

**REMOTE VIDEO RULES AND PROCEDURES
CIVIL, PROBATE, AND APPELLATE DIVISIONS
SANTA CLARA SUPERIOR COURT**

The following general rules and procedures apply to remote appearances in the Court's civil, probate, and appellate divisions for law and motion matters, ex parte applications, evidentiary hearings, trials, and other proceedings. Each judge may have additional rules and procedures. **A list of judges and their default preferences concerning remote platforms is at the end of this document.**

I. CIVIL DIVISION

A. Civil Law and Motion / Ex Parte Applications

Because of the COVID-19 pandemic, it is the Court's preference that law and motion proceedings, calendar appearances, and ex parte applications be heard remotely. Judges, however, will not prevent parties or their attorneys from appearing in person, especially for law and motion and civil calendar matters. Depending on the judge, these proceedings / applications will be heard using either audio/video CourtCall or Zoom.

If CourtCall is the platform chosen by a particular judge, CourtCall will charge a fee for a phone/video appearance unless the party has an active fee waiver granted by the Court. CourtCall is a private service that is not affiliated with the Court.

B. Civil Trials/Evidentiary Hearings

Trials (whether short- or long-cause) and evidentiary hearings may be conducted in person or remotely, based on the judge's preference. Since the COVID-19 pandemic began, judges have been regularly requiring court trials or evidentiary hearings to be done remotely. (Currently the Court is not planning to have fully-remote civil jury trials, although that might change in the future.) If a judge orders a remote trial or hearing, the platform that will be used likely will be Microsoft Teams, audio/video CourtCall, or Zoom, depending on the judge's preference. Court staff will notify the parties what platform will be used.

1. General Information

The Court's default video platform for trials/hearings is Microsoft Teams, but some judges may use other platforms (e.g., audio/video CourtCall or Zoom). Information about downloading and using Teams is available on the Court's website.

State and local court rules prohibit photographing or recording of court proceedings whether in the courtroom or while listening/viewing on the public access line or other virtual platform, absent a court order. (See Local General Rule 2(A) and 2(B); California Rules of Court, rule 1.150.)

2. Pretrial Submissions

The parties must follow the Court's local rules concerning pretrial submissions, unless otherwise ordered by a judge.

3. Witnesses

It is the responsibility of each party to ensure the attendance of any witness whom he or she intends to call. Each party must provide to each witness appearing remotely the instructions for using Teams (or other applicable platform).

The parties must inform the court before trial if an interpreter will be needed. Parties and witnesses should be prepared to use their own cell phone to connect to the interpreter. Parties and witnesses being assisted by an interpreter should pause between sentences to allow for interpretation.

All remote witnesses must appear at the commencement of the proceeding, unless otherwise directed by the Court. (For in person hearings, the Court will instruct the parties on when witnesses are required to appear.) The Court will then direct the remote witnesses to a breakout room, or alternatively, will discuss when they should be prepared to appear by video and testify. Witnesses must not view or listen to the proceedings before they are called to testify.

Unless otherwise directed by the Court, third-party witnesses called by represented parties must appear remotely. Third-party witnesses called by self-represented litigants may appear remotely or in the courtroom. Third-party witnesses appearing remotely must be alone in the room in which they are testifying. Attorneys and parties may not communicate with third-party witnesses from the time their testimony commences to the time the witness is excused.

Witnesses must inform the court if they are looking at any document, or taking notes, while they are testifying.

To the extent necessary, any objections should be kept to a minimum. Parties should raise their hand, wait to be recognized by the Court, and then state their objection in the proper form.

4. Parties and Attorneys

Represented parties may appear with their attorney in the same frame, or from a separate location.

Attorneys and their clients may communicate privately by text or email except when a party is testifying.

B. Civil Mandatory Settlement Conferences

Mandatory settlement conferences (MSCs) currently are being held remotely while the Court is under COVID-19 restrictions. The settlement judge or attorney assigned to the MSC (or Court staff) will contact the parties in advance of the MSC and inform them of the platform that will be used to conduct the MSC. Absent instructions otherwise, parties and counsel should not come to court for their MSC.

C. Complex Civil Departments

Because of the COVID-19 pandemic, the complex departments generally are not permitting in-person appearances, unless specifically ordered by the Court. All appearances must be by audio/video CourtCall. (See generally the Complex Litigation Guidelines, available on the Court's website.)

D. Unlawful Detainer/Civil Harassment

The unlawful detainer/civil harassment department is currently using audio CourtCall for motions, but litigants and attorneys also can come in person. For trials and other proceedings, litigants and attorneys must come in person.

E. Small Claims

Currently, the small claims department is not using any remote platform—all appearances must be in person.

G. Writ of Mandate/Preliminary Injunctions

The writ of mandate/preliminary injunction/TRO departments generally are using audio CourtCall at this time. On occasion, a judge may order the use of Teams.

II. PROBATE

Because of the COVID-19 pandemic and during the Shelter in Place, the probate departments are equipped for remote hearings using Microsoft Teams (law and motion, calendars, evidentiary hearings, etc.). For evidentiary hearings, please see the civil trial section above for procedural instructions.

III. APPELLATE DIVISION

Because of the COVID-19 pandemic, the Appellate Division is conducting all oral arguments through Teams. The Court will provide Teams links to their arguing attorneys/parties.

IV. GENERAL INFORMATION

A. Best Practices

Participants should test their video equipment and Teams (or other applicable platform). They should also consider observing a remote video hearing. Participants should be familiar with logging in, muting their microphone, and turning their video on and off.

If possible, participants should use a hard-wired Internet connection, not a Wi-Fi connection, and should use a laptop or desktop computer instead of a phone. If a party's Internet connection is poor, the Court reserves the right to continue the matter or take it off-calendar.

Participants should ensure their first and last names are entered in Teams (or other applicable platform) and appear in their video frame.

Participants should be muted whenever they are not speaking. They should avoid distractions and testify from a quiet location. Participants should speak slowly and clearly, and pause between questions and answers.

If possible, participants should be in a quiet room with proper lighting and a neutral background. Participants should face the camera. Participants should consider using a separate microphone instead of the microphone in their computer.

Participants should ask the judge for permission to sign off before turning off their video to make sure all issues are resolved and all questions are answered.

B. Proper Etiquette

Court proceedings must be formal and dignified, even when parties appear remotely. Parties must be respectful of the court, courtroom staff, and other parties. The judge should be addressed as "Your Honor" and all participants should be polite and courteous. Interruptions will not be tolerated.

Participants should dress in appropriate business attire. While their video is on they should face the camera. They should not involve themselves in any distracting behavior, including but not limited to eating, chewing gum, and interacting with pets. Parties are not allowed to appear from a moving vehicle.

Participants should speak only after being prompted by the Court. Please do not use any "chat" feature on the remote hearing platform without the Court's permission.

JUDGES AND THEIR REMOTE PLATFORM PREFERENCES

Department	Judicial Officer	Assignment	Remote Platform Preference
1	Kulkarni	Complex	Audio/video CourtCall
2	Takaichi	Case manager	Audio/video CourtCall
3	Lucas	Complex	Audio/video CourtCall
4	Johnson	Unlawful detainer/civil harassment	Audio CourtCall (for motions)
5	Pegg	Probate	Teams
6	Ibarra	Appellate division /writs and injunctions	Teams (Appellate division) Audio CourtCall (writs/injs.)
7	Rudy	Case manager	Audio/video CourtCall
8			
9	Arand	Civil trials	Teams
10	Hayashi	Civil trials	Teams
11	Overton	Settlements/IDCs	Teams
12	Lie	Appellate division /writs and injunctions	Teams (Appellate division) Audio CourtCall (writs/injs.)
13	Emede	Probate	Teams
14			
15	Copeland	Small claims	No remote platform.
16	Monahan	Civil trials	Teams
17			
18	Iravani-Sani	Appellate division /writs and injunctions	Teams (Appellate division) Audio CourtCall (writs/injs.)
19	Kirwan	Case manager	Audio/video CourtCall
20	Manoukian	Case manager	Zoom
21	Huber	Civil trials	Teams
22	McGowen	Miscellaneous calendars and trials	Audio/video CourtCall