

7-116. REMOTE APPEARANCES (Eff. 1/1/22)

A.

- 1) This Local Rule is adopted pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672. Notice requirements are set forth in rule 3.672 and below.
- 2) For Law and Motion hearings, and Ex Parte hearings, parties may appear remotely by telephone pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672.
  - a. Parties may stipulate either orally or in writing to waive notice of other parties' appearing remotely for Law and Motion hearings and Ex Parte hearings.
  - b. This Court waives notice of parties appearing remotely for Law and Motion hearings, and Ex Parte hearings.
  - c. Nothing limits the discretion of the judicial officer to require parties to appear in person for Law and Motion hearings and Ex Parte hearings.
  - d. A remote appearance for Law and Motion hearings and Ex Parte hearings will not be permitted if the tentative ruling posted for the hearing states that an in-person appearance is required, or the court advises the person requesting to appear remotely that the judicial officer has determined that an in-person appearance is necessary.
- 3) For Law and Motion hearings, and Ex Parte hearings the Court has a telephone Bridge Conference Line platform that supports audio only.
  - a. The Bridge Conference Line call in numbers are listed on the Court's website.
  - b. At the discretion of the Judicial Officer, a Zoom video platform may be provided for the parties to appear. The Court will provide the video access meeting link, or require a party to provide notice of the video access meeting link.
  - c. Any recording, reproduction, or re-broadcasting of a court proceeding held remotely, including screenshots or other visual or audio copying of a hearing, is prohibited.
- 4) For Evidentiary Hearings, RFOs, Mediations, Settlement Conferences, Trials, and hearings on Orders to Show Cause, parties must appear in person, unless the party or attorney requests and receives express written authorization to appear remotely by the judicial officer.
  - a. A party may request to appear remotely by telephone by filing and serving an Ex Parte Application For Telephonic Appearance at Hearing and Order (Form SJ-FL-005) with the Court no later than 10 court days before the Evidentiary Hearing, Mediation, Settlement Conference, Trial, or Order to Show Cause. Any objections must be filed and served no later than five (5) days after service of the Application.

- 5) Even when a remote appearance is authorized and commences, the judicial officer may terminate a remote appearance and continue the matter so that an in-person appearance can occur if technology or audibility issues interfere with the judicial officer's ability to make a determination required by the hearing, the in-person appearance is necessary to assist in the determination of the specific hearing, the court reporter's ability to make an accurate record is in question, counsel's ability to provide effective representation is in question, an interpreter's ability to provide language access is in question, or for any other reason which constitutes good cause under the circumstances.

B. Definitions

For purposes of this section, telephonic appearance means a landline, cell phone or tablet allowing the user to hear all other users at other locations using the court's bridge line number.

C. Application

This rule applies to any matter to be heard in a family law department, subject to the approval of the judicial officer.

D. Procedure

- 1) The court must ensure that the statements of participants are audible and/or visible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.
- 2) The party, attorney, or witness must timely join the telephone conference hearing at least 10 minutes prior to the scheduled hearing. Do not announce your presence until the Court calls your case. Simply stay on the telephone line, even if there is only silence, until the Commissioner/Judicial Officer starts the hearings, and then continue to listen quietly until your case is called. The Commissioner/Judicial Officer will conduct a roll call and if you are not present, your matter will be dropped from the calendar or reset. Until your case is called, refrain from speaking.
- 3) The party, attorney, or witness must provide the Court with their mobile phone number and email address at the time of the hearing. A party, attorney, or witness shall register his/her email address and mobile phone number with the Court through the Online Services, Attorney Registration page on the Court's website. You do not need to be an attorney to register.
- 4) Parties must first identify themselves whenever speaking and only one party at a time may speak and must pause prior to speaking in case there is any audio lag.
- 5) No child(ren) or third parties shall be present for the hearing; only the parties, their attorneys, and witnesses.
- 6) Any and all documents a party/attorney wants the court to consider shall be submitted with a party's moving/opposition papers 5 court days prior to the hearing. In the event the court requires a party/attorney to submit a document at the time of the hearing, the party/attorney must send the document in a .pdf format to the court at [familycourtclerks@sjcourts.org](mailto:familycourtclerks@sjcourts.org), and must copy all counsel of record and self-represented parties on that email. The case name, number, and hearing date must

be stated in the subject line of the email and the other party or their attorney must be copied (cc'd) in the email or the court will not consider the document as it is an ex parte communication.

- 7) For matters heard in department #5A, parties must provide any documents they want the court to consider prior to the hearing and must provide copies to the other side. Any documentary evidence the parties wish the bench officer to consider must be emailed directly to the other party or that party's attorney, if represented, and, if the matter is a DCSS matter, then to DCSS at least five days prior to the hearing, excluding any Saturday, Sunday, or holiday as provided for under Code of Civil Procedure section 135. Failure to provide at least five court days' notice of proffered documentary evidence may result in a continuance to another court date and/or its exclusion. If no email exists for the opposing party or counsel, alternative methods of service must be used (e.g., text, mailing, or instant message). The bench officer will determine the sufficiency of any such alternative service method. If there is a document the Commissioner/Judicial Officer requires you to submit the day of the hearing, you must send the document to the court at [familycourtclerks@sjcourts.org](mailto:familycourtclerks@sjcourts.org). The case name, number, and hearing date must be stated in the subject line of the email and the other party or their attorney must be copied (cc'd) in the email or the Commissioner/Judicial Officer will not consider the document as it is an ex parte communication.
- 8) These telephone conference hearings may be abbreviated due to the limited ability to hear evidence under these circumstances. The Commissioner/Judicial Officer may make interim orders and your case could be continued for additional consideration at a later date.
- 9) Any recording of the telephone conference is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.