



Superior Court of California County of Orange

Chambers of

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COMMISSIONER

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RULES FOR DCSS REMOTE HEARINGS IN DEPT L51 AND L54

1. All hearings will be set for 30 minute time slot; more time may be allowed at the discretion of the judicial officer.
2. All parties must have submitted to DCSS a recent Income and Expense declaration with current paystubs, most recent tax return or profit and loss. Recent means no more than 90 days old.
3. DCSS will provide the Income and Expense declaration and attachments to the Court and the other party at least 72 hours prior to the hearing. If the requesting party fails to provide an Income and Expense declaration to DCSS at least 72 hours prior to the hearing the Court may take the matter off calendar pursuant to Local Rule 702.
 - a. All hearings will be conducted via Zoom. (<http://www.zoom.com>)
 - b. Zoom is hardware agnostic, *i.e.*, no special hardware needed aside from what most everyone has in their hands: a smartphone, laptop, or standalone PC with audio/video capabilities. If you do not have this capability contact DCSS for assistance.
4. Prior to the hearing date, it will be necessary for participants to have access to Zoom on their electronic devices (computers, cell phones, or laptops). All participants must test functionality prior to their hearing date.
 - a. Only parties, counsel, DCSS staff, DCSS attorneys, witnesses and the Judicial Officer will be invited to the hearing.
 - b. All parties, counsel, DCSS attorney and any witnesses must be able to be seen and heard by all other parties
 - c. The parties are prohibited from forwarding the link to the hearing.
 - d. Members of the public including friends or family who wish to attend the hearing must make a request directly to the Court at least 24 hours prior to the hearing date to be invited. In such instances, the Court will respond by providing an audio/telephonic link to enable access. Such persons are prohibited from recording these proceedings and may be subject to sanction and/or prosecution for doing so.

- e. If members of the public are invited and “attend” the public member will be considered a non-participant in Zoom and will be muted during the entire hearing.
 - f. Attorneys, parties, witnesses, and any third parties are **not permitted** to record the proceeding. Recording of any kind may run afoul of existing Penal Code statutes. In the event that a party/counsel/witness unlawfully records the proceedings in violation of Cal. Pen. Code Sec. 632, or any other section, the Family Law Supervising Judge will forward the matter to the Orange County District Attorney’s Office for prosecution.
5. Parties must be on time for the hearing or risk having the hearing proceed without them or being taken off calendar.
- 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. All participants must be able to be seen and heard by all other participants.
 - d. During the hearing, parties that are not testifying should have their microphones muted unless they are speaking.
 - e. Parties and witnesses should be in a room alone during testimony, without access to any documents or papers, other than copies of exhibits already provided to the Court and opposing parties.
 - f. If they are 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.
 - g. No one may communicate with witnesses privately during the hearing without Court permission.
 - h. All participants must be in an office or room with proper lighting. There should not be any distractions (noise or other things) occurring in the background.
 - i. All participants must have their camera on when addressing the court.
 - j. Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.
 - k. The attorney is responsible for a client’s behavior while participating. An attorney’s client will not be allowed to speak unless prompted by the court.
 - l. 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 request a personal hearing.
6. Conduct at Hearing:
- a. It is important people not speak out of turn or over one another.
 - b. The DCSS attorney will start the hearing and present the general factors to the court.
 - c. Disturbances will not be tolerated.
 - d. If there are any potential rebuttal documents that need to be submitted during the hearing, litigants may do so, but, when possible, they need to scan those documents into their computer **prior to the hearing**. This will mean that they are available and ready to forward to the other party, to DCSS and their counsel, to the witness, and to the Court.
7. Interpreters
- a. Parties must inform DCSS 1 week prior to the hearing if an interpreter is needed.
 - b. The Court will provide the interpreter for the remote hearing.

- c. The use of simultaneous translation is currently not available.
 - d. ADA Accommodation forms (MC-410) are to be submitted 1 week prior to the hearing.
8. Evidence
- a. Determining admissibility/authentication
 - i. Admissibility of documents and other evidence will be considered as it is otherwise handled in person.
 - ii. Electronic documents/exhibits beyond the I&E will have to be created by the proffering party by way of scanning and emailing to DCSS.
 - iii. All exhibits must be exchanged with the other party/counsel, and DCSS. DCSS must send any such exhibits to the Court, at least 5 days prior to the scheduled remote hearing.
 - iv. ALL parties and attorneys and DCSS will have electronic copies of ALL anticipated exhibits prior to beginning the hearing.
 - v. To the extent necessary, any objections should be kept to a minimum. Counsel, or self-represented litigants, must simply state "Objection" and wait to be recognized by the Court. This is NOT an invitation for a speaking objection, simply the legally recognized objection is all that is needed.
 - b. Mark and maintain exhibits
 - i. The Court Clerk remains responsible for maintaining the official record of admitted exhibits. **To facilitate this process, all parties and attorneys must pre-tag every anticipated exhibit.**
 - ii. The original exhibits will be maintained through the duration of the hearing in the event that the Court has a need to review the originals for ruling on any objections.
 - iii. At the end of the proceeding parties will be requested to stipulate to return the exhibits, upon which time the Clerk would be formally relieved of having to maintain the official copies.