# **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 JUDICIAL COUNCIL OF CALIFORNIA

#### Background (continued)

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



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



**Recommendation** Areas (continued) 4. Protocols for accessing the court remotely; and Changes to existing laws to protect 5. accuracy of record and preserve rights to appeal.



# **367.9 Working Group** • Formed in June 2022 Members' experience exceeded criteria Full membership list included in report to Legislature and Governor



## 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



**Information Gathering**  Members shared acquired information during meetings Public comment session Over 140 attendees 37 public comments 56 written comments IUDICIAL COUNCIL **VF CALIFORNIA** 

### Recommendations

 Each working group member invited to submit recommendations

 Members reviewed, discussed, and edited all 21 recommendations



#### **Recommendations** (continued)

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



#### **Recommendations** (continued)

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



### 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

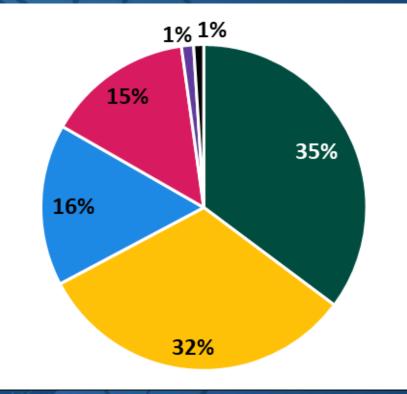


Number of Proceedings Conducted with Remote Technology

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



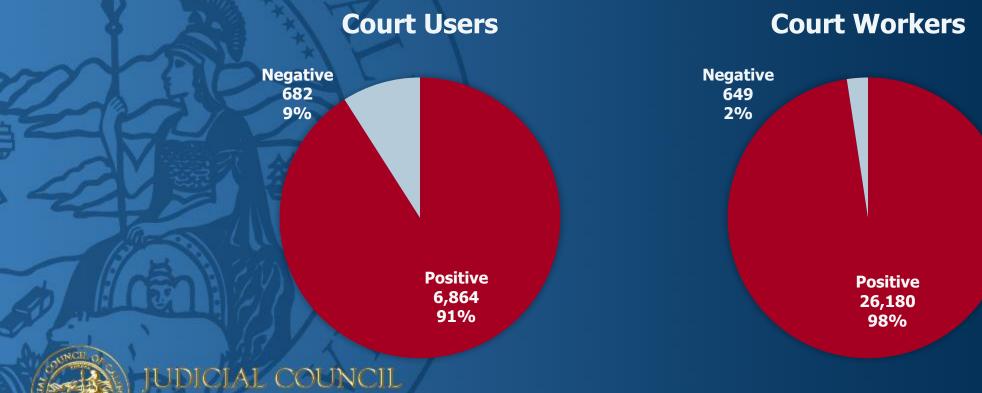
# **Types of Civil Remote Proceedings**



- Civil Unlimited/Limited/Small Claims
- Family
- Juvenile
- Probate
- Mental Health
- Unknown



# Remote Hearing User Experience



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