

Code of Civil Procedure Section 367.9

Report to the Legislature and Governor

Background

- AB 177 added section 367.9 to Code of Civil Procedure
- Required Judicial Council to convene working group
- Required report to Legislature and Governor by January 1, 2023



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Background (continued)

- Law mandated specific working group composition
- 367.9 Working Group to consider and make recommendations in five specific areas



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Recommendation Areas

1. Court reporter availability;
2. Statewide procedural and technical guidelines;
3. Case types where remote proceedings are appropriate;



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Recommendation Areas (continued)

4. Protocols for accessing the court remotely; and
5. Changes to existing laws to protect accuracy of record and preserve rights to appeal.



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367.9 Working Group

- Formed in June 2022
- Members' experience exceeded criteria
- Full membership list included in report to Legislature and Governor



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Subgroups

- Ad hoc subgroups formed to gather information related to remote appearances
 - What worked/didn't work
- Each subgroup focused on a specific case type



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Information Gathering

- Members shared acquired information during meetings
- Public comment session
 - Over 140 attendees
 - 37 public comments
 - 56 written comments



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Recommendations

- Each working group member invited to submit recommendations
- Members reviewed, discussed, and edited all 21 recommendations



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Recommendations (continued)

- Members voted: Yes, No, Abstain
- Final list and vote tallies included in final report



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Recommendations (continued)

- Recommendation 3.1: Remote proceedings should be available, but not mandated, in **ALL** case types, when:



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Recommendations (continued)

- Courts and parties or others appearing remotely have access to technology;
- Clear and private communication between parties and their attorneys is available; and
- Technology provides for clear communication between all participants and court interpreters.



Recommendations (continued)

- Member votes
 - Yes: 19
 - No: 5
 - Abstain: 0



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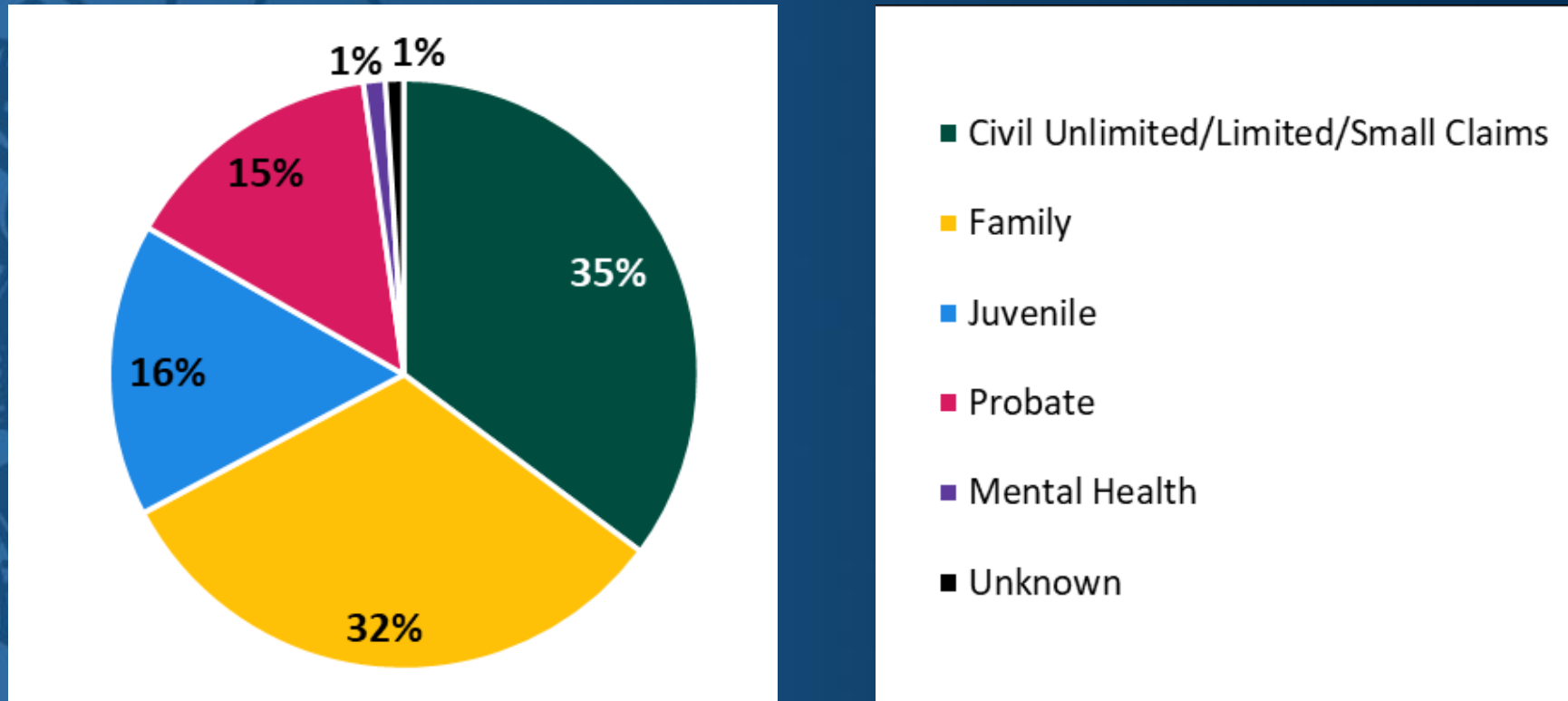
Number of Proceedings Conducted with Remote Technology

- Over 556,000 remote hearings in civil cases, March to September 2022
- About 80,000 hearings per month



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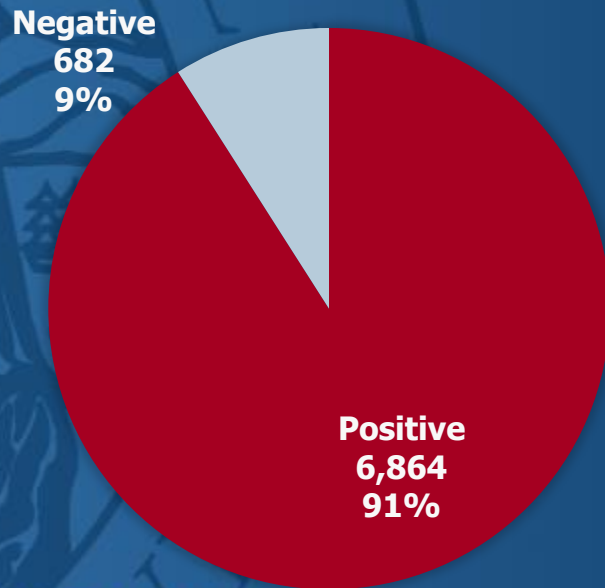
Types of Civil Remote Proceedings



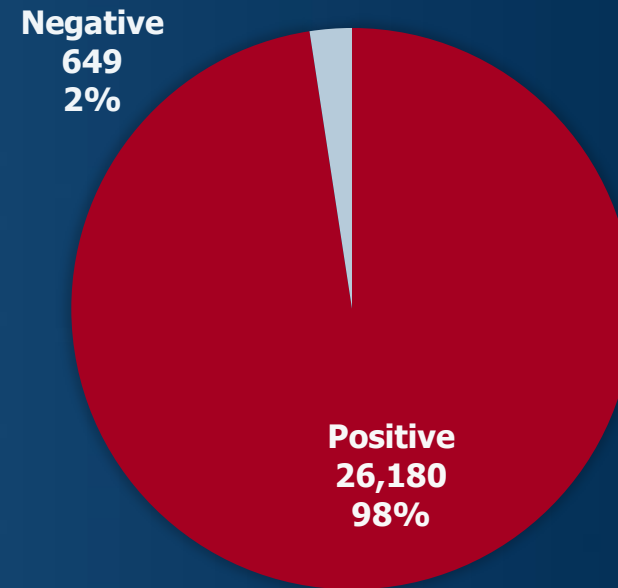
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Remote Hearing User Experience

Court Users



Court Workers



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