SANTA CLARA COUNTY SUPERIOR COURT ANNOUNCES NEW PROCEDURE FOR TELEPHONIC APPEARANCES

Effective March 1, 2005, CourtCall, LLC will serve as the provider of telephonic court appearance services for the Santa Clara County Superior Court. Generally, participating Departments will allow use of CourtCall to conduct telephonic appearances for 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 telephonic appearance is voluntary and may be made without consent of the other party.

A party may make a telephonic appearance by serving and submitting to CourtCall a 'Request for CourtCall Telephonic Appearance' form and paying a fee of $50.00 for each appearance NOT LESS THAN FIVE (5) COURT DAYS PRIOR TO THE HEARING DATE. Request forms may be obtained by calling the Program Administrator, **CourtCall, LLC at (310) 342-0888 or (888) 88-COURT**. For information about CourtCall, please call CourtCall, not the participating Departments.

Telephonic appearances are conducted in accordance with California Rule of Court 298, and proposed Local Civil Rule 8 which follows.

A telephonic appearance is made as part of the Court's regular calendar and all parties who have timely submitted their request form and paid the fee may appear by dialing the Department's dedicated **toll free teleconference number and access code, which will be provided by CourtCall on the confirmation faxed to them**. It is each party's responsibility to call the assigned number at least five minutes before the scheduled hearing – **CourtCall does not call lawyers to join a call.**

PROPOSED CIVIL RULE TO BECOME EFFECTIVE JULY 1, 2005

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

RULE 8 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.

(Rev. 7/1/05)

B. PRIVATE VENDOR TO PROVIDE TELECONFERENCING SERVICES

In accordance with CRC 298, 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 5 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.

(Rev. 7/1/05)

C. NOTICE BY PARTY

A party who chooses to appear by telephone will satisfy the requirement of CRC 298 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 298.

(Rev. 7/1/05)

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.

(Rev. 7/1/05)

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.

(Rev. 7/1/05)