordance with current customs for appropriate business attire, whether appearing in person or by remote video.
2. Not talk, read papers, chew gum, eat, smoke, vape, or use a cell phone or other electronic device unrelated to the hearing while court in session.

Individuals appearing remotely by video must also:

3. Test their video and audio capabilities before the hearing to ensure they are sufficient to be clearly seen and heard by the Court.
4. Turn on their video while their matter is being heard, unless instructed otherwise by the Court.
5. Appear in a stationary, quiet location to avoid distractions during the hearing. No individual may appear remotely while operating a moving vehicle, including a car, van, bus, bicycle, or motorcycle.

**~~(c) In-Person and Remote Appearances Decorum~~**

~~All individuals appearing in person or appearing in court by video must:~~

- ~~1. Dress in an appropriate manner so as not to be distracting to the Court or others of usual sensibilities. Attorneys appearing in court in person or by remote video should be dressed in accordance with current customs for appropriate business attire.~~
- ~~2. Turn on their video during the hearing unless instructed otherwise by the Court. Parties and attorneys appearing remotely shall test their video and audio capabilities prior to the hearing.~~
- ~~3. Not talk, read papers, chew gum, eat, smoke, vape, or use a cell phone, or other electronic device not related to the hearing while court is in session.~~
- ~~4. Appear in a stationary quiet location to avoid distracting background noises during the hearings. Parties appearing remotely must not do so while operating a moving vehicle including cars, vans, buses, bicycles, and motorcycles.~~

**(d) Appearances for Trials, Judgment Debtor, and Evidentiary Proceedings**

Except as otherwise set forth in this rule or ordered by the court, trials and evidentiary hearings

(including judgment debtor examinations) will be held in person. A party may file a motion for a remote evidentiary hearing or trial. A party may file an opposition ~~to a court's proposed order to a court's order or a party's~~ motion for a remote evidentiary hearing or trial.

#### **(e) Appearances in Non-Evidentiary Proceedings**

1. The Court will offer remote appearances for all law and motion, case management conferences, status conferences, ex partes, and other non-evidentiary proceedings in unlawful detainer, administrative appeals, civil unlimited, and ~~civil complex cases~~ complex civil cases.
2. For non-evidentiary proceedings, parties shall provide notice of remote appearance to the Court online by clicking on a court-provided hyperlink on the day of the hearing. By so clicking, a party is also making a request to appear remotely and agreeing to the remote appearance.
3. By the commencement of the hearing, parties intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice.
4. A party choosing to appear in person ~~may~~ do so by appearing in the courtroom on the date/time of the initial appearance.
5. The court reserves the right to require an in-person appearance pursuant to Code of Civil Procedure section 367.75 subdivision (b).
6. Information regarding the ability to appear in person or through the use of remote technology is available on the court's website at <https://www.occourts.org/media-relations/civil.html>. The court's remote technology system is designed to ensure that all parties, whether appearing remotely or in person, can meaningfully participate in the conference, hearing, proceeding, or trial.

#### **(f) Small Claims Cases**

Unless the court orders otherwise, all Small Claims trials will initially be set for a remote evidentiary hearing to assess notice, opposition, trial readiness, technical capabilities to conduct a remote Small Claims trial, and to hear default prove-ups. Contested Small Claims trials will take place at a later

date. A party choosing to appear in person can do so by appearing in the courtroom on the date and time

of the initial appearance. Notice of the mode of appearance for ~~the~~ Small Claims trial is to be given at the initial appearance. Any opposition to a remote appearance will be considered by the court at the initial appearance.

**(g) Unlawful detainer cases**

The procedures identified in sections (c) and (d) above addressing remote and in-person appearances for evidentiary and non-evidentiary proceedings also apply~~apply equally~~ to unlawful detainer cases.

**(h) Temporary Restraining Orders in Civil Harassment, Workplace Violence, School Site Violence, Transitional Housing Misconduct Cases**~~Temporary Restraining Orders in Civil Harassment, Workplace Violence, School Site Violence, Transitional Housing Misconduct Cases~~

~~Ex parte requests for temporary restraining orders~~ Ex parte requests will

be ruled on the papers without hearing for civil harassment, workplace violence, school site violence, and transitional housing misconduct. The Court will offer remote appearances for all other non-evidentiary proceedings for these case types. Trials and evidentiary hearings will be held in person.

**(i) Gun Violence Restraining Orders**

Pursuant to Penal Code section 18123~~(a)~~, a party or witness may appear remotely at the hearing on a petition for a gun violence restraining order. Parties shall provide notice of remote appearance to the Court online by clicking on a court-provided hyperlink and agreeing to the remote appearance.

**(j) Administrative Appeals and Labor Commissioner Appeals**

1. The Court will offer remote appearances for the initial status conference in Labor Commissioner appeals.
2. The initial hearing in other administrative appeal cases will be set for in-person appearance.

**(k) Limited Civil Proceedings**

1. Remote appearances will be offered for all ex parte applications, law and motion, case management conferences, status conferences, and other non-evidentiary proceedings in Civil Limited cases.

2. All evidentiary hearings or trials in Civil Limited cases (~~including hearings involving live testimony, etc.~~) will be set for in-person appearance unless the court orders otherwise on its own motion or the motion of a party for remote appearance proceedings. Any party may file opposition to a motion seeking a remote trial or evidentiary hearing.

### **(l) Civil Unlimited and Complex Proceedings**

Mandatory Settlement Conferences will be set for in-person appearances unless all parties stipulate to a remote mandatory settlement conference and the Court adopts this stipulation as an order of the Court.

### **(m) Confidentiality, Privacy, and Security Settings**

1. Nothing in this rule is intended to modify any other rule, statute, or case law regarding confidentiality or access to confidential proceedings. All legal confidentiality requirements are equally applicable to both in-person appearances and remote appearances.
2. Any party appearing remotely must have the necessary privacy and security settings appropriate for the proceeding in which the remote appearance is made. Persons appearing remotely shall ensure that their remote location affords the required level of privacy for the proceeding.

### **(n) Prohibition of Photography, Broadcasting, Recording, Streaming, and Filming**

Photography, broadcasting, video recording, audio recording, electronic recording, filming, and streaming of court proceedings, whether in person or remote, is prohibited except as expressly authorized by California Rules of Court, rule 1.150, or Local Rule 180. Violation of this subdivision or [Administrative Order 21/12](#)

([https://www.occourts.org/generalpublic/notices/general/AdministrativeOrder%2021\\_12.pdf](https://www.occourts.org/generalpublic/notices/general/AdministrativeOrder%2021_12.pdf))

may result in the imposition of monetary sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5; a citation for contempt in violation of Code of Civil Procedure section 1209, subdivision (a)(5); prosecution for criminal violations of Penal Code section 166, subdivisions (a) (3, 4, or 5), and/or other sanctions as provided by law.

### **(o) Technology or Audibility Issues**

In the event any party, witness, official reporter, official reporter pro tempore, court interpreter, or

other court personnel experiences technology or audibility issues that arise during any remote conference, hearing, proceeding, or trial, that person is to alert the court by calling the courtroom. Phone numbers for the courtrooms can be found at [Civil Phone Department Directory \(https://www.occourts.org/directory/civil/CivilPhoneDepartmentDirectory.pdf\)](https://www.occourts.org/directory/civil/CivilPhoneDepartmentDirectory.pdf). Information about potential technological or audibility issues that can arise and the options for appearing in person and through the use of remote technology are posted on the court website.

**(p) Public Access**

Media and public access to proceedings will be in person in the courtroom where the hearing is scheduled. In the event any proceeding is conducted entirely remotely, the press and public can obtain public access by contacting the courtroom.

**(q) Effective Dates**

This rule is effective from January 1, 2023, until January 1, 2026, or until the sunset date of Code of Civil Procedure section 367.75 if its sunset date is extended beyond January 1, 2026.