

MARIN COUNTY SUPERIOR COURT – PROCEDURES AND
INSTRUCTIONS FOR REMOTE PROCEEDINGS

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MARIN COUNTY SUPERIOR COURT – PROCEDURES AND INSTRUCTIONS FOR REMOTE PROCEEDINGS

INTRODUCTION

Appearing remotely at hearings is an efficient alternative creating time saving efficiencies for litigants and attorneys. It also enhances public access to court proceedings through technology. The Marin County Superior Court uses Zoom as its remote appearance platform. Zoom can be utilized through a computer, tablet, telephone, cellphone, or other electronic or communications device.

Unless a local rule is adopted, CCP 367.75 and California Rules of Court, rule 3.672 govern the procedures in remote proceedings.

In the panels below, you can find information for each case type and instructions when attending remotely at hearings.

APPEARANCE INSTRUCTIONS

Instructions for Connecting to Zoom for Remote Appearances

1. Refer to the table below for a complete list of Department/Courtroom Zoom link on the court's home page at www.marincourt.org
2. At least 15 minutes prior to your hearing start time, dial [1\(833\)568-8864 \(toll free\)](tel:1(833)568-8864) (phone) OR [1\(669\)254-5252 \(phone\)](tel:1(669)254-5252).
3. Enter the appropriate Zoom Meeting Number, when prompted (including "#").
4. Enter "#" as your Participant ID, when prompted.
5. Once connected, mute your device upon entry to the hearing.

Important

- Call at least 15 minutes prior to your hearing start time.
- California Rules of Court, [Rule 1.150 \(external site\)](#) prohibits any recording of court proceedings without a court order.
- Court Reporters are available for remote hearings. Here is a link to the [form](#)
- The court encourages parties to review the Telephone and Video Etiquette for Court hearings found on page 8 of this document.

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CIVIL

The court strongly encourages parties and counsel to appear remotely for non-evidentiary hearings in the Civil Division. Under Cal. Rules of Court, rule, 3.672, the court has adopted Emergency Local Rule 22.02 for non-evidentiary hearings (hearings with no oral testimony) such as hearings on motions, case management proceedings, and hearings in response to orders to show cause other than those for contempt.

Remote Appearances at Non-Evidentiary Hearings in Civil Law Cases

Persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing.

- Notice may be given before each hearing; alternately, a party may give notice that they intend to appear remotely at all non-evidentiary hearings for the duration of the case.
- Notice to the opposing party may be given informally, including by telephone, email, or text message.
- The parties may stipulate either orally or in writing to waive notice of any other parties' remote appearance.
- No advance notice to the court of the intent to appear remotely is required prior to the date of the hearing.

If for any reason the court determines that an in-person appearance is required, the court hearing will order the parties to appear in person.

Appearances in Evidentiary Hearings or Trials

Evidentiary hearings and trials require in-person appearances unless remote appearances are permitted as follows:

In cases in which the parties receive notice of an evidentiary hearing at least 15 court days in advance of the hearing, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least 10 court days before the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) no less than five court days prior to the hearing. In matters in which an objection is filed, the court shall attempt to resolve the issue of remote appearances at a trial setting or issue conference in advance of the evidentiary hearing.

In cases in which the parties receive notice of an evidentiary hearing less than 15 court days before the hearing, including restraining order hearings, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least five court days in advance of the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) by at least noon the court day before the proceeding.

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The court may notice parties that a scheduled proceeding will be conducted remotely. If the court intends to conduct an evidentiary hearing or trial remotely, the court will provide verbal notice in court, or provide written notice at least 10 court days before the hearing or trial date, unless the hearing or trial is in less than 10 court days' notice, in which case at least two court days' notice of remote proceedings is required.

These procedures shall not diminish the lawful authority of an individual judicial officer's right to control the order in the courtroom (Code Civ. Proc. §128.)

SMALL CLAIMS

All Small Claims Proceedings shall be held remotely. By appearing remotely, a party will be deemed to have agreed to appear remotely. Any party opposing remote appearances or testimony may appear in court in person and state their objection at the proceeding. If an objection is stated, the court will then determine if an in-person appearance by any other party or witness is necessary.

CRIMINAL

Criminal hearings are generally in-person proceedings and not subject to CCP section 367.75 or California Rule of Court, rule 3.672. Currently, remote appearances in criminal are governed under Emergency Rule 3 of Appendix I of the California Rules of Court. Emergency Rule 3 is scheduled to sunset on June 30, 2022.

TRAFFIC

All Traffic Proceedings shall be held remotely. By appearing remotely, a party will be deemed to have agreed to appear remotely. Any party opposing remote appearances or testimony may appear in court in person and state their objection at the proceeding. If an objection is stated, the court will then determine if an in-person appearance by any other party or witness is necessary.

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JUVENILE

Remote Appearances at Non-Evidentiary Hearings in Juvenile Cases

Persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing.

- Notice may be given before each hearing; alternately, a party may give notice that they intend to appear remotely at all non-evidentiary hearings for the duration of the case.
- Notice to the opposing party may be given informally, including by telephone, email, or text message.
- The parties may stipulate either orally or in writing to waive notice of any other parties' remote appearance.
- No advance notice to the court of the intent to appear remotely is required prior to the date of the hearing.

If for any reason the court determines that an in-person appearance is required, the court will order the parties to appear in person.

Appearances in Evidentiary Hearings or Trials

Juvenile Justice (Delinquency) and Juvenile Dependency evidentiary hearings, including detention hearings, are generally in-person proceedings. If a remote appearance is requested, the rules in California Rules of Court, rule 3.672(i) and CCP 367.75 apply.

PROBATE

The court strongly encourages parties and counsel to appear remotely for non-evidentiary hearings in the Probate Division. Under Cal. Rules of Court, rule, 3.672, the court has adopted Emergency Local Rule 22.02 for non-evidentiary hearings (hearings with no oral testimony) such as hearings on motions, case management proceedings, and hearings in response to orders to show cause other than those for contempt.

Remote Appearances at Non-Evidentiary Hearings in Probate Cases

Persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing.

- Notice may be given before each hearing; alternately, a party may give notice that they intend to appear remotely at all non-evidentiary hearings for the duration of the case.
- Notice to the opposing party may be given informally, including by telephone, email, or text message.
- The parties may stipulate either orally or in writing to waive notice of any other parties' remote appearance.

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- No advance notice to the court of the intent to appear remotely is required prior to the date of the hearing.

If for any reason the court determines that an in-person appearance is required, the court will order the parties to appear in person.

Appearances in Evidentiary Hearings or Trials

Evidentiary hearings and trials require in-person appearances unless remote appearances are permitted as follows:

In cases in which the parties receive notice of an evidentiary hearing at least 15 court days in advance of the hearing, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least 10 court days before the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) no less than five court days prior to the hearing. In matters in which an objection is filed, the court shall attempt to resolve the issue of remote appearances at a trial setting or issue conference in advance of the evidentiary hearing.

In cases in which the parties receive notice of an evidentiary hearing less than 15 court days before the hearing, including restraining order hearings, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least five court days in advance of the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) by at least noon the court day before the proceeding.

The court may notice parties that a scheduled proceeding will be conducted remotely. If the court intends to conduct an evidentiary hearing or trial remotely, the court will provide verbal notice in court, or provide written notice at least 10 court days before the hearing or trial date, unless the hearing or trial is in less than 10 court days' notice, in which case at least two court days' notice of remote proceedings is required.

These procedures shall not diminish the lawful authority of an individual judicial officer's right to control the order in the courtroom (Code Civ. Proc. §128.)

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FAMILY

Appearing Remotely for a Non-Evidentiary Hearing

Under Cal. Rules of Court, rule, 3.672, the court has adopted Emergency Local Rule 22.03 for non-evidentiary hearings in family law cases (hearings with no oral testimony) such as hearings on motions, request for orders, ex parte applications, case management proceedings, and hearings in response to orders to show cause other than those for contempt.

Remote Appearances at Non-Evidentiary Hearings in Family Law Cases

Persons intending to appear remotely shall notify all opposing parties of their intention to appear remotely before the hearing.

- Notice may be given before each hearing; alternately, a party may give notice that they intend to appear remotely at all non-evidentiary hearings for the duration of the case.
- Notice to the opposing party may be given informally, including by telephone, email, or text message.
- The parties may stipulate either orally or in writing to waive notice of any other parties' remote appearance.
- No advance notice to the court of the intent to appear remotely is required prior to the date of the hearing.

If for any reason the court determines that an in-person appearance is required, the court order the parties to appear in person.

Appearances in Evidentiary Hearings or Trials

Evidentiary hearings and trials require in-person appearances unless remote appearances are permitted as follows:

In cases in which the parties receive notice of an evidentiary hearing at least 15 court days in advance of the hearing, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least 10 court days before the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) no less than five court days prior to the hearing. In matters in which an objection is filed, the court shall attempt to resolve the issue of remote appearances at a trial setting or issue conference in advance of the evidentiary hearing.

In cases in which the parties receive notice of an evidentiary hearing less than 15 court days before the hearing, including restraining order hearings, a party requesting to appear remotely shall give notice by service on all other parties by filing and serving Form RA-010 (Notice of Remote Appearance) at least five court days in advance of the hearing. Any party opposing remote appearances at an evidentiary hearing or trial must do so in writing by filing and serving Form RA-015 (Opposition to Remote Proceeding at Evidentiary Hearing or Trial) by at least noon the court day before the proceeding,

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A party or a witness may appear remotely at the hearing on a petition for a domestic violence restraining order without providing notice to the parties or the court.

The court may notice parties that a scheduled proceeding will be conducted remotely. If the court intends to conduct an evidentiary hearing or trial remotely, the court will provide verbal notice in court, or provide written notice at least 10 court days before the hearing or trial date, unless the hearing or trial is in less than 10 court days' notice, in which case at least two court days' notice of remote proceedings is required.

These procedures shall not diminish the lawful authority of an individual judicial officer's right to control the order in the courtroom (Code Civ. Proc. §128.)

APPELLATE

All Appellate Division Proceedings shall be held remotely. By appearing remotely, a party will be deemed to have agreed to appear remotely. Any party opposing remote appearances may appear in court in person and state their objection at the proceeding. If an objection is stated, the court will then determine if an in-person appearance by any other party is necessary.

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Telephone Meetings



Video Meetings

- * **Call in on time:** Be on time. If you are late, your matter may not be heard and your court appearance may be cancelled.
 - * **State your name for the record:** Identify yourself each time you speak and conduct yourself as you would if you were in the Courtroom.
 - * **Avoid interrupting:** Wait until an opportunity to speak arises without interrupting others.
 - * **Mute your sound when not speaking:** When you are not speaking, mute your telephone so that any background noise around you will not be heard by others.
 - * **Select a quiet location:** Background noise is distracting to the court and participants and can interfere with you being heard clearly.
 - * **Avoid shuffling papers:** Background noise makes it difficult for others to hear.
 - * **Avoid talking to others in the room:** Do not engage in conversations with others during your court appearance.
 - * **Avoid eating:** Do not eat during your court appearance.
 - * **Pay attention and be active:** Listen to others when they speak. You may hear the answers to questions you have.
- * **Be on time:** Have your equipment set up, logged in and necessary information available before the scheduled hearing time. If you are late, your matter may not be heard or may be heard without you.
 - * **Choose your location wisely:** Ensure your area is clean and quiet. Remember, others will be able to see and hear everything around you.
 - * **Dress appropriately:** Remember you are attending a court proceeding and others will see you.
 - * **Keep your body movements as minimal as possible:** In video appearances, excessive body movement can be distracting to the court and other participants..
 - * **Avoid shuffling papers:** Background noise makes it difficult for others to hear and distracting to the court and participants.
 - * **Avoid talking to others in the room:** Do not engage in conversations with others during your court appearance.
 - * **Avoid eating:** Do not eat during your court appearance.
 - * **Pay attention and be active:** Listen to others when they speak. You may hear the answers to questions you have.