

REMOTE VIDEO RULES AND PROCEDURES FOR FAMILY COURT LONG-CAUSE EVIDENTIARY HEARINGS AND TRIALS

The following rules and procedures apply to long-cause evidentiary hearings and trials (hereinafter, “trials”) in family court. Each judge may have additional trial-related rules and procedures. Prior to trial the parties must meet and confer on the telephone and try to resolve their disputes unless a protective order bars such communications.

A. Remote Appearances

All represented parties, their attorneys, and their witnesses may appear remotely at trials. Self-represented litigants are strongly encouraged to appear remotely, though they may appear in the courtroom. Please note: minors must not observe or participate in the proceedings without permission from the court.

B. Video Platform

The court’s video platform is Microsoft Teams. Information about downloading and using Teams is available on the court’s website. Parties must not record the proceedings without a court order. Doing so may be considered a violation of various statutes and rules and may be referred for prosecution. (See Pen. Code § 632, Cal. R. Ct. 1.150.)

C. Pretrial Submissions

Represented parties must electronically file all trial materials. Self-represented parties may file trial materials either on paper or electronically. Required trial materials include: (1) trial briefs; (2) exhibit lists (not the actual exhibits); (3) witness lists; (4) objections to any proposed witnesses and exhibits; (5) a list of deposition transcripts that may be lodged; (6) stipulations; and (7) any *In limine* motions and responses. Trial briefs must be filed, served and then emailed to the trial department at least five days before the trial. (Cal. R. Ct. 5.394) Parties must also email their exhibit list in Word format to the trial department.

The email address for each family court department is DepartmentXX@scscourt.org, where XX is the department number. All parties and/or attorneys must be copied on all communications to the court.

D. Trial Exhibits

1. Exhibit Rules that Apply to All Parties

Parties must provide trial exhibits to the other side at least two court days before trial. They must also meet and confer on the telephone before trial to discuss exhibits, including stipulations for admissibility and objections, unless a protective order bars such communications.

All exhibits must be pre-marked. Petitioner’s exhibits should be numbered beginning with the number 1. Respondent’s exhibits should be lettered beginning with the letter A. Parties must

also provide an exhibit list showing the document number or letter, its title, and a brief description of the document.

Each party is responsible for providing their own witnesses their own exhibits and the exhibits received from the other party.

Whether provided electronically or on paper, all exhibits are deemed “returned to the parties” at the conclusion of the trial and must be maintained by the parties for the required amount of time.

If exhibits are not provided to the Court, opposing attorneys, and/or witnesses, the Court may bar use of any such exhibits.

Exhibits in a language other than English should be translated and certified under oath.

2. Matters Involving Self-Represented Litigants

Two days before a trial involving a self-represented litigant, the parties or their attorneys must meet and confer to determine if the self-represented litigant, and/or his or her witnesses, will be appearing in the courtroom or remotely. If a protective order bars such communications, both sides should communicate with the trial department about these issues.

Before 12:00 p.m. on the day before trial, the parties or their attorneys must deliver binders of all trial exhibits to the courtroom. At a minimum, the court will need two copies of all exhibits from each party: one copy for the judicial officer and one for the courtroom clerk.

If a self-represented litigant will be in the courtroom, one additional binder must be lodged by each party. And if a self-represented litigant intends to call witnesses who appear in the courtroom, two additional binders must be lodged by each party.

Parties wishing to use documents for impeachment or refreshing recollection should have the documents readily available. Self-represented litigants appearing in the courtroom must be ready to provide three paper copies of the documents to the courtroom clerk. Parties appearing remotely should be ready to send a PDF of the documents to the courtroom email address so they may be published on Teams when needed.

3. Matters in Which All Parties are Represented

In matters in which all parties are represented, marked exhibits must be emailed to the department in which the matter will be heard before 12:00 p.m. on the day before trial. All of the marked exhibits should be sent as a single PDF file unless the exhibits total 300 pages or more, in which case groups of exhibits should be sent in more than one PDF file. Alternatively, a party may deliver to the courtroom a thumb-drive with PDFs of the exhibits before 12:00 p.m. on the day before trial.

As noted above, represented parties wishing to use documents for impeachment or refreshing recollection should have each document available in PDF form. If a represented party wishes to

publish an impeachment or recollection document, it should be sent to the courtroom email address when needed so it may be published on Teams.

E. 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. Each witness must join the trial using the link on the court's website on the day and time of the trial. Copying the link and sending it to the witness will not work.

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 a court-appointed interpreter. Parties and witnesses being assisted by an interpreter should pause between sentences to allow for interpretation.

All witnesses must appear at the commencement of the proceeding. The Court will then direct the witnesses to a breakout room, or alternatively, will discuss when they should be prepared to appear by video and testify. Witnesses must not view the proceedings before they are called.

Absent good cause, 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.

F. Best Practices

Participants should test their video equipment and Teams. 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 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. 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.

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.

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.

G. 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 or any third parties, including family members and children. Parties are not allowed to appear from a moving vehicle.

Participants should speak only after being prompted by the Court. Please do not use the “chat” feature without the Court’s permission.