

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF LAKE

DEC 18 2020

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BY   
Deputy Clerk

GENERAL ORDER ON THE MANAGEMENT OF CASES SET FOR COURT TRIALS  
AND HEARINGS TO BE CONDUCTED BY REMOTE PROCEEDING

A remote court trial or hearing shall be conducted pursuant to the same rules and procedures as in-person proceedings and, as a remote proceeding, shall be subject to the requirements and procedures as follows:

1. All counsel, parties and witnesses shall conduct themselves in demeanor and decorum as if physically present before the court and shall wear attire appropriate for in-person court proceedings. There shall not be any background noise or any other activities occurring while the court is in session causing any disruption or interference with the ability to conduct the proceeding.

2. All counsel, parties and witnesses shall have the ability to participate by audio and video in the proceeding through an electronic device that will provide access to and function adequately with the Zoom video conference application used by the court. All participants shall be generally familiar with the use of the Zoom application or have someone present to assist with the connection and manage the technology to provide for effective audio and video participation.

3. All participants shall be present and seated in an office, room or other location with proper lighting and a quiet environment. A participant shall at all times be clearly visible

1 and, as required by the court, be able to be clearly heard by the  
2 judge and by all other participants. The camera of a participant  
3 must be set so as to provide, at the minimum, a view of the person  
4 from the shoulders to the top of the head. In the event that the  
5 witness is in the same room with the person conducting the  
6 examination, each person shall be on a separate camera or a single  
7 camera set to depict each person, at the minimum, from the  
8 shoulders to the top of the head.

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10 4. Each party shall prepare, serve on all other parties and  
11 lodge with the court not less than 7 court days prior to the trial  
12 or hearing a list of the witnesses, other than the parties,  
13 expected to be called to present remote testimony and the general  
14 scope of the testimony to be offered. The party or counsel calling  
15 the witness shall arrange for the witness to render testimony under  
16 the conditions set forth herein and with no other persons present  
17 with the witness except as disclosed and permitted by the court.  
18 During the examination of a witness, no party, counsel, or third  
19 person may communicate with the witness in any manner except as  
20 part of the examination. The witness examination shall be conducted  
21 so as to be clearly visible to the court, all parties and counsel.

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23 5. In the event of an order excluding witnesses, a witness  
24 shall be admitted to the proceeding when it is time for the witness  
25 to actually testify. Each party or counsel shall arrange and  
26 schedule their witnesses so that a witness, and each successive  
27 witness thereafter, is connected to the proceeding or waiting to be  
28 admitted to the proceeding. Upon the conclusion of the testimony of  
29 a witness, and the witness is excused, the court may permit the  
30 witness to remain connected in the proceeding as an observer. In

1 the event a witness is subject to recall, the court shall end the  
2 participation of the witness until recalled. A witness shall not  
3 leave the proceeding until being instructed to do so by the court.  
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5 6. Each party or counsel shall prepare, serve on all other  
6 parties and lodge with the court not less than 7 court days prior  
7 to the trial or hearing date a written list identifying the  
8 exhibits that the party expects to offer in evidence and provide  
9 duplicate copies of the actual exhibits identified by the list. The  
10 exhibits shall be assembled and collated in their anticipated order  
11 of presentation. Exhibits shall be presented in paper form, as  
12 opposed to electronic form, whenever possible. The duplicate  
13 exhibits presented in the case shall be of the same quality and  
14 detail. Exhibits consisting of pictures or photographs, in any  
15 form, shall be an exact duplicate copy. Electronic audio or video  
16 recording evidence must be presented on a flash drive or disc and  
17 be accompanied by a written transcript of the audio portion of the  
18 recording to be offered in evidence. Exhibits consisting of copies  
19 of emails, texts or other messaging shall be annotated in such  
20 manner to reflect the identity of the person making or sending the  
21 communication. The exhibits to be lodged with the court shall be  
22 enclosed entirely in a closed and sealed envelope(s) with the case  
23 name and number displayed on the cover. Parties shall retain and  
24 have available their own copy of the exhibits for use during the  
25 proceeding. Any other form of physical evidence shall be disclosed  
26 and offered by a photograph(s) except as may be ordered by the  
27 court during the trial or hearing.

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29 7. At the commencement of the trial or hearing, in the  
30 presence of the parties and counsel, the exhibits lodged with the

1 court by each party will be marked for identification. Counsel  
2 shall meet and confer with each other or with a self-represented  
3 litigant in advance of the trial or hearing regarding objections to  
4 and agreements for the admission in evidence of the exhibits as  
5 lodged with the court. Each party or counsel shall make reasonable  
6 and good faith efforts to lodge with the court and serve on all  
7 other parties all exhibits which may be used by a party at the  
8 trial or hearing for any purpose, including exhibits which  
9 constitute records contained in the clerks file and any request for  
10 judicial notice.

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12 8. In the event that the testimony of a witness will require  
13 the use of an exhibit, the party or counsel will provide a copy of  
14 the exhibit to the witness prior to the time of the trial or  
15 hearing for the witness to have in possession during testimony. A  
16 witness shall not have any other documents or materials in  
17 possession or accessible to the witness at any time during the  
18 testimony of the witness.

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20 9. In the event that during the trial or hearing, there is  
21 request by a party to the court to use and/or offer exhibits other  
22 than as listed and provided before the trial or hearing for use in  
23 cross-examination of adverse witnesses, impeachment purposes or for  
24 rebuttal, that party shall provide a duplicate copy of the exhibit  
25 to the other party and a copy to the court at the first reasonable  
26 opportunity in the manner directed by the court.

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28 10. Each party or counsel in issuing any subpoena or notice to  
29 compel the attendance of a witness at a remote proceeding, shall  
30 provide the directions that the witness shall be required to appear

1 remotely, the process for the witness to attend using the video  
2 conference Zoom application for the remote appearance, duplicate  
3 copies of the exhibits to be produced or used in the examination of  
4 the witness, and the instructions for the participation of the  
5 witness remotely before the court as set forth herein.

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7 11. Each party and counsel are strictly prohibited from the  
8 recording, in any form or manner, all or any part, of the audio or  
9 video portion of the trial or hearing and shall instruct all  
10 witnesses called by the party to testify in the proceeding of the  
11 prohibition against recording the proceeding in any manner.

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13 12. All action directed of a party or counsel, as set forth  
14 above, must be conducted so as to comply with any protective order  
15 or restraining order in effect in the case, or otherwise in effect  
16 against a party, including that witness lists and exhibits be  
17 mailed to a protected party and that a restrained person only  
18 effect service of witness list and exhibits in person to counsel  
19 for the protected person if the protected person is represented by  
20 counsel in the case.

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22 This General Order is effective immediately and shall remain in  
23 effect until amended or vacated.

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25 DATED: DECEMBER 18, 2020



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MICHAEL S. LUNAS  
PRESIDING JUDGE