



March 10, 2023

Hon. Thomas J. Umberg
Chair, Senate Judiciary Committee
California State Senate
1021 O Street, Room 3240
Sacramento, CA 95814

Hon. Aisha Wahab
Chair, Senate Public Safety Committee
California State Senate
1020 N Street, Room 545
Sacramento, CA 95814

Submitted via email, to Christian Kurpiewski, christian.kurpiewski@sen.ca.gov

RE: Remote Court Proceedings

Dear Senator Umberg and Senator Wahab:

We write to follow up on the informational hearing held by the Senate Judiciary and Public Safety Committees on Tuesday, March 7, 2023. We provided brief comments at the hearing, but wanted to expand upon some of the points that were made. We appreciate the opportunity to share our experiences and expertise, as well as information from advocates at legal services organizations across the state.

Overall, the option of remote appearances for hearings has been positive. Many advocates at legal services organizations and self-represented litigants reported positive feedback from their remote appearances. Litigants and advocates save substantial time, in both travel and time spent waiting in the courtroom. Litigants also save money, and generally experience less stress with remote court appearances.

There are clearly still challenges, but we believe there is an opportunity to address many of these challenges so that remote court appearances are able to serve as a positive experience for self-represented and low-income litigants to better achieve access to justice. The access to the technology is the biggest barrier, whether because of the processes implemented (or not implemented) by the courts, access to reliable wi-fi, or access to the equipment needed to appear (tablet, laptop, etc. with a camera).

Advocates also reported that contested hearings, like evidentiary hearings and trials, and hearings where hallway negotiations are key to resolution of the case, are generally not well-suited for remote proceedings. There may be exceptions to this, but overall, most advocates recommended limiting remote appearances to specific hearing types. Advocates also recommended consistency in which hearing types are scheduled for remote appearances, and which are scheduled for in-person appearances. Litigants have struggled to keep track of when they need to appear in-person and when they are able to appear remotely at times, and clarity in communication from the court is key.

OneJustice recently completed a project observing court proceedings across the state. Staff and volunteers observed 590 court hearings, 475 of which were remote. Hearings were observed in



nine counties, Los Angeles, Santa Barbara, Yuba, San Francisco, Santa Clara, San Diego, Sacramento, Orange, and Alameda.

San Francisco was the only county where both in-person and remote hearings were observed. San Diego, Santa Barbara, and San Francisco all offer remote hearings for litigants and also allows the public to view those remote proceedings. In contrast, Los Angeles, Orange, and Alameda county courts never provided public observation of remote proceedings.

Many of the counties used Zoom as their remote appearance tool and a few used Microsoft Teams. In one case, Microsoft Teams was the primary, and Zoom was the backup in case of an outage. Ensuring some level of consistency across the state would be ideal, but certainly within a county court system, a single video appearance platform should be used. Litigants should not be required to pay to appear remotely (i.e., CourtCall should never be the primary remote appearance tool), and should not have to submit a complete fee waiver form to waive a fee for a remote appearance.

A litigant must be able to request the type of appearance they prefer, when possible, whether remote or in-person. All courts should use the judicial council forms, RA-010 - Notice of Remote Appearance, RA-015 – Opposition to Remote Proceeding at Evidentiary Hearing or Trial, and should allow litigants to utilize these forms to appear remotely or in-person even when they have a complementary online process. While the court may prefer the online process, many litigants will need to use the forms. In addition, the Judicial Council forms must be translated into multiple languages so that they are accessible to all litigants. These forms should also be clearly linked on the courts' websites and available to distribute at the self-help centers.

A number of courts have made substantial changes to their websites to better provide information about access to remote hearings. For instance, San Diego Superior Court has a link on their website with all of the information needed to attend remote hearings in their various divisions and courtrooms (an image of that page is attached to this letter). Los Angeles Superior Court has a link on their website that offers resources connecting court users to internet access in Los Angeles County, including partnerships with local libraries and with Los Angeles County's Free Wi-Fi locator map.

Clerks and courtroom staff must be trained on how to manage remote appearance requests, the video software itself, and how to troubleshoot. Many advocates at legal services organizations reported that they or their clients missed hearings because the court failed to admit them to the virtual hearing, even though they logged on to the appropriate link at the correct time. Courts should admit everyone, determine who is properly on the remote appearance software, and then remove anyone who is in the wrong place or who is not authorized to attend the hearing (if necessary). Self-represented litigants may be utilizing technology that does not display their name the way it appears in the case documents.

Courts must provide live help with accessing remote hearings. For instance, if a litigant is having trouble connecting to a remote hearing, the litigant must be able to contact a real person at the courthouse to let them know. The contact at the courthouse can then connect with the courtroom to notify them that the litigant is trying to appear. Advocates have reported that judges have ruled



against litigants when they have failed to appear at a remote hearing due to technological challenges because the litigants have been unable to reach anyone at the courthouse to let them know. A messaging system may also work, so long as the messaging system is monitored and the monitor is in touch with the courtroom(s).

Courts are able to set up breakout sessions for parties willing to engage in mediation, and in addition to mediation, courts could also allow breakout sessions for attorney-client consultations or informal settlement discussions between counsel and parties, to allow hearings to proceed more efficiently and effectively.

Public access to hearings that are only remote (that would otherwise be open to the public if they were held in-person) is vital. It allows future litigants to observe hearings, increasing the likelihood that their hearing will proceed more smoothly. It also preserves the public's access to court hearings guaranteed under the First Amendment and common law. For public access to hearings, a few courts are offering listen-only telephone lines and live stream options on the court's website. Once courtrooms reopened to in-person appearances, at least some counties allowed judges to determine when their hearings would be live-streamed. Ideally, even hybrid hearings, where some parties are in-person and some are appearing remotely, would be available for the public to view through a listen- or view-only process.

As others have commented, out of state witnesses who appear remotely should be required to appear remotely within California. The process for calling an out-of-state witness should remain the same, by requiring the witness subpoena to be domesticated in the witness' state. An adverse party should be able to demand that a witness appear in-person for cross-examination. Similar to criminal law, the default should be that witnesses in civil cases are in-person, and exceptions are only granted if both parties agree, or if they do not both agree, when the judge determines it will not prejudice the other party for the witness to appear remotely. The logistics of having the witness appear in-person should follow the cost limitations and rules in Section 98 of the California Code of Civil Procedure.

Litigants must be able to submit documents to the court, either before the hearing, during the hearing, electronically or otherwise. Many courts have developed systems for litigants to submit documents in advance of remote hearings. Courts should not require documents to be submitted electronically, but if there is an electronic process, court self-help centers should be able to assist with scanning, combining, and uploading documents to the court.

Interpretation is one of the most challenging aspects of remote appearances. The best practice in interpretation is simultaneous interpretation, where the interpreter translates the message from the source language to the target language in real-time. That is preferable to consecutive interpretation, where the interpreter translates to the target language after the speaker stops speaking. Consecutive interpretation takes longer, because it requires everyone to pause while the interpreter translates, and it also is subject to more errors. The best case scenario is for the interpreter to be in close physical proximity to the litigant needing interpretation, but when that is not possible, advocates reported that at least one court has had the interpreter call the litigant directly, while both are logged on for the remote appearance, so that the interpreter may simultaneously interpret the proceeding without interrupting the hearing or disturbing the record.



With remote proceedings, advocates have reported numerous challenges, including situations where the interpreter is only able to translate what the judge and litigant is saying, but not what opposing counsel said, so that the litigant was unable to meaningfully participate in the hearing.

Courts must work with local libraries and community centers to provide training and support for remote appearances. Much like the Los Angeles Superior Court has collaborated with the Los Angeles County and Los Angeles libraries, other courts can do the same to ensure litigants have access to secure and reliable wi-fi. During the height of the pandemic, legal services organizations across the state set up remote appearance toolkits that they could take to their client's house/front yard, and/or set up private remote appearance spaces in their offices for clients to use. Working with the courts, community centers and libraries could similarly provide private remote appearance terminals for litigants who otherwise would not have reliable access. Collaborations such as these may also serve to reduce the anxiety, fear, and frustration caused by court appearances, as the litigant would be able to appear remotely, ideally closer to their home or work, and would have technology support nearby in case of a problem.

Again, OneJustice appreciates the opportunity to share its expertise and to engage in these conversations with the legislature. We would be very happy to continue to work with the Judiciary and Public Safety Committees as legislation is developed, and we are able to share challenges and successes from around the state from our partner legal services organizations.

Sincerely,
ONEJUSTICE

A handwritten signature in black ink that reads "Leigh Ferrin".

Leigh Ferrin

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English ▾

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[Home](#) / [How to Appear for Your Hearing](#)

How to Appear for Your Hearing

In certain circumstances, the San Diego Superior Court may allow appearances for hearings to be either in-person or remote.

To Appear In-Person:

Please arrive at the courthouse at least 30 minutes before your scheduled hearing and report directly to the assigned courtroom.

To Appear Remotely:

You can attend the hearing by **video or audio conference using the free Microsoft Teams App**, unless otherwise ordered by the court.

- **Civil Hearings**
 - [Civil Harassment Restraining Orders Hearings \(NOT Domestic Violence\)](#)
 - [Limited Civil Hearings](#)
 - [Civil Independent Calendar Hearings](#)
 - [Civil Unlawful Detainer \(Landlord-Tenant\) Hearings](#)
 - [Small Claims Hearings](#)
 - [Small Claims Appeals/Trial De Novo Hearings](#)
 - [Small Claims Mediation Conferences](#)

- [Criminal Hearings](#)
- [Family Law and Domestic Violence Restraining Orders Hearings](#)
- [Probate Hearings](#)
- [Traffic/Minor Offense Hearings](#)
- [Appellate Division Oral Arguments](#)
- [Appellate Division Traffic Oral Arguments](#)

Days before the hearing, download the free Teams App on your mobile device or computer. See instructions below for how to set up your device or computer with Teams to join by video conference.

[Virtual Hearings Tip Sheet for Desktop/Laptop Computer Access](#) [PDF](#)

Computers - San Diego Superior Court Virtual Hearings



[Virtual Hearings Tip Sheet for Mobile Smartphone/Tablet Access](#) [PDF](#)

Mobile Devices - San Diego Superior Court Virtual Hearings



If you do not have a computer or smartphone, virtual hearings can be accessed by calling the corresponding conference call phone number. These phone numbers are listed on each of the links to hearings pages by case type.

If you do not have a telephone and/or if your type of hearing will require an in-person appearance, please go to the courthouse and courtroom where your matter will be heard to appear in person.

Joining the hearing:

1. From your device or computer, refer to the list of virtual hearing links assigned to the departments for your case type. You will find the courtroom on your notice or court paperwork. Click on the virtual hearing link assigned to the department that will hear your case.
2. Join the hearing from a room with no or minimal background noise.
3. Join the hearing 30 minutes before the start time indicated in your hearing notice so the courtroom clerk can check you in.

Safety in virtual hearings

Participants should be mindful of their personal safety when participating in virtual hearings, including by considering the following: If joining the hearing using video, consider turning on background blur, or sitting in front of a neutral background such as a blank wall or door.

If there are safety concerns about appearing with video turned on, the Judge/Commissioner may permit a party to participate in the hearing using only audio.

If joining a virtual hearing by telephone, participants may switch caller ID off before dialing the conference number. If the caller ID is on, participants should be aware that their phone number will be displayed in the virtual hearing to others participating using the desktop app, web browser version, or smartphone app (but will not be visible to other participants also dialing in on the telephone). Switching caller ID off means that only a random 9-digit number will be shown.

Be sure to set aside time to participate in the hearing distraction-free and without children present.

Technology tips

Use a headset or headphones that have a microphone (such as most headphones that come with smartphones), to avoid echo and increase audio quality. Ensure you select the headphones in the settings for 'Devices' as the microphone and speaker. If you have the volume turned up and audio coming through the speakers of your device, it may be picked up by your microphone and create an echo. If other participants are complaining of echo and you cannot hear any echo, it is likely that you are the cause.

Ensure you are in a quiet, distraction-free location with good lighting and minimal background noise.

Participants should have their microphone muted, and cameras switched off when they are not speaking or not required to be seen, as directed by the Judge/Commissioner.

If appearing by telephone, do not place the Court on hold. Speak directly into the phone or headset. Do not place the phone on speakerphone, as it will decrease audio quality.

Ensure devices are fully charged before the hearing and have chargers nearby. Videoconferencing can drain the battery of devices.

Note: In case of a Microsoft Teams outage, the Court will use Zoom to conduct virtual hearings

Please visit the hearings link for each case type for the current links to access individual virtual hearings.

[Contact Us](#) [ADA/Accessibility](#) [Site Map](#)



[Privacy Policy](#)

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BRIDGING THE DIGITAL DIVIDE FOR COURT USERS

Connecting Court Users to Internet Access Options in Los Angeles County



Court users without reliable internet access may access the internet through programs highlighted below to take advantage of the Court's variety of online service options to conduct court business remotely.

Show Me the Online Services



Free Ways to Access the Internet from County and City Partners



LA COUNTY FREE Wi-Fi LOCATOR

Los Angeles County compiled a comprehensive map of free Wi-Fi found across Los Angeles County's 4,700+ square miles.

[Show Me The Wi-Fi Map](#)



LOS ANGELES PUBLIC LIBRARY

LA PUBLIC LIBRARY TECH2GO PROGRAM

The Los Angeles Public Library's Tech2go program enables any adult with a valid library card to borrow a Google Chromebook and internet hotspot from the library for up to six months.

[More Tech2go Info](#)



LA COUNTY PUBLIC LIBRARY SERVICES

The Los Angeles County Library offers a variety of services, from free internet and computer access to low-cost printing and laptop loan programs.

[More on LA County Library Services](#)

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY COURT HOUSE

- Online Services
- Forms & Filing
- Self-Help
- Divisions
- General Info
- Careers
- ADA

Online Services

- Check Jury Duty
- Civil eFiling
- Copy Requests
- Court Calendars
- Court Reservation - Civil
- Court Transcripts
- Courtroom Livestreaming
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Home / Online Services / Courtroom Livestreaming

Courtroom Livestreaming Services

Riverside Family Law

Effective November 8, 2021, livestreaming services will be within judicial discretion if a courtroom is otherwise physically open to the public. Therefore, not all public hearings may be livestreamed.

Banning Justice Center

 Banning Justice Center Department B101	 Banning Justice Center Department B201	 Banning Justice Center Department B301	 Banning Justice Center Department B302	 Banning Justice Center Department B303	 Banning Justice Center Department B304
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Blythe Courthouse

 Blythe Courthouse Department 260
