VENTURA
SUPERIOR COURT
FILED

DEC 30 2021

BRENDA L. McCORMICK
Executive Officer and Clerk
By: Jean Meckauer, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

ADMINISTRATIVE ORDER RE: ZOOM APPEARANCES FOR MANDATORY SETTLEMENT CONFERENCES IN CIVIL CASES

AMENDED ADMINISTRATIVE ORDER NO. 20.29

The Ventura Superior Court is committed to protecting the health and safety of jurors, attorneys, staff, law enforcement, other court users, judges and the general public, while continuing to perform its constitutional and statutory duties. Beginning on March 14, 2020, the Presiding Judge issued several Emergency Orders closing the court for non-essential services to protect the health and safety of the public and court personnel. Over the past twenty-one months the court has implemented various protocols designed to protect the health and safety of all court users and personnel in response to the Covid-19 pandemic.

To continue to protect the health of court users, pursuant to article VI, section 1 of the state Constitution, Code of Civil Procedure section 128, Government Code section 68070, California Rules of Court, rule 10.603, and the inherent powers of the Court (*In re Reno* (2012) 55 Cal. 4th 428, 522), and in compliance with federal, state and local public health guidance,

THEREFORE, THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

Due to the Coronavirus pandemic, the Ventura Superior Court allows Mandatory Settlement Conferences to be conducted remotely through Zoom. See "Remote Mandatory Settlement Conference Procedures; Acknowledgment of Receipt & Stipulation" attached to this order and available on the court's website at www.ventura.courts.ca.gov/covid19_info.html.

THIS ORDER IS EFFECTIVE UNTIL FURTHER NOTICE AND MAY BE AMENDED OR REVOKED, AS CIRCUMSTANCES REQUIRE.

IT IS SO ORDERED.

DATED: December 30, 2021

Bruce A. Young
Presiding Judge

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar Number and Address):*	TELEPHONE NO.:
ATTORNEY FOR *(Name):*	

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

_____ Plaintiff(s), vs. _____ Defendant(s).	Case No. _____ **REMOTE MANDATORY SETTLEMENT CONFERENCE PROCEDURES; ACKNOWLEDGEMENT OF RECEIPT & STIPULATION** Mandatory Settlement Conference Date & Time:

This case has been ordered to a Mandatory Settlement Conference ("MSC") before Judge Kevin G. DeNoce. Due to the Coronavirus pandemic, the Ventura Superior Court is allowing MSCs to be conducted remotely through the Zoom platform ("Zoom"). By signing this form, providing it to the court, and opposing counsel/parties, you are giving notice of your request and intent to appear remotely by way of Zoom. This document sets forth the policies and procedures governing MSCs conducted by Zoom.

Due to technological constraints, the court cannot conduct an MSC in which some participants appear in person while others appear by Zoom: all participants must appear by Zoom in order for the MSC to be conducted by Zoom. Any questions or issues regarding these policies or procedures must be brought to the attention of the MSC Judge before commencement of the MSC. **This form must be completed by all parties who intend to participate in an MSC conducted by Zoom and be filed with the court at least 5 days prior to the MSC in conjunction with your Settlement Conference Statement. (Cal. Rules Ct., Rule 3.1380(c).)**

1. If you have not previously used Zoom, it is your responsibility to learn how to use Zoom. The court does not provide advice or technical assistance as to how to use Zoom. In order to appear by Zoom, you will need to have a camera and audio feed on the computer or device you are using. Tutorials on how to use Zoom can be found at: https://learning.zoom.us/learn?utm_source=support&utm_medium=banner&utm_campaign=Start_learning

2. "Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the court for good cause. If any consent to settle is required for any reason, the party with that consensual authority must be personally present at the conference." (Cal. Rules of Court, rule 3.1380(b)). All parties and their representatives who will be participating in an MSC conducted by Zoom must be listed on this form with their email address and phone number. The Court will use the email addresses listed on this form to send out Zoom conference invitations on the date of the MSC. The Court will use the phone numbers listed on this form to communicate with participants during the MSC, if necessary.

3. Participants to an MSC conducted by Zoom should join the Zoom conference 5 minutes prior to the scheduled MSC by clicking on the link emailed to you by the Court. Upon entering the Zoom forum, you will be placed in a waiting room until admitted by the Court which will act as the Host. At the outset of the conference, all participants will be admitted together and a brief joint discussion with all parties will take place. Thereafter, the court will engage in separate discussions with each side by using the Zoom breakout room and/or waiting room functions.

4. Participants in an MSC conducted by Zoom shall be alone in a quiet room or private area unless the court expressly approves the presence of another person such as an interpreter or support person. Cell phones shall be silenced and not used during the MSC unless necessary to communicate with the court in the event of a lost connection. Mute your Zoom audio when you are not speaking. Only parties, their counsel and their insurance representatives are allowed to view and listen to an MSC. No other person can view or listen to the MSC except as explicitly authorized by the court.

5. Is there a request to have the court provide an interpreter for any MSC participant?
   Yes: [ ] No: [ ]
   If an interpreter is being requested, please provide the name(s) of the person(s) who need the assistance of an interpreter:
   _____, and the language needed: _____. (Persons needing an interpreter should be in a separate private room during the MSC.)

6. Zoom is not a court created or provided platform. The court makes no warranties or guarantees regarding the confidentiality, privacy, or integrity of Zoom proceedings. If you have any questions regarding the confidentiality, privacy, or integrity of Zoom proceedings, you should conduct your own research at https://zoom.us/ or contact Zoom representatives directly.

7. **RECORDING OF ANY PORTION OF THE MSC IS PROHIBITED.** No photography, recording or broadcasting of all or any portion of an MSC is permitted, including by screenshot, audio or video recording, or otherwise. (See Cal. Rules of Court, rule 1.150; Pen. Code § 632.) Participants who appear by Zoom are prohibited from forwarding the Zoom invitation or disclosing the Zoom meeting identification code to any non-participant.

8. The MSC is subject to the provisions of Evidence Code section 1152 and is not a mediation or otherwise subject to the rules of mediation confidentiality set forth in Evidence Code sections 703.5 and 1119, et seq.

9. The MSC Judge will not act as the Trial Judge and may conduct the MSC even if the MSC Judge is otherwise disqualified. (Code Civ. Proc. § 170.4(a)(6).)

10. The MSC Judge will conduct the MSC as he or she considers appropriate, including discussing all aspects of the case candidly with counsel and/or the parties and may have substantive discussions with one party (and counsel) without the presence of other parties (and counsel) or with counsel alone without their clients being present. If a party is represented by counsel, the MSC Judge will not meet, or have substantive discussions about the case, with that party alone without the express permission of the party and counsel.

11. The MSC Judge is and will remain impartial but may review the probable evidence, offer evaluations as to the strength or admissibility of probable evidence, including regarding damages, and express opinions about the applicable law, legal arguments, the probable outcome of the case and appropriate terms for settlement.

12. The techniques employed by the MSC Judge are designed to facilitate and encourage settlement, but no party is obligated to settle the case. Nothing said or done by the MSC Judge during, or in connection with, the MSC is intended to pressure or coerce any party or counsel to settle the case and should not be so interpreted. The decision to settle or not is entirely the prerogative of the parties and their counsel.

13. The MSC Judge will not communicate with the Trial Judge concerning the substance of the case or of the MSC but may inform the Trial Judge if the case settles or not.

14. This Stipulation may be executed in two or more counterparts and will be binding on the signatories thereto. As stated above, all participants must agree to participate by Zoom in order for the MSC to be conducted by Zoom. This Stipulation is signed when a signature or e-signature is delivered by facsimile, e-mail or other electronic medium. These signatures will be treated in all respects as having the same force and effect as original signatures.

15. **Counsel must convey the above rules to their clients and any other agents participating in an MSC conducted by Zoom and ensure compliance with these rules.**

RECEIPT ACKNOWLEDGED AND SO STIPULATED:

Date:_____ _____ _____

Name of Party Print Name

☐ Attorney ☐ Other
☐ Plaintiff ☐ Defendant
☐ Cross-Complainant
☐ Cross-Defendant

_____

Signature

Email for Zoom Invite:_____ Phone number: _____

RECEIPT ACKNOWLEDGED AND SO STIPULATED:

Date:_____ _____ _____

Name of Party Print Name

☐ Attorney ☐ Other
☐ Plaintiff ☐ Defendant
☐ Cross-Complainant
☐ Cross-Defendant

_____

Signature

Email for Zoom Invite:_____ Phone number: _____

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☐ Attorney ☐ Other
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RECEIPT ACKNOWLEDGED AND SO STIPULATED:

Date:_____ _____ _____
Name of Party Print Name

☐ Attorney ☐ Other
☐ Plaintiff ☐ Defendant
☐ Cross-Complainant
☐ Cross-Defendant

_____
Signature

Email for Zoom Invite:_____ Phone number: _____

RECEIPT ACKNOWLEDGED AND SO STIPULATED:

Date:_____ _____ _____
Name of Party Print Name

☐ Attorney ☐ Other
☐ Plaintiff ☐ Defendant
☐ Cross-Complainant
☐ Cross-Defendant

_____
Signature

Email for Zoom Invite:_____ Phone number: _____