

New local rule for the Superior Court of San Luis Obispo County to address court appearances via video conferencing hearings.

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## **RULE 2.09**

### **REMOTE COURT APPEARANCES VIA VIDEOCONFERENCING**

#### **(a) Program Overview**

(1) A judicial officer may set a hearing to be conducted by a remote court appearance via videoconferencing (hereinafter referred to as “remote video appearance(s)”), as permitted by law.

(2) During a remote video appearance, some or all of the participants in the hearing may appear at the hearing remotely by utilizing a videoconferencing platform (such as Zoom or WebEx). This includes the judicial officer, court staff, attorneys, parties, witnesses, court interpreters, and other participants. The participants who appear remotely will connect to the hearing through an electronic device, such as a desktop computer, laptop computer, cellular telephone/smartphone, or other mobile electronic device.

When a matter is set to be heard by remote video appearance, the Court will provide the participants with instructions in advance for joining the videoconference. Participants shall ensure that the electronic device is equipped with both a camera and a microphone to participate in the remote video proceeding, unless the Court has authorized another means of participating.

(3) The Court may consider alternative arrangements for participation in the hearing when a litigant or participant does not have access to the technology to participate in a remote video appearance.

(4) All attorneys, parties, and other participants making remote video appearances must connect to the court session at least five (5) minutes before the scheduled court appearance in order to participate in a pre-hearing check with the courtroom clerk.

(5) Existing rules and procedures regarding the making of the record by a court reporter or electronic device, or for obtaining a transcript after the hearing, apply to remote video appearances. Participants may not record or broadcast the remote video appearance except in compliance with California Rules of Court, Rule 1.150. A violation of this local rule may result in the imposition of sanctions as set forth in subsection (f) of Rule 1.150.

(6) The Court may terminate the remote video appearance if participants do not comply with the following rules regarding procedure and decorum.

#### **(b) Appearance Procedure**

Participants using a videoconferencing platform in remote video appearances, including attorneys, parties, and other participants must:

(1) Ensure that they have sufficient battery power for the entire remote video appearance, including having a charger readily available, and access to enough cellular data and/or Wi-Fi for the duration of the remote video appearance;

(2) Eliminate, to the greatest extent possible, all ambient and/or distracting noise from the participant’s location;

(3) Ensure consistent lighting, avoiding rooms with bright windows and/or back-lighting, so that the participant can be seen;

- (4) Mute their phones and/or not speak until it is their turn to speak or their case is called;
- (5) Speak directly into the microphone on the electronic device used to connect to the court session; and
- (6) Speak slowly, avoid interrupting others, and identify themselves each time they speak.

**(c) Decorum**

Participants in a remote video appearance must:

- (1) Participate in the remote video appearance with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for a personal courtroom appearance; and
- (2) Dress appropriately in the same manner as they would for a personal appearance in court, without sunglasses and/or hats.

*Rule 2.09 adopted effective May 11, 2020.*

# Judge Crandall's Top *Zoom* Tips

## Best practices for *Zoom* set up:

1. Download (for free) and practice with the technology before you need to use it. Your clients should also do so.
2. Optimize the professionalism of your virtual appearance through lighting, (potentially virtual) background, and distance from camera.
3. Learn the difference between gallery view and speaker view, which help you track the court hearing.
4. Because audio/video issues can slow down calendars and trials, and wear on everyone's nerves:
  - a. Master the use of audio "unmute" and "mute," and "video on and off," functions.
  - b. Having effective audio is ***crucial***. If your WiFi signal is weak or spotty, use a landline/cell phone for audio by calling Zoom and linking your video device through your participant number

## Best practices for court hearings:

1. Identify your device by your name or law firm rather than by some other nomenclature. Same for your client. Bench officer will need to identify people before letting them into the virtual courtroom. It won't help things when you or your client come into the meeting under the name, e.g., "xenophobic" (a real example, believe it or not!).
2. Be patient in the "waiting room" before your case is called. Bench officers will use it to prevent unauthorized access. You may be moved between the waiting room and the meeting room occasionally for administrative purposes.
3. Get yourself to a quiet place and activate mute as needed. Background noise (e.g., trains, planes, lawnmowers, kids) is very distracting. On the flipside,

May 26, 2020

- talking on mute when no one can hear you is no fun and usually requires a repeat performance – try to remember to unmute when speaking!
4. Be prepared for the Court to interrupt you and be ready to stop talking (it's usually an audio problem making court stenography impossible). You will probably need to repeat yourself from time to time.
  5. Let silence be golden. Don't use a momentary pause to seize the podium. Audio or video lags are common. Everyone who needs to speak will be able to speak. You can raise your hand, either virtually or actually, but be patient, and wait to be called on.
  6. Observe civility protocols now more than ever. Avoid fencing with or interrupting opposing counsel or a witness. Remember it's more difficult for the judicial officer to control a virtual courtroom. Lean in to the process. You, or more likely your discourteous client, can be muted or removed from a hearing.

### ***\*Please Keep in Mind\****

*Virtual hearings serve a vitally-important purpose by maintaining access to justice and moving our caseloads forward. Please be patient and supportive as we work out the kinks together.*

*Your system of justice will “crash” if your judicial team (judicial officers, clerks, reporters, and support staff) get overloaded as we collectively adapt to the modifications necessitated by the pandemic.*

**Dear litigants and litigators,**

**As you are all aware, we anticipate that the use of video or audio technology may continue for the foreseeable future. Obviously, some of the parties require the use of an interpreter. When an interpreter is being utilized, please keep in the mind the following:**

- 1. Technology limits our ability to have only one person speak at a time. Therefore, it is necessary for interpreters to interpret consecutively rather than simultaneously.**
- 2. To assist with accurate translations please adhere to these guidelines:**
  - a. Speak clearly and at a measured pace.**
  - b. Speak in shorter statements, when possible. Regularly break up your presentation, stopping to allow the interpreter the opportunity to interpret. Continue only after the interpreter has had the opportunity to finish their interpretation.**
  - c. The Court and counsel should be deferential to the speaker to allow for the interpreter to finish and ensure that the speaker has finished their presentation.**
  - d. Prioritize civility and minimize interruptions.**

**Thank you for your consideration.**

**Judge Guerrero**

**SAN LUIS OBISPO COUNTY SUPERIOR COURT  
DEPARTMENT 2  
JUDGE GINGER GARRETT**

**INSTRUCTIONS FOR REMOTE APPEARANCE BY VIDEOCONFERENCE USING ZOOM  
APPLICATION**

**Before your hearing date:**

- Visit [www.zoom.us](http://www.zoom.us) for more information on how Zoom works and how you can join hearings or meetings. Zoom works on mobile devices such as smartphones and tablets, and on computer desktops that are equipped with both a camera and microphone. You must download the Zoom application onto your device or download the Zoom program if you use a computer. ([www.zoom.us/download](http://www.zoom.us/download)).
- You do not need to create or pay for a Zoom account in order to participate in the hearing.
- Test the Zoom audio and video functions on your device **before** your hearing. Visit [www.zoom.us/test](http://www.zoom.us/test) for more information on how to test your device.

**On your hearing date:**

- Log onto Zoom through your internet browser or through the app on your mobile device. To join the hearing, from the Zoom program or app, click on “Join A Meeting” and enter the Hearing ID and password shown here.



**Meeting ID: 215 957 8038  
Password: 79513**

- If you don't have a camera, you can still participate by phone.

**Call: (669) 900 6833  
Meeting ID: 215 957 8038  
Password: 79513**



## **During the hearing:**

- After you join the hearing, you will be placed into a “waiting room.” When the Court is ready to start the hearing, the Court will move you from the waiting room into the main hearing area.
- Existing rules and procedures regarding making a record by a court reporter or electronic device, or obtaining a transcript after the hearing, apply to remote appearances. Participants may not record or broadcast the remote appearance except in compliance with California Rule of Court, rule 1.150. A violation of this Rule may result in the imposition of sanctions as set forth in subsection (f) of Rule 1.150.

- Participants, including attorneys, parties, and other participants must:

Participate in the remote appearance with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for a personal courtroom appearance;

Dress in the same manner as they would for a personal appearance in court, without sunglasses, hats, and/or face coverings;

Ensure that they have enough battery power for the entire remote appearance, including having a charger readily available, and having access to enough cellular data and/or Wi-Fi for the duration of the remote appearance;

Eliminate all ambient and/or distracting noise from the participant’s location;

To the extent possible, place electronic mobile devices on a solid surface with the camera at eye level;

Ensure consistent lighting, avoiding rooms with bright windows and/or back-lighting, so that the participant can be seen;

Display their legal name on the videoconferencing screen;

Disable virtual background features except for the default virtual backgrounds on Zoom;

Speak directly into the microphone on the electronic device used to connect to the court session.

## **Exhibits:**

- If you want to present evidence to the Court, also called “exhibits,” you have 2 options:
  1. E-file your exhibits with the Court. For more information, go here:  
<http://www.odysseyefileca.com/>;
  2. Print your exhibits out and put them in one of the two drop boxes outside the San Luis Obispo courthouse.

**Please get your exhibits to the Court and all parties *BEFORE* the day of your hearing.**

**SAN LUIS OBISPO COUNTY SUPERIOR COURT  
DEPARTMENT 9  
JUDGE TANA L. COATES**

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**SAN LUIS OBISPO COUNTY SUPERIOR COURT  
DEPARTMENT P2 - PASO  
JUDGE LINDA D. HURST**

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