

New local rule for the Superior Court of San Luis Obispo County to address court appearances via video conferencing hearings.

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## **RULE 2.09**

### **REMOTE COURT APPEARANCES VIA VIDEOCONFERENCING**

#### **(a) Program Overview**

(1) A judicial officer may set a hearing to be conducted by a remote court appearance via videoconferencing (hereinafter referred to as “remote video appearance(s)”), as permitted by law.

(2) During a remote video appearance, some or all of the participants in the hearing may appear at the hearing remotely by utilizing a videoconferencing platform (such as Zoom or WebEx). This includes the judicial officer, court staff, attorneys, parties, witnesses, court interpreters, and other participants. The participants who appear remotely will connect to the hearing through an electronic device, such as a desktop computer, laptop computer, cellular telephone/smartphone, or other mobile electronic device.

When a matter is set to be heard by remote video appearance, the Court will provide the participants with instructions in advance for joining the videoconference. Participants shall ensure that the electronic device is equipped with both a camera and a microphone to participate in the remote video proceeding, unless the Court has authorized another means of participating.

(3) The Court may consider alternative arrangements for participation in the hearing when a litigant or participant does not have access to the technology to participate in a remote video appearance.

(4) All attorneys, parties, and other participants making remote video appearances must connect to the court session at least five (5) minutes before the scheduled court appearance in order to participate in a pre-hearing check with the courtroom clerk.

(5) Existing rules and procedures regarding the making of the record by a court reporter or electronic device, or for obtaining a transcript after the hearing, apply to remote video appearances. Participants may not record or broadcast the remote video appearance except in compliance with California Rules of Court, Rule 1.150. A violation of this local rule may result in the imposition of sanctions as set forth in subsection (f) of Rule 1.150.

(6) The Court may terminate the remote video appearance if participants do not comply with the following rules regarding procedure and decorum.

#### **(b) Appearance Procedure**

Participants using a videoconferencing platform in remote video appearances, including attorneys, parties, and other participants must:

(1) Ensure that they have sufficient battery power for the entire remote video appearance, including having a charger readily available, and access to enough cellular data and/or Wi-Fi for the duration of the remote video appearance;

(2) Eliminate, to the greatest extent possible, all ambient and/or distracting noise from the participant’s location;

(3) Ensure consistent lighting, avoiding rooms with bright windows and/or back-lighting, so that the participant can be seen;

- (4) Mute their phones and/or not speak until it is their turn to speak or their case is called;
- (5) Speak directly into the microphone on the electronic device used to connect to the court session; and
- (6) Speak slowly, avoid interrupting others, and identify themselves each time they speak.

**(c) Decorum**

Participants in a remote video appearance must:

- (1) Participate in the remote video appearance with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for a personal courtroom appearance; and
- (2) Dress appropriately in the same manner as they would for a personal appearance in court, without sunglasses and/or hats.

*Rule 2.09 adopted effective May 11, 2020.*