

Civil Remote Proceedings: When a Judicial Officer May Preside Remotely

Hon. Maria D. Hernandez, Chair, Trial Court Presiding Judges Advisory Committee

Hon. Lisa M. Rogan, Presiding Judge, Superior Court of San Bernardino County

May 17, 2024



Code of Civil Procedure Section 367.10

“Consistent with its constitutional rulemaking authority, the Judicial Council shall adopt rules that include standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom.”

Working Group

- Provide preliminary recommendations to the Trial Court Presiding Judges Advisory Committee
- Members:
 - Hon. Maria D. Hernandez, Presiding Judge, Superior Court of Orange County, Chair
 - Hon. Samantha P. Jessner, Presiding Judge, Superior Court of Los Angeles County
 - Hon. Kimberly J. Merrifield, Judge, Superior Court of Butte County
 - Hon. Lisa M. Rogan, Presiding Judge, Superior Court of San Bernardino County
 - Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
 - Mr. David H. Yamasaki, Court Executive Officer, Superior Court of Orange County

Proposed Rule 10.635: Scope

- General civil matters, certain case types excluded
- Judicial officer is outside of their courtroom
- Judicial officer is not presiding in person
- No impact on parties or others participating remotely

Proposed Rule 10.635: Structure

- Different conditions for presiding from court facilities vs. third locations
- Either location:
 - Must be in the interest of justice
 - Presiding judge role
 - Provides flexibility to help achieve the interest of justice
 - Transparency and accountability to the public

Proposed Rule 10.635: Limited Situations

- In a court facility, when:
 - Proceeding is fully remote, or
 - No courtrooms available
- In a location other than a court facility, when:
 - Hazard prevents safely accessing a court facility, or
 - Necessary to prevent significant, prejudicial delay to litigants

Thank you!

