



# **Self-Represented Litigation Network**

## **Compendium of Statutes and Court Rules Relating to Appearances of Parties, Lawyers and Witnesses In Court Proceedings**

Prepared for the Self-Represented Litigation Network

SRLN.org

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## FEDERAL STATUTES AND RULES OF CIVIL AND CRIMINAL PROCEDURE

**Note – local rules of US District Courts and Bankruptcy Courts are included within the compendium of rules for a state. The local federal rules appear at the beginning of the rules for a state.**

### 42 USCS § 1997e

§ 1997e. Suits by prisoners

f) Hearings.

(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States ([42 U.S.C. 1983](#)), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

Advisory Committee notes for **Fed R Civ P 16**

A scheduling conference may be requested either by the judge, a magistrate when authorized by district court rule, or a party within 120 days after the summons and complaint are filed. If a scheduling conference is not arranged within that time and the case is not exempted by local

rule, a scheduling order must be issued under Rule 16(b), after some communication with the parties, which may be by telephone or mail rather than in person.

#### **Fed R. Crim. P. 5**

(f) Video Teleconferencing. Video teleconferencing may be used to conduct an appearance under this rule if the defendant consents.

#### Advisory Committee commentary

The major substantive change is in new Rule 5(f), which permits video teleconferencing for an appearance under this rule if the defendant consents. This change reflects the growing practice among state courts to use video teleconferencing to conduct initial proceedings. A similar amendment has been made to [Rule 10](#) concerning arraignments.

In amending Rules 5, 10, and 43 (which generally requires the defendant's presence at all proceedings), the Committee carefully considered the argument that permitting a defendant to appear by video teleconferencing might be considered an erosion of an important element of the judicial process. Much can be lost when video teleconferencing occurs. First, the setting itself may not promote the public's confidence in the integrity and solemnity of a federal criminal proceeding; that is the view of some who have witnessed the use of such proceedings in some state jurisdictions. While it is difficult to quantify the intangible benefits and impact of requiring a defendant to be brought before a federal judicial officer in a federal courtroom, the Committee realizes that something is lost when a defendant is not required to make a personal appearance. A related consideration is that the defendant may be located in a room that bears no resemblance whatsoever to a judicial forum and the equipment may be inadequate for high-quality transmissions. Second, using video teleconferencing can interfere with counsel's ability to meet personally with his or her client at what, at least in that jurisdiction, might be an important appearance before a magistrate judge. Third, the defendant may miss an opportunity to meet with family or friends, and others who might be able to assist the defendant, especially in any attempts to obtain bail. Finally, the magistrate judge may miss an opportunity to accurately assess the physical, emotional, and mental condition of a defendant—a factor that may weigh on pretrial decisions, such as release from detention.

On the other hand, the Committee considered that in some jurisdictions, the court systems face a high volume of criminal proceedings. In other jurisdictions, counsel may not be appointed until after the initial appearance and thus there is no real problem with a defendant being able to consult with counsel before or during that proceeding. The Committee was also persuaded to adopt the amendment because in some jurisdictions delays may occur in travel time from one location to another—in some cases requiring either the magistrate judge or the participants to travel long distances. In those instances, it is not unusual for a defense counsel to recognize the benefit of conducting a video teleconferenced proceeding, which will eliminate lengthy and sometimes expensive travel or permit the initial appearance to be conducted much sooner. Finally, the Committee was aware that in some jurisdictions, courtrooms now contain

high quality technology for conducting such procedures, and that some courts are already using video conferencing—with the consent of the parties.

The Committee believed that, on balance and in appropriate circumstances, the court and the defendant should have the option of using video conferencing, as long as the defendant consents to that procedure. The question of when it would be appropriate for a defendant to consent is not spelled out in the rule. That is left to the defendant and the court in each case. Although the rule does not specify any particular technical requirements regarding the system to be used, if the equipment or technology is deficient, the public may lose confidence in the integrity and dignity of the proceedings.

The amendment does not require a court to adopt or use video conferencing. In deciding whether to use such procedures, a court may wish to consider establishing clearly articulated standards and procedures. For example, the court would normally want to insure that the location used for televising the video conferencing is conducive to the solemnity of a federal criminal proceeding. That might require additional coordination, for example, with the detention facility to insure that the room, furniture, and furnishings reflect the dignity associated with a federal courtroom. Provision should also be made to insure that the judge, or a surrogate, is in a position to carefully assess the defendant's condition. And the court should also consider establishing procedures for insuring that counsel and the defendant (and even the defendant's immediate family) are provided an ample opportunity to confer in private.

#### Committee commentary on **Rule 43 Presence of Defendant**

*Subdivision (b).* This rule currently allows proceedings in a misdemeanor case to be conducted in the defendant's absence with the defendant's written consent and the court's permission. The amendment allows participation through video teleconference as an alternative to appearing in person or not appearing. Participation by video teleconference is permitted only when the defendant has consented in writing and received the court's permission.

The Committee reiterates the concerns expressed in the 2002 Committee Notes to Rules [5](#) and [10](#), when those rules were amended to permit video conferencing. The Committee recognized the intangible benefits and impact of requiring a defendant to appear before a federal judicial officer in a federal courtroom, and what is lost when virtual presence is substituted for actual presence. These concerns are particularly heightened when a defendant is not present for the determination of guilt and sentencing. However, the Committee concluded that the use of video conferencing may be valuable in circumstances where the defendant would otherwise be unable to attend and the rule now authorizes proceedings in absentia.

#### **State Statutes and Rules on Remote Court Appearances**

## ALABAMA

Alabama has rules governing the remote appearance of child witnesses but no other more generally applicable rules.

## ALASKA

### **AK R RCRP Rule 38.2**

#### **Rule 38.2. Televised Appearance by Defendant**

(a) The Administrative Director of the Alaska Court System, after consultation with the presiding judge, Public Defender Agency, and Attorney General's Office, may enter into agreements with the Department of Public Safety and Department of Corrections which approve systems allowing judges to provide for the appearance by a defendant at certain criminal proceedings by way of television equipment in lieu of the physical presence of the defendant in the courtroom. Such an agreement must provide for a procedure by which the defendant may confer with the defendant's attorney in private.

(b) In those court locations in which a television system has been approved by the supreme court and has been installed, in custody defendants shall appear by way of television for arraignment, pleas, and non-evidentiary bail reviews in traffic and misdemeanor cases; and initial appearance hearings, non-evidentiary bail reviews, and not guilty plea arraignments in felony cases, unless otherwise ordered for cause stated by the presiding judge. With the defendant's consent, sentencings may be done by way of television in traffic and misdemeanor cases.

In any particular case, the trial court may order that the defendant be transported to court for court proceedings if the trial judge finds that the defendant's rights would be prejudiced by use of the system.

(c) Facsimile telecopy orders issued in proceedings conducted under this rule are acceptable as originals for the purposes of release or detention by correctional officers.

(d) Nothing in this rule diminishes any other existing right of a criminal defendant.

### **AK R RCRP Rule 38.1**

#### **Rule 38.1. Telephonic Participation in Criminal Cases**

a) In any proceeding at which the defendant's presence is required under [Criminal Rule 38\(a\)](#), as modified by [Rule 38.2](#), the defendant may waive the right to be present and request to participate by telephone. The defendant's waiver of the right to be physically present may be obtained orally on the record or in writing. If [Rule 5\(g\)\(2\)](#) applies, no waiver from the defendant is required. The court may allow telephonic participation of one or more parties, counsel or the judge at any proceeding in its discretion. The court may allow telephonic participation of witnesses at bail hearings, omnibus hearings, probation revocation hearings or at trial with the

consent of the prosecution and the defendant. The court may allow telephonic participation of witnesses at other hearings in its discretion.

**(b)** The provisions of [AS 12.35.015](#) shall govern the issuance of search warrants by telephone.

**(c)** The provisions of [Criminal Rule 6\(u\)](#) govern telephonic participation in grand jury proceedings.

### **AK R RCRP Rule 38**

#### **Rule 38. Presence of the Defendant**

**(a) Presence: Required.** The defendant shall be present at the arraignment, at the preliminary hearing, at the time of plea, at the omnibus hearing, and at every stage of the trial, including the impaneling of the jury and return of the verdict, and at the imposition of sentence, except as otherwise provided in this rule.

**(b) Continued Presence Not Required.** The further progress of the trial to and including the return of the verdict shall not be prevented whenever a defendant, initially present:

- (1) Is absent voluntarily after the trial has commenced; or
- (2) Engages in conduct which is such as to justify exclusion from the courtroom.

**(c) Presence Not Required.** A defendant need not be present in the following situations:

- (1) A corporation may appear by counsel for all purposes;
- (2) In prosecutions for offenses punishable by fine or by imprisonment for not more than one year or both, the court, with the written consent of the defendant, may permit arraignment, plea, trial, and imposition of sentence in the defendant's absence;
- (3) The defendant's presence is not required at a hearing on reduction of sentence under [Rule 35\(a\)](#).

### **Rules Crim. Proc., Rule 5, AK R RCRP Rule 5**

Proceedings Before the Judicial Officer:

#### **(a) Appearance Before Judicial Officer After Arrest.**

(1) Except when the person arrested is issued a citation for a misdemeanor or a violation and immediately thereafter released, the arrested person shall appear before a judicial officer without unnecessary delay and in any event within 48 hours after arrest, including weekend days and holidays.

(2) If

(A) the judicial officer commits the arrested person to jail for a purpose other than to serve a sentence, and

(B) the jail is situated in a different community from the place where the judicial officer committed the arrested person to jail, and

(C) the arrested person is not represented by counsel, and

(D) the arrested person has not previously had a bail review, and



(E) the arrested person has no date, time and place established for his or her next court appearance, then the arrested person shall appear before a judicial officer the next business day

(i) in order for bail to be reviewed, and

(ii) in order to determine if the person is represented by counsel, and

(iii) in order for counsel to be appointed, if appropriate.

(3) The responsibility for ensuring that the arrested person appears before a judicial officer as specified in paragraphs (1) and (2) of this subsection shall be borne equally by

(A) municipal police officers and municipal jail personnel, and by

(B) state troopers, state jail personnel, and all other peace officers.

No distinction shall be drawn between cases in which arrest was made pursuant to a warrant and cases in which arrest was made without a warrant.

...

**g) Video or Telephonic Appearance.** The appearances referenced in this rule may be

(1) by court-approved video link under [Criminal Rule 38.2](#); or

(2) by telephone if

(A) the proceeding is held on a weekend day, a holiday, or otherwise outside the court's regular business hours; or

(B) the proceeding is held during the court's regular business hours, but there is no judicial officer available where the defendant is located.

**§ 12.35.015. Issuance of search warrant upon testimony communicated by telephone or other means**

(a) A judicial officer may issue a search warrant upon the sworn oral testimony of a person communicated by telephone or other appropriate means, or sworn affidavit transmitted by facsimile machine.

(b) A judicial officer shall place under oath each person whose oral testimony forms a basis of the application and each person applying for the search warrant. The judicial officer shall record the proceeding by using a voice recording device.

(c) If a facsimile search warrant cannot be transmitted to the applicant under (g) of this section, the applicant shall prepare a document to be known as a duplicate original warrant and shall read it verbatim to the judicial officer. The judicial officer shall enter, verbatim, on an original search warrant what is read to the judicial officer. The judicial officer may direct that the duplicate original search warrant be modified.

(d) Except as provided in (g) of this section, if a search warrant is issued under this section, the judicial officer shall orally authorize the applicant to sign the judicial officer's name on the duplicate original search warrant. The judicial officer shall immediately sign the original search warrant and enter on the face of the original search warrant the exact time when the search warrant was ordered to be issued.

(e) The person who executes a search warrant issued under this section shall enter the exact time of execution on the face of the facsimile search warrant issued under (g) of this section or the duplicate original search warrant.

(f) Repealed by [SLA 2008, ch. 75, § 39](#), eff. July 1, 2008.

(g) A search warrant issued by a judicial officer may be transmitted by facsimile machine to the applicant. The facsimile search warrant shall serve as an original.

## **AK R RCRP Rule 5.1**

### **Rule 5.1. Preliminary Examination in Felony Cases**

#### **(e) Telephonic Testimony.**

(1) A witness may participate telephonically if the witness:

(A) would be required to travel more than 50 miles to court; or

(B) lives in a place from which people customarily travel by air to the court.

(2) A witness who is not entitled to participate telephonically under subparagraph (1) may participate telephonically with approval of the court.

## **Child in Need of Aid Rules, AK R CINA Rule 3**

Rule 3. Hearings:

#### **(g) Telephonic Participation.**

(1) The court may conduct any hearing with telephonic participation by one or more parties, counsel, witnesses, foster parents or out-of-home care providers, or the judge.

(2) In any proceeding in which the court is authorized to proceed ex parte, the court may contact the non-appearing party or counsel by telephone, and in the interests of justice receive evidence or argument without stipulation of the parties.

(3) Procedures for telephonic hearings are governed by [Civil Rule 99\(b\)](#). Payment of telephone costs is governed by [Administrative Rule 48](#).

## **AK R ADMIN Rule 48**

### **Rule 48. Telephonic Hearing Costs**

(a) The party inconvenienced by holding a hearing telephonically shall pay the telephone cost of the hearing. The court shall pay the telephone cost if the judge is able to avoid traveling to the hearing. The defendant shall pay the cost if the civil defendant, criminal defendant who is not in custody, defense attorney or defense witness is able to avoid traveling to the hearing. The plaintiff or prosecution shall pay the cost if the plaintiff, prosecutor, witness for the plaintiff or prosecution, or criminal defendant who is in custody is able to avoid traveling to the hearing. When a hearing is set telephonically at the request of or for the convenience of more than one party, the court may order one of those parties to pay the cost and order the other inconvenienced parties to compensate that party for a portion of the cost.

(b) The administrative director may, by administrative bulletin, exempt particular categories of hearings from subsection (a) above.

### **Rules of Civil Procedure, Rule 99**

Rule 99. Telephonic Participation in Civil Cases:

**(a) Authorization for Telephonic, Video, or Internet Participation.** The court may allow one or more parties, counsel, witnesses or the judge to participate telephonically in any hearing or deposition for good cause and in the absence of substantial prejudice to opposing parties. The court shall allow video or Internet testimony if the hearing or deposition involves the custody or visitation of a child of a parent who is deployed, as that term is defined in [AS 25.20.095](#), at the request of the deployed parent. Authorization for a witness to telephonically participate in a deposition does not bar the witnesses' testimony from being videotaped under [Civil Rule 30.1](#); nor does it bar a party or attorney from being present at the site at which the witness is physically present.

**(b) Procedure.** The following procedure must be observed concerning telephonic participation in court hearings:

(1) Hearings involving telephonic participation must be scheduled in the same manner as other hearings.

(2) When telephonic participation is requested, the court, before the hearing, shall designate the party responsible for arranging the call and the party or parties responsible for payment of the call pursuant to [Administrative Rule 48](#).

(3) Upon convening a telephonic proceeding, the judge shall:

(i) Recite the date, time, case name, case number, names and locations of parties and counsel, and the type of hearing;

(ii) Ascertain that all statements of all parties are audible to all participants;

(iii) Give instructions on how the hearing is to be conducted, including notice that in order to preserve the record speakers must identify themselves each time they speak.

(4) A verbatim record must be made in accord with [Administrative Rule 35](#).

**(c)** The right of public access to court proceedings must be preserved in accordance with law.

### **AK R RCRP Rule 11**

**Rule 11. Pleas**

**(a) Alternatives.**

If a defendant refuses to plead, stands mute, or if a defendant corporation fails to appear, the court shall enter a plea of not guilty. The defendant may appear by use of telephonic or television equipment pursuant to [Criminal Rules 38.1](#) and [38.2](#).

### **AK R RCRP Rule 6**

**Rule 6. The Grand Jury**

**(u) Telephonic Testimony.**

(1) A witness may participate telephonically in grand jury proceedings if the witness:

- (A) would be required to travel more than 50 miles to the situs of the grand jury; or
- (B) lives in a place from which people customarily travel by air to the situs of the grand jury.

(2) A witness who is not entitled to participate telephonically under subparagraph (1) may participate telephonically with approval of the presiding judge of the judicial district, or the presiding judge's designee. A motion to allow telephonic testimony under this subparagraph may be ex parte and shall be accompanied by an affidavit of the prosecuting attorney that states the reason telephonic testimony is requested.

(3) If a witness participates telephonically in grand jury proceedings, after the witness is sworn, the prosecuting attorney shall require the witness to:

(A) state the location from which the witness is testifying; and

(B) verify

(i) that the witness' conversation cannot be overheard;

(ii) that no extension for the telephone from which the witness is testifying is in use; and

(iii) that the witness will notify the grand jury immediately if any person can overhear the witness' testimony or if the witness becomes aware that an extension for the telephone enters use during the testimony.

## ARIZONA

### **ARS 25-1256. Special rules of evidence and procedure**

A. The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

B. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any affidavit or mandated form that would not be excluded under the hearsay rule if given in person is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.

C. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

D. Copies of bills for testing for parentage of a child and for prenatal and postnatal health care of the mother and child furnished to the adverse party at least ten days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

E. Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, fax or other electronic means that do not provide an original record shall not be excluded from evidence on an objection based on the means of transmission.

F. In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone,

audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

#### **17B A.R.S. Rules Probate Proc., Rule 11**

##### **Rule 11. Telephonic or Electronic Appearances and Testimony**

A. Upon timely written motion or on the court's own motion, a judicial officer may allow telephonic appearance or appearance by any approved electronic means during any proceeding. In the event more than one participant has requested telephonic or electronic appearance, the first party requesting telephonic appearance shall arrange at his or her expense for the call or conference call, unless the court orders otherwise.

B. Unless a shorter time is authorized by the judicial officer, a motion to allow telephonic testimony or argument via telephonic or other approved electronic means shall be filed at least 30 days before the hearing, unless the notice setting the hearing provides for fewer than 30 days' notice, in which case the request shall be filed within five days after receipt of the notice setting the hearing. The motion shall be served on all parties and on any person who has filed a demand for notice and shall be accompanied by a form of order.

C. A party opposing a motion for telephonic or electronic appearance or telephonic or electronic testimony shall file a written response within five days after service of the motion.

D. Telephonic or electronic appearances and testimony shall be of such quality that the voices of all parties and counsel are audible to each participant, the judicial officer, and, where applicable, the certified reporter or electronic recording device.

#### **17B A.R.S. Rules Fam.Law Proc., Rule 8**

##### **Rule 8. Telephonic Appearances and Testimony**

**A. Oral Argument or Appearance on Any Motion or Other Proceeding.** The court may, in its discretion, except as otherwise provided by A.R.S. § 25-1256(F), order or allow oral argument or appearance on any motion or other proceeding by speaker telephonic conference call, or regular telephonic conference call, provided the conversations of all parties and counsel are audible to each participant, the judge and, where applicable, the court reporter or electronic recording. The party requesting telephonic argument shall set up the conference call and, unless otherwise ordered by the court, pay for same.

**B. Party or Witness Testimony.** Upon request of a party or witness, or on its own motion, and upon finding that no substantial prejudice will result to any party by allowing telephonic or video conference testimony, the court may allow a party or witness to give testimony at any evidentiary hearing or trial telephonically or by video conference if the court finds, as to a party: that the party is reasonably prevented from attending the hearing or trial, or that attendance in person at hearing or trial would be a burdensome expense to the party; and, as to a witness: (1) that the witness is reasonably prevented from attending the hearing or trial,

(2) that the witness would be unduly inconvenienced by attending the hearing or trial, or (3) that attendance in person at hearing or trial would be a burdensome expense to the witness.

**C. Providing Documents for Telephonic or Video Conferences.** Any documents a party wishes to introduce into evidence through a party or witness appearing telephonically or by video conference shall, where practicable, be provided in advance to the party or witness. Exact duplicates shall be provided to opposing counsel with an affirmation on the record by the party introducing same that they are true and correct copies of the documents provided to the party or witness who will be appearing telephonically or by video conference.

**D. Filing a Request for a Telephonic or Video Conference.** Any party intending to have a party or witness give testimony at trial or evidentiary hearing telephonically or by video conference, shall file a request for same not later than thirty (30) days prior to the trial or evidentiary hearing unless the time to trial or evidentiary hearing is less than thirty (30) days, in which case the request shall be filed not later than five (5) days prior to time of trial or evidentiary hearing, unless the party is relieved of this time requirement by the court. Opposition to said request shall be made within five (5) days after service, following which the court may, in its discretion, rule upon said request with or without hearing. Unless otherwise ordered by the court, the party requesting telephonic testimony shall arrange and pay for same.

## **17C A.R.S. Traffic Violation Cases Civ.Proc.Rules, Rule 10.1**

### **Rule 10.1. Appearance by Audiovisual and Telephonic Means**

(a) *General Standards.* A court may allow parties, their attorneys, and witnesses to appear by audiovisual interactive means that follow these general standards: (1) all parties, attorneys, and witnesses shall be able to be seen and heard at the same time and the audio portion shall be captured accurately on the record; (2) a facsimile, email, or other suitable means shall be available to allow the court to transmit copies of exhibits during the hearing, and, if necessary, a "Notice of Right to Appeal" to defendant; (3) the court may require any person requesting to appear under this rule to be responsible for the cost of same and such cost shall not be awarded as a recoverable cost by a prevailing party; (4) the court shall provide instructions to the participants as to how the remote appearance shall be initiated; (5) a party allowing a subpoenaed witness to appearing by remote means shall pay the cost therefor and no witness fee shall be required or allowed for such an appearance; and (6) an appearance under this rule may be referred to as a "Rule 10.1 Appearance".

(b) *Appearance Request; Deposit.* Unless a different time limit is allowed by the court, a party, attorney, or witness may appear under this rule by filing a "Notice of Rule 10.1 Appearance" at least 14 calendar days prior to hearing. The Notice shall set forth the requestor's name, mailing address, and day-time phone number. As to a defendant who wishes to appear under this rule, the court may condition the appearance upon the posting of a deposit in an amount not to exceed the total possible sanction amount of all violations at issue based on the court's sanction schedule.

(c) *Rule 10.1 Appearance Procedures.* Upon receipt of a Notice of Rule 10.1 Appearance, the court shall provide instructions as to the date and time of the proceeding and designate how

the appearance shall be initiated. The court may also set forth instructions as to pre-hearing deadlines to file exhibits and limitation on exhibit sizes and numbers. The hearing itself shall proceed as otherwise set forth in the rules governing civil traffic and civil boating cases. In the event defendant is found responsible at the conclusion of the hearing, a Notice of Right to Appeal may be sent to the defendant by fax or electronic means and the 14 calendar-day appeal period shall commence from that transmission date.

(d) *Telephonic Appearance by Defendant; Deposit; Waiver of Identity Defense.* Notwithstanding the foregoing, a court may, upon written request at least 14 calendar days before the hearing date, permit a defendant to appear telephonically. The request shall include defendant's telephone number, mailing address, and a copy of a valid drivers license or identification card acceptable to the court. The court may condition a telephonic appearance upon the posting of a deposit in an amount not to exceed the total possible sanction amount of all violations at issue based on the court's sanction schedule. Unless otherwise permitted by the court, a defendant appearing telephonically shall be deemed to waive any defense based on failure of the state to establish an in-court identification of defendant as the cited violator. Identity shall be sufficiently established if at the hearing the state offers proof of the name of the driver as listed on a driver's license, state or government identification card, or other acceptable means of identification matching the violator to defendant.

## **17B A.R.S. Rules Protect.Ord. Proc., Rule 9**

### **Rule 9. Telephonic or Video Conference Proceedings**

**(a) Grant of Permission.** At the request of a party or a witness or on its own motion, the court may allow a party or a witness to testify at any evidentiary hearing or trial by telephone or video conference upon finding that:

- (1) no substantial prejudice will be caused to either party by allowing telephonic or video conference testimony; and
- (2) as to a party, the party is reasonably prevented from attending the hearing or trial;
- (3) as to a witness, the witness is either reasonably prevented from attending or would be unduly inconvenienced by attending the hearing or trial; or
- (4) as to a party or a witness, attendance in person at the hearing or trial would be a burdensome expense.

**(b) Documents.** Any documents a party wishes to introduce into evidence through a party or a witness appearing telephonically or by video conference must, where practicable, be provided in advance to the party or the witness.

## **17C A.R.S. Super.Ct.Local Prac.Rules, Cochise County, Rule 14**

### **Rule 14. Oral Argument by Telephone or Video Conference Call**

Oral argument or the presentation of witness testimony by telephone or video conference call may be had on motion and with prior approval of the court, provided all conversations are

audible. The institution and cost of the video or telephone conference call shall be at the expense of the party requesting it, and at a date and time mutually agreeable to all parties and the court or as directed by the referring court.

**17C A.R.S. Super.Ct.Local Prac.Rules, Yuma County, Rule 2**

**Rule 2. Law and Motion Day**

**A. Type of Motions; Hearings; Notice.** Unless otherwise ordered by the trial court, the first working day of each week shall be designated as law and motion day for the purpose of hearing probate matters, civil motions, default matters, and orders to show cause. A party desiring a hearing on a motion shall obtain the time for hearing from the division of the court to which the case is assigned and shall provide notice of the hearing to the other parties as required by the relevant rules of procedure.

**B. Copies of Motions.** Copies of all motions shall be provided to the division of the court to which the case is assigned.

**C. Telephonic Hearings.** Motions may be heard telephonically. The party requesting a telephonic hearing shall initiate the call and shall pay any attendant telephonic costs unless otherwise directed by the court. Unless specifically authorized by the Court, telephonic hearings shall not be conducted by cellular or mobile telephone.

**16A A.R.S. Rules Crim.Proc., Form 28**

**Form 28. Telephonic Guilty Plea/No Contest Plea Proceedings**

\_\_\_\_\_ COURT \_\_\_\_\_ County, Arizona

STATE OF ARIZONA Plaintiff

[CASE/COMPLAINT NO.]

-vs-

**TELEPHONIC**

**GUILTY/NO CONTEST**



**PLEA PROCEEDING**

Defendant (FIRST, MI, LAST)

Defendant appears personally and expresses a desire to plead guilty or no contest to the charges indicated and I find the following facts:

1. Defendant understands the nature of the charges as indicated:
  - Driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor/toxic vapor/drugs.
  - Driving or in actual physical control of a motor vehicle with an alcohol concentration of .08 percent or more within 2 hours of driving or being in actual physical control.
  - Driving or in actual physical control of a motor vehicle with an alcohol concentration of .15 percent or more within 2 hours of driving or being in actual physical control.
  - Driving or in actual physical control of a motor vehicle with any illegal drug or its metabolite in the defendant's body.
  - Driving or in actual physical control of a commercial vehicle with an alcohol concentration of .04 percent or more.
  - Other:
2. Defendant appears:  with counsel  without counsel, (waiver of counsel with file) and understands the following:
3. Defendant has entered into a:  plea agreement, and consents to its terms;  plea to the court.
4. Defendant understands the range of penalties to be:
  - Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 3 years probation, plus surcharges and fees.
  - Class 1 misdemeanor: a \$2500 fine, 6 months jail, and/or 5 years probation, plus surcharges and fees.

Class 2 misdemeanor: a \$750 fine, 4 months jail, and/or 2 years probation, plus surcharges and fees.

Class 3 misdemeanor: a \$500 fine, 30 days jail, and/or 1 year probation, plus surcharges and fees.

Other:

5. If arrested on a subsequent offense, defendant may be charged with a more serious offense and associated penalties.

6. The Court has advised the defendant that this guilty plea may result in a violation of probation or parole.

7. Defendant was advised of the following: If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. Your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.

8. Defendant understands that the following constitutional rights are given up by changing the plea:

a. Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt.

b. Right to a trial  by jury  by a judge.

c. Right to assistance of an attorney at all stages of the proceeding, including appeal. In some cases, the defendant may be eligible for a court- appointed attorney at a reduced cost or at no cost, if the defendant cannot afford one.

d. Right to confront the witnesses against the defendant and to cross- examine them as to the truthfulness of their testimony.

e. Right to present evidence in the defendant's own behalf and to have the court compel the defendant's chosen witnesses to appear and testify free of charge.

f. Right to remain silent, not to incriminate oneself, and to be presumed innocent unless/or until proven guilty beyond a reasonable doubt.

- g. Right to a direct appeal.
- 9. Defendant wishes to give up these constitutional rights after having been advised of them.
- 10. A basis in fact exists for believing the defendant guilty of the offenses charged.
- 11. The plea is voluntary and not the result of force or threat, or promises other than those contained in the plea agreement.
- 12. Defendant may file a Rule 32 petition for post-conviction relief and if denied may file a petition for review.

I CERTIFY that I have read and that I understand all of the matters cited above. I wish to give up my constitutional rights, including my right to a trial by jury and my right to an attorney, and to plead guilty to the charge(s) of:

.

Dated:

Defendant

Address

Telephone Number

I CERTIFY that the above named defendant personally appeared before me, and acknowledge that he or she read all of the foregoing information and identified himself or herself to me

\_\_\_\_\_

(drivers license # and/or a picture ID) and that I have affixed a print of the defendant's right index finger to this document.

Dated: \_\_\_\_\_

Officer Name and Badge Number

Law Enforcement Agency

Address

Telephone

**AFFIDAVIT OF RESIDENCY**

Pursuant to Rule 17.1, Arizona Rules of Criminal Procedure, I request to resolve my pending criminal misdemeanor case(s) in through a telephonic plea proceeding. I swear under oath and penalty of perjury, that:

(1) I am not a resident of the State of Arizona, that I am a resident of the County of \_\_\_\_\_ in the State of \_\_\_\_\_, or (2) I reside more than 100 miles from the Court.

Defendant (print name)

Defendant's Signature

State of

County of

I hereby certify that \_\_\_\_\_ personally appeared before me. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public

Commission Expires

I CERTIFY that I have personally advised the defendant telephonically:

1. Of the nature of the charges against him or her.
2. Advised the defendant of all constitutional rights which defendant waived by pleading guilty.

3. Ascertained that the defendant wished to give up the constitutional rights of which he or she has been advised.
4. Inquired as to the defendant's probation or parole status.

The court finds a basis in fact for believing the defendant is guilty of the offenses charged and, that the defendant's plea of guilty is voluntary and not the result of force, threats or promises other than those contained in a plea agreement.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily and intelligently pleads guilty to the above charges, and I accept his or her plea.

Judge

Defendant:

Def. Counsel/Bar No.:

Interpreter:

## ARKANSAS

### **AR R RCP Rule 43**

#### RULE 43. TAKING OF TESTIMONY

**(a) Form.** In all trials, the testimony of witnesses shall be taken in open court, unless otherwise provided by these rules or as otherwise provided by law. The court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.

### **A.C.A. § 9-17-316**

#### § 9-17-316. Special rules of evidence and procedure

(a) The physical presence of a nonresident party who is an individual in a tribunal of this state is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this state.

(c) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

- (d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
- (e) Documentary evidence transmitted from outside this state to a tribunal of this state by telephone, telecopier, or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.
- (f) In a proceeding under this chapter, a tribunal of this state shall permit a party or witness residing outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A tribunal of this state shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.
- (g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.
- (h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this chapter.
- (i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this chapter.
- (j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

**A.C.A. § 9-19-111**

§ 9-19-111. Taking testimony in another state

- (a) In addition to other procedures available to a party, a party to a child-custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the parties and the child, by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms upon which the testimony is taken.
- (b) A court of this state may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state. A court of this state shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.
- (c) Documentary evidence transmitted from another state to a court of this state by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

**A.C.A. § 5-65-104**

§ 5-65-104. Seizure, suspension, and revocation of license--Temporary permits--Ignition interlock restricted license

(a)(1) At the time of arrest for operating or being in actual physical control of a motorboat on the waters of this state or a motor vehicle while intoxicated or while there was an alcohol concentration of eight hundredths (0.08) or more in the person's breath or blood, as provided in [§ 5-65-103](#), the arrested person shall immediately surrender his or her driver's license, driver's permit, or other evidence of driving privilege to the arresting law enforcement officer as provided in [§ 5-65-402](#).

**A.C.A. § 5-65-402**

§ 5-65-402. Surrender of license or permit to arresting officer

(a)(1)(A) At the time of arrest for violating [§ 3-3-203\(a\)](#), [§ 5-27-503\(a\)\(3\)](#), [§ 5-65-103](#), [§ 5-65-205](#), [§ 5-65-303](#), [§ 5-65-310](#), [§ 27-23-114\(a\)\(1\)](#), [§ 27-23-114\(a\)\(2\)](#), or [§ 27-23-114\(a\)\(5\)](#), the arrested person shall immediately surrender his or her license, permit, or other evidence of driving privilege to the arresting law enforcement officer.

(B) The arresting law enforcement officer shall seize the license, permit, or other evidence of driving privilege surrendered by the arrested person or found on the arrested person during a search.

(7)(A) Upon the written request of a person whose driving privilege has been revoked, denied, disqualified, or suspended, or who has received a notice of revocation, suspension, disqualification, or denial by the arresting law enforcement officer, the office shall grant the person an opportunity to be heard if the request is received by the office within seven (7) calendar days after the notice of the revocation, suspension, disqualification, or denial is given in accordance with this section or as otherwise provided in this chapter.

(B) A request described in subdivision (a)(7)(A) of this section does not operate to stay the revocation, suspension, disqualification, or denial by the office until the disposition of the hearing.

(8)(A) The hearing shall be before the office or its authorized agent, in the office of the Revenue Division of the Department of Finance and Administration nearest the county where the alleged event occurred for which the person was arrested, unless the office or its authorized agent and the arrested person agree otherwise to the hearing's being held in some other county or that the office or its authorized agent may schedule the hearing or any part of the hearing by telephone and conduct the hearing by telephone conference call.

(C)(i) The circuit court shall hold a final hearing on the de novo review within one hundred twenty (120) days after the date that the order staying the decision or placing the decision in abeyance is entered.

(ii) The circuit court may conduct the final hearing by telephone conference with the consent of the parties.

(3) An administrative hearing held under this section is exempt from the Arkansas Administrative Procedure Act, [§ 25-15-201 et seq.](#)

## **AR R RCP Rule 45**

### **RULE 45. SUBPOENA**

**(c) Service.** A subpoena for a trial or hearing or for a deposition may be served at any place within this State in the manner prescribed in this subdivision. A subpoena for a trial or hearing or for a deposition may be served by the sheriff of the county in which it is to be served, by his deputy, or by any other person who is not a party and is not less than eighteen (18) years of age. Service shall be made by delivering a copy of the subpoena to the person named therein; provided, however, that a subpoena for a trial or hearing may be served by telephone by a sheriff or his deputy when the trial or hearing is to be held in the county of the witness' residence. A subpoena for a trial or hearing or for a deposition may also be served by an attorney of record for a party by any form of mail addressed to the person to be served with a return receipt requested and delivery restricted to the addressee or agent of the addressee.

**(d) Subpoena for Trial or Hearing.** At the request of any party the clerk of the court before which the action is pending shall issue a subpoena for a trial or hearing, or a subpoena for the production at a trial or hearing of documentary evidence, signed and sealed, but otherwise in blank, to the party requesting it, who shall fill it in before service. The subpoena may also be issued by an attorney pursuant to subdivision (a) of this rule. Notice of the subpoena shall be promptly given to all parties in the manner prescribed by Rule 5(b). A witness, regardless of his county of residence, shall be obligated to attend for examination on trial or hearing in a civil action anywhere in this State when properly served with a subpoena at least two (2) days prior to the trial or hearing. The court may grant leave for a subpoena to be issued within two (2) days of the trial or hearing. The subpoena must be accompanied by a tender of a witness fee calculated at the rate of \$30.00 per day for attendance and \$0.25 per mile for travel from the witness' residence to the place of the trial or hearing.

In the event of telephone service of a subpoena by a sheriff or his deputy, the party who caused the witness to be subpoenaed shall tender the fee prior to or at the time of the witness' appearance at the trial or hearing. If a continuance is granted and if the witness is provided adequate notice thereof, reservice of the subpoena shall not be necessary. Any person subpoenaed for examination at the trial or hearing shall remain in attendance until excused by the party causing him to be subpoenaed or, after giving testimony, by the court.

## **AR R RCRP Rule 13.1**

### **RULE 13.1 ISSUANCE OF SEARCH WARRANT**

**(a)** A search warrant may be issued only by a judicial officer.

**(c)** An application for a search warrant and the affidavit in support of the search warrant may be transmitted to the issuing judicial officer by facsimile or by other electronic means. Recorded testimony in support of a search warrant may be received by telephone or other electronic means provided the issuing judicial officer first administers an oath by telephone or other electronic means to the person testifying in support of the issuance of the warrant. After signing a search warrant, the judicial officer issuing the warrant may transmit a copy of the



warrant by facsimile or other electronic means to the applicant for the warrant. The original signed search warrant shall be retained by the judicial officer issuing the warrant and shall be filed with the record of the proceeding as provided in Rule 13.4(c).

### **Ark. R. Crim. P. Rule 7.1**

Arrest with a warrant: basis for issuance of arrest warrant.

**(a)** A judicial officer may issue an arrest warrant for a person who has failed to appear in response to a summons or citation.

**(b)** In addition, a judicial officer may issue a warrant for the arrest of a person if, from affidavit, recorded testimony, or other documented information, it appears there is reasonable cause to believe an offense has been committed and the person committed it. A judicial officer may issue a summons in lieu of an arrest warrant as provided in Rule 6.1. An affidavit or other documented information in support of an arrest warrant may be transmitted to the issuing judicial officer by facsimile or by other electronic means. Recorded testimony in support of an arrest warrant may be received by telephone or other electronic means provided the issuing judicial officer first administers an oath by telephone or other electronic means to the person testifying in support of the issuance of the warrant.

**(c)** A judicial officer who has determined that an arrest warrant should be issued may authorize the clerk of the court or his deputy to issue the warrant.

## CALIFORNIA

### **CA ST CIVIL RULES Rule 3.670**

Rule 3.670. Telephone appearance

#### **(a) Policy favoring telephone appearances**

The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in civil cases. To improve access to the courts and reduce litigation costs, courts should permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases.

#### **(b) Application**

This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

#### **(c) General provision authorizing parties to appear by telephone**

Except as ordered by the court under (f)(2) and subject to (d) (regarding ex parte applications) and (h) (regarding notice), all parties, including moving parties, may appear by telephone at all conferences, hearings, and proceedings other than those where personal appearances are required under (e).

#### **(d) Provisions regarding ex parte applications**

(1) *Applicants*

Except as ordered by the court under (f)(2) and subject to (h), applicants seeking an ex parte order may appear by telephone provided that the moving papers have been filed and a proposed order submitted by at least 10:00 a.m. two court days before the ex parte appearance and, if required by local rule, copies have been provided directly to the department in which the matter is to be considered.

*(2) Opposing Parties*

Even if the applicant has not complied with (1), except as ordered by the court under (f)(2) and subject to the provisions in (h), parties opposing an ex parte order may appear by telephone.

**(e) Required personal appearances**

(1) Except as permitted by the court under (f)(3), a personal appearance is required for the following hearings, conferences, and proceedings:

(A) Trials, hearings, and proceedings at which witnesses are expected to testify;

(B) Hearings on temporary restraining orders;

(C) Settlement conferences;

(D) Trial management conferences;

(E) Hearings on motions in limine; and

(F) Hearings on petitions to confirm the sale of property under the Probate Code.

(2) In addition, except as permitted by the court under (f)(3), a personal appearance is required for the following persons:

(A) Persons ordered to appear to show cause why sanctions should not be imposed for violation of a court order or a rule; or

(B) Persons ordered to appear in an order or citation issued under the Probate Code.

At the proceedings described under (2), parties who are not required to appear in person under this rule may appear by telephone.

**(f) Court discretion to modify rule**

*(1) Policy favoring telephone appearances in civil cases*

In exercising its discretion under this provision, the court should consider the general policy favoring telephone appearances in civil cases.

*(2) Court may require personal appearances*

The court may require a party to appear in person at a hearing, conference, or proceeding listed in (c) or (d) if the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

*(3) Court may permit appearances by telephone*

The court may permit a party to appear by telephone at a hearing, conference, or proceeding under (e) if the court determines that a telephone appearance is appropriate.

**(g) Need for personal appearance**

If, at any time during a hearing, conference, or proceeding conducted by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

**(h) Notice by party**

(1) Except as provided in (6), a party choosing to appear by telephone at a hearing, conference, or proceeding, other than on an ex parte application, under this rule must either:

(A) Place the phrase “Telephone Appearance” below the title of the moving, opposing, or reply papers; or

(B) At least two court days before the appearance, notify the court and all other parties of the party's intent to appear by telephone. If the notice is oral, it must be given either in person or by telephone. If the notice is in writing, it must be given by filing a “Notice of Intent to Appear by Telephone” with the court at least two court days before the appearance and by serving the notice by any means authorized by law and reasonably calculated to ensure delivery to the parties at least two court days before the appearance.

(2) If after receiving notice from another party as provided under (1) a party that has not given notice also decides to appear by telephone, the party may do so by notifying the court and all other parties that have appeared in the action, no later than noon on the court day before the appearance, of its intent to appear by telephone.

(3) An applicant choosing to appear by telephone at an ex parte appearance under this rule must:

(A) Place the phrase “Telephone Appearance” below the title of the application papers;

(B) File and serve the papers in such a way that they will be received by the court and all parties by no later than 10:00 a.m. two court days before the ex parte appearance; and

(C) If provided by local rule, ensure that copies of the papers are received in the department in which the matter is to be considered.

(4) Any party other than an applicant choosing to appear by telephone at an ex parte appearance under this rule must notify the court and all other parties that have appeared in the action, no later than 2:00 p.m. or the “close of business” (as that term is defined in rule 2.250(b)(10)), whichever is earlier, on the court day before the appearance, of its intent to appear by telephone. If the notice is oral, it must be given either in person or by telephone. If the notice is in writing, it must be given by filing a “Notice of Intent to Appear by Telephone” with the court and by serving the notice on all other parties by any means authorized by law reasonably calculated to ensure delivery to the parties no later than 2:00 p.m. or “the close of business” (as that term is defined in rule 2.250(b)(10)), whichever is earlier, on the court day before the appearance.

(5) If a party that has given notice that it intends to appear by telephone under (1) subsequently chooses to appear in person, the party may appear in person.

(6) A party may ask the court for leave to appear by telephone without the notice provided for under (1)-(4). The court should permit the party to appear by telephone upon a showing of good cause or unforeseen circumstances.

**(i) Notice by court**

After a party has requested a telephone appearance under (h), if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification. In courts using a telephonic tentative ruling system for law and motion matters, court notification that parties must appear in person may be given as part of the court's tentative ruling on a specific law and motion matter if that notification is given one court day before the hearing.

**(j) Provision of telephone appearance services**

A court may provide for telephone appearances only through one or more of the following methods:

(1) An agreement with one or more vendors under a statewide master agreement or agreements.

(2) The direct provision by the court of telephone appearance services. If a court directly provides telephone services, it must collect the telephone appearance fees specified in (k), except as provided in (l) and (m). A judge may, at his or her discretion, waive telephone appearance fees for parties appearing directly by telephone in that judge's courtroom.

**(k) Telephone appearance fee amounts; time for making requests**

The telephone appearance fees specified in this subdivision are the statewide, uniform fees to be paid by parties to a vendor or court for providing telephone appearance services. Except as provided under (l) and (m), the fees to be paid to appear by telephone are as follows:

(1) The fee to appear by telephone, made by a timely request to a vendor or court providing telephone appearance services, is \$86 for each appearance.

(2) An additional late request fee of \$30 is to be charged for an appearance by telephone if the request to the vendor or the court providing telephone services is not made at least two days before the scheduled appearance, except:

(A) When an opposing party has provided timely notice under (h)(4) on an ex parte application or other hearing, conference, or proceeding, no late fee is to be charged to that party;

(B) When the court, on its own motion, sets a hearing or conference on shortened time, no late fee is to be charged to any party;

(C) When the matter has a tentative ruling posted within the two-day period, no late fee is to be charged to any party; and

(D) When the request to appear by telephone is made by a party that received notice of another party's intent to appear and afterward decides also to appear by telephone under (h)(2), no late fee is to be charged to that party if its request is made to the vendor or the court providing the service by noon on the court day before the hearing or conference.

(3) A fee of \$5 is to be charged instead of the fees under (1) and (2) if a party cancels a telephone appearance request and no telephone appearance is made. A hearing or appearance that is taken off calendar or continued by the court is not a cancellation under this rule. If the hearing or appearance is taken off calendar by the court, there is no charge for the telephone appearance. If the hearing or appearance is continued by the court, the appearance fee must be refunded to the requesting party or, if the party agrees, be applied to the new hearing or appearance date.

**(l) Fee waivers**

(1) *Effect of fee waiver*

A party that has received a fee waiver must not be charged the fees for telephone appearances provided under (k), subject to the provisions of [Code of Civil Procedure section 367.6\(b\)](#).

(2) *Responsibility of requesting party.*

To obtain telephone services without payment of a telephone appearance fee from a vendor or a court that provides telephone appearance services, a party must advise the vendor or the court that he or she has received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

(3) *Lien on judgment.*

If a party based on a fee waiver receives telephone appearance services under this rule without payment of a fee, the vendor or court that provides the telephone appearance services has a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the telephone appearance. There is no charge for filing the lien.

**(m) Title IV-D proceedings**

(1) *Court-provided telephone appearance services.*

If a court provides telephone appearance services in a proceeding for child or family support under Title IV-D of the Social Security Act brought by or otherwise involving a local child support agency, the court must not charge a fee for those services.

(2) *Vendor-provided telephone appearance services*

If a vendor provides for telephone appearance services in a proceeding for child or family support under Title IV-D, the amount of the fee for a telephone appearance under (k)(1) is \$66 instead of \$86. No portion of the fee received by the vendor for a telephone appearance under this subdivision is to be transmitted to the State Treasury under [Government Code section 72011](#).

(3) *Responsibility of requesting party.*

When a party in a Title IV-D proceeding requests telephone appearance services from a court or a vendor, the party requesting the services must advise the court or the vendor that the requester is a party in a proceeding for child or family support under Title IV-D brought by or otherwise involving a local child support agency.

(4) *Fee waivers applicable*

The fee waiver provisions in (l) apply to a request by a party in a Title IV-D proceeding for telephone appearance services from a vendor.

**(n) Audibility and procedure**

The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

**(o) Reporting**

All proceedings involving telephone appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

**(p) Conference call vendor or vendors**

A court, by local rule, may designate the conference call vendor or vendors that must be used for telephone appearances.

**(q) Information on telephone appearances**

The court must publish notice providing parties with the particular information necessary for them to appear by telephone at conferences, hearings, and proceedings in that court under this rule.

**Cal. R. Ct. 5.324**

Rule 5.324. Telephone Appearance in Title IV-D Hearings and Conferences

**(a) Purpose —**

This rule is intended to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.

**(b) Definition —**

"Telephone appearance," as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.

**(c) Permissibility of telephone appearances —**

Upon request, the court, in its discretion, may permit a telephone appearance in any hearing or conference related to an action for child support when the local child support agency is providing services under title IV-D of the Social Security Act.

**(d) Exceptions —**

A telephone appearance is not permitted for any of the following except as permitted by [Family Code section 4930](#):

- (1) Contested trials, contempt hearings, orders of examination, and any matters in which the party or witness has been subpoenaed to appear in person; and
- (2) Any hearing or conference for which the court, in its discretion on a case-by-case basis, decides that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

**(e) Request for telephone appearance —**

(1) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency may request permission of the court to appear and testify by telephone. The local child support agency may request a telephone appearance on behalf of a party, a parent, or a witness when the local child support agency is appearing in the title IV-D support action, as defined by [rule 5.300\(c\)](#). The court may also, on its own motion, allow a telephone appearance.

(2) A party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 12 court days before the hearing. A local child support agency that files the request for telephone appearance on behalf of a party, a parent, or a witness must file the request with the court clerk at least 12 court days before the hearing. This request must be served on the other parties, the local child support agency, and attorneys, if any. Service must be by personal delivery, fax, express mail, or other means reasonably calculated to ensure delivery by the close of the next court day.

(3) The mandatory *Request for Telephone Appearance (Governmental) (form FL-679)* must be filed to request a telephone appearance.

**(f) Opposition to telephone appearance —**

Any opposition to a request to appear by telephone must be made by declaration under penalty of perjury under the laws of the State of California. It must be filed with the court clerk and served at least eight court days before the court hearing. Service on the person or agency requesting the telephone appearance; all parties, including the other

parent, a parent who has not been joined to the action, the local child support agency; and attorneys, if any, must be accomplished using one of the methods listed in (e)(2).

**(g) Shortening time —**

The court may shorten the time to file, submit, serve, respond, or comply with any of the procedures specified in this rule.

**(h) Notice by court —**

At least five court days before the hearing, the court must notify the person or agency requesting the telephone appearance, the parties, and attorneys, if any, of its decision. The court may direct the court clerk, the court-approved vendor, the local child support agency, a party, or an attorney to provide the notification. This notice may be given in person or by telephone, fax, express mail, e-mail, or other means reasonably calculated to ensure notification no later than five court days before the hearing date.

**(i) Need for personal appearance —**

If, at any time during the hearing, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

**(j) Vendors, procedure, audibility, reporting, and information —**

[Rule 3.670\(j\)-\(g\)](#) applies to telephone appearances under this rule.

**(k) Technical equipment —**

Courts that lack the technical equipment to implement telephone appearances are exempt from the rule.

**Cal. C.C.P. § 367.6**

**§ 367.6. Fees for telephone appearance; waiver**

(a) On or before July 1, 2011, the Judicial Council shall establish statewide, uniform fees to be paid by a party for appearing by telephone, which shall supersede any fees paid to vendors and courts under any previously existing agreements and procedures. The fees to be paid for telephone appearances shall include:

(1) A fee for providing the telephone appearance service pursuant to a timely request to the vendor or court.

(2) An additional fee for providing services if the request is made shortly before the hearing, as defined by the Judicial Council.

(3) A fee for canceling a telephone appearance request.

(b) If a party has received a waiver of fees pursuant to Article 6 (commencing with [Section 68630](#)) of Chapter 2 of Title 8 of the Government Code, neither a vendor nor a court shall charge that party any of the fees authorized by this section, subject to the following:

(1) The vendor or court that provides the telephone appearance service shall have a lien, as provided by rule of court, on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the telephone appearance.

(2) If the vendor or court later receives a fee or a portion of a fee for appearance by telephone that was previously waived, that fee shall be distributed consistent with [Section 72011 of the Government Code](#).

(c) The fee described in this section shall be a recoverable cost under [Section 1033.5 of the Code of Civil Procedure](#).

**Cal. Gov. Code § 72011**

§ 72011. Telephone appearance services; transmittal of fees; apportionment; allocation

(a) For each fee received for providing telephone appearance services, each vendor or court that provides for appearances by telephone shall transmit twenty dollars (\$20) to the State Treasury for deposit in the Trial Court Trust Fund established pursuant to [Section 68085](#). If the vendor or court receives a portion of the fee as authorized under [paragraph \(2\) of subdivision \(b\) of Section 367.6 of the Code of Civil Procedure](#), the vendor or court shall transmit only the proportionate share of the amount required under this section. This section shall apply regardless of whether the Judicial Council has established the statewide uniform fee pursuant to [Section 367.6 of the Code of Civil Procedure](#), or entered into one or more master agreements pursuant to [Section 72010](#) of this code. This section shall not apply when a vendor or court does not receive a fee.

(b) The amounts described in subdivision (a) shall be transmitted within 15 days after the end of each calendar quarter for fees collected in that quarter.

(c) Vendors shall also transmit an amount equal to the total amount of revenue received by all courts from all vendors for providing telephonic appearances for the 2009-10 fiscal year.

(d) The amount set forth in subdivision (c) shall be apportioned by the Judicial Council among the vendors with which the Judicial Council has a master agreement pursuant to [Section 72010](#). Within 15 days of receiving notice from the Judicial Council of its apportioned amount, each vendor shall transmit that amount to the State Treasury for deposit in the Trial Court Trust Fund.

(e) The Judicial Council shall allocate the amount collected pursuant to subdivisions (c) and (d) for the purpose of preventing significant disruption in services in courts that previously received revenues from vendors for providing telephone appearance services. The Judicial Council shall determine the method and amount of the allocation to each eligible court.

**Cal. Gov. Code § 72010**

§ 72010. Telephone appearances in civil cases; master agreements

(a) On or before July 1, 2011, and periodically thereafter as appropriate, the Judicial Council shall enter into one or more master agreements with a vendor or vendors to provide for telephone appearances in civil cases under [Section 367.5 of the Code of Civil Procedure](#) or as otherwise authorized by law.

(b) Each master agreement shall include the following:

(1) The amount of the fees to be paid by a party for a telephone appearance.

(2) The amounts to be deposited in the Trial Court Trust Fund described in [Section 72011](#).

(3) A requirement that the vendor submit a quarterly report setting forth the number of fees collected, number of liens established, and the amount collected from previously waived fees pursuant to [Section 367.6 of the Code of Civil Procedure](#).



(4) A statement that the vendor shall indemnify and hold the court harmless from claims arising from a failure or interruption of services.

(5) Other terms as the Judicial Council deems appropriate, including, but not limited to, the services and equipment to be provided by vendors to the courts and the assistance to be provided by vendors to callers.

(c) A court may make telephone appearances available to a party only through one or more of the following methods:

(1) An agreement with one or more of the vendors under the master agreements provided by this section.

(2) An agreement entered into between a court and a vendor prior to July 1, 2011, and which has not expired. If a contract is subject to cancellation by a court after July 1, 2011, that court shall exercise its option to cancel the contract as soon after July 1, 2011, as is legally possible to do so.

(3) Direct provision by the court of telephone appearance services to a party. If the court provides the services directly, the court shall collect the fees for telephone appearances adopted by the Judicial Council in accordance with [Section 367.6 of the Code of Civil Procedure](#) and the master agreement or agreements entered into pursuant to this section. A judicial officer may, in his or her discretion, waive telephone appearance fees for parties appearing directly by telephone in that judicial officer's courtroom.

### **Cal. Gov. Code § 68630**

§ 68630. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) That our legal system cannot provide “equal justice under law” unless all persons have access to the courts without regard to their economic means. California law and court procedures should ensure that court fees are not a barrier to court access for those with insufficient economic means to pay those fees.

(b) That fiscal responsibility should be tempered with concern for litigants' rights to access the justice system. The procedure for allowing the poor to use court services without paying ordinary fees must be one that applies rules fairly to similarly situated persons, is accessible to those with limited knowledge of court processes, and does not delay access to court services. The procedure for determining if a litigant may file a lawsuit without paying a fee must not interfere with court access for those without the financial means to do so.

(c) That those who are able to pay court fees should do so, and that courts should be allowed to recover previously waived fees if a litigant has obtained a judgment or substantial settlement.

### **Cal. R. Ct. 8.885**

Rule 8.885. Oral Argument

#### **(a) Calendaring and sessions**

Unless otherwise ordered, all appeals in which the last reply brief was filed or the time for filing this brief expired 45 or more days before the date of a regular appellate division session must

be placed on the calendar for that session by the appellate division clerk. By order of the presiding judge or the division, any appeal may be placed on the calendar for oral argument at any session.

**(b) Oral argument by videoconference**

**(1)** Oral argument may be conducted by videoconference if:

**(A)** It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting that oral argument be conducted by videoconference must be filed within 10 days after the court sends notice of oral argument under (c)(1); or

**(B)** A local rule authorizes oral argument to be conducted by videoconference consistent with these rules.

**(2)** If oral argument is conducted by videoconference:

**(A)** Each judge of the appellate division panel assigned to the case must participate in the entire oral argument either in person at the superior court that issued the judgment or order that is being appealed or by videoconference from another court.

**(B)** Unless otherwise allowed by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, all the parties must appear at oral argument in person at the superior court that issued the judgment or order that is being appealed.

**(C)** The oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, oral argument may also be open to the public at any of the locations from which a judge of the appellate division is participating in oral argument.

**(D)** The appellate division must ensure that:

**(i)** During oral argument, the participants in oral argument are visible and their statements are audible to all other participants, court staff, and any members of the public attending the oral argument;

**(ii)** Participants are identified when they speak; and

**(iii)** Only persons who are authorized to participate in the proceedings speak.

**(E)** A party must not be charged any fee to participate in oral argument by videoconference if the party participates from the superior court that issued the judgment or order that is being appealed or from a location from which a judge of the appellate division panel is participating in oral argument.

**(c) Notice of argument**

**(1)** As soon as all parties' briefs are filed or the time for filing these briefs has expired, the appellate division clerk must send a notice of the time and place of oral argument to all parties.

The notice must be sent at least 20 days before the date for oral argument. The presiding judge may shorten the notice period for good cause; in that event, the clerk must immediately notify the parties by telephone or other expeditious method.

**(2)** If oral argument will be conducted by videoconference under (b), the clerk must specify, either in the notice required under (1) or in a supplemental notice sent to all parties at least 5 days before the date for oral argument, the location from which each judge of the appellate division panel assigned to the case will participate in oral argument.

**(d) Waiver of argument**

Parties may waive oral argument.

**(e) Conduct of argument**

Unless the court provides otherwise:

**(1)** The appellant, petitioner, or moving party has the right to open and close. If there are two or more such parties, the court must set the sequence of argument.

**(2)** Each side is allowed 10 minutes for argument. The appellant may reserve part of this time for reply argument. If multiple parties are represented by separate counsel, or if an amicus curiae—on written request—is granted permission to argue, the court may apportion or expand the time.

**(3)** Only one counsel may argue for each separately represented party.

**Cal. 1st App. Dist. L.R. 13**

Rule 13. Argument by Teleconference System

**(a) [Teleconference System]** The First Appellate District has a telephone conference call system that enables attorneys to present oral arguments by telephone, as an alternative to personal appearance in court. All oral arguments by telephone conference call will be heard by the justices on the bench in the courtroom, which will be open to the public.

**(b) [Option of Counsel]** In all cases, civil, criminal, and juvenile, in which a party has a right to present oral argument, counsel may elect to present oral argument either by personal appearance in the courtroom or by telephone conference call. The decision whether to present oral argument by telephone or in person is within the sole discretion of counsel and the parties, except that the court may direct counsel to appear in person.

In deciding whether to present oral argument by personal appearance or by telephone, counsel should consider the expense of a personal appearance to the parties and to the state and should determine whether the matters at issue can be satisfactorily argued by telephone conference call without incurring that expense.

**(c) [Notice to Other Counsel]** Upon receipt of oral argument notice from the court, counsel shall notify the court and all other parties in writing if he or she requests oral argument. If oral argument is requested, counsel shall indicate whether he or she elects to present oral

argument in person or by telephone conference call. The notice shall be given within the time allowed for requesting oral argument.

If one counsel elects to argue by telephone and the other elects to appear in person, the counsel who elected to argue by telephone shall have the right to change his or her request and appear in person. The requested change shall be communicated in writing to the divisional deputy clerk and opposing counsel without delay.

**(d) [Written Request for Oral Argument]** Counsel's request to present oral argument by telephone conference call shall be made in writing and shall contain the following information: (1) the number and title of the case; (2) the name of counsel who will present oral argument; (3) the name of the party counsel is representing; and (4) the telephone number to be used for the conference call.

**(e) [Fee to Cover Costs]** The cost of the telephone system and service is billed to the court. No fee shall be charged to court-appointed counsel in any criminal, juvenile, or civil case or to the Attorney General or counsel representing the state, a county, a municipality or other government agency. In all other cases, a fee of \$20 shall be paid by each party whose counsel requests oral argument by telephone conference call. A check in that amount, payable to the Court of Appeal, shall accompany counsel's request for oral argument. Additionally, telephone conference calls made to counsel outside the geographic boundaries of the First Appellate District will be made collect.

**(f) [Notice of Time of Oral Argument]** When a party requests oral argument by telephone conference call, the divisional deputy clerk shall notify counsel of the date, the approximate time of oral argument, and may indicate the maximum amount of time the court will allow for argument. The deputy clerk will arrange the conference call when the court calls the case for argument. If counsel fails to be available when the case is called, the court may deem oral argument waived.

**(g) [Recording of Oral Argument]** The court may record oral arguments presented by telephone conference call. A request for oral argument by telephone will be deemed consent to such recording.

### **Cal. 4th Dist. App. I.O.P., div. 3, III**

#### III. Procedures for Processing Cases

5. The court offers remote video appearances for oral argument on criminal matters, allowing counsel to appear via video from Division One in San Diego.

### **CA ST FAM JUV Rule 5.531**

Rule 5.531. Appearance by telephone (§ 388; Pen. Code § 2625)

#### **(a) Application**

The standards in (b) apply to any appearance or participation in court by telephone, videoconference, or other digital or electronic means authorized by law.

**(b) Standards for local procedures or protocols**

Local procedures or protocols must be developed to ensure the fairness and confidentiality of any proceeding in which a party is permitted by statute, rule of court, or judicial discretion to appear by telephone. These procedures or protocols must, at a minimum:

(1) Ensure that the party appearing by telephone can participate in the hearing in real time, with no delay in aural or, if any, visual transmission or reception;

(2) Ensure that the statements of participants are audible to all other participants and court staff and that the statements made by a participant are identified as being made by that participant;

(3) Ensure that the proceedings remain confidential as required by law;

(4) Establish a deadline of no more than three court days before the proceeding for notice to the court by the party or party's attorney (if any) of that party's intent to appear by telephone, and permit that notice to be conveyed by any method reasonably calculated to reach the court, including telephone, fax, or other electronic means;

(5) Permit the party, on a showing of good cause, to appear by telephone even if he or she did not provide timely notice of intent to appear by telephone;

(6) Permit a party to appear in person for a proceeding at the time and place for which the proceeding was noticed, even if that party had previously notified the court of an intent to appear by telephone;

(7) Ensure that any hearing at which a party appears by telephone is recorded and reported to the same extent and in the same manner as if he or she had been physically present;

(8) Ensure that the party appearing by telephone is able to communicate confidentially with his or her attorney (if any) during the proceeding and provide timely notice to all parties of the steps necessary to secure confidential communication; and

(9) Provide for the development of the technological capacity to accommodate appearances by telephone that comply with the requirements of this rule.

**(c) No independent right**

Nothing in this rule confers on any person an independent right to appear by telephone, videoconference, or other electronic means in any proceeding.

**Cal. R. Ct. 5.9**

Rule 5.9. Appearance by Telephone

**(a) Application —**

This rule applies to all family law cases, except for actions for child support involving a local child support agency. [Rule 5.324](#) governs telephone appearances in governmental child support cases.

**(b) Telephone appearance —**

The court may permit a party to appear by telephone at a hearing, conference, or proceeding if the court determines that a telephone appearance is appropriate.

**(c) Need for personal appearance —**

**(1)** At its discretion, the court may require a party to appear in person at a hearing, conference, or proceeding if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

**(2)** If, at any time during a hearing, conference, or proceeding conducted by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

**(d) Local rules —**

Courts may develop local rules to specify procedures regarding appearances by telephone.

**Cal. Jud. Council Form FL-679-INFO**

FL-679-INFO. Information Sheet—Request for Telephone Appearance (Governmental)

**ATTENTION:** Read the **Advisement Regarding Telephone Appearance** on page 2 of *FL-679, Request for Telephone Appearance* to understand your rights.

You can get more information about the telephone appearance process, including any costs or fees for the provider of telephone services, from your local court clerk.

Ask a family law facilitator, the local child support agency, or a lawyer if you have any questions about this process.

For more information on finding a lawyer or family law facilitator, see the California Courts Online Self-Help Center at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp).

**Asking for a Telephone Appearance**

1. You must use *form FL-679* to request a telephone appearance. You may have to pay a filing fee. If you cannot afford to pay the filing fee, the court may waive it, but you will have to fill out some forms first. For more information about the filing fee, contact the court clerk or the family law facilitator in your county.

2. If you do not want to personally appear because of domestic violence and do not want your home phone number or work phone number listed at

item 2 of *form FL-679* or other potentially identifying information to be part of the public court record, check with your court clerk or local rules of court regarding any additional local procedures that may be available to protect your confidentiality. For example, some courts may allow you to provide your home phone number or work phone number directly to the court clerk and not disclose it on *form FL-679*.

3. For local information about telephone appearances, check with the local court clerk, family law facilitator, or local child support agency.

### **Instructions for Completing the *Request for Telephone Appearance (Governmental)* (form FL-679)**

1. The court needs to know why you are requesting to appear by telephone. At item 3 of *form FL-679*, provide the information you would like the court to consider when making its decision. You can attach additional paper if you need more room to explain the circumstances that you want the court to consider in making its decision. If you submit an attachment, check the box at item 6 and indicate the number of pages that you are attaching. The court can still deny your request even if you have checked boxes and/or submitted an attachment.

2. File your request with the court clerk's office using *form FL-679* no later than **12 court days** before the hearing. (**PLEASE NOTE:** You must still file your moving or opposing papers within the time limits required by [Code of Civil Procedure section 1005](#).)

3. Serve all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure that *form FL-679* is delivered by the close of the **next court day** after you file it.

### **Opposing a Telephone Appearance**

1. At least **8 court days** before the hearing, you must file and serve a declaration under penalty of perjury under the laws of the State of California explaining why you oppose a telephone appearance by the other party or a witness. Your declaration must state "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." You may use *Declaration (form MC-030)*, which you can get from the court clerk or the California Courts Web site at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms). If you do not file a declaration under penalty of perjury opposing a telephone appearance, you give up your chance to object.

2. Serve the person or agency requesting the telephone appearance, all parties (the local child support agency and other parent) and attorneys, if any, by personal delivery, fax, express mail, or other reasonable means to make sure your declaration is delivered by the close of the **next court day** after you file the form.

**The Court's Decision on the Telephone Appearance**

At least **5 court days** before the hearing, the court will notify or direct that notice of its decision on the request for a telephone appearance be given to the person or agency requesting the telephone appearance, the parties, a parent who has not been joined to the action, and attorneys, if any. This notice may be given by telephone, in person, or by fax, express mail, e-mail, or other reasonable means to ensure notification no later than **5 court days** before the hearing date.

**Cal. R. Ct. 3.2226**

Rule 3.2226. Initial Case Management Conference

**(e) Preparation for the conference —**

At the conference, lead counsel for each party and each self-represented party must appear by telephone or personally, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in (c).

**Cal. R. Ct. 5.903**

Rule 5.903. Nonminor Dependent Status Review Hearing (§§ 224.1(b), 295, 366.1, 366.3, 366.31)

**(4)** The nonminor dependent may appear by telephone as provided in [rule 5.900](#) at a hearing conducted by the court.

**Cal. R. Ct. 5.900**

Rule 5.900. Nonminor Dependent—Preliminary Provisions (§§ 224.1(b), 295, 303, 366, 366.3, 388, 391, 607(a))

**(e) Telephone appearance**

**(1)** The person who is the subject of the hearing may appear, at his or her request, by telephone at a hearing to terminate juvenile court jurisdiction held under [rule 5.555](#), a status



review hearing under [rule 5.903](#), or a hearing on a request to have juvenile court jurisdiction resumed held under [rule 5.906](#). [Rule 5.531](#) applies to telephone appearances under this paragraph.

(2) The court may require the nonminor dependent or the person requesting to return to juvenile court jurisdiction and foster care to appear personally on a showing of good cause and a showing that the personal appearance will not create an undue hardship for him or her.

(3) The telephone appearance must be permitted at no cost to the nonminor dependent or the person requesting to return juvenile court jurisdiction and foster care.

### **Cal. R. Ct. 3.1207**

#### Rule 3.1207. Appearance Requirements

An applicant for an ex parte order must appear, either in person or by telephone under [rule 3.670](#), except in the following cases:

- (1) Applications to file a memorandum in excess of the applicable page limit;
- (2) Applications for extensions of time to serve pleadings;
- (3) Setting of hearing dates on alternative writs and orders to show cause; and
- (4) Stipulations by the parties for an order.

### **Cal. R. Ct. 5.495**

#### Rule 5.495. Firearm Relinquishment Procedures

##### **(a) Application of rule —**

This rule applies when a family or juvenile law domestic violence protective order as defined in [Family Code section 6218](#) or [Welfare and Institutions Code section 213.5](#) is issued or in effect.

##### **(e) Subsequent review hearing**

(1) When presented with information under (c), the court may set a review hearing to determine whether a violation of [Family Code section 6389](#) has taken place.

(2) The review hearing must be held within 10 court days after the noticed hearing at which the information was presented. If the restrained person is not present when the court sets the review hearing, the protected person must provide notice of the review hearing to the restrained person at least 2 court days before the review hearing, in accordance with [Code of Civil Procedure 414.10](#), by personal service or by mail to the restrained person's last known address.

(3) The court may for good cause extend the date of the review hearing for a reasonable period or remove it from the calendar.

- (4) The court must order the restrained person to appear at the review hearing.
- (5) The court may conduct the review hearing in the absence of the protected person.
- (6) Nothing in this rule prohibits the court from permitting a party to appear by telephone under [California Rules of Court, rule 5.9](#).

### **Cal. R. Ct. 4.220**

#### Rule 4.220. Remote Video Proceedings in Traffic Infraction Cases

##### **(a) Authorization for remote video proceedings —**

A superior court may by local rule permit arraignments, trials, and related proceedings concerning the traffic infractions specified in (b) to be conducted by two-way remote video communication methods under the conditions stated below.

##### **(b) Definitions —**

For the purposes of this rule:

(1) "Infraction" means any alleged infraction involving a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code, other than an infraction cited under article 2 (commencing with [section 23152](#)) of chapter 12 of division 11 of the Vehicle Code, except that the procedures for remote video trials authorized by this rule do not apply to any case in which an informal juvenile and traffic court exercises jurisdiction over a violation under [sections 255](#) and [256 of the Welfare and Institutions Code](#).

(2) "Remote video proceeding" means an arraignment, trial, or related proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom.

(3) "Due date" means the last date on which the defendant's appearance is timely under this rule.

##### **(c) Application —**

This rule establishes the minimum procedural requirements and options for courts that conduct remote video proceedings for cases in which a defendant is charged with an infraction as defined in (b) and the defendant requests to proceed according to this rule.

##### **(d) Designation of locations and presence of court clerk**

(1) The court must designate the location or locations at which defendants may appear with any witnesses for a remote video proceeding in traffic infraction cases.

(2) The locations must be in a public place, and the remote video proceedings must be viewable by the public at the remote location as well as at the courthouse.

(3) A court clerk must be present at the remote location for all remote video proceedings.

##### **(e) Required procedures and forms and request by defendant —**

A court that conducts remote video proceedings under this rule must comply with the following procedures and use the required forms in this section. In addition to following the standard provisions for processing traffic infraction cases, the defendant may request to proceed by remote video proceeding as provided below.

**(1) Arraignment and trial on the same date**

The following procedures apply to a remote video proceeding when the court grants a defendant's request to have an arraignment and trial on the same date:

**(A)** The defendant must review a copy of the *Instructions to Defendant for Remote Video Proceeding (form TR- 500-INFO)*.

**(B)** To proceed by remote video arraignment and trial, the defendant must sign and file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (form TR-505)* with the clerk by the appearance date indicated on the *Notice to Appear* or a continuation of that date granted by the court and must deposit bail when filing the form.

**(C)** A defendant who is dissatisfied with the judgment in a remote video trial may appeal the judgment under [rules 8.901-8.902](#).

**(2) Arraignment on a date that is separate from a trial date**

The following procedures apply to a remote video proceeding when the court grants a defendant's request to have an arraignment that is set for a date that is separate from the trial date:

**(A)** The defendant must review a copy of the *Instructions to Defendant for Remote Video Proceeding (form TR- 500-INFO)*.

**(B)** To proceed by remote video arraignment on a date that is separate from a trial date, the defendant must sign and file a *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)* with the clerk by the appearance date indicated on the *Notice to Appear* or a continuation of that date granted by the court.

**(3) Trial on a date that is separate from the date of arraignment**

The following procedures apply to a remote video proceeding when the court grants a defendant's request at arraignment to have a trial set for a date that is separate from the date of the arraignment:

**(A)** The defendant must review a copy of the *Instructions to Defendant for Remote Video Proceeding (form TR-500-INFO)*.

**(B)** To proceed by remote video trial, the defendant must sign and file a *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)* with the clerk by the appearance date indicated on the *Notice to Appear* or a continuation of that date granted by the court and must deposit bail with the form as required by the court under section (f).

**(C)** A defendant who is dissatisfied with the judgment in a remote video trial may appeal the judgment under [rules 8.901-8.902](#).

**(4) Judicial Council forms for remote video proceedings**

The following forms must be made available by the court and used by the defendant to implement the procedures that are required under this rule:

**(A)** *Instructions to Defendant for Remote Video Proceeding (form TR-500-INFO)*;

**(B)** *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (form TR-505)*; and

**(C)** *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)*.

**(f) Deposit of bail —**

Procedures for deposit of bail to process requests for remote video proceedings must follow [rule 4.105](#).

**(g) Appearance of witnesses —**

On receipt of the defendant's waiver of rights and request to appear for trial as specified in section (e)(1) or (e)(3), the court may permit law enforcement officers and other witnesses to testify at the remote location or in court and be cross-examined by the defendant from the remote location.

**(h) Authority of court to require physical presence of defendant and witnesses —**

Nothing in this rule is intended to limit the authority of the court to issue an order requiring the defendant or any witnesses to be physically present in the courtroom in any proceeding or portion of a proceeding if the court finds that circumstances require the physical presence of the defendant or witness in the courtroom.

**(i) Extending due date for remote video trial —**

If the clerk receives the defendant's written request for a remote video arraignment and trial on *form TR-505* or remote video trial on *form TR-510* by the appearance date indicated on the *Notice to Appear* and the request is granted, the clerk must, within 10 court days after receiving the defendant's request, extend the appearance date by 25 calendar days and must provide notice to the defendant of the extended due date on the *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (form TR-505)* or *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)* with a copy of any required local forms.

**(j) Notice to arresting officer —**

If a court grants the defendant's request for a remote video proceeding after receipt of the defendant's *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (form TR-505)* or *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)* and bail deposit, if required, the clerk must deliver, mail, or e-mail a notice of the remote video proceedings to the arresting or citing law enforcement officer. The notice to the officer must specify the location and date for the remote video proceeding and provide an

option for the officer to request at least five calendar days before the appearance date to appear in court instead of at the remote location.

**(k) Due dates and time limits —**

Due dates and time limits must be as stated in this rule, unless extended by the court. The court may extend any date, and the court need not state the reasons for granting or denying an extension on the record or in the minutes.

**(l) Ineligible defendants —**

If the defendant requests a remote video proceeding and the court determines that the defendant is ineligible, the clerk must extend the due date by 25 calendar days and notify the defendant of the determination and the new due date.

**(m) Noncompliance —**

If the defendant fails to comply with this rule (including depositing the bail amount when required, signing and filing all required forms, and complying with all time limits and due dates), the court may deny a request for a remote video proceeding and may proceed as otherwise provided by statute.

**(n) Fines, assessments, or penalties —**

This rule does not prevent or preclude the court from imposing on a defendant who is found guilty any lawful fine, assessment, or other penalty, and the court is not limited to imposing money penalties in the bail amount, unless the bail amount is the maximum and the only lawful penalty.

**(o) Local rules and forms —**

A court establishing remote video proceedings under this rule may adopt such local rules and additional forms as may be necessary or appropriate to implement the rule and the court's local procedures not inconsistent with this rule.

**(p) Notice and collection of information and reports on remote video proceedings —**

Each court that establishes a local rule authorizing remote video proceedings under this rule must notify the Judicial Council, institute procedures as required by the council for collecting and evaluating information about that court's program, and prepare semiannual reports to the council that include an assessment of the costs and benefits of remote video proceedings at that court.

**Cal Jud. Council Form TR-500-INFO**

TR-500-INFO. Instruction to Defendant for Remote Video Proceeding

A court may by local rule permit remote video arraignments and trials for traffic infraction cases. ([Cal. Rules of Court, rule 4.220](#).) If the court where your case is filed permits remote video proceedings (RVP), you may be able to appear by video as allowed by local rule at a remote location designated by the court without having to appear in person in court. RVP are available in cases involving Vehicle Code infractions or local ordinances adopted under the

Vehicle Code. The procedure does not apply to traffic offenses that involve drugs or alcohol or are filed in Informal Juvenile and Traffic Court. The procedure provides a convenient process for resolving cases by consideration of disputed facts and evidence with the use of two-way audiovisual communication between the court and a local facility. Defendants who request to appear by RVP must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The instructions below explain procedures for requesting RVP for traffic infraction cases:

1. To request arraignment and trial on the same day, you may file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (form TR-505)*. To request RVP for arraignment or trial on separate days, you may file a *Notice and Waiver of Rights and Request for Remote Video Proceeding (form TR-510)*.

2. Return the completed and signed form to the clerk with payment of bail as ordered by the court. A completed *form TR-505* or *TR-510* with a deposit of the required bail payment must be received by the clerk by the appearance date on the Notice to Appear citation or continuation date granted by the court. If the form is received after the due date or without deposit of bail as required, the court may require a court appearance or bail deposit to schedule a trial. ***Failure to file the form and deposit bail as required by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment under [Penal Code section 1214.1](#) of up to \$300 and a hold on your driver's license.***

3. When the clerk receives a timely request for RVP with payment of the bail as ordered by the court, the court will rule on the request and provide notice of the court's decision on eligibility for RVP. If the court denies the request, the court may order you to respond within 10 court days of the notice of the order to schedule an arraignment or trial or appear in court. If the court approves the request, the court will notify you and the officer of the extended date and location to appear. The court may grant a request by the officer who issued the ticket and any other witnesses to appear in court to testify and be cross-examined while you appear at the remote location.

4. After a remote video trial is completed, if you are dissatisfied with the court's judgment, you may file an appeal under [California Rules of Court, rules 8.901-8.902](#) within 30 days of the judgment. A new trial ("trial de novo") is not allowed. Always include your citation number in any correspondence with the court.

5. **IMPORTANT:** You have the right to appear in court for an in-person arraignment without deposit of bail and trial at the court. If you appear in court for your case, your rights include:

- The right to be represented by an attorney employed by you;
- The right to request court orders without cost to subpoena and compel the attendance of witnesses and the production of evidence on your behalf;

- The right to appear in person in court before a judicial officer for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail;
- The right to request that a court trial be scheduled without bail for a date that is after your arraignment in court;
- The right to have a speedy trial;
- The right to be physically present in court at all stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law at trial and sentencing; and
- The right to have the witnesses testify under oath in court and to confront and cross-examine witnesses in court.

**By voluntarily requesting to appear for arraignment and/or trial by RVP, you will agree to waive (give up):**

- Your right to appear in person in court before a judicial officer for arraignment and/or trial;
- Your right to a speedy trial within 45 days; and
- Your right to be physically present in court for trial and sentencing and all stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination in person of the officer who issued the ticket and other witnesses.

**Ca. Super. Ct. Amador County, Local Rules, rule 11.09**

11.09. Appearances by Telephone

**A.** The Court hereby adopts the procedures outlined in [rule 3.670 of the California Rules of Court](#), for telephonic appearances.

**B.** Parties who choose to appear by telephone shall use the court's selected telephone conferencing vendor, Court Call.

**C.** Telephonic appearances are allowed in regularly scheduled law and motion matters.

**CA Super Ct Calaveras County Local Rules Rule 3.8**

Rule 3.8. Telephone Appearances

(a) Counsel and unrepresented litigants shall have the option of appearing by telephone in non-evidentiary law and motion, probate and case management hearings, unless such telephone appearance is specifically prohibited below. Counsel and unrepresented litigants choosing to appear by telephone under this rule shall place the phrase "Telephone Appearance" below the title of the moving or opposing papers. Counsel and unrepresented litigants electing to appear by telephone shall use the court's selected telephone conferencing vendor.

(b) The following hearings are unsuitable for telephone appearances and personal appearances are required unless prior permission is obtained through application and order of the court:

- (1) Family Law matters (except case status conferences);
- (2) Welfare and Institutions Code matters;
- (3) Guardianship hearings;
- (4) Conservatorship hearings;
- (5) Petitions pursuant to Code of Civil Procedures § 527.6, 527.7 and 528.5;
- (6) Judgment Debtor examinations;
- (7) Mandatory Settlement Conferences;
- (8) Hearings where oral testimony is taken;
- (9) Hearings where oral argument is anticipated to exceed 15 minutes; and
- (10) Minor's or Incompetent Persons Compromises.

(c) The court reserves the right, at any time, to reject any request for telephone appearance. The court also reserves the right to halt any hearing involving a telephone appearance and order the attorneys or unrepresented litigants to personally appear at a later date and time.

(d) Counsel or unrepresented litigants electing an appearance by telephone shall:

- (1) Eliminate, to the greatest extent possible, all extra noise from the caller's location;
- (2) Not use a cellular, cordless, computer or speaker telephone during the call;
- (3) Be required to speak directly and clearly into the telephone handset;
- (4) State his or her name for the record each time the caller speaks;

(e) Failure of counsel or unrepresented litigant to successfully coordinate with the court's designated telephone appearance vendor and timely appear by telephone at the hearing or failure to maintain an audible and clear telephone connection or caller's use of the hold button thereby delaying the hearing or any other circumstance that disrupts or unduly delays the hearing shall be considered a failure to appear at the hearing.

### **Ca. Super. Ct. Colusa County, Local Rules, rule 3.10**

Rule 3.10. Hearings and Continuances of Hearings on Motions and Other Applications for Orders

#### **(E) TELEPHONIC APPEARANCES**

**(A)** In addition to the provisions of [California Rules of Court, Rule 3.670](#), and because this court will be using an outside vendor for telephonic appearances in non-evidentiary civil law and motion and probate matters, if counsel desire to appear by telephone in any non-evidentiary law and motion hearing or probate hearing, counsel shall, at least five (5) court days before the appearance, file and serve with CourtCall (not the court) a "Request for CourtCall Telephonic Appearance". Counsel shall notify by telephone other counsel and all parties appearing in propria persona of this intention.

**(B)** The Court's vendor for all telephonic appearances will be CourtCall, LLC, which will initiate all calls and directly invoice participants at prevailing rates. (CourtCall can be contacted at 1-888-882-6878).



(C) The court, in its discretion, may calendar telephonic appearances for hearing at a time different than the regularly scheduled law and motion or probate calendar. If so, the party who requests the appearance by telephone shall be responsible for initiating the appropriate conference call at the appointed time, and shall bear the costs for the telephone appearance. Counsel may inquire of the clerk whether there is a telephone conference service available for this type of appearance. If there is not, counsel should make appropriate independent arrangements.

(D) Costs related to telephonic appearance are not recoverable costs under [Code of Civil Procedure §1033.5](#).

### **Ca. Super. Ct. Contra Costa County, Local Rules, rule 5.8**

Rule 5.8. Recommendation Conference (Rev./Eff. 1/1/16)

#### **(a) Purpose and attendance —**

The purpose of the Recommendation Conference is to receive the report of a custody evaluator and attempt to resolve custody and visitation issues without trial. Absent a written Court Order allowing a party to appear by telephone, both parties and their counsel of record must personally attend the Recommendation Conference and prepared to discuss the recommendations of the Evaluator. Failure to comply may result in monetary sanctions, issues sanctions, or both. If the parties are unable to resolve custody and visitation issues without trial, the Court may, at the Recommendation Conference, make interim orders pending trial.

#### **(b) Timing —**

Recommendation Conferences are set based on the expectation that the evaluation will be prepared and submitted to the parties and counsel at least ten (10) calendar days before the Recommendation Conference. Should the Evaluator determine that it will not be possible to prepare his/her report by that time, said Evaluator shall forthwith notify both counsel, and provide to counsel a date by which the Evaluator expects the report will be done. Counsel shall notify the Court promptly, either in writing or by telephone conference call. Based on the Evaluator's notice of inability to conclude the report timely, the Court will re-set the date of the Recommendation Conference.

### **Ca. Super. Ct. Contra Costa County, Local Rules, rule 5.7**

Rule 5.7. Mandatory Settlement Conference

#### **(a) Calendaring and attendance —**

The Court may require the parties to participate in a Mandatory Settlement Conference before a long cause matter or trial is set or heard. Absent a written court order allowing a party to appear by telephone, both parties and their counsel of record must personally attend the Mandatory Settlement Conference. Failure to comply may result in monetary sanctions, issues sanctions, or both. A Mandatory Settlement Conference may be continued by the Court for good cause, either sua sponte or upon a timely, properly noticed motion.

### **Ca. Super. Ct. Contra Costa County, Local Rules, rule 3.9**

#### Rule 3.9. Telephone Appearances

The Unlimited Jurisdiction Civil departments (fast track departments) generally use the CourtCall® system. If a department does not use CourtCall®, the CourtCall® operator will so advise and the parties wishing to appear by telephone should then contact the department involved for telephone appearance instructions.

The Court reserves the right in any matter to require a personal appearance (see [California Rules of Court, Rule 3.670\(e\)\(2\)](#)).

### **Ca. Super. Ct. El Dorado County, Local Rules, rule 7.12.10**

#### 7.12.10. Case Management Conference

**D. CASE MANAGEMENT CONFERENCE HEARING.** The plaintiff and each party who has been served or who has appeared in the action or counsel shall attend the case management conference, shall be familiar with the case, and shall be prepared to discuss all matters enumerated in this subparagraph. The parties or counsel may appear by telephone as set forth in *Local Rule 7.12.16*. Parties or counsel failing to attend or to be prepared may be subject to sanctions as provided for in *Local Rule 7.12.13*. At the case management conference, the court shall make all appropriate pretrial orders to ensure the proper preparation and timely disposition of the case including the following:

- (1) Service and Default.** The Court may set dates or otherwise address the methods by which service is to be accomplished or default taken.
- (2) Dismiss Defendants, Except DOE Defendants.** The Court may dismiss defendants, except DOE defendants, who have not appeared and who have not been defaulted, unless the court, for good cause shown, sets dates by which such defendants shall be served or defaulted.
- (3) Bifurcation, Severance, Consolidation.** The court may consolidate separately filed cases, for all or for limited purposes; or may order bifurcation, or severance of issues, causes of action or parties in a single case.
- (4) Case Plans and Limited Civil Actions.** The court may classify or reclassify cases to an appropriate case Management Plan, and may assign or reassign cases as Limited Civil Actions or Unlimited Civil Actions.
- (5) Mandatory Settlement Conferences, Issues Conferences, and Trial Dates.** The court may schedule a mandatory settlement conference, an issues conference, motion in limine hearings, and the trial date. The court may schedule additional settlement conferences at the request of the parties or on its own motion.
- (6) Alternative Dispute Resolution.** The court has initiated an Alternative Dispute Resolution (ADR) Program which applies to all civil cases that are subject to these rules; provided, however, that on the joint request of the parties or on its own motion, the court may order that the program apply to any civil case.

**Ca. Super. Ct. Fresno County, Local Rules, rule 7.2.2**

7.2.2. Telephonic Appearances

When telephone appearances are allowed, attorneys or parties may appear by "Court Call," by making prior arrangements with the private company that administers the program. Court Call may be arranged by calling (888) 882-6878, or the telephone number of any other vendor as approved by the Court.

**Ca. Super. Ct. Fresno County, Local Rules, rule 7.2.1**

7.2.1. Appearance Requirements

Court appearances are required at all hearings unless the matter has been recommended for approval (see Rule 7.3). When an appearance is required, local attorneys or unrepresented parties are expected to appear in person or by telephone, pursuant to [California Rule of Court 3.670](#).

**Ca. Super. Ct. Fresno County, Local Rules, rule 3.6.3**

3.6.3. Remote Video Trials and Proceedings in Traffic Infraction Cases

**A.** Pursuant to [California Rules of Court, rule 4.220\(a\)](#), the Court establishes a pilot project to permit traffic infraction trials and proceedings to be conducted by two-way remote video communications. The length of the pilot project shall not exceed three (3) years.

**B.** The following are designated as locations where eligible defendants may appear for remote video trials of traffic infraction cases:

1. Coalinga
2. Mendota

Additional locations may be designated during the course of the pilot project. All designated locations shall be at least ten (10) miles outside the Fresno- Clovis Metropolitan Area and the city in which the site is located may not have regular public transportation servicing the area.

**C.** To be eligible to appear for remote video arraignment or trial:

1. The citation issued must be for an infraction as defined in [California Rules of Court, rule 4.220\(b\)\(1\)](#);

2. Defendant must comply with [California Rules of Court, rule 4.220](#);

3. Travel for the defendant to the M Street Courthouse must be in excess of fifteen (15) miles from the location where the defendant resides.

**D.** Pursuant to [California Rules of Court, rule 4.220\(g\)](#), defendant's witnesses shall appear at the remote location with the defendant.

E. Defendant must submit *form TR-505 or TR-510* to the Traffic Clerk's Office for filing. The forms may be submitted in person at:

**Traffic Clerk's Office**

**2317 Tuolumne Street**

**Fresno, CA 93721-1220**

Or mailed to:

**Fresno Superior Court**

**Attn: Traffic Division**

**1100 Van Ness Avenue**

**Fresno, CA 93724-0002**

Forms submitted in person must be presented for filing on or before the appearance date indicated on the Notice to appear. Forms submitted by mail must be postmarked at least five (5) court days before the appearance date indicated on the Notice to Appear.

F. Upon receipt of a subpoena setting out the hearing date and remote location, law enforcement officers may make a request to appear in court instead of at the remote location. The request must be made via form FTR-70. The form may be substituted in person or by mail at the addresses set out above. Forms submitted in person must be presented for filing at least five (5) court days before the date of the video proceeding set out in the subpoena. Forms submitted by mail must be postmarked at least ten (10) days before the date of the video proceeding set out in the subpoena.

G. It is the Court's preference that all exhibits intended to be used at the remote video trial be submitted prior to the hearing date so they will be available at the Court location for the judge's reference. Defendant and Law Enforcement designee should submit any exhibits he/she intends to use in presentation of his/her case prior to the trial date. All exhibits shall be accompanied by form FTR-71 to assist in identifying the case associated with the exhibits. The form and exhibits may be submitted in person or by mail at the addresses set out above. Exhibits that are submitted in advance in person must be presented at least five (5) court days before the remote video trial date. Exhibits that are submitted in advance by mail must be postmarked at least ten (10) days before the remote video trial date.

Defendant and Law Enforcement designee shall bring two (2) copies of all documentary evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Documentary evidence includes written documents, and standard sized photographs.

Defendant and Law Enforcement designee may bring one (1) copy of all demonstrative or other physical evidence he/she intends to use in presentation of his/her case to the remote location on the day of the hearing. Demonstrative or other physical evidence includes oversized maps or diagrams, three dimensional objects, and blown up photographs.

### **Ca. Super. Ct. Fresno County, Local Rules, rule 2.2.5**

#### 2.2.5. Telephonic Appearances

When telephone appearances are allowed, attorneys or parties may appear by "Court Call," by making prior arrangements with the private company that administers the program. Court Call may be arranged by calling (888) 882-6878, or the telephone number of any other vendor as approved by the Court.

### **Ca. Super. Ct. Humboldt County, Local Rules, rule 1.13**

#### 1.13. Telephonic Appearances

Except when a personal appearance is required, appearance by telephone is permitted under the circumstances and procedures listed in [California Rules of Court, Rule 3.670](#). The Court participates in telephonic appearance services provided by CourtCall. Parties must send their request for telephonic appearance via facsimile to Court Administration at (707) 445-7041, not less than three (3) court days prior to the Hearing or Case Management Conference. If the request is granted, the party must contact CourtCall, LLC at (888) 882-6878 no later than noon the day before the hearing to schedule their telephonic appearance. CourtCall charges a fee for their services unless a fee waiver is on file.

Further information for parties desiring to appear by telephone is available on the Court's website at [www.humboldt.courts.ca.gov](http://www.humboldt.courts.ca.gov).

### **Ca. Super. Ct. Humboldt County, Local Rules, rule 8.26**

#### 8.26. Mediation and Child Custody Recommending Counseling

**(h) Telephonic Appearance.** At the time the Child Custody Recommending Counseling (CCRC) session is set by the court, a party may request a telephonic appearance for his/her CCRC session if he/she resides more than 100 miles from Humboldt County or for other good cause at the court's discretion. If granted, the party requesting the telephonic appearance may initiate the telephone call to the Child Custody Recommending Counselor (CCRC) as determined and arranged by the CCRC. The court prefers that parties appear personally for mediation or child custody recommending counseling. The court has found that it is less likely that parties will be able to reach an agreement without in-person contact with the Child Custody Recommending Counselor and the other party.

### **Ca. Super. Ct. Humboldt County, Local Rules, rule 2.8**

#### 2.8. Applications for Ex Parte Orders

**(a)** This rule applies to ex parte applications in civil matters other than family law matters. (See *Local Rule 8.8* for ex parte orders in family law matters.) However, this rule does not apply to civil proceedings under the Lanterman-Petris-Short Act, see [Cal. Welf. & Inst. Code §§ 5000-5550](#), including hearings under [Welfare and Institutions Code section 5332](#) to determine a

person's capacity or incapacity to refuse treatment with antipsychotic medication ("Riese hearings").

**(b)** Ex parte applications must be made in compliance with [Rules 3.1201](#) through [3.1207 of the California Rules of Court](#). These rules require, among other things, notice to the other side no later than 10:00 a.m. the court day before the ex parte appearance (absent exceptional circumstances), service of the ex parte application on all other parties at the first reasonable opportunity, and the filing of a declaration regarding notice.

**(c)** Hearings on ex parte applications may be set on any day and will be heard in the appropriate courtroom. Please refer to the Court's website for the ex parte hearing schedule.

**(d)** In accordance with [Rule 3.1207 of the California Rules of Court](#), an applicant for an ex parte order must appear, either in person or by telephone, except in cases of: (1) applications to file a memorandum in excess of the applicable page limit; (2) applications for extensions of time to serve pleadings; (3) the setting of hearing dates on alternative writs and orders to show cause; and (4) stipulations by the parties for an order.

#### **CA R IMPERIAL SUPER CT Rule 3.8.6**

##### Rule 3.8.6. Telephone Appearances

**(a)** Pursuant to [California Rule of Court 3.670](#), the Court has contracted with CourtCall LLC, a private telephone appearance provider. The telephone number for CourtCall LLC is (888) 88-COURT [(888) 882-6878].

**(b)** The CourtCall Telephone Appearance Program (CourtCall) utilizes a procedure for telephone appearances by attorneys and parties representing themselves as an alternative to personal appearances. A CourtCall appearance is fully voluntary and available at a fixed fee for use only in civil cases, [California Rule of Court 1.6](#) and [3.670](#).

**(c)** Hearings are conducted in open court. All persons making a CourtCall appearance call a designated toll free tele-conferencing number five (5) minutes before the calendared time of the hearing to check in with CourtCall. Attorneys or parties remain on the Court's speakerphone-telephone line and hear the same business that those present in the Court hear. Persons not participating by telephone appear in person. All present in the courtroom hear the discourse of those making CourtCall appearances.

**(d)** CourtCall appearances are scheduled, in writing, in advance, by serving all parties and delivering (by fax, mail, or personal delivery) to CourtCall, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance. It is the responsibility of counsel or the party to obtain, from CourtCall, required forms and payment information.

**(e)** Except as otherwise stated below, parties have the option of appearing by telephone in case management proceedings, civil law and motion hearings and probate proceedings

(1) where the total time required for hearing of the matter will not exceed ten (10) minutes,

(2) where counsel has fully briefed all issues in writing and wishes only to be available to respond to questions from the Court or argument of opposing counsel, and

(3) where all documents and exhibits have been filed with the pleadings of the parties and no further documentation will be offered.

**(f)** The Court reserves the authority, at any time, to require a personal appearance at any hearing or conference for which the Court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. When the Court denies a request for telephone appearance, it shall order a refund of deposited telephone appearance fees and notify CourtCall.

**(g)** The Court reserves authority to halt a telephone hearing on any matter and order the parties or attorneys to personally appear at a later date and time, in which case no refund is permitted.

**(h)** If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

**(i)** Attorneys or parties choosing to make a CourtCall appearance shall place the phrase “CourtCall Telephone Appearance” below the title of the moving or opposing papers.

**(j)** If telephone communication is disruptive to the court, telephone hearing will be terminated.

### **Ca. Super. Ct. Imperial County, Local Rules, rule 5.1.3**

#### Rule 5.1.3. Telephone Appearances

**(a)** In Family Court, appearances are governed by *local rule 3.8.6* except as indicated in subdivision (b).

**(b)** In Family Support, Title IV-D Hearings, a party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a Request for Telephone Appearance-Judicial Council Form (*FL-679*) with the court clerk at least twelve (12) court days before the hearing. This request must be served on all parties by the close of the next court day as provided in [California Rules of Court 5.324](#).

**(c)** If telephone communication is disruptive to the court, telephone hearing will be terminated.

For procedure, see instruction sheet (*CV-05INFO*).

### **Ca. Super. Ct. Kern County, Local Rules, rule 1.1.1**

#### Rule 1.1.1. Telephonic Court Appearances

Within the Superior Court of California, County of Kern, telephonic court appearances are permitted for non-testimonial hearings and conferences in general Civil cases; Unlawful Detainer matters; Probate proceedings; Department of Child Support Services (DCSS) hearings; and limited Family Law matters upon leave of Court. Telephonic court appearances are allowed through CourtCall, LLC. For Civil and Probate, a party may appear by telephone as allowed by [California Rules of Court 3.670](#), as amended January 1, 2014. For Family Law, a party appearing in matters involving the Department of Child Support Services may appear by telephone as allowed by [California Rule of Court 5.324](#). Parties may also appear by telephone, pursuant to [California Rule of Court 5.9](#), in general Family Law matters-defined as those not involving Department of Child Support Services. Court Call may be arranged by contacting CourtCall, LLC at 6383 Arizona Circle, Los Angeles, California 90045, toll free telephone number (888) 88-

COURT or (310) 342-0888, fax number (310) 743-1850 or (888) 88FAXIN. Notwithstanding any other time provision in the related California Rules of Court, Court Call arrangements must be confirmed no later than 3:00 p.m. the day before the scheduled hearing.

**Ca. Super. Ct. Kern County, Local Rules, rule 6.8.1**

Rule 6.8.1. Status Conference (Effective 1/1/13)

(g) Appearance at a Status Conference may be made via teleconference, provided that the party or attorney has made arrangements with CourtCall, LLC, for such an appearance and that the Court has not ordered the party or attorney to appear in person. At least ten calendar days before the scheduled Status Conference, the attorney or party must arrange for the telephonic appearance and pay the required fee for CourtCall's services. On the day of the Status Conference, those appearing by telephone must call the toll-free conference line designated by CourtCall at least five minutes before the Status conference.

**Ca. Super. Ct. Kern County, Local Rules, rule 3.12.3**

Rule 3.12.3. Case Management Conferences

d) If, based on its review of the written submissions of the parties and such other information as is available, the court determines that appearances at the conference are not necessary, the court may issue a case management order and notify the parties that no appearance is required.

(e) At the case management conference, counsel for each party and each self-represented party must appear personally or by telephone as provided in [California Rules of Court Rule 3.670](#) and *Rule 1.1.1* of these rules; must be familiar with the case; and must be prepared to discuss and commit to the party's position on the issues listed in [Rules 3.724](#) and [3.727](#) of the California Rules of Court.

**Ca. Super. Ct. Kings County, Local Rules, rule 718**

Rule 718 — Child Custody Recommending Counseling in Child Custody and/or Visitation Matters

C. At the time the appointment is set, a parent may request a telephonic appearance for their Child Custody Recommending Counseling session if the parent resides more than 100 miles from Kings County. If granted, the party requesting the telephonic appearance must initiate the telephone call to the Child Custody Recommending Counselor. Where both parents reside over 100 miles from Kings County, only the parent residing the furthest distance from the court may be allowed to make a telephonic appearance at the Child Custody Recommending Counseling session.



### **Ca. Super. Ct. Kings County, Local Rules, rule 404**

#### Rule 404 - Procedures in Unlawful Detainer Cases

**C. Status Conference** — Within 30 days from the filing of the Complaint, a status conference will be conducted in all pending unlawful detainer cases where a default has not been entered and/or a trial date has not been set by the Court. Notice of the date, time and location of the status conference shall be served by the plaintiff upon all named defendants in the same manner as the unlawful detainer complaint. All parties are required to appear at the conference ready to advise the Court as to the status of the litigation. No written statements need be filed by the parties prior to the conference, however, any party wishing to appear at the conference by telephone must schedule such appearance with the Court's designated vendor prior to the noticed hearing date.

### **Ca. Super. Ct. Kings County, Local Rules, rule 305**

#### Rule 305 - Telephonic Appearances

**A. General Policy:** For a fee, any party may appear telephonically with prior approval of the assigned Court. "Court Call" [(888) 882-6878], a private vendor, is available in all departments, but its ability to be utilized by a party is dependent upon the individual policies and preferences of the assigned Judicial Officer. Whether or not to use "Court Call," and whether or not a conference call is necessary, shall be determined at the time of preapproval. Additional information about telephonic appearances can be obtained from the Court's website or the Clerk of the Court.

**B. Incarcerated Individuals:** Due to security, transportation costs and staffing considerations, it is the standing order of the Court that civil litigants under the custody of the California Department of Corrections and Rehabilitation are to appear at all pre-trial hearings by telephone. The assigned Judicial Officer may alter this standing order in his or her discretion for good cause shown. This rule does not apply to proceedings under [California Penal Code Section 2625](#).

At the time a civil law and motion matter is filed, an order for telephonic appearance by an inmate will be issued and served by the Clerk of the Court on the litigants and the litigation coordinator at the prison facility where the litigant in custody is housed. The order allowing a telephonic appearance by the litigant in custody will contain instructions on how to place the conference call into the Court. It may be necessary for the Clerk of the Court to select a hearing date that differs from the requested date on the pleading when the inmate is the moving party. The hearing date on the order for telephonic appearance will take precedence over any other date that may appear on the pleadings.

### **Ca. Super. Ct. Lake County, Local Rules, rule 5.8**

#### 5.8. Family Centered Case Review Program

The Court is implementing a Family Centered Case Review Program in order to promote the prompt disposition of family law actions, to expedite the processing of the case, and to reduce the stress and cost of family law litigation, pursuant to [Family Code § 2450](#). The program components are as follows:

**A. Case Flow Standards**

**1. Case Review Conference** - Each case is scheduled for case review conferences. Attendance at calendared case review conferences is required either in person or by telephone unless otherwise specified by the court. The court may set further case review conferences for any stage of the proceedings, set other hearings as appropriate or refer self-represented litigants to the Family Law Facilitator's Office.

**2. Proof of Service** - Unless the initial pleadings are served within 60 days of filing and a proof of service filed with the court, attendance is mandatory, and petitioner is required to file Family Law Status Report (LK100) with only items 1 and 2 completed.

**3. Declaration Regarding Service of the Preliminary Declarations of Disclosure (FL141)** - Parties must file the Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141) before the second calendared case review conference. See chart below "Case Plan Disposition Time Standards and Court Events."

**4. Income and Expense Declaration (FL150) or Financial Statement Simplified (FL-155)** - Parties who request support, fees or costs, must serve and file the Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155) before the second calendared case resolution conference. See the following chart "Case Plan Disposition Time Standards and Court Events."

**5. Mandatory Settlement Conference Statement (LK 101)** - This form must be filed with the court prior to the Mandatory Settlement Conference. Before filing this form, the parties must meet and confer in person or by telephone regarding the case unless a protective order, as defined by [Family Code § 6218](#), is in place. Each party must complete this form.

**Ca. Super. Ct. Lassen County, Local Rules, rule 7**

Rule No. 7. Civil Litigation Delay Reduction

**F. CASE MANAGEMENT CONFERENCE; MEET-AND-CONFER REQUIREMENT; AND CASE MANAGEMENT ORDER.**

**(2)** Case management conference.

**(a)** Case management conference. In each case, the court will set an initial case management conference to review the case. Notice of the case management conference will be given to all parties no later than 45 days before the conference, unless otherwise ordered by the court. At the conference, counsel for each party and self-represented litigant must appear personally or, if permitted under [rule 3.670](#), by telephone, must be familiar with the case, and must be prepared to discuss and commit to the party's position on the issues listed in (5)-(6) below.

**Ca. Super. Ct. Lassen County, Local Rules, rule 6**

## Rule No. 6. Telephonic Appearance

### **A. PROGRAM OVERVIEW.**

(1) The CourtCall Telephonic Appearance Program (CourtCall) organizes a procedure for telephonic appearance by attorneys and self-represented litigants as an alternative to personal appearances in appropriate cases and situations. A CourtCall appearance is fully voluntary and available at a fixed fee or acceptance of a fee waiver for use only in certain civil, unlawful detainer, probate cases, and Title IV-D family support cases.

(2) Hearings are conducted in open court or in private as the court may designate. All attorneys and self-represented litigants making CourtCall appearances call a designated toll free teleconference number five minutes before the calendar is scheduled, to check in with the clerk. Attorneys and self-represented litigants remain on the court's speakerphone-telephone line and hear the same business that those present in the court may be hearing. Attorneys and self-represented litigants not participating telephonically appear in person. The court calls the cases and all the attorneys and self-represented litigants on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall appearances.

(3) CourtCall appearances are scheduled, in writing, in advance, by serving on all parties to the action and delivering (via fax, mail, or personal delivery) to CourtCall, not less than 5 court days prior to the hearing date, *LSC Form 6A, Request for CourtCall Telephonic Appearance* form, and by paying the stated fee or fee waiver for each CourtCall appearance.

(4) If the self-represented litigant has a fee waiver issued by the court, they are required to fax a copy of the fee waiver to CourtCall in lieu of payment. A copy of the valid fee waiver must be provided for each CourtCall appearance.

(5) Participating parties shall expressly understand that there may be waiting periods for the case to be called on the CourtCall system of up to an hour, and election to use this appearance system option includes agreement that the party or counsel will be on the CourtCall from the time of hearing to the time the case is called and heard.

### **B. PARTICIPATION IN COURTCALL APPEARANCES.**

#### **(1) Courts.**

(a) In all general civil cases, a party providing notice may appear by telephone at the following conferences, hearings, and proceedings as follows:

(i) Hearings on law and motion matters, except for motions in limine.

(ii) Case management conferences, provided the party has made a good faith effort to meet and confer before the conference as required by law and has timely served and filed a case management statement.

(iv) Trial setting conferences.

(v) Hearings on discovery motions.

(vi) Conferences to review the status of an arbitration or mediation.

**(vii)** Hearings to review the dismissal of an action. Title IV-D family support non-evidentiary hearings, conferences, or law and motion matters.

**(viii)** Any other hearing, conference, or proceeding if the court determines that a telephonic appearance is appropriate.

**(b)** A court may require a party to appear in person at any hearing, conference, or proceeding listed above in subdivision (a) if the court determines on a hearing by hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

**(c)** The court reserves the authority, at any time, to reject any Request for CourtCall Appearance. When the court rejects a request, it shall order the refund of deposited telephonic appearance fees and notify CourtCall.

**(d)** The court reserves the authority to halt the telephonic hearing on any matter and order the attorneys and self-represented litigants to personally appear at a later date and time, in which case no refund is permitted.

**(e)** If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

**(f)** Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall appearances are made. No recordings may be made of telephonic appearances except in compliance with [California Rule of Court 1.150](#).

## **(2) Attorneys and Self-Represented Litigants.**

**(a)** Attorneys and self-represented litigants electing to make a CourtCall appearance for eligible hearings and conferences shall serve on all other parties in the case the Request for CourtCall Appearance form, fax a copy of the form to CourtCall, and pay the CourtCall appearance fee in the method prescribed, not less than five (5) court days before the hearing date.

**(b)** Attorneys and self-represented litigants choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.

## **C. APPEARANCE PROCEDURE.**

**(1)** An attorney or self-represented litigant making a CourtCall appearance shall:

**(a)** Eliminate to the greatest extent possible all ambient noise from the attorney's or self-represented litigant's location;

**(b)** Be required, during the attorney's or self-represented litigant's appearance, to speak directly into a telephone handset;

**(c)** Not call in with cellular or cordless telephone devices or through a personal computer.

**(2)** An attorney or self-represented litigant making a CourtCall appearance shall call the court's designated toll free teleconference line approximately 15 minutes prior to the scheduled

hearing time and check-in with the clerk. An attorney or self-represented litigant calling after the check-in period shall be considered to be late for the hearing and shall be sanctioned in the same manner as if the attorney or self-represented litigant had personally appeared late for the hearing.

(3) An attorney or self-represented litigant appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney or self-represented litigant shall not utilize the "hold" button

**Ca. Super. Ct. Los Angeles County, Local Rules, rule 4.12**

4.12. Ex Parte Procedures

(5) Telephonic Appearance. An applicant seeking an *ex parte* order choosing to appear by telephone must comply with [California Rules of Court, rule 3.670\(d\)](#) and *Local Rule 3.6(d)*.

**Ca. Super. Ct. Los Angeles County, Local Rules, rule 3.245**

3.245. Mandatory Settlement Conference

The court will hold a mandatory settlement conference in each case before trial. The settlement conference shall be scheduled a sufficient time after the exchange of appraisals to allow the parties to conduct expert depositions and engage in settlement discussions.

All counsel and all persons with settlement authority must attend the settlement conference in person unless prior arrangements have been made with the court for that person to appear by telephone.

**Ca. Super. Ct. Los Angeles County, Local Rules, rule 3.6**

3.6. Telephonic Appearances

(a) Compliance with California Rules of Court. Counsel desiring to appear by telephone must comply with the procedures set forth in [California Rules of Court, rule 3.670](#).

(b) Private Vendor for Appearances. The court has entered into a contract with a private vendor which provides for teleconferencing services for court appearances before those judges who elect to participate in the contractor's program. Counsel who are contacted by the contractor must follow the contractor's instructions for the telephonic appearance. The contractor may charge counsel appearing by telephone a reasonable fee, specified in the contract, for the contractor's services. Unless notified to the contrary by the contractor or by the clerk, a party requesting to appear by telephone must telephone the clerk in the department in which the hearing is calendared no less than 15 minutes before the time at which the hearing is set, and must follow the instructions of the clerk with respect to implementation of the telephonic appearance.

**(c) Timing of Appearance.** A hearing in which a telephonic appearance is noticed must be set on the court's regular calendar at the same time as all similar matters not involving telephonic appearances are heard.

**(d) Ex Parte Application.** An applicant seeking an *ex parte* order choosing to appear by telephone must comply with [California Rules of Court, rule 3.670\(d\)](#), and must provide copies of the moving papers and proposed order directly to the department in which the matter is to be considered.

**Ca. Super. Ct. Madera County, Local Rules, rule 2.7.4**

2.7.4. Telephonic Appearance and Service of Form

2.7.4 Telephonic Appearance and Service of Form. Not less than five (5) court days before the hearing, a litigant desiring to appear by telephone shall complete the Form and serve copies on all other litigants. The original shall not be filed with the Court. Additionally, when the request is made at the same time as the filing of a motion or response with the Court, the words "COURTCALL™ TELEPHONE APPEARANCE. REQUESTED" should be printed below the date, department and time of the hearing on the first page of the papers which are filed with the Court. RETAIN THE ORIGINAL FORM IN YOUR FILE. DO NOT FILE IT WITH THE COURT.

**Ca. Super. Ct. Merced County, Local Rules, rule 409**

Rule 409: Rules Governing Custody and Visitation Issues

**3.** Failure to appear at the scheduled CCRC appointment may result in a monetary sanction being ordered against the party failing to appear. Parties may request to appear at the CCRC appointment telephonically by completing the Merced Superior Court local form, Request for Telephonic Meeting with Child Custody Recommending Counselor, which can be obtained at the Family Law Clerk's Office or online at [www.mercedcourt.ca.gov](http://www.mercedcourt.ca.gov). Parties must submit the form for review and approval to the Clerk's office at least two (2) working court days prior to the scheduled appointment with the CCRC.

**Ca. Super. Ct. Merced County, Local Rules, rule 407.1**

Rule 407.1: Telephone Appearances

Telephonic appearance in Title IV-D (those matters involving the local child support agency) matters is governed by [California Rule of Court 5.324](#). Telephonic appearance is not permitted in Title IV-D contested trials, contempt hearings, order of examinations and matters in which the party or witness has been subpoenaed to appear in person. Upon request, the court, in its discretion may permit a telephone appearance in any other Title IV-D hearing. Any party requesting telephonic appearance must follow the procedure set forth in [California Rule of Court 5.324](#). Failure to do so may result in the court continuing the matter to require the parties' personal appearance.

Telephonic appearance in proceedings other than Title IV-D matters is governed by [California Rules of Court 3.670](#) and [5.9](#). Per [CRC 3.670](#), except as permitted by the court, personal appearance is required for the following family law proceedings:

- A. Trial, hearings and proceedings at which witnesses are expected to testify;
- B. Hearings on temporary restraining orders;
- C. Settlement conferences;
- D. Trial management conferences;
- E. Hearings ordered to appear to show cause why sanctions should not be imposed for violation of a court order or a rule.

A party planning to appear telephonically in a non-Title IV-D matter must either place the phrase "Telephonic Appearance" below the title of the moving, opposing or reply papers or at least two Court days before the appearance, notify the court and all other parties of the party's intent to appear by telephone.

If at any time during a hearing, conference or proceeding conducted by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

Telephonic appearance arrangements are to be made through CourtCall. Information concerning the CourtCall service is available at [www.mercedcourt.ca.gov](http://www.mercedcourt.ca.gov) or at the Family Law Clerk's Office. Arrangements to appear by CourtCall must be made at least two (2) days prior to the date of appearance. CourtCall requires a fee be paid to CourtCall unless a fee waiver is on file. Hearings at 8:45 a.m. or 1:30 p.m. calendars will be moved to 11:00 a.m. or 3:00 p.m. respectively if there is a CourtCall request.

### **Ca. Super. Ct. Mendocino County, Local Rules, rule 11.1**

#### 11.1. Telephonic Appearance

##### **a. Case Type and Proceedings Which are Permitted**

Unless otherwise ordered, parties may appear by telephone in cases defined in [California Rule of Court 3.670\(b\)](#) and in proceedings defined in [California Rule of Court 3.670\(c\)](#).

##### **b. Request for Teleconferencing Services Through Private Vendor**

In accordance with [California Rule of Court 3.670\(i\)](#), the Court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall at 1-888-88-COURT.

##### **c. Notice by Party**

A party who chooses to appear by telephone will satisfy the requirements of [California](#)

[Rule of Court 3.670\(g\)](#) for notice to the Court by timely providing to CourtCall the CourtCall Telephonic Appearance Request form.

**a. Case Type and Proceedings Which are Permitted**

Unless otherwise ordered, parties may appear by telephone in cases and proceedings defined in [California Rule of Court 5.324\(c\)](#).

**b. Request for Teleconferencing Services**

Requests to appear by telephone must be submitted on *Judicial Council form n. FL-679* and in accordance with [California Rule of Court 5.324 \(e\)](#).

**a. Requests for Teleconferencing Services**

Upon ex parte application with a showing of good cause, the Court may permit a party to appear by telephone at a hearing, conference, or proceeding.

**b. Approved Requests for Teleconferencing Services**

Upon the granting of an ex parte application to appear by telephone, the party must contact CourtCall, LLC to arrange teleconferencing services at least three court days before the court appearance. The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

**a. Request for Teleconferencing Services for Juvenile Dependency**

Requests to appear by telephone for a Juvenile Dependency matter must be submitted on Local Form No. MJV-150 at least 48 hours prior to the hearing.

**b. Notice by Party for Teleconferencing Services for Juvenile Dependency**

A party requesting to appear by telephone must:

1. Place the phrase "Telephone Appearance" below the title of all moving, opposing, or reply papers.
2. Notify all other parties of the intent to appear by telephone at least **48 hours** before the hearing by serving a copy of Local Form No. MJV-150 to all other parties.

**c. Request for Teleconferencing Services through Private Vendor**

In accordance with [California Rule of Court 3.670\(i\)](#), the Court has contracted with Court Call, LLC to provide teleconferencing services for court appearances. Information as to the forms and fees for requesting telephonic appearances may be obtained directly from CourtCall at 1-888-88-COURT.

**d. Approved Request for Teleconferencing Services for Juvenile Dependency**

Upon the granting of a request to appear by telephone for a Juvenile Dependency



matter, the party must contact CourtCall, LLC to arrange these services at least 48 hours before the hearing. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

**e. Waiver of Requirement**

For waiver of Requirement to use CourtCall, see Request for Telephone appearance (Juvenile Dependency) in the appendix hereto.

**a. Case Type and Proceeding which are permitted**

Unless otherwise ordered, parties may appear by telephone for an Ex Parte Hearing or Non-Evidentiary Hearing. Upon request and with a showing of good cause, the Court may permit a party to appear by telephone for an Evidentiary Hearing or a Child Custody Mediation.

**b. Requests for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearings**

The Court has contracted with CourtCall, LLC to provide teleconferencing services. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

**c. Notice by Party for Teleconferencing Services for Ex Parte Hearings or Non-Evidentiary Hearing**

A party choosing to appear by telephone must:

1. Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers.
2. Provide the required forms and fees to CourtCall by 11:00 a.m. the day of the court hearing.

**d. Request for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**

Requests to Appear by Telephone for an Evidentiary Hearing/Child Custody Mediation and Proposed Orders must be submitted on Local Form No. MFL-146 and Local Form No. MFL-147.

**e. Notice by Party for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**

A party choosing to appear by telephone must either:

1. Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; **or**

2. Notify all other parties of the intent to appear by telephone at least three (3) court days before the hearing by oral or written notice.

**f. Approved Request for Teleconferencing Services for Evidentiary Hearings or Child Custody Mediation**

Upon the granting of a Request to Appear by Telephone for an Evidentiary Hearing or Child Custody Mediation, the party must contact CourtCall, LLC to arrange these services at least three (3) court days before the hearing. Information as to the forms and fees may be obtained directly from CourtCall at 1-888-88-COURT.

**Ca. Super. Ct. Mendocino County, Local Rules, rule 6.4**

6.4. Telephone Appearance at Mandatory Settlement Conference

a. All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives ("Necessary Parties"), shall personally attend the mandatory settlement conference unless excused by the court.

b. If the residence or usual place of business of a Necessary Party is located more than 150 miles from the location of the mandatory settlement conference, the Necessary Party may submit an ex parte application to appear by telephone. The application must be filed and served on each party and /or attorney of record at least 5 court days prior to the mandatory settlement conference.

c. The court in its discretion, may require the personal attendance of a Necessary Party at the mandatory settlement conference even if travel in excess of 150 miles is required.

**CA R MODOC SUPER CT Rule 4.03**

Rule 4.03. Procedures for Telephonic Appearances at Case Management and Pre-Trial Conferences

**A. Who May Appear and Manner of Request.**

1. In general, counsel for parties and self-represented parties may appear telephonically at all Case Management Conferences.
2. An outside vendor (currently "CourtCall") will handle telephonic appearances at conferences. Requests by counsel to appear telephonically at any of the previously mentioned conferences must be submitted directly to the vendor, not to the Court, although notice that the appearance will be telephonic should be sent to the Court in writing prior to the hearing.

**B. Time Limit for Requests to Appear Telephonically.** All requests for telephonic appearance must be made directly to the vendor in sufficient time prior to the scheduled hearing to allow the vendor to schedule the appearance. Failure to submit the request in a timely manner may result in denial of the request and/or a requirement that counsel or unrepresented party appears in person at the conference.

**C. Billing and Non-Taxability of Costs.** The outside vendor will bill all participants directly, at prevailing rates. Costs associated with telephonic appearances are not a taxable cost as authorized by [Code of Civil Procedure § 1033.5](#).

**D. Effect of Failure to File Conference Statement.** In the Court's discretion, a request to appear telephonically may be denied if counsel or unrepresented party has failed to file and serve a conference statement as required by these Local Rules and the Rules of Court.

**E. Order of Appearance.** Order of appearance on the calendar is not determined by receipt of the telephonic requestor notice. The Court will fix the order, and cases will be taken as they appear on the calendar. Cases will not be taken out of order except for good cause.

**F. Initiation of the Call, Standby, and Type of Phone Used.** At the time of the scheduled conference, telephonic participants must contact the vendor at the telephone number provided on the confirmation of the telephonic request. The Court will bring in the participants at the discretion of the Court as to order. Participants must stand by until their matter is called. If the participant is not available when called, the Court may treat his or her absence as a non-appearance and impose appropriate sanctions. In addition, if a participant is not available when called, the Court will conduct the conference despite the absence, and the unavailable participant will be billed for the call. In order to assure a quality record of the proceeding, participants may not use pay, cellular, or speakerphones.

**G. Conducting the Telephonic Proceeding.** After the telephone connections are confirmed, the judge will call the case. The judge will ask for appearances and will direct the manner in which the conference proceeds. Each time a participant speaks, he or she must identify himself or herself for the record. When the judge informs the participants that the hearing is completed, the participants may disconnect.

**H. Cancellation of Telephonic Requests.** Although the Clerk of the Court may notify the outside vendor when a matter that was previously set for telephonic conference is dropped from calendar or continued, it is the responsibility of each participant to cancel his or her telephonic request, by contacting the vendor directly.

**I. Requirement of Compliance; Failure to Comply.** Telephonic appearances at conferences are a privilege extended by the Court. All provisions of this Rule 4.03 require strict compliance. Repeated failures to comply by any given individual may result in permanent denial of the privilege.

### **Ca. Super. Ct. Mono County, Local Rules, rule 5.1**

Rule 5.1

**RULE 5.1.** Parties may appear by telephone in accordance with [Rule 3.670 California Rules of Court](#).

### **Ca. Super. Ct. Monterey County, Local Rules, rule 10.01**

10.01. Law and Motion

## **G. TELEPHONE APPEARANCE IN FAMILY LAW ACTION —**

This rule applies to all family law cases, including domestic violence restraining order cases, except Title IV-D child support proceedings.

Telephone appearances by a party or an attorney for a party may be authorized for appearances at family law status conferences, family centered case resolution conferences, and other hearings, at the discretion of the court. The court may deny or grant a request to appear by telephone if the court determines that it is appropriate to do so in an individual case. A personal appearance is required for domestic violence restraining order hearings, evidentiary hearings, special set hearings, and contempt proceedings when witnesses are expected to be called and cross-examined.

Notice by Party: A party or attorney who wishes to appear by telephone at a family law proceeding must file and serve a Request to Appear by Telephone and Order Thereon (local form CI-139) at least 12 court days before the date set for the hearing or proceeding. Service on the opposing party must be made in time to give notice to the other party at least 12 court days in advance of the court date.

Objections: a party or attorney objecting to the Request for Telephone Appearance may file a pleading objecting to the telephone appearance, which must be filed and served at least 7 court days before the date set for the proceeding.

If approved to make a telephone appearance, teleconferencing is provided through Court Call Service, as set forth in Chapter 6, *Local Rule 6.14*, unless another method is authorized by the judicial officer.

If telephone appearance is granted, the court may change the date and/or time of the scheduled proceeding, in its discretion.

If at any time during a hearing or proceeding while any person is appearing by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance

### **Ca. Super. Ct. Napa County, Local Rules, rule 2.8**

#### 2.8. Telephonic Appearances

**A. Program Overview.** The Napa Superior Court permits telephonic appearances as set forth in [California Rules of Court, rules 3.670](#) and [5.324](#).

1. Preference may be given to cases with telephonic appearances.
2. Hearings are conducted in open court or in private as the court may designate. All attorneys or parties making telephonic appearances call a designated toll-free teleconference number a few minutes before the calendar is scheduled to check in with the clerk. Attorneys or parties remain on the court's speakerphone telephone line and hear the same business as those present in court. Attorneys or parties not participating telephonically appear in person. The court calls cases for hearing. All attorneys or parties on a case participate in the hearing. All present in the courtroom hear the discourse of those making telephonic appearances, unless the case is heard in private.

**B. Appearance Procedure.**

1. An attorney or party making a telephonic appearance must call the court's designated toll-free teleconference line approximately five (5) minutes prior to the scheduled hearing time and check in with the clerk. An attorney or party calling after the check-in period shall be considered late for the hearing and shall be treated by the court in the same manner as if the attorney or party had personally appeared late for the hearing.
2. An attorney or party appearing telephonically shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. A person appearing by telephone must not use the "hold" button, as it is not within the policy of the court to wait for an attorney or party to rejoin the line.

**Ca. Super. Ct. Nevada County, Local Rules, rule 4.00.8**

Rule 4.00.8. Case Management Conference

**B. Mandatory appearance or telephone conference.** The court may require counsel and parties to be personally present in court for a case management conference. Alternatively, the court may conduct the case management conference, in its entirety, pursuant to a telephone conference. If a party intends to appear by CourtCall, the party is to give notice to the other side of this intent. The court may on its own motion change the type of case management conference specified in the original notice. It is the present policy in reviewing files for the case management conference to determine if appearances at the conference are necessary. If it is determined a conference is not necessary, a case management order is issued and the parties are advised that an appearance is not required. At the present time, such orders are posted to the court's website ([www.nevadacountycourts.com](http://www.nevadacountycourts.com)) prior to the scheduled hearing. This policy is subject to change without further notice or amendment of these rules.

**Ca. Super. Ct. Nevada County, Local Rules, rule 5.09**

Rule 5.09. Miscellaneous Provisions; Sanctions

**E. Telephonic Appearances.**

**1. General Provision —**

A party, an attorney, a witness, or a representative of the child support enforcement agency or other governmental agency may request permission of the court to appear by telephone in any hearing or conference. The Court shall ensure that the appearance of one or more parties by telephone does not result in prejudice to the parties appearing in person.

The following matters are currently deemed unsuitable for telephonic appearances:

- a. Any hearing at which witnesses are called to testify absent specific prior authority from the bench officer hearing the case.
- b. Settlement Conferences and final Status Conferences, unless the court orders otherwise.
- c. Any hearing or conference for which the court determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case.

The court reserves the right, at any time, to reject any request for telephonic appearance. When the court rejects a request, it shall notify the telephonic appearance provider and order a refund of deposited telephonic appearance fees.

The court shall also reserve the right to halt the telephonic hearing on any matter and order the attorneys or parties to personally appear at a later date and time, in which case no refund is permitted.

## **2. Requests —**

Absent good cause, request for appearance by telephone in all hearings, except Case Management Conferences, Status Conferences and Pretrial Conferences, shall be made by submitting a separate local form, form number FL16, to the Family Law Clerk's Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk's Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.

## **3. Opposition —**

Opposition to the application must be made in writing no later than five (5) court days from the submission and service of the application for telephone appearance.

## **4. Court Order on Application —**

Application and/or opposition shall be submitted to the judicial assistant for the designated family law judicial officer. All requests and opposition papers must include a day time telephone number and a fax number, if available, for notification purposes. The court will rule on the application at least (5) five court days before the hearing. If the application is not contested and the court has not ruled on the application by that time, the application is deemed granted. If opposition is filed, the parties will be notified of the judicial officer's decision at least 48 hours before the hearing. If a litigant's request to appear telephonically is denied less than (5) five days before the hearing, the litigant shall have the right to a continuance in order to make travel arrangements to attend the hearing. The determination as to whether a party may appear by telephone shall be made by the court on a case-by-case basis. At any time before or during a proceeding or hearing, the court may determine that a personal appearance would materially assist it in deciding the proceeding or hearing and order the matter continued.

## **5. Costs —**

The party appearing by telephone will be required to pay a fee directly to the vendor who provides the telephonic appearance services. The fee may be waived if an Order Granting Fee Waiver has been issued by the court within the prior six (6) months of the date of the telephonic appearance.

### **Ca. Super. Ct. Nevada County, Local Rules, rule 5.08**

Rule 5.08. Trials and Mandatory Settlement Conferences

**E. Case management conference.** A case management conference will be set upon the filing of an at issue memorandum. Participation in the case management hearing is mandatory. In the Truckee Branch, case management shall be by telephonic appearance. In Nevada City, the appearance may be made by telephone. The parties and/or attorneys, in coordination with the court clerk, will make their own telephonic arrangements for case management appearances.

**Ca. Super. Ct. Nevada County, Local Rules, rule 9.07**

Rule 9.07. Video Appearances by Appellate Division Judges

Because of the geographic distance of the Truckee Branch Court to the Nevada City Branch Court, and because judges from other courts may be members of the Appellate Division of this court, pursuant to [California Rule of Court 8.885\(b\)\(1\)\(B\)](#), judges of the Appellate Division may appear at any oral argument conducted by the Appellate Division by appropriate video conference.

**Ca. Super. Ct. Orange County, Local Rules, rule 856**

Rule 856. Informal Arraignments

**C. Methods of Informal Arraignments —**

Attorneys who represent misdemeanor defendants who have no outstanding warrants and who are not in custody may arraign their clients by telephone, facsimile (FAX) machine, or by personally appearing at the Clerk's Office at the location where the case is initially scheduled to be heard. Telephone, facsimile and counter arraignments will be accepted from attorneys only.

**D. Telephone Arraignment**

- 1. An Informal Arraignment by Attorney** form will be completed by the clerk on behalf of the attorney.
- Telephone arraignments will be conducted between 9:00 a.m. and 2:00 p.m. daily (excluding holidays and weekends), no sooner than seven days prior to the scheduled in-court arraignment date and no later than 10:00 a.m. on the scheduled in-court date of arraignment.
- The clerk will set the case for pretrial and jury trial in the normal course of the Court's business: pretrial within thirty days and jury trial within 35 days, both from the date of the informal arraignment. The clerk will file the original **Informal Arraignment by Attorney** form and mail one copy to the attorney for the defendant, and notify the prosecuting attorney of the pretrial and jury trial dates set by the Court.
- The attorney for the defendant must confirm the pretrial and jury trial dates with the Clerk's Office, in writing, within three calendar days of the telephone arraignment.
- Any bail/bond posted or O/R release must remain in force from the date of the telephone arraignment to the next appearance date in the matter. The attorney agrees that any bail/bond or release issues are reserved for the next hearing date.

6. Notice of rejected telephone arraignments will be mailed to the submitting attorney by 5:00 p.m. on the court day following receipt of the request for informal arraignment. If a telephone arraignment is rejected, the defendant and his or her attorney are required to appear in Court on the originally scheduled in-court arraignment date.

#### **F. Facsimile Arraignments**

1. An **Informal Arraignment by Attorney** form is to be completed by the attorney and the original faxed to the Court.

2. FAX arraignments must be received between 9:00 a.m. and 2:00 p.m. daily (excluding holidays and weekends), no sooner than seven and no later than two court days prior to the scheduled in-court arraignment date.

3. The clerk will set the case for pretrial and jury trial in the normal course of the Court's business: pretrial within thirty days and jury trial within 35 days, both from the date of the informal arraignment. The clerk will file the original **Informal Arraignment by Attorney** form and mail one copy to the attorney for the defendant, and notify the prosecuting attorney of the pretrial and jury trial dates set by the Court.

4. The attorney for the defendant must confirm the pretrial and jury trial dates with the Clerk's Office, in writing, within three calendar days of the FAX arraignment.

5. Any bail/bond posted or O/R release must remain in force from the date of the FAX arraignment to the next appearance date in the matter. The attorney agrees that any bail/bond or release issues are reserved for the next hearing date.

6. Notice of a rejected FAX arraignment will be mailed to the submitting attorney by 5:00 p.m. on the court day following receipt of the request for informal arraignment. If a FAX arraignment is rejected, the defendant and his or her attorney are required to appear in Court on the originally scheduled in-court arraignment date.

#### **Ca. Super. Ct. Orange County, Local Rules, rule 373**

Rule 373. Telephonic Appearances

Notification that a party will appear telephonically must be made in accordance with [rule 3.670, California Rules of Court](#).

Individual departments will advise the parties whether telephone calls are to be placed directly to the department or through a private telephone vendor. Instructions for making telephonic appearances and using a private telephone vendor are available in the individual departments and through the Court's website at [www.occourts.org](http://www.occourts.org).

#### **Ca. Super. Ct. Placer County, Local Rules, rule 20.8**

Rule 20.8. Telephonic Appearances - Civil

**A.** Telephonic Appearances for Civil Law and Motion and Other Matters.

**1. Civil Law and Motion —**



Telephonic appearances made through the court's telephonic appearance service are permitted for all civil law and motion matters at all court locations, including the Tahoe Court.

Telephonic appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website ([www.placer.courts.ca.gov](http://www.placer.courts.ca.gov)). There shall be a charge for each telephonic appearance, pursuant to [California Rules of Court, Rule 3.670](#). There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the court's telephonic appearance reservation website. Telephone appearances by cell phones are not permitted.

Any person wishing to appear telephonically for a civil law and motion matter must file *Form CIV-020* (NOTICE OF INTENT TO APPEAR BY TELEPHONE) pursuant to [California Rules of Court, rule 3.670\(h\)](#).

Submitting *Form CIV-020* (NOTICE OF INTENT TO APPEAR BY TELEPHONE) and/or scheduling a telephonic appearance via the court's website shall not excuse the requirement of requesting oral argument pursuant to *Local Rule 20.2.3*.

## **2. Other Matters —**

Telephonic appearances made through the court's telephonic appearance services are permitted for the following matters: (1) Case Management Conferences; (2) Presiding Judge Orders to Show Cause; and (3) Presiding Judge motions.

Telephonic appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website ([www.placer.courts.ca.gov](http://www.placer.courts.ca.gov)). There shall be a charge for each telephonic appearance, pursuant to [California Rules of Court, Rule 3.670](#). There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the court's telephonic appearance reservation website. Telephone appearances by cell phones are not permitted. Please note that telephonic appearances for the Tahoe Court using the court's telephonic appearance service are only available for Case Management Conferences.

**3.** Notwithstanding Local Rule 20.8(A)(1) and 20.8(A)(2), the court may order personal appearance.

## **Ca. Super. Ct. Placer County, Local Rules, rule 20.1.10**

### Rule 20.1.10. Settlement Conferences

Telephone appearances at settlement conferences are highly disfavored. Written requests to appear by telephone must be received by the Master Calendar Department ten (10) days prior to the settlement conference. The Master Calendar Department will notify the requesting person after the court has determined whether to grant the request.

## **Ca. Super. Ct. Placer County, Local Rules, rule 30.17**

### Rule 30.17. Telephonic Appearances — Family Law and Family Support

**A.** Pursuant to [California Rules of Court, rule 3.670](#) and [rule 5.9](#), telephonic appearances may be authorized at the discretion of the court. The Placer Superior Court authorizes telephonic appearances for family law and family support matters at all court locations, including the Tahoe Court, pursuant to this local rule. Personal appearance in family law and family support matters is, however, encouraged.

**B.** Any party wishing to appear telephonically may be required to obtain prior approval for certain hearing types as listed on the court's website ([www.placer.courts.ca.gov](http://www.placer.courts.ca.gov)).

Parties in family law matters must file Local Form PL-FL016 *Request for Telephonic Appearance (Family Law)* at least five (5) court days before the hearing if the hearing type requires judicial approval, except for an emergency request hearing (ERH), in which case the form must be filed by noon the day before the hearing. Such parties must notice the other parties pursuant to Local Form PL-FL016.

A party wishing to appear telephonically in family law matters does not need to file Local Form PL-FL106 if the hearing type does not require judicial approval. In all circumstances, the parties must still provide notice to the other parties of their intent to appear telephonically at least four (4) court days before the hearing using the procedure most likely to provide the earliest possible notice, including, but not limited to, personal delivery or electronic transmission, including fax or email.

If judicial approval has been previously granted for a hearing that is continued by the court, or if approval for a telephonic appearance is granted by a judicial officer on the record and both parties are present in court, no further notice is required and Local Form PL-FL106 does not need to be filed.

Parties in family support matters where local child support agency is providing services under Title IV-D of the Social Security Act must file *Judicial Council Form FL-679 Request for Telephonic Appearance (Governmental)* at least twelve (12) court days before the hearing and must notice the other parties pursuant to [CRC 5.324\(e\)](#) regardless of whether or not the hearing type requires judicial approval.

**C.** Telephonic Appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website ([www.placer.courts.ca.gov](http://www.placer.courts.ca.gov)). Telephonic appearances through a landline phone are preferred and in some hearings may be required by the court.

**D.** Notwithstanding Local Rule 30.17(A), 30.17(B), and 30.17(C), a judicial officer may authorize a telephonic appearance without using the court's telephonic appearance service. This would be a direct telephone call made by the courtroom clerk to the party at the time the matter is called for hearing.

E. Notwithstanding Local Rule 30.17(A), 30.17(B), 30.17(C), and 30.17(D), the court may order personal appearance of a party at any time.

**Ca. Super. Ct. Plumas County, Local Rules, rule 1.8**

1.8. Telephonic Appearances

All counsel are required to be present at any contested hearing; however, counsel may appear telephonically at Case Management Conferences, at trial setting hearings, and for any other hearings where allowed by the Court. Counsel may apply ex parte to the Judicial Secretary for Permission to appear telephonically at a hearing.

Plumas County Courts use CourtCall for telephonic hearings. Counsel are required to contact CourtCall to make arrangements to appear telephonically. The telephone number of CourtCall is 1-888-88COURT.

**Ca. Super. Ct. Riverside County, Local Rules, rule 7610**

Rule 7610. Medication Capacity / Riese Hearings (Facility-Based)

1. Competent and capable security personnel or orderly must be present in the hearing room at all times;
2. A table that is a minimum of 60" wide by 24" deep must be present between the patient and the judicial officer. This table shall be secured to the floor in order to provide a physical barrier. There shall be a minimum of 3'-5" between the edge of the table and the wall behind to accommodate a wheelchair or mobility device and allow the judicial officer sufficient work area;
3. All furniture and potentially dangerous objects in the room shall be secured to the floor; and
4. A separate exit door on the judicial officer's side of the table.

In lieu of the above security requirements, the medical facility may provide video conference equipment to allow the patient and the doctor to appear for the hearing by video. The video equipment must provide two-way video and audio communication compatible with the video conference equipment of the court. The equipment must also provide the ability for the judicial officer to simultaneously view both the patient and the doctor.

**Ca. Super. Ct. Riverside County, Local Rules, rule 5160**

Rule 5160. Appearance by Telephone for Family Law Matters

**A. Request for Telephonic Appearance.** An appearance by telephone requires a court order. The party making the request is responsible to ensure a clear and audible telephone connection on the day of the hearing.

**B.** Except for Department of Child Support hearings, all requests for a telephone appearance must be made on *local form RI-FL679*, filed with the court and served on all parties at least 10 court days before the scheduled hearing. The judicial officer has discretion to grant or deny any request.

**C.** On the day of the hearing, the party granted the telephonic appearance will contact the courtroom and provide their contact number to the court clerk. At the time the matter is called, the court will place one telephone call to contact the party. The court may proceed with the hearing in the event the court cannot contact the party for any reason.

**Ca. Super. Ct. Riverside County, Local Rules, rule 5155**

Rule 5155. Child Custody Recommending Counseling of Custody and Visitation

**D.** Appearances. Parties must personally appear at the child custody recommending counseling appointment. Either party seeking to appear at the appointment by telephone must obtain prior approval from the Assistant Deputy Executive Officer of Mediation Services.

If a telephonic appearance is approved, it is the party's responsibility to contact Family Court Services the day prior to the appointment and provide a telephone number at which he or she can be contacted. On the day/time of the Child Custody Recommending Counseling appointment, the court will contact the party at the number provided.

Children shall not be interviewed telephonically unless approved by the Assistant Deputy Executive Officer of Mediation Services.

**Ca. Super. Ct. Sacramento County, Local Rules, rule 2.04**

2.04. Appearance by Telephone

**(A)** Parties are encouraged to appear by telephone, when appropriate, at all hearings and conferences, except unlawful detainer proceedings, judgment debtor exemptions, claims of exemption, contempt, default, emancipation of minors, name changes, orders of examination, preliminary injunctions, receiverships, writs of attachment and mandatory settlement conferences. Failure to appear by telephone may in the court's discretion be considered in awarding or denying attorney's fees for travel time.

**(B) Notification of Intent to Appear by Telephone. —**

A party wishing to appear by telephone in a particular hearing or conference shall notify the court of his or her intention by any of the following methods:

**(1)** Placing the phrase "Telephone Appearance" below the title of the party's initial moving or opposition papers and all subsequent papers;

**(2)** Personally serving and filing, in the department in which the matter is to be heard, a separate notice at least five court days prior to the hearing;

**(3)** In civil law and motion departments only, parties may request a telephone appearance for matters designated in subsection (A) above by 4:00 p.m. the court day before the hearing.

(C) Failure to appear by telephone may be considered by the court in awarding or denying attorney's fees for travel time.

(D) If a party noticing an intent to appear by telephone subsequently decides to appear in person, that party shall so notify the court and all other parties at least two court days before the hearing.

**(E) Lead Party. —**

The first party noticing an intent to appear by telephone in accordance with subsection (B)(1) or (B)(2) shall be designated the lead party for purposes of this rule. In the event that two or more parties notice their intention to appear by telephone on the same day, those parties shall confer and select one party as the lead party.

**(F) Responsibility of the Lead Party in Matters Other Than Civil Law and Motion. —**

The lead party shall be required to do the following:

(1) Notify the clerk of the appropriate department by telephone at least two court days prior to the date set for the hearing that it is the lead party and obtain from the clerk a specific time in which to place the telephone call constituting the appearance;

(2) Notify all other parties at least 24 hours prior to the hearing that it is the lead party, pursuant to this rule, and of the time for the telephonic appearance;

(3) Arrange the conference call with all other parties noticing an intent to appear by telephone and place the call at the designated time, having all necessary parties on the conference call at the time the court is called.

(G) Any party wishing to appear in person may do so.

(H) The cost of a telephonic appearance shall be borne by the lead party who ultimately places the phone call, unless the parties agree otherwise.

**(I) Court's Authority to Require Personal Appearances. —**

Notwithstanding any other provision of this rule, the court may at any time direct that all parties to a particular proceeding appear in person.

(J) For the purposes of this section, the court has designated CourtCall LLC as its conference call provider. Court Call LLC can be contacted at (888) 88-COURT.

**Ca. Super. Ct. Sacramento County, Local Rules, rule 5.24**

5.24. Telephone Appearance

(A) Except for Title IV-D child support departments which are subject to [Rule 5.324 of the California Rules of Court](#), the court, in its discretion, may permit a party to appear by telephone. A written request for telephone appearance using *Local Form CT-022* shall be filed in the department in which the hearing is set not less than 10 court days before the hearing date.

(B) If the request is made by a restrained party in a domestic violence, civil harassment, or elder abuse proceeding, the request must be filed at least 3 calendar days before the hearing

## **CA R SAN DIEGO SUPER CT Rule 5.2.6**

### Rule 5.2.6. Telephone Appearances in Family Court

- A.** An appearance by telephone requires a court order for all hearings except an FRC. (See [Rule 5.2.2](#))
- B.** All non-ADA requests for a telephone appearance, at hearings other than an FRC, must be made on the *Request to Appear by Telephone and Order* (form SDSC D-259). The request must be filed with the court and served on all parties at least ten court days before the scheduled hearing.
- C.** All telephonic appearances must be made through CourtCall. All arrangements for a telephonic appearance are the obligation of the attorney or party who intends to appear by telephone. CourtCall can be contacted at (888) 882-6878 or at [www.courtcall.com](http://www.courtcall.com)

## **CA R SAN DIEGO SUPER CT Rule 5.2.2**

### Rule 5.2.2. Family Case Resolution Conference (FRC) and Self-Represented Family Case Resolution Conference (SFRC)

(See *Family Center Case Resolution Process-General Information* (form SDSC D-080) for additional information)

#### **A. Scheduling and Service of Notice of FRC or SFRC (collectively referred to as “conference(s)”).**

1. The court will set an initial FRC or SFRC hearing date and issue a *Notice of Hearing* of the conference at the time the petition is filed.
2. The petitioner must serve the respondent with a copy of the notice along with the petition. Petitioner must also serve a copy of the notice on all parties or their attorneys of record who have made an appearance in the case before the scheduled conference.
3. Subsequent conferences may be set and noticed by the court.

#### **B. Attendance.**

1. *FRC.* All parties or their counsel must appear at the conference either in person or by telephone, unless otherwise ordered by the court. See [Rule 5.2.6](#) for the procedures for all telephonic appearances.
2. *SFRC.* All noticed parties must personally attend the conference, unless otherwise ordered by the court.

**C. Alternative Dispute Resolution (ADR) and Reconciliation.** Parties who file a stipulation prior to the conference indicating they are participating in ADR or attempting reconciliation will be exempt from the conference for six months. If a judgment or dismissal is not filed within six months of the filing of the stipulation, the parties will be required to attend the noticed conference.

## **Ca. Super. Ct. San Diego County, Local Rules, rule 4.22.10**

#### Rule 4.22.10. Mandatory Settlement Conference (MSC)

**A. Calendaring:** Before the court will set a trial date, and unless otherwise ordered by the court, a Mandatory Settlement Conference (MSC) will be scheduled by the court in all contested matters except in guardianships and conservatorships of the person only. The MSC will be set at the case management conference. Absent a court order allowing a party to appear by telephone, the parties and their attorneys of record must personally attend the MSC. Counsel and all parties must be present for the calendar call. The court will continue the MSC only for demonstrated good cause. A party seeking a continuance of the MSC must appear ex parte in the department to which the case is assigned. There will be no continuances on the day of the MSC absent extraordinary circumstances.

**B. Settlement Conference Panel:** The court will appoint an attorney pursuant to the qualifications set forth in the [California Rules of Court, rule 2.812](#), as settlement conference judge to each case to assist the parties and trial counsel in reaching a settlement at the MSC. If available, two settlement conference judges will be assigned to more complex cases. Any judge not otherwise engaged may be available for additional assistance.

**C. Meet and Confer Requirements:** Counsel must meet and confer either in person or by telephone at least ten calendar days before the MSC to resolve as many issues as possible and to identify those issues which remain unresolved. The results of this conference will be included in the Settlement Conference Brief.

#### **Ca. Super. Ct. San Diego County, Local Rules, rule 4.6.2**

##### Rule 4.6.2. Telecourt

If an uncontested matter has not been pre-approved or continued by the examiner, counsel may appear by a telephone call, at such date, time and telephone number as designated by the probate judge and posted on the court's website, <http://www.sdcourt.ca.gov>, to seek pre-approval or a continuance. Counsel must be on the phone line when the call is answered, prepared with case number and hearing date and time.

#### **Ca. Super. Ct. San Diego County, Local Rules, rule 2.2.2**

##### Rule 2.2.2. Mandatory Appearance

**A.** The provisions of rules 2.2.2, 2.2.3, and 2.2.4 apply to both voluntary and mandatory settlement conferences unless otherwise ordered.

**B.** All parties, attorneys of record, and others whose authority is required to fully settle the case (including but not limited to insurance adjusters and right-of-way agents) must attend the settlement conference in person unless excused or permitted to attend by telephone as provided in section D below. If a party is not a natural person, a representative of that party with authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or a legislative body, a representative with

authority to recommend such agreement, must attend the settlement conference in person, unless excused or permitted to attend by telephone as provided below.

**C.** If any party is insured under a policy of insurance that provides or may provide coverage for a claim that is a subject of this action, a representative of the insurer with authority to settle or recommend settlement of the claim must attend the settlement conference in person, unless excused or permitted to attend by telephone as provided in section D below. The party must notify each insurance carrier of the date, time and place of the settlement conference and of the carrier's duty to attend with full settlement authority.

**D.** A party or participant may submit to the court a written request to be excused from personal attendance at a settlement conference provided that the party or participant will be available by telephone for the duration of the settlement conference. Such requests must be served on all parties at least five court days prior to the settlement conference. If the settlement conference is to be heard by a temporary judge, such requests must be submitted to the independent calendar department to which the case is assigned.

**E.** If a party is excused from personal attendance at the settlement conference, counsel appearing on behalf of the party must be completely familiar with the case and must have authority to make an initial demand or counteroffer in a specific amount.

**F.** If a party or participant fails to appear, is not fully prepared, or fails to participate in good faith, the court may continue the hearing and/or impose sanctions against the offending party or counsel. If the settlement conference proceeds as scheduled, the orders made will not be subject to reconsideration due to counsel's unfamiliarity with the case at the time of the hearing.

### **Ca. Super. Ct. San Francisco County, Local Rules, rule 11**

Rule 11 — Family Law

**4. Appearance by Telephone.** The Court may grant a properly noticed request for a party to appear by telephone if the Court determines that a telephone appearance is appropriate. Any party seeking to appear by telephone must follow the procedure set forth in LRSF 11.7(D)(4), below.

#### **D. Court Hearings.**

##### **4. Appearance by Telephone.**

**a. Departments 403, 404, and 405 Only.** Upon request or on the Court's own motion, the Court may permit a party to appear by telephone at a hearing, conference, or proceeding if the Court determines that a telephone appearance is appropriate. A party seeking to appear by telephone must comply with all of the following in order to obtain a Court order permitting a telephone appearance.

**(i) Contents and Filing of Application.** An application for telephonic appearance must be made by filing an *ex parte* application at least ten calendar days prior to the hearing. The application



must be made on SFUFC Form 11.7D(1), APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE. The application and declaration must include: 1) the reason for the request; 2) a telephone number that accepts collect calls where the party can be reached between 9:00 a.m. and 12:00 p.m. on the day of the hearing; and, 3) a telephone number that accepts collect calls and messages where the party can be reached for notification of the court's ruling on the application. A proposed order on SFUFC 11.7D(2), PROPOSED ORDER FOR TELEPHONIC APPEARANCE, must be submitted with the APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE.

**(ii) Notice.** The party filing the APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE must give notice by telephone to all other parties prior to filing the application and must file a declaration on the local form, DECLARATION REGARDING NOTICE OF APPLICATION FOR TELEPHONIC APPEARANCE with the application. The declaration must include the date, time, and method of notice. The court will not consider an APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE that does not include a DECLARATION REGARDING NOTICE OF APPLICATION FOR TELEPHONIC APPEARANCE.

**(iii) Time to Respond.** A party must file any objection to an APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE at least seven calendar days prior to the hearing. The objection must be filed on pleading paper and must include the hearing date and department in the pleading title.

**(iv) Order.** If the application is granted, the courtroom clerk will notify the party who filed the application by telephoning the party at the number provided in the application by 5:00 p.m. at least five calendar days prior to the hearing. If the courtroom clerk does not contact the party, the party must assume the Court denied the application. Any order granting a telephonic appearance must pertain only to the hearing for which the application was made.

**(v) Hearing Procedures.** If the Court grants the APPLICATION AND DECLARATION FOR TELEPHONIC APPEARANCE, the party appearing by telephonic must be available at the telephone number designated in the application between 9:00 a.m. and 12:00 p.m. (Pacific Time Zone) on the date of the hearing. The Court will telephone the party collect when the matter is called on the calendar. If the Court is unable to contact the party due to the non-operation of the telephone, the inability of the telephone to accept collect calls, or for any other reason, the Court will proceed with the hearing as if the party failed to appear.

**b. Department 416 Only.** Upon request or on the Court's own motion, the Court in its discretion may permit a telephonic appearance in any hearing or conference when the Department of Child Support Services is providing services under title IV-D of the Social Security Act. See [CRC §5.324](#) and [3.670](#), and SFUFC Form 11.7D(3) ("Information on Title IV-D Telephone Appearances in Department 416").

**Ca. Super. Ct. San Francisco County, Local Rules, rule 10**

Rule 10 — Discovery and Civil Miscellaneous

**B. Discovery Department Motions May be Heard by Temporary Judges. —**

At the discretion of the Presiding Judge or his or her designee, some or all of the matters assigned to the Discovery Department may be heard by a member of the California State Bar who meets all the requirements set forth in [CRC 2.812](#) to serve as a temporary judge. Prior to the hearing on any motion assigned to be heard by a Temporary Judge, all parties to the motion will be asked if they will sign a stipulation agreeing that the motion may be heard by the Temporary Judge. If all parties to the motion sign the stipulation, the hearing will proceed before the Temporary Judge who will decide the motion with the same authority as a Superior Court Judge. If a party appears by telephone, the stipulation may be signed via fax or consent to sign may be given by email. If a party does not appear at the hearing, the party will be deemed to have stipulated that the motion will be decided by the Temporary Judge with the same authority as a Superior Court Judge. If not all parties to the motion sign the stipulation, the Temporary Judge will hold a hearing and issue a report and recommended ruling to the Law and Motion Department and the judge presiding in the Law and Motion Department will, at a later date, hold a hearing on the motion and decide it

**Ca. Super. Ct. San Francisco County, Local Rules, rule 8**

Rule 8 — Civil Law and Motion / Writs and Receivers and Housing Court

**8.2 Law and Motion Calendar.**

**A. Hearing.**

**3. Appearance by Telephone.** Parties may appear by telephone at all hearings unless such permission is expressly denied by the judicial officer presiding over the hearing. Telephone appearances must be arranged through Court Call by calling 1-888-88-COURT.

**8.3 Tentative Rulings.**

**G.** The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the substantive portion of the tentative ruling and must bring the proposed order to the hearing even if the motion is not opposed or the tentative ruling is not contested. If the prevailing party is appearing at the hearing by telephoner, the proposed order may be sent to the court by an email to [contestdept302tr@sftc.org](mailto:contestdept302tr@sftc.org). If the proposed order is for a summary judgment and/or adjudication motion, the proposed order must comply with the requirements of [CCP §437c\(g\)](#). If the proposed order is for a motion, such as a motion to withdraw as counsel, where there is a Judicial Council form order, the prevailing party should complete the Judicial Council form as the proposed order.

**Ca. Super. Ct. San Joaquin County, Local Rules, rule 3-103**

3-103. Telephone Appearances

**A.** Subject to the provisions of this rule, parties may appear at case management conferences, law and motion hearings, and fast track hearings by telephone. For ex-parte matters, only defendants or respondents may appear by telephone. The moving party on an ex parte matter must personally appear unless such personal appearance is excused by the Judge assigned to hear the matter. (Eff. 01/01/14)

**B.** All persons appearing telephonically must use the telephonic services designated by the court.

**C.** Each party or counsel wishing to appear by telephone shall be available on the date of the hearing at the designated time and shall be responsible for contacting the teleconferencing service. Such party or counsel shall remain available until completion of the hearing of the matter. Failure to remain immediately available as required by these rules will be deemed a non-appearance at the hearing and may result in sanctions.

**D.** For good cause shown, the court may deny a request for telephone appearance, or require that a party or counsel be personally present at any hearing.

### **Ca. Super. Ct. San Luis Obispo County, Local Rules, rule 7.13**

#### Rule 7.13. Telephonic Appearances

##### **A. Program Overview**

**1.** The CourtCall Telephonic Appearance Program ("CourtCall") organizes a procedure for telephonic appearance by attorneys as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no attorney is required to utilize CourtCall. Rather, CourtCall is available at a reasonable fixed fee to use when circumstances are appropriate.

**2.** Designated courts conduct hearings on calendar in the usual manner, with the only difference being that hearing order preference is given to cases with CourtCall Appearances, unless the court exercises its discretion to call cases in a different order.

**3.** Hearings are conducted in open court or in private as the Court may designate. All attorneys making CourtCall Appearances call a designated toll free teleconference number a few minutes before the calendar is scheduled, to check in with the clerk. Attorneys remain on the court's speaker phone-telephone line and hear the same business that those present in the court may be hearing. Attorneys not participating telephonically appear in person. The court calls cases for hearing. All attorneys on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances.

**4.** CourtCall Appearances are scheduled, in writing, in advance, by counsel serving on all other counsel and pro-se parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance.

##### **B. Participation in CourtCall Appearances**

## **1. Courts**

**(a)** Judges and Commissioners may volunteer to participate in CourtCall. Each participating court must give calendar hearing order preference to cases which include attorneys making CourtCall appearances, except under unusual circumstances as determined by the court.

**(b)** Subject to the court's right to amend this list, the following matters are currently deemed unsuitable for CourtCall appearances.

**1.** Judgment Debtor Examinations

**2.** Mandatory Settlement Conferences;

**3.** Hearings at which oral testimony may be presented;

**4.** Hearings in which oral argument is anticipated to exceed 15 minutes.

**(c)** The court reserves the right, at any time, to reject any Request for CourtCall appearance. When the court rejects a request, it must order a refund of deposited telephonic appearances fees and notify CourtCall, LLC.

**(d)** The court shall also reserve the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.

**(e)** If a matter is continued prior to the actual hearing date the prior filing of a Request for CourtCall appearance form must remain valid for the continued date of the hearing.

**(f)** Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing must apply to hearings at which CourtCall appearances are made. No recordings may be made or telephonic appearances except in compliance with [California Rule of Court 1.150](#).

## **2. Attorneys**

**(a)** Attorneys electing to make a CourtCall appearance must serve on all other parties in the case the Request for CourtCall appearance form, fax a copy of the form to CourtCall, LLC and pay the CourtCall appearance fee in the method prescribed, not less than five court days before the hearing date.

**(b)** When the Request for CourtCall appearance is made at the same time as the filing of the hearing document or response, in addition to the Request for CourtCall appearance form, the words "CourtCall Appearance Requested" must be printed below the department, date, and time of the hearing on the first page of the papers filed with the court.

### **C. Appearance Procedure**

**1.** An attorney making a CourtCall appearance must:

**a.** Eliminate to the greatest extent possible all ambient noise from the attorney's location;

**b.** Be required, during the attorney's appearance, to speak directly into the telephone handset;

**c.** Not call in with cellular or cordless telephone devices or through a personal computer.

**2.** An attorney making a CourtCall appearance must call the court's designated toll free teleconference line approximately 5 minutes prior to the scheduled hearing time and check in with the clerk. An attorney calling after the check-in period must be considered to be late for the hearing and must be treated by the Court in the same manner as if the attorney had personally appeared late for the hearing.

**3.** An attorney appearing telephonically must state his or her name for the record each time the attorney speaks and must participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney must not utilize the "hold" button, as it is not within the policy of the Court to wait for an attorney to rejoin the line.

### **Ca. Super. Ct. San Mateo County, Local Rules, rule 4.2**

#### **Rule 4.2. Hearing**

#### **D. Telephonic Appearances**

**(1)** Telephonic appearances on the probate calendar are governed by [California Rules of Court, Rule 3.670](#).

**(2)** Judicial Approval. Telephonic appearances through the use of an independent vendor, currently CourtCall, are permitted at certain probate hearings. Telephonic appearances are not permitted for initial conservatorship and guardianship appointments ([Probate Code, §1514, §1825](#)), petitions for Temporary Restraining Orders (e.g., elder abuse cases) or any other matters within the court's discretion. See *Rule 4.6*

**(3)** Procedure. A party wishing to make a telephone appearance that has been permitted by the court must serve and file a Request for Telephone Appearance Form with CourtCall not later than 4:30 p.m. on the first court day prior to the appearance. Copies of the Request For CourtCall Appearance form and accompanying information sheet are available in the Clerk's office. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. CourtCall will fax confirmation of the request to parties.

On the day of the hearing, counsel and parties appearing by CourtCall must check-in five minutes prior to the hearing. Check-in is accomplished by dialing the courtroom's dedicated toll-free teleconference number and access code that will be provided by CourtCall in the confirmation. Any attorney or party calling after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing.

**(4)** Referral to ADR. At the hearing, parties may be referred to an appropriate dispute resolution ("ADR") process (e.g., mediation, arbitration or neutral evaluation). If parties are referred to ADR, they must redial the dedicated toll-free teleconference number immediately following their appearance and use a second CourtCall access code to telephonically appear at the ADR referral meeting with court ADR staff. If a case has been referred to ADR, a party's

court appearance is not complete until they have also telephonically appeared at the mandatory ADR referral. See also ADR Rule 4.01

**Ca. Super. Ct. Santa Barbara County, Local Rules, rule 1005**

1005. Appearance by Telephone

**(a) [Telephone Appearance Program;]** The Court has established a Telephone Appearance Program pursuant to [CRC 3.670](#).

**(b) [Fees and Costs]** Counsel who request(s) to appear by telephone shall pay the costs of any conference calls and shall pay any additional required court fee at the time the motion to appear by telephone is filed with the clerk's office. The costs of any telephone call(s) involved in such a hearing shall be charged to the first counsel requesting to appear by telephone. Should counsel wish to apportion charges amongst themselves, such arrangements shall be made by counsel without any court intervention. The court is not responsible for the costs of any telephone calls and will not hear any dispute regarding the allocation of such costs between any attorneys appearing by telephone.

**(c) [Conference Procedure]** When counsel appear by telephone, they shall speak one at a time and shall state their name for the record each time they speak. If counsel does not participate in a conference call after requesting to present oral argument by telephone, the matter shall be deemed submitted by such counsel.

**(d) [Court Limitations; Calling Responsibilities]** The court reserves the right to limit the number of matters designated for telephonic oral argument on any day in departments assigned for hearing such matters. Counsel requesting telephonic argument in any matter in which oral argument by telephone has been approved by the court shall place a telephone call to the number designated by the court at least five minutes before the time scheduled by the court for telephonic oral argument. If multiple requests to appear by telephone have been granted, the moving party shall place the conference call.

**Ca. Super. Ct. Santa Clara County, Local Rules, rule 6**

Rule 6. Case Status Conference (Status Conference), Settlement, Family Centered Case Resolution (CRC), Long Cause Hearings and Trials

**B. CASE STATUS CONFERENCE (STATUS CONFERENCE)**

**(3) ATTENDANCE**

**a.** Attorneys and self-represented parties shall attend each Status Conference unless excused in advance by the Court, the case has been dismissed, or a Judgment resolving all issues has been entered. An initial Status Conference will be continued if an SOC is calendared before the Status Conference. Parties represented by an attorney do not have to attend a Status Conference unless ordered by the Court to appear.

**b.** In accordance with [Cal. Rules, Rule 3.670](#), the Court has contracted with CourtCall, LLC, to provide teleconferencing services for Status Conference and CRC appearances, except for cases

before a Child Support Commissioner. At least 10 calendar days before the scheduled Status Conference or CRC, an attorney or party must contact CourtCall at (888) 88-COURT to arrange the telephonic appearance and pay the required fee for CourtCall's service. On the day of the Status Conference or CRC, those appearing by telephone must call the toll-free teleconference line designated by CourtCall at least five minutes before the Status Conference or CRC. On a case by case basis, the Court may require personal attendance at any Status Conference or CRC.

c. Any self-represented litigant who wants assistance from the Court's Self-Help Center on the day of the Status Conference or CRC must appear in person.

### **C. SETTLEMENT OFFICER CONFERENCE (SOC) AND CASE STATUS CONFERENCE**

#### **(3) PROCEDURES**

b. All attorneys and parties shall attend the SOC in person, although the Court may permit parties to attend by telephone so long as the request has been made in advance of the SOC. The parties are required to make all arrangements for calling in at the scheduled date and time through the Calendar Clerk.

### **F. MANDATORY SETTLEMENT CONFERENCE (MSC)**

#### **(2) MANDATORY ATTENDANCE —**

All parties shall attend the MSC fully prepared for trial on all calendared unresolved issues. Attorneys shall hold at least one face-to-face or telephone settlement discussion and have made a full exchange of all relevant information before the MSC. If a party lives outside of California, the Court may exempt that party from appearing if requested in advance, and (1) the party is available on telephone standby and (2) the other party has been previously notified by letter.

#### **Ca. Super. Ct. Santa Clara County, Local Rules, rule 8**

Rule 8. Pretrial Motions and Ex-Parte Proceedings

#### **E. TENTATIVE RULINGS —**

The Court follows [CRC 3.1308\(a\)\(1\)](#) for those departments that have elected to issue tentative rulings in civil law and motion and discovery matters. Counsel and litigants are responsible for determining whether the department hearing their motion has made this election. Those departments issuing tentative rulings will do so generally by 2:00 p.m., and no later than 3:00 p.m., on the court day preceding the scheduled hearing. If the Court has not directed oral argument, a party contesting a tentative ruling must give notice of its intention to appear to the other side and the Court no later than 4:00 P.M. on the court day preceding the scheduled hearing. Appearances may be by telephone (through CourtCall) or in person. The tentative ruling will automatically become the order of the Court on the scheduled hearing date if the Court has not directed oral argument and if the contesting party fails to timely notice an objection to the other side and the Court. Tentative rulings will be posted on the Court's website, [www.scscourt.org](http://www.scscourt.org), where further information may be found. If a party does not have access to the internet, the tentative ruling may be accessed by calling Court Services at (408)

882-2515. Questions about these procedures may be addressed to the specific department where the matter is to be heard.

### **CA Super Ct. Santa Clara County Local Rules Rule 12**

#### Rule 12. Telephonic Appearances

**A. Proceedings in Which Permitted.** Unless otherwise ordered, parties may appear by telephone at a case management conference, trial setting conference, or at a hearing for dismissal review, arbitration or mediation status review, law and motion, and discovery matters. A party may appear by telephone for other matters only by leave of Court.

**B. Private Vendor to Provide Teleconferencing Services.** In accordance with [CRC 3.670](#), the Court has contracted with CourtCall, LLC to provide teleconferencing services for court appearances. A party who chooses to appear by telephone must submit to CourtCall, at least 3 court days before the appearance, the CourtCall form requesting telephonic appearance together with the fee for CourtCall's service. Information as to the form and fee may be obtained directly from CourtCall at 1-888-88-COURT.

**C. Notice by Party.** A party who chooses to appear by telephone will satisfy the requirement of [CRC 3.670](#) for notice to the Court by timely providing to CourtCall the CourtCall telephonic appearance request form, which CourtCall will promptly fax to the Court. A party who chooses to appear by telephone must notify all other parties of the party's intent to appear by telephone in the manner required by [CRC 3.670](#).

**D. Availability/Protocol.** A party appearing by telephone must call the toll free teleconference line designated by CourtCall at least 5 minutes before the scheduled conference or hearing, to check in.

A party appearing by telephone must be available from the commencement of the applicable calendar until the completion of the party's conference or hearing, and must (a) eliminate to the greatest extent possible all ambient noise from the party's location, (b) speak directly into a telephone handset, (c) not call in with a cellular or cordless telephone device or through a personal computer, and (d) not use the "hold" button. A party appearing by telephone must state his or her name for the record each time the party speaks, and must participate in the hearing with the same degree of courtesy and courtroom etiquette required for a personal appearance.

**E. Continuance.** If a party requests a continuance of a conference or hearing after another party has timely notified the Court of an intent to appear by telephone, the party requesting the continuance must contact CourtCall to reschedule any telephonic appearances if the continuance is granted.

### **Ca. Super. Ct. Santa Cruz County, Local Rules, rule 3.1.02**

#### Rule 3.1.02. Telephone Appearance

**(a)** *Local rules 2.6.02 and 2.6.03* apply to family law matters (excluding ex partes).

**(b)** CourtCall may be used to appear at a status conference without prior approval of the court.



(c) An attorney, not a party to the case, may use CourtCall to appear at any court hearing.

(d) For all other family law matters a litigant must apply for prior approval to appear by phone by using local for *SUP CV1093*, no later than ten (10) calendar days before the hearing.

**Ca. Super. Ct. Shasta County, Local Rules, rule 15.16**

Rule 15.16. Telephonic Appearances

(A) Counsel are permitted to appear by telephone on the probate calendar. Unless otherwise ordered by the court, telephonic appearances will not be allowed at any proceeding at which witnesses will be called to testify or at settlement conferences.

(B) Unless leave of court is obtained to contact the court directly by telephone, all telephonic appearances shall be through a private vendor with which the court has made arrangements to provide teleconferencing services. Counsel wishing to appear by telephone must contact the vendor, Court Call at (888) 882-6878 prior to the hearing and comply with the vendor's procedures.

(C) Notwithstanding any other provision of this rule, the court may at any time require the personal appearance of any party.

**Ca. Super. Ct. Shasta County, Local Rules, rule 5.17**

Rule 5.17. Law and Motion Matters

(A) **Law and Motion Calendars.** All demurrers, motions and other applications for orders (except ex parte applications), and any other matters in connection with "general civil actions" as defined in [California Rules of Court, Rule 1.6\(4\)](#), customarily heard and determined as law and motion matters shall be set on each Monday in the department to which the action has been assigned for all purposes. However, when Monday is a court holiday such matters shall be set for the following court day, absent other or further order of court.

(B) **Telephone continuances.** A telephone continuance will not be granted except upon a call made before the day of the scheduled hearing from counsel for the moving party, or the moving party is appearing in pro per, in which a representation is made that all parties affected by the motion have agreed to the continuance. The continuance shall be to a date certain, and shall be confirmed forthwith by letter to the Clerk. The continuance shall be reflected in the file. The giving of notice to all parties of the date to which the matter is continued is the responsibility of the moving party.

(C) **Tentative rulings.** This Court does not follow the procedures described in Rules of Court, [Rule 3.1308\(a\)](#). Tentative rulings appear on the calendar outside the court department on the date of the hearing, pursuant to [California Rule of Court, Rule 3.1308\(b\)\(1\)](#). As a courtesy to counsel, the court also posts tentative rulings no less than 12 hours in advance of the time set for hearing. The rulings are posted on the court's website ([www.shasta.courts.ca.gov](http://www.shasta.courts.ca.gov)) and are available by clicking on the "Tentative Rulings" link. A party is not required to give notice to the Court or other parties of intent to appear to present argument.

**(D) Proposed orders.** The moving party shall submit a proposed order at the time of filing any demurrer, motion or other application for order.

**Ca. Super. Ct. Shasta County, Local Rules, rule 5.13**

Rule 5.13. Telephonic Appearances

**(A)** Counsel are permitted to appear by telephone in civil law and motion hearings, including ex parte applications and conferences set by the court for the purpose of case status or review. Unless otherwise ordered by the court, telephonic appearances will not be allowed at any proceeding at which witnesses will be called to testify or at settlement conferences.

**(B)** Unless leave of court is obtained to contact the court directly by telephone, all telephonic appearances shall be through a private vendor with which the court has made arrangements to provide teleconferencing services. Counsel wishing to appear by telephone must contact the vendor, Court Call at (888) 882-6878 prior to the hearing and comply with the vendor's procedures.

**(C)** Notwithstanding any other provision of this rule, the court may at any time require the personal appearance of any party.

**Ca. Super. Ct. Sierra County, Local Rules, rule 1.1**

Rule 1.1. Name, Citation and Effective Date

**(d) Telephonic Appearance.** All counsel are required to be present at any contested hearing. Counsel may appear telephonically at all uncontested hearings, such as a Case Management Conference.

If counsel wish to appear telephonically for a contested hearing, permission must first be granted by the Court. Counsel may apply *ex parte* to the Judicial Secretary for such permission.

Sierra County Courts use CourtCall for telephonic hearings. Counsel are required to contact Courtcall to make arrangements to appear telephonically. The telephone number of CourtCall is 1-888-88COURT.

**Ca. Super. Ct. Siskiyou County, Local Rules, rule 4.03**

4.03. Procedures for Telephonic Appearances at Case Management and Pre-Trial Conferences

**A. Governing Rules Of Court; Application** —

[Rule 3.670 of the California Rules of Court](#) governs telephonic appearances by counsel and parties in case management matters. The Court expects strict adherence to the requirements of both [Rule 3.670](#) and this Local Rule, particularly with regard to giving notice as prescribed by [CRC Rule 3.670](#). In general, telephonic appearances will be allowed at all case management or pre-trial conferences, except for settlement conferences and trial management conferences.

**B. Vendor; Manner And Timing Of Requests** —

The Court uses a private vendor (currently "CourtCall") to facilitate telephonic appearances. Any attorney or party who intends to appear telephonically must make his or her request

directly to the vendor. The current telephone number for making such requests is 1-888-882-6878. This number is subject to change, but can be confirmed with the Court's judicial services coordinator.

Any and all requests to the private vendor for assistance with a telephonic appearance must be made at least three (3) court days prior to the scheduled conference.

**C. Billing And Costs** —

The outside vendor will bill all participants directly, at prevailing rates. Costs associated with telephonic appearances are not taxable costs as authorized by [Code of Civil Procedure §1033.5](#).

**D. Initiation And Conduct Of The Telephonic Proceeding** —

Shortly before the time of the case management conference or other pre-trial proceeding, every participant who has requested a telephonic appearance must contact the vendor at the telephone number provided on the vendor's confirmation of the request. Telephonic appearances will be operator-assisted. The vendor's operator will bring in participants at the direction of the Court, and will remain on the line until the last case on the calendar for which a telephonic appearance has been requested. **In order to ensure a quality record of the proceeding, participants should avoid the use of pay, cellular, or speaker phones.**

**E. Cancellation Of Request For Telephonic Appearance** —

Although the Court's judicial services coordinator may notify the private vendor when a matter that was previously set for telephonic appearance is dropped from calendar or continued, it is the responsibility of each participant to cancel his or her telephonic request by contacting the vendor directly.

**Ca. Super. Ct. Solano County, Local Rules, rule 3.10**

Rule 3.10. Telephonic Appearances

Litigants wishing to appear by telephone per [California Rules of Court, rule 3.670](#), shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, unless the court has designated a different provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

**Ca. Super. Ct. Solano County, Local Rules, rule 4.12**

Rule 4.12. Miscellaneous

**h. TELEPHONIC APPEARANCES** —

Litigants wishing to appear by telephone per [California Rules of Court, rule 3.670](#), shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted, unless the court has designated a different provider. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Counsel wishing to avail themselves of this

service shall note and follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

**Ca. Super. Ct. Sonoma County, Local Rules, rule 10.37**

10.37. Appearance by Telephone (Dependency Proceedings)

**A. General Provisions —**

A party in a dependency proceeding may request permission to appear by telephone in any hearing or conference. The court shall ensure that the appearance of one or more of the parties by telephone does not result in prejudice to the parties appearing in person. The court will disfavor any request for a parent who is physically able to appear in court and lives within the State of California.

**B. Requests —**

A request for appearance by telephone shall be made by letter or other ex parte application at least five (5) court days before the hearing. The request shall be submitted to the court with copies served on all parties.

**C. Opposition —**

Opposition to the request for appearance by telephone may be made to the court at least three (3) court days before the hearing with copies served on all parties.

**D. Court Order and Ruling —**

The court will rule on the request for telephone appearance at least two (2) court days before the hearing and issue a written order that will be served on all parties.

**Ca. Super. Ct. Sonoma County, Local Rules, rule 9.14**

9.14. Child Custody

**2. Appearing by Telephone —**

Party(ies) may appear telephonically for their appointment at Family Court Services if they are 60 miles or more driving distance, in one direction, from the Family Court Services Office. Party(ies) shall contact Family Court Services by telephone at (707) 521-6800 no later than one day before the scheduled appointment to make arrangements to appear by telephone for the appointment.

**Ca. Super. Ct. Sonoma County, Local Rules, rule 9.12**

9.12. Ex Parte/Emergency Family Law Orders

**E. Judicial Review —**

Judicial review of the applications for ex parte/emergency family law orders shall be conducted Monday through Friday beginning at 10:00 a.m. by a judicial officer designated by the Presiding Judge.

At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the day of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

**Ca. Super. Ct. Sonoma County, Local Rules, rule 9.11**

9.11. Domestic Violence Restraining Orders (Family Code §§ 6200-6389)

Notice and Delivery of Applications for Domestic Violence Temporary Restraining Orders, including copies of all documents to be submitted must be given to the opposing party or attorney by 10:00 a.m. the day before the application is scheduled to be reviewed by the assigned judicial officer. For details see local form FL-016.

Opposition papers may either be submitted in person at the Sonoma County Court Clerk's Office, Family Law Division, 3055 Cleveland Avenue, Santa Rosa, or faxed to the court at (707) 521-6763 by 8:30 a.m. on the day of the review. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, an ex parte declaration shall be filed providing the reasons for the lack of service. (Sonoma County form FL-016).

Judicial review of the requests for temporary orders shall be conducted Monday through Friday beginning at 8:30 a.m. by a judicial officer designated by the presiding judge. At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the morning of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

**Ca. Super. Ct. Sonoma County, Local Rules, rule 9.6**

9.6. Appearance by Telephone

**A. Application —**

This rule does not limit the operation of [Family Code section 4930](#) or apply to Family Court Services Appointments. To request to appear telephonically for mediation at Family Court Services, refer to *Rule 9.14.A.2*. This rule does not apply when the Department of Child Support Services is requesting the telephonic appearance on behalf of one of the parties. If Department of Child Support Services is the requesting party, they shall make the request as soon as possible after the request is made of them by the party.

**B. General Provision —**

A party, an attorney, a witness, or a representative of the child support enforcement agency or other governmental agency may request permission of the court to appear by telephone in any hearing or conference. The Court shall ensure that the appearance of one or more parties by telephone does not result in prejudice to the parties appearing in person.

**C. Requests —**

Absent good cause, request for appearance by telephone shall be made by submitting a separate local form, form #FL-075, to the Family Law Clerk's Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk's Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.

**D. Opposition** —

Opposition to the application must be made in writing no later than five (5) court days from the submission and service of the application for telephone appearance.

**E. Court Order on Application** —

Application and/or opposition shall be submitted to the judicial assistant for the designated family law judicial officer. All requests and opposition papers must include a day time telephone number and a fax number, if available, for notification purposes. The court will rule on the application at least (5) five court days before the hearing. If the application is not contested and the court has not ruled on the application by that time, the application is deemed granted. If opposition is filed, the parties will be notified of the judicial officer's decision at least 48 hours before the hearing.

If a litigant's request to appear telephonically is denied less than (5) five days before the hearing, the litigant shall have the right to a continuance in order to make travel arrangements to attend the hearing.

The determination as to whether a party may appear by telephone shall be made by the court on a case-by-case basis. At any time before or during a proceeding or hearing, the court may determine that a personal appearance would materially assist it in deciding the proceeding or hearing and order the matter continued.

**F. Costs** —

The party appearing by telephone will be required to pay a fee directly to the vendor who provides the telephonic appearance services. The fee may be waived if an Order Granting Fee Waiver has been issued by the court.

**Ca. Super. Ct. Stanislaus County, Local Rules, rule 3.02**

3.02. Case Management

**D. Telephone Appearances** —

Unless specifically ordered to appear in person, parties may appear telephonically through Court Call, (888) 882-6878 or (310) 572-4670. CourtCall is the agent for the calling party and is not an agent of the Court.

Notice to use Court Call for a Case Management Conference must be given to Court Call and all counsel or unrepresented litigants no later than **five (5)** court days prior to the Case Management conference date.

Notice to use Court Call for Court's Motion to Dismiss, OSC to counsel, or Law and Motion hearings must be given to Court Call and all counsel or pro pers by no later than 4:00 p.m. the Court day before the hearing.

If such advanced notice is not timely given, personal appearance at the Case Management Conference is mandatory.

**Ca. Super. Ct. Tehama County, Local Rules, rule 3.00**

Rule 3.00. Civil Trial Court Delay Reduction Rules

**Section 3.70**

**(a)** Counsel for all parties will attend each Case Management Conference and be sufficiently familiar with all matters, so that they may discuss the facts of the case and legal proceedings, both past and anticipated. However, except upon court order, counsel and parties are not to attend a Case Management Conference in a limited jurisdiction case.

**(b)** At each conference, the Court will attempt to identify those cases that may be protracted and those that may be amenable to settlement, reference or arbitration.

The Court shall, by order, select a date to complete the next step in the litigation process and such date may not be extended by stipulation.

**(c)** Telephone appearances may be permitted by the judge assigned to the Case Management Conference. Counsel and self-represented parties may appear by telephone unless notified to the contrary by the Court within a reasonable time prior to the Case Management Conference. The Court may order those appearing to arrange for teleconferencing.

**Ca. Super Ct. Tulare County Local Rules Rule 108**

Rule 108. CourtCall Telephonic Appearance of Counsel/Parties

**Contact CourtCall at 888-882-6878, no later than five court days prior to the hearing, and give notice to the court and other parties of your plans to appear telephonically.**

**(a) General Information**--The CourtCall Telephonic Appearance Program ("CourtCall") organizes a procedure for telephonic appearance by attorneys and/or parties as a reasonable alternative to personal appearance in appropriate cases and situations. CourtCall is fully voluntary, and no attorney is required to utilize CourtCall if he/she would rather make a personal appearance. CourtCall is available at a reasonable fixed fee to use when circumstances are appropriate. The party wishing to appear telephonically must check with the clerk of the department to see if the judicial officer in charge of that department allows a telephonic appearance.

**(b) Request for Permission and Notice**--As stated above, the request to appear telephonically must be made directly to CourtCall at 888-882-6878, no later than five court days prior to the hearing. The party must give notice to the court and other parties of their plans to appear telephonically. All participants in CourtCall agree to abide by the rules of CourtCall, which they may obtain from CourtCall, and to pay in advance as required by CourtCall, directly to CourtCall.

No cellular telephone may be used. The participant must call from a quiet place in order to hear, and be heard, without disruption to the court.

(c) The court reserves the right, at any time, to reject any request for CourtCall appearance. When the court rejects a request, it will order a refund of deposited telephonic appearance fees and notify CourtCall.

#### **Ca. Super. Ct. Tuolumne County, Local Rules, rule 4.12.00**

##### 4.12.00. Telephone Appearances

**4.12.00. Telephone Appearances:** Telephone appearances for family law matters must comply with [California Rules of Court, Rule 5.9](#), as follows:

a. This rule applies to all family law cases, except for actions for child support involving a local child support agency. [Rule 5.324](#) governs telephone appearances in governmental child support cases.

b. Telephone appearance: Upon written request at least three (3) court days prior to the hearing, conference, or proceeding, the Court may permit a party to appear by telephone at a hearing, conference, or proceeding, if the Court determines that a telephone appearance is appropriate.

c. Need for personal appearance:

1. At its discretion, the Court may require a party to appear in person at a hearing, conference, or proceeding if the Court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

2. If, at any time during a hearing, conference, or proceeding conducted by telephone, the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

#### **Ca. Super. Ct. Ventura County, Local Rules, rule 7.01**

##### Rule 7.01. Private Vendor

A. As permitted by [California Rules of Court, rule 3.670\(i\)](#) teleconferencing for court appearances is provided by a private vendor who may charge counsel appearing by telephone a reasonable fee. The court has entered into a contract with [CourtCall.LLC](#). As the designated provider of teleconferencing services for court appearances.

B. **SCHEDULING CONFERENCE CALLS.** A party that intends to appear telephonically for a hearing listed in [California Rule of Court, rule 3.670](#) must provide notice as specified in [California Rule of Court, rule 3.670\(h\)](#) at least two (2) court days before the appearance. The party is responsible



for contacting CourtCall, arranging the telephonic appearance and providing CourtCall with all required information and payment of fees. Counsel wishing to appear by telephone shall be available at the telephone number listed by that individual in the title page of the moving or opposing papers or the Notice to Appear by Telephone from the commencement of the appropriate calendar, until the completion of the hearing. Failure to remain available as required by this paragraph shall be deemed a non-appearance at the hearing and shall be subject to sanctions.

**C.** If counsel subsequently chooses to appear in person, in addition to notice as provided in [California Rule of Court 3.670\(g\)\(3\)](#), counsel shall, at least two (2) court days before the hearing, notify the teleconference provider by telephone.

**D.** If the court requires the personal appearance of counsel, in addition to notice as provided in [California Rules of Court, rule 3.670\(h\)](#), the court shall notify the teleconference provider by telephone.

#### **Ca. Super. Ct. Ventura County, Local Rules, rule 10.00**

Rule 10.00. Probate Court Proceedings General Rules — Decedents' Estates, Conservatorships of the Estate Only, and Trusts

#### **B. APPEARANCE.**

**1. TELEPHONIC AND VIDEO REMOTE APPEARANCE.** Except as required for "physical appearance" below, the court encourages telephonic appearances whenever feasible in matters which are uncontested; and in matters which are contested but not on calendar for presentation of live witness testimony. The court further encourages the use of court-approved remote video appearances to augment telephonic appearances by attorneys or self-represented litigants.

**3. PHYSICAL APPEARANCE.** Absent prior approval of the court on a properly and timely noticed application, physical appearance in the courtroom of all counsel and all self-represented litigants is required in the following situations:

- a. Scheduled contested evidentiary hearings;
- b. Evidentiary hearings requested by the court, even where uncontested;
- c. Petition to establish conservatorships or guardianships;
- d. Petitions to terminate guardianships;
- e. Petitions to confirm sale of real property; and
- f. When the court expressly orders personal appearance by a party and/or counsel.

#### **Ca. Super. Ct. Yuba County, Local Rules, rule 5.0**

5.0. Hearing and Trials in General

#### **F. TELEPHONE APPEARANCES (DEPT. 5 FAMILY LAW MATTERS) —**

Counsel or self-represented litigants may make a telephone appearance for matters calendared for the law and motion calendar (Mondays at 9:00 a.m., 10:30 a.m.1:30 p.m. and 2:30 p.m.) and

are responsible for making their own arrangements for this service. CourtCall arrangements must be made no later than Thursday, noon, the week prior to the scheduled proceeding. CourtCall LLC's contact information is: 1-888-882-6878; FAX: 1-888-883-2946. Counsel or the party arranging for CourtCall is responsible for any costs associated with the Court Call appearance. Counsel or the party pays these costs directly to CourtCall, LLC.

Counsel, self-represented litigants, and witnesses must personally appear for long cause hearings/trials unless the parties stipulate otherwise or unless the court grants a party's request for a telephonic appearance. Any request for a telephone appearance at a long cause hearing/trial must be made no later than five (5) court days prior to the hearing with notice provided to all other parties who have appeared in the action.

## COLORADO

### **C.R.S.A. § 42-1-218.5 (driver's license revocation hearings)**

§ 42-1-218.5. Electronic hearings

(1) Notwithstanding any other provision of this title to the contrary, at the discretion of the department, any hearing held by the department pursuant to this title may be conducted in whole or in part, in real time, by telephone or other electronic means.

(2) The general assembly recognizes that there is an increase in the number of hearings conducted by the department; that a licensee has the right to appear in person at a hearing; and that a licensee or a law enforcement officer may not be able to appear in person at a hearing. The general assembly therefore directs the department to consider the circumstances of the licensee when a licensee requests to appear in person, and grant the request whenever possible. The general assembly further directs the department to consider the circumstances of the licensee and the law enforcement officer when either may not be able to appear in person, and allow the appearance by electronic means whenever possible.

(3) Repealed by [Laws 2003, Ch. 408, § 2, eff. June 5, 2003.](#)

(4) Repealed by [Laws 2003, Ch. 408, § 2, eff. June 5, 2003.](#)

### **CO ST J DISC Rule 25**

#### **RULE 25. PREHEARING PROCEDURES**

The special masters may direct the parties to appear in person or by telephone for prehearing procedures which shall generally follow [C.R.C.P. 16](#), but in a manner suitable for formal proceedings.

### **CO ST RCP Rule 16.2**

#### **RULE 16.2. COURT FACILITATED MANAGEMENT OF DOMESTIC RELATIONS CASES AND GENERAL PROVISIONS GOVERNING DUTY OF DISCLOSURE**

**(c) Scheduling and Case Management for New Filings.**

(1) Initial status conferences/Stipulated Case Management Plans.

(A) Petitioner shall be responsible for scheduling the initial status conference and shall provide notice of the conference to all parties. Each judicial district shall establish a procedure for setting the initial status conference. Scheduling of the initial status conference shall not be delayed in order to accomplish service.

(B) All parties and counsel, if any, shall attend the initial status conference, except as provided in subsection (c)(1)(C) or (c)(1)(D). At that conference, the parties and counsel shall be prepared to discuss the issues requiring resolution and any special circumstances of the case. The court may permit the parties and/or counsel to attend the initial conference and any subsequent conferences by telephone.

(C) If both parties are represented by counsel, counsel may submit a Stipulated Case Management Plan signed by counsel and the parties. Counsel shall also exchange Mandatory Disclosures and file a Certificate of Compliance. The filing of such a plan, the Mandatory Disclosures and Certificate of Compliance shall exempt the parties and counsel from attendance at the initial status conference. The court shall retain discretion to require a status conference after review of the Stipulated Case Management Plan.

(D) Parties who file an affidavit for entry of decree without appearance with all required documents before the initial status conference shall be excused from that conference.

(E) The initial status conference shall take place, or the Stipulated Case Management Plan shall be filed with the court, as soon as practicable but no later than 42 days from the filing of the petition.

(F) At the initial status conference, the court shall set the date for the next court appearance. The court may direct one of the parties to send written notice for the next court appearance or may dispense with written notice.

## CONNECTICUT

### **D. Conn. L. Civ. R. 26**

Rule 26. Duty of Disclosure

**(f) Parties' Planning Conference**

**(1)** Within thirty days after the appearance of any defendant, the attorneys of record and any unrepresented parties who have appeared in the case shall confer for the purposes described in [Fed. R. Civ. P. 26\(f\)](#). If a government entity or official is a defendant, the conference shall be held within thirty days after the appearance of any such defendant. The conference shall be initiated by the plaintiff and may be conducted by telephone. Within fourteen (14) days after the conference, the participants shall jointly complete and file a report in the form prescribed

by Form 26(f), which appears in the Appendix to these Rules. A copy of the report shall be mailed to the chambers of the presiding Judge.

**Conn. Practice Book § 13-30**

Sec. 13-30.-- Deposition Procedure

(g) The parties may stipulate in writing and file with the court, or the court may upon motion order, that a deposition be taken by telephone, videoconference, or other remote electronic means. For the purposes of Sections 13-26 through 13-29 and this section, such a deposition is deemed taken at the place where the deponent is to answer questions. Except as otherwise provided in this subsection, the rules governing the practice, procedures and use of depositions shall apply to remote electronic means depositions. The following additional rules, unless otherwise agreed in writing by the parties or ordered by the court, shall apply to depositions taken by remote electronic means:

**(1)** The deponent shall be in the presence of the officer administering the oath and recording the deposition.

**(2)** Any exhibits or other demonstrative evidence to be presented to the deponent by any party at the deposition shall be provided to the officer administering the oath and all other parties prior to the deposition.

**(3)** Nothing in subsection (g) shall prohibit any party from being with the deponent during the deposition, at that party's expense; provided, however, that a party attending a deposition shall give written notice of that party's intention to appear at the deposition to all other parties within a reasonable time prior to the deposition.

**(4)** The party at whose instance the remote electronic means deposition is taken shall pay all costs of the remote electronic means deposition for the transmission from the location of the deponent and one site for participation of counsel located in the judicial district where the case is pending together with the cost of the stenographic, video or other electronic record. The cost of participation in a remote electronic means deposition from any other location shall be paid by the party or parties participating from such other location.

**(h)** Notwithstanding this section, a deposition may be attended by any party by remote electronic means even if the party noticing the deposition does not elect to use remote electronic means if (i) a party desiring to attend by remote electronic means provides written notice of such intention to all parties in either the notice of deposition or a notice served in the same manner as a notice of deposition and (ii) if the party electing to participate by remote electronic means is not the party noticing the deposition, such party pays all costs associated with implementing such remote electronic participation by that party.

(i) Nothing contained in any provision providing for the use of remote electronic means depositions shall prohibit any party from securing a representative to be present at the location where the deponent is located to report on the record any events which occur in that location which might not otherwise be transmitted and/or recorded by the electronic means utilized.

## DELAWARE

### Del. Bankr. L.R. 9019-5

Rule 9019-5. Mediation

(xiii) The Mediation Conference.

**(A) Timing.** -- Mediation shall be initiated so as to be concluded within forty-five (45) days after service of plaintiff's mediation statement.

**(B) Persons Required to Attend.** -- A representative of each party who has full authority to negotiate and settle the matter on behalf of the party must attend the mediation in person. Such representative may be the party's attorney of record in the adversary proceeding. Other representatives of the party or the party (if the party is not the representative appearing in person at the mediation) may appear by telephone, videoconference or other similar means. If the party is not appearing at the mediation in person, the party shall appear at the mediation by telephone, videoconference or other similar means as directed by the mediator.

### Del. Rapid Arb. R. 22

Rule 22. The Arbitration Hearing

The Arbitration Hearing will be limited to one day unless the Arbitration Agreement specifies a different period or the Arbitrator determines that a different period is appropriate in consultation with the parties. The Arbitration Hearing ordinarily shall be conducted in person at a location specified in the Arbitration Agreement or (if the Arbitration Agreement does not specify a location) selected by the Arbitrator. The location of the Arbitration Hearing may be at any place, within or without the State of Delaware and within or without the United States of America. The Arbitration Hearing may be conducted by telephone or by other means of remote electronic communication, in whole or in part, if the Arbitration Agreement so specifies or if the Arbitrator, in consultation with the parties, so determines. Regardless of whether the Arbitration Hearing is conducted within or without the State of Delaware, by telephone or by other means of remote electronic communication, the seat of the Arbitration is the State of Delaware.

The Arbitrator shall give notice of the date, time and location of the Arbitration Hearing to all parties, and may proceed with the Arbitration Hearing and resolve the Arbitration on the evidence produced at the Arbitration Hearing in the absence of one or more parties if such parties have received notice.

The Arbitrator shall control the order of proof and shall allow all parties an opportunity to be heard, to present evidence relevant to the arbitration, and to cross-examine witnesses appearing at the Arbitration Hearing. Unless the Arbitration Agreement otherwise provides, the Arbitrator shall not be obliged to apply the rules of evidence strictly, except that the Arbitrator shall apply applicable law relating to privileges and immunities and to communications or statements made in connection with efforts to settle the dispute.

Witnesses may be required to testify under oath or affirmation in the Arbitrator's discretion. The Arbitrator may consider statements made outside the Arbitration Hearing (whether sworn or unsworn, and whether presented by deposition, affidavit or other means), but shall afford such statements appropriate weight based on the circumstances of such statements.

Unless the Arbitration Agreement otherwise provides or the parties otherwise agree, the Arbitrator may direct that a stenographic or other record of the Arbitration Hearing be prepared and made available for the use of the Arbitrator and the parties.

## DISTRICT OF COLUMBIA

### **D.C. LBR Rule 7026-1**

Rule 7026-1. Discovery -- General.

**(e)** Application of Provisions of Fed.R. Civ. P. 26(f). -- The requirement for a meeting of the parties set out in Fed.R. Civ. P. 26(f) applies, but the parties may confer by telephone.

### **D.C. SCR-Dom. Rel. Rule 16-I**

Rule 16-I. Pretrial procedure in domestic I cases.

**(h) Telephonic conferences.** -- In the discretion of the Court and with the consent of the parties, any pretrial communications may be conducted by telephone.

## FLORIDA

### **N.D. Fla. Loc. R. 77.3**

### Rule 77.3. Video and Audio Proceedings

The Court may conduct a trial or hearing -- and may receive testimony and other evidence -- by video or audio transmission from a remote location, unless contrary to law.

### **M. D. Fla. L.B.R. 5072-1**

#### Rule 5072-1. Courtroom Decorum

**(13)** Counsel and parties attending hearings by telephone shall comply with the Court's Policies and Procedures on Telephonic Appearances available on the Court's website, [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov).

#### United States Bankruptcy Court Middle District of Florida

#### Policies and Procedures on Telephonic Appearances

Telephonic hearings are considered a privilege, not a right, and are subject to the discretion of the assigned Judge.

No prior approval by the Court is needed for telephonic appearances conducted in compliance with these policies and procedures (except to the extent directed in paragraphs 1.c. and 2.d.ii., below).

Counsel assumes the risk of the prejudice that may result from not being present in person.

#### 1. General Conditions and Limitations on Telephonic Appearances:

- a. Counsel resident in a Division of the Middle District generally must appear in person at all hearings and trials in that Division.
- b. Participation of counsel appearing by telephone is limited to a short statement in support of or in opposition to the relief requested unless permitted otherwise by the Judge.
- c. With permission from Chamber's Staff (Chambers Contact Information):
  - (1) individual parties with no lawyer may attend hearings by telephone, and
  - (2) parties represented by counsel may attend hearings by telephone on a "listen only" basis.
- d. Telephonic appearances are NOT allowed
  - (i) in trials in any division, or
  - (ii) in Chapter 13 hearings in the Orlando Division.
- e. Telephonic appearances are allowed in non-evidentiary, preliminary, or pretrial hearings without prior approval of the Court.
- f. The Court may mute or disconnect the call and conduct the hearing without participation of counsel appearing telephonically in the event of equipment failure or audible background noise.

#### 2. General Procedures:

- a. To ensure the quality of the record, the use of speakerphones is prohibited and the use of cell phones is discouraged. Counsel should cover the telephone handset or use the mute option to minimize background noise.
- b. Those appearing telephonically shall pause from time to time while speaking to facilitate future transcription of the hearing and to allow for inquiry or comments by the Judge.
- c. Counsel shall identify themselves for the record each time they speak.
- d. Telephonic appearance before Chief Judge Williamson and Judge Colton is through CourtSolutions LLC.
- i. All persons who wish to listen to or participate in a scheduled hearing telephonically must register for a CourtSolutions account by visiting the CourtSolutions website at [www.Court-Solutions.com](http://www.Court-Solutions.com).
- ii. For administrative purposes, registered participants must submit a request to appear telephonically at a scheduled hearing not later than 5 p.m., EST, on the business day prior to the hearing date through their CourtSolutions account. Clerk's office staff will routinely approve requests for telephonic appearances conducted in compliance with these policies and procedures.
- iii. CourtSolutions will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- iv. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtSolutions does not place calls to counsel.
- v. Please direct questions regarding charges and payment arrangements to CourtSolutions.
- vi. Click [HERE](#) to leave feedback regarding your experience with CourtSolutions.
- e. Telephonic appearance before Judges Funk, Jennemann, Glenn, May, McEwen, Delano, Jackson and Briskman is through CourtCall.
- i. Telephonic appearances must be arranged by contacting CourtCall at 866-582-6878 not later than 5 p.m., EST, on the business day prior to the hearing date.
- ii. CourtCall will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- iii. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtCall does not place calls to counsel.
- iv. Please direct questions regarding charges and payment arrangements directly to CourtCall.
- v. Click [HERE](#) to leave feedback regarding your experience with CourtCall.

**S.D. Fla. Bankr. LR 9074-1**

Rule 9074-1. Appearance by Telephone

**(A) General Eligibility Requirements.** --Unless the judge otherwise specifically directs, the appearance by telephone procedure in this rule is available only to parties who are not residents of the county in which the hearing is scheduled. For attorneys, residence shall mean the county in which the appearing attorney's law office is located.



**(B) Restrictions.** --Telephone hearings will not be permitted for (1) evidentiary hearing; and (2) matters scheduled on a regular Chapter 13 calendar. When a land line is available, parties will not be permitted to appear by cellular telephone except with specific permission from the court.

**(C) Procedure.** --Parties requesting to participate in hearings by telephone must contact the judge's calendar clerk at least two business days prior to the date of the hearing. Telephone hearings may be deferred by the judge to the end of the hearing calendar, so the party must remain available for the court's call from the scheduled hearing time until the end of the day's hearing calendar. The court generally will not postpone the hearing because of the party's unavailability or telephonic transmission problems.

### **Fla. R. Jud. Admin. 2.530**

#### Rule 2.530. Communication Equipment

**(a) Definition.** --Communication equipment means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of all parties is audible to all persons present.

**(b) Use by all Parties.** --A county or circuit court judge may, upon the court's own motion or upon the written request of a party, direct that communication equipment be used for a motion hearing, pretrial conference, or a status conference. A judge must give notice to the parties and consider any objections they may have to the use of communication equipment before directing that communication equipment be used. The decision to use communication equipment over the objection of parties will be in the sound discretion of the trial court, except as noted below.

**(c) Use Only by Requesting Party.** --A county or circuit court judge may, upon the written request of a party upon reasonable notice to all other parties, permit a requesting party to participate through communication equipment in a scheduled motion hearing; however, any such request (except in criminal, juvenile, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than 15 minutes.

**(d) Testimony.**

**(1) Generally.** --A county or circuit court judge, general magistrate, special magistrate, or hearing officer may allow testimony to be taken through communication equipment if all parties consent or if permitted by another applicable rule of procedure.

**(2) Procedure.** --Any party desiring to present testimony through communication equipment shall, prior to the hearing or trial at which the testimony is to be presented, contact all parties to determine whether each party consents to this form of testimony.

The party seeking to present the testimony shall move for permission to present testimony through communication equipment, which motion shall set forth good cause as to why the testimony should be allowed in this form.

**(3) Oath.** --Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.

**(4) Confrontation Rights.** --In juvenile and criminal proceedings the defendant must make an informed waiver of any confrontation rights that may be abridged by the use of communication equipment.

**(5) Video Testimony.** --If the testimony to be presented utilizes video conferencing or comparable two-way visual capabilities, the court in its discretion may modify the procedures set forth in this rule to accommodate the technology utilized.

**(e) Burden of Expense.** --The cost for the use of the communication equipment is the responsibility of the requesting party unless otherwise directed by the court.

**(f) Override of Family Violence Indicator.** --Communications equipment may be used for a hearing on a petition to override a family violence indicator under Florida Family Law Rule of Procedure 12.650.

### **Fla. Fam. Law R. Proc. 12.451**

#### Rule 12.451. Taking Testimony

**(a) Testimony at Hearing or Trial.** --When testifying at a hearing or trial, a witness must be physically present unless otherwise provided by law or rule of procedure.

**(b) Communication Equipment.** --The court may permit a witness to testify at a hearing or trial by contemporaneous audio or video communication equipment (1) by agreement of the parties or (2) for good cause shown upon written request of a party upon reasonable notice to all other parties. The request and notice must contain the substance of the proposed testimony and an estimate of the length of the proposed testimony. In considering sufficient good cause, the court shall weigh and address in its order the reasons stated for testimony by communication equipment against the potential for prejudice to the objecting party.

**(c) Required Equipment.** --Communication equipment as used in this rule means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other simultaneously and permits all conversations of all parties to be audible to all persons present. Contemporaneous video communication equipment must make the witness visible to all participants during the testimony. For testimony by any of the foregoing means, there must be appropriate safeguards for the court to maintain sufficient

control over the equipment and the transmission of the testimony, so that the court may stop the communication to accommodate objection or prevent prejudice.

**(d) Oath.** --Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of that jurisdiction.

**(e) Burden of Expense.** --The cost for the use of the communication equipment is the responsibility of the requesting party unless otherwise ordered by the court.

### **Fla. R. Civ. P. 1.451**

#### Rule 1.451. Taking Testimony

**(a) Testimony at Hearing or Trial.** --When testifying at a hearing or trial, a witness must be physically present unless otherwise provided by law or rule of procedure.

**(b) Communication Equipment.** --The court may permit a witness to testify at a hearing or trial by contemporaneous audio or video communication equipment (1) by agreement of the parties or (2) for good cause shown upon written request of a party upon reasonable notice to all other parties. The request and notice must contain the substance of the proposed testimony and an estimate of the length of the proposed testimony. In considering sufficient good cause, the court shall weigh and address in its order the reasons stated for testimony by communication equipment against the potential for prejudice to the objecting party.

**(c) Required Equipment.** --Communication equipment as used in this rule means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other simultaneously and permits all conversations of all parties to be audible to all persons present. Contemporaneous video communications equipment must make the witness visible to all participants during the testimony. For testimony by any of the foregoing means, there must be appropriate safeguards for the court to maintain sufficient control over the equipment and the transmission of the testimony so the court may stop the communication to accommodate objection or prevent prejudice.

**(d) Oath.** --Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.

**(e) Burden of Expense.** --The cost for the use of the communication equipment is the responsibility of the requesting party unless otherwise ordered by the court.

### **2nd Jud. Cir. AO 1999-11**

1999-11 IN RE: 48-HOUR CIVIL PURGE HEARINGS IN LEON COUNTY

**10** The scheduling of appearances by out-of-town arrestees on Leon County writs shall be on a case-by-case basis. Telephone appearances are encouraged

**5th Jud. Cir. AO A2008-27**

A2008-27 ADMINISTRATIVE ORDER ESTABLISHING COURT MEDIATION SERVICES IN THE FIFTH JUDICIAL CIRCUIT FOR FAMILY, DEPENDENCY AND COUNTY CIVIL CASES

**13. APPEARANCE BY TELEPHONE** :In case of an emergency, in the event of physical disability, when a party is incarcerated, or when a party resides in excess of 100 miles from the Mediation Program location, that party may request appearance by telephone. Rules established by the presiding judge will dictate what actions are required when a party wishes to appear by telephone at a mediation conference. Court Mediation Services can provide direction as to requirements established by the judiciary.

**5th Jud. Cir. AO A-2012-46**

AO A-2012-46 ADMINISTRATIVE ORDER RESCINDING A-2008-27 AND PROVIDING FOR COURT MEDIATION SERVICES IN THE FIFTH JUDICIAL CIRCUIT FOR FAMILY, DEPENDENCY AND COUNTY CIVIL CASES

**13. APPEARANCE BY TELEPHONE** :In case of an emergency, in the event of physical disability, when a party is incarcerated, or when a party resides in excess of 100 miles from the Mediation Program location, that party may request appearance by telephone. Rules established by the presiding judge will dictate what actions are required when a party wishes to appear by telephone at a mediation conference. Court Mediation Services can provide direction as to requirements established by the judiciary.

**8th Jud. Cir. AO 7.900**

7.900 CIVIL TRAFFIC INFRACTION HEARING OFFICER

**14. Out-of-Court Communications.** Requests for civil traffic hearings may be made in writing, by telephone, or in person at the Traffic Bureau. First requests for continuances made to the Clerk of the Court and all requests to a hearing officer, including requests to set aside, modify, or extend the time for compliance with penalties, and additional requests for continuances, shall be in writing and filed with the Clerk of the Court. Hearing officer's responses to written requests shall be in writing and be filed with the Clerk.

**9th Jud. Cir. AO 2004-03-01**

AO 2004-03-01 AMENDED ADMINISTRATIVE ORDER IMPLEMENTING THE BUSINESS COURT PROCEDURES

**SECTION 3 -- VIDEOCONFERENCING AND TELEPHONE APPEARANCES**

### **3.1 - Videoconference by Agreement**

By mutual agreement, counsel may arrange for any proceeding or conference to be held by videoconference by coordinating a schedule for such hearing that is convenient with Business Court. All counsel and other participants shall be subject to the same rules of procedure and decorum as if all participants were present in the courtroom.

### **3.2 - Responsibility for Videoconferencing Facilities**

The parties are responsible for obtaining all communications facilities and arranging all details as may be required to connect and interface with the videoconferencing equipment available to Business Court. Business Court will endeavor to make reasonable technical assistance available to the parties, but all responsibility for planning and executing all technical considerations required to successfully hold a videoconference shall remain solely with the parties wishing to attend by videoconference.

### **3.3 - Allocation of Videoconferencing Costs**

In the absence of a contrary agreement among the parties, the parties participating by videoconference shall bear their own costs of participating via this method.

### **3.4 - Court Reporter**

Where any proceeding is held by videoconference, the court reporter transcribing such proceeding will be present in the same room as the judge presiding over the proceeding.

### **3.5 - Exchange of Exhibits and Evidence to be Used in Videoconference Hearing**

Any exhibits or evidence to be used in a videoconference hearing must be provided to opposing counsel and to the court three business days prior to the hearing. All exhibits or evidence so provided shall bear exhibit tags marked with the case name, case number, identity of the propounding party and an identification number. Any objections to any exhibit or evidence must be provided to the court in writing at least one day in advance of the hearing and reference the appropriate exhibit tags.

### **3.6 -- Telephone Appearances**

Counsel or parties may appear by telephone when allowed by the court. No prior authorization for telephone appearances is necessary for the court's regularly scheduled Short Matters and Ex Parte times. The court has only one telephone line into each courtroom so all persons who wish to attend any matter telephonically have the responsibility for arranging a conference call to the courtroom at the time set for the hearing. The responsibility for planning and executing all technical considerations to appear telephonically shall remain solely with the parties wishing to appear telephonically. The procedures for appearing telephonically can be found by selecting the applicable division under Policies and Procedures on the Complex Business Litigation Court page at <http://www.ninthcircuit.org/about/divisions/civil/complex-business-litigation-court.shtml>.

## **INFO FROM WEBLINK 9<sup>th</sup> Cir**

Video Conference Hearings

Probate & Complex Civil Litigation Courts

## ***Policy Statement***

The Ninth Judicial Circuit will provide video conference equipment and support for judicial hearings in Probate and Complex Civil Litigation Courts.

**Locations**

Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida 32801

- Probate Hearing Room - 20A
- Complex Civil Litigation Court Hearing Room - 20B
- Complex Civil Litigation Court Hearing Room - 2000.02

**Technical Requirements**

The Court utilizes Cisco Telepresence and Acano for Enterprise. The party can connect to the hearing room using any standard compliant IP-based video conference system. Additionally, the party can video conference with the court utilizing a web browser (Firefox and Chrome) and web camera or through the Acano App for iOS (iPad/iPhone), OS X (Mac), or Windows 7 and above (PC). Provided below are the minimum system requirements for Acano.

**Windows**

- Windows 10, 8.1, or 7 (32-bit or 64-bit),
- Intel Core2Duo @ 1.2GHz or better.
- 4 GB RAM
- HD webcam w/microphone
- Headset or external speakers
- Broadband Internet connection

**Mac**

- Apple Intel x86 processor computer, running OS X 10.9 (Maverick) or newer.
- Intel Core2Duo @ 1.2GHz or better.
- 4 GB RAM
- HD webcam w/microphone
- Headset or external speakers
- Broadband Internet connection

**iPad 2**

- iOS8 or newer
- Headset or external speakers

The Acano app is available for download at <https://www.acano.com/support/application/>.

**Procedure**

1. The party submits request to appear via video conference to the assigned Judicial Assistant. Requests should be made a minimum of 48 business hours (Monday through Friday) prior to the scheduled hearing.
2. The Judicial Assistant notifies Court Administration of the scheduled video conference and provides the support contact information to the party. See below:

**Court Administration**

Matt Benefiel  
407-836-2051  
ctadmb1@ocnjcc.org  
Steve Simon

407-836-2104

ctadss1@ocnjcc.org

3. The party contacts Court Administration to test and establish a video conference connection.
4. The Judge for will forward an invitation/URL to the party via e-mail.
5. Fifteen minutes prior to the scheduled start of the hearing, the party will open the URL and wait for the hearing room to connect to the video conference. At the start of the hearing, the Judge will join the video call.
6. Upon completion of the video hearing, the Judge and the party will disconnect the call.

#### **9th Jud. Cir. AO 2004-14**

ADMINISTRATIVE ORDER 2004-14 IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE AND OSCEOLA COUNTIES, FLORIDA

**15. APPEARANCE BY TELEPHONE:** In the case of an emergency or when a person resides over 100 miles away, that person may request an appearance by telephone. In these cases, telephonic appearance is allowed by stipulation of both parties in writing to the Court prior to the mediation session, or by motion and order by the Court. The person appearing by telephone must have access to a fax machine. All mediation session fees from the person appearing by telephone must be received 5 business days prior to the mediation session.

#### **9th Jud. Cir. AO 2004-14-02**

2004-14-02 AMENDED ADMINISTRATIVE ORDER RE: FAMILY MEDIATION PROVIDING FOR MANDATORY REFERRAL OF ALL CONTESTED FAMILY LAW CASES TO MEDIATION

**14. APPEARANCE BY TELEPHONE:** In the case of an emergency or when a party resides over 100 miles away, said party may request an appearance by telephone. In these cases, telephonic appearance is allowed by stipulation of the opposing party or attorney in writing to the Court prior to the mediation session, or by order of the Court. The person appearing by telephone must have access to a fax machine. All mediation session fees from the party appearing by telephone must be received 5 business days prior to the mediation session.

#### **10th Jud. Cir. AO 5-33.2**

5-33.2 IN RE: ESTABLISHMENT OF TENTH CIRCUIT MEDIATION SERVICES AND PROVIDING FOR MANDATORY REFERRAL OF ALL CONTESTED FAMILY LAW CASES TO MEDIATION

**V. Attendance at Mediation Session :**

2. Appearance by telephone: In the case of an emergency or when a party resides over 100 miles away from the mediation session location, the parties may agree by stipulation to the affected party appearing by telephone. Any such agreement must be provided to Mediation Services prior to the mediation session. Any party attempting to appear by telephone without an agreement by the parties will be considered a non-appearing party. Any party may seek an order from the Court to appear for the mediation session by telephone.

### **11th Jud. Cir. AO 14-14**

AO 14-14 IN RE: REAFFIRMATION OF THE CREATION OF SECTION 40 ("COMPLEX BUSINESS LITIGATION SECTION") IN THE CIRCUIT CIVIL DIVISION OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA AND MODIFICATION OF PROCEDURES FOR THE ASSIGNMENT AND REASSIGNMENT OF CASES TO THIS SECTION

### **SECTION 7 - VIDEO OR TELECONFERENCING**

**7.1 By Agreement:** By mutual agreement of all parties and the Court, counsel may arrange for any proceeding or conference to be held by video or teleconference. All counsel and other participants shall be subject to the same rules of procedure and decorum as if participants were present in the courtroom.

**7.2 Responsibility for Videoconferencing:** The parties are responsible for obtaining all communications facilities and arranging all details as may be required to connect and interface with the videoconferencing equipment, if any, already available to the Complex Business Litigation Section. The Court will endeavor to make reasonable technical assistance available to the parties, but all responsibility for planning and executing all technical considerations required to successfully hold a videoconference shall remain solely with the parties.

**7.3 Allocation of Videoconferencing Costs:** In the absence of a contrary directive of the Court or agreement among the parties, the parties participating by videoconference shall bear their own costs of participating via this method.

**7.4 Court Reporter:** The court reporter transcribing any videoconference proceeding shall be present in the same room as the presiding judge.

**7.5 Exchange of Exhibits and Evidence to Be Used in Videoconference Hearing:** Absent good cause shown, any evidence to be offered at a videoconference hearing shall be provided to opposing counsel and to the Court five (5) business days prior to the date of the hearing, and shall bear an exhibit label and identification number. Objections to any evidence which is provided five (5) business days before the hearing shall be submitted to



the Court at least two (2) business days before the hearing and reference the appropriate exhibit tags.

**12th Jud. Cir. AO 2008-15.1**

2008-15.1 ADMINISTRATIVE ORDER ESTABLISHING CIRCUIT-WIDE HOMESTEAD FORECLOSURE CONCILIATION PROGRAM

**3. The Conciliation Telephone Conference** Parties pursuing actions to foreclose liens on homestead properties based upon promissory notes and mortgages shall be required to participate in the Homestead Foreclosure Conciliation Program (HFCP) as set forth herein and to participate in a mandatory Conciliation Telephone Conference. The purpose of the Conciliation Telephone Conference is for the parties to have an open and frank discussion about the alleged default and to consider realistic alternatives to foreclosure.

**4. Summary Judgment Hearings Prohibited Pending Compliance with HFCP; Attorney's Certificate of Compliance Required**

No action to foreclose homestead properties shall be scheduled for summary judgment or final hearing in this circuit until a Conciliation Telephone Conference is conducted or attempted between lenders and the owners and an **Attorney's Certificate of Compliance** with this

administrative order has been filed with the Clerk. [n1](#) If the owners cannot be located or if they decline to participate in the HFCP or they fail to make themselves available for conferences, this fact shall be noted on the **Attorney's Certificate of Compliance** in which instance the action may proceed to disposition. The assigned judges shall monitor the case files for compliance with this order and may cancel summary judgment hearings in which an **Attorney's Certificate of Compliance** has not been filed.**5. Rules Applicable to the Conciliation Telephone Conference**

The following rules and procedures shall apply to the Conciliation Telephone Conference:

**a.** Responsibility for determining that the subject property is a homestead and for scheduling the Conciliation Telephone Conference shall be the affirmative duty of the lender or its counsel. The Conference shall occur as soon as possible after the case is filed, but no later than **forty-five (45) days** after service of process on the owners. A single Conciliation Telephone Conference shall be conducted or attempted but additional conferences may be scheduled if the parties agree.

**b.** At the Conciliation Telephone Conference the lender shall arrange for the participation of knowledgeable persons, including attorneys, loss mitigation staff, and others who can confirm the amount and type of default, and who are authorized to make binding commitments regarding alternatives to litigation, including refinancing, partial forgiveness of debt, approving sales to third parties, clarifying the amount required to reinstate or discharge the loan,

requesting deeds in lieu of foreclosure, implementing procedures for the protection of the premises, and establishing a mutually agreeable date for relinquishing possession.

f. The parties shall participate in the Conciliation Telephone Conference in good faith, with the parties conducting themselves in a civil and respectful manner. Either party may audio record the conference provided advance notice is given to the participants.

**13th Jud. Cir. AO S-2012-038 (Supersedes Administrative Orders S-2011-010, S-2011-029, and S-2011-060)**

AO S-2012-038 (Supersedes Administrative Orders S-2011-010, S-2011-029, and S-2011-060)

**5. Telephonic Hearings** For any multi-party telephonic hearings, all parties must be conference into the call prior to the call being placed to the presiding judge's office. Presiding judges may require the parties to use COURT CALL (<http://www.courtcall.com/ccallp/info?c=CCGENERAL>) for telephonic appearances for motions for summary judgments and other motion hearings. COURT CALL is required for telephonic hearings in Foreclosure Sections I and II. Telephonic appearances are not permitted for foreclosure non-jury trials; attorneys and a client representative must be present at trial.

**13th Jud. Cir. AO S-2012-053**

AO S-2012-053 FORECLOSURE PROCEDURES (Supersedes Administrative Orders S-2011-010 and S-2012-038)

**8. Telephonic Hearings** For any multi-party telephonic hearings, all parties must be conferenced into the call prior to the call being placed to the presiding judge's office. Attorneys must use COURT CALL (<http://www.courtcall.com/ccallp/info?c=CCGENERAL>) for telephonic appearances for motions for summary judgments and other motion hearings in Divisions "M" and "N." Telephonic appearances are not permitted for foreclosure non-jury trials; attorneys and a client representative must be present at trial.

**14th Jud. Cir. AO 2014-00-07**

AO 2014-00-07 (RESCINDING ADMINISTRATIVE ORDER 2009-00-04) RE: EMINENT DOMAIN CASES

**9. APPEARANCE BY TELEPHONE** -- In case of an emergency, in the event of a physical disability, when a party is incarcerated, or when a party resides in excess of 100 miles from the Mediation Program location, that party may request appearance by telephone. Appearance of a party by telephone or electronic device is allowed by stipulation of the parties prior to the mediation or by court order. Both parties are obligated to timely notify the program of any agreement or court order allowing appearance by telephone or electronic device and the

specific manner of appearance. The Program must be able to confirm in advance that the party appearing telephonically or electronically has access to a fax machine or a computer and scanner on the day of the scheduled mediation. All mediation fees from the person appearing by telephone or other electronic means must be received by the Clerk of Court prior to the mediation.

**14th Jud. Cir. AO 2009-00-04**

2009-00-04 RE: CIRCUIT-WIDE FAMILY MEDIATION, (RESCINDING ADMINISTRATIVE ORDER 2007-00-03)

**H. GENERAL GUIDELINES FOR MEDIATION**

**3.** In case of an emergency, in the event of a physical disability, when a party is incarcerated, or when a party resides in excess of 100 miles one way from the mediation location, the party may request appearance by telephone. If the parties mutually agree in writing that one of the parties appear by telephone, the requesting party will be provided a telephone number to call on the date and time of mediation. The party appearing via telephone must have access to a fax machine. Absent a mutual agreement of the parties, the requesting party must file a timely motion with the court and must have an order allowing his/her telephonic appearance at least forty-eight (48) hours prior to the mediation. All mediation session fees from the person appearing by telephone must be received prior to mediation.

**15th Jud. Cir. AO 10.406**

NO.: 10.406 9/08 (Supersedes admin. order 10.039 1/05) IN RE: SATURDAY AND VIDEO CONFERENCE TRAFFIC COURT LIMITED TO SELF REPRESENTED INDIVIDUALS

Saturday and video conference traffic court hearings were implemented in order to accommodate the schedules of people who would not normally be at the courthouse and there are a limited number of cases that can be heard on Saturday or at community service centers where the video conference hearings originate.

NOW, THEREFORE, pursuant to the authority conferred by [Florida Rule of Judicial Administration 2.215](#), it is ORDERED as follows:

- 1.** Saturday and video conference traffic court hearings shall not be available to attorneys since attorneys are expected to be able to appear without undue inconvenience during the normal working week at the courthouse.
- 2.** Attorneys are directed to request cases be rescheduled if they acquire cases of persons who have already been scheduled for Saturday traffic court.

3. The Clerk is also directed that Saturday and video conference traffic court be limited to individuals representing themselves.

4. Due to the popularity of the Saturday and video conference traffic court hearings, and the limited number of cases that can be scheduled on those dockets, any person desiring to appear at a Saturday or video conference traffic court hearing must waive their right to a speedy trial.

DONE and SIGNED in Chambers in West Palm Beach, Palm Beach County, Florida, this day of September, 2008.

**16th Jud. Cir. AO 2.072**

AO 2.072 IN RE: ESTABLISHMENT OF CIVIL CASE MANAGEMENT PLAN

**g. ALL MOTIONS AND DEPOSITION DATES TO BE CLEARED :**

Counsel shall not schedule a motion hearing or a deposition on a date or time that has not been cleared on all other counsel's calendar(s). The lawyer setting the hearing has the responsibility to determine if any other lawyer wishes to appear telephonically, and if so, the matter may only be set on the afternoon telephonic docket. If counsel are unable to agree on dates or times for hearings or depositions, the moving party shall set the dispute for hearing by motion on a time and date provided by the Court's Judicial Assistant. All counsel may be required to personally attend such hearings with their calendars, and no telephonic appearance will be permitted, absent leave of Court.

**RULES FOR FORECLOSURE MEDIATION:** The general rules governing the mediation conference are:

**a. The appearance of all parties is mandatory. No telephonic appearances will be allowed.** A representative for the Plaintiff with full and complete authority to settle AND counsel shall be present.

**2. PRE-TRIAL CONFERENCE .Pre-trial conference will be held on the** in accordance with the provisions of [Rule 1.200, Florida Rules of Civil Procedure](#). For purposes of the Pre-trial Conference, the cases will be called in order of age (oldest case being called first). **PRESENCE OF ALL TRIAL COUNSEL AND THE PARTIES TO THE ACTION (OR A DESIGNATED REPRESENTATIVE WITH FULL SETTLEMENT AUTHORITY) AT THE PRE-TRIAL CONFERENCE IS MANDATORY AND NO PARTY OR COUNSEL WILL BE PERMITTED TO ATTEND BY TELEPHONE. FAILURE TO ATTEND THE PRE-TRIAL CONFERENCE CAN RESULT IN POSSIBLE DISMISSAL OF ACTION, ENTRY OF A DEFAULT OR OTHER APPROPRIATE SANCTIONS.**

**13. PRE-TRIAL CONFERENCE .**

Pre-trial conference will be held on the in accordance with the provisions of [Rule 1.200, Florida Rules of Civil Procedure](#). For purposes of the Pre-trial Conference, the cases will be called in order of age (oldest case being called first). For purposes of trial, the Court will determine the order of cases subsequent to the Pre-trial Conference and promptly notify counsel. **PRESENCE OF ALL TRIAL COUNSEL AND THE PARTIES TO THE ACTION (OR A DESIGNATED REPRESENTATIVE WITH FULL SETTLEMENT AUTHORITY) AT THE PRE-TRIAL CONFERENCE IS MANDATORY AND NO PARTY OR COUNSEL WILL BE PERMITTED TO ATTEND BY TELEPHONE. FAILURE TO ATTEND THE PRE-TRIAL CONFERENCE CAN RESULT IN POSSIBLE DISMISSAL OF ACTION, ENTRY OF A DEFAULT OR OTHER APPROPRIATE SANCTIONS.**

**h. MOTION SETTING** : Motions may be heard by the Circuit Judge or before a Special Magistrate. If you or your client prefer to have the hearing before the Circuit Judge, instead of a Special Magistrate, please call Judicial Assistant, , at , the day before the scheduled hearing so that your case may be placed on the Judge's docket. **Open Motion Calendar**: Non-telephonic motions of 30 minutes or less may be scheduled on the court's Open Motion calendar by calling the Clerk of Court, Civil Division, at . Open motion hearings in which any party is appearing by telephone may only be scheduled in the afternoon session, and are limited to 15 minutes. No telephone appearances will be permitted in the morning open motion session. Motions in excess of 30 minutes and all evidentiary motions may be specially set by calling Judicial Assistant, , at . No evidentiary motions are permitted on the open motion calendar.

**e. TELEPHONIC PROCEDURE** : All counsel or parties appearing telephonically shall utilize CourtCall (888) 882-6878, unless otherwise directed by the court. Generally, telephonic appearance is only available on the court's afternoon (1:30 p.m.) docket, absent leave of court.

**RULES FOR FORECLOSURE MEDIATION**: The general rules governing the mediation conference are:

**a. The appearance of all parties is mandatory. No telephonic appearances will be allowed.** A representative for the Plaintiff with full and complete authority to settle AND counsel shall be present.

**20th Jud. Cir. AO 1.12** Identical text for **Fla. 15th Jud. Cir. AO 3.308-1/12**

1.12 RE: EMINENT DOMAIN CASES IN RE: CASE MANAGEMENT OF RESIDENTIAL FORECLOSURE CASES AND MANDATORY REFERRAL OF MORTGAGE FORECLOSURE' CASES INVOLVING HOMESTEAD RESIDENCES TO MEDIATION

### **13. Attendance at Mediation**

The following persons are required to be physically present at the mediation session: a plaintiff's representative designated in the most recently filed Form A; plaintiff's counsel; the

borrower; and the borrower's counsel of record, if any. However, the plaintiff's representative may appear at mediation through the use of communication equipment, if plaintiff files and serves at least five (5) days prior to the mediation a notice in the format of Exhibit 7 attached advising that the plaintiff's representative will be attending through the use of communication equipment and designating the person who has full authority to sign any settlement agreement reached. Plaintiff's counsel may be designated as the person with full authority to sign the settlement agreement. If the plaintiff exercises the right to appear by telephone, the plaintiff shall be responsible for initiating the telephone call and any communication charges incurred.

At the time that the mediation is scheduled to physically commence, the Program Manager shall enter the mediation room prior to the commencement of the mediation conference and, prior to any discussion of the case in the presence of the mediator, take a written roll. That written roll will consist of a determination of the presence of the borrower; the borrower's counsel of record, if any; the plaintiff's lawyer; and the plaintiff's representative with full authority to settle. If the Program Manager determines that anyone is not present, that party shall be reported by the Program Manager as a non-appearance by that party on the written roll. If the Program Manager determines that the plaintiff's representative present does not have full authority to settle, the Program Manager shall report that the plaintiff's representative did not appear on the written roll as a representative with full settlement authority as required by this Administrative Order. The written roll and communication of authority to the Program Manager is not a mediation communication.

The authorization by this Administrative Order for the plaintiff's representative to appear through the use of communication equipment is pursuant to rule [1.720\(b\), Florida Rules of Civil Procedure](#) (court order may alter physical appearance requirement), and in recognition of the emergency situation created by the massive number of residential foreclosure cases being filed in this circuit and the impracticality of requiring physical attendance of a plaintiff's representative at every mediation. Additional reasons for authorizing appearance through the use of communication equipment for mortgage foreclosure mediation include a number of protective factors that do not exist in other civil cases, namely the administration of the program by a program manager, pre-mediation counseling for the borrower, and required disclosure of information prior to mediation. The implementation of this Administrative Order shall not create any expectation that appearance through the use of communication equipment will be authorized in other civil cases.

If the plaintiff's representative attends mediation through the use of communication equipment, the person authorized by the plaintiff to sign a settlement agreement must be physically present at mediation. If the plaintiff's representative attends mediation through the use of communication equipment, the plaintiff's representative must remain on the communication equipment at all times during the entire mediation session. If the plaintiff's representative attends through the use of communication equipment, and if the mediation results in an impasse, within five (5) days after the mediation session, the plaintiff's representative shall file in the court file a certification in the format of Exhibit 8 attached as to whether the plaintiff's representative attended mediation. If the mediation results in an impasse after the appearance of the plaintiff's representative through the use of

communication equipment, the failure to timely file the certification regarding attendance through the use of communication equipment shall be grounds to impose sanctions against the plaintiff, including requiring the physical appearance of the plaintiff's representative at a second mediation, taxation of the costs of a second mediation to the plaintiff, or dismissal of the action.

Junior lienholders may appear at mediation by a representative with full settlement authority. If a junior lienholder is a governmental entity comprised of an elected body, such junior lienholder may appear at mediation by a representative who has authority to recommend settlement to the governing body. Counsel for any junior lienholder may also attend the mediation.

The participants physically attending mediation may consult on the telephone during the mediation with other persons as long as such consultation does not violate the provisions of [sections 44.401-406, Florida Statutes](#). § 44.401. Mediation Confidentiality and Privilege Act.

### **17th Jud. Cir. AO 2014-3-CO**

AO 2014-3-CO ADMINISTRATIVE ORDER AS TO CIVIL TRAFFIC INFRACTIONS

#### **C. COURT APPEARANCES AND NOT GUILTY PLEAS :**

**(3)** A defendant shall appear at a properly noticed traffic court proceedings as follows:

- a. in person at the scheduled location, date and time;
- b. through counsel of record at the scheduled location, date and time;
- c. by affidavit of defense in accordance with section C(1) of this Administrative Order and applicable law;
- d. by any other means at the discretion of the Judge of Civil Traffic Hearing Officer including via telephone and/or other electronic modalities that are permitted by law and accepted by the Circuit.

### **Fla. 20th Jud. Cir. AO 1.16**

AO 1.16 IN RE: COURT-ORDERED MEDIATION IN CIRCUIT CIVIL, FAMILY, DEPENDENCY, AND COUNTY COURT CIVIL CASES

**11. APPEARANCE BY TELEPHONE** :In case of an emergency, in the event of physical disability, when a party is incarcerated, or when a party resides in excess of one-hundred (100) miles from the Mediation Program location, that party may request an appearance by telephone. Requirements established by the presiding judge will dictate what actions are required when a party wishes to appear by telephone at a mediation conference.

## GEORGIA

Georgia allows participants in certain lawyer discipline matters, complaints against a case resolution “neutral,” complaints regarding a court-connected ADR program, and complaints regarding an approved training program to appear by telephone if good cause is shown.

## HAWAII

### **Haw. Prob. Rule 11**

Rule 11. **Telephone** conference call hearings.

**(a) Permissibility.** The court, at its discretion, may allow a petition or other pleadings to be heard by telephone conference call.

**(b) Arranging conference call.** The party who requests the telephone conference call shall be responsible for arranging the telephone conference call with all parties and the telephone conference call operator and ensuring that the call is arranged and ready for court participation at the time appointed for the hearing.

**(c) Procedure.** Prior to the start of the conference call, the clerk shall call the case in the courtroom and outside the courtroom or by public address system and direct anyone appearing for the hearing to the appropriate location for the hearing.

**COMMENTARY:** These rules formalize the procedures already in use in the Second, Third, and Fifth Circuits, and make them available to the First Circuit, in the court's discretion. Their goal is to decrease costs of proceedings and improve efficiency by avoiding having parties and attorneys from other islands, or remote areas of an island, fly to the island where court is in session or drive long distances for simple matters. The person who requested the conference call shall be responsible for all arrangements with a conference operator and the parties and attorneys to ensure that the call is made to the court with all parties on line at the appropriate time.

### **Haw. R. Civ. P. Rule 16.1**

Rule 16.1. Appearance by telephonic or video conference call.

**(a) Telephonic or video conferencing call allowed.** Except as otherwise provided by statute or rule, the court should, absent good reason, as determined in the court's discretion, allow any party, to appear by telephonic or video conferencing for any of the following motions, conferences, hearings, or proceedings: **(1)** Trial setting conferences; **(2)** Status conferences; **(3)** Uncontested motions; and **(4)** Such other conferences or hearings which the trial court approves.



If, at any time during a motion, conference, hearing or proceeding conducted by telephonic or video conferencing the court determines a personal appearance is necessary by one or more of the parties, the court may continue the matter and require a personal appearance by one or more of the parties.

**(b) Telephonic or video conferencing call not allowed.** Except as otherwise provided by statute or rule of court or as permitted by the court, telephonic or video conferencing shall not be permitted for any of the following: **(1)** Trials; **(2)** Evidentiary hearings;**(3)** Contested motions or matters; **(4)** Dispositive motions; and **(5)** Settlement conferences.

**(c) Arranging telephonic or video conferencing call.** **(1)** Any party granted leave to appear by telephonic or video conferencing shall, not less than 48 hours prior to the scheduled hearing or conference, notify all other parties.**(2)** Unless otherwise directed by the court, the party who first obtains permission to appear by telephonic or video conferencing call shall be responsible for arranging the telephone conference call with all parties and the telephone conference call operator, if applicable, and ensuring that the call is arranged and ready for court participation at the time appointed for the hearing.

#### **Haw. R. Circuit Cts. Rule 12**

Rule 12. Ready civil calendar.

**(b) Pretrial statement.** No case shall be placed on the "Ready Calendar" unless a "Pretrial Statement" has been filed and served in accord with Rule 5 of the Hawai'i Rules of Civil Procedure. The pretrial statement shall be filed within 8 months after a complaint has been filed or within any further period of extension granted by the court. It shall contain the following information: **(1)** A statement of facts; **(2)** Admitted facts; **(3)** All claims for relief and all defenses advanced by the party submitting the pretrial statement and the type of evidence expected to be offered in support of each claim and defense; **(4)** The names, addresses, categories (i.e., lay, eye, investigative), and type (i.e., liability, damages) of all non-expert witnesses reasonably expected to be called by the party submitting the statement and a general statement concerning the nature of the testimony expected; **(5)** The name, address and field of expertise of each expert witness expected to testify and a general statement concerning the nature of the testimony expected;

**(6)** A statement that each party, or the party's lead counsel, conferred in person with the opposing party, or with lead counsel for each opposing party, in a good faith effort to limit all disputed issues, including outstanding discovery, and considered the feasibility of settlement and alternative dispute resolution options. A face-to-face conference is required under these rules and shall not be satisfied by a telephone conference or written correspondence. The face-to-face conference shall take place in the judicial circuit where the action is pending unless otherwise agreed by counsel and/or the parties;

## IDAHO

### **I.A.R. PROCEDURES IN THE SRBA**

#### PROCEDURES IN THE SRBA

#### **10. PROCEDURE FOR WATER RIGHTS WHERE AN OBJECTION HAS BEEN FILED**

**m. Participation in Hearings by Telephone** Permission to participate in a hearing by telephone must be given in advance by the Presiding Judge or Special Master.

**(1)** Telephone participation will not be allowed in summary judgment hearings or trials.

**(2)** Telephone participation in settlement conferences, scheduling conferences and other hearings is discouraged and only allowed with leave of the court.

**(3)** No oral testimony will be allowed by telephone.

**(4)** For hearings before the Presiding Judge, the first person to request participation by telephone will be responsible for initiating the call to the court and for making certain all parties are connected.

**(5)** For hearings before the Special Masters:**(a)** The order/notice setting the hearing will state if telephone participation is allowed.**(b)** The parties must decide among themselves who will initiate the call.**(c)** The Clerk of the SRBA Court must be notified at least 24 hours **prior** to the hearing as to who will be participating by telephone and who will be initiating the call.

**(6)** Place your call to the court at least 5 minutes prior to the scheduled start of your hearing. No hearing will be delayed or interrupted because of telephone participation. If you have not called by the time the Presiding Judge or Special Master is ready to begin, your call will not be connected to the courtroom.

**(7)** When initiating a call to the court which involves more than one party from different locations, you must use the services of a teleconference operator. Do not use your telephone system conference call feature. (Check with your telephone service or long-distance provider.)

**(8)** Speaker phones are not recommended. Many times there is too much background noise or the signal is too weak to be transmitted clearly in the courtroom.

**12. SETTLEMENT CONFERENCES** Settlement conferences may be held at the discretion of the court. Such conferences shall be held in conformance with any pre-trial or scheduling order issued by the court. Parties and their attorney(s) of record must be personally present. No one may attend by proxy or by telephone. Each party is required to be present with the individual(s) possessing full settlement authority on every aspect of the contested subcase.

#### **D. Id. L. Civ. Rule 16.1 Federal District Court Local Rule**

Rule 16.1. Scheduling Conference, Litigation Plan, Voluntary Case Management Conference (VCMC) and Electronically Stored Information.

**(b)** Voluntary Case Management Conference.

**(2) Timing**

(b) The Magistrate Judge conducting the VCMC conference may order the VCMC conference be conducted by telephone upon request by counsel for any party.

## ILLINOIS

### C.D. III., R 16.1

#### Rule 16.1. Pretrial Procedures

**(A) *Special Pretrial Conference.*** A special pretrial conference may be held at any time by the presiding judge on notice issued to the parties whenever it appears that such may aid in disposition or preparation for trial. The special pretrial conference will be by telephone conference unless otherwise directed by the presiding judge.

**(B) *Settlement Conference.*** The presiding judge may order the parties to submit to settlement conferences at any time if it appears that a case may be resolved by settlement. The settlement conference will be by personal appearance unless otherwise directed by the presiding judge. In addition to the attorney responsible for the actual trial of the case, someone with final settlement authority must attend the settlement conference, either in person or by telephone. The settlement conference in a matter to be tried to the court must be conducted by a judge who will not preside at the trial of the case.

**(E) *Final Pretrial Conference.***

**3)** The final pretrial conference will be by personal appearance unless otherwise directed by the presiding judge. Counsel who will actually try the case or parties not represented by counsel must appear at the final pretrial conference. Counsel and the parties must be authorized and prepared to enter such stipulations and agreements as may be appropriate.

**(G) *Sanctions.*** Failure of counsel or parties, if not represented by counsel, to appear at any scheduled pretrial conference, *including telephone conferences*, or otherwise to comply with the provisions of this rule, may result in dismissal, default, awarding of attorney's fees and costs, and such other sanctions, as may be appropriate.

### C.D. III., R 16.2

#### Rule 16.2. Scheduling Conference and Order

**(C) *Scheduling by Telephone Conference.*** The scheduling conference may be held by a telephone conference call or the court may require personal appearance. Lead counsel must participate in the scheduling conference or inform the clerk of this court of substitute counsel before the time set for the conference. Whoever participates on behalf of a party is expected to be prepared to address the matters contemplated by the scheduling order and have full authority to bind the party as to such matters.

### **S.D. Ill. Loc. R. Bankr., R 2003**

Rule 2003. Bankruptcy Code § 341 Meetings

**D. *Waiver of Attendance.*** A request by a debtor to be excused from attendance at the 341 meeting of creditors must be made in writing to the Office of the United States Trustee and copied to the case Trustee. The United States Trustee's acceptable grounds for waiver include: medical condition, imprisonment and military assignments that prevent attendance. Any application for waiver of attendance must include supporting documentation, e.g., doctor's letter, court order or military order. Waiver of personal appearance and permission to attend a 341 meeting by telephone must also be approved by the United States Trustee. To appear by telephone, the debtor must be sworn in and identified by a notary, court reporter or other person permitted by law to administer an oath.

### **Ill. Supreme Court R. 185**

#### **Rule 185. Telephone Conferences**

Except as may be otherwise provided by rule of the circuit court, the court may, at a party's request, direct argument of any motion or discussion of any other matter by telephone conference without a court appearance. The court may further direct which party shall pay the cost of the telephone calls.

### **Ill. Supreme Court R. 241**

#### **Rule 241. Use of Video Conference Technology in Civil Cases**

The court may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony in open court by contemporaneous transmission from a different location.

### **Ill. 10<sup>th</sup> Judicial Cir Admin Order**

#### **Administrative Order 14-07**

TELEPHONIC COURT PROCEEDINGS (PILOT PROGRAM)

#### **A Telephonic Appearances**

1. Effective September 1, 2014, as a means to increase efficiencies and reduce costs to participants, and pursuant to Supreme Court Rule 185, use of the independent conference servicing company CourtCall is hereby made available for telephonic appearances for pro se parties and counsel of record in selected courtrooms, including at this time, Peoria Civil Courtrooms 203, 213 and 214 and Tazewell L

Courtroom 101. All participants are required to follow each presiding judge's specific courtroom rules for this service. Subject to the foregoing, CourtCall may be utilized in all status conferences, pre-trial hearings, case management conferences, scheduling conferences and various motions where evidence will not be adduced, and in all other matters permitted by the presiding judge.

2. Other courtrooms in the 10th Circuit may utilize this service upon authority of the presiding judge and approval of the Chief Judge.
3. Existing Supreme Court Rules, Local Rules and procedures regarding the making of the record by a court reporter or obtaining a transcript after a hearing shall apply to hearings at which telephonic appearances are made. No other recordings are allowed.

#### B. Scheduling and Notice

1. CourtCall facilitates the telephonic appearance of persons at hearings which have already been scheduled by regular means with the respective court scheduling office or courtroom clerk. CourtCall does not set or calendar hearings for the court. If a court date is not already set, or a motion is not scheduled and noticed via the Circuit Clerk's office in the same manner as any other motion, the case will not appear on the judge's call and will not be heard.
2. Telephonic appearances must be arranged by contacting CourtCall by phone at (888) 882-6878 or online at [www.courtcall.com](http://www.courtcall.com) no later than 4:00pm (CST) on the second court day preceding a hearing date. [Court approved emergency settings excepted for which as much notice as possible is required.]
3. Persons electing to make a telephonic appearance shall notify all counsel/parties of the same either contemporaneously with any written notice of motion or via fax or email (or, if the former are unavailable, by telephone) no less than 24 hours prior to the scheduled court date. Nothing in this rule shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rule 12 and Local Rules.

#### C. Telephonic Appearance Procedure

1. It is the responsibility of the person making a telephone appearance to dial into the call no later than five (5) minutes prior to any scheduled hearing(s), and to check in with the Court Clerk. Persons may be placed on "hold" until the case is called by the Court and shall be immediately available when the case is called.
2. Persons appearing telephonically shall state his or her name for the record each time he or she speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.

3. Unless otherwise permitted by the Court, to ensure the quality of the record and to assure compliance with Local Rules the use of cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited.
4. If a person schedules a telephonic appearance and then fails to respond when the matter is called, the Court may pass the matter or treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.

#### D. Costs

1. CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement, are subject to follow any additional terms imposed by CourtCall, and shall be solely responsible for any costs or other expenses incurred for those services provided. Under no circumstance shall the Court bear any costs for any telephonic appearance.

#### E. Rejections, Refunds and Suspension of Privileges

1. The fact that a telephonic appearance is scheduled with CourtCall shall not be construed as a determination that the telephonic appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephonic appearances. The Court reserves the right, at any time, to reject any telephonic appearance in violation of this Administrative Order or as otherwise necessary for the administration of justice.
2. The Court reserves the right to halt any telephonic appearance in progress on any matter and order the attorneys to personally appear at a later date and time.
3. The Court further reserves the right and sole discretion to suspend any person's ability to appear telephonically using CourtCall's services, and to bar any telephonic appearance in any given case and to revoke use of this protocol in its entirety at any time.

### **III. 18<sup>th</sup> Judicial LR 30.05**

#### **30.05 DEFENDANT'S APPEARANCE BY A TWO-WAY AUDIO/VIDEO COMMUNICATION SYSTEM**

A criminal defendant may appear in court at pre-trial and post-trial proceedings by way of a two-way audio/video communication system, so long as the following conditions are met:

1. The Defendant is incarcerated; and
2. The Director of Corrections, Sheriff, or other authority has certified that facilities, including a secure line over which the defendant and the defense attorney may communicate, are available for this purpose; and
3. The court appearance is for one or more of the following purposes:
  - A. The initial appearance before a judge on a criminal complaint, at which bail will be set;
  - B. The waiver of a preliminary hearing;
  - C. The arraignment on an information or indictment at which a plea of not guilty will be entered;
  - D. The presentation of a jury waiver;
  - E. Any status hearing; and
  - F. Any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken.

To protect the defendant's underlying constitutional rights, a criminal defendant shall be physically present in court during witness confrontation, the presentation of a defense, impaneling of a jury, and a plea of guilty, unless these rights have been lawfully waived.

This Rule is drafted under the authority of 725 ILCS 5/106D-1, 725 ILCS 5/109-1, and *People v. Willie E. Lindsey*, 201 Ill. 2d 45 (2002) and *People v. Stroud*, 208 Ill. 2d 398 (2004). Defendant must waive right to be in court for plea of guilty. Without waiver and admonishment, plea of guilty is vacated.

### Ill. 18<sup>th</sup> Judicial Cir Memorandum

## **MEMORANDUM**

TO: All Counsel and Self-Represented Parties  
FROM: Hon. Dorothy French Mallen  
RE: Telephone Appearances through CourtCall, LLC ("CourtCall")  
DATE: Effective September 15, 2015

In an effort to increase efficiency and reduce costs to litigants, telephone appearances will be allowed in cases heard by me in Courtroom 2016 SCHEDULING AND NOTICE

1. Except as provided through a specific order of Court, no telephone appearance will be allowed unless it is made through CourtCall, an independent audio and video conference servicing company.

2. CourtCall facilitates the telephone appearance of persons at hearings which have already been scheduled by regular means with the Court. CourtCall does not set or calendar hearings for the Court.

3. Telephone appearances must be arranged by contacting CourtCall by phone at (888)882-6878 or online at [www.courtcall.com](http://www.courtcall.com), no later than 10 AM on the court day preceding a hearing date, or with leave of Court. CourtCall will provide participants with a written confirmation of their telephone appearance and a number to call to make the telephone appearance.

4. Persons electing to make a telephone appearance shall notify all parties of the same either contemporaneously with any written notice of motion or via fax or e-mail (or, if the former are unavailable, by telephone) no later than Noon on the court day preceding a hearing date, or as directed by the Court.

5. Nothing in these procedures shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rules or in the Rules of the 18th Circuit.

#### Appearance Procedure

1. Only counsel of record and self-represented litigants may appear by telephone conference unless otherwise ordered by the Court.

2. It is the responsibility of the person making a telephone appearance to access the conference no later than five (5) minutes prior to any scheduled hearing, and to check in with the CourtCall clerk. Participants may be placed on "hold" until the case is called by the court clerk and shall be immediately available when the case is called.

3. Persons appearing by telephone shall state their name for the record each time they speak and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance.

4. To insure the quality of the record, persons appearing by telephone shall be in a quiet, private location. "Smart" phones are allowed, but the use of car phones, speakerphones, BlueTooth devices, and phones in public places is not permitted.

5. No recording of court proceedings may be made by any person or by any means.

6. Telephone appearances are limited to agreed orders, uncontested matters, routine status hearings, case management conferences unless otherwise ordered by the Court.

7. Agreed and uncontested matters involving persons physically appearing in court may be entertained first. Otherwise, the call will be heard in the order listed by the court call.

8. Existing Supreme Court Rules and Rules of the 18th Circuit regarding the making of a record by a court reporter or obtaining a transcript after a hearing shall apply to any hearing at which telephone appearances are made.

## INDIANA

### **Ind. Admin. R. 14**

Rule 14. Use of telephone and audiovisual telecommunication



**(A) Authority.** -- A trial court may, in its discretion, use telephone or audiovisual telecommunication pursuant to the provisions of this rule as follows:

**(1) A trial court may use telephone or audiovisual telecommunication to conduct:**

**(a)** Pre-trial conferences; **(b)** Proceedings where only the attorneys are present; **(c)** Proceedings during a declared emergency under Ind. Administrative Rule 17; and, **(d)** Proceedings where a party or witness is unavailable due to quarantine.

**(2) A trial court may use audiovisual telecommunication to conduct:**

**(a)** Initial hearings pursuant to [IC 35-33-7-1](#), 3, 3.5, 4 and 5, including any probable cause hearing pursuant to [IC 35-33-7-2](#); determination of indigence and assignment of counsel pursuant to [IC 35-33-7-6](#); amount and conditions of bail pursuant to [IC 35-33-7-5\(4\)](#), [35-33-8-3.1](#) and 4; and the setting of omnibus date pursuant to [IC 35-36-8-1](#); **(b)** The taking of a plea of guilty to a misdemeanor charge, pursuant to [IC 35-35-1-2](#); **(c)** Sentencing hearings pursuant to [IC 35-38-1-2](#) when the defendant has given a written waiver of his or her right to be present in person and the prosecution has consented; **(d)** Post-conviction hearings pursuant to Ind. Post-Conviction Rule 1(5), with the written consent of the parties; **(e)** Preliminary hearings in mental health emergency detention proceedings pursuant to [IC 12-26-5-10](#); **(f)** Review hearings in mental health commitment proceedings pursuant to [IC 12-26-15-2](#); **(g)** When a child is alleged to be a delinquent child, for a detention hearing pursuant to IC 31-37-6 or a periodic review hearing pursuant to [IC 31-37-20-2](#); **(h)** When a child is alleged to be a child in need of service, for a detention hearing pursuant to IC 31-34-5 or a periodic review hearing pursuant to [IC 31-34-21-2](#).

**(B) Other Proceedings.** -- In addition, in any conference, hearing or proceeding not specifically enumerated in Section (A) of this rule, with the exception of criminal proceedings involving the right of confrontation or the right to be present, a trial court may use telephone or audiovisual communications subject to:

**(1)** the written consent of all the parties, entered on the Chronological Case Summary; or

**(2)** upon a trial court's finding of good cause, upon its own motion or upon the motion of a party. The following factors shall be considered in determining 'good cause':

**(a)** Whether, after due diligence, the party has been unable to procure the physical presence of the witness;

**(b)** Whether effective cross-examination of the witness is possible, considering the availability of documents and exhibits to counsel and the witness;

**(c)** The complexity of the proceedings and the importance of the offered testimony in relation to the convenience to the party and the proposed witness;

**(d)** The importance of presenting the testimony of the witness in open court, where the fact finder may observe the demeanor of the witness and impress upon the witness the duty to testify truthfully;

- (e) Whether undue surprise or unfair prejudice would result; and
- (f) Any other factors a trial court may determine to be relevant in an individual case.

**(3)** A party or a trial court if it is acting on its own motion must give notice of the motion to use telephone or audiovisual telecommunication as follows:

**(a)** Any motion for testimony to be presented by telephone or audiovisual telecommunication shall be served not less than thirty (30) days before the time specified for hearing of such testimony;

**(b)** Opposition to a motion for testimony to be presented by telephone or audiovisual telecommunication shall be made by written objection within seven (7) days after service;

**(c)** A trial court may hold an expedited hearing no later than ten (10) days before the scheduled hearing of such testimony to determine if good cause has been shown to present testimony by telephone or audiovisual telecommunication;

**(d)** A trial court shall make written findings of fact and conclusions of law within its order on the motion for testimony to be presented by telephone or audiovisual telecommunication; and

**(e)** For cause found, a trial court may alter the time deadlines set forth in paragraphs (a) through (c) upon motion made prior to the expiration of the time for the required action.

**(C) Facilities and Equipment.** -- In relation to any hearing or proceeding conducted under this rule, the court shall assure that:

**(1)** The facility and equipment provide counsel with the ability to confer privately with an out of court party, or with other counsel, off the record, before, during, and immediately following the hearing or proceeding. Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for the purposes of this section.

**(2)** When using telephonic and audiovisual telecommunication: **(a)** All participants are able to fully view and/or converse with each other simultaneously. **(b)** The facilities have the capacity for contemporaneous transmission of documents and exhibits. **(c)** Audiovisual images are in color and monitor screens are of sufficient quality, design, and architecture as to allow all parties to observe the demeanor and non-verbal communication of the other parties. **(d)** The telephonic or audiovisual transmission is of sufficient quality, design, and architecture to allow easy listening and/or viewing of all public proceedings. **(e)** The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.

**(3)** Application may be made to the Indiana Supreme Court, through the Division of State Court Administration, for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.

**(4)** The confidentiality accorded to attorney-client communications, and all other privileges applicable under Indiana law, apply.

## **Ind. St. Joseph L. Civ. Rule 9**

Rule LR71-TR16-209. Pre-trial Procedures.

209.3. Alternative Dispute Resolution

At any mediation or settlement conference, counsel for each party shall be present, in person, and each party or a designated representative having complete authority to settle the matter in question shall be present in person. Upon request and by leave of court, a party or representative of a party may be allowed to participate in said settlement conference by telephone in lieu of a personal appearance. Should any party or counsel for any party violate the requirements of this rule concerning attendance, the Court may impose sanctions.

## IOWA

### **Iowa R. Civ. P. 1.431**

Rule 1.431 Motion practice; generally.

**1.413(1).** A motion is an application made by any party or interested person for an order related to the action. It is not a "pleading" but is subject to the certification requirements of rule 1.413(1).

**1.431(9)** The court upon its own motion or by the agreement of the parties shall arrange for the submission of motions under these rules by telephone conference call unless oral testimony may be offered.

### **N.D. Ia. Bankr. Prac. & Proc LR 3007-1**

RULE 3007-1. CLAIM - OBJECTIONS

**(a)** A party objecting to the allowance of a claim must serve claimant with a copy of the objection and a notice stating that the claimant must file and serve a response to the objection within 21 days of service of the objection, or the objection may be sustained without further notice or hearing. The objector must serve a copy of the objection and notice on an attorney who has appeared in the case on behalf of the claimant and upon the debtor and any trustee appointed in the case. A trustee may object to claims as part of the trustee's final report.

**(b)** If a response to the objection is filed and served, the clerk shall set a telephonic preliminary hearing on the objection. If debtor or any trustee wants to participate in the preliminary hearing, they must notify the party ordered to place the telephone call. If the objection cannot be resolved at the preliminary hearing, the court will schedule a final hearing.

## **N. & S.D. Iowa Civ. LR 16.1**

### LR 16.1. FINAL PRETRIAL CONFERENCE

**a. Representation at Final Pretrial Conference.** Each party not proceeding pro se must be represented at any final pretrial conference by a lawyer who will participate in the trial, is familiar with the facts of the case, and has full authority to act on behalf of the party. All pro se parties also must appear.

**b. Final Pretrial Conference Procedure.** If a final pretrial conference is ordered in a civil case, the following pretrial conference procedures will apply. Before the final pretrial conference, any unrepresented parties and counsel for all represented parties must confer to prepare and sign a proposed final pretrial order in the form supplied by the court. If the plaintiff is represented, the plaintiff's counsel has the responsibility for initiating the conference to prepare the proposed final pretrial order, but if the plaintiff is proceeding pro se, the lawyer for the defendant must initiate the conference. All parties have a duty to ensure the proposed final pretrial order is prepared properly. The proposed final pretrial order must be submitted to the court at least 5 days before the date of the final pretrial conference. With prior permission from the federal judge holding the final pretrial conference, the conference may be conducted by telephone, but only when the parties have submitted to the court, at least 5 days before the date of the conference, the following: **(1)** a fully and properly completed proposed final pretrial order; and **(2)** a request for a telephonic final pretrial conference. When listing witnesses in the proposed final pretrial order, the parties should exercise caution about personal data identifiers. (See LR 10.h.)

## KANSAS

Kansas allows guardians ad litem to interview persons by telephone.

## KENTUCKY

### **Ky. 38th Jud. Cir. LR CLR 38-8**

CLR 38-8. Pretrial Conferences.

**1)** Pretrial conferences may be held at any time during the pendency of an action in the Court's discretion upon the motion of either party.

**(2)** A final and mandatory pretrial conferences for both criminal and civil cases shall be scheduled by the Court and shall be held on the motion day prior to the date on which that case is assigned for trial. All criminal defendants and the attorneys in both the criminal and civil cases shall be present for consideration for the following matters:**(a)** To hear and decide all

pending motion and evidentiary issues which may arise before the Court;**(b)** To tender proposed instructions to the Court and opposing counsel;**(c)** To discuss the nature of the case, the theories of the parties, admitted facts, the ultimate factw which will be disputed, and the points of law to be passed upon by the Court;**(d)** To estimate the time required for a trial;**(e)** To discuss the possibility of settlement and/or plea; and**(f)** To discuss any other matter relevant to the trial of the action.

**(3)** A pretrial order for civil cases setting out the deadlines for they attorneys may be entered by the Court at the time the matter is set for trial. (A copy of the pretrial order that this Court is presently using is on page 23).

**(4)** A party in a civil case may appear by telephone if approved by the Court prior to the pretrial conference.

#### **Ky. 38th Jud. Dist. LR 38 DR 4**

38 DR 4. Appearances, Substitutions, Stipulations.

After a party has appeared by counsel he may not appear or act in his own behalf, unless the attorney or the party tenders an agreed order permitting the attorney to withdraw; or unless the party has been advised by his counsel to so appear for a specific purpose.

An attorney may for good cause appear at an arraignment or pre-trial conference via telephone, provided his client appears in court (unless his appearance has been waived by the court).

#### **Ky. 43rd Jud. Cir. FCR 205**

205. Settlement Conferences, Pre-Trial Conferences, and Pre-Trial Orders.

**A.** Parties may schedule informal Settlement Conferences by telephone conference call to the Family Court staff at (270) 651-9923, following each of which counsel shall tender for entry the appropriate Order Setting Settlement Conference.

**B.** At the close of each settlement conference the court. shall make an appropriate order which *may* include setting a pre-trial conference.

**C.**

**1.** Parties may schedule Pre-Trial Conferences by telephone conference call to the Family Court staff at (270) 651-9923, following each of which the court shall make the appropriate Order Setting Pre-Trial Conference.

**2.** In marital dissolution actions an Order Setting Pre-Trial Conference shall include a requirement that all parties shall file and serve no later than ten (10) days before the pre-trial

conference Form AOC-238 "Preliminary Verified Disclosure Statement" (unless the parties have exchanged such statements earlier in accordance with FCRPP 2 [3]).

## LOUISIANA

### **La. Dist. Ct. Appx. 9.14**

Rule 9.14.

**6A.** The pre-trial conference shall be by telephone, unless a personal conference is requested by one of the parties and/or ordered by the Court. It shall be the duty of the party who requested the conference to arrange the necessary phone connections, for the time set by the Court.

#### **4th Judicial District Court: Parishes of Morehouse and Ouachita**

If a party is not represented by counsel, the request shall so indicate, and list the address and telephone number of each unrepresented party. A scheduling conference involving a case in which there is an unrepresented party may be held either by telephone, in chambers, or in open court at the discretion of the judge, and with notice to any person requesting same and with notice to any unrepresented party, or the judge may set the matter for trial per Section 1(b) above. (below)

**(b)** Issue a Scheduling Order which shall include a trial date.

### **La. C.Cr.P. Art. 230.1**

Art. 230.1. Maximum time for appearance before judge for the purpose of appointment of counsel; court discretion to fix bail at the appearance; extension of time limit for cause; effect of failure of appearance

**A.** The sheriff or law enforcement officer having custody of an arrested person shall bring him promptly, and in any case within 72 hours from the time of the arrest, before a judge for the purpose of appointment of counsel. Saturdays, Sundays, and legal holidays shall be excluded in computing the seventy-two-hour period referred to herein. The defendant shall appear in person unless the court by local rule provides for such appearance by telephone or audio-video electronic equipment. However, upon a showing that the defendant is incapacitated, unconscious, or otherwise physically or mentally unable to appear in court within 72 hours, then the defendant's presence is waived by law, and a judge shall appoint counsel to represent the defendant within 72 hours from the time of arrest.

**B.** At this appearance, if a defendant has the right to have the court appoint counsel to defend him, the court shall assign counsel to the defendant. The court may also, in its discretion, determine or review a prior determination of the amount of bail.

**C.** If the arrested person is not brought before a judge in accordance with the provisions of Paragraph A of this Article, he shall be released forthwith.

**D.** The failure of the sheriff or law enforcement officer to comply with the requirements herein shall have no effect whatsoever upon the validity of the proceedings thereafter against the defendant.

### **La. Dist. Ct. Appx. 15.1**

Rule 15.1.

#### **2nd Judicial District Court: Parishes of Bienville, Claiborne and Jackson**

Appointment occurs at the 72 hour hearing if defendant is detained or in open court if defendant is free on a bail obligation. Except for Department of Corrections (DOC) prisoners at Camp David Wade Correctional Center (DWCC) or in the parish prisons, all appointments are made to the Second Judicial District Indigent Defender Board which hires indigent defenders. The DOC prisoners charged with new crimes while in prison are represented by attorneys who have a contract with the Louisiana Department of Public Safety and Corrections.

**72-HOUR APPEARANCE** In lieu of the [Code of Criminal Procedure Article 230.1](#) personal appearance of the defendant before a Judge of this Court, such appearance may be by telephone or audiovideo electronic equipment.

#### **3rd Judicial District Court: Parishes of Lincoln and Union**

In compliance with [Article 230.1 of the La. Code of Criminal Procedure](#), as amended, each defendant, in the discretion of the particular district judge, may be brought before the court via telephone for the appointment of counsel. When utilizing this method, the custodian of the prisoner shall make notation of the date and time of such appointment, the division of the court making the appointment, and the name of the officer or deputy of the custodian verifying the conversation, all on a form approved by the court. The original of this form shall be delivered to the District Attorney and a copy shall be delivered to the Clerk of Court for notation in the minutes of the court, or at arraignment, if not previously appointed.

#### **6th Judicial District Court: Parishes of East Carroll, Madison and Tensas**

The appearance of arrested persons pursuant to [C.Cr.P. Art. 230.1](#) may be made in person, by telephone or by audio-video electronic equipment, at the discretion of the presiding judge.

When an appearance is by telephone or audio-video electronic equipment the custodian of the prisoner shall make notation on a form approved by the court of the date and time of the appearance, the division of the court before whom the appearance is made and the name of the officer or deputy of the custodian verifying the conversation. In the event the court makes an initial determination that the defendant is indigent the court shall appoint the Office of Public Defender to represent the defendant. The original of the appearance/appointment form shall be delivered by the custodian to the Clerk of Court for filing in the record and notation in the minutes of court. A true copy shall be provided by the Clerk of Court to the District Attorney and to the Office of Public Defender. The appointing judge shall provide a Notice of Appointment of Counsel by facsimile to the Office of District Public Defender immediately after making the appointment.

### **8th Judicial District Court: Parish of Winn**

Counsel for indigent defendants appointed on motion of Indigent Defender Board.

1. Rights Hearing. Any person entitled to a hearing pursuant to [C.Cr.P Article 230.1](#) shall be timely brought before the presiding judge for the purpose of fixing bail and/or appointment of counsel in accordance with the provisions therein, except that the defendant shall be allowed to make appearance by telephone and/or audio/video electronic equipment, within the discretion of the presiding judge.

### **15th Judicial District Court: Parishes of Acadia, Lafayette and Vermilion**

After the Court makes the preliminary determination that the accused is or may be indigent, the Court shall refer the accused to the Indigent Defender's Office, which shall inquire further into the accused's economic status and upon determining that the accused is indigent, shall file in the record of the proceeding, a certification of indigency and order appointing counsel. Any oral or written statement made by the accused in the determination of his economic status shall be made under oath or an equivalent affirmation.

Any person whose application is denied may request a hearing to review the matter. A person found "partially indigent" under [R.S. 15:148](#), shall have counsel appointed immediately, without regard to when he makes the payment to partially reimburse the cost of his defense.

#### **APPOINTMENT OF COUNSEL AT 72 HOUR APPEARANCE**

When audio visual electronic equipment is not available, a defendant may appear at his seventy two hour hearing by telephone as authorized by [La. C.Cr.P Art. 230.1](#). The judge conducting such hearing by telephone shall insure that the hearing is conducted in the presence and within the hearing of the criminal records minute clerk who shall make a record thereof. (As amended through 9/10/2002.)

### **16th Judicial District Court: Parishes of Iberia, St. Martin and St. Mary**



The Court appoints the Indigent Defender Board for the District and the Board hires attorneys to represent indigent defendants in criminal matters. Appearances before a judge for the purpose of appointment of counsel for an arrested person within seventy two hours from the time of the arrest, as provided by [La. C.Cr.P. Art. 230.1](#), may be made by telephone or audio video electronic equipment, as well as in person, in the discretion of said judge.

#### **17th Judicial District Court: Parish of Lafourche**

At the magistrate hearing conducted pursuant to [La. C.Cr.P. Art. 230.1](#), the Court will appoint counsel for defendants who request counsel and who are determined by the Court to be indigent. In cases where the defendant is not incarcerated, the appointment of counsel will be made at arraignment or at such other time as the defendant may request counsel and the Court determines that the defendant is indigent.

An arrested person brought before a judge of the Seventeenth Judicial District Court for the purpose of appointment of counsel in conformity with [Louisiana Code of Criminal Procedure Article 230.1](#) may make an appearance by telephone or audio-video equipment.

#### **23rd Judicial District Court: Parishes of Ascension, Assumption and St. James**

The appointment of attorneys may be conducted in person or by video conference or telephone. Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

#### **39th Judicial District Court: Parish of Red River**

One of two indigent counsel appointed by Judge except for conflicts.

Attorney/Bail Hearings:

Any person entitled to a hearing pursuant to [La. C.Cr.P. Art. 230.1](#) shall either be timely brought before the presiding judge for the purpose of fixing or amending bail and/or appointment of counsel in accordance with the provisions therein, or make appearance by telephone and/or audio/video electronic equipment within the discretion of the presiding judge. (WITH AMENDMENTS OF JUNE 2, 2003; EFFECTIVE JULY 1, 2003)

#### **40th Judicial District Court: Parish of St. John the Baptist**

**Section A.** On Mondays and Thursdays of each week at 8:30 a.m., or on any other day and time to be determined by the duty judge, the duty judge will appoint counsel in accordance with [Code of Criminal Procedure Article 230.1](#). These hearings may be conducted in person at the Parish Jail or in court, or they may be conducted by telephone or audio video electronic equipment, at the discretion of the duty judge. **Section B.** The Sheriff shall file into the record

Criminal Code of Procedure Article 230.2 documents (warrant or affidavit of probable cause) within forty eight hours of arrest for review by the duty judge when appointing counsel.

## MAINE

### **Me. R. Civ. P. 7**

#### RULE 7. PLEADINGS ALLOWED: FORM OF MOTIONS

(g) The use of telephone or video conference calls for conferences and non-testimonial hearings is encouraged. The court on its own motion, or upon request of a party, may order conferences or non-testimonial hearings to be conducted by telephone conference calls or with the use of video conference equipment. The court shall determine the party or parties responsible for the initiation and expenses of a telephone or video conference or non-testimonial hearing.

### **Me. R. Civ. P. 26**

#### RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY

**g)** Discovery Motions.

##### **(1) *Motions***

No written motions under Rule 26 through 37 shall be filed without the prior approval of a justice or judge of the court in which the action is pending. The moving party shall first confer with the opposing party in a good faith effort to resolve by agreement the issues in dispute. If the dispute is not resolved by agreement, the moving party shall request a hearing from the clerk by letter. The letter shall succinctly and without argument or citation describe the nature of the dispute and the relief requested. In cases involving objections to interrogatories or document requests, the moving party shall attach to the letter copies of only the specific objections in question and the specific interrogatories or requests to which objection has been made. In exigent circumstances a request for a hearing may be made to the clerk by telephone or in person. The request for a hearing constitutes a representation to the court, subject to Rule 11, that the conference with the opposing party has taken place and that the moving party has made a good faith effort to resolve the dispute. The clerk shall inform the moving party of the manner, date and time of the hearing. The moving party shall provide prompt notice of the hearing to all the other parties. If the hearing is to be conducted by telephone conference or video conference, the moving party shall connect all other parties who elect to participate and shall initiate the telephone or video conference call to the court.

##### **(2) *Hearing or Conference***

The court may issue an order without a hearing if the request is based on a failure to either answer or object to outstanding discovery requests. In all other cases the parties shall be prepared to offer oral argument at a hearing or a telephone or video conference on the discovery issues in question if scheduled by the court. No written argument shall be submitted and no motion papers shall be filed with the clerk without prior leave of the court.

**Me. R. Civ. P. 80M**

RULE 80M. MEDICAL MALPRACTICE SCREENING PANEL PROCEDURES.

**(a)** Applicability and Confidentiality. This rule applies to medical malpractice screening panel proceedings under the Maine Health Security Act, [24 M.R.S. § 2851](#), et seq. This rule supersedes the general provisions of the Maine Rules of Civil Procedure only to the extent that this rule provides otherwise. Medical malpractice screening panel proceedings shall be confidential.

**4) Prehearing Conference.** The Panel Chair may order a prehearing conference, which may be conducted by telephone or electronic communication. The parties shall be prepared to disclose and discuss the identity of witnesses and manner of presentation of testimony, the exhibits, medical literature, and deposition testimony to be offered, the time required for the presentations of the parties, the nature of any unusual legal or factual issues the Panel Chair may address or prepare in advance of the hearing, and the likelihood of scheduling or other problems that could affect the efficient conduct of the hearing. Motions in limine shall be filed with the court and served on the Panel Chair 14 days before the hearing.

**(7) Conduct of the Panel Hearing.** The Panel Chair shall conduct the hearing and make such rulings and orders as will promote the fair, efficient and inexpensive determination of the issues, including a reasonable allocation of the hearing time allowed the parties for their presentations.

**(B)** Presentation of Testimony. The parties shall have the right to examine and cross-examine witnesses. The Panel Chair shall not permit long narrative answers that prejudice another party's right to object to inadmissible testimony. With notice prior to hearing, in the absence of unfair prejudice to any opposing party and on such conditions as the Panel Chair may order, witnesses may be called by deposition or by telephone or video conference, and parties may submit an affidavit, summary of evidence or written report in lieu of testimony, regardless of a witness's availability for appearance at the hearing. Such prior notice shall be given at a time and in a manner sufficient to permit the opposing party a meaningful opportunity to respond.

**Me. R. Civ. P. 93**

## RULE 93. FORECLOSURE DIVERSION PROGRAM

### **(h)** Participation in Mediation.

**(1)** A mediator shall include in the mediation process any person the mediator determines is necessary for effective mediation, such as a potential contributor to the household, a property lien holder, other creditor or party-in-interest whose participation is essential to resolution of issues in the foreclosure. Mediation and appearance in person is mandatory for:

**(A)** the defendant;

**(B)** counsel for the defendant, if represented;

**(C)** counsel for the plaintiff; and

**(D)** the plaintiff, or representative of the plaintiff, who has the authority to agree to a proposed settlement, loan modification, or dismissal of the action. When the plaintiff is represented by counsel who has authority to agree to a proposed settlement and is present, the plaintiff or its representative may participate by telephone or video.

**(2)** For persons who are not the plaintiff or the defendant in the pending civil action, or their attorneys, participation is voluntary and the mediation shall proceed in the absence of such a person if that person declines to participate in the mediation.

**(3)** When a plaintiff participates by telephone, plaintiff's counsel shall ensure the quality of the connection is sufficient to allow clear communication for the duration of the session. Plaintiff's counsel may be required to furnish a speakerphone for use in the mediation room, or elsewhere. When telephone equipment is available, the plaintiff's counsel shall make arrangements at plaintiff's expense for reaching the plaintiff at a toll free number or through the use of automated conference call services. Plaintiff will comply with all requests contained in the mediation scheduling order, including requests for information about telephone participation or video participation. Requests for video participation must be made at least 10 days before the scheduled mediation session.

### **Me. R. Civ. P. 16A**

## RULE 16A. PRETRIAL PROCEDURE IN THE DISTRICT COURT

**(E)** Attendance at Mediation. Each party and their attorney, if any, shall be present at mediation and shall make a good faith effort to mediate all disputed issues. In exceptional circumstances, a party may participate by telephone with the prior approval of the court. If any party or attorney fails to attend or to make a good faith effort to mediate, the court may impose appropriate sanctions;

**(a) Orders Prior to Trial.** In any action in the District Court, the court may issue a scheduling order, trial management order, or other order directing the future course of the action. The court may issue standard orders, in a form approved by the Chief Judge of the District Court, directing the future course of the action without the signature of a judge, and when so issued such orders are binding on the parties.

**(b) Conferences.** The court may also schedule a conference, issue a pretrial order or, in its discretion, direct the attorneys for the parties and/or the parties to appear before it for a conference to address:

**(1)** The simplification of the issues;

**(2)** The necessity or desirability of amendments to the pleadings;

**(3)** The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

**(4)** The limitation of the number of expert witnesses; and

**(5)** Such other matters as may aid in the disposition of the action.

The court may, in its discretion, permit attendance at the conference by telephone or video conferencing.

#### **Me. R. Civ. P. 16B**

##### RULE 16B. ALTERNATIVE DISPUTE RESOLUTION

**(f) Conference Attendees.**

**(2)** The court may impose appropriate sanctions on any party or representative required and notified to appear at a conference who fails to attend.

**(3)** Attendance shall be in person or, in the discretion of the neutral, for good cause shown, by telephone or video conference.

#### **Me. R. Civ. P. 110A**

##### RULE 110A. PREHEARING SCHEDULE AND PROCEDURE FOR CASES INVOLVING MINOR CHILDREN

**(a) Family Law Magistrates.** In all Family Division actions involving minor children, Family Law Magistrates shall have authority to: (1) hold case management conferences and other prehearing or pretrial conferences including judicial settlement conferences; (2) determine whether a party or counsel may attend a conference, mediation or hearing by telephone; (3) issue interim orders prior to judgment under Rule 107(a) and act on motions for expedited hearings under Rule 107(b); (4) issue final orders establishing or modifying child support; and (5) issue orders in child support enforcement actions. In an uncontested proceeding, magistrates may issue divorce judgments, paternity judgments, parentage judgments, judicial

separation decrees, final orders establishing parental rights and responsibilities, and orders on post-judgment motions modifying any such original orders.

## MARYLAND

### **D. Md. Bankr R. G**

#### APPENDIX G. ALTERNATIVE DISPUTE RESOLUTION

**(e)** Dispute Resolution Procedures.

**8)** All individual parties, and representatives with authority to negotiate and to settle the Matter on behalf of parties other than individuals, shall attend the BDRP Conference in person, unless excused by the Resolution Advocate for cause. A party or lawyer who is excused from appearing in person at the BDRP Conference may be required to participate by telephone.

### **Md. Rule 2-513**

Rule 2-513. Testimony taken by telephone. (same text for **Md. Rule 3-513**)

**(a)** Definition. In this Rule, "telephone" means a landline telephone and does not include a cellular phone.

**(b)** When testimony taken by telephone allowed; applicability. A court may allow the testimony of a witness to be taken by telephone (1) upon stipulation by the parties or (2) subject to sections (e) and (f) of this Rule, on motion of a party to the action and for good cause shown. This Rule applies only to testimony by telephone and does not preclude testimony by other remote means allowed by law or, with the approval of the court, agreed to by the parties.

Cross references. -- For an example of testimony by other means allowed by law, see Code, [Family Law Article, § 9.5-110](#).

**(c)** Time for filing motion. Unless for good cause shown the court allows the motion to be filed later, a motion to take the testimony of a witness by telephone shall be filed at least 30 days before the trial or hearing at which the testimony is to be offered.

**(d)** Contents of motion. The motion shall state the witness's name and, unless excused by the court:

- (1)** the address and telephone number of the witness;
- (2)** the subject matter of the witness's expected testimony;
- (3)** the reasons why testimony taken by telephone should be allowed, including any circumstances listed in section (e) of this Rule;
- (4)** the location from which the witness will testify;

- (5) whether there will be any other individual present in the room with the witness while the witness is testifying and, if so, the reason for the individual's presence and the individual's name, if known; and
- (6) whether transmission of the witness's testimony will be from a wired handset, a wireless handset connected to the landline, or a speaker phone.
- (e) Good cause. A court may find that there is good cause to allow the testimony of a witness to be taken by telephone if:
- (1) the witness is otherwise unavailable to appear because of age, infirmity, or illness;
  - (2) personal appearance of the witness cannot be secured by subpoena or other reasonable means;
  - (3) a personal appearance would be an undue hardship to the witness; or
  - (4) there are any other circumstances that constitute good cause for allowing the testimony of the witness to be taken by telephone.
- Committee note.** -- This section applies to the witness's unavailability to appear personally in court, not to the witness's unavailability to testify.
- (f) When testimony taken by telephone is prohibited. If a party objects, a court shall not allow the testimony of a witness to be taken by telephone unless the court finds that:
- (1) the witness is not a party and will not be testifying as an expert;
  - (2) the testimony is not to be offered in a jury trial;
  - (3) the demeanor and credibility of the witness are not likely to be critical to the outcome of the proceeding;
  - (4) the issue or issues about which the witness is to testify are not likely to be so determinative of the outcome of the proceeding that the opportunity for face-to-face cross-examination is needed;
  - (5) a deposition taken under these Rules is not a fairer way to present the testimony;
  - (6) the exhibits or documents about which the witness is to testify are not so voluminous that testimony by telephone is impractical;
  - (7) adequate facilities for taking the testimony by telephone are available;
  - (8) failure of the witness to appear in person is not likely to cause substantial prejudice to a party; and
  - (9) no other circumstance requires the personal appearance of the witness.
- (g) Use of deposition. A deposition of a witness whose testimony is received by telephone may be used by any party for any purpose for which the deposition could have been used had the witness appeared in person.
- (h) Costs. Unless the court orders otherwise for good cause, all costs of testimony taken by telephone shall be paid by the movant and may not be charged to any other party.

**Md. FAMILY LAW Code Ann. § 9.5-110**

§ 9.5-110. Obtaining testimony of witnesses in another state

**a) In general.** --

- (1) In addition to other procedures available to a party, a party to a child custody proceeding may offer testimony of witnesses who are located in another state, including testimony of the

parties and the child, by deposition or other means allowable in this State for testimony taken in another state.

**(2)** The court on its own motion may order that the testimony of a person be taken in another state and may prescribe the manner in which and the terms on which the testimony is taken.

**(b) Other forms of testimony. --**

**(1)** A court of this State may permit an individual residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means before a designated court or at another location in that state.

**(2)** A court of this State shall cooperate with courts of other states in designating an appropriate location for the deposition or testimony.

**(c) Documentary evidence. --** Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the means of transmission.

## MASSACHUSETTES

### **MLBR 9074-1**

#### **RULE 9074-1. APPEARANCES BY TELEPHONE OR VIDEOCONFERENCE**

A person may appear at a pretrial conference or nonevidentiary hearing by telephone or by videoconference, for good cause shown. The request shall be in writing and timely filed with the Clerk and will be allowed only if appropriate under the circumstances, considering, without limitation, the nature of the hearing, proximity of the person requesting such an appearance and the resulting savings in travel time and reduction of expenses of that person and/or the Court. The telephone numbers and fax numbers for the courtroom deputies are set forth in Appendix 5.

### **ALM Hous. Ct. S.O. 1-04**

Standing Order No. 1-04. Time Standards for Cases Filed in the Housing Court Department

#### **CIVIL ACTIONS-F (CV-F)**

At the Case Management Status Conference, the case shall be reviewed, the possibility of an Alternative Dispute Resolution (ADR) referral to a court mediator or other court approved mediation program shall be considered and, if appropriate, a case-specific scheduling order shall be established which may or may not follow exactly the presumptive guidelines of the scheduling order issued when the case was filed. All parties shall appear in person or through counsel at the Case Management Status Conference. All counsel attending are required to be fully familiar with the case. Clients shall attend the conference or be available to their counsel via telephone, and shall be prepared to discuss all aspects of the conduct of the litigation,



including the settlement or compromise of the claims. Any party who does not appear at the conference in person or through counsel shall be defaulted or nonsuited.

## MICHIGAN

### **Mich. Bank. LBR 9017**

#### LBR 9017. Teleconferencing and Videoconferencing

The Court may permit a party or witness to appear at any proceeding before the Court by teleconference or video conference. Unless the Court orders otherwise, application to appear by telephone or video conference may be made informally and without a written request if timely notice is given to the other parties. The Court may grant such a request without a written order.

### **MCR 2.401**

#### Rule 2.401. Pretrial Procedures; Conferences; Scheduling Orders.

**(F) Presence of Parties at Conference.** If the court anticipates meaningful discussion of settlement, the court may direct that the parties to the action, agents of parties, representatives of lienholders, representatives of insurance carriers, or other persons:

- (1)** be present at the conference or be immediately available at the time of the conference; and
- (2)** have information and authority adequate for responsible and effective participation in the conference for all purposes, including settlement.

The court's order may require the availability of a specified individual; provided, however, that the availability of a substitute who has the information and authority required by subrule (F)(2) shall constitute compliance with the order.

The court's order may specify whether the availability is to be in person or by telephone.

This subrule does not apply to an early scheduling conference held pursuant to subrule (B).

**(B) Early Scheduling Conference and Order.**

**(1) Early Scheduling Conference.** The court may direct that an early scheduling conference be held. In addition to those considerations enumerated in subrule (C)(1), during this conference the court should consider:

- (a)** whether jurisdiction and venue are proper or whether the case is frivolous, and
- (b)** whether to refer the case to an alternative dispute resolution procedure under [MCR 2.410](#),

- (c) the complexity of a particular case and enter a scheduling order setting time limitations for the processing of the case and establishing dates when future actions should begin or be completed in the case and
- (d) discovery, preservation, and claims of privilege of electronically stored information.

### **MCR 3.210**

Rule 3.210. Hearings and Trials.

- (4) Testimony must be taken in person, except that the court may allow testimony to be taken by telephone in extraordinary circumstances, or under [MCR 2.407](#).

### **MCR 2.407**

Rule 2.407. Videoconferencing

**(A)** Definitions. In this subchapter:

- (1) “Participants” include, but are not limited to, parties, counsel, and subpoenaed witnesses, but do not include the general public.
- (2) “Videoconferencing” means the use of an interactive technology that sends video, voice, and data signals over a transmission circuit so that two or more individuals or groups can communicate with each other simultaneously using video codecs, monitors, cameras, audio microphones, and audio speakers.

**(B)** Application.

- (1) Subject to standards published by the State Court Administrative Office and the criteria set forth in subsection (C), a court may, at the request of any participant, or sua sponte, allow the use of videoconferencing technology by any participant in any court-scheduled civil proceeding.
- (2) Subject to State Court Administrative Office standards, courts may determine the manner and extent of the use of videoconferencing technology.

- (3) This rule does not supersede a participant’s ability to participate by telephonic means under [MCR 2.402](#).

**(C)** Criteria for Videoconferencing. In determining in a particular case whether to permit the use of videoconferencing technology and the manner of proceeding with videoconferencing, the court shall consider the following factors:

- (1) The capabilities of the court’s videoconferencing equipment.
- (2) Whether any undue prejudice would result.
- (3) The convenience of the parties and the proposed witness, and the cost of producing the witness in person in relation to the importance of the offered testimony.
- (4) Whether the procedure would allow for full and effective cross-examination, especially when the cross-examination would involve documents or other exhibits.
- (5) Whether the dignity, solemnity, and decorum of the courtroom would tend to impress upon the witness the duty to testify truthfully.

- (6) Whether a physical liberty or other fundamental interest is at stake in the proceeding.
- (7) Whether the court is satisfied that it can sufficiently control the proceedings at the remote location so as to effectively extend the courtroom to the remote location.
- (8) Whether the use of videoconferencing technology presents the person at a remote location in a diminished or distorted sense that negatively reflects upon the individual at the remote location to persons present in the courtroom.
- (9) Whether the use of videoconferencing technology diminishes or detracts from the dignity, solemnity, and formality of the proceeding and undermines the integrity, fairness, or effectiveness of the proceeding.
- (10) Whether the person appearing by videoconferencing technology presents a significant security risk to transport and be present physically in the courtroom.
- (11) Whether the parties or witness(es) have waived personal appearance or stipulated to videoconferencing.
- (12) The proximity of the videoconferencing request date to the proposed appearance date.
- (13) Any other factors that the court may determine to be relevant.

**(D) Request for videoconferencing.**

- (1) A participant who requests the use of videoconferencing technology shall ensure that the equipment available at the remote location meets the technical and operational standards established by the State Court Administrative Office.
- (2) A participant who requests the use of videoconferencing technology must provide the court with the videoconference dialing information and the participant's contact information in advance of the court date when videoconferencing technology will be used.
- (3) There is no motion fee for requests submitted under this rule.

**(E) Objections.** The court shall rule on an objection to the use of videoconferencing under the factors set forth under subsection C.

**(F) Mechanics of Videoconferencing.** The use of any videoconferencing technology must be conducted in accordance with standards published by the State Court Administrative Office. All proceedings at which videoconferencing technology is used must be recorded verbatim by the court with the exception of hearings that are not required to be recorded by law.

**MCR 2.402**

Rule 2.402. Use of Communication Equipment.

**(A) Definition.** "Communication equipment" means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other.

**(B) Use.** A court may, on its own initiative or on the written request of a party, direct that communication equipment be used for a motion hearing, pretrial conference, scheduling conference, or status conference. The court must give notice to the parties before directing on

its own initiative that communication equipment be used. A party wanting to use communication equipment must submit a written request to the court at least 7 days before the day on which such equipment is sought to be used, and serve a copy on the other parties, unless good cause is shown to waive this requirement. The requesting party also must provide a copy of the request to the office of the judge to whom the request is directed. The court may, with the consent of all parties or for good cause, direct that the testimony of a witness be taken through communication equipment. A verbatim record of the proceeding must still be made.

**(C) Burden of Expense.** The party who initiates the use of communication equipment shall pay the cost for its use, unless the court otherwise directs. If the use of communication equipment is initiated by the court, the cost for its use is to be shared equally, unless the court otherwise directs.

### **MCR 3.923**

Rule 3.923. Miscellaneous Procedures.

**(E) Electronic Equipment; Support Person.** The court may allow the use of closed-circuit television, speaker telephone, or other similar electronic equipment to facilitate hearings or to protect the parties. The court may allow the use of videotaped statements and depositions, anatomical dolls, or support persons, and may take other measures to protect the child witness as authorized by [MCL 712A.17b](#).

### **MCLS § 712A.17b**

§ 712A.17b. Definitions; proceedings to which section applicable; use of dolls or mannequins; support person; notice; video recorded statement; shielding of witness; video recorded deposition; special arrangements to protect welfare of witness; section additional to other protections or procedures.

**(1)** As used in this section:

**(a)** “Custodian of the video recorded statement” means the family independence agency, investigating law enforcement agency, prosecuting attorney, or department of attorney general or another person designated under the county protocols established as required by section 8 of the child protection law, 1975 PA 238, [MCL 722.628](#).

**(2)** This section only applies to either of the following:

**(a)** A proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, [MCL 750.136b](#), [750.145c](#), [750.520b](#) to [750.520e](#), and [750.520g](#), or under former section 136 or 136a of the Michigan penal code, 1931 PA 328.

**(b)** A proceeding brought under section 2(b) of this chapter.

**(7)** A custodian of the videorecorded statement may release or consent to the release or use of a videorecorded statement or copies of a videorecorded statement to a law enforcement agency, an agency authorized to prosecute the criminal case to which the videorecorded statement relates, or an entity that is part of county protocols established under section 8 of the child protection law, 1975 PA 238, [MCL 722.628](#). Each respondent and, if represented, his or her attorney has the right to view and hear the videorecorded statement at a reasonable time before it is offered into evidence. In preparation for a court proceeding and under protective conditions, including, but not limited to, a prohibition on the copying, release, display, or circulation of the videorecorded statement, the court may order that a copy of the videorecorded statement be given to the defense.

**(8)** If authorized by the prosecuting attorney in the county in which the videorecorded statement was taken, a videorecorded statement may be used for purposes of training the custodians of the videorecorded statement in that county on the forensic interview protocol implemented as required by section 8 of the child protection law, 1975 PA 238, [MCL 722.628](#).

**(9)** Except as provided in this section, an individual, including, but not limited to, a custodian of the videorecorded statement, the witness, or the witness's parent, guardian, guardian ad litem, or attorney, shall not release or consent to release a videorecorded statement or a copy of a videorecorded statement.

**(10)** A videorecorded statement that becomes part of the court record is subject to a protective order of the court for the purpose of protecting the privacy of the witness.

**(11)** A videorecorded statement shall not be copied or reproduced in any manner except as provided in this section. A videorecorded statement is exempt from disclosure under the freedom of information act, 1976 PA 442, [MCL 15.231](#) to [15.246](#), is not subject to release under another statute, and is not subject to disclosure under the Michigan court rules governing discovery. This section does not prohibit the production or release of a transcript of a videorecorded statement.

**(12)** Except as otherwise provided in subsection (15), if, upon the motion of a party or in the court's discretion, the court finds on the record that psychological harm to the witness would occur if the witness were to testify in the presence of the respondent at a court proceeding or in a videorecorded deposition taken as provided in subsection (13), the court shall order that the witness during his or her testimony be shielded from viewing the respondent in such a

manner as to enable the respondent to consult with his or her attorney and to see and hear the testimony of the witness without the witness being able to see the respondent.

**(13)** In a proceeding brought under section 2(b) of this chapter, if, upon the motion of a party or in the court's discretion, the court finds on the record that psychological harm to the witness would occur if the witness were to testify at the adjudication stage, the court shall order to be taken a videorecorded deposition of a witness that shall be admitted into evidence at the adjudication stage instead of the live testimony of the witness. The examination and cross-examination of the witness in the videorecorded deposition shall proceed in the same manner as permitted at the adjudication stage.

**(14)** In a proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, [MCL 750.136b](#), [750.145c](#), [750.520b](#) to [750.520e](#), and [750.520g](#), or under former section 136 or 136a of the Michigan penal code, 1931 PA 328, if, upon the motion of a party made before the adjudication stage, the court finds on the record that the special arrangements specified in subsection (15) are necessary to protect the welfare of the witness, the court shall order 1 or both of those special arrangements. In determining whether it is necessary to protect the welfare of the witness, the court shall consider both of the following:

**(a)** The age of the witness.

**(b)** The nature of the offense or offenses.

**(15)** If the court determines on the record that it is necessary to protect the welfare of the witness and grants the motion made under subsection (14), the court shall order 1 or both of the following:

**(a)** In order to protect the witness from directly viewing the respondent, the courtroom shall be arranged so that the respondent is seated as far from the witness stand as is reasonable and not directly in front of the witness stand. The respondent's position shall be located so as to allow the respondent to hear and see all witnesses and be able to communicate with his or her attorney.

**(b)** A questioner's stand or podium shall be used for all questioning of all witnesses by all parties, and shall be located in front of the witness stand.

**(16)** In a proceeding brought under section 2(a)(1) of this chapter in which the alleged offense, if committed by an adult, would be a felony under section 136b, 145c, 520b to 520e, or 520g of the Michigan penal code, 1931 PA 328, [MCL 750.136b](#), [750.145c](#), [750.520b](#) to [750.520e](#), and [750.520g](#), or under former section 136 or 136a of the Michigan penal code, 1931 PA 328, if, upon the motion of a party or in the court's discretion, the court finds on the record that the witness is or will be psychologically or emotionally unable to testify at a court proceeding even

with the benefit of the protections afforded the witness in subsections (3), (4), and (15), the court shall order that a videorecorded deposition of a witness shall be taken to be admitted at the adjudication stage instead of the witness's live testimony.

**(17)** For purposes of the videorecorded deposition under subsection (16), the witness's examination and cross-examination shall proceed in the same manner as if the witness testified at the adjudication stage, and the court shall order that the witness, during his or her testimony, shall not be confronted by the respondent but shall permit the respondent to hear the testimony of the witness and to consult with his or her attorney.

**(18)** This section is in addition to other protections or procedures afforded to a witness by law or court rule.

**(19)** A person who intentionally releases a videorecorded statement in violation of this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

### **MCR 3.215**

Rule 3.215. Domestic Relations Referees.

**(3)** Testimony must be taken in person, except that a referee may allow testimony to be taken by telephone for good cause, or under [MCR 2.407](#).

### **MCR 7.108**

Rule 7.108. Stay of Proceedings; Bond; Review.

**(4)** *Notice of Bond; Objections; Stay Orders.*

**(a)** A copy of a bond and any accompanying power of attorney or affidavit must be promptly served on all parties in the manner prescribed in [MCR 2.107](#). At the same time, the party seeking the stay shall file a proposed stay order pursuant to [MCR 2.602\(B\)\(3\)](#). Proof of service must be filed promptly with the trial court in which the bond has been filed.

**(b)** Objections shall be filed and served within 7 days after service of the notice of bond. Objections to the amount of the bond are governed by [MCR 2.602\(B\)\(3\)](#). Objections to the surety are governed by [MCR 3.604\(E\)](#).

**(c)** If no timely objections to the bond, surety, or stay order are filed, the trial court shall promptly enter the order staying enforcement of the judgment or order pending all appeals. Unless otherwise ordered, the stay shall continue until jurisdiction is again vested in the trial court or until further order of an appellate court.

**(d)** Any stay order must be promptly served on all parties in the manner prescribed in [MCR 2.107](#). Proof of service must be filed promptly with the trial court.

**(e)** All hearings under this rule may be held by telephone conference as provided in [MCR 2.402](#).

### **MCR 7.209**

Rule 7.209. Bond; Stay of Proceedings.

**(G)** Sureties and Filing of Bond; Service of Bond; Objections; Stay Orders. Except as otherwise specifically provided in this rule, [MCR 3.604](#) applies. A bond must be filed with the clerk of the court that entered the order or judgment to be stayed.

**(1)** Civil Actions.

**(a)** A copy of a bond and any accompanying power of attorney or affidavit must be promptly served on all parties in the manner prescribed in MCR 2.107. At the same time, the party seeking the stay shall file a proposed stay order pursuant to MCR 2.602(B)(3). Proof of service must be filed promptly with the trial court in which the bond has been filed.

**(b)** Objections shall be filed and served within 7 days after service of the bond. Objections to the amount of the bond are governed by MCR 2.602(B)(3). Objections to the surety are governed by MCR 3.604(E).

**(c)** If no timely objections to the bond, surety, or stay order are filed, the trial court shall promptly enter the order staying enforcement of the judgment or order pending all appeals. The stay shall continue until otherwise ordered by the trial court or an appellate court.

**(d)** Any stay order must be promptly served on all parties in the manner prescribed in MCR 2.107. Proof of service must be filed promptly with the trial court.

**(e)** All hearings under this rule may be held by telephone conference as provided in MCR 2.402.

**(f)** For good cause shown, the trial court may set the amount of the bond in a greater or lesser amount adequate to protect the interests of the parties.

**(g)** A bond may be secured under MCL 600.2631.



## MINNESOTA

### **Minn. R. Juv. Del. P. 5.04**

Rule 5.04. Release or Continued Detention

#### **Subd. 4. Probable Cause Determination.**

**(B) Application and Record.** --The facts establishing probable cause to believe the offense(s) was committed and that the child committed the offense(s) shall be presented to the judge upon oath, either orally or in writing, or signed under penalty of perjury pursuant to [Minnesota Statutes, section 358.116](#). Oral testimony shall be recorded and retained by the judge. Facts that are contained in a written document may be presented to the judge by telephone, video, or other electronic means. If probable cause is determined on facts contained in a written document and the judge is not available to sign the determination, the document shall be presented to the judge for signature within two (2) business days. The judge shall be advised if a prior request for a probable cause determination was made and turned down relative to the same incident.

### **Minn. R. Juv. Del. P. 25.01**

Rule 25.01. Summons, Notice in Lieu of Summons, Oral Notice on the Record, Service by Electronic Transmission and Notice by Telephone

**Subdivision 1.** Summons. A summons is a document personally served on a person directing that person to appear before the court at a specified time and place. If the person summoned fails to appear, the court may issue an arrest warrant or, for the child, a warrant for immediate custody.

**Subd. 2.** Notice in Lieu of Summons. A notice in lieu of summons is a document mailed, or electronically transmitted as authorized by the State Court Administrator, by the court administrator to a person who is directed to appear in court at a specified time and place. If a person appears pursuant to the mailed or electronically transmitted notice, the person waives the right to personal service of the summons. If the person fails to appear, the court shall not issue a warrant until personal service is made or attempted unless grounds exist under Rule 4.03.

**Subd. 3.** Oral Notice on the Record. The court may schedule further proceedings by oral notice to all persons present. Oral notice on the record shall be sufficient notice to all persons present. Any person not present who is entitled to notice, shall receive written notice.

**Subd. 4.** Detention Hearings: Service by Electronic Transmission or Notice by Telephone Permitted.

**(A) Service By Electronic Transmission.**

**(1)** If a child is detained pending a detention hearing in a place of detention other than home detention or at home on electronic home monitoring, the court administrator shall ensure that the child, child's attorney, prosecuting attorney, child's parent(s), legal guardian(s) or legal custodian(s), or spouse of the child receives notice that the child is in custody, and notice of the

detention hearing. The court administrator shall also provide to the Office of the Public Defender or the child's attorney copies of the reports filed with the court by the detaining officer and the supervisor of the place of detention. Defense counsel shall have immediate and continuing access to the child. The notice in lieu of summons and copies of the reports may be provided by electronic transmission, mailed notice, or hand delivery.

**(B) Notice By Telephone.** If the child, child's attorney, prosecuting attorney, child's parent(s), legal guardian(s) or legal custodian(s) or spouse of the child has not received notice of the time and place of the detention hearing and effective service by electronic transmission, mail, or hand delivery of the notice in lieu of summons is not possible, the court administrator may provide notice of the time and place of the detention hearing by telephone call.

**Minn. R. Juv. Del. P. 25.03**

Rule 25.03. Procedure for Notification

**(C) Notice of Detention Hearing: Telephone Call.** The person providing notice of a detention hearing by telephone call shall file a document with the court or make an entry in the court record stating:

- (1)** the name, address and telephone number of the person who was contacted with notice of the detention hearing;
- (2)** the date and time of the telephone call or the efforts to do so; and
- (3)** the reason why notice in lieu of summons was not sent by First Class Mail or other authorized means.

**Minn. Gen. R. Prac. 359.01**

Rule 359.01. Telephone and Interactive Video Permitted

A child support magistrate may on the magistrate's own initiative conduct a hearing by telephone or, where available, interactive video. Any party may make a written or oral request to the court administrator or the court administrator's designee to appear at a scheduled hearing by telephone or, where available, interactive video. In the event the request is for interactive video, the request shall be made at least five days before the date of the scheduled hearing. A child support magistrate may deny any request to appear at a hearing by telephone or interactive video.

**Minn. Spec. R. Proc. Commitment Act 14**

Rule 14. Location of Hearing, Rules of Decorum, Alternative Methods of Presenting Evidence

The judge or judicial officer shall assure the decorum and orderliness of any hearing held pursuant to Minn. Stat. ch. 253B or Minn. Stat. ch. 253D. The judge or judicial officer shall afford to respondent an opportunity to be dressed in conformity with the dignity of court appearances.

A hearing may be conducted or an attorney for a party, a party, or a witness may appear by telephone, audiovisual, or other electronic means if the party intending to use electronic means notifies the other party or parties at least 24 hours in advance of the hearing and the court approves. If a witness will be testifying electronically, the notice must include the name, address, and telephone number where the witness may be reached in advance of the hearing. This rule does not supersede [Minnesota Statutes, sections 595.02.08](#) (competency and privilege). Respondent's counsel will be physically present with the respondent. The court shall insure that the respondent has adequate opportunity to speak privately with counsel, including, where appropriate, suspension of the audio recording or allowing counsel to leave the conference table to communicate with the client in private.

### **Minn. R. Crim. P. 26.03**

#### Rule 26.03. Procedures During Trial

##### **Subd. 1. Defendant's Presence.**

**(1) Presence Required.** --The defendant must be present at arraignment, plea, and for every stage of the trial including:

- (a)** jury selection;
- (b)** opening statements;
- (c)** presentation of evidence;
- (d)** closing argument;
- (e)** jury instructions;
- (f)** any jury questions dealing with evidence or law;
- (g)** the verdict;
- (h)** sentencing.

If the defendant is disabled in communication, a qualified interpreter must also be present at each proceeding.

**(2) Presence Waived.** --The trial may proceed to verdict without the defendant's presence if:

- 1. The defendant is absent without justification after the trial starts; or
- 2. The defendant, after warning, engages in conduct that justifies expulsion from the courtroom because it disrupts the trial or hearing. But, as an alternative to expulsion, the court may use restraints if necessary to ensure order in the courtroom.

**(3) Presence Not Required.**

- 1. **Corporations.** --A corporation may appear by counsel.
- 2. **Felony.** --In felony cases, the court may, on the defendant's motion, excuse the defendant's presence except at arraignment, plea, trial, and sentencing.
- 3. **Gross Misdemeanors.** --In gross Misdemeanor cases, the court may, on the defendant's motion, excuse the defendant's presence except at trial.
- 4. **Misdemeanors.** --In misdemeanor cases, if the defendant consents either in writing or on the record, the court must excuse the defendant from appearing for arraignment or plea, and the court may excuse the defendant from appearing at trial or sentencing.
- 5. **ITV or Telephone.** --If a defendant consents, the court may allow the parties, lawyers, or the court to appear using ITV or telephone in any proceeding where the defendant could waive appearance under these rules.

**Minn. Gen. R. Prac. 5**

Rule 5. Appearance by Out-Of-State Lawyers

Lawyers duly admitted to practice in the trial courts of any other jurisdiction may appear in any of the courts of this state provided (a) the pleadings are also signed by a lawyer duly admitted to practice in the State of Minnesota, and (b) such lawyer admitted in Minnesota is also present before the court, in chambers or in the courtroom or participates by telephone in any hearing conducted by telephone. In a subsequent appearance in the same action the out-of-state lawyer may, in the discretion of the court, conduct the proceedings without the presence of Minnesota counsel. The out-of-state lawyer is subject to all rules that apply to lawyers admitted in Minnesota, including rules related to e-filing.

Any lawyer appearing pursuant to this rule is subject to the disciplinary rules and regulations governing Minnesota lawyers and by applying to appear or appearing in any action is subject to the jurisdiction of the Minnesota courts.

**Minn. Gen. R. Prac. 303.03**

Rule 303.03. Motion Practice

**(c) *Settlement Efforts.*** --Except in parentage cases where there has been no court determination of the existence of the parent and child relationship, and except in situations where a court has ordered that no contact occur between the parties, the moving party shall, within 7 days of filing a motion, initiate a settlement conference either in person, or by telephone, or in writing in an attempt to resolve the issues raised. Unless ADR is not required under Rule 310, this conference shall include consideration of an appropriate ADR process under Rule 114. The moving party shall certify to the court compliance with this rule or any reasons for not complying. The moving party shall file a Certificate of Settlement Efforts in the form developed by the state court administrator not later than 24 hours before the hearing. Unless excused by the Court for good cause, no motion shall be heard unless the parties have complied with this rule. Whenever any pending motion is settled, the moving party shall promptly advise the court.

**Minn. R. Civ. App. P. 133.01**

Rule 133.01. Prehearing Conference

The appellate courts may direct the parties, or their attorneys, to appear before a justice, judge or person designated by the appellate courts, either in person or by telephone, for a prehearing conference to consider settlement, simplification of the issues, and other matters which may aid in the disposition of the proceedings by the court. The justice, judge or person designated by the appellate courts shall make an order which recites the agreement made by the parties as to any of the matters considered and which limits the issues to those not disposed of by admission or agreement of counsel.

Unless exempted by the court for good cause shown, appeals in family law cases are subject to mandatory mediation. The court of appeals is authorized to issue special rules of practice governing the family law appellate mediation process. These special rules apply to appeals arising from marital dissolution actions; parentage actions; post-decree modification and enforcement proceedings, including civil contempt actions; child-support actions; and third-party custody and visitation actions.

## MISSISSIPPI

The federal courts in Mississippi have some rules relating to remote appearance, but the state courts do not.

### **N. & S.D. Miss. Bankr. L.R. Order**

#### *STANDING ORDER REGARDING VIDEO CONFERENCING IN PROCEEDINGS BEFORE JUDGE NEIL P OLACK*

Video conferencing capabilities are available for (a) the U. S. Bankruptcy Court for the Northern District of Mississippi at the U. S. Courthouse in Greenville, Mississippi, and (b) the U. S. Bankruptcy Court for the Southern District of Mississippi at the U. S. Bankruptcy Court in Jackson, Mississippi, and the Dan M. Russell, Jr. U. S. Courthouse in Gulfport, Mississippi. The Court finds that counsel and others who utilize such video conferencing shall abide by the procedures and directives set forth below in proceedings before Judge [Neil P. Olack](#):

#### SCHEDULING:

(1) The Court may set for hearing by video conference any matter in a bankruptcy case, including contested matters or adversary proceedings. Generally, such hearings will be scheduled to avoid significant time and expense of travel for the Court and the participants. Video conferencing may be utilized for status conferences and pretrial conferences, and for other hearings and trials regarding the introduction of evidence and taking of testimony when the Court deems appropriate.

(2) Parties in interest may request that the Court set for hearing by video conference any matter in a bankruptcy case. The moving party must:

(a) obtain consent from other interested parties prior to contacting the Court; and,

(b) request permission for hearing by video conference from Judge [Olack's](#) courtroom deputy seven days prior to the proceeding.

(3) The Court, in its discretion, shall determine whether said request should be granted. Requests received by the Court outside the time parameters described above will not be considered except in emergency situations. The Court may grant any request for hearing by video conference with or without a written order.

(4) The Court shall provide notice of the place and time for all proceedings set for hearing by video conference.

(5) The Court may at any time vacate a previously granted request for hearing by video conference, and may order any party to appear personally in court for any proceeding.

## MISSOURI

### **E.D. Mo. L.B.R. 9070**

L.B.R. 9070. Telephone and Video Conferences and/or Hearings.

An attorney or a party in the case may request to participate in any hearing by telephone or video conference by contacting the Courtroom Deputy at least 7 days (or as soon as possible if there are less than 7 days between the date the underlying pleading was filed and the hearing thereon) before the date of the hearing. A party may only participate by telephone or video conference with Court authorization. Prior to contacting the Court for permission, the party or counsel seeking to appear by telephone or video conference shall obtain the consent of all other parties to the electronic or telephonic appearance. Those participating by telephone must put their telephones on "mute" except when they need to be heard and shall not put their telephones on "hold." Unless the Court otherwise directs, this procedure is available only to attorneys and parties who are not residents of the Eastern Division and to attorneys whose principal office is not within the Eastern Division. Such hearings may be deferred by the Court to the end of the hearing calendar. All parties shall remain available for the telephonic or video participation beginning at the scheduled hearing time until they are excused by the Court. The Court need not postpone the hearing because of a party's unavailability or because of problems with telephonic or video transmission.

### **W.D. Mo. Bankr. R. 9060-1**

RULE 9060-1. Notices and Hearings

**E. *Appearance at Court Hearing.*** --When hearings are scheduled in the courtroom, attorneys and parties shall appear in person unless there are extenuating circumstances and prior approval has been obtained from the Court. Contact the assigned courtroom deputy by e-mail to discuss extenuating circumstances.

**F. *Telephone Hearings.*** --When hearings are scheduled to occur by telephone, parties shall provide contact information to the court as directed in the hearing notice. Selected hearings and all pretrial conferences are conducted by telephone. The Court will initiate the telephone call for the hearing. Parties appearing by telephone must remain available for the Court's call

from the scheduled hearing time until the end of the day's hearing calendar. The Court may not postpone the hearing because of a party's unavailability or because of problems with telephonic transmission.

**Mo. App. S.D. Spec. R. 1**

Rule 1. Calling of Docket--Oral Argument--Waiver—Time

(b) Appellant in any case desiring to orally argue the cause shall serve notice thereof upon the respondent and the clerk of this court not later than 10 days after the brief of respondent is due to be filed under [Supreme Court Rules 30.06\(k\)](#) or [84.05\(a\)](#) or as extended by order of this court.

(f) Within the time for serving a request for oral argument as provided in Special Rule 1(b), an appellant or respondent may file a notice of desire to appear for oral argument via video conference from an approved remote site (hereinafter, "Notice of Video Conference Appearance"). If any party timely files a Notice of Video Conference Appearance in accordance with the foregoing, then any other party may file a Notice of Video Conference Appearance within 10 days thereafter or within the time for serving a request for oral argument under Special Rule 1(b), whichever is later. A Notice of Video Conference Appearance shall be prepared as a separate pleading (i.e., it shall not be included on the cover of a brief), shall be filed with the clerk of this court and served upon all parties, and shall include the following: (1) A statement that the party desires to appear for oral argument via video conference; and (2) a designation of an approved remote site from which the party desires to appear via video conference. Any notice not in compliance with this provision will be disregarded by the court.

Approved remote sites include: (1) The courtroom of the Missouri Court of Appeals, Southern District, in Springfield; (2) the courtroom of the Missouri Court of Appeals, Southern District, in Poplar Bluff; and (3) any facilities at the Supreme Court building in Jefferson City equipped and designated by the Supreme Court of Missouri for video-conferencing. Notwithstanding the appearance of one or more parties via video conference from a remote site, all proceedings of the court are officially conducted at the site at which the judges of the court are physically present.

A notice under this provision by an appellant will be treated as a request for oral argument in accordance with Special Rule 1(b) if such notice is filed within the time for serving a request for oral argument under Special Rule 1(b). If no appellant timely requests oral argument, then any notice filed under this provision by a respondent will be disregarded and respondent will not be permitted to orally argue the case unless expressly permitted by order of the court in accordance with Special Rule 1(b). Any party who is not otherwise permitted to orally argue a case under this Special Rule 1 will not be permitted to orally argue via video conference.

Any party who has timely filed a Notice of Video Conference Appearance may opt out of a video-conference appearance and, instead, appear in person before the court by filing a notice with the clerk of this court, with service upon all parties, not less than 10 days prior to the date



of argument stating that such party (or such party's counsel) will appear in person for oral argument. The court, in its discretion, may waive the requirement for advance notice of an in-person appearance.

Notwithstanding the filing of a Notice of Video Conference Appearance under this provision, the court, in its discretion, may order a party to appear for oral argument in person and not via video conference. Further, the court may deny oral argument altogether in accordance with any provision of this Special Rule 1.

## MONTANA

### **USBC Mont. LBR 5074-1**

RULE 5074-1. Telephone, Video, or In-Person Conferences and Hearings.

#### **(a) Conferences and Hearings**

The Court may schedule any matter in a bankruptcy case, contested matter or adversary proceeding to be heard by video or telephonic conference. Any party in interest affected by or involved in such case, matter or proceeding may request the Court to hear the matter by video conference, or in-person. Requests for in-person hearings shall be made in substantial conformity with Mont. LBF 26, and may be granted at the discretion of the Court. The Court may, at its discretion, hold pretrial conferences in adversary proceedings, preliminary hearings on motions to modify, preliminary hearings, hearings on reaffirmation agreements, and any other matters requiring an emergency hearing by telephone. The Court, except within its discretion, will not conduct evidentiary hearings by telephone. Any party or attorney wishing to appear for a Court hearing by way of video conference facilities shall seek and obtain permission from the Clerk of Court's Office at least three (3) days prior to the hearing. Any party or attorney who previously arranged to appear by video shall immediately notify the Clerk of Court if the underlying matter has been settled, or if the party or attorney shall not otherwise be appearing by video.

#### **(b) Exchange of Exhibit and Witness Lists**

The parties involved in video and in-person conferences and hearings shall exchange proposed witness and exhibit lists and copies of all proposed exhibits, and file such lists and exhibits with the Court, at least three (3) days prior to a hearing or trial. Witness and exhibit lists may be combined into one document. Copies of all proposed exhibits shall be attached to such list, and each individual exhibit must be electronically filed as a separate .pdf document; or as a single .pdf document, with each exhibit book marked and identified therein. The moving party in a contested matter and the plaintiff in an adversary proceeding shall identify exhibits in numerical sequence commencing with the number 1. The responding party in a contested matter and the defendant in an adversary proceeding shall identify exhibits in alphabetical sequence. If multiple parties are involved, the parties prior to hearing or trial shall determine an



identification sequence that eliminates any duplicative sequence. Failure to timely exchange and file proposed witness and exhibit lists and copies of proposed exhibits in accordance with this rule may result in the Court barring any undisclosed witness testimony and denying the admission of any unexchanged exhibits. Except as otherwise may be allowed by the Court, all exhibits shall be electronically filed.

**Committee Note:**

Each exhibit must be filed separately or book marked separately, so that the Court and other parties may easily retrieve each individual exhibit from the electronic filing. Transcripts from Rule 2004 examinations or § 341 creditor meetings that are to be used for impeachment purposes do not need to be filed with the Court. Such transcripts only need to be filed with the Court if they will be used for evidentiary purposes.

**USDC MT L.R. 7.1**

Rule 7.1 Motions.

**(e) Argument** The court may hear argument on the record in open court, by video conference, or by telephone conference call. The court must ensure that each party's statements to the court are audible to all other participants. A party may be directed to arrange for and/or pay

**USBC Mont. LBR 7016-1**

RULE 7016-1. Pretrial Procedures.

**(b) Case Scheduling Conference; Pretrial Conference; and Order .**

**(1)** Within twenty-one (21) days after the defendant files an answer, the Court will issue an order scheduling a telephone conference with all attorneys representing parties and with any *pro per* litigants to discuss time limits to be contained in a case scheduling order that limits the time: (1) to complete discovery; (2) to join parties and to amend pleadings; (3) to file pretrial motions; (4) to conduct and complete alternative dispute resolution procedures; (5) to file the pretrial order; (6) to exchange exhibits and identify witnesses; (7) to file pretrial memoranda; and (8) to set the trial date.

**(2)** An order containing the above time limits will be issued by the Court upon completion of the telephone conference. If multiple defendants exist in an adversary proceeding, the Court, in its discretion, may issue an order scheduling a telephone conference to establish appropriate dates for the appearing defendants and to determine the status of service of process on any unserved defendants.

**TITLE 25. CIVIL PROCEDURE CHAPTER 35 SMALL CLAIMS PROCEDURE JUSTICE'S COURT**

25-35-609. Pretrial conferences or hearings -- appearance by telephone conference.

(1) At the discretion of the court, a party or the party's attorney may make an appearance by telephone conference in a pretrial conference or other hearing under this chapter if:

(a) the party does not need to or intend to offer evidence at the pretrial conference or hearing; and

(b) the party does not reside within the county in which the case is filed or the party's or the party's attorney's principal place of business is not located in that county.

(2) The party requesting the telephone conference is responsible for arranging the telephone conference and paying the associated costs.

## **TITLE 25. CIVIL PROCEDURE CHAPTER 31. PROCEDURE IN JUSTICES' COURTS**

25-31-710. Pretrial conferences or hearings -- appearance by telephone conference.

(1) A party or the party's attorney may make an appearance by telephone conference in a pretrial conference or other hearing under this chapter if:

(a) the party does not need to or intend to offer evidence at the pretrial conference or hearing;

(b) the party does not reside within the county in which the case is filed or the party's or the party's attorney's principal place of business is not located in that county; and

(c) at least 10 days before the pretrial conference or other hearing, the party or the party's attorney intending to appear by telephone conference provides written notice to the court and to all parties or the attorneys for the parties.

(2) The party requesting the telephone conference is responsible for arranging the telephone conference and paying the associated costs.

## NEBRASKA

### **Neb. R. Bankr. P. 9013-1**

Rule 9013-1. Motion Practice

**I. Hearings on Motions.** -- If the resistance period expires without the filing of any resistance or request for hearing, the Court will consider entering an order granting the relief sought without further notice or hearing. If a timely resistance or request for hearing is filed and

served, the Clerk shall schedule a hearing. Parties shall exchange declarations or affidavits and documentary evidence before the hearing in accordance with [Neb. R. Bankr. P. 9017-1](#). Unless otherwise ordered, oral arguments will be scheduled in the courtroom. A party may either appear in person or participate by telephone.

**J. Appearance at Hearings.** -- A party may either appear in person in the courtroom or participate by telephone. The party desiring to participate telephonically must call the AT&T Conference Center at least five minutes prior to the commencement of Court. The Clerk's hearing notice contains all the required information for telephonic participation. If the participant(s) fail to call in, the hearing will go forward as scheduled.

### **R.R.S. Neb. § 24-734**

§ 24-734. Judges; powers; enumerated.

**(1)** A judge of any court established under the laws of the State of Nebraska shall, in any case in which that judge is authorized to act, have power to exercise the powers conferred upon the judge and court, and specifically to:

**(a)** Upon the stipulation of the parties to an action, hear and determine any matter, including the trial of an equity case or case at law in which a jury has been waived;

**(b)** Hear and determine pretrial and posttrial matters in civil cases not involving testimony of witnesses by oral examination;

**(c)** With the consent of the defendant, receive pleas of guilty and pass sentences in criminal cases;

**(d)** With the consent of the defendant, hear and determine pretrial and posttrial matters in criminal cases;

**(e)** Hear and determine cases brought by petition in error or appeal not involving testimony of witnesses by oral examination;

**(f)** Hear and determine any matter in juvenile cases with the consent of the guardian ad litem or attorney for the minor, the other parties to the proceedings, and the attorneys for those parties, if any; and

**(g)** Without notice, make any order and perform any act which may lawfully be made or performed by him or her ex parte in any action or proceeding which is on file in any district of this state.

**(2)** A judgment or order made pursuant to this section shall be deemed effective when the judgment is entered in accordance with the provisions of subsection (3) of [section 25-1301](#).

**(3)** The judge, in his or her discretion, may in any proceeding authorized by the provisions of this section not involving testimony of witnesses by oral examination, use telephonic, videoconferencing, or similar methods to conduct such proceedings. The court may require the parties to make reimbursement for any charges incurred.

**(4)** A judge, in any case with the consent of the parties, may permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods, with any costs thereof to be taxed as costs.

### **NECivR 7.1**

## Rule 7.1. Motion Practice

**(i) Discovery Motions.** -- To curtail undue delay in the administration of justice, this court only considers a discovery motion in which the moving party, in the written motion, shows that after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. This showing must also state the date, time, and place of the communications and the names of all participating persons. "Personal consultation" means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or emails is also personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the nonmoving party.

**(j) Conference Telephone Calls.** -- The judge may conduct a motion hearing by telephone or video conference.

### **Neb. 4th. Jud. Cir. Rule 2**

#### Rule 2. PLEADINGS

##### **B. Pretrial and Posttrial Motions.**

**2** The court may, in its discretion, hear oral argument on any motion or similar filing by telephone conference, provided that all conversations of all parties are audible to all persons present. A party shall schedule such telephone calls at a time mutually agreeable to all parties and the court. The court may direct which party shall pay the cost of the telephone calls.

### **Neb. 5th. Jud. Cir. Rule 10**

#### Rule 10. TELEPHONE CONFERENCE HEARINGS

##### **A. Request for Telephone Conference Hearing.**

**(1)** Unless otherwise allowed by statute, no matter will be heard by telephone conference call unless consent is obtained from the court.

**(2)** Telephone conferences requested by the moving party shall be arranged with the clerk of the district court prior to the filing of the motion, and the notice of hearing shall clearly state that the hearing will be held by telephone conference call. Telephone conferences requested by a party other than the moving party shall be arranged with the clerk at least 3 business days prior to the hearing, and notice shall be filed by the party requesting the telephonic hearing, together with proof of service thereof on all opposing parties.

##### **B. Not Available When Nonwaivable Verbatim Record Involved**

Although in all instances a written journal entry of the decision of the court shall be made, no verbatim record will be made of any telephonically held hearing. Accordingly, no such hearing may be scheduled for any proceeding requiring a nonwaivable verbatim record under the provisions of [Neb. Rev. Stat. § 24-734 \(3\)](#) & Neb. Ct. R. of Prac. 5A(1). No telephonic hearing shall be allowed for any matter requiring the offer of exhibits in any form.

##### **C. Waiver of Other Record**

Any party consenting to a telephonic hearing shall be deemed to have waived the verbatim record required only upon request under the provisions of Neb. Ct. R. of Prac. 5A(2). Conducting the hearing shall constitute a waiver of such optional verbatim record.

**D. *Initiation of Telephone Conference Call.***

(1) The party requesting the telephone conference call shall be responsible for initiating the call and shall provide for all expenses of the call.

(2) When a matter has been assigned for telephonic hearing on a regular motion/service day, the matter will not necessarily be heard at a specific time, unless the judge specifically sets a time certain. On such days, the assignment of a hearing time is approximate and may be intermingled with other matters scheduled for hearings by personal appearance. The parties shall call at the appointed time and make arrangements with the clerk as to when to call back, if necessary. The matter will be heard at a time reasonably convenient to the court and to those parties who appear personally on motion/service days.

(3) The party initiating the call shall utilize appropriate equipment and systems to ensure that all persons participating have adequate sound quality and volume. If the court determines that the sound quality or volume is insufficient, the court may require the party initiating the call to utilize other means to complete the hearing by telephone.

**Neb. 8th. Jud. Cir. Rule 4 – very similar to the 5<sup>th</sup> Jud. Cir. Rule 10 above**

**Rule 4. TELEPHONE CONFERENCE HEARINGS**

**A. Request for Telephone Conference Hearing:**

(1) No matter will be heard by telephone conference call unless all parties consent to such telephonically held hearing. A party who arranges for a telephone conference will be considered to have certified that such party has obtained the prior consent of all parties who are required or desire to participate in the hearing.

(2) Telephone conferences requested by the moving party shall be arranged prior to the filing of the motion, and the notice of hearing shall clearly state that the hearing will be held by telephone conference call. Telephone conferences requested by a party other than the moving party shall be arranged at least three (3) days prior to the hearing, and notice shall be filed by the party requesting the hearing, together with proof of service thereof on all opposing parties.

**B. Not Available When Nonwaivable Verbatim Record Involved:** Although in all instances a written journal entry of the decision of the court shall be made, no verbatim record will be made of any telephonically held hearing. Accordingly, no such hearing may be scheduled for any proceeding requiring a nonwaivable verbatim record under the provisions of Neb. Ct. R. of Prac. 5A(1) (rev. 2000).

**C. Waiver of Other Record:** Any party consenting to a telephonic hearing shall be deemed to have waived the verbatim record required only upon request under the provisions of Neb. Ct. R. of Prac. 5A(2) (rev. 2000). Conducting the hearing shall constitute the waiver of such optional verbatim record by the court.

**D. Initiation of Telephone Conference Call:**

**(1)** The party requesting the telephone conference call shall be responsible for initiating the call and shall provide for all expenses of the call.

**(2)** When a matter has been assigned for hearing on a regular motion day, the matter will not necessarily be heard at a specific time, unless the judge specifically sets a time certain. On such days, the assignment of a hearing time is approximate and is intermingled with other matters scheduled for hearings by personal appearance. The clerk will telephone to notify the party initiating the conference call to proceed immediately thereafter. The matter will be heard at a time reasonably convenient to the court and to those parties who appear on motion day.

**(3)** The party initiating the call shall utilize appropriate equipment and systems to assure that all persons participating have adequate sound quality and volume. If the court determines that the sound quality or volume is insufficient, the court may require the party initiating the call to utilize other means to complete the hearing by telephone.

**Neb. 12th. Jud. Cir. Rule 3**

Rule 3. MOTION CALENDARS

**D. *Telephonic or Videoconference Hearings.***

**(1)** All nonevidentiary hearings, and any evidentiary hearings approved by the district court and by stipulation of all parties that have filed an appearance, may be heard by the court telephonically or by videoconferencing or similar equipment at any location within the judicial district as ordered by the court and in a manner that ensures the preservation of an accurate record. Such hearings shall not include trials before a jury.

**(2)** Unless otherwise ordered by the court, all documentary evidence shall be submitted to the court at least 3 working days in advance of the hearing with copies to other counsel or pro se parties.

**(3)** Initiation of Telephone Conference Call: The party requesting the telephone conference call shall be responsible for:

**(a)** arranging the time for the conference call, with the clerk if scheduled for a motion day and with the judge if scheduled otherwise;

**(b)** notifying all other parties who will participate in the conference call;

**(c)** initiating the call promptly at the time scheduled and providing for all expenses of the call; and

**(d)** utilizing appropriate equipment and systems to ensure that all persons participating have adequate sound quality and volume. If the court determines that the sound quality or volume is insufficient, the court may require the party initiating the call to utilize other means to complete the hearing by telephone.

## NEVADA

### Nev. S.C.R. 1

#### Rule 1. Definitions

In these rules, unless the context or subject matter otherwise requires:

"Audiovisual transmission equipment" means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of all parties is audible to all persons present.

### N.R.C.P. 16

#### Rule 16. Pretrial conferences; scheduling; management

**(b) *Scheduling and planning.*** Except in categories of actions exempted by district court rule as inappropriate, the judge, or a discovery commissioner shall, after consulting with the attorneys for the parties and any unrepresented parties by a scheduling conference, telephone, mail, or other suitable means, enter a scheduling order . . .

### Nev. J.C.R.L.V. 48.5

#### Rule 48.5. Mandatory Small Claims Mediation Program

(j) *Phone/video appearances.* A party living outside Clark County or incarcerated in a prison or jail may participate in a mediation by telephone conference or video conference. The party must contact the Neighborhood Justice Center in advance of the mediation to make necessary arrangements.

### N.S.T.R. FOR D. NEV. 9

#### Rule 9. Pretrial Conference

No later than 10 days before the scheduled short trial date, the presiding judge shall hold a conference with the parties, in person, by video conference or by telephone, to discuss all matters needing attention prior to the trial date. During the pretrial conference the presiding judge may rule on any motions or disputes including dispositive motions, motions to exclude evidence or witnesses or other pretrial evidentiary matters and jury instructions.

## NEW HAMPSHIRE

### **USDC DNH Rule 54.1**

#### Rule 54.1. Bill of Costs

**(d) Hearing.** No hearing on a bill of costs will be conducted unless granted by the clerk. If the clerk grants such a hearing, the clerk shall give notice of the time of hearing to respective counsel at least three (3) days prior to such hearing. At the option of the clerk, the hearing may be held by telephone.

If the clerk conducts a hearing, counsel may make specific objections, supported by affidavits or other evidence, to any item(s) of costs. The clerk shall thereupon tax the costs and cause the amount to be entered on the docket.

### **NH USBCT LBR 9074-2**

#### LBR 9074-2. Telephonic Appearances and Hearings

**(a) Telephonic Appearances.** Where telephonic appearances are permitted pursuant to *AO 9074-2*, parties shall follow the procedures as specified therein. All other telephonic appearances in matters other than those permitted by *AO 9074-2* may be considered by the Court only upon timely request to the courtroom deputy of the judge assigned to the case in chief or adversary proceeding.

**(b) Video Conference Hearings.** Any request for a video conference hearing shall be timely made to the courtroom deputy of the judge assigned to the case in chief or adversary proceeding.

**(c) Telephone Numbers.** The telephone numbers for the Court's courtroom deputies may be obtained on the Court's web site at [www.nhb.uscourts.gov](http://www.nhb.uscourts.gov).

### **N.H. Super. Ct. R. Rule 33**

#### Rule 33. Arbitration by Agreement.

##### **(i) Preliminary Hearing.**

**(1)** At the request of any party, the panel will schedule within 14 days of the request a preliminary hearing with counsel and/or the parties. The preliminary hearing may be conducted by telephone at the panel's discretion.

**(2)** During the preliminary hearing, the parties and the panel shall discuss and establish a schedule for the hearings, any outstanding discovery issues, any outstanding procedural issues, and to the extent possible a clarification of the issues.



(3) Ex parte communications between a party's counsel and arbitrator are prohibited.

**N.H. Super. Ct. R. Rule 312**

Rule 312. Offers of Proof and Expert Opinions.

a. Offers of Proof -- Except by agreement of the parties, offers of proof, including expert opinions offered by oral representations of counsel and written statements unsigned by the expert, are presumptively inadmissible as evidence.

b. Expert Opinions -- Expert opinion evidence shall be permitted by live or video testimony, deposition transcript, written report, affidavit, or disclosure signed by the expert.

**NEW JERSEY**

**USDC DNJ Appx. H**

Appendix H. Appointment of Attorneys in Pro Se Civil Actions

**8. Expenses**

b. To the extent practicable and where the client is a prisoner, pretrial proceedings in which the prisoner's participation is permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which he or she is confined. See [42 U.S.C. § 1997e\(f\)\(1\)](#).

c. On request to the Clerk, the appointed attorney may use the Court's video conferencing facilities to communicate with a client who is a prisoner in a facility that has confidential video conferencing capabilities.

d. Appointed attorneys are encouraged to seek free or reduced costs for depositions, experts and other services.

**USDC DNJ L.Civ.R. 16.1**

Civ. Rule 16.1. Pretrial Conferences; Scheduling; Case Management

**(a) Scheduling Conferences -- Generally**

(4) The Magistrate Judge may, at any time he or she deems appropriate or at the request of a party, conduct a settlement conference. At each such conference attorneys shall ensure that parties are available, either in person or by telephone, and as the Magistrate Judge directs, except that a governmental party may be represented by a knowledgeable delegate.

**(f) Conference to Resolve Case Management Disputes**

(1) Counsel shall confer to resolve any case management dispute. Any such dispute not resolved shall be presented by telephone conference call or letter to the Magistrate Judge. This presentation shall precede any formal motion.

(2) Cases in which a party appears *pro se* shall not be subject to L.Civ.R. 16.1(f)(1) unless the Magistrate Judge so directs. In such cases case management disputes shall be presented by formal motion consistent with L.Civ.R. 16.1(g).

**(g) Case Management -- Motions**

(1) Case management motions must be accompanied by an affidavit or other document complying with [28 U.S.C. § 1746](#) certifying that the moving party has conferred with the opposing party in a good faith effort to resolve by agreement the issues raised by the motion without the intervention of the Court and that the parties have been unable to reach agreement. The affidavit or other document complying with [28 U.S.C. § 1746](#) shall set forth the date and method of communication used in attempting to reach agreement.

(2) L.Civ.R. 7.1 shall apply to case management motions, except that no reply papers shall be allowed except with the permission of the Magistrate Judge. Unless oral argument is to be heard under L.Civ.R.16.1(g)(3), the Magistrate Judge may decide the motion on the basis of the papers received when the deadline for submitting the opposition has expired.

(3) No oral argument shall be heard except as permitted expressly by the Magistrate Judge assigned to hear the motion. In the event oral argument is required, the parties shall be notified by the Court. Oral argument may be conducted in open court or by telephone conference, at the discretion of the Magistrate Judge. Any party who believes that a case management motion requires oral argument shall request it in the notice of motion or in response to the notice of motion, and so notify the Court in writing at the time the motion or opposition thereto is filed.

**USDC DNJ L.Civ.R. 37.1**

Civ. Rule 37.1. Discovery Motions

**(a) Conference to Resolve Disputes**

(1) Counsel shall confer to resolve any discovery dispute. Any such dispute not resolved shall be presented by telephone conference call or letter to the Magistrate Judge. This presentation shall precede any formal motion.

(2) Cases in which a party appears *pro se* shall not be subject to L.Civ.R. 37.1(a)(1) unless the Magistrate Judge so directs. In such cases discovery disputes shall be presented by formal motion consistent with L.Civ.R. 37.1(b).

(3) L.Civ.R.7.1 shall apply to discovery motions, except that no reply papers shall be allowed except with the permission of the Magistrate Judge. Unless oral argument is to be heard under L.Civ.R.37.1(b)(4), the Magistrate Judge may decide the motion on the basis of the papers received when the deadline for submitting opposition has expired.

**(b) Discovery Motions**

(1) Discovery motions must be accompanied by an affidavit, or other document complying with [28 U.S.C. § 1746](#), certifying that the moving party has conferred with the opposing party in a good faith effort to resolve by agreement the issues raised by the motion without the intervention of the Court and that the parties have been unable to reach agreement. The affidavit, or other document complying with [28 U.S.C. § 1746](#), shall set forth the date and method of communication used in attempting to reach agreement.

(2) Discovery motions shall have annexed thereto copies of only those pertinent portions of depositions, interrogatories, demands for admission and responses, etc., which are the subject matter of the motion.

(3) L.Civ.R. 7.1 shall apply to discovery motions, except that the following schedule shall be followed. No such motion shall be heard unless the appropriate papers are received at the Clerk's office, at the place of allocation of the case, at least 24 days prior to the date noticed for argument. No opposition shall be considered unless appropriate answering papers are received at the Clerk's office, at the place of allocation of the case, and a copy thereof delivered to the Magistrate Judge to whom the motion is assigned, at least 14 days prior to the date originally noticed for argument, unless the Magistrate Judge otherwise directs. No reply papers shall be allowed except with the permission of the Magistrate Judge. Unless oral argument is to be heard under L.Civ.R. 37.1(b)(4), the Magistrate Judge may decide the motion on the basis of the papers received when the deadline for submitting opposition has expired.

(4) No oral argument shall be heard except as permitted expressly by the Magistrate Judge assigned to hear the motion. In the event oral argument is required, the parties shall be notified by the Court. Oral argument may be conducted in open court or by telephone conference, at the discretion of the Magistrate Judge. Any party who believes that a discovery motion requires oral argument shall request it in the notice of motion or in response to the notice of motion, and so notify the Court in writing at the time the motion or opposition thereto is filed.

**USBC DNJ LBR 9013-3**

D.N.J. LBR 9013-3. Motions: Hearing

**(c) Telephonic appearance**

Each judge's policy regarding appearance by telephone is available on the court's website.

**N.J. Court Rules, R. 7:7-5**

Rule 7:7-5. Pretrial Procedure

**(a)** Pretrial Conference. At any time after the filing of the complaint, the court may order one or more conferences with the parties to consider the results of negotiations between them relating to a proposed plea, discovery, or to other matters that will promote a fair and expeditious disposition or trial. With the consent of the parties or counsel for the parties, the court may permit any pretrial conference to be conducted by means of telephone or video link.

**N.J. Court Rules, R. 7:8-7**

Rule 7:8-7. Appearances; Exclusion of the Public

**(a)** Presence of Defendant. Except as otherwise provided by [Rules 7:6-1\(b\)](#), 7:6-3, or 7:12-3, the defendant shall be present, either in person, or by means of a video link as approved by the Administrative Office of the Courts, at every stage of the proceeding and at the imposition of sentence. If, however, defendant is voluntarily absent after the proceeding has begun in the defendant's presence or the defendant fails to appear at the proceeding after having been informed in open court of the time and place of the proceeding, the proceeding may continue to and including entry of judgment.

NEW MEXICO

**3-111 NMRA**

3-111 Telephone conferences

**A.** When permitted. The court may hear any matter by telephone conference call when to do so would legitimately serve justice considering, among other issues, the economic needs of the parties.

**B.** Requirements. No matter or setting will be heard by telephone and no witness will appear telephonically without the prior express approval of the judge.

**C.** Cost. When a telephone conference call is conducted, it will be arranged and paid for by the person seeking the telephone conference call.

**5-303 NMRA**

## 5-303 Arraignment

**A.** Arraignment. The defendant shall be arraigned on the information or indictment within fifteen (15) days after the date of the filing of the information or indictment or the date of arrest, whichever is later. The defendant may appear at arraignment as follows:

- (1) through a two way audio-visual communication in accordance with Paragraph I of this rule; or
- (2) in open court.

If the defendant appears without counsel, the court shall advise the defendant of the defendant's right to counsel.

**I.** Audio-visual appearance. The arraignment or first appearance of the defendant before the court may be through the use of a two-way audio-video communication if the following conditions are met:

- (1) the defendant and the defendant's counsel are together in one room at the time of the first appearance before the court;
- (2) the judge, legal counsel and defendant are able to communicate and see each other through a two-way audio-video system which may also be heard and viewed in the courtroom by members of the public; and
- (3) no plea is entered by the court except a plea of not guilty.

### **N.M. L.D.R. Dist 2 LR2-603**

#### LR2-603 Court-annexed arbitration

**B.** Hearings; trial.

(1) Place, date and time. The arbitrator shall set an appropriate place, date and time for all hearings and trial. Hearings shall be set during regular business hours except upon agreement of the parties. The arbitrator may conduct hearings by telephone.

(2) Notice. The arbitrator shall provide twenty (20) days written notice of trial. The arbitrator shall provide five (5) days notice, in writing or by telephone, of all other hearings. Notice of trial or hearings may be waived by the parties.

**(3)** Requests for hearing. Unless otherwise directed by the arbitrator, parties may request hearings informally, by letter or telephone, provided the requesting party notifies all other parties as well as the arbitrator. The arbitrator may decide motions and other preliminary matters on written submissions.

**N.M. L.D.R. Dist 3 LR3-512**

LR3-512 Telephone conferences and hearings; for all matters

**A.** Telephone appearances permitted. The court may hear any matter by telephone conference when to do so would legitimately serve justice, the economic needs of the parties and attorneys or the logistics of travel.

**B.** Responsibility and cost. If all counsel or parties of record agree, any party or attorney on behalf of a party may appear telephonically for hearings not requiring testimony. When testimony will be taken at a hearing, the parties may request leave of court for telephonic testimony. Telephonic appearances shall be arranged through a telephone conference provider authorized by the court. Upon request and good cause shown, the court may permit an alternate method of telephonic appearance. The costs of such telephone conferences shall be borne by the party making the telephonic appearance. The court reserves the right to require the parties to reimburse the court for telephone expenses incurred by the court for participating in a conference or hearing by telephone.

**N.M. L.D.R. Dist 3 LR3-709**

LR3-709 Court-annexed arbitration; procedures during referral

**B.** Hearings; trial.

**(1)** Place; date; time. The arbitrator shall set an appropriate place, date and time for all hearings and trial. Hearings shall be set during regular business hours except upon agreement of the parties. The arbitrator may conduct hearings by telephone.

**(2)** Notice. The arbitrator shall provide twenty (20) days' written notice of trial. The arbitrator shall provide five (5) days' notice, in writing or by telephone, of all other hearings. Notice of trial or hearings may be waived by the parties.

**(3)** Request for hearing. Unless otherwise directed by the arbitrator, parties may request hearings informally, by letter or telephone, provided the requesting party notifies all other parties as well as the arbitrator. The arbitrator may decide motions and other preliminary matters on written submissions.

**N.M. L.D.R. Dist 5 LR5-205**

LR5-205 Settlement conference

E. When the settlement conference is held, each party, together with his or her attorney, shall appear. If one of the parties has insurance coverage, a representative of the insurance company shall be present for the settlement conference, unless the settlement conference judge allows the representative to be present by telephone. Each side must have settlement authority.

## NEW YORK

### **E.D.N.Y. LBR 9019-1**

Rule 9019-1 ALTERNATIVE DISPUTE RESOLUTION -- MEDIATION

#### ***(c) Mediation Procedures .***

(ii) Each mediation participant that is an individual shall attend the mediation conference in person. Each mediation participant that is a government entity shall attend in person by a representative who has, to the extent practicable, authority to settle the matter. All other mediation participants shall attend the mediation conference in person through a representative with authority to settle the matter. The mediator may permit telephonic or video participation in the mediation conference in appropriate circumstances.

#### ***(e) Failure to Comply with the Mediation Rule .***

If a mediation participant willfully fails to participate in good faith in the mediation process, then the mediator shall submit to the Clerk and serve on the mediation participants a report of the failure to participate. The report shall not be electronically filed, shall state on the first page at the top right corner that it is being submitted to the attention of the Clerk, and shall state that it is a report of a failure to mediate in good faith that should not be filed or given to the Judge. The report shall not be sent to the Judge presiding over the matter. The Clerk shall deliver the report to the Judge designated by the Chief Judge for mediation, who will take appropriate action, including holding a conference or hearing in person or telephone, and who may, in appropriate circumstances, impose sanctions.

### **ND NY USDC L.R. 7.1**

7.1 Motion Practice

#### ***(c) Cross-Motions***

4. Following a request for a discovery conference, the Court may schedule a conference and advise all parties of a date and time. The assigned Magistrate Judge may, in his or her discretion, conduct the discovery conference by telephone conference call, initiated by the party making the request for the conference, by video conference, or by personal appearance.

## **ND NY USDC L.R. 41.2**

### 41.2 Dismissal of Actions

**(a)** Each judge shall from time to time notice for hearing on a dismissal calendar such actions or proceedings assigned to that judge which appear not to have been diligently prosecuted. Whenever it appears that the plaintiff has failed to prosecute an action or proceeding diligently, the assigned judge shall order it dismissed. In the absence of an order by the assigned judge or magistrate judge setting any date for any pretrial proceeding or for trial, the plaintiff's failure to take action for four (4) months shall be presumptive evidence of lack of prosecution. Unless the assigned judge or magistrate judge otherwise orders, each party shall, not less than fourteen (14) days prior to the noticed hearing date, serve and file a certificate setting forth the status of the action or proceeding and whether good cause exists to dismiss it for failure to prosecute. The parties need not appear in person. No explanations communicated in person, over the telephone, or by letter shall be acceptable. If a party fails to respond as this Rule requires, the Court shall issue a written order dismissing the case for failure to prosecute or providing for sanctions or making other directives to the parties as justice requires. Nothing in this Rule shall preclude any party from filing a motion to dismiss an action or proceeding for failure to prosecute under [Fed. R. Civ. P. 41\(b\)](#).

**(b)** Failure to notify the Court of a change of address in accordance with L.R. 10.1(c)(2) may result in the dismissal of any pending action.

## **NY CLS Unif Rules, Family Ct § 205.44**

### § 205.44. Testimony by Telephone, Audio-Visual or Other Electronic Means in Child Support and Paternity Cases

**(a)** This section shall govern applications for testimony to be taken by telephone, audio-visual means or other electronic means in accordance with sections 433.531-a and 580-316 of the Family Court Act.

**(b)** A party or witness seeking to testify by telephone, audio-visual means or other electronic means must complete an application on the form officially promulgated by the Chief Administrator of the Courts and set forth in Chapter IV of Subtitle D of this Title and, except for good cause shown, must file such application with the court not less than three days in advance of the hearing date. The applicant shall attempt to arrange to provide such testimony at a designated tribunal or the child support enforcement agency, as defined in the federal Social Security Act (42 U.S.C. Title IV-D) in that party's state, or county if within the state. The court may permit the testimony to be taken at any suitable location acceptable to the court, including but not limited to, the party's or witness' counsel's office, personal residence or place of business.

**(c)** The applicant must provide all financial documentation ordered to be disclosed by the court pursuant to [section 424 or 580-316 of the Family Court Act](#), as applicable, before he or she will



be permitted to testify by telephone, audio-visual means or other electronic means. The financial documentation may be provided by personal delivery, mailing, facsimile, telecopier or any other electronic means that is acceptable to the court.

**(d)** The court shall transmit a copy of its decision by mail, facsimile, telecopier, or electronic means to the applicant and the parties. The court shall state its reasons in writing for denying any request to appear by telephone, audio-visual means or other electronic means.

### **From New York Unified Court Press Release**

With the recent amendment to the Family Court Act, New York State will become the first state in the country, on a statewide basis, to allow for victims of Domestic Violence to apply for temporary orders of protection from a remote location, thereby avoiding the need to travel to a courthouse .

The applicant will be able to file for their TOP at a remote location and appear electronically, via Skype video link up, from various locations in their county of residence therefore easing the burdens of transportation, work, child care and do so safely.

TOP petitions will be created using computer-generated templates, then electronically transferred to the court's automated case management system. Once the petition has been e-filed, the advocate will alert the court and communicate with court staff to schedule a hearing via Skype video link. The hearing will take place on the same day the petition is filed or the next day the Family Court is open.

A petitioner's participation via video-conference is voluntary. Proceedings must be on the record and preserved for transcription; and documentary evidence, if any, will be electronically transmitted and formally introduced into evidence. The video-conference appearance will be limited to ex parte applications for TOPs. The fact-finding proceeding would ultimately be an in-person hearing in Family Court.

The program will kick off in seven counties around New York State focusing on the urban, suburban and rural nature of the state: New York {Manhattan}, Broome, Chautauqua, Columbia, Monroe, Suffolk and Westchester.

### **NY CLS Unif Rules, Civil Cts § 202.70**

§ 202.70. Rules of the Commercial Division of the Supreme Court

**Rule 14. Disclosure Disputes.** If the court's Part Rules address discovery disputes, those Part Rules will govern discovery disputes in a pending case. If the court's Part Rules are silent with

respect to discovery disputes, the following Rule will apply. Discovery disputes are preferred to be resolved through court conference as opposed to motion practice. Counsel must consult with one another in a good faith effort to resolve all disputes about disclosure. See Section 202.7. If counsel are unable to resolve any disclosure dispute in this fashion, counsel for the moving party shall submit a letter to the court not exceeding three single-spaced pages outlining the nature of the dispute and requesting a telephone conference. Such a letter must include a representation that the party has conferred with opposing counsel in a good faith effort to resolve the issues raised in the letter or shall indicate good cause why no such consultation occurred. Not later than four business days after receiving such a letter, any affected opposing party or non-party shall submit a responsive letter not exceeding three single-spaced pages. After the submission of letters, the court will schedule a telephone or in-court conference with counsel. The court or the court's law clerks will attempt to address the matter through a telephone conference where possible. The failure of counsel to comply with this rule may result in a motion being held in abeyance until the court has an opportunity to conference the matter. If the parties need to make a record, they will still have the opportunity to submit a formal motion.

**Rule 14-a. Rulings at Disclosure Conferences.**

The following procedures shall govern all disclosure conferences conducted by non-judicial personnel.

**(a)** At the request of any party

**(1)** prior to the conclusion of the conference, the parties shall prepare a writing setting forth the resolutions reached and submit the writing to the court for approval and signature by the presiding justice; or

**(2)** prior to the conclusion of the conference, all resolutions shall be dictated into the record, and either the transcript shall be submitted to the court to be "so ordered," or the court shall otherwise enter an order incorporating the resolutions reached.

**(b)** With respect to telephone conferences, upon request of a party and if the court so directs, the parties shall agree upon and jointly submit to the court within one (1) business day of the telephone conference a stipulated proposed order, memorializing the resolution of their discovery dispute. If the parties are unable to agree upon an appropriate form of proposed order, they shall so advise the court so that the court can direct an alternative course of action.

**NY CLS Unif Rules, Civil Cts § 202.12-a**

§ 202.12-a. Residential Mortgage Foreclosure Actions; Settlement Conference

**(c) Settlement conference.**

**(1)** The court shall promptly send to the parties a Notice scheduling a settlement conference to be held within 60 days after the date of the filing of the RJI. The Notice shall be mailed to all parties or their attorneys, which must include mailing to the address of the property subject to the mortgage. The Notice shall be on a form prescribed by the Chief Administrator, and it shall set forth the purpose of the conference, the requirements of [CPLR Rule 3408](#), instructions to the parties on how to prepare for the conference, and what information and documents to bring to the conference. The Notice shall further provide that the defendant contact the court by telephone, no later than seven days before the conference is scheduled, to advise whether the defendant will be able to attend the scheduled conference.

**(2)** The conference shall include settlement discussions pertaining to the relative rights and obligations of the parties under the mortgage loan documents, including determining whether the parties can reach a mutually agreeable resolution to help the defendant avoid losing his or her home, and evaluating the potential for a resolution in which payment schedules or amounts may be modified or other workout options may be agreed to, including but not limited to loan modifications, “short sales” and “deeds in lieu of foreclosure” or any other loss mitigation options. The court may also use the conference for whatever other purposes the court deems appropriate. Where appropriate, the court may permit a representative of the plaintiff to attend the conference telephonically or by video-conference. Any representative participating in the conference, whether in person, telephonically or by video conference, shall be fully authorized to dispose of the case,

#### **NY CLS Unif Rules, Ct of Claims § 206.12-a**

##### § 206.12-a. Medical, Dental and Podiatric Malpractice Actions; Settlement Conference

**(a)** Settlement conferences.

**(1)** In every medical, dental and podiatric malpractice action subject to this part, the court shall hold a settlement conference within 45 days after the filing of the note of issue and certificate of readiness or, if a party moves to vacate the note of issue and certificate of readiness and that motion is denied, within 45 days after denial of the motion.

**(2)** Where parties are represented by counsel, only attorneys fully familiar with the action and authorized to dispose of the case, or accompanied by a person empowered to act on behalf of the party represented, shall appear at the conference.

**(3)** Where appropriate, the court may order parties, representatives of parties, representatives of insurance carriers or other persons having an interest in any settlement to attend the settlement conference in person, by telephone, or by other electronic media.

## NORTH CAROLINA

## Chapter 35B.

### Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

#### § 35B-7. Taking testimony in another state.

(a) In an incompetency, guardianship, or protective proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this State for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

(b) In an incompetency, guardianship, or protective proceeding, a court in this State may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. A court of this State shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

(c) Documentary evidence transmitted from another state to a court of this State by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the best evidence rule.

### Uniform Deployed Parents Custody and Visitation Act

#### § 50A-363. Testimony by electronic means.

In a proceeding brought under this Part, a party or witness who is not reasonably available to appear personally may appear and provide testimony and present evidence by electronic means unless the court finds good cause to require a personal appearance.

### Rule 45. Subpoena.

#### (b) Service

##### (1) Manner.

Any subpoena may be served by the sheriff, by the sheriff's deputy, by a coroner, or by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to that person or by registered or certified mail, return receipt requested. Service of a subpoena for the attendance of a witness only may also be made by telephone communication with the person named therein only by a sheriff, the sheriff's designee who is not less than 18 years of age and is not a party, or a coroner.

## NORTH DAKOTA

### **Administrative Rule 52 - CONTEMPORANEOUS TRANSMISSION BY RELIABLE ELECTRONIC MEANS**

#### **Section 1. Purpose and Definition.**

This rule provides a framework for the use of contemporaneous audio or audiovisual transmission by reliable electronic means in North Dakota's district and municipal courts. This rule is intended to enhance the current level of judicial services available within the North Dakota court system through the use of reliable electronic means and not in any way to reduce the current level of judicial services.

#### **Section 2. In General.**

(A) Subject to the limitations in Sections 3, 4 and 5, a district or municipal court may conduct a proceeding by reliable electronic means on its own motion or on a party's motion.

(B) A party wishing to use reliable electronic means must obtain prior approval from the court after providing notice to other parties.

(C) Parties must coordinate approved reliable electronic means proceedings with the court to facilitate scheduling and ensure equipment compatibility.

(D) Each site where reliable electronic means are used in a court proceeding must provide equipment or facilities for confidential attorney-client communication.

(E) A method for electronic transmission of documents must be available at each site where reliable electronic means are used in a court proceeding for use in conjunction with the proceeding.

#### **Section 3. Civil Action.**

In a civil action, a district or municipal court may conduct a hearing, conference, or other proceeding, or take testimony, by reliable electronic means.

#### **Section 4. Criminal Action.**

(A) In a criminal action, a district or municipal court may conduct a hearing, conference, or other proceeding by reliable electronic means, except as otherwise provided in Section 4 (B).

(B) Exceptions.

(1) A defendant may not plead guilty nor be sentenced by reliable electronic means unless the parties consent.

(2) A witness may not testify by reliable electronic means unless the defendant knowingly and voluntarily waives the right to have the witness testify in person.

(3) An attorney for a defendant must be present at the site where the defendant is located unless the attorney's participation by reliable electronic means from another location is approved by the court with the consent of the defendant. In a guilty plea proceeding, the court

may not allow the defendant's attorney to participate from a site separate from the defendant unless:

- (a) the court makes a finding on the record that the attorney's participation from the separate site is necessary;
- (b) the court confirms on the record that the defendant has knowingly and voluntarily consented to the attorney's participation from a separate site; and
- (c) the court allows confidential attorney-client communication, if requested.

### **Section 5. Mental Health Proceeding.**

(A) In a mental health proceeding, a district court may conduct a proceeding by reliable electronic means and allow the following persons to appear or present testimony:

- (1) the respondent or patient;
- (2) a witness;
- (3) legal counsel for a party.

(B) Notice, Objection, and Waiver.

(1) Notice. Before holding any mental health proceeding by reliable electronic means, the court must give notice to the petitioner and the respondent. The notice must:

- (a) advise the parties of their right to object to the use of reliable electronic means;
- (b) inform the respondent that the proceedings may be recorded on video and that, if there is an appeal, the video recording may be made part of the appendix on appeal and is part of the record on appeal.

(2) Objection.

(a) Reliable electronic means may not be used in a mental health proceeding if any party objects. The respondent must be given the opportunity to consult with an attorney about the right to object to the use of reliable electronic means.

(b) If the respondent fails to make an objection or fails to make a timely objection to the use of reliable electronic means, the court may nevertheless continue the proceeding for good cause.

(c) If the proceeding is continued, the respondent will continue to be held at the facility where the respondent was receiving treatment or, at the choice of the treatment provider in a less restrictive setting, until a face-to-face hearing can be completed.

(d) A face-to-face hearing must be scheduled to occur within four days, exclusive of weekends and holidays, of the date the objection was made, unless good cause is shown for holding it at a later time.

(3) Waiver. Upon mutual consent of the parties, and with the approval of the court, notice requirements in a mental health proceeding may be waived to allow for the conduct of proceedings without prior notice or with notice that does not conform to Section 5 (B) (1).

OHIO

**Franklin Cty. Dom. Rel. Div. LR 4**

Rule 4. Initial pre-trial conference, Disclosure of witnesses, Discovery cut off, Dispositive motion hearing, Trial exhibits, Final settlement conference and assignment of cases for trial

**(C) Attendance at status or pre-trial conferences.** All counsel of record, including the Guardian ad Litem, and all parties except minor children, if within the jurisdiction of the Court, shall be present at any status or pre-trial conference, unless excused in advance by the Judge or Magistrate presiding over said conference. If a party is not within the jurisdiction of the court or has been excused by the court, that party shall provide his/her attorney with the telephone number at which (s)he may be reached during the conference. Counsel attending a conference must have complete authority to discuss and settle, if possible, all issues involved in the case, and to enter into stipulations regarding unresolved issues.

#### **Warren Cty. Juv. Div. LR 4**

Rule 4. HEARINGS; MOTIONS; ATTORNEY RULES

#### **(N) Telephone appearance.**

**(1)** The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in cases where such an appearance is permitted by these rules or court order. To improve access to the courts and reduce litigation costs, the Courts may permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in cases pending before the Court.

**(2) Application.** Except as provided in W.C. [Juv. R. 4\(N\)\(4\)\(a\)](#) below, a party may appear by telephone at the following conferences, hearings, and proceedings:

- (a)** Case management/scheduling/status/review conferences, provided the party has made a good faith effort to meet and confer with her or his client before the conference date;
- (b)** Non-evidentiary motion hearings;
- (c)** Hearings on discovery motions;
- (d)** Scheduling conferences and status conferences;
- (e)** Pre-trial hearings; and
- (f)** Any hearing approved in advance by the Court for appearance by telephone.

**(3) Required personal appearances.** Notwithstanding W.C. [Juv. R. 4\(N\)\(2\)](#) above and except as provided in W.C. [Juv. R. 4\(N\)\(6\)\(b\)](#) below, a personal appearance is required at the following hearings, conferences:

- (a)** Trials and hearings at which witnesses are expected to testify;
- (b)** Hearings on temporary restraining orders;
- (c)** Settlement conferences;
- (d)** Pretrial hearings in criminal cases and cases alleging that a child is delinquent, unruly a juvenile traffic offender;
- (e)** Pretrial hearings in child protective services proceedings;
- (f)** Hearings in which a party is proceeding pro se.
- (g)** Hearings in which the presence of the parties is required.

**(4) Court discretion to modify rule.**

**(a) Court may require personal appearances.** The court may require a party to appear in person at a hearing, conference, or proceeding in which a telephone appearance is otherwise authorized by this rule if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

**(b) Court may permit appearances by telephone.** The court may permit a party to appear by telephone at a hearing, conference, or proceeding for which a personal appearance is otherwise required if the court determines that a telephone appearance is appropriate.

**(5) Need for personal appearance.** If, at any time during a hearing, conference, or proceeding conducted by telephone, the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

**(6) Notice by party.** A party choosing to appear by telephone at a hearing, conference, or proceeding under this rule must either:

**(a)** Place the phrase "Telephone Appearance" below the title of the moving, opposing, or reply papers; or

**(b)** At least three court days before the appearance, notify the Court and all other parties of the party's intent to appear by telephone. Oral notice must be done on the record. If the notice is in writing, it must be given by filing a "Notice of Intent to Appear by Telephone" with the court at least three court days before the appearance and by serving the notice at the same time on all other parties by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.

**(c)** If after receiving notice from another party as provided under W.C. [Juv. R. 4\(N\)\(6\)\(a\)](#) or (b) above, a party that has not given notice also decides to appear by telephone, the party may do so by notifying the court and all other parties that have appeared in the action of their intent to also appear by telephone. Said notification should be provided by noon on the day prior to the hearing.

**(d)** If a party that has given notice that it intends to appear by telephone under W.C. [Juv. R. 4\(N\)\(6\)\(a\)](#) or (b) above, subsequently chooses to appear in person, the party must so notify the court and all other parties that have appeared in the action, by telephone, at least two court days before the appearance.

**(e)** The court, on a showing of good cause, may permit a party to appear by telephone at a conference, hearing, or proceeding even if the party has not given the notice required under W.C. [Juv. R. 4\(N\)\(6\)\(a\)](#), (b) or (c) above, and may permit a party to appear in person even if the party has not given the notice required in W.C. [Juv. R. 4\(N\)\(6\)\(d\)](#) above.

**(7) Notice by court.** After a party has requested a telephone appearance under W.C. [Juv. R. 4\(N\)\(6\)](#) above, if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification.



**(8) Private vendor; charges for service.** A court may provide teleconferencing for court appearances by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by telephone a reasonable fee, specified in the contract, for its services.

**(9) Audibility and procedure.** The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

**(10) Reporting.** All proceedings involving telephone appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

### **Warren Cty. Probate Div. LR 5**

#### Rule 5. Filings, entries and telephonic court appearances

**(C)** All filings and entries which bear an endorsement of a party or counsel per telephone authorization shall contain a certificate of service by the attorney who prepared and filed the entry that notice has been given to the consenting party or counsel.

#### **(G) Telephone appearance.**

**(1)** The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in cases where such an appearance is permitted by these rules or court order. To improve access to the courts and reduce litigation costs, the Courts shall permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in cases pending before the Court.

**(2) Application.** Except as provided in W.C. Pr. R. 5(G)(4)(a) below, a party may appear by telephone at the following conferences, hearings, and proceedings:

**(a)** Case management/scheduling/status/review conferences, provided the party has made a good faith effort to meet and confer with her or his client before the conference date;

**(b)** Non-evidentiary motion hearings;

**(c)** Hearings on discovery motions;

**(d)** Scheduling conferences and status conferences;

**(e)** Pre-trial hearings; and

**(f)** Any hearing approved in advance by the Court for appearance by telephone.

**(3) Required personal appearances.** Except as provided in W.C. Pr. R. 5(G)(4)(b) below, a personal appearance is required for hearings, conferences, and proceedings not listed above, including the following:

**(a)** Trials and hearings at which witnesses are expected to testify;

**(b)** Hearings on temporary restraining orders;

**(c)** Settlement conferences;

**(d)** Hearings in which a party is proceeding pro se.

(e) Hearings in which the presence of the parties is required.

**(4) Court discretion to modify rule.**

**(a) Court may require personal appearances.** The court may require a party to appear in person at a hearing, conference, or proceeding in which a telephone appearance is otherwise authorized by this rule if the court determines that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the particular case.

**(b) Court may permit appearances by telephone.** The court may permit a party to appear by telephone at a hearing, conference, or proceeding for which a personal appearance is otherwise required if the court determines that a telephone appearance is appropriate.

**(5) Need for personal appearance.** If, at any time during a hearing, conference, or proceeding conducted by telephone, the Court determines that a personal appearance is necessary, the Court may continue the matter and require a personal appearance.

**(6) Notice by party.** A party choosing to appear by telephone at a hearing, conference, or proceeding under this rule must:

**(a)** At least three court days before the appearance, notify the Court and all other parties of the party's intent to appear by telephone. The notice must be made in writing, it must be given by filing a *Motion and Entry to Appear by Telephone* with the court at least three court days before the appearance and by serving the notice at the same time on all other parties by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.

**(b)** If after receiving notice from another party as provided under W.C. Pr. R. 5(G)(6)(a) above, a party that has not given notice also decides to appear by telephone, the party may do so by notifying the court and all other parties that have appeared in the action, no later than noon on the court day before the appearance, of the intent to appear by telephone.

**(c)** If a party that has given notice that it intends to appear by telephone under W.C. Pr. R. 5(G)(6)(a) above, subsequently chooses to appear in person, the party must so notify the court and all other parties that have appeared in the action, by telephone, at least two court days before the appearance.

**(d)** The court, on a showing of good cause, may permit a party to appear by telephone at a conference, hearing, or proceeding even if the party has not given the notice required under W.C. Pr. R. 5(G)(6)(a) or (b) above, and may permit a party to appear in person even if the party has not given the notice required in W.C. Pr. R. 5(G)(6)(c) above,.

**(7) Notice by court.** After a party has requested a telephone appearance under W.C. Pr. R. 5(G)(6) above, if the court requires the personal appearance of the party, the court must give reasonable notice to all parties before the hearing and may continue the hearing if necessary to accommodate the personal appearance. The court may direct the court clerk, a court-appointed vendor, a party, or an attorney to provide the notification.

**(8) Private vendor; charges for service.** A court may provide teleconferencing for court appearances by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by telephone a reasonable fee, specified in the contract, for its services.

**(9) Audibility and procedure.** The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.

**(10) Reporting.** All proceedings involving telephone appearances must be reported to the same extent and in the same manner as if the participants had appeared in person.

## OKLAHOMA

The US District Court has a local rule on telephonic appearances. But there are no state court rules on the topic.

### **N.D. Okla. LCvR 16.1**

#### RULE 16.1. PRETRIAL PROCEDURES

**(2) Required Attendance at Conference.** Counsel with authority to make appropriate decisions and pro se litigants shall attend any conference required by the Court. When justified by the circumstances, the Court may allow counsel or pro se litigants to participate in such conference by telephone. Pro se litigants and counsel shall be prepared to discuss all relevant matters enumerated in [Fed. R. Civ. P. 16\(c\)](#)

## OREGON

### **D. Or. Crim. Prac. LR 3000.2**

#### LR 3000.2. Notice Requirements

**(A) DEFENDANT REQUESTED VTC** A defendant wishing to appear by video conference shall notify the Clerk's Office and the United States Marshal, through counsel, at least ten (10) days prior to the date of the hearing.

**(B) OTHER REQUESTS FOR VTC** Any other party seeking to have the defendant appear by teleconference shall notify defense counsel to request consent at least fourteen (14) days prior to the hearing.

**(C) WAIVER OF NOTICE PERIOD** Time periods set forth in LR 3000.2(a) and (b) may be waived to accommodate exigent matters.

### **D. Ore LBR 7007-1**

#### Rule 7007-1. Motion Practice--Adversary Proceedings.

**(d) Oral Argument/Telephone Appearance .**

**(1) Hearing**

The court may decide a motion without oral argument. If the court elects to hear oral argument, the court will notify the parties of the hearing date and time.

**(2) Request for Oral Argument**

A party must clearly endorse any request for oral argument in the title of the motion, statement in opposition, or reply to the statement.

**(3) Request for Telephone Argument**

A party may request, no later than three business days before the hearing date, to participate in an oral argument by telephone.

**D. Ore LBR 9013-1**

Rule 9013-1. Motion Practice--Contested Matters.

(6) Oral Argument/Telephone Appearance

LBR 7007-1(d) applies.

**ORS § 131.045**

131.045 Appearances by simultaneous electronic transmission.

**(1)** As used in this section:

**(a)** "Criminal proceeding" has the meaning given that term in [ORS 131.005](#).

**(b)** "Parties" means the State of Oregon and the person being prosecuted.

**(c)** "Simultaneous electronic transmission" means television, telephone or any other form of electronic communication transmission if the form of transmission allows:

**(A)** The court and the person making the appearance to communicate with each other during the proceeding;

**(B)** A defendant who is represented by counsel to consult privately with defense counsel during the proceeding;

**(C)** The victim to participate in the proceeding to the same extent that the victim is entitled to participate when the person making the appearance is physically present in the court; and

**(D)** The public to hear and, if the transmission includes a visual image, to see the appearance if the public has a right to hear and see the appearance when the person making the appearance is physically present in the court.

**(2)** When a statute authorizes or requires a person to make a personal appearance before a court in a criminal proceeding, the person may appear by being physically present in the court or by simultaneous electronic transmission if:

**(a)** Simultaneous electronic transmission is authorized by court rule under subsection (3) of this section;

**(b)** Except as otherwise provided by law, the parties in the proceeding and the court agree to appearance by simultaneous electronic transmission; and

(c) Appearance by simultaneous electronic transmission is not specifically prohibited by statute.

(3) In order for a person to appear by simultaneous electronic transmission as provided in this section, court rules must provide for the use of the specific type of simultaneous electronic transmission at the court location and for the type of proceeding in which the person is appearing. Court rules allowing the use of simultaneous electronic transmission may establish requirements for its use.

(4) Notwithstanding subsection (2)(b) of this section, a witness in a criminal proceeding may not appear before a jury by simultaneous electronic transmission without the written consent of the parties and the agreement of the court.

(5) This section does not apply to a hearing under [ORS 138.510](#) to [138.680](#).

### **ORS § 135.030**

135.030 When presence of defendant is required; appearance by counsel.

(1) When the accusatory instrument charges a crime punishable as a felony, the defendant shall appear in person at the arraignment.

(2) When the accusatory instrument charges a crime punishable as a misdemeanor, the defendant may appear in person or by counsel.

(3) The court may require a defendant to appear at the arraignment by simultaneous electronic transmission as provided in [ORS 131.045](#) without the agreement of the state or defendant if the type of simultaneous electronic transmission available allows the defendant to observe the court and the court to observe the defendant.

### **ORS § 135.360 Special provisions relating to presentation of plea of guilty or no contest**

(1) Except as provided in subsection (2) of this section, a plea of guilty or no contest to a crime punishable as a felony shall in all cases be put in by the defendant in person in open court unless upon an accusatory instrument against a corporation, in which case it may be put in by counsel.

(2) Any circuit judge may, within any county in the own district of the judge other than the county where the accusation is pending, accept pleas of guilty or no contest from persons charged with a crime punishable as a felony and pass sentence thereon upon written request of the accused and the attorney of the accused and upon not less than one day's notice to the district attorney. Judgments based upon such pleas and sentences entered upon the pleas are as effective as though heard and determined in open court in the county where the accusation is pending. Judges accepting the pleas shall transmit the pleas to the clerk of the court in the county where the accusation is pending, whereupon the clerk shall file and enter the pleas to become effective from the date of filing.

**(3)** A judge may accept a plea of guilty or no contest under subsection (1) of this section by simultaneous electronic transmission, as defined in [ORS 131.045](#), without the agreement of the state or the defendant if the plea is entered at arraignment and the type of simultaneous electronic transmission available allows the defendant to observe the court and the court to observe the defendant.

#### **ORAP 15.05**

##### Rule 15.05. Appellate Settlement Conference Program

#### **(1) Cases Subject**

**(a)** The procedures in this rule apply to cases filed in the Court of Appeals. The Chief Judge or the Chief Judge's designee shall determine the individual cases or categories of cases that may be included or excluded from the appellate settlement conference program (program). Upon the court's own motion, at any time, a panel of the Court of Appeals may refer a case to the program.

#### **(b)**

**(i)** A settlement conference shall be held for any case assigned to the program unless the program director or the court cancels the conference or removes the case from the program. A party or person with actual authority to settle the case must be present at the program settlement conference unless that person's absence or appearance by telephone is approved prior to the conference by the program director.

**(ii)** After the first settlement conference is held, any party may withdraw from the program, except that the program director may require the parties to attend one or more additional conferences as the program director deems reasonable and necessary to facilitate a settlement. If the program director requires the parties to attend one or more additional conferences, the neutral's fee for any additional conference will be paid by the program and not by the parties.

#### **Ore. UTCR 4.080**

##### 4.080. Appearance at Criminal Proceedings by Means of Simultaneous Electronic Transmission

**(1)** A court may conduct an appearance in a criminal proceeding at any circuit court location by the following types of simultaneous electronic transmission, as defined in [ORS 131.045](#), if the transmission complies with the requirements of [ORS 131.045](#), [135.030](#), [135.360](#), [135.767](#), [137.040](#), and [137.545](#):

- (a)** telephone;
- (b)** television;
- (c)** video conference; and
- (d)** Internet.

(2) SLR 4.081 is reserved for judicial districts to adopt a local rule regarding appearance at criminal proceedings by means of simultaneous electronic transmission.

**Ore. UTCR 5.050**

5.050. Oral Argument on Motions in Civil Cases; Appearance At Nonevidentiary Hearings and Motions by Telecommunication

(1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of a response. The first paragraph of the motion or response must include an estimate of the time required for argument and a statement whether official court reporting services are requested.

(2) A party may request that a nonevidentiary hearing or a motion not requiring testimony be heard by telecommunication.

(a) A request for a nonevidentiary hearing or oral argument by telecommunication must be in the caption of the pleading, motion, response, or other initiating document.

(b) If appearance or argument by telecommunication is requested, the first paragraph of the pleading, motion, response, or other initiating document must include the names and telephone numbers of all parties served with the request. The request must be granted.

(c) The first party requesting telecommunication must initiate the conference call at its expense unless the court directs otherwise.

(3) "Telecommunication" must be by telephone or other electronic device that permits all participants to hear and speak with each other and permits official court reporting when requested. When recording is requested, telecommunications hearings must be recorded by the court if suitable equipment is available; otherwise, it will be provided at the expense of the party requesting recording.

**Ore. TCR 59**

Rule 59. Telephone Communications and Testimony

**A Telephone Communications.** Any scheduled court event, *e.g.*, case management conference, motion argument, or trial, which is to be conducted by telephone, will be initiated by the court, except as provided in section B. All participants must be personally at their telephone to respond without voice mail or other intervening or interrupting arrangements.

**B Telephone Testimony.** Upon motion of any party and for good cause shown, the court may order that testimony may be taken by telephone. Such motion must be filed and certified copies served on all parties at least 30 days before the trial or hearing, unless the moving party shows good cause for allowing telephone testimony with less than 30 days' notice.

The court will allow telephone testimony upon a showing of good cause unless the court determines that witness credibility and demeanor, the issues, the exhibits, lack of facilities, or other circumstances exist that make it necessary that the witness or party personally appear.

A party filing a motion for telephone testimony must pay all costs of the telephone testimony, no part of which may be recovered as costs and disbursements. If a witness is to be examined

by telephone with regard to documents, copies of such documents must be furnished to the witness, the court, and all parties at least 10 days prior to such examination.

In determining what constitutes good cause to take testimony by telephone, the court may consider: (1) the age, infirmity, mental, or physical condition of the witness; (2) the fact that the moving party has been unable to secure attendance of the witness by process or other reasonable means; (3) whether a personal appearance would be an undue hardship; or (4) any other circumstances that constitute good cause.

For purposes of this rule, "telephone testimony" means testimony given by telephone or by any other two-way electronic communication device.

**Baker Cir. SLR 3.051**

3.051. Hearing Appearance by Telephone

When counsel, parties, or witnesses are granted permission to appear by telephone, they may appear only if:

- (1) Cell phones are used in good reception areas.
- (2) The cell phone caller is not in a moving vehicle.
- (3) If all parties are appearing by telephone, the moving party must contact a telephone operator and initiate a conference call to the Court with all parties connected.

**Benton Cir. SLR 7.055**

7.055. Appearances by Telephone

In any matter in which counsel, a party, or a witness (collectively "the party") is permitted by the Court to appear by telephone:

- (1) The cost of such call shall be borne by the party requesting the telephonic appearance.
- (2) Local calls shall be placed by the Court when the telephonic appearances have been approved by the Court. Long distance or other calls for which a toll or fee is charged shall be placed by the party at the time scheduled for the appearance.
- (3) Unless otherwise directed by the Court, long distance calls being placed by the party shall be placed to the Calendar Office, 541-766-6651.
- (4) Unless otherwise arranged and approved by the Court, telephone appearances by counsel shall be conducted in counsel's office.
- (5) If the party fails to appear by telephone because the party fails to telephone the Court or the Court is unable to reach the party at the number provided or in counsel's office, the party may be deemed not to have appeared and the matter may be decided upon the evidence before the Court.

**Clackamas Cir. SLR 6.012**



## 6.012. Conferences in Civil Proceedings

(5) When appropriate, an insured party may appear by such party's trial counsel and insurance carrier. Under [UTCR 6.010\(2\)](#), any party who is required to appear, or any insurance agent appearing for the party, may apply to the Court to appear by video conference. If a party secures advance permission of the Court for an appearance by video conference, that party must provide the laptop and the technology to accomplish the video conference. The party making the request shall be responsible for setting up the video conference and ensuring a successful video and audio connection for the duration of the conference.

### **Clatsop Cir. SLR 7.031**

#### 7.031. Docket Call

(1) Criminal and Dependency case docket calls shall be held in the week immediately preceding the week of trial on a judicial day and time set by the Presiding Judge.

(a) Attorneys of record and unrepresented parties shall appear in person for docket call. Attorneys may appear by telephone or in writing if arrangements are made with the Docket Clerk prior to docket call.

(b) Defendants shall appear in person at docket call unless the Court authorizes a waiver of appearance in advance. In misdemeanor cases, the defendant waives appearance if the defendant has been in personal contact with the attorney within ten days prior to docket call.

(c) If the Court finds good cause to allow a negotiated plea after the last resolution conference, docket call is the final deadline for negotiated pleas. Parties shall appear in Court during or immediately after docket call for the change of plea.

(2) Civil docket call is in writing. Parties shall complete the form marked Appendix I of the Supplemental Local Rules and submit it to the Court and all attorneys of record and unrepresented parties prior to 10:00 a.m. on the Thursday before the scheduled trial date.

(3) Diversion agreements, civil compromise documents, and jury waivers shall be filed by docket call.

### **Crook and Jefferson Cir. SLR 6.011**

#### 6.011. Habeas Corpus and Post-Conviction Relief Proceedings Before the Court by Video or Telephonic Conferencing

(1) Unless otherwise ordered by the Court, all hearings and trials in which inmates in the custody of the Oregon Department of Corrections are seeking post-conviction relief pursuant to [ORS 138.510-138.686](#) or habeas corpus relief pursuant to [ORS 34.310-34.730](#) shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing.

(2) The inmates shall remain at and appear from the Deer Ridge Correctional Institution or other institution in which they are being held.

(3) The inmate's attorney, the attorney for the Oregon Attorney General's Office, or an attorney representing any other party to the proceeding may appear by video or telephone conferencing or may appear in person before the Court.

- (4)** Regardless of the physical location of the judge hearing the matter, any proceeding shall be recorded by the 22nd Judicial District.
- (5)** Public access and viewing of the proceeding shall be provided at the Jefferson County Courthouse in Madras, Oregon, and the proceeding shall be deemed to be taking place at said Courthouse and city. Unless otherwise ordered by the Court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.
- (6)** All motions to continue trial/hearings, whether written or verbal, shall be submitted to the Presiding Judge of the 22nd Judicial District, or to another designated judge of the 22nd Judicial District if the Presiding Judge is not available.
- (7)** Motions to continue shall not be made to the Plan B or Pro-Tem Trial Judge except in cases of emergency when the Presiding Judge or the designated judge of the 22nd Judicial District is not available.

**Crook and Jefferson Cir. SLR 3.051**

**3.051. Hearing Appearance by Telephone**

When counsel, parties, or witnesses are granted permission to appear by telephone, they may appear only if:

- (1)** The cell phone caller is not in a moving vehicle.
- (2)** Cell phones are used in good reception areas.
- (3)** If more than one party is appearing by telephone, the moving party, or in the case of pretrial conferences the plaintiff/petitioner, must contact a telephone operator or service and initiate a conference call to the Court with all telephonic parties connected.

**Douglas Cir. SLR 7.075**

**7.075. Pretrial Conferences in Civil Cases**

- (1)** A pretrial conference shall be scheduled in all civil cases not less than six (6) weeks before the trial date. The parties and their counsel will appear personally at the conference unless the Court orders otherwise.
- (2)** A party and his/her counsel may appear at the pretrial conference by telephone, unless otherwise directed by the Court. A party or an attorney intending to appear at the pretrial conference by telephone must do all of the following:
  - (a)** Notify the Court in writing at least seven days prior to the scheduled date for the pretrial conference.
  - (b)** Arrange for and place the call to the Court at the time scheduled for the pretrial conference.
  - (c)** Arrange for all other parties and their counsel to participate in the same telephone call.
  - (d)** Pay for the expense of the telephone call or conference call.
- (3)** Not less than seven (7) days before the conference each party shall file with the Court a completed pretrial conference statement in the form specified in the Appendices to these rules.

The form shall also be served on the opposing counsel not less than seven (7) days before the date of the conference.

**Josephine Cir. SLR 7.016**

7.016. Docket Call

**(1)** Criminal and civil docket call shall be held at 8:15 a.m. on the Wednesday before the scheduled trial.

**(a)** Attorneys of record and unrepresented parties shall appear in person for docket call. Attorneys may appear by telephone if arrangements are made with the Docket Clerk prior to docket call.

**(b)** Defendants shall appear in person at docket call unless the Court authorizes a waiver of appearance in advance.

**(2)** See SLR 11.021 for rule on juvenile docket call.

**Lane Cir. SLR 6.012**

6.012. Settlement Conferences

**(4)** Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference. The judge may permit telephone appearances for good cause shown.

**Malheur Cir. SLR 4.109**

4.109. Post-Conviction Relief--Appearance and Participation

**(1)** If the Court grants oral argument for a motion of demurrer and the petitioner is in custody, the petitioner, if represented by counsel, will not be brought before the Court, in person, by video, or by telephone, unless counsel for the petitioner notifies the Court not less than 10 days before the hearing that the issues to be heard involve more than solely issues of law.

**(2)** Petitioners who are represented by counsel will not be allowed to present argument or otherwise participate except as a sworn witness on factual matters or in hearings regarding *Church v. Gladden*.

**(3)** Unless otherwise ordered by the Court, all post-conviction relief trials in which petitioner is in the custody of the Oregon Department of Corrections shall be held by video conference or, if video conference is not available, by telephone conference. The petitioner shall remain in and appear from the correctional facility in which the petitioner is being held.

**(4)** Counsel may appear by video conference, by telephone conference, or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility

where counsel is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding.

(5) If a petitioner is no longer in custody, the petitioner shall immediately notify the Court and the petitioner shall appear in person at the Malheur County Courthouse in Vale, Oregon.

(6) Public access and viewing of the proceeding shall be provided at the Malheur County Courthouse in Vale, Oregon, and the proceeding shall be deemed to take place at the location. Unless otherwise ordered by the Court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.

**Malheur Cir. SLR 6.011**

6.011. Habeas Corpus and Post-Conviction Relief Proceedings Before the Court by Video or Telephonic Conferencing

(1) Unless otherwise ordered by the Court, all hearings and trials in which inmates in the custody of the Oregon Department of Corrections are seeking post-conviction relief pursuant to [ORS 138.510](#) to [138.686](#) or habeas corpus relief pursuant to [ORS 34.310](#) to [34.730](#) shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing.

(2) The inmates shall remain at and appear from the Snake River Correctional Institution or other institution in which they are being held.

(3) The inmate's attorney, the attorney for the Oregon Attorney General's Office or an attorney representing any other party to the proceeding may appear by video or telephone conferencing or may appear in person before the Court.

(4) Regardless of the physical location of the judge hearing the matter, any proceeding shall be recorded by the Ninth Judicial District.

(5) Public access and viewing of the proceeding shall be provided at the Malheur County Courthouse in Vale, Oregon, and the proceeding shall be deemed to be taking place at said Courthouse and city.

(6) All motions to continue trials/hearings, whether written or verbal, shall be submitted to the Presiding Judge of the Ninth Judicial District, or to another judge of the Ninth Judicial District if the Presiding Judge is not available.

(7) Motions to continue shall not be made to the Plan B or Pro Tem Trial Judge except in cases of emergency when the Presiding Judge or other judge of the Ninth Judicial District is not available.

**Malheur Cir. SLR 7.055**

7.055. Appearance by Telephone

In any matter in which counsel, a party, or a witness (collectively "the party") is permitted by the Court to appear by telephone, and it is that party's responsibility to ensure that the call is made from an appropriate phone system:

**(1)** The cost of such telephone call shall be borne by the party requesting the telephonic appearance.

**(2)** If the party fails to appear by telephone because the party fails to telephone the Court or the Court is unable to reach the party at the number provided or in counsel's office, the party may be deemed not to have appeared and the matter may be decided upon the evidence before the Court, and/or the matter may be dismissed.

**Multnomah Cir. SLR 7.055**

7.055. Call

**(8)** The attorney of record on a case shall be present at Call, except that:

**(a)** The attorney may appear via a substitute counsel; or

**(b)** The attorney may report unconditionally ready in a civil case by telephone to the Call Clerk by 4:45 p.m. on the judicial day immediately preceding the date of Call. A telephoned report as allowed under this section shall constitute a waiver of the right to file a motion for change of judge as to any judge assigned to hear the matter and of the right to object to another party's request made at the time of call that the matter be postponed.

**Multnomah Cir. SLR 7.207**

7.207. Post-Conviction Relief--Hearings on Motions and Demurrers

**(1)** Unless the court orders otherwise, all oral arguments on motions and demurrers will be conducted by telephone or video.

**(2)** If the court grants oral arguments for a motion or demurrer and the petitioner is in custody, the petitioner, if represented by counsel, will not be brought before the court in person, by video or by telephone, unless counsel for the petitioner notifies the court not less than 10 days before the hearing that the issues to be heard involve more than solely issues of law.

**Multnomah Cir. SLR 7.209**

7.209. Post-Conviction Relief--Trial

**(1)** Unless otherwise ordered by the court, trials will be conducted by an assigned Senior Judge or Judge Pro Tempore.

**(2)** Unless otherwise ordered by the court, all post-conviction relief trials in which petitioner is in the custody of the Oregon Department of Corrections shall be held by video conferencing or,

if video conferencing is not available, by telephone conferencing. The petitioner shall remain in and appear from the correctional facility in which the petitioner is being held.

**(3)** Counsel may appear by video conference, by telephone conference, or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility where counsel is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding.

**(4)** Public access and viewing of proceedings shall be provided at the East County Courthouse, and the proceedings shall be deemed to take place at that location. Unless otherwise ordered by the court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.

**(5)** Trials are scheduled for 30 minutes and without expectation of live witness testimony other than the petitioner. If the trial of the matter will take longer than the standard 30 minute setting or any other time allotted in the trial notice, or if witnesses other than the petitioner will be called, a party seeking additional time must file a motion requesting the additional trial time. The motion must be accompanied by an affidavit setting out the need for the expansion of the original allotted time. The motion to request an expansion of the allotted hearing time must be filed within 15 days from the date of the trial notice.

#### **Polk Cir. SLR 6.012**

##### 6.012. Settlement Conferences

**(4)** Each trial attorney and party or representative of a corporation or insurance company who has full authority to settle and compromise the litigation must personally appear at the pretrial settlement conference; however, the judge may permit telephone appearances for good cause.

#### **Tillamook Cir. SLR 3.051**

##### 3.051. Appearance by Telephone

**(1)** Counsel, parties, or witnesses who wish to appear by telephone must do the following:

**(a)** Obtain permission from the Court.

**(b)** Bear the cost of all long-distance call charges.

**(c)** Cooperatively arrange with other parties telephonic appearances by three or more parties with the call to the Court placed as specified in subsection (d) of this rule.

**(d)** Place the call to the Court's administrative offices. Court staff will transfer the call into the appropriate Courtroom.

**(2)** Failure to call in at the scheduled time of appearance shall be considered failure to appear. The Court may decide the issue before the Court based on the evidence before the Court.

**(3)** Failure of a criminal defendant to appear by telephone when authorized to do so shall be considered failure to appear and subject to action by the District Attorney.

### **Tillamook Cir. SLR 3.052**

#### **3.052. Appearance by Cellular Telephone**

If telephone appearance is pre-approved by the Court, parties may appear by cellular telephone only if cell phones are used in good reception areas.

### **Tillamook Cir. SLR 4.081**

#### **4.081. Appearance by Simultaneous Electronic Transmission**

**(1)** Subject to the Court's approval, an in-custody defendant may appear by simultaneous electronic transmission pursuant to [UTCR 4.080](#) at the following hearings:

**(a)** Arraignments.

**(b)** Release:

**(i)** If the District Attorney does not have a release concern, and the release will be a conditional release, the release hearing will be done by video appearance.

**(ii)** If the District Attorney has a concern as to the release of the defendant, the defendant will be transported to the Courthouse for the hearing.

**(iii)** If the defense attorney is proposing a third-party release, the defendant and the third party must be present in the Courtroom for the hearing.

**(iv)** Attorneys who will be proposing release at a set hearing must notify calendaring by 2:00 p.m. the day prior if the District Attorney opposes release or the release will be a third-party release.

**(c)** Probation violation.

**(i)** If the defendant will be denying the allegations and a denial hearing set, defendant will appear by video.

**(ii)** If the defendant will be admitting the allegations, he/she will be transported to the Courthouse for the hearing.

**(iii)** Attorneys must notify calendaring prior to 2:00 p.m. the day before the admit/deny hearing if the defendant will be admitting the allegations.

**(d)** Entry of plea/change of plea:

**(i)** If the defendant is entering a plea of not guilty, they will not be transported, and will appear by video.

**(ii)** If the defendant is entering a plea of guilty or no contest, he/she will be transported to the Courthouse.

**(iii)** Attorneys must notify calendaring prior to 2:00 p.m. the day before the entry of plea/change of plea if the defendant will be entering a plea of guilty or no contest.

**(e)** Sentencing: the Court will not use video appearances on a routine basis for sentencing unless the Court determines that security concerns warrant an appearance by video.

**(f)** Set-overs: all set-overs will be done by video. Attorneys must notify calendaring prior to 2:00 p.m. the day before the scheduled hearing.

**(2)** Appearance by video will be the standard default for jail and Court planning purposes. Defense attorneys and the District Attorney are responsible for providing timely notice to the Court if the defendant must appear in person in accordance with the above rules.

(a) Subject to the Court's approval, an in-custody defendant may appear by simultaneous electronic transmission pursuant to [UTCR 4.080](#) as a witness in a criminal proceeding other than a jury trial.

(b) Upon written consent of the parties and subject to the Court's approval, a witness may appear by simultaneous electronic transmission pursuant to [UTCR 4.080](#) in a criminal proceeding including a jury trial. In advance of the proceeding, the party responsible for the subpoena of the witness must provide to the Court the IP address and telephone number of the witness.

(c) Subject to the Court's approval, a probation officer may appear by simultaneous electronic transmission pursuant to [UTCR 4.080](#) in a probation violation hearing. A party who believes the personal appearance of a probation officer is necessary at a probation violation hearing must notify the other party, Court, and probation office no later than forty-eight (48) hours prior to the scheduled probation violation hearing of the request for personal appearance.

#### **Tillamook Cir. SLR 4.206**

If the Court grants oral argument on a motion or demurrer and the petitioner is in custody, the petitioner, if represented by counsel, will not be brought before the Court in person, but may appear by video, or by telephone. Counsel for petitioner shall make arrangements for the video or telephone appearance of petitioner.

#### **Tillamook Cir. SLR 4.207**

##### 4.207. Post Conviction Relief--Trial

(1) The petitioner may appear by video or in person. Counsel for petitioner shall make arrangements for the video or in-person appearance of petitioner.

(2) Counsel may appear by video conference or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility where petitioner is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding. If appearing by video, counsel is to advise the Court as to his/her IP address prior to the proceeding.

(3) If a party or witness in the case requires the services of a Court Interpreter, the party must make a request to the Tillamook Circuit Court Trial Court Administrator's Office no later than thirty (30) judicial days before the date set for trial.

#### **Umatilla Cir. SLR 4.107**

##### 4.107. Post-Conviction Relief--Trial

(1) Unless otherwise ordered by the Court, all post-conviction relief trials in which petitioner is in the custody of the Oregon Department of Corrections shall be held by video conference or, if



video conference is not available, by telephone conference. The petitioner shall remain in and appear from the correctional facility in which the petitioner is being held.

**(2)** Counsel may appear by video conference, by telephone conference, or in person before the trial judge. Counsel for the petitioner may appear apart from the petitioner only if the facility where counsel is located enables the petitioner to consult privately with the petitioner's counsel during the proceeding.

**(3)** Public access and viewing of proceedings shall be provided at the Umatilla County Courthouse in Pendleton, Oregon, and the proceeding shall be deemed to take place at that location. Unless otherwise ordered by the Court, all witnesses, except original counsel and law enforcement officers, shall appear at that location.

### **Umatilla Cir. SLR 7.015**

#### 7.015. Video/Telephone Appearances

The Sixth Judicial District presently has telephonic conferencing and video conferencing at the Courthouses in Pendleton, Hermiston, and Heppner. Unless prohibited by statute, all in-custody matters will be heard by video or telephone conferencing unless transport is ordered prior to the scheduled hearing. Out-of-custody matters may be heard by video or telephone conferencing if authorized by the judge.

#### **(1) Criminal Cases**

A completed plea petition document shall be filed with the Court prior to any change of plea.

#### **(2) Habeas Corpus and Post-Conviction Relief Cases**

If a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and Court trial shall be conducted by video conferencing if available, and at the expense of the Department of Corrections.

#### **(3) Civil Cases**

Parties wishing to use video conferencing in civil cases shall, where available, make arrangements with the trial judge's assistant prior to trial and pay all expenses of the video.

#### **(4) Mental Commitment Cases**

If a person alleged to have a mental illness is in a mental health facility, the motions, hearings, and trial shall be conducted by video conferencing, if available, at the expense of the Mental Health Division.

#### **(5) Exhibits**

Parties not appearing in person shall submit all exhibits to the Court no later than ten (10) days prior to the scheduled Court proceeding. Any party presenting exhibits to the Court will also provide a self-addressed, prepaid postage mailing package to the Court for the return of the exhibits.

### **Union and Wallowa Cir. SLR 7.015**

#### 7.015. Video Appearances

The 10th Judicial District presently has video capability at the Courthouses in La Grande and Enterprise, and the Union County Correctional Facility.

**(1) Criminal Cases**

When handled by video, a completed plea petition document must be filed with the Court prior to any change of plea.

**(2) Habeas Corpus and Post-Conviction Relief Cases**

In a defendant is in the custody of a correctional institution, the defendant's pretrial motions, pretrial hearings, and Court trial shall be conducted by video, if available.

**(3) Civil Cases**

Parties wishing to use video technology in civil cases shall, where available, make arrangements with the Trial Court Administrator prior to trial and pay all expenses of the video.

**(4) Mental Commitment Cases**

If a person alleged to have a mental illness is in a mental health facility, the motions, hearings, and trial shall be conducted by video appearance, if available, at the expense of the Mental Health Division.

**(5) Scheduling**

Parties requesting appearances by video shall contact the judicial assistant or Docketing Clerk where their case is filed to obtain permission for appearance via video. That Court will then coordinate with other Court on the use and availability of the video system. The first priority for use of video is criminal matters.

**(6) Exhibits**

All exhibits will be presented to the Court no later than three (3) judicial days prior to the scheduled Court proceeding. Any party presenting exhibits to the Court will also provide a self-addressed, prepaid postage mailing package to the Court for the return of the exhibits. Prior to the hearing, copies of exhibits shall be provided to witnesses appearing by video.

**Union and Wallowa Cir. SLR 12.017**

**12.017. Non-Resident Participants**

If one of the parties is not a resident of the county in which mediation is scheduled, that party may request that mediation occur by telephone. If the needs of both parties would be better served by telephonic mediation, they may agree to such mediation. If telephonic mediation occurs, both parties will appear by telephone and will arrange to be available in a quiet place, not in the presence of the parties' children. All others present at the time of telephonic mediation must be identified. Costs of telephonic mediation will be paid proportionately by the party(ies) appearing by telephone.

**Washington Cir. SLR 4.110**

**4.110. Habeas Corpus Proceedings Before the Court by Video or Telephonic Conference**

**(1)** Unless otherwise ordered by the Court, all hearings and trials in which petitioner is in the custody of the Oregon Department of Corrections and seeking habeas corpus relief pursuant to

[ORS 34.310-34.370](#), shall be held by video conferencing or, if video conferencing is not available, by telephonic conferencing. The petitioner shall remain at and appear from the institution in which the petitioner is being held.

**(2)** The petitioner's counsel, the attorney from the Oregon Attorney General's office, or an attorney representing any other party to the proceeding, may appear by video or telephonic conferencing or may appear in person before the Court.

**(3)** Regardless of the physical location of the judge hearing the matter, any proceedings shall be recorded by the Washington County Circuit Court.

**(4)** Public access and viewing of the proceedings shall be provided at the Washington County Courthouse in Hillsboro, Oregon, and the proceedings shall be deemed to be taking place at said Courthouse and city.

#### **Yamhill Cir. SLR 4.005**

4.005. Settlement Conferences

#### ***(2) Scheduling/Participants***

A settlement conference will be held in all criminal cases where one party requests it, unless the opposing party shows good cause why the settlement conference should not be held. A settlement conference may also be held if ordered on the Court's own motion. The Court is likely to set settlement conferences for cases that are pending or appear unlikely to be resolved by plea or trial within the Oregon Standards of Timely Disposition. Settlement conferences are also likely to be set by the Court where there have been two or more pretrial or "resolution" hearings and judicial involvement in resolution would appear to be helpful to timely resolution. Settlement conferences are encouraged.

**(a)** Defendant and defense counsel and the DA or DDA with authority to resolve the case must be present. The Court may, for good cause shown, allow appearance by telephone.

#### **Yamhill Cir. SLR 6.012**

6.012. Settlement Conferences

**(b)** All attorneys and their clients must attend the settlement conference. In the case of corporate clients, a person with settlement authority must be in attendance. The Court may, for good cause shown, allow appearance by telephone.

## **PENNSYLVANIA**

#### **M.D. Pa. Bankr. LBR 9074-1**

## Rule 9074-1. Telephone or Video Appearance

**(a) General Telephone Procedure.** An attorney or pro se party who wishes to participate in a matter telephonically must consult "Telephonic Court Appearance Information (CourtCall)" located on the court's website ([www.pamb.uscourts.gov](http://www.pamb.uscourts.gov)).

**(b) Request for Appearance by Video.** A request to appear by video must allege cause and be submitted in writing at least seven (7) days before the scheduled conference or hearing. Requests must include a certificate of concurrence or nonconcurrence from the other parties concerning the request. If the request is granted, the requestor must provide the court with the location and video conference numbers at the remote site. It is the responsibility of the requestor to arrange with the clerk's office for a test of the system prior to the date of the hearing or conference to ensure compatibility of the conferencing systems.

### **E.D. Pa. Bankr. LBR 9076-1**

## Rule 9076-1. Telephone and Video Conferences and Hearings

**(a) Availability.** The court, on its own motion or on the request of a party, may direct that a conference on any matter or the argument or a hearing on any motion, application, or objection be by telephone or video conference without court appearance.

**(b) Scheduling and Procedures.**

**(1) *Contact With the Courtroom Deputy.*** A party requesting a telephone or video conference or hearing shall first seek the agreement of opposing counsel and then contact the courtroom deputy for the judge to whom the case is assigned to request court permission. The requesting party shall discuss with the courtroom deputy the existence of any other procedural or technical requirements for the proceedings. Technical arrangements to use the court's video conference system shall, when practicable, be made 7 days in advance of the scheduled proceeding date in consultation with the judge's courtroom deputy.

**(2) *Telephone Conference or Hearing.*** The party requesting a telephone conference or hearing shall initiate the call unless otherwise directed by the court. If multiple parties will be participating, the requesting party shall arrange to join the other parties on the line. The person participating in the proceeding by telephone must be available by the telephone before the time set and must take any steps necessary to keep the telephone lines open so that the call can be timely placed.

**(3) *Record.*** A verbatim record of a telephone or video hearing shall be made in all cases. A verbatim record of a telephone or video conference shall be made if directed by the court.

### **Pa.R.J.C.P. 129**

## Rule 129. Appearance by Advanced Communication Technology

**A. Generally.**

(1) The juvenile or a witness may appear at a proceeding by utilizing advanced communication technology pursuant to Rule 140, 141, 242, 394, 406, 512, and 610.

(2) At a minimum, the juvenile shall appear in person at least once a year.

**B. Counsel.**

(1) The juvenile shall be permitted to confer with counsel before entering into an agreement to appear utilizing advanced communication technology.

(2) The juvenile shall be permitted to communicate fully and confidentially with counsel immediately prior to and during the proceeding.

## RHODE ISLAND

We did not find any state court rules on remote appearance of parties or witnesses.

## SOUTH CAROLINA

We did not find any court rules pertaining to electronic appearance of parties or witnesses.

## SOUTH DAKOTA

### **D. S.D. CIV. LR 43.2**

Rule 43.2. TAKING TESTIMONY

Pursuant to [Fed. R. Civ. P. 43\(a\)](#), testimony may be taken in open court by contemporaneous transmission from a different location under certain circumstances. These circumstances are set forth in the Protocol for the Use of Interactive Video Conferencing (Civil), which can be found on the court's website at [www.sdd.uscourts.gov](http://www.sdd.uscourts.gov).

### **CIVIL COURT RULES VIDEO CONFERENCING from Website**

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
PROTOCOL FOR THE USE OF INTERACTIVE VIDEO CONFERENCING  
CIVIL

The following provisions apply to civil matters:

#### 1. General Provisions

The court may conduct hearings, conferences, and pretrial proceedings, hear arguments of counsel, and admit oral testimony, subject to cross examination by live interactive video conferencing (IVC) when:

(a) Ordered by the court *sua sponte*;

(b) The parties so stipulate; or

(c) The proponent shows good cause in compelling circumstances. The court shall consider the following factors to determine “good cause”:

- (1) Whether any undue surprise or prejudice would result;
- (2) The convenience of the parties, counsel, and the court;
- (3) The cost and time savings;
- (4) The importance and complexity of the proceeding;
- (5) Whether the proponent has been unable, after due diligence, to procure the physical presence of a witness;
- (6) The convenience to the parties and the proposed witness and the cost of producing the witness in relation to the importance of the offered testimony;
- (7) Whether the procedure would allow effective cross-examination, especially where availability to counsel of documents and exhibits available to the witness would affect such cross examination;
- (8) Whether the solemnity of the surroundings will impress upon the witness the duty to testify truthfully;
- (9) Whether the witness is presently in prison or incarcerated; and
- (10) Such other factors as the court deems relevant.

## 2. Burden of Proof

The burden of establishing good cause shall rest with the proponent.

## 3. Procedures

(a) If the court *sua sponte* orders the use of IVC to take testimony, it shall give notice in accordance with the Federal Rules of Civil Procedure. Such notice shall contain the Notice of Interactive Video Conferencing Rights as set forth in paragraph 4 of this Protocol.

(b) Whenever the court orders the use of IVC *sua sponte* to take testimony, in the absence of a stipulation between the parties, a party wishing to make an objection to the use of IVC shall use the following procedures:

(1) A party objecting to the use of IVC shall serve and file no less than seven (7) calendar days prior to the scheduled hearing or proceeding a written objection to the use of IVC. The objecting party may, *ex parte*, contact the court for an expedited hearing date. If an objection is served and filed, the court shall, on an expedited basis, conduct a hearing by telephone conference to determine whether the use of IVC should be allowed. Failure to object in writing within the time limits set forth herein shall constitute a waiver of objection.

(2) If a party objects to the court’s use of IVC and good cause for use of IVC is not established, the court shall reschedule the hearing or proceeding to such date, time, and location as is necessary to facilitate a traditional court hearing.

(c) If the parties stipulate and request the use of IVC for a hearing or proceeding, the parties shall contact the deputy-in-charge of the clerk’s office to obtain a date and time for the IVC hearing or proceeding. The deputy-in-charge will ordinarily require at least seven (7) calendar days’ advance notice to schedule the IVC facilities. A written signed stipulation for use of IVC shall be served and filed no less than five (5) days prior to the date set for the IVC hearing or proceeding. If the hearing or proceeding will be presided

over by the court, the use of IVC shall be subject to court approval. (A suggested format for a Stipulation and Order for Use of Interactive Video Conferencing is attached as an appendix.)

(d) In any hearing or proceeding conducted by IVC, whether by court order or by request of one or more of the parties:

(1) If the hearing or proceeding is required to be reported, a court reporter shall be in simultaneous voice communication with all parties to the IVC hearing, but may do so from any IVC terminal site, with the prior consent of the court.

(2) Parties entitled to be heard shall be given prior notice of the manner and time of the hearing or proceeding.

(3) Regardless of the physical location of any party to the IVC hearing or proceeding, any waiver, stipulation, motion, objection, decision, order, or any other actions taken by the court or a party has the same effect as if made in open court.

(4) Hearings and proceedings shall be conducted with the decorum and dignity required by the Federal Rules of Civil Procedure.

(5) All hearings or proceedings conducted by IVC shall be subject to the hearing procedures required by the Federal Rules of Civil Procedure and the Civil Local Rules of Practice.

(6) If a litigant/witness is appearing remotely from one of the court's videoconferencing facilities and the hearing or proceeding is being conducted from another location, courtroom security shall be present at the remote location.

(e) When IVC is ordered or requested in accordance with this Protocol, the following procedures shall be used:

(1) If the court *sua sponte* orders IVC, the court shall, through the deputy-in-charge of the clerk's office where the case is venued, make arrangements to carry out the IVC procedures required in order for the court to hear the case as an IVC hearing or proceeding.

(2) In all other cases it will be the responsibility of the party requesting the use of IVC to contact the deputy-in-charge of the clerk's office where the case is venued. The deputy-in-charge, working with the judge assigned, shall establish a date and time for the IVC hearing or proceeding. The court and counsel shall use reasonable efforts to confer with one another in scheduling IVC hearings or proceedings so as not to cause or create scheduling conflicts whenever possible. The moving party shall have the responsibility of preparing, serving, and filing the motion and notice of motion papers as required by this Protocol.

#### 4. Notification and Rights of Parties

Whenever the court *sua sponte* orders the use of IVC to take testimony or a proponent moves for an order for use of IVC, the following notice shall be included in those materials served and filed:

##### NOTICE OF INTERACTIVE VIDEO CONFERENCING RIGHTS

The hearing or proceeding described above will be conducted by live interactive video conferencing (IVC). You have the right to object to the use of IVC, but your objection must be served and filed no fewer than seven (7) calendar days prior to the hearing date. If you do not object within the time set forth in this notice, you will waive any objection you have for the court to hear the matter by IVC.

Any documents or other written material that you know to be relevant or necessary to the proceeding must be exchanged with all parties and submitted to the court, as appropriate, prior to the commencement of the hearing.

The order or notice of hearing shall set forth a date and location of the hearing and the site or sites between which the IVC hearing will be conducted.

Prior to an IVC hearing or proceeding, the court shall make available to all participants a brief statement describing IVC use and courtroom procedure.

This information may be provided in writing or by allowing the participants to view a video tape or such other materials prepared by the court for this purpose.

#### 5. Test Call

At least one test call between locations shall be conducted sufficiently in advance of the scheduled IVC hearing or proceeding to ensure compatibility. If the court *sua sponte* orders the use of IVC, the deputy-in-charge shall make arrangements for the call. In all other instances, the proponent shall coordinate with the deputy-in-charge to arrange for the call.

#### 6. Standard Courtroom Procedures

Except as noted herein, the rules of court decorum specified in the Federal Rules of Civil Procedure, the Civil Local Rules of Practice and, where applicable, rules imposed by the presiding judge, shall apply. The clerk's office where the case is venued shall be responsible for the following:

- (a) ensuring that the IVC equipment is functioning properly in advance of any IVC hearing;
- (b) providing information to participants describing IVC use, courtroom procedure, and courtroom decorum;
- (c) arranging for courtroom security and technical assistance at the remote location if a litigant/witness will be appearing remotely from one of the court's videoconferencing facilities; and
- (d) monitoring audio and video quality and providing technical assistance throughout the hearing as necessary.

Counsel for a party and the party shall participate at the same IVC site unless otherwise ordered by the court.

## TENNESSEE

### **M.D. Tenn. Loc. R. 16.01**

#### LR16.01 CUSTOMIZED CASE MANAGEMENT

##### **(4) Modifications of Case Management Orders .**

- a.** The parties are not permitted to modify a case management order by stipulation among themselves without the prior approval of the case management judge.
- b.** Any party may file a motion to request that the case management judge modify the case management order and/or to request a case management conference with the case management judge at any stage of the proceeding.



- c. Upon a motion of any party or sua sponte, the case management judge may modify a case management order without hearing or conference, provided that, except in unusual circumstances, a motion to modify a case management order should not be denied without a prior hearing or conference, either in person, by telephone or by other available means of teleconferencing.
- d. Upon motion of any party or sua sponte, the case management judge may convene a case management conference to discuss the impact of the filing of a dispositive motion, not otherwise provided for in the case management order, and the propriety of modifying the case management order.

### **W.D.TN. Appx. D.1**

#### APPENDIX D.1 ALTERNATIVE DISPUTE PLAN

**(e) Request to be Excused** Any person who is required to attend a mediation session may be excused from attending in person only after showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. Not less than fourteen (14) days before the date set for the mediation, a person seeking to be excused must submit a letter to the Mediator with copies sent to all other counsel and unrepresented parties, which states:

- (1) All considerations that support the request; and
- (2) Whether the other party or parties join in or object to the request.

Any party opposing the request shall submit a written statement of opposition no less than seven (7) days prior to the mediation.

The Mediator shall promptly make a determination as to the necessity of the person's attendance and may require personal participation, permit participation by telephone, or excuse the person's presence altogether. The Mediator's decision shall be final.

**(f) Participation by Telephone** A person excused from appearing in person at a mediation session shall be available by telephone or otherwise be available as the Mediator may direct.

### **Tenn. R. Civ. P. 16.01**

#### **16.01. Scheduling and Planning Conferences and Orders.**

(1) In any action, the court may in its discretion, or upon motion of any party, conduct a conference with the attorneys for the parties and any unrepresented parties, in person or by telephone, mail, or other suitable means, and thereafter enter a scheduling order that limits the time:

- (A) to join other parties and to amend the pleadings;
- (B) to file and hear motions; and

(C) to complete discovery.

**Tenn. Sup. Ct. Rule 24**

**Rule 24. Rules of Procedure Governing Petitions for Waiver of Parental Consent for Abortions by Minors.**

(c) Unless oral argument is waived, the Supreme Court shall conduct a hearing within two (2) calendar days after the brief and record are filed in the Supreme Court. When necessary because of the exigencies of the situation, oral argument may be conducted by telephone, at the Court's discretion.

**Tenn. Sup. Ct. R. 31, APPENDIX E**

**APPENDIX E**

**4.3 Excuses for Non-Attendance** A party or lawyer shall be excused from attending the Summary Jury Trial only after a showing that attendance would impose an extraordinary or otherwise unjustifiable hardship. A party or lawyer seeking to be excused must petition the judge, in writing, no fewer than 15 calendar days before the date set for the Summary Jury Trial. Any such petition shall be in the form of a letter to the judge, a copy of which shall be sent to all parties, and which shall set forth all considerations that support the Request and shall state realistically the amount in controversy in the case. The Judge shall rule on such petitions. A party or lawyer who is excused from appearing in person at the Summary Jury Trial shall be available to participate by telephone.

**4.4 Attendance of Non-Parties** With approval of the judge, subpoenas may be issued to compel the presence of non- parties.

**5. Evidence** All evidence shall be presented through attorneys for the parties with the exception that video presentations by experts or others shall be permitted. The attorneys may summarize and comment on the evidence and may summarize or quote directly from depositions, interrogatories, requests for admissions, documentary evidence and sworn statements of potential witnesses. However, no witness's testimony may be referred to unless the reference is based upon one of the products of the various discovery procedures, or upon a written, sworn statement of the witness, or upon representation of counsel that the witness would be called at trial, and that counsel has been told the substance of the witness's proposed testimony by the witness.

**Davidson County Local § 10.03**

**§ 10.03 Notice of Intent To Use Audio/Video Recording Is Required**

When a party intends to offer an audio and/or visual recording as evidence in a jury trial,

counsel must provide written notice to all adverse counsel at least ten (10) days before a trial. Adverse counsel shall be permitted to review the recording in the form to be offered at trial and shall be allowed to copy the recording at his or her expense. Adverse counsel shall promptly advise the other attorney of each objection to the recording. The lawyers shall then attempt in good faith to resolve objections. If no resolution is reached, a motion in limine shall be filed and set sufficiently before trial so that the objections may be ruled on in time to allow any necessary editing. This does not void requirements of [Tenn. R. Crim. P. 12\(d\)](#).

### **Hamilton County Gen. Sess. Rule 3**

#### **Rule 3. General sessions court assignments and dockets**

(5) Mental health hearings are conducted each Thursday at 9:00 a.m. for Valley Hospital commitments via video conferencing and at 10:00 a.m. at Moccasin Bend Mental Health Institute.

### **8th Jud. Dist. Circuit Ct. R. 20**

#### **RULE 20 ORDERS AND JUDGMENTS**

(c) Orders in contested matters containing the signatures of less than all the parties or their attorneys shall be submitted to the Judge within fifteen (15) days from the date of the Court's decision and the same shall not be entered immediately, but will be held by the Judge for five (5) days. When opposing counsel or party receives a copy of a proposed order, he or she shall notify the Judge immediately of any objection to the same. If the Judge receives no objection within the five (5) day period, the order will be signed by the Court. Where there is a disagreement as to the terms of the order, each party will submit a proposed order. The Court may allow a hearing or telephone conference concerning the same.

### **22d Jud. Dist. R. 29**

#### **RULE 29. ORDERS AND JUDGMENTS IN CIVIL CASES**

**29.01.** Preparation and Submission of Orders and Judgments. Unless the court directs otherwise, attorneys for prevailing parties will prepare orders for entry by the court. Orders approved for entry by signatures of all parties or their attorneys are preferred, and shall be immediately signed and entered by the court. All orders must be served on adverse parties within five (5) court days following the day on which the ruling is made by the court, with a line for signature by or for each party. If service is by mail rather than by hand-delivery, the drafting party shall also attempt to transmit the draft by facsimile. Within five (5) court days of receipt of the draft, all parties or their attorneys must sign the draft or must have contacted the drafting party with any objection. If any dispute cannot be resolved by the parties, the one objecting to the draft shall schedule a telephone conference or hearing with the judge. If the drafting attorney has not received any objection within five (5) court days of mailing or delivery, the drafting attorney shall immediately submit the draft to the court with a certificate that this

rule has been followed and that no objection has been received. The court may immediately approve and enter the draft as the court's order, unless the judge disapproves the same.

### **25th Jud. Dist. Chancery Ct. R. 11**

#### RULE 11. SETTING CASES FOR TRIAL AND CONTINUANCES

**11.05** Motions Presented by Conference Telephone Calls. By agreement of all counsel of record, or parties if not represented, and with the permission of the Chancellor, a motion for continuance, or other short motions, may be presented by a conference call to the Chancellor.

## TEXAS

### **Tex. R. Jud. Admin. 7**

#### Rule 7 Administrative Responsibilities

**(6)** to the extent consistent with safeguarding the rights of litigants to the just processing of their causes, utilize methods to expedite the disposition of cases on the docket of the court, including

- (a)** adherence to firm trial dates with strict continuance policies;
- (b)** the use of telephone or mail in lieu of personal appearance by attorneys for motion hearings, pretrial conferences, scheduling and the setting of trial dates;

### **Tex. R. Civ. P. 503**

#### Rule 503 Default Judgment; Pre-Trial Matters; Trial

##### **503.1. *If Defendant Fails to Answer.***

**(a) *Default Judgment.*** --If the defendant fails to file an answer by the date stated in Rule 502.5, the judge must ensure that service was proper, and may hold a hearing for this purpose. If it is determined that service was proper, the judge must render a default judgment in the following manner:

**(1) *Claim Based on Written Document.*** --If the claim is based on a written document signed by the defendant, and a copy of the document has been filed with the court and served on the defendant, along with a sworn statement from the plaintiff that this is a true and accurate copy of the document and the relief sought is owed, and all payments, offsets or credits due to the defendant have been accounted for, the judge must render judgment for the plaintiff in the requested amount, without any necessity for a hearing. The plaintiff's attorney may also submit affidavits supporting an award of attorney fees to which the plaintiff is entitled, if any.

**(2) Other Cases.** --Except as provided in (1), a plaintiff who seeks a default judgment against a defendant must request a hearing, orally or in writing. The plaintiff must appear at the hearing and provide evidence of its damages. If the plaintiff proves its damages, the judge must render judgment for the plaintiff in the amount proven. If the plaintiff is unable to prove its damages, the judge must render judgment in favor of the defendant. With the permission of the court, a party may appear at a hearing by means of telephone or an electronic communication system.

### **Tex. R. Civ. P. 18a**

Rule 18a Recusal and Disqualification of Judges

**(C) By Telephone.** --The hearing may be conducted by telephone on the record. Documents submitted by facsimile or email, otherwise admissible under the rules of evidence, may be considered.

### **Tex. Parental Notification R. 1.5**

Rule 1.5 Methods of Transmitting Documents; Hearings Conducted By Remote Electronic Means; Electronic Record Allowed When Necessary.

**(d) Participation in hearings by electronic means.** --Consistent with the confidentiality requirements of these rules, with the court's permission, a witness may participate in a hearing under these rules by video conferencing, telephone, or other remote electronic means. But the minor must appear before the court in person.

### **Tex. R. Jud. Admin. 16**

Rule 16 Additional Resources for Certain Cases

**16.5 Additional Resources.** --One or more of the following resources may be made available under this rule:

- (a)** the assignment of an active or retired judge, subject to the consent of the trial court;
- (b)** additional legal, administrative, or clerical personnel;
- (c)** information and communication technology, including case management software, video teleconferencing, and specially designed courtroom presentation hardware or software to facilitate presentation of the evidence to the trier of fact;
- (d)** specialized continuing legal education;
- (e)** an associate judge;
- (f)** special accommodations or furnishings for the parties;
- (g)** other services or items determined necessary to try the case; and
- (h)** any other appropriate resources.

## **Bastrop Cty Dist. Ct. LR 6**

### RULE 6. CIVIL CASES

(C) failure to be ready to proceed as scheduled.

#### **Disposition of Uncontested Matters**

**6.16.** Requests for hearing uncontested matters and ex parte matters may be made in person, by telephone or in writing to the Court Coordinator. The Court Coordinator will set the matter for the next available uncontested docket or at any other time that may be convenient to the parties and the Court. The requesting party shall, when required by these Local Rules or other applicable law, notify all attorneys of record or parties pro se of such setting.

#### **Hearings Conducted by Telephone**

**6.32.** At the discretion of the Court and after arrangements have been made in advance for the Court to be available, hearings not requiring the introduction of evidence may be conducted by telephone conference calls. The Court Coordinator should not be requested to make arrangements. The Attorney requesting the conference call is responsible for arranging the telephone conference call. The Court is not required to initiate a conference call. All arrangements with telephone operators must be made by an attorney. A court reporter, if requested in a timely manner, will be provided by the Court during these calls. A request by an Attorney for the court reporter must be made in advance. At any time, even after the completion of a conference call, the Court may determine that a hearing by telephone will not be sufficient and may require a hearing in court upon notice to all parties.

## **Blanco Cty Dist. Ct. Procedures**

### 33rd Judicial District Rule Re: Courtcall Telephonic Appearances

#### **A. PROGRAM OVERVIEW**

- 1.** The CourtCall Telephonic Appearance Program ("CourtCall") organizes a procedure for telephonic appearance by attorneys as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no attorney is required to utilize CourtCall. Rather, CourtCall is available at a reasonable fixed fee to use when circumstances are appropriate.
- 2.** The Court will conduct hearings on the docket in the usual manner, with the only difference being that hearing order preference is given to cases with CourtCall Appearances, unless the court exercises its discretion to call cases in a different order.
- 3.** Hearings are conducted in open court or in private as the court may designate. All attorneys making CourtCall Appearances call a designated toll free teleconference number a few minutes before the docket is scheduled, to check in with the clerk. Attorneys remain on the court's speaker phone-telephone line and hear the same business that those

present in the court may be hearing. Attorneys not participating telephonically appear in person. The court calls cases for hearing. All attorneys on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances except where privacy is required.

**4.** CourtCall Appearances are scheduled, in writing, in advance, by counsel serving on all other counsel and pro-se parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than three (3) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying a fee of \$35.00 for each CourtCall Appearance.

## **B. PARTICIPATION IN COURTCALL APPEARANCES**

### **1. Courts**

**a.** Judges may volunteer to participate in CourtCall. The Court shall give calendar hearing order preference to cases which include attorneys making CourtCall Appearances, except under unusual circumstances as determined by the court.

**b.** Subject to the Court's right to amend this list, the following matters are currently deemed suitable for CourtCall Appearances.

**1.** Pretrial Conferences;

**2.** Motions where total argument is not expected to exceed fifteen (15) minutes;

**3.** Status/Case Management Conferences;

**4.** Uncontested divorce where decree and TDH forms are submitted in advance;

**5.** Other minor evidentiary hearings where total time for evidence and argument is not expected to exceed 30 minutes and where all proposed exhibits are transmitted to the Court in advance. In such event, any witness must either be present in the courtroom or (with consent of opposing counsel) present at telephonic counsel's location with a Notary Public prepared to administer the oath.

**c.** The Court reserves the right, at any time, to reject any Request for CourtCall Appearance. When the court rejects a request, it shall order a refund of deposited telephonic appearances fees and notify CourtCall, LLC.

**d.** The Court shall also reserve the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.

**e.** If a matter is continued prior to the actual hearing date the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

**f.** Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall Appearances are made.

### **2. Attorneys**

**a.** Attorneys electing to make a CourtCall Appearance shall serve on all other parties in the case the Request for CourtCall Appearance form, fax a copy of the form to CourtCall, LLC and pay the CourtCall Appearance Fee in the method prescribed, not less than three court days before the hearing date.

**b.** When the Request for CourtCall Appearance is made at the same time as the filing of the hearing document or response, in addition to the Request for CourtCall Appearance

form, the words "CourtCall Appearance Requested" shall be printed below the date and time of the hearing on the first page of the papers filed with the court.

### **C. APPEARANCE PROCEDURE**

- **1.** An attorney making a CourtCall Appearance shall:
  - a.** Eliminate to the greatest extent possible all ambient noise from the attorney's location;
  - b.** Be required, during the attorney's appearance, to speak directly into a telephone handset;
  - c.** Not call in with cellular or cordless telephone devices or through a personal computer.
- 2.** An attorney making a CourtCall Appearance shall call the court's designated toll free teleconference line approximately 5 minutes prior to the scheduled hearing time and check-in with the clerk. An attorney calling after the check-in period shall be considered to be late for the hearing and shall be treated by the Court in the same manner as if the attorney had personally appeared late for the hearing.
- 3.** An attorney appearing telephonically shall state his or her name for the record each time the attorney speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney shall not utilize the "hold" button, as it is not within the policy of the Court to wait for an attorney to rejoin the line.

**D. CRIMINAL PROCEEDINGS** All of the above rules apply in criminal proceedings except to the extent modified by this Section D.

- 1. Request for Telephonic Hearing Form.** In order to participate in a telephonic hearing, defense counsel shall have first faxed to CourtCall, no less than three days prior to the scheduled arraignment or hearing date, a Request for CourtCall Appearance Form provided by CourtCall, unless counsel has been retained or appointed less than three days prior to the arraignment date, or in the event of scheduling conflicts or emergencies. In such a case, counsel may submit the form and payment to CourtCall within the three day period prior to the hearing date, but in no case later than 12:00 P.M., on the court day prior to the hearing. The submission of the form shall be accompanied by a payment of \$35.00, by check or credit card, as described in the form.
- 2. Custody Cases.** In all cases in which the defendant is in custody, and counsel wishes to make a CourtCall Appearance he or she must first obtain the approval of the defendant by filing the Request for CourtCall Appearance. Counsel shall be deemed by the Court to have obtained said approval of the client. Counsel's appearance will then proceed as in cases where the defendant is not in custody. In all custody cases in which the defendant will be present in a holding area or in the courtroom when the case is called, the defendant will be permitted to hear his attorney's telephonic request for a continuance, and at the time will be asked whether or not he/she joins in the request. If the client does not agree to the requested continuance, then counsel will be ordered to appear in court as soon as possible.



**3. Failure to Appear.** In any case in which a defendant, through his counsel has requested a CourtCall Appearance and the attorney fails to appear (either telephonically or in person) the matter will be treated as a non-appearance.

**4. Felony Cases.** CourtCall Appearances shall be available in all felony cases where the defendant expressly agrees in advance, that counsel can appear telephonically. CourtCall Appearances in felony cases shall occur only in those cases where the defendant has previously assured counsel that he or she can and will be present in Court at least ten minutes prior to the time of the hearing. In those cases where the defendant is present, the Court will first inquire as to whether the defendant agrees to the telephonic appearance of counsel. If the defendant so consents, the arraignment or motion to continue shall be heard. If the defendant does not consent, then defense counsel shall be ordered to appear immediately in court, or to make arrangements for other counsel to appear on his behalf. In those cases where defense counsel has submitted a request for a CourtCall Appearance and the defendant has not appeared in court at the time of the scheduled hearing the matter will be treated as a non-appearance.

#### **Dist. Ct. Colorado Cty Dist. Ct. 1**

##### 1. Settings

**1.10.** Hearings conducted by telephone conference call are acceptable at the discretion of the Court.

#### **Denton Cty Dist. Ct. Unif R. 1.11**

##### Unif. Rule 1.11. Motion Practice

**1.11.4.** On request of a party and with consent of the Judge, a matter not requiring a record by the Court Reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging the conference call.

**1.11.5.** By agreement, parties may submit matters for ruling by the Judge without a personal appearance and oral presentation. The Judge will be advised in writing when such procedure is desired.

#### **Edwards Cty Dist. Ct. Order**

Standing Discovery Control Order in the 452nd Judicial District Court of Edwards, Kimble, Mason, McCulloch and Menard Counties, Texas

**5.** Hearings conducted by telephone conference call are acceptable in some cases and subject to facility limitations.

### **Fort Bend Cty Dist. Ct. Local Rules**

Rules of Practice in the 400th District Court

#### **Civil**

5. Telephone conferences or appearances at non-testimonial hearings by telephone are encouraged. The party wishing to appear by telephone must notify the Court Coordinator and other parties and set up the call. The courtroom is equipped with a speakerphone to accommodate those who wish to appear in person.

### **Fort Bend Cty Dist. Ct. Fam. LR 3**

Fam. Rule 3. Flow of Cases

**3.3. Telephone Conferences.** Use of telephone hearings between judges or associate judges and all attorneys in a case is encouraged for non-evidentiary matters. Telephone hearings shall be scheduled through the court coordinator.

### **Galveston Cty Dist Ct LR 6.10.2**

Rule 6.10.2. Docket

**A.** Felony jail docket is held each day at a time and place set by the Court. The Court may, at the Judge's discretion, make use of the audio/video technology for the purpose of accepting misdemeanor pleas or uncontested matters. In such cases, it is required that the audio/video feed send two-way signals in order to provide that the defendant and the Judge are both visually and verbally able to communicate with each other. In addition, the audio/video signal received by the Court must be in a room open to the public, except in those specific cases where the Judge has ruled to close the proceedings.

### **Harris Cty Dist. Ct. Fam. LR 3**

Fam. Rule 3. Flow of Cases

3.4. Telephone Conferences. Use of telephone conferences between judges or associate judges and all attorneys in a case is encouraged for non-evidentiary matters. Telephone conferences shall be scheduled through the court coordinator.

### **Jasper Cty Dist Ct LR 3**

**RULE 3. DISPOSITION OF CIVIL CASES**

3.5.5. Request for settings may be made by mail or by telephone prior to the docket call. Personal appearance will not be necessary unless presence of counsel is required for hearing any pretrial matter.

### **Montgomery Cty Dist Ct LR 14**

## 14. EXPERTS

- A. Defense experts are permitted to testify by remote video conferencing through the use of Skype, Face Time or similar video conferencing technology.
- B. Defense must notify the Court Administrator of their intention to use video conferencing, a minimum of three (3) business days before the date of the scheduled hearing.
- C. Pursuant to the Sixth Amendment Right of the accused to "be confronted with the witnesses against him" all State experts must testify in person.
- D. The State's experts may testify by video pursuant to an agreement between the parties, which shall be in writing and made on the record.
- E. Experts shall only be permitted to testify by live testimony during a trial on the merits and during any punishment phase of trial.
- F. Experts not specifically designated within the limits contained in the Court's Docket Control order shall not be allowed to testify.
- G. Daubert hearings shall be held prior to the 28.01 hearing and shall define the limits of the experts' testimony for the trial.
- H. All ex parte requests should request funding only. The Court does not appoint experts, rather, the Court apportions funds for the defense to hire their own expert. Your orders should read as follows:

***"The Accused Citizens request for funding is GRANTED, in an amount up to and including \$ . Invoices shall be submitted in an approved voucher for payment and shall contain an envelope which shall be sealed by the Montgomery County District Clerk's Office upon the Judge's ruling."***

### **San Augustine Cty Dist Ct LR 4**

#### Rule 4. Disposition of Civil Cases

##### 4.5. Docket Calls

e. Request for settings may be made by mail or by telephone prior to the docket call. Personal appearances will not be necessary unless presence of counsel is required for hearing any pretrial matter.

### **Smith Cty Dist. Ct. LR 9**

#### Rule 9. Appearances

Attorneys must make court appearances in person unless all matters to be considered in the hearing have been agreed by all parties and such agreement is reflected in a letter or fax, signed by all affected attorneys, to the Court through its court coordinator. If a fax is sent to manifest such agreement, the court coordinator should be notified by telephone when the fax is actually transmitted.

The Court may allow, upon request, counsel to appear by telephone conference call. This, however, is discretionary with each individual Court.

### **Tarrant Cty Dist Ct LR 3.06**

#### Rule 3.06. Motion Practice

(d) On request of a party and with consent of the Judge, a matter not requiring a record by the Court Reporter may be conducted by telephone. The moving party shall be responsible for advising opposing parties of the method and time of hearing and shall be responsible for arranging the conference call.

(e) By agreement, parties may submit matters for ruling by the Judge without a personal appearance and oral presentation. The Judge should be advised in writing when such procedure is desired.

## UTAH

### **D. Utah Bankr. 2003-1**

#### Rule 2003-1. Meeting of creditors and equity security holders

(c) *Telephonic Appearance at Meeting of Creditors.* -- Under extenuating circumstances which prevent a debtor from appearing in person, a debtor may file a motion seeking permission to appear by telephone at a creditors' meeting required under § 341 of the Code. Extenuating circumstances may include military service, incapacitating condition, or incarceration. The motion must be filed and served on the trustee and the United States trustee no later than 7 days prior to the scheduled meeting, and may be ruled upon without a hearing. The motion must describe in writing any efforts to give notice to and confer with the trustee prior to the filing of the motion. If the motion is granted, the debtor must also serve a copy of the order allowing a telephonic appearance on the trustee and the United States trustee. The debtor must contact the trustee to determine the time, date and location for the telephonic appearance. The debtor is responsible for any costs associated with conducting a telephonic appearance.

### **Utah R. Judicial Admin Rule 4-106**

#### Rule 4-106. Remote conferencing

Intent:

To authorize the use of conferencing from a different location in lieu of personal appearances in appropriate cases.

To establish the minimum requirements for remote appearance from a different location.

Applicability:

This rule shall apply to all courts of record and not of record.

Statement of the Rule:

**(1)** If the requirements of paragraph (3) are satisfied, the judge may conduct the hearing remotely.

**(2)** If the requirements of paragraph (3) are met, the court may, for good cause, permit a witness, a party, or counsel to participate in a hearing remotely.

**(3)** The remote appearance must enable:

**(A)** a party and the party's counsel to communicate confidentially;

**(B)** documents, photos and other things that are delivered in the courtroom to be delivered previously or simultaneously to the remote participants;

**(C)** interpretation for a person of limited English proficiency; and

**(D)** a verbatim record of the hearing.

### **Utah R. Crim. P. Rule 7**

Rule 7. Proceedings before magistrate

**(2)** A written probable cause statement shall be presented to the magistrate, although the statement may be verbally communicated by telephone, telefaxed, or otherwise electronically transmitted to the magistrate.

**(A)** A statement which is verbally communicated by telephone shall be reduced to a sworn written statement prior to submitting the probable cause issue to the magistrate for decision. The person reading the statement to the magistrate shall verify to the magistrate that the person is reading the written statement verbatim, and shall write on the statement that person's name and title, the date and time of the communication with the magistrate, and the determination the magistrate directs to be indicated on the statement.

**(B)** If a statement is verbally communicated by telephone, telefaxed, or otherwise electronically transmitted, the original statement shall, as soon as practicable, be filed with the court where the case will be filed.

### **URCP Rule 65C**

Rule 65C. Post-conviction relief

**(m)** *Presence of the petitioner at hearings.* -- The petitioner shall be present at the prehearing conference if the petitioner is not represented by counsel. The prehearing conference may be conducted by means of telephone or video conferencing. The petitioner shall be present before the court at hearings on dispositive issues but need not otherwise be present in court during

the proceeding. The court may conduct any hearing at the correctional facility where the petitioner is confined.

### **URCP Rule 43**

Rule 43. Evidence

**(a) Form.** -- In all trials, the testimony of witnesses shall be taken in open court, unless otherwise provided by these rules, the Utah Rules of Evidence, or a statute of this state. For good cause and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

**(b) Evidence on motions.** -- When a motion is based on facts not in the record, the court may hear the matter on affidavits, declarations, oral testimony or depositions.

## VERMONT

### **D. Vt. LBR 5070-1**

Vt. LBR 5070-1. Court Calendars and Scheduling Hearings

**(d)** Counsel wishing to appear by telephone must obtain Court approval in advance and make arrangements for the telephonic connection with the courtroom deputy at least one full business day in advance of the time set for the hearing. See Vt. LBR 9074-1.

### **D. Vt. LBR 9074-1**

Vt. LBR 9074-1. Procedure for, and Limitations on, Telephonic Participation in Court Hearings and Conferences

In order to participate in a Court hearing or conference by telephone, at least one full business day prior to the hearing or conference, a party must obtain Court approval through the courtroom deputy. To ensure adequate audio quality of hearings and conferences, each party participating by telephone must use a land-line; only upon a showing of exigent circumstances and with the Court's approval will a party be allowed to participate in a hearing or conference by cellular telephone. See also Vt. LBR 5007-1(c); Vt. LBR 7016-1(c).

### **D. Vt. LBR 5007-1**

Vt. LBR 5007-1. Record of Proceedings and Transcripts; Ensuring Privacy in Transcripts

**(c) Telephonic and Emergency Hearings.** Telephonic hearings and hearings on limited or no notice may be conducted when exigent circumstances require and with Court approval. See, e.g., Vt. LBR 9074-1; Vt. LBR 9075-1. A party wishing to have a transcript of a telephonic or emergency hearing that the Court would not otherwise record must provide a court reporter or other means of recording the hearing, notify the Clerk in advance of the hearing of the party's intent to record the hearing, and file a transcript of the hearing within seven days of the conclusion of the hearing.

#### **D. Vt. LBR 7016-1**

Vt. LBR 7016-1. Pre-Trial Procedures

**(c) Telephone Participation in Pre-Trial and Status Conferences.** Counsel and *pro se* parties may participate in pre-trial and status conferences by telephone if approved by the Court and scheduled with the courtroom deputy at least one business day in advance. See also Vt. LBR 9074-1; but see Vt. LBR 9076-1.

#### **D. Vt. LBR 9075-1**

Vt. LBR 9075-1. Emergency Matters

**(3) Notice Requirements.** The movant must notify all affected parties, as well as the case trustee and the Office of the United States Trustee, of any emergency motion. In very time-sensitive instances, the Court may approve notification via telephone or e-mail. Absent dire circumstances, the movant is required to file a notice of hearing and certificate of service indicating the parties notified and the method of notification.

**(4) Hearing.** If the Court determines that an emergency hearing is necessary, the Court prefers that the parties appear in person for such hearing, but will permit participation by telephone if the nature of the emergency and time constraints warrant it. If testimony will be necessary to support the relief sought, the movant is to request an evidentiary hearing. Otherwise, the hearing will be limited to legal arguments by counsel. The movant must coordinate the hearing date, time, and location with the courtroom deputy. It is the movant's responsibility to coordinate any approved telephone appearances. See Vt. LBR 5007-1(c).

#### **Vt. A.O. 38**

38. Rules for Utilization of Video Conferencing and Telephone Conferencing Technology in the Criminal and Family Divisions of the Superior Court

**Section I.** Authorization and Requirements.

Notwithstanding any rule or provision to the contrary:

**(a)** the presiding judge in the Criminal Division of the Superior Court sitting in a facility equipped with video conferencing technology:

**(1)** shall, except as provided in (3), use video conferencing technology to effect the appearance of incarcerated parties and certain witnesses. This requirement does not apply to the following proceedings in criminal cases: jury or court trials, including the jury draw proceeding, contested violation of probation hearings on the merits, sentencing hearings, bail hearings when the state is requesting that the defendant be held without bail, and contested bail or motion hearings involving witnesses whom the defendant has the right to cross-examine.

**(2)** may use telephone teleconferencing technology to effect the appearance of parties and certain witnesses incarcerated in facilities without video conferencing equipment, and video conferencing equipment for sentencing hearings, upon agreement of the parties.

**(3)** may conduct a proceeding governed by subsection (a)(1) involving the in-court appearance of the incarcerated individual if the presiding judge finds, and places the finding and the reasons for it, on the record, that good cause exists for not using video teleconferencing technology in that proceeding.

**(b)** the presiding judge in the Family Division of the Superior Court sitting in a facility equipped with telephone conferencing technology may use telephone conferencing technology or video conferencing technology, if so equipped, to effect the appearance of incarcerated parties and certain witnesses upon agreement of the parties or upon a determination by the Court that no party's right to full and fair adjudication will be denied by the process.

#### **Section II. Video Conferencing Equipment.**

Except as provided above, for purposes of this Order any requirement that a defendant "be present" or that the proceeding take place "in open court," or that a defendant appear "personally" in a criminal proceeding, any right a party may have to the presence of a witness, and any right a party may have to be present at a family proceeding may be deemed to have been met if that party or witness appears in Court via approved video conferencing equipment and the following safeguards are met:

**(a)** The defendant, party or witness is in custody at a facility where a video conferencing station is located;

**(b)** The video conferencing equipment affords clear, high quality coverage of the defendant, party or witness in custody, counsel, the judge and any witnesses;

**(c)** Any proceeding conducted by video conferencing technology is recorded verbatim by a Court-approved audio-visual or audio recording system, or by any other verbatim recording method approved by statute, rule, or administrative order or directive for use if video conferencing technology were not employed, and the recording is made part of the record;

**(d)** The defendant, party or witness has access to and may consult fully and confidentially with counsel at any time during the proceeding;

**(e)** Equipment is available for immediate transmission of documents and papers.

#### **Section III. Telephone Conferencing Equipment.**

Section II of this Administrative Order shall also apply to proceedings using telephone conferencing equipment with the following safeguards:

**(a)** All parties, counsel, witnesses and the judge can clearly hear the voice that reaches the court over the telephone; and the person on the telephone can clearly hear all participants at the courthouse;

**(b)** Any statements made over the telephone are recorded as part of the record of the court proceeding;



(c) The person who is present only over the telephone may consult fully and confidentially with counsel by private telephone line at any time during the proceeding;

(d) Equipment is available for immediate transmission of documents and papers.

**Section IV.** Utilization of Video Testimony Pursuant to V.R.E. 807(e) in the Criminal and Family Divisions of the Bennington Unit of the Superior Court.

(a) In the Criminal and Family Divisions of the Bennington Unit of the Superior Court, the presiding judge is authorized to permit testimony of a child offered pursuant to V.R.E. 807(e) to be televised by (1) two-way closed circuit equipment as described in V.R.E. 807(e), or (2) one-way communication with the witness and lawyers in a room outside the courtroom and the questions and testimony transmitted to the courtroom.

(b) Prior to permitting a proceeding where one-way or two-way communication is utilized pursuant to V.R.E. 807(e), the judge shall make findings on the record regarding the necessity of the closed circuit television procedure.

(c) One-way or two-way televised proceedings may only be used if the following safeguards are in place:

(1) the video equipment affords the defendant and the jury a clear, high quality audio and visual representation of the testimony;

(2) the video media is kept as part of the record;

(3) the defendant has access to and may consult fully and confidentially with counsel at any time during the proceeding.

#### **V.R.F.P. Rule 17**

##### Rule 17. Testimony and Participation by Telephone

(a) **Required Findings.** -- In any action or proceeding under these rules, except as otherwise provided by statute:

(1) The court may require any witness or party to testify or participate in a hearing by telephone if the court finds

(A) that the testimony or participation of the witness or party is necessary to the fair determination of the issues, and

(B) that the witness or party is either physically unable to be present or cannot be produced without imposing substantial administrative burdens or costs on the state.

(2) Upon motion of a party granted in advance of hearing, or upon the court's own motion, the court may permit any witness or party to testify or participate in a hearing by telephone.

(b) **Necessary Conditions.** -- Except as otherwise provided by statute, testimony or participation by telephone shall be required or permitted only if

(1) there is assurance satisfactory to the court of the identity of any witness appearing by telephone and the administration of the oath to that witness;

(2) all parties and the judge or magistrate have adequate opportunity to examine or cross-examine all witnesses, including access to any documentary or other tangible evidence necessary to the examination or cross-examination of any witness;

- (3) the telephone connections and equipment employed are adequate to enable all participants to hear the proceedings and to speak at all appropriate times during the hearing; and
- (4) the court finds that, in all the circumstances, there are no substantial obstacles to a full and fair presentation of the testimony and other evidence, including assessment of the credibility of any witness, and that no substantial prejudice will result to the witness or any party.

#### **V.R.F.P. Rule 4.0**

##### Rule 4.0. Divorce and Other Family Proceedings

(5) **Status Conference: Scheduling: Discovery Orders.** Subject to the provisions of Rule 4.1 (c) if parental rights and responsibilities are involved:

(A) Unless requested earlier by a party or scheduled by the court, a status conference will be held when the action is ripe for final hearing. A superior judge assigned to the family division in the unit in which the complaint was filed will preside over the status conference. The conference may be held by telephone, in a courthouse in another county, and as part of any other duly noticed hearing held by the superior judge. The court may hold an uncontested final hearing immediately upon the conclusion of, or in lieu of, a status conference.

#### **V.R.A.P. Rule 33.1**

##### Rule 33.1. Summary Procedures on Appeal

- (2) **Argument by Video Conference.** -- Parties may present oral argument either in person or by video conference. Parties intending to present oral argument by video conference must notify the Court no later than three business days before the scheduled argument date.
- (A) Parties participating by video conference must arrange the conference through a Court-approved service and pay any associated fees.
- (B) Unless the Court orders otherwise, a video conference may be held in accordance with this rule only if the equipment to be used satisfies any safeguards that the Court may require by administrative order.
- (3) **Argument by Telephone.** -- Incarcerated parties may present oral argument by telephone as long as the telephone conference can be arranged at the place of incarceration. Incarcerated parties must notify the Court no later than three business days before the scheduled argument date. Other parties may present oral argument by telephone with the Court's permission, which must be requested at least three business days before the scheduled argument date.
- (4) **Equipment.** -- The Court assumes no responsibility for any failed connections in a video or telephone conference, and in those cases the Court may direct that the case will be considered without oral argument.

#### **V.R.Cr.P. Rule 32**

## Rule 32. Sentence and Judgment

**(B)** Prior to the sentencing proceeding, the prosecutor shall give notice to the victim by the method provided in Rule 49(a)(2). At sentencing, the court shall ask if the victim is present and, if so, whether the victim would like to be heard regarding sentencing. In imposing sentence, the court shall consider any views offered at the hearing by the victim. If the victim is not present, the court shall ask whether the victim has expressed, either orally or in writing, views regarding sentencing. If so, the state may present such views through oral or written statements attributed to the victim, and the court shall take those views into consideration in imposing sentence. Upon request of the prosecutor or defendant, for good cause shown, the court may permit the victim to appear by telephone with safeguards appropriate to preserve the record and assure full participation by interested parties. The defendant, the defendant's attorney and the state may comment on the information provided by or on behalf of the victim. In this subparagraph, if the victim is a minor, incapacitated, incompetent, or deceased, "victim" means family members of the victim as defined in [13 V.S.A. § 5301\(2\)](#) and, if necessary, designated by the court as provided in [13 V.S.A. § 5318](#).

### **V.R.C.P. Rule 80.4**

#### Rule 80.4. Habeas Corpus

Any complaint seeking relief under Chapter 143 of Title 12 of the Vermont Statutes Annotated shall be sworn, shall contain the information required by statute, and shall specify a factual basis for the relief requested. It shall be presented promptly to, and reviewed promptly by, a superior judge of the court in which it has been filed. If it appears from the face of the complaint and any exhibits annexed to it that the plaintiff may be entitled to immediate relief, the judge shall ascertain the identity of the attorney for the defendant and immediately provide the attorney with a copy of the complaint or notice of its contents, and shall forthwith hold a pretrial conference. The conference may be held by telephone. At the conference the judge shall issue an order establishing the date by which the defendant or defendants shall file their answer or other pleading, produce the plaintiff for a hearing, or take such other action as the judge deems appropriate. If a hearing is required, it shall be held as soon as practicable. The court shall not dismiss a complaint seeking relief under Chapter 143 of Title 12 except on motion under these rules. In each case the judge shall order the clerk to make service as the court directs.

## VIRGINIA

### **Va. Sup. Ct. R. 7A:16**

Rule 7A:16. Isolation Proceedings under Article 3.01 of Title 32.1 of the Code of Virginia;  
Communicable Diseases of Public Health Significance

**A.** Upon any petition by the State Health Commissioner, or that official's designee, for an order that a person or persons appear before the court to determine whether isolation is necessary to protect the public health from the risk of infection with a communicable disease of public health significance, the provisions of §§ 32.1-48.03, 32.1-48.04, and related sections of Article 3.01 of Title 32.1 of the Code of Virginia shall be followed.

**B.** The court shall hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment.

**Va. Sup. Ct. R. 3:24**

Rule 3:24. Appeal of Orders of Quarantine or Isolation regarding Communicable Diseases of Public Health Threat

**C.** The circuit court shall hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the circuit court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment.

**Va. Sup. Ct. R. 5:41**

Rule 5:41. Appeal of Orders Relating to Quarantine or Isolation of Persons.

**E. Oral Argument.** --The Court shall hold any oral argument in appeals under this rule in a manner so as to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, and the general public. To this end, the Court may take measures including, but not limited to, ordering any oral argument to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment. If necessary, the Court may dispense with oral argument.

**Va. Sup. Ct. R. 5:17**

Rule 5:17. Petition for Appeal

**(j) Oral Argument.**

**(1) Right to Oral Argument.** The appellant shall be entitled to state orally, in person or by telephone conference call, to a panel of this Court the reasons why the petition for appeal should be granted. The appellee shall not be entitled to oral argument, whether in person or by telephone conference call. Any lawyer not licensed in Virginia who seeks to appear pro hac vice to present oral argument to the Court must comply with the requirements of Rule 1A:4.

### **Va. Sup. Ct. R. 1:20**

#### Rule 1:20. Scheduling Civil Cases for Trial

The circuit courts of the Commonwealth shall adopt one or a combination of the following procedures for scheduling civil cases for trial.

**(a)** Counsel of record may agree to a trial date and may secure approval of the court by telephone call or other electronic communication to the designated court official.

**(b)** Counsel of record may agree to a trial date as a part of a written plan prepared and submitted to the court for approval pursuant to Rule 1:18.

**(c)** The court may, at the request of counsel of record, or may in its own discretion, direct counsel of record to appear, in person or by telephone, for a conference to set a trial date and consider other matters set forth in Rule 1:19 or Rule 4:13.

**(d)** The court may set civil cases for trial at a docket call held on a day as provided by § 17.1-517.

**(e)** Following the submission of a praecipe, the court may set civil cases for trial at a docket call held on a day as provided by § 17.1-517.

The Executive Secretary shall make accessible these procedures on the Internet. The clerk of each district and circuit court shall make their respective procedures available in the office of the clerk of that court.

### **Va. Work. Comp. Comm'n. 3.4**

#### Rule 3.4 Oral Argument

A party may request oral argument at the time of application for review. Otherwise, the review shall proceed on the record.

If oral argument is requested and the Commission considers it necessary or of probable benefit to the parties or to the Commission in adjudicating the issues, the parties will be scheduled to present oral argument.

Any party may request the Commission to schedule argument by telephone conference by giving notice to the Clerk of the Commission and to opposing counsel at least five days before the scheduled date for argument.

Each side will be limited to no more than 15 minutes for presentation of oral argument.

If oral argument is requested and the requesting party fails to appear in person or by scheduled telephone conference, the Commission may impose sanctions in the absence of good cause shown.

### **Va. Work. Comp. Comm'n. 1.9**

#### Rule 1.9 Informal Dispute Resolution

At the request of either party, or at the Commission's direction, contested claims and applications for hearing will be evaluated and may be referred for informal dispute resolution. When it appears that a claim may be resolved by informal dispute resolution, the Commission will refer the case to a Commission representative who may schedule the parties for personal appearance or telephone conference. The Commission will attempt to identify disputed issues and to bring about resolution through agreement. Parties need not be represented by counsel. If agreement is reached it shall be reduced to writing and shall be binding.

## WASHINGTON

### **E.D. Wash. LBR 9073-1 federal bankruptcy court**

#### Rule 9073-1. Hearings

**(a) *Requests for Hearing.*** A request for a hearing is made to the Clerk and should be made electronically by accessing the Court's Website where possible, but may also be by telephone, in writing or in person. The requesting party shall provide to the Clerk the following information:

- (1)** Identification of the case or adversary proceeding by name and number;
- (2)** The names of all parties, the name, address and telephone number of their attorneys and that of any unrepresented party; and
- (3)** A brief statement as to the nature of the hearing, estimated time required, the number of witnesses, if any, and preference as to a telephonic or courtroom hearing; and if the hearing is precipitated by notice and hearing:
  - (i)** The date the notice was sent,
  - (ii)** A statement as to whether or not objections were made, and
  - (iii)** A statement as to whether or not the time for objections has expired.

**(b) *Notice of Hearing.***

- (1)** As soon as possible after obtaining information concerning the scheduling of a hearing, but in no event later than seven (7) days prior to the hearing, the requesting party shall serve notice of the hearing on all parties to the hearing, as well as any party that has specifically requested notice of all hearings.
- (2)** The notice of hearing shall include the date and time set, and whether the hearing will be by telephone or in court. If the hearing is by telephone, the "meet me" telephone number shall be given in the notice.

(3) The party giving such notice shall promptly file an affidavit or statement under penalty of perjury of service that specifies when and to whom notice was served along with a copy of the notice, unless electronically linked.

(c) **Terms for Failure to Appear at Hearing.** The Court may impose terms against a party who fails to appear at a hearing when so required.

(d) **Cameras.** Video and audio recording, transmitting, and broadcasting of federal court proceedings conducted in open court is permissible if it is authorized by the presiding judge and it is in compliance with the applicable statutes, procedural rules, and Judicial Conference and Ninth Circuit rules and guidelines.

#### **W.D. Wash. LBR 9074-1**

Rule 9074-1. Telephone or Video Conferences

When an issue is deemed by the court to be capable of resolution through telephonic or video hearing, the court may, upon request of counsel, or on its own motion, conduct a telephonic or video hearing in the interests of judicial economy.

#### **Wash. GR 19**

Rule 19. Video conference proceedings

The Office of the Administrator for the Courts (OAC) shall promulgate standards for facilities and equipment and provide technical assistance to courts required.

#### **Wash. CR 43**

Rule 43. Taking of testimony

##### **(a) Testimony.**

(1) **Generally.** In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

#### **Wash. CRR 3.4**

Rule 3.4. Presence of the defendant

##### **(d) Video conference proceedings.**

(1) **Authorization.** Preliminary appearances held pursuant to [CrR 3.2.1](#), arraignments held pursuant to this rule and [CrR 4.1](#), bail hearings held pursuant to [CrR 3.2](#), and trial settings held pursuant to [CrR 3.3](#), may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed

held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an inperson hearing, which may in the trial court judge's discretion be granted.

**(2) Agreement.** Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by [CrR 4.2](#) may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

**(3) Standards for video conference proceedings.** The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

#### **Wash. CrRLJ 3.4**

Rule 3.4. Presence of the defendant

#### **(d) Video conference proceedings.**

**(1) Authorization.** Preliminary appearances held pursuant to [CrRLJ 3.2.1\(d\)](#), arraignments held pursuant to this rule and [CrRLJ 4.1](#), bail hearings held pursuant to [CrRLJ 3.2](#), and trial settings held pursuant to [CrRLJ 3.3\(f\)](#), may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in person hearing, which may in the trial court judge's discretion be granted.

**(2) Agreement.** Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by [CrRLJ 4.2](#) may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

**(3) Standards for video conference proceedings.** The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

#### **Asotin, Columbia, Garfield Super. Ct. LCR 7**



## LCR 7. Motions and Hearings.

**(5) Telephonic Argument.** Arguments on motions are to be conducted in person, except that, by specific arrangement with the court administrator at least two days before a hearing, argument may be made by telephone PROVIDED, (1) that all parties agree to telephonic argument; and (2) that the judicial officer before whom the hearing will be conducted approves of telephonic argument. A party may withhold agreement to telephonic argument only for reasonable, articulable cause. For good cause shown, on motion of a party, the court may order telephonic argument of a motion in the absence of such agreement. A motion to allow or disallow telephonic argument shall itself be argued by telephone unless all affected parties are before the court when the motion is made.

### **Clark Dist. Ct. LCrRJ 3.4**

LCrRJ 3.4. Video Conference Proceedings.

Trial court proceedings, including entry of Statement of Defendant of Guilty, and sentencing and post sentencing hearings may be conducted by video conference upon agreement of the parties either in writing or on the record, and upon approval of the trial court judge.

### **Cowlitz Dist. Ct. Rule 3.4**

Rule 3.4. Presence of the Defendant.

Other trial court proceedings, including the entry of a statement of defendant on plea of guilty, may be conducted by video conference, in accordance with [CrRLJ 3.4\(d\)](#).

### **Douglas Super. Ct. LCrR 3.4(d)(2)**

LCrR 3.4(d)(2). Proceedings by Video Conference

In criminal matters, in addition to those proceedings allowed by [CrR 3.4\(d\)\(1\)](#), all trial court proceedings, including, but not limited to, entry of a statement of defendant on plea of guilty and sentencing, may be conducted by video conference by agreement of all parties in writing or on the record.

### **Ferry Dist. Ct. LARLJ 6**

LARLJ 6. Appearance by Telephone.

Hearings of any type will not be conducted by telephone without prior approval of the judge on a showing of good cause.

### **Grays Harbor Super. Ct. LCR 7**

LCR 7. Pleadings Allowed; Form of Motions.

**(5) Telephonic Argument.** Telephonic appearances are not allowed on motion docket calendars. All other requests for appearing at hearings by telephone for purposes of oral argument shall be approved by the Court and specially set by the Court Administrator.

**Island Dist. Ct. LCrRLJ 10**

LCrRLJ 10. Video Conference Procedures.

**a) Criminal.** Preliminary appearances, arraignments, bail hearings, pretrial hearings and readiness conferences may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Upon a showing of special circumstances, a party may also be permitted to introduce the testimony of a witness at trial or other evidentiary hearing by telephonic, video, or other means as provided by law. See [CR 43](#); State v. Cayetano-Jaimes, No. 70547-4-I, Filed Sept. 21, 2015. All video conferences are public, and the public must be able to see all participants and be able to speak when permitted by the judge.

**(b)** Any party may request an in person hearing, which may be granted in the trial judge's discretion.

**(c)** Other trial court proceedings including the entry of a guilty plea may be conducted by video conference only by agreement of the parties, either in writing or on the record.

**(d) Standards.** The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings and be able to speak when permitted by the Judge. Video conference facilities must provide for confidential communication between attorney and client. Normally public access will be provided in the courtroom. Confidential communications will be provided to counsel and interpreters, if any being present with the defendant in the conference room at the secure facility.

**Island Super. Ct. LCR 7**

LCR 7. Pleadings Allowed; Form of Motions.

**b) Motions and Other Papers.**

**(4) Identification of Evidence.** The evidence on which the motion or reply is based shall be identified with particularity. Deposition testimony, discovery pleadings, and documentary evidence must be quoted verbatim, or a photocopy of relevant pages must be attached. Deposition testimony in connection with a motion shall not require publication unless a challenge is made and opposing party shows good cause for such publication. Depositions used in this fashion shall remain unopened and not a part of the court file unless otherwise ordered by the court.

**(5) Telephonic Argument.** Oral argument on civil motions, including family law motions, may be heard by conference telephone call through the CourtCall Telephonic Appearance Program

("CourtCall"). The court shall hear CourtCall appearances in the order in which they are noted on the calendar, unless the court exercises its discretion to call cases in a different manner.

**(A) Hearings Unsuitable for CourtCall.** The following matters are currently deemed unsuitable for CourtCall appearances: Judgment debtor examinations; settlement conferences; hearings or trial at which oral testimony may be presented; hearings in which oral argument is anticipated to exceed 15 minutes. (no criminal cases may be heard by CourtCall).

**(B) Scheduling CourtCall.** CourtCall appearances are scheduled by the party desiring to use CourtCall not less than seven (7) court days prior to the hearing date by calling CourtCall (1-888-882-6878), filling out any required forms, paying the stated fee, and following all procedures set by CourtCall.. The court may shorten the time for requesting CourtCall for good cause shown. No calls with a cellular or cordless telephone device or through a personal computer shall be permitted. The party making a CourtCall appearance shall eliminate to the greatest extent possible all ambient noise from the calling location and speak directly into a telephone headset. No private recordings may be made of telephonic appearances.

**(C) CourtCall Appearances at Hearing.** Parties utilizing CourtCall shall call the court's designated toll free teleconference line approximately five (5) minutes prior to the scheduled time and check-in with the clerk. All persons calling after the check-in period shall be considered to be late for the hearing and shall be treated by the court in the same manner as if the party had personally appeared late for the hearing. Any party appearing by CourtCall shall not utilize the "hold" button, as it is not within the policy of the court to wait for any person to rejoin the line.

**(D) Court May Reject or Halt CourtCall Appearances.** The court reserves the right, at any time, to reject any request for CourtCall appearances. When the court rejects a request, it shall order a refund of deposited telephonic appearance fees and notify CourtCall, LLC. The court reserves the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.

#### **Jefferson Super. Ct. LCR 3.4**

LCR 3.4. Presence of the Defendant.

**(d)**

**(2) Video Conference Proceedings--Agreement.** In criminal matters, in addition to those proceedings specifically mentioned in [CrR 3.4\(d\)\(1\)](#), all trial court proceedings may be conducted by video conference by agreement of the parties on the record. If neither party objects on the record to the proceeding being held by video conference, the participation in the proceeding will constitute "agreement on the record" to the use of video conference for that proceeding.

#### **Jefferson Super. Ct. LCR 7**

LCR 7. Pleadings Allowed; Form of Motions.

**7.12.3. CourtCall Telephonic Appearance Rule. 7.12.3.1. Program Overview.** (a) The CourtCall Telephonic Appearance Program (CourtCall), 1-888-882-6878, organizes a procedure for telephonic appearance by attorneys or pro se parties as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no person is required to utilize CourtCall; however, any telephonic appearance must be scheduled using CourtCall.

(b) Hearings will be held on a specific calendar in the usual manner, unless the court exercises its discretion to call cases in a different order.

(c) Hearings are conducted in open court. All attorneys or pro se parties making CourtCall appearances call a designated toll-free teleconference number a few minutes before the calendar is scheduled, to check in with the clerk. Attorneys or pro se parties remain on the court's speakerphone-telephone line and hear the same business that those present in the court may be hearing. Attorneys or pro se parties not participating telephonically appear in person. The court calls cases for hearing. All attorneys or pro se parties on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall appearances.

(d) CourtCall appearances should be scheduled by contacting CourtCall at 1-888-882-6878 at least three days prior to the hearing and by paying the state fee for each CourtCall appearance.

#### **7.12.3.2. Participation in CourtCall Appearances.**

##### **(a) Court.**

(i) The court shall hear CourtCall appearances in the order in which they are noted on the calendar, unless the court exercises its discretion to call cases in a different manner.

(ii) Subject to the court's right to amend this list, the following matters are currently deemed unsuitable for CourtCall Appearances.

- **1.** Judgment Debtor Examinations;
- **2.** Mandatory Settlement Conferences;
- **3.** Hearings and trials at which oral testimony may be presented;
- **4.** Hearings in which oral argument is anticipated to exceed 10 minutes, unless the matter has been specifically set by the court administrator and appropriately scheduled through CourtCall.

(iii) The court reserves the right, at any time, to reject any request for CourtCall appearance. When the court rejects a request it shall order a refund of deposited telephonic appearance fees and notify CourtCall, LLC.

(iv) The court reserves the right to halt the telephonic hearing on any manner and order attorneys to personally appear at a later date and time, in which case no refund is permitted.

(v) If a matter is continued prior to the actual hearing date, the prior filing of a request for CourtCall appearance form shall remain valid for the continued date of the hearing.

(vi) Existing rules and procedures regarding making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall appearances are made.

(vii) Upon proper motion, the court in its discretion may waive the CourtCall fee for a party who is found by the court to be indigent or for his or her counsel.

**(b) Attorneys and Pro Se Parties.**

(i) Attorneys and pro se parties electing to make a CourtCall appearance shall serve, on all other parties in the case, the request for Court-Call appearance form, fax or otherwise deliver a copy of the form to CourtCall, LLC, and pay the CourtCall appearance fee in the method prescribed, before the hearing date.

**(c) Proposed Orders and Bench Copies.**

(i) Parties appearing telephonically may send an original order with a bench copy directly to the Court Administrator for presentation during the hearing.

**7.12.3.3. Appearance Procedure.**

(a) An attorney or pro se party making a CourtCall appearance shall:

(i) Eliminate to the greatest extent all possible ambient noise from the calling locations.

(ii) Be required, during the speaker's appearance, to speak directly into a telephone handset.

(iii) Not call in with cellular or cordless telephone devices or through a personal computer.

(b) An attorney or pro se party making a CourtCall appearance shall call the court's designated toll-free teleconference line approximately five minutes prior to the scheduled hearing time and check in with the clerk. All persons calling after the check-in period shall be considered to be late for the hearing and shall be treated by the court in the same manner as if the person had personally appeared late for the hearing.

(c) An attorney or pro se party appearing telephonically shall state his or her name for the record each time the person speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney or pro se party shall not utilize the "hold" button, as it is not within the policy of the court the wait for any person to rejoin the line.

**King Dist. Ct. LCrRLJ 4.11**

LCrRLJ 4.11. Video Conference Proceedings.

(a) Criminal. Preliminary appearances as defined by [CrR 3.2\(b\)](#) and [CrRLJ 3.2.1\(d\)](#), arraignments as defined by [CrR 3.4](#) and [4.1](#) and [CrRLJ 3.4](#) and [4.1](#), bail hearings as defined by [CrR 3.2](#) and [CrRLJ 3.2](#), and trial settings, as defined by [CrR 3.3](#) and [CrRLJ 3.3\(f\)](#), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the court, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in-person hearing, which may, in the judge's discretion, be granted.

(b) Agreement. Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon approval of the judge.

(c) Standards for Video Conference Proceedings. The judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceedings must be conducted to assure that the interpreter can hear all participants.

**King Super. Ct. LCrR 4.11**

LCrR 4.11. Video Conference Proceedings.

(a) Criminal. Preliminary appearances as defined by [CrR 3.2\(b\)](#) and [CrRLJ 3.2.1\(d\)](#), arraignments as defined by [CrR 3.4](#) and [4.1](#) and [CrRLJ 3.4](#) and [4.1](#), bail hearings as defined by [CrR 3.2](#) and [CrRLJ 3.2](#), and trial settings, as defined by [CrR 3.3](#) and [CrRLJ 3.3\(f\)](#), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court Judge. Any party may request an in-person hearing which may, in the Judge's discretion, be granted.

**King Super. Ct. LMPR 1.5**

LMPR 1.5. Trial Settings or Other Administrative Hearings.

(a) Video Conferencing of Administrative Hearings. The Court may conduct hearings to set trial dates on petitions for 90- or 180-day involuntary treatment or other administrative hearings by video conference.

**King Super. Ct. LMPR 1.8**

LMPR 1.8. Taking Testimony via Video or Telephone.

(a) General. The Court may take testimony from any witness, including the respondent, via video, telephone, or other electronic means consistent with [CR 43\(a\)](#). The testimony shall be taken in open court with the respondent appearing either in-person or by video, unless the respondent or his or her guardian ad litem, if the court has appointed one, waives his or her presence.

(b) Specific. The Court will conduct all evidentiary non-jury hearings via video for respondents detained at:

- Northwest Hospital and Medical Center in Seattle;
- Navos Mental Health Solutions inpatient facility in West Seattle;
- Cascade Behavior Health Hospital and Treatment Center in Tukwila;
- Fairfax Behavioral Health facility in Kirkland; and
- Multicare Behavioral Health facility in Auburn.

Nothing in this rule precludes any respondent from filing a motion to request an in-person hearing, which the court may grant for good cause in appropriate circumstances. In considering such a motion, the Court may consider, among other things, whether the respondent's alleged mental illness has an impact on the respondent's ability to perceive or participate in the proceedings by video. LMPR 1.9 shall govern the filing of that motion and the response, if any. The Court may rule on such motion based on the written submissions of the parties and may also allow testimony by video or in-person.

**(c) Standards for Video Proceedings.** For any hearing conducted via video, the technology used must permit the presiding judicial officer, counsel, all parties, and the witness to be able to see, hear, and speak when authorized, during the proceedings, to allow attorneys to use exhibits or other materials during trial, and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent and/or respondent's counsel. To the extent there are any statutes, case law, or constitutional standards relating to conducting video proceedings, such standards are incorporated herein by reference.

**(d) Video Pilot Projects.** The court may implement video pilot projects consistent with LCMR 13.

#### **Klickitat Dist. Ct. LCrRLJ 3.4**

LCrRLJ 3.4. Video Conference Proceedings.

**(b) Agreement.** Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.

**(c) Standards for Video Conference Proceedings.** The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants. Preliminary appearances, arraignments, bail hearings, and trial settings, conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Judge, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Judge. Any party may request an in-person hearing which may, in the Judge's discretion, be granted. Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.

#### **Kittitas Low Dist. Ct. LIR 6.6(e)**

LIR 6.6(e). Request for Speed Measuring Device Expert.



Defense requests to produce an electronic or laser speed measuring device expert pursuant to [IRLJ 6.6\(b\)](#) shall be contained in a separate document clearly designated as a request for SMD expert, served on the prosecuting authority with a conformed copy filed with the clerk of the court. If the charging law enforcement agency's SMD expert maintains a schedule for monthly appearances in Lower Kittitas County District Court, a request for an SMD expert shall be deemed by the court to be a request to set (or reset) the hearing to a day scheduled for the agency's SMD expert. A speed measuring device expert called as a witness by either party may testify by telephone. Any party intending to elicit telephonic testimony from an SMD expert shall notify the court and the opposing party at least five days prior to the date set for the contested hearing.

**Kitsap Dist. Ct. LCrRLJ 3.4.1**

LCrRLJ 3.4.1. Video Conferences.

Pursuant to [CrRLJ 3.4 \(d\) \(2\)](#) the Kitsap District Court authorizes the use of Video Conferences Proceedings for all court proceedings.

**Lincoln Super. Ct. LCR 77**

LCR 77. Superior Court and Judicial Officers.

**(p)** Telephonic Hearings. Telephonic hearings are authorized for most matters other than trials either upon stipulation by the parties or with approval of the court or upon the court's own motion or authorization following a request from the requesting party upon good cause shown. The record of such hearings will be electronically recorded. The requesting party shall contact the court Administrator at least three (3) days before the hearing for permission to appear telephonically under such conditions as ordered by the court. Any party retains the right to argue motions in person, even if the other party appears by telephone.

**Mason Dist. Ct. LCrRLJ 3.4(d)**

LCrRLJ 3.4(d). Presence of the Defendant.

**(d) Video Conference Proceedings.**

**(2)** Agreement. In criminal matters, proceedings may be conducted by video conference as authorized by [CrRLJ 3.4\(d\)](#). Other criminal proceedings may be conducted by video conference by agreement of the parties in writing or on the record and upon approval of the judge.

**Mason Super. Ct. LCR 40**

LCR 40. Status Conferences, Mediation, Trial Setting Conferences.

**2.4.6.** Appearance at Mediation. The parties shall appear in person at mediation unless the court orders in advance that they may be present by telephone or electronic means sufficient



to allow full participation. Each party shall ensure the presence at mediation of persons who have sufficient authority to approve a settlement.

**5. Compliance.** 5.1. Counsel for the parties and pro se parties shall appear in person or by telephone at each of the conferences set by the court. Counsel appearing for a party shall preferably be lead counsel for that party. Any counsel appearing for a party shall be prepared with an understanding of the case and authority to enter into agreements as contemplated herein.

**Okanogan Super. Ct. LSPR 94.04.01**

LSPR 94.04.01. Filings in Family Law and Non-Marital Relationships

**(8) Procedure for Court Authorization to Exceed or Excuse Limitations.** The court will not entertain any motion or objection with respect to a request to exceed or excuse the limitations of this rule unless counsel or the parties have first conferred with respect to the motion or objection. Counsel or the parties shall arrange for a mutually convenient conference in person or by telephone. If, after conferring, one or both of the parties believe that the limitations of this rule should be excused, then they shall arrange a telephone conference or appearance before the assigned Judge if they are reasonably available, or if the assigned Judge is not available then they shall arrange a telephone conference or appearance before any available judicial officer to have the court determine if the rule should be excused.

**Pacific and Wahkiakum Super. Ct. LCR 1**

LCR 1. Sessions, Motion Days and Calendars.

In Wahkiakum County, Motion Day shall generally be scheduled on alternating Mondays but may be changed due to holidays and vacation schedules. A Motion Day may be conducted on another day of a particular week by court order. When a holiday falls on a normal motion day, the following Tuesday may be designated as Motion Day. The Court will hear the criminal docket at 9:30 a.m. and the civil docket at 10:30 a.m. Telephone conferences LCR 2 PACIFIC AND WAHAKIAKUM COUNTIES SUPERIOR COURT 1048 are allowed on regular Motion Days but are normally scheduled at a special time later in the morning. Telephone conferences must be scheduled through the Clerk of the Court, the Court Administrator's Office.

**E. Noting Motions and Hearings.** All matters for the calendar shall be noted through the Clerk's Office on a Note for Motion Docket form (Exhibit B). Notes for Motion Docket must be filed in the Clerk's Office by 1:00 p.m. two days preceding the calendar on which hearing is requested.

**F. Telephone Conferences.** With the consent of the Court Administrator's Office or the Judge, motions and hearings may be heard by telephone conference or set on days other than motion days. Scheduling of such motions and hearings shall be arranged through the Court Administrator's Office and then noted through the Clerk's Office with a statement on the Notice that the telephone conference was cleared through the Court Administrator's Office. The non-

refundable fee for these arrangements and the cost of the call is \$ 25.00 per party and must be paid to the Clerk's office prior to the hearing.

**Pierce Super. Ct. PCLSPR 94.04**

PCLSPR 94.04. Family Law Proceedings.

(a) Uncontested Applications for Marital Dissolution, Decree of Invalidity or Legal Separation, Committed Intimate Relationships (Meretricious Relationships), or Domestic Partnerships.

**(c) Family Law Motions.**

(6) Confirmations. The moving party shall confirm the motion with the Commissioner Services Department in person or by telephone by noon two (2) court days prior to the hearing; otherwise the matter shall be stricken. Motions may also be confirmed and stricken electronically, through the internet, in accordance with the time deadlines set forth herein, by those with LINX accounts and PIN (Personal Identification Numbers) in accordance with the procedures adopted by the Pierce County Superior Court Clerk's Office. Motions filed by persons physically confined under a court order shall be deemed confirmed at filing.

**San Juan Super. Ct. LCR 77**

LCR 77. Superior Courts and Judicial Officers.

**(o) Visiting Judge.**

(3) For motions that are not dispositive and are of the type that would normally be set for the Friday morning calendar, the visiting judge shall have the option of appearing by telephone to hear the motion. In that event, counsel or self-represented parties shall appear personally in the San Juan County Superior Court Courtroom or, where allowed by these rules, may appear telephonically.

(6) Telephonic appearances by the visiting judge shall be arranged by the Court Administrator. Telephonic appearances by counsel or self-represented parties must be arranged by counsel or the parties.

**San Juan Super. Ct. SPR 94.08.4**

SPR 94.08.4. CourtCall Telephonic Appearance Rule.

**(a) Program Overview.**

(1) The CourtCall Telephonic Appearance Program ("CourtCall"), 1-888-882-6878, organizes a procedure for telephonic appearance by attorneys or self-represented parties as a reasonable

alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no person is required to utilize CourtCall. CourtCall is available at a fixed fee to use when circumstances are appropriate.

**(2)** Hearings will be held on a specific calendar in the usual manner, unless the court exercises its discretion to call cases in a different order.

**(3)** Hearings are conducted in open court or in private as the court may designate. All attorneys or self-represented parties making CourtCall Appearances call a designated toll free teleconference number a few minutes before the calendar is scheduled, to check in with the Clerk. Attorneys or self-represented parties remain on the court's speakerphone-telephone line and hear the same business that those present in the court may be hearing. Attorneys or self-represented parties not participating telephonically appear in person. The court calls cases for hearing. All attorneys or self-represented parties on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances.

**(4)** CourtCall Appearances are scheduled, in writing, in advance, by counsel or self-represented parties serving on all other counsel and self-represented parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than seven (7) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall Appearance. The court may shorten the time for serving the request for good cause shown.

**(b) Participation in CourtCall Appearances.**

**(1) Court.**

**(a)** The court shall hear CourtCall Appearances in the order in which they are noted on the calendar, unless the court exercises its discretion to call cases in a different manner.

**(b)** The following matters are currently deemed unsuitable for CourtCall Appearances and shall require the personal appearance of counsel or self-represented parties, unless otherwise approved in advance by the court.

**(i)** Judgment Debtor Examinations;

**(ii)** Settlement Conferences;

**(iii)** Hearings and trials at which oral testimony may be presented;

**(iv)** Show cause hearings regarding contempt by a party.

**(c)** The court reserves the right, at any time, to reject any Request for CourtCall Appearance. When the court rejects a request, it shall order a refund of deposited telephonic appearance fees and notify CourtCall, LLC.

**(d)** The court reserves the right to halt the telephonic hearing on any matter and order the attorneys or self-represented parties to personally appear at a later date and time, in which case no refund is permitted.

**(e)** If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

**(f)** Existing rules and procedures regarding making of the record by a court reporter or electronic device or obtaining a transcript after the hearing shall apply to hearings at which CourtCall Appearances are made. No private recordings may be made of telephonic appearances.

**(g)** Upon proper motion, the court in its discretion may waive the CourtCall fee for a party who is found by the court to be indigent or for his or her counsel.

**(2) Attorneys and Self-Represented Parties.**

**(a)** Attorneys and self-represented parties electing to make a CourtCall Appearance shall serve, on all other parties in the case, the Request for CourtCall Appearance form, fax or otherwise deliver a copy of the form to CourtCall, LLC, and pay the CourtCall Appearance Fee in the method prescribed, not less than seven (7) court days before the hearing date. The court may shorten the time for serving the request for good cause shown.

**(b)** When the Request for CourtCall Appearance is made at the same time as the filing of the hearing documents or response, in addition to the Request for CourtCall Appearance form, the words "CourtCall Appearance Requested" shall be printed below the department, date, and time of the hearings on the first page of the papers filed with the court and courtesy copies for the judge.

**(c) Appearance Procedure.**

**(1)** An attorney or a self-represented party making a Court Call Appearance shall:

- (a)** Eliminate to the greatest extent possible all ambient noise from the calling location;
- (b)** Be required, during the speaker's appearance, to speak directly into a telephone handset;
- (c)** Not call in with cellular or cordless telephone devices or through a personal computer.

**(2)** An attorney or a self-represented party making a CourtCall Appearance shall call the court's designated toll free teleconference line approximately five (5) minutes prior to the scheduled hearing time and check-in with the Clerk. All persons calling after the check-in period shall be considered to be late for the hearing and shall be treated by the court in the same manner as if the person had personally appeared late for the hearing.

**(3)** An attorney or a self-represented party appearing telephonically shall state his or her name for the record each time the person speaks and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney or a self-represented party shall not utilize the "hold" button, as it is not within the policy of the court to wait for any person to rejoin the line.

**Seattle Mun. Ct. SMCLR 3.4**

SMCLR 3.4. Presence of the Defendant.

**(a) Video Conference Proceedings.**

**(1)** Pursuant to [GR 19](#) and [CrRLJ 3.4\(d\)](#), proceedings in Seattle Municipal Court may be conducted via video conference or other similar technology.

**Skagit Super. Ct. SCLCR 7**

SCLCR 7. Pleadings Allowed; Form of Motions; Motions Practice.

**b) Motions and Other Papers.**

**(1)- (4)** [Reserved.]

(5) Telephonic Argument. Oral argument on civil motions, including family law motions, may be heard by conference telephone call at the discretion of the court.

(i) The CourtCall Telephonic Appearance Program ("CourtCall"), organizes a procedure for telephonic appearance by attorneys or pro se parties. CourtCall is available for motions. Each party wanting to appear telephonically shall contact CourtCall directly at 1-888-882-6878. All DV matters require prior approval by Court Administration. All requested telephonics will be heard later in the calendar and be given a specific time. The party scheduling the telephonic must also notify the other side. Counsel shall provide the court with an original proposed order with their judge's copies prior to appearing telephonically. Any request for a telephonic appearance for a trial must be brought before the court by a motion.

#### **Spokane Dist. Ct. LCrRLJ 3.4**

LCrRLJ 3.4. Presence of the Defendant.

#### **(d) Video Conference Proceedings.**

(2) Approval of the assigned judge must be obtained in advance to conduct by video conference such proceedings as provided for by [CrRLJ 3.4\(d\)\(2\)](#).

#### **Spokane Super. Ct. LSPR 94.04**

LSPR 94.04. Family Law Actions.

(H) Procedure for Court Authorization to Exceed or Excuse Limitations. The court will not entertain any motion or objection with respect to a request to exceed or excuse the limitations of this rule unless counsel or the parties have first conferred with respect to the motion or objection. Counsel or the parties shall arrange for a mutually convenient conference in person or by telephone. If, after conferring, one or both of the parties believe that the limitations of this rule should be excused, then they shall arrange a telephone conference or appearance before the assigned commissioner if they are reasonably available, or if the assigned commissioner is not available, then they shall arrange a telephone conference or appearance before the Ex Parte department to have the court determine if the rule should be excused.

#### **Stevens Dist. Ct. SCLARLJ 6**

SCLARLJ 6. Appearance by Telephone.

Hearings of any type will not be conducted by telephone without prior approval of the judge on a showing of good cause.

#### **Thurston Dist. Ct. LCrRLJ 3.4**

LCrRLJ 3.4. Video Conferences.

Pursuant to [CrRLJ 3.4\(d\)\(2\)](#), Thurston County District Court authorizes the use of video conferences for court proceedings.

**Thurston Super. Ct. LCrR 3.4**

LCrR 3.4. Presence of Defendant.

**(d) Video Conference Proceedings.**

**(2) Agreement.** In criminal matters, proceedings may be conducted by video conference if specifically authorized by the state-wide criminal court rule regarding video conference proceedings. ([CrR 3.4\(d\)\(1\)](#)). Additionally, other criminal trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the judge.

**Whitman Super. Ct. WCLAR 9**

WCLAR 9. Telephone Hearings

**(a) Telephone Hearings Allowed.** Hearings on issues not involving witness testimony, and most other pretrial motions, including brief summary judgment motions, may be heard by telephone conference call in lieu of a personal appearance by counsel and/or a party.

**(b) Arranging Telephone Hearings.** Telephone conference call hearings shall be arranged through the court administrator.

**(c) Conduct of Telephone Hearings.** The judge shall initiate the calls for telephone hearings and shall conduct such hearings in open court and on the record by use of the courtroom speaker telephone system.

**(d) Cost of Telephone Hearings.** Unless otherwise agreed, each attorney or party appearing by telephone shall bear the cost of the conference call. The court's charge to each attorney or party appearing by telephone shall be \$ 20.00 for each half hour or part thereof of the duration of the call. In appropriate cases, this charge may be waived by the court.

**Yakima Super. Ct. LSPR 94.04W**

LSPR 94.04W. Family Law Proceedings.

**(i) Mediation Procedure.** The mediator shall determine how the mediation is conducted. The parties and their lawyers shall personally attend the mediation unless there is a written agreement between the lawyer and the client that the lawyer will not attend. In the event of such agreement, the mediator and the other party/lawyer will be notified in advance of the mediation. The mediator may approve telephonic appearances for parties who reside out of state.

## WEST VIRGINIA

### **N.D. W.V. LR Gen P 5.07**

#### **LR Gen P 5.07. Video.**

**(a) Video Technology.** District judges, the bankruptcy judge, and the magistrate judges may conduct hearings and proceedings using video telecommunications pursuant to the provisions of this Local Rule in:

- (1) Criminal proceedings consistent with LR Cr P 43.01,
- (2) Civil proceedings, and
- (3) Bankruptcy proceedings.

**(b) Video Facilities and Equipment.** During any hearing or proceeding under this Local Rule, the Court shall assure that:

- (1) The facility and equipment enable counsel to be present personally with the out-of-court party and to confer privately with such party outside the reach of the camera and audio microphone.
- (2) The judge must be able to fully view the out-of-court party and counsel, though not necessarily at the same time. The out-of-court party and counsel must be able to fully view the judge and all attorneys present in the courtroom, though not necessarily at the same time.
- (3) The facility must have the capacity, through video equipment or through fax or e-mail, for the contemporaneous transmission of documents and exhibits.
- (4) Color images shall be transmitted in color.
- (5) The audio and video transmission shall be of such quality, design and architecture as to allow easy public viewing of all public proceedings. The use of video technology in conducting hearings and proceedings shall in no way abridge any right that the public may have to access the courtroom.
- (6) The official record of any proceeding conducted using video telecommunications shall be made in a manner prescribed by the judicial officer conducting the proceedings.

**(c) Counsel Duty to Notify.** If a party has a need for any type of courtroom technology for a hearing, including the document presentation equipment, video equipment, audio equipment, etc., counsel must notify the Clerk's office of the need for the courtroom technology at least seven (7) days before the respective hearing or trial.

### **N.D. W.V. LR Cr P 43.01**

#### **LR Cr P 43.01. Matters That May Be Conducted by Videoconference.**

In criminal proceedings, the Court may use video telecommunications to conduct:

- (a) Initial appearances pursuant to [Fed. R. Crim. P. 5\(a\)](#) with the consent of the defendant;
- (b) Arraignment pursuant to [Fed. R. Crim. P. 10](#) with the consent of the defendant;

- (c) Hearings to determine whether probable cause exists to revoke pretrial release with the consent of the defendant;
- (d) Hearings to determine whether probable cause exists to revoke supervised release with the consent of the defendant;
- (e) Any postconviction proceedings under [28 U.S.C. §§ 2254](#) or 2255 or any prisoner case under [42 U.S.C. § 1983](#);
- (f) The taking of a plea of guilty to a misdemeanor charge;
- (g) Detention hearings with the consent of the defendant;
- (h) Returns by the grand jury;
- (i) Removal hearings;
- (j) Final Pretrial Conferences; and
- (k) Any other proceeding in which the parties consent.

#### **N.D. W.V. LR Civ P 16.01**

##### **LR Civ P 16.01. Scheduling Conferences.**

**(d) Conducting Scheduling Conferences.** Except in a case in which a scheduling conference has not been scheduled pursuant to order by a judicial officer or has been canceled pursuant to paragraph (c) of this Rule, a judicial officer shall convene a scheduling conference in person, by telephone, or by video conference, within the mandatory time frame specified in paragraph (a) of this Rule regardless of whether the parties have met pursuant to paragraph (b) of this Rule or filed a written report pursuant to paragraph (c) of this Rule. At the scheduling conference, the judicial officer shall consider any written report filed by the parties and discuss time limits and other matters counsel were obligated to consider in their meeting and that may be addressed in the scheduling order.

#### **S.D. W.V. LBR 9074-1**

##### **LR 9074-1. Telephone Conferences.**

Telephonic Court Hearings or Other Proceedings --

Subject to the Court's approval, parties who desire to appear by telephone or video conference at a previously scheduled hearing must file a written motion at least seven (7) days prior to the hearing.

#### **W. Va. Trial Court Rules R. 14**

##### **Rule 14. Videoconferencing**

##### **Rule 14.01 General Provisions**



- (a) Proceedings conducted by videoconferencing shall be conducted in the same manner as if the parties had appeared in person, and the presiding judicial officer may exercise all powers consistent with the proceeding.
- (b) Any document filed in a proceeding conducted by videoconferencing may be transmitted by electronic facsimile; signatures on a document transmitted by electronic facsimile shall have the same force and effect as original signatures.
- (c) The presiding judicial officer shall begin all proceedings conducted by videoconferencing by stating on the record identities of all counsel, parties, witnesses, and members of the media present in the courtroom and at the remote site.
- (d) Any system used for conducting proceedings by videoconferencing shall:
  - (1) Enable the persons communicating to be able to simultaneously see and speak to one another;
  - (2) Provide a live signal transmission that is secure from unauthorized acquisition; and
  - (3) Comply with any other standards established by the Supreme Court of Appeals.

#### **Rule 14.02 Civil Proceedings in Circuit Courts**

The court may utilize videoconferencing to conduct any evidentiary or non-evidentiary hearing, and may permit any witnesses to testify or be deposed by videoconferencing.

#### **Rule 14.03 Criminal Proceedings in Circuit Courts**

- (a) **Pretrial Proceedings** - The court may utilize videoconferencing to take a plea of not guilty at arraignment, to consider pretrial motions, to conduct pretrial status conferences, to permit a witness to testify at a pretrial hearing, to take and preserve the testimony of a prospective witness for use at trial, and to conduct any non-evidentiary hearing.
- (b) **Testimony of Child Witnesses** - The court may use videoconferencing to obtain the testimony of a child witness in accordance with West Virginia Code § 62-6B-1 to -4.

#### **Rule 14.04 Proceedings in Magistrate Court**

- (a) **Non-evidentiary Hearings** - In civil and criminal cases, the court may conduct any non-evidentiary hearing by videoconferencing.
- (b) **Domestic Violence Proceedings** - In proceedings pursuant to Article 27 of Chapter 48 of the Code, the court may utilize videoconferencing to take testimony in ex parte proceedings relating to petitions for temporary orders.
- (c) **Criminal Proceedings** - The court may utilize videoconferencing to take a plea of not guilty, and to conduct pretrial status conferences.

#### **Rule 14.05 Mental Hygiene Proceedings**

The presiding officer may utilize videoconferencing to conduct any evidentiary or non-evidentiary hearing, and may permit any witness to testify or be deposed in this manner.

**W. Va. Child Abuse & Neglect Proc. R. 14**

**Rule 14. Telephone or video conferences.**

The court may hear motions and conduct conferences relating to discovery, service of process, or case scheduling by telephone or video conference call. By agreement of the parties or motion filed in accord with Rule 17(c), the court may hear testimony by telephone or video conference call.

**W. Va. Family Court Proc. R. 18**

**Rule 18. Telephonic and videoconference hearings**

The court may conduct any hearing, including an evidentiary hearing, telephonically or by videoconference, and may permit any witness to testify or be deposed by such methods. In telephonically conducted proceedings the official record shall be made in the manner prescribed by the court. Videoconference proceedings shall be conducted in accordance with the requirements established by the Supreme Court of Appeals.

**W. Va. Dom. Violence Civ. Proc. Rule 27**

**Rule 27. Telephonic and video conference hearings.**

Rule 18 of the Rules of Practice and Procedure for Family Court shall govern the telephonic and video conference hearings in domestic violence civil proceedings.

**W.V. R Juv P 43**

**Rule 43. Judicial Review.**

**(d) Video Appearances.** If video conferencing is available, the court may direct, with or without a motion, that the juvenile or other hearing participants may appear for a judicial review by video conference.

**W. Va. Magis. Ct. R. Crim. P. Rule 5**

**Rule 5. Initial appearance before the magistrate; bail.**

**(b) Initial Appearances and Arraignments by Video Conferencing.** If any person is arrested upon a warrant issued upon a complaint or capias, or arrested without a warrant, and if any

such person is detained in a regional jail before an initial appearance, or if any person is detained in a regional jail and then served with a criminal complaint or other charging document charging such person with additional charges, the initial appearance on all such charges shall be conducted by video conferencing by a magistrate of the county of the charging jurisdiction. If such initial appearance cannot occur by video conferencing before a magistrate in the county of the charging jurisdiction, such initial appearance shall be conducted by video conferencing by either a magistrate of the county of arrest, if different from the county of the charging jurisdiction, or a magistrate of the county in which the regional jail is located. Provided, arraignments may be conducted by video conferencing only if the plea to be entered is a not guilty plea.

#### **W. Va. Magis. Ct. R. Crim. P. Rule 5.2**

##### **Rule 5.2. Offense arising in another county.**

- (c) **Initial Appearances and Arraignments by Video Conferencing.** If a person is arrested on a warrant or capias issued upon a complaint, information or indictment for an offense alleged to have been committed in a county other than the county of arrest, and if such person is detained in a regional jail before an initial appearance, or if any person is detained in a regional jail and then served with a criminal complaint or other charging document charging such person with additional charges, the initial appearance on all such charges shall be conducted by video conferencing by a magistrate of the county of the charging jurisdiction. Provided that, prior to any such initial appearance being conducted by video conferencing by the county of the charging jurisdiction, the magistrate of the county of arrest shall immediately transmit, via facsimile and the original via United States mail, all papers to the magistrate court of the charging jurisdiction. If such initial appearance cannot occur by video conferencing before a magistrate of the county of the charging jurisdiction, such initial appearance shall be conducted by video conferencing by either a magistrate of the county of arrest, if different from the county of the charging jurisdiction, or a magistrate of the county in which the regional jail is located. Provided, arraignments may be conducted by video conferencing only if the plea to be entered is a not guilty plea.

#### **W. Va. Magis. Ct. R. Crim. P. Rule 9**

##### **Rule 9. Plea proceedings.**

Except as otherwise provided by Rule 7(b), the plea proceeding shall be conducted in open court or by video conferencing and shall consist of reading the complaint to the defendant or stating to the defendant the substance of the charge and calling on the defendant to plead thereto. The reading of the complaint may be waived by the defendant in open court or by

video conferencing. The defendant shall be given a copy of the complaint before being called upon to plead.

## WISCONSIN

### **E.D. Wis. Bankr. R. 9014.4**

LR 9014.4. Teleconference Hearings; Telephonic Appearances.

#### **(a) Hearings by Teleconference.**

**(1)** Hearings conducted by teleconference may be requested by any party or may be initiated by the Court.

**(2)** If the Court grants a request for a hearing by teleconference, the party who made the request shall contact the other parties to the matter and provide appropriate notice that the hearing will be by teleconference.

**(3)** When a matter is scheduled for a hearing by telephone conference, ordinarily all parties are expected to appear by telephone. In the event a party intends to appear in person at a teleconference hearing, then that party shall provide reasonable advance notice of such intention to the other parties to the matter so that they have the opportunity to appear in person as well. In the event advance notice is not provided, at the start of the teleconference hearing the Court will consider whether the matter should be adjourned.

**(4)** Unless the Court orders otherwise, teleconference hearings will be preliminary hearings without the presentation of evidence. However, if sufficient grounds to grant or deny the Motion are not alleged at the preliminary hearing, the Court may rule on the matter at that time.

**(b) Appearance at a Hearing by Telephone.** For hearings other than teleconference hearings, any party may request permission to appear at such hearing by telephone. The decision of whether to permit a party to appear at a hearing by telephone is in the sole discretion of the Court.

#### **Wisconsin statutes Section 807.13 Telephone and audiovisual proceedings.**

**(1) ORAL ARGUMENTS.** The court may permit any oral argument by telephone.

**(2) EVIDENTIARY HEARINGS.** In civil actions and proceedings, including those under chs. [48](#), [51](#), [54](#), and [55](#), the court may admit oral testimony communicated to the court on the record by telephone or live audiovisual means, subject to cross-examination, when:

- (a) The applicable statutes or rules permit;
- (b) The parties so stipulate; or
- (c) The proponent shows good cause to the court. Appropriate considerations are:
  1. Whether any undue surprise or prejudice would result;
  2. Whether the proponent has been unable, after due diligence, to procure the physical presence of the witness;
  3. The convenience of the parties and the proposed witness, and the cost of producing the witness in relation to the importance of the offered testimony;
  4. Whether the procedure would allow full effective cross-examination, especially where availability to counsel of documents and exhibits available to the witness would affect such cross-examination;
  5. The importance of presenting the testimony of witnesses in open court, where the finder of fact may observe the demeanor of the witness, and where the solemnity of the surroundings will impress upon the witness the duty to testify truthfully;
  6. Whether the quality of the communication is sufficient to understand the offered testimony;
  7. Whether a physical liberty interest is at stake in the proceeding; and
  8. Such other factors as the court may, in each individual case, determine to be relevant.

**(3) CONFERENCES.** Whenever the applicable statutes or rules so permit, or the court otherwise determines that it is practical to do so, conferences in civil actions and proceedings may be conducted by telephone.

**(4) NOTICE; REPORTING; EFFECT OF ACTIONS TAKEN; ACCESS.** In any proceeding conducted by telephone under this section:

(a) If the proceeding is required to be reported, a court reporter shall be in simultaneous voice communication with all parties to the call, whether or not in the physical presence of any of them.

(b) Parties entitled to be heard shall be given prior notice of the manner and time of the proceeding. Any participant other than the reporter electing to be present with any other participant shall give reasonable notice thereof to the other participants.

(c) Regardless of the physical location of any party to the call, any waiver, stipulation, motion, objection, decision, order or any other action taken by the court or a party to a reported telephone hearing has the same effect as if made in open court.

(d) With the exception of scheduling conferences and pretrial conferences, proceedings shall be conducted in a courtroom or other place reasonably accessible to the public. Participants in the proceeding may participate by telephone from any location or may elect to be physically present with one or more of the other participants. Simultaneous access to the proceeding shall be provided to persons entitled to attend by means of a loudspeaker or, upon request to the court, by making a person party to the telephone call without charge.

### **Wisconsin State Court materials on videoconference appearances**

Subchapter III of Wisconsin Statutes Chapter 885, Witnesses and Oral Testimony, outlines the use of videoconferencing in the circuit courts. Below are the applicable statutes supporting videoconferencing and additional information on using videoconferencing outside of the courtroom:

- [Statement of intent \(885.50\)](#)
- [Technical and operational standards \(885.54\)](#)
- [Criteria for exercise of court’s discretion \(885.56\)](#)
- [Use in civil cases and special proceedings \(885.58\)](#)
- [Use in criminal cases and proceedings under chapters 48, 51, 55, 938, and 980 \(885.60\)](#)
- [Waivers and stipulations \(885.62\)](#)
- [Applicability \(885.64\)](#)
- [Non-Courtroom Uses](#)

### **Statement of Intent (Wis. Stat. § 885.50)**

**(1)** It is the intent of the Supreme Court that videoconferencing technology be available for use in the circuit courts of Wisconsin to the greatest extent possible consistent with the limitations of the technology, the rights of litigants and other participants in matters before the courts, and the need to preserve the fairness, dignity, solemnity, and decorum of court proceedings. Further, it is the intent of the Supreme Court that circuit court judges be vested with the discretion to determine the manner and extent of the use of videoconferencing technology, except as specifically set forth in this subchapter.

**(2)** In declaring this intent, the Supreme Court finds that careful use of this evolving technology can make proceedings in the circuit courts more efficient and less expensive to the public and the participants without compromising the fairness, dignity, solemnity, and decorum of these proceedings. The Supreme Court further finds that an open-ended approach to the incorporation of this technology into the court system under the supervision and control of judges, subject to the limitations and guidance set forth in this subchapter, will most rapidly realize the benefits of videoconferencing for all concerned.

**(3)** In declaring this intent, the Supreme Court further finds that improper use of videoconferencing technology, or use in situations in which the technical and operational standards set forth in this subchapter are not met, can result in abridgement of fundamental rights of litigants, crime victims, and the public, unfair shifting of costs, and loss of the fairness, dignity, solemnity, and decorum of court proceedings that is essential to the proper administration of justice.

### **Technical and operational Standards (Wis. Stat. § 885.54)**

**(1)** Videoconferencing technology used in circuit court proceedings shall meet the following technical and operational standards:

- (a)** Participants shall be able to see, hear, and communicate with each other.

**(b)** Participants shall be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding.

**(c)** Video and sound quality shall be adequate to allow participants to observe the demeanor and non-verbal communications of other participants and to clearly hear what is taking place in the courtroom to the same extent as if they were present in the courtroom.

**(d)** Parties and counsel at remote locations shall be able, upon request, to have the courtroom cameras scan the courtroom so that remote participants may observe other persons present and activities taking place in the courtroom during the proceedings.

**(e)** In matters set out in par. (g), counsel for a defendant or respondent shall have the option to be physically present with the client at the remote location, and the facilities at the remote location shall be able to accommodate counsel's participation in the proceeding from such location. Parties and counsel at remote locations shall be able to mute the microphone system at that location so that there can be private, confidential communication between them.

**(f)** If applicable, there shall be a means by which documents can be transmitted between the courtroom and the remote location.

**(g)** In criminal matters, and in proceedings under chs. 48, 51, 55, 938, and 980, if not in each other's physical presence, a separate private voice communication facility shall be available so that the defendant or respondent and his or her attorney are able to communicate privately during the entire proceeding.

**(h)** The proceeding at the location from which the judge is presiding shall be visible and audible to the jury and the public, including crime victims, to the same extent as the proceeding would be if not conducted by videoconferencing.

**(2)** The moving party, including the circuit court, shall certify that the technical and operational standards at the court and the remote location are in compliance with the requirements of sub. (1).

**Criteria for exercise of court's discretion (Wis. Stat. § 885.56)**

**(1)** In determining in a particular case whether to permit the use of videoconferencing technology and the manner of proceeding with videoconferencing, the circuit court may consider one or more of the following criteria:

**(a)** Whether any undue surprise or prejudice would result.

**(b)** Whether the proponent of the use of videoconferencing technology has been unable, after a diligent effort, to procure the physical presence of a witness.

(c) The convenience of the parties and the proposed witness, and the cost of producing the witness in person in relation to the importance of the offered testimony.

(d) Whether the procedure would allow for full and effective cross-examination, especially when the cross-examination would involve documents or other exhibits.

(e) The importance of the witness being personally present in the courtroom where the dignity, solemnity, and decorum of the surroundings will impress upon the witness the duty to testify truthfully.

(f) Whether a physical liberty or other fundamental interest is at stake in the proceeding.

(g) Whether the court is satisfied that it can sufficiently know and control the proceedings at the remote location so as to effectively extend the courtroom to the remote location.

(h) Whether the participation of an individual from a remote location presents the person at the remote location in a diminished or distorted sense such that it negatively reflects upon the individual at the remote location to persons present in the courtroom.

(i) Whether the use of videoconferencing diminishes or detracts from the dignity, solemnity, and formality of the proceeding so as to undermine the integrity, fairness, and effectiveness of the proceeding.

(j) Whether the person proposed to appear by videoconferencing presents a significant security risk to transport and present personally in the courtroom.

(k) Waivers and stipulations of the parties offered pursuant to s. 885.62.

(L) Any other factors that the court may in each individual case determine to be relevant.

(2) The denial of the use of videoconferencing technology is not appealable.

#### **Use in civil cases and special proceedings (Wis. Stat. § 885.58)**

(1) Subject to the standards and criteria set forth in ss. 885.54 and 885.56 and to the limitations of sub. (2), a circuit court may, on its own motion or at the request of any party, in any civil case or special proceeding permit the use of videoconferencing technology in any pre-trial, trial, or post-trial hearing.

(2) (a) A proponent of a witness via videoconferencing technology at any evidentiary hearing or trial shall file a notice of intention to present testimony by videoconference technology 30 days prior to the scheduled start of the proceeding. Any other party may file an objection to the testimony of a witness by videoconferencing technology within 10 days of the filing of the notice of intention. If the time limits of the proceeding do not permit the time



periods provided for in this paragraph, the court may in its discretion shorten the time to file notice of intention and objection.

**(b)** The court shall determine the objection in the exercise of its discretion under the criteria set forth in s. 885.56.

**Use in criminal cases and proceedings under chapters 48, 51, 55, 938, and 980 (Wis. Stat. § 885.60)**

**(1)** Subject to the standards and criteria set forth in ss. 885.54 and 885.56 and to the limitations of sub. (2), a circuit court may, on its own motion or at the request of any party, in any criminal case or matter under chs. 48, 51, 55, 938, or 980, permit the use of videoconferencing technology in any pre-trial, trial or fact-finding, or post-trial proceeding.

**(2) (a)** Except as may otherwise be provided by law, a defendant in a criminal case and a respondent in a matter listed in sub. (1) is entitled to be physically present in the courtroom at all trials and sentencing or dispositional hearings.

**(b)** A proponent of a witness via videoconferencing technology at any evidentiary hearing, trial, or fact-finding hearing shall file a notice of intention to present testimony by videoconference technology 20 days prior to the scheduled start of the proceeding. Any other party may file an objection to the testimony of a witness by videoconference technology within 10 days of the filing of the notice of intention. If the time limits of the proceeding do not permit the time periods provided for in this paragraph, the court may in its discretion shorten the time to file notice of intention and objection.

**(c)** If an objection is made by the plaintiff or petitioner in a matter listed in sub. (1), the court shall determine the objection in the exercise of its discretion under the criteria set forth in s. 885.56.

**(d)** If an objection is made by the defendant or respondent in a matter listed in sub. (1), regarding any proceeding where he or she is entitled to be physically present in the courtroom, the court shall sustain the objection. For all other proceedings in a matter listed in sub. (1), the court shall determine the objection in the exercise of its discretion under the criteria set forth in s. 885.56.

**Waivers and stipulations (Wis. Stat. § 885.62)**

Parties to circuit court proceedings may waive the technical and operational standards provided in this subchapter, or may stipulate to any different or modified procedure, as may be approved by the court

### **Applicability (Wis. Stat. § 885.64)**

(1) The provisions of this subchapter shall govern the procedure, practice, and use of videoconferencing in the circuit courts of this state.

(2) All circuit court proceedings, with the exception of proceedings pursuant to s. 972.11 (2m), that are conducted by videoconference, interactive video and audio transmission, audiovisual means, live audiovisual means, closed-circuit audiovisual, or other interactive electronic communication with a video component, shall be conducted in accordance with the provisions of this subchapter.

(3) The use of non-video telephone communications otherwise permitted by specific statutes and rules shall not be affected by this subchapter, and shall remain available as provided in those specific statutes and rules.

### **Non-Courtroom Uses of Videoconferencing**

#### **Staff Training**

Many training sessions are becoming available via videoconferencing. Access to videoconferencing may allow employees to take advantage of training opportunities without expending time or money on travel to training sites.

#### **Administrative Meetings**

The growth in statewide multi-disciplinary committees has increased travel time for staff to attend these meetings. Videoconferencing can provide time savings and a cost-effective means to participate in meetings without travel time. In addition, the technology may increase face-to-face communications with colleagues from other institutions or adjacent jurisdictions.

#### **Public hearings**

Governmental units are beginning to use videoconferencing to conduct public hearings, thereby increasing participation of constituents in both statewide and county issues.

#### **Public access**

Private organizations may be interested in renting videoconferencing facilities from public agencies. The feasibility of this access will need to be consid

## **Bridging the Distance** manual

Wisconsin has comprehensive manual for judges, lawyers, and court staff on the use of videoconferencing. The URL is below. Be advised that the Videoconferencing Subcommittee is in the midst of updating the manual.

<https://www.wicourts.gov/courts/committees/docs/ppacvidconf.pdf>

## WYOMING

### **WY U.S.D.C.L.R. 7.1 federal district court**

Rule 7.1. MOTIONS.

**(d) Telephonic and/or Video Appearance.** -- Absent prior Court approval, all hearings shall be attended in person by counsel. Telephonic and/or video attendance must be approved in advance by the judge's staff.

### **WY LBR 9074-2 federal bankruptcy court**

Rule 9074-2. VIDEO CONFERENCES.

**(A) Request for Participation by Video.** -- Any party requesting participation by video for a courtroom hearing, shall file a motion at least ten (10) days prior to the hearing; serving the debtor, debtor's counsel, the trustee, the United States Trustee, parties requesting service and all parties in interest.

**(B) Requirements.** -- The requesting party:

- (1)** is responsible for all costs for equipment use or personnel from the connecting source associated with the video;
- (2)** shall contact the court to schedule a test connection at least five (5) business days prior to the hearing; and,
- (3)** shall provide the name of a contact person and telephone number in its motion.

**(C) Court's Discretion.** -- The court retains the discretion:

- (1)** to determine whether or not such a video conference or hearing shall be allowed; and,
- (2)** in the event that more requests are filed than the court's equipment has the capabilities of sustaining, the court shall determine which motions may be granted and may reconsider and vacate orders if necessary.

**(D) Cancellation.** -- In the event that a party granted permission to participate by video-conference, determines that the connection is not needed, that party shall notify the court immediately by telephone, followed by filing a notice of cancellation for the need of participation by video conference.

**(E) Participation Upon a Continuance.** -- If a video-conference hearing is continued, the order granting participation at the initial hearing shall continue to be effective at the rescheduled hearing.

**WY R. Civ. Proc. Rule 16**

Rule 16. Pretrial conferences; scheduling; management.

**(b) Scheduling and planning.** -- The judge, or a court commissioner when authorized by the Uniform Rules for the District Courts, may, after consulting with the attorneys for the parties and any unrepresented parties, by a scheduling conference, telephone, mail or other suitable means, enter a scheduling order that limits the time:

- (1)** To join other parties and to amend the pleadings;
- (2)** To file and hear motions; and
- (3)** To complete discovery.

**W.R.C.P.C.C. Rule 7**

Rule 7. Expedited trial setting.

Cases subject to these Rules will receive an expedited trial date. Trials shall begin within seven months after the action is commenced, absent unavoidable and extraordinary circumstances. The trial date will be set in the initial case management order, or at the earliest practicable time thereafter, and shall not be changed absent extraordinary circumstances. The parties may not stipulate to extensions.

If motions are filed, motions will be resolved forthwith by the court setting a telephonic, video, or in-person hearing for purposes of addressing the motion without need for responsive filings in order to maintain the expedited nature of the case.

