

HYBRID HEARING GUIDELINES FOR DEPARTMENT THREE

As our Court opens to the public, the doors of Department Three will open wide. Subject to the General Orders of this Court regarding masking for the unvaccinated, all parties and the public may personally attend hearings in the courtroom. The Court prefers in-person appearance for significant hearings. Department Three, however, also intends to offer the option of Zoom hybrid hearings in many cases. A hybrid hearing is one where some parties appear by Zoom while others appear in person.

Unless an order or Tentative otherwise directs, parties who wish to attend by Zoom must contact Courtroom Deputy, Russell Paluso, at (619) 557-5157 no later than 10:00 a.m. two business days before the hearing.

Attendance by Zoom will be routinely allowed in the following instances:

1. Appearances at reaffirmation hearings;
2. Appearances for matters where the parties will discuss general status, other than the initial pre-trial status conference in an adversary proceeding;
3. Matters that will be continued by consent of all parties;
4. Settled matters requiring assistance from the Court;
5. Other matters where active argument is not anticipated; and
6. Matters where Court indicates in its Tentative that Zoom appearance is appropriate.

The Court will also allow a Zoom appearance where the Court deems it otherwise justified. Such matters, for example, could involve childcare concerns, health concerns of the attorney or a family member, travel difficulties, etc.

Emergency requests for Zoom appearance will be considered after the deadline established above but only in relation to emergencies that become apparent after the deadline. Parties requesting an emergency Zoom appearance should contact the Courtroom Deputy at the number set forth above.

In addition, the parties can request a Zoom appearance after the deadline where a matter settles or is otherwise finally resolved after the deadline.

While Zoom allows telephonic appearance, the Court strongly discourages parties from using the telephone option. The Court finds that video appearance is highly preferable and may decline a request for telephonic appearance.

Parties who anticipate frequent Zoom appearances should ensure that they have technology available that will allow them to be heard and seen clearly.

Parties who do not have the required technology should plan on attending in person.

The Court **will not** routinely allow Zoom appearance for the following:

1. Initial pre-trial status conferences in adversary proceedings;
2. Long cause argument matters;
3. Any matter involving complex argument; and
4. Trial. [In the case of trial, however, the parties may request attendance by discreet witnesses via Zoom given, in particular, geographic issues. The Court will decide such appearance issues on a case by case basis.]

Parties subject to an order to show cause must appear in person unless they petition the Court by motion for the opportunity for a Zoom appearance.

Parties who previously received instruction from the Court, but failed to perform as required by the Court in an order or minute order, must appear before the Court in person unless they obtained relief from this requirement in a tentative or through an order on a motion.

Counsel appearing before the Court, whether in person or on Zoom, are expected to appear in professional business attire, to act with the decorum and seriousness appropriate to the Court setting, to be prepared to present themselves in Court in a business-like fashion, and to be on time. In the case of a Zoom appearance, a timely appearance requires a pre-hearing Zoom connection at the time set by the Courtroom Deputy.

Parties bringing motions before the Court should not schedule the matter for a time when they know they will not be able to appear in person. A Movant may always request a Zoom appearance, but the Movant should not assume that a Zoom appearance will be allowed.

Parties may request that their clients attend hearings via Zoom and, in the case of reaffirmation hearings, their clients should appear. Counsel must advise their clients of the guidelines set out herein; inappropriate behavior will result in termination of a hearing which may or may not be continued.

Parties desiring to appear by Zoom must accept the risk inherent in a remote appearance. In cases where the Court's technology fails, the Court likely will reschedule the matter. In a case where the party appearing by Zoom experiences a failure of technology, including a transmission that is inaudible or a loss of transmission, the Court may terminate the hearing, they may lose their ability to argue, and a continued hearing may not be allowed. Again, parties wishing to use technology should make sure that they have the ability to

participate in the hearing with clarity equal to that which would result if they were in the courtroom.

If parties wish to test their equipment before the hearing to ensure that this standard can be met, the Court is happy to allow for a test run. Parties should contact the Courtroom Deputy at (619) 557-5157 well before the hearing so that they have time to determine what flaws in transmission exist, if any, and to remedy them.

Parties with significant matters or multiple matters before the Court are also urged to educate themselves as to how the hybrid hearing will be conducted. Hybrid hearings in a 1913 era courthouse are not without challenges. Parties who wish to see the view they will obtain remotely or to review the view the Court will have in a hybrid hearing can schedule a meeting with the Courtroom Deputy. For example, parties should be aware that the Court will be observing their argument on a computer monitor and not on the large screen used for non-hybrid Zoom hearings. Also, at present, the party appearing remotely will have a panoramic view of the courtroom. Their ability to observe the judge and opposing counsel will not be equivalent to the view available in the courtroom.

PARTIES ATTENDING REMOTELY MAY NOT RECORD THE PROCEEDINGS BY ANY MEANS.