

## **IN-PERSON AND REMOTE APPEARANCE PROCEDURES FOR COURT HEARINGS IN JUDGE KWAN'S CASES**

Notwithstanding the opening of the courthouses in this judicial district to in-person court hearings, in recognition of the overwhelming support of the organized bar for allowing continued virtual (or remote) appearances in hearings before the court as measured by court surveys, Judge Kwan will continue to use Zoom for Government (ZoomGov) videoconferencing technology in a hybrid format holding hearings in-person in the courtroom and remotely by video, but with in-person hearings for evidentiary hearings, trials and other matters specially set by Judge Kwan. Counsel and self-represented parties may choose to appear in person in the courtroom or remotely on ZoomGov at a hearing on their matters unless otherwise ordered by the court. Parties are directed to review Judge Kwan's self-calendaring instructions for calendaring hearings, whether by in-person and/or ZoomGov.

### **IMPORTANT NOTICE: UPDATED POLICIES AND PROCEDURES FOR IN PERSON AND REMOTE PARTICIPATION IN, AND ACCESS TO, COURT HEARINGS, AND RESTRICTIONS ON BROADCASTING COURT HEARINGS TO THE GENERAL PUBLIC AND THE MEDIA**

The Judicial Conference of the United States has now clarified its policy on Cameras in the Courtroom and mandated that the Public and the Media may not observe **by video** any court proceedings unless they are actual parties or counsel with matters before the court in which they have an official interest. However, as an accommodation to the Public and the Media, the Judicial Conference of the United States has also clarified that many court proceedings will still be accessible **by audio**, but that this audio accommodation for the general public (or the Public) and the Media is limited to (1) non-trial hearings; and (2) non-live witness evidentiary hearings.

To be clear, during hearings where no live testimony is being received by the court, the court may permit hearing accessibility remotely by audio, but not video, to the Public and the Media. No trials may ever be accessible remotely by audio to the Public and the Media. The court has the final control regarding remote audio accessibility and may choose to terminate remote audio accessibility at any time, regardless of the type of hearing. These remote audio services are accessible through ZoomGov, and the Public and the Media may utilize the telephone number login, but not the video login, presented by the court on its publicly posted hearing calendar, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>, and then selecting "Judge Kwan" from the tab on the left-hand side of the page.

Members of the Public and the Media may always personally attend hearings before the court in open court in-person in the courtroom. Judge Kwan's courtroom is located in Courtroom 1675, 16<sup>th</sup> Floor, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012.

On hearing days, Judge Kwan's courtroom will remain open during hearings for in-person public and media attendance, so that the courtroom observers will have video and audio access to ZoomGov participants. The court will have video monitors on and viewable within the

courtroom for viewing. The parties, including counsel, their clients, and self-represented individual parties, may virtually join the hearing and appear remotely or virtually on ZoomGov.

No live testimony, however, will be permitted at a hearing by ZoomGov unless specifically authorized by the court either prior to, or during, a hearing. If a party intends to call a witness to testify by remote transmission, the party calling the witness should state such intention in the joint pretrial stipulation filed before the final pretrial conference or file a written application for permission to call a witness by remote means at least 21 days before the evidentiary hearing or as soon as practicable if the evidentiary hearing is set on less than 21 days notice.

ZoomGov: Video and audio connection information for each hearing will be provided on Judge Kwan's publicly posted hearing calendar on the court's website, which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>, and then selecting "Judge Kwan" from the tab on the left-hand side of the page.

As noted above, hearing participants may view and/or listen to hearings before Judge Kwan using ZoomGov free of charge. Individual participants may appear at a hearing by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individual participants may also participate in a hearing by ZoomGov audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account are necessary to participate in a hearing, and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the court and constitute its official record.

Members of the general public and the media, however, may only view the hearings in person from the courtroom, which will remain open, or by audio access, as noted above. To implement the mandate of the Judicial Conference of the United States that the general public and the media may not access the video feed of a court hearing, only the audio feed, Judge Kwan or court personnel may inquire as to the status of a person accessing ZoomGov as either an official hearing participant or a member of the general public or the media, and the court may place persons attempting access to video feed of a court hearing in a Zoom waiting room for a status inquiry and otherwise restrict a member of the general public or the media to audio access only if accessing the hearing remotely. Individual members of the public and the media may access a hearing by ZoomGov audio only using a telephone (standard telephone charges may apply). Neither a Zoom nor a ZoomGov account are necessary to access the live audio feed of a hearing, and no pre-registration is required.

**IMPORTANT NOTICE:** All persons are strictly prohibited from making any recording of court proceedings, whether by video, audio, "screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions. The Clerk of the Court maintains an audio recording of all proceedings, which recording constitutes the official record of those proceedings.

## **Tips for a Successful ZoomGov Court Appearance Experience**

1. Test the video and audio capabilities of your computer or mobile device in advance of the hearing (i.e., at least one day in advance).
  - a. You can do this by clicking on the ZoomGov meeting link posting for the hearing and/or check your video and audio using the ZoomGov app.
2. If you intend to speak at the hearing, please find a quiet place from which to participate.
3. If you are connecting to the hearing using a wireless device, you should situate yourself in a location with a strong wireless signal.
4. Unless and until it is your turn to speak, please mute your audio to minimize background noise.
  - a. If connected to ZoomGov audio by telephone, you can mute or unmute your connection by pressing \*6 on your phone.
5. When you first speak—and each time you speak after someone else has spoken—please say your name. This may seem awkward but is essential to making a good court record. The only part of the hearing being recorded is the audio. If a transcript is requested, it is sometimes difficult for the transcriber to know who is speaking.
6. If you are participating by video, try to avoid having a window or bright background behind you. (You may, as a result, appear on video as a shadow.) If you cannot avoid the bright background, try using a desk lamp or other light source to brighten your face.
7. If you are participating by video using a personal computer, you may separately connect to the audio feed by telephone (for improved audio) using the call-in information provided for the hearing.
  - a. If you do this, please connect to the video feed first. In the ZoomGov app, you will be assigned a Participant Code. Use this code to associate your video and audio feeds.
8. If available, a headset-microphone often provides better sound quality for listening and speaking.
9. Participants should at all times remember that although conducted remotely, these hearings are official court proceedings, and individuals should act accordingly.
  - a. If video is enabled, please wear attire consistent with the decorum of court proceedings.

- b. ZoomGov permits the use of virtual backgrounds to safeguard your privacy. If you choose to use a virtual background, please avoid backgrounds that are offensive or distracting.
10. ZoomGov video participants are permitted to specify a display name. If using video, please specify your complete name to assist the Court in creating a record of the proceedings.
11. Please refer to the Zoom Video Hearing Guide, accessible from the Court's main page, for further information.