

**GENERAL COURT AND ADMINISTRATION RULES****RULE 1 USE OF JUROR LISTS FOR TRIAL HELD IN PLACE OTHER THAN COUNTY SEAT**

When a jury trial is held in a superior courthouse, other than one located in the county seat, the names for the master jury list and the qualified jury list for that trial may be selected from the area in which the trial is held.

*(Effective 1/1/2007)*

**RULE 2 USE OF RECORDING DEVICES IN COURTHOUSE FACILITIES**

*(Effective 1/1/2012)*

**A. COVERAGE BY PROFESSIONAL MEDIA**

*(Effective 1/1/2012)*

This Rule 2A applies to “Media” as defined by California Rules of Court, Rule 1.150(b)(2).

**(1) MEDIA REQUEST FOR COVERAGE**

The media may request an order permitting media coverage using only the approved Judicial Council of California form MC-500, Media Request to Photograph, Record, or Broadcast, and form MC-510, Order on Media Request to Permit Coverage. Forms are available on the Court’s website.

The forms shall be filed electronically with the Court’s Public Information Officer, or another Court employee designated by the Court Executive Officer, at least five court days before the portion of the proceeding to be covered unless good cause is shown. An electronic signature on the MC-500 by a member of the media is acceptable. A signed file-stamped order will be returned electronically to the requester.

Requests for media coverage are governed by California Rules of Court (CRC) 1.150(e).

*(Effective 1/1/2013)*

**(2) FILMING JURORS**

Photographing and filming any juror or summoned prospective juror is prohibited.

**(3) MEDIA IN OTHER AREAS OF COURTHOUSE**

Unless approved by written order of the Presiding Judge or the Supervising Judge of that courthouse, filming, videotaping, photographing and electronic recording of any kind is not permitted in any other part of the courthouse, including but not limited to, entrances, exits, halls, stairways, escalators and elevators. Application for permission for media coverage in these areas of the courthouse shall be directed to the Court’s Public Information Officer, or another Court employee designated by the Court Executive Officer, who shall be responsible for coordinating approval or denial by the Presiding Judge or the Supervising Judge of that courthouse. The Court’s Public Information Officer, or another Court employee designated by the Court Executive Officer, shall serve as the onsite manager for media relations and shall use professional judgment in determining appropriateness and permissibility of approved onsite media activities.

*(Effective 1/1/2013)*

Cameras and recording devices shall be turned off while being transported in any area of the court unless expressly permitted by court order. Filming, videotaping and photographing of the interior of any courtroom through the glass door windows or through the double doors, or otherwise is prohibited. No recording devices shall be permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized such use in a written order pursuant to CRC 1.150 and this Local Rule 2A.

*(Effective 1/1/2013)*

**B. USE OF RECORDING DEVICES GENERALLY PROHIBITED**

This Rule 2B applies to all individuals. Other than “Media” as defined by California Rules of Court, Rule 1.150(b)(2)

**(1) COURTHOUSE FACILITIES**

Any and all “photographing” and/or “recording” and/or “broadcasting” as defined by California Rules of Court, Rule 1.150(b) of people, things, conversations, or proceedings is strictly prohibited in any courthouse facility, including but not limited to stairways, elevators, waiting areas, hallways, entrances security screening stations, service areas, through windows, through doors, and with respect to any other accessible areas of courthouse facilities, whether access was intended or not, absent written order of the Supervising Judge of the specific courthouse facility. Any device that appears capable of photographing, recording, or broadcasting is subject to confiscation.

**(2) COURT PROCEEDINGS**

a. Court proceedings may not be photographed, recorded, or broadcast, as defined by California Rules of Court, Rule 1.150(b), without express permission of the Court. Use of a recording device or broadcasting device of any type is not permitted in any courtroom unless the judge hearing a matter within the courtroom has expressly authorized the use of such device in a written order, or oral order on the record made during the hearing issue. Except upon approval by the judicial officer hearing the matter, all cell phones and other personal communication devices shall be turned off before entering the courtroom and stored out of sight. Any cell phone or personal communication device or device that appears capable of photographing, recording, or broadcasting which is visually observed in the courtroom is subject to confiscation.

*(Effective 7/1/2017)*

b. Courts have inherent supervisory or administrative duties to maintain orderly conduct of judicial proceedings. In that effort, Court security should warn all persons entering the courtroom to turn off all electronic devices. If a person is suspected of

violating this rule, a further direct verbal warning should be given to the individual. In appropriate circumstances, court security may exercise its discretion to temporarily take custody of the electronic device until the person exits the court facility. If court security concludes that a recording has already occurred in violation of this rule or if the nature of the recording otherwise could jeopardize security of the facility, the safety of parties, witnesses, court personnel or judicial officers, court security may request that the recording be erased by the owner or may ask the owner for permission to access the device. If the owner refuses to erase the material or provide access, the deputy is authorized to temporarily retain the recording device while determining whether to seek a search warrant. If no application for a warrant is made or a warrant is declined, the device will be promptly returned to the owner. All applicable laws pertaining to search warrants shall apply. If the warrant issues, court security will retain the device as directed in the warrant and/or Penal Code section 1536. If the deputy finds probable cause to conclude that a violation of a court order or a crime has been committed, the matter shall be processed for possible arrest.

*(Effective 7/1/2017)*

### **C. VIOLATIONS**

Any violation of this Local Rule or an order made under this Local Rule, or of California Rule of Court, Rule 1.150, is an unlawful interference with court proceedings and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

*(Effective 1/1/2012)*

## **RULE 3 ACCESS, FAIRNESS AND PREVENTION OF BIAS**

*(Effective 1/1/2024)*

### **A. SANTA CLARA COUNTY COURT PROCEDURE**

The Santa Clara County Superior Court, its judicial officers, and its employees are committed to ensuring the integrity and impartiality of the judicial system and that all court interactions are free of bias and the appearance of bias. Any complaints about bias or the appearance of bias, including but not limited to bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and Code of Judicial Ethics, Canon 3(B)(5), whether that bias is directed toward counsel, court staff, witnesses, parties, jurors, or any other person, may be directed to the presiding judge, the Commission on Judicial Performance or the court's Chief Executive Officer.

*(Effective 1/1/2024)*

### **B. SANTA CLARA COUNTY BAR ASSOCIATION DIVERSITY, EQUITY AND INCLUSION COMMITTEE**

*(Effective 1/1/2024)*

The Santa Clara County Bar Association's Diversity, Equity and Inclusion Committee will assist in maintaining a courtroom environment free of bias or the appearance of bias. To improve dialogue and engagement with members of various cultures, backgrounds, and groups to learn, understand, and appreciate the unique qualities and needs of each group, the Diversity, Equity and Inclusion Committee will:

*(Effective 1/1/2024)*

1. Be composed of representative members of the court community, including but not limited to judicial officers, lawyers, court administrators, and individuals who interact with the court and reflect and represent the diverse and various needs and viewpoints of court users;
2. Sponsor or support educational programs designed to eliminate unconscious and explicit biases within the court and legal communities. Education is critical to developing an awareness of the origins of bias and the impact of bias on individuals, culture, and society. Education will include:
  - (A) Information as to bias based on the protected classifications listed above;
  - (B) Information regarding how unconscious and explicit biases based on these classifications develop, how to recognize unconscious and explicit biases, and how to address and eliminate unconscious and explicit biases; and
  - (C) Other topics on bias relevant to our community informed by the committee's independent assessment of the unique educational needs in our community.

*(Effective 1/1/2024)*

### **C. LANGUAGE ACCESS COMPLAINTS**

The Court is committed to providing equal access to court users regardless of English proficiency. Members of the public who have a complaint or other feedback about the Court's language access services may complete a Language Access Complaint Form (LA-100) and submit it online, in person at any Court facility Clerk's Office, or by mail or by e-mail to:

Language Access Representative  
Superior Court of California, County of Santa Clara  
191 N. First Street  
San Jose, CA 95113  
languageaccesscomplaint@scscourt.org

The Language Access Complaint Form (LA-100) will be available in hard copy at every court facility and electronically on the Court's website.

The Court's Language Access Representative will respond to all language access complaints other than those submitted anonymously. Within 30 days of receiving a language access complaint, the Language Access Representative will acknowledge receipt of the language access complaint and will prioritize those complaints involving the availability of a spoken-language interpreter for pending court proceedings.

Within 60 days of receiving a language access complaint, the Language Access Representative will conduct a preliminary investigation of the complaint and notify the complainant of either the final action taken on the complaint or, if applicable, the need for additional investigation. If additional investigation is needed, the Language Access Officer will notify the complainant at the conclusion of that investigation of the final action taken.

If a complainant disagrees with the notice of the outcome taken on his or her complaint, within 90 days of the date the court sends the notice of outcome, he or she may submit a written follow-up statement to the Language Access Representative indicating that he or she disagrees with the outcome of the complaint. The follow-up statement should be brief, specify the basis of the disagreement, and describe the reasons the complainant believes the court's action lacks merit. The court's response to any follow-up statement submitted by complainant after receipt of the notice of outcome will be the final action taken by the court on the complaint.

The Language Access Representative does not have the authority to change any decision made by a judicial officer, and the Language Access Representative's review of the complaint does not in any way modify, extend or toll any procedural requirements or deadlines, such as the time limits for filing a notice of appeal or motion for reconsideration or set aside of a court order. Under no circumstances will the submission of a complaint negatively impact the outcome of a complainant's court case.

The Court will maintain records of the receipt, investigations and disposition of all language access complaints and will submit quarterly reports to the Judicial Council on the number and type of complaints received, the resolution of complaints, and any additional information requested by the Judicial Council to ensure implementation of the Strategic Plan for Language Access in the California Courts.

*(Effective 7/1/2018)*

#### **RULE 4 TEMPORARY JUDGES AND SETTLEMENT ATTORNEYS**

*(Effective 1/1/2022)*

##### **A. COURT-APPOINTED TEMPORARY JUDGES**

- (1) **APPLICATION AND TRAINING** The Court appoints qualified attorneys as temporary judges pursuant to the California Rules of Court (CRC). Application forms for appointment as a temporary judge may be downloaded from the Court's website at [www.sccourt.org](http://www.sccourt.org). Attorneys applying for appointment as a temporary judge in the Small Claims or Traffic divisions who previously have not served as a temporary judge in that division must observe two (2) half-day calendars in the division conducted by judicial officers, as well as satisfy all other requirements set forth in the CRC. The two (2) half-day calendars in Traffic shall include arraignments and trials.

*(Effective 1/1/2024)*

##### **(2) COMPLAINTS**

Forms for lodging complaints about a Court-appointed temporary judge may be found on the Court's website at [www.sccourt.org](http://www.sccourt.org), or they are available from the Clerk's Office at any courthouse where temporary judges serve. Complaints about any court appointed temporary judge should be sent to: Temporary Judge Administrator, Santa Clara County Superior Court, 191 N. First Street, San Jose, CA 95113. Complaints related to sexual harassment may be made by phone by calling the Temporary Judge Administrator at (408) 882-2721.

*(Effective 1/1/2022)*

##### **B. TEMPORARY JUDGES REQUESTED BY THE PARTIES**

##### **(1) PARTY-REQUESTED TEMPORARY JUDGES**

Parties requesting Court approval that an attorney or retired judge be designated as a temporary judge on a pending case shall file the stipulation required by CRC 2.830 – 2.834 in the Clerk's Office where the case is pending.

##### **(2) PRIVATELY COMPENSATED TEMPORARY JUDGES**

Matters pending before privately compensated temporary judges are not heard at courthouses. A notice pursuant to CRC 2.830 – 2.834 will be posted on the Court website and outside the Clerk's Office of any courthouse where the Court has approved a request for a pending case to be assigned to a privately compensated temporary judge.

*(Effective 1/1/2022)*

##### **C. SETTLEMENT ATTORNEYS**

##### **(1) APPLICATION AND TRAINING**

In addition to temporary judges, the Court may appoint qualified settlement attorneys to assist in settlement conferences pursuant to CRC 2.812(c)(3)(D). Application forms, which include the oath, to volunteer as a settlement attorney may be downloaded from the Court's website at [www.sccourt.org](http://www.sccourt.org), or they are available from the Clerk's Office at the Downtown Superior Court. Attorneys applying for appointment as a settlement attorney must observe a Mandatory Settlement Conference, Settlement Officer Conference, or other proceeding over which they will act as a settlement attorney. Settlement attorneys must initially, and once every three years, attend a one and a half hour (1.5) training related to local rules, bias, fairness, conflicts, and Court divisions and are encouraged to attend Bench Conduct and Demeanor Training and complete the Judicial Ethics online webinar. The Presiding Judge, in his or her discretion, may grant an individual exemption to one or both requirements.

*(Effective 1/1/2022)*

**(2) COMPLAINTS**

Forms for lodging complaints about a settlement attorneys may be found on the Court's website at [www.sccourt.org](http://www.sccourt.org), or they are available from the Clerk's Office at any courthouse where settlement attorneys serve. Complaints about any settlement attorneys should be sent to: the ADR Administrator or the Family Court Settlement Officer, Santa Clara County Superior Court, 191 N. First Street, San Jose, CA 95113. Complaints related to sexual harassment may be made by phone by calling the ADR Administrator at (408) 882-2530 or the Family Court Settlement Officer at (408) 882-2932.

*(Effective 1/1/2022)*

**RULE 5 FOOD IN COURT**

Jurors and parties to lawsuits, and others who may be required to be in the courthouses for extended periods of time, will be permitted to bring food for lunch and snacks into all courthouses, in appropriate containers, as further described in this rule. Abuse of these rules or failure to use trash receptacles for refuse will result in termination of an individual privilege to bring food into a courthouse.

Glass bottles are deemed a security risk and are prohibited and will be detained at the security entrances of all courthouses, except that baby bottles with milk and juice may be brought into the courthouse by parents or other caregivers who are bringing small children into the courthouse. All bottles may be subject to inspection by security screening personnel.

No food or drink may be openly displayed or consumed in any courtroom or anteroom of a courtroom without the express permission of the judicial officer presiding over that courtroom. Permission may be sought through the clerk or bailiff in that courtroom.

Food may be carried into the Old Courthouse by persons who carry lunch and snacks; it may not be consumed or displayed in the Old Courthouse corridors or public places. However, food may be consumed in a particular courtroom anteroom with the consent of the judicial officer. Only upon approval of the Presiding Judge should food or drink be consumed in the Heritage Room.

*(Effective 1/1/2011)*

**RULE 6 ELECTRONIC FILING**

This Rule applies to filing of documents electronically with the court.

**A. APPLICABLE STATUTES AND RULES OF COURT**

Parties must comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and California Rules of Court (herein either "CRC," "Rules of Court," or "Rules"), Rules 2.250 through 2.253, 2.256, 2.257, and 2.259.

*(Effective 7/1/2019)*

**B. ELECTRONIC FILING RULES THAT APPLY ONLY TO NON-CRIMINAL CASES**

**(1) MANDATORY ELECTRONIC FILING AND SERVICE**

As authorized by Code of Civil Procedure section 1010.6(d) and Rules of Court, Rule 2.253(b)(1)(A), all parties represented by attorneys in all civil cases (including Family, Juvenile Dependency, and Probate cases) must file and serve documents electronically, except when personal service is required by statute or rule, and excluding ex parte applications which shall be submitted to the court as directed by the Local Rules of the Division in question. Attorneys who are subject to this rule, and self-represented parties who have consented to electronic filing and service, may not object to electronic service.

Self-represented parties are not required to file and serve documents electronically. Self-represented parties may continue to file, serve, and receive paper documents by non-electronic means according to all statutory requirements and the California Rules of Court that apply to paper documents, unless the self-represented party affirmatively agrees to electronic filing and service. Self-represented parties are encouraged to agree to electronic filing and service, and may agree by filing with the Clerk of the Court and serving on all parties, either electronically or by non-electronic means, a Consent to Electronic Filing and Service and Notice of Electronic Service Address [Form CW-9024].

An attorney who is required to file, serve, and receive documents electronically under this Rule may request to be excused from those requirements by showing undue hardship or significant prejudice.

An attorney requesting to be excused from mandatory electronic filing and service must file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service [Judicial Council Form EFS-007] with a Proposed Order [Judicial Council Form EFS-008]. An attorney who files and serves a Request for Exemption from Mandatory Electronic Filing and Service must be served with documents in paper form until the Court rules on the Request for Exemption. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party otherwise qualifies for or has been granted a fee waiver as provided in this Rule.

**(2) ELECTRONIC FILING FEE WAIVER**

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the court an application for waiver of court fees and costs [Judicial Council Forms FW-001 and FW-002].

**(3) CONFIDENTIAL DOCUMENTS**

Except as provided in Rules of Court, Rules 2.500 through 2.507, an electronically filed document is a public document at the time it is filed unless it is ordered sealed under CRC, Rules 2.550 to 2.551 or filed as a confidential document pursuant to law. Unless the document is confidential and/or will be filed under seal, to protect personal privacy, parties must refrain from including,

or must redact where inclusion is necessary, the personal data identifiers from all documents, including exhibits, filed with the court under this Rule, such as social security numbers, and financial account numbers. See CRC, Rule 1.201.

A motion to file documents under seal must be filed and served electronically. Confidential documents shall be lodged or filed with the court by electronic submission in the manner described in Rule 2.551(d). Such records must not be submitted in paper form, unless an exception to the mandatory electronic filing rules applies or has been granted. A cover sheet that identifies the lodged or sealed documents must be electronically filed. Redacted versions of any lodged or sealed documents must be filed electronically at the same time.

**(4) DOCUMENTS NOT FILED ELECTRONICALLY**

The following documents cannot be filed electronically: bench warrants, deposits of cash or check, bonds, undertakings, wills and codicils, original orders signed by a judicial officer, and trial exhibits.

The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Local Form FN-022 (Order for Payment from Court Deposit), Local Form FN-030 (Payee Data Record), Certificate of Facts Re: Unsatisfied Judgment, Letters issued by the Probate Court, and Citations issued by the Probate Court.

During trial, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.

A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF or it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit must file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

A party who is required, under these Rules, the California Rules of Court or otherwise, to lodge copies or to submit courtesy copies of certain documents at the request of the trial judge or other judge, must continue to deliver such documents in paper form. In the Civil Division, such documents must be delivered to Court Services with the Department number on the front page.

**(5) PROPOSED ORDERS IN PROBATE CASES**

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

**(6) PROPOSED ORDERS IN CIVIL DIVISION CASES**

Unless ordered by the Court or otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motions, pro hac vice applications, applications for writs of attachment, etc.), proposed orders must not be submitted before a hearing on a regularly-noticed motion. If instructed to prepare an order after a hearing, proposed orders after hearing must be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. The proposed order must not include attachments. Any description of the meet and confer process required by Rules of Court, Rule 3.1312 must be submitted by way of separate declaration. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word- processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) must be submitted to the Court by electronic mail using an address identified on the Court's website. (See Civil Local Rule 16.B.)

*(Effective 8/25/2020)*

**C. PERMISSIVE ELECTRONIC FILING AND SERVICE FOR CRIMINAL CASES**

Pursuant to Penal Code section 959.1, a criminal prosecution may be commenced by filing an accusatory pleading in electronic form. In addition, parties in criminal matters may file and serve documents electronically pursuant to Penal Code section 690.5(a), Code of Civil Procedure section 1010.6, and the authorities cited in paragraph 6(A) except for any Motion to Set Aside a Bail Forfeiture and any appeal of a denial of a Motion to Set Aside a Bail Forfeiture.

*(Effective 7/1/2019)*

**D. ELECTRONIC FILING AND SERVICE PROCEDURES THAT APPLY IN ALL CASES, INCLUDING CRIMINAL**

Parties filing documents electronically must use one of the court's approved electronic filing service providers. Information concerning the approved electronic filing service providers, including the procedures for electronically filing documents with the court and for electronically serving documents, is available on the court's website at [www.sccscourt.org](http://www.sccscourt.org).

**(1) FORMAT FOR EXHIBITS AND DOCUMENTS**

Exhibit attachments to pleadings filed electronically must be separated by a single page with a title identifying the sequence of the exhibit. Any pleadings or documents (except for trial exhibits) that are submitted to the Clerk in paper format must not be stapled, but instead must be held together by binder clips or two-prong fasteners.

**(2) TRIAL EXHIBITS NOT TO BE FILED ELECTRONICALLY**

Proposed trial exhibits must not be filed electronically but instead must be lodged in paper format with the trial department once assigned, unless otherwise instructed by the Court.

*(Effective 7/1/2019)*

**E. DOCUMENTS NOT FILED ELECTRONICALLY**

The following documents must not be filed electronically: bench warrants, deposits of cash or check, bonds, undertakings, wills and codicils, original orders signed by a judicial officer, and trial exhibits.

The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Local Form FN-022 (Order for Payment from Court Deposit), Local Form FN-030 (Payee Data Record), and Certificate of Facts Re: Unsatisfied Judgment.

*(Effective 1/1/2024)*

During trial, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.

A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF or it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit shall file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

A party who is required, under these Rules, the California Rules of Court or otherwise, to lodge copies or to submit courtesy copies of certain documents at the request of the trial judge or other judge, shall continue to deliver such documents in paper form. In the Civil Division, such documents shall be delivered to Court Services with the Department number on the front page.

*(Effective 7/1/2018)*

**F. FORMAT OF EXHIBITS**

Exhibit attachments to pleadings filed electronically shall be separated by a single page with a title identifying the sequence of the exhibit.

*(Effective 6/20/2016)*

**G. ELECTRONIC FILING AND TRACKING OF TRIAL EXHIBITS**

Proposed trial exhibits shall not be filed electronically but shall be lodged in paper format with the trial department once assigned, unless otherwise instructed by the Court.

*(Effective 7/1/2018)*

**H. PROPOSED ORDERS**

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in a fully editable word-processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) shall be submitted to the Court by electronic mail using an address identified on the Court's website.

*(Effective 1/1/2019)*

**RULE 7 PRIVATELY RETAINED COURT REPORTERS****A. PRIVATELY ARRANGED COURT REPORTERS SERVICES**

If the services of an official court reporter are not available for a proceeding, a party may privately arrange for court reporter services at the party's own expense, pursuant to Government Code Section 68086 and California Rule of Court, rule 2.956.

**B. ARRANGEMENTS FOR A REPORTER**

A party must make arrangements for a reporter in advance of the proceeding if the party wishes the proceedings to be reported. Parties retaining a reporter must file a Request for Appointment of Official Reporter Pro Tempore (CV-5100) with the court at least 5 days prior to the hearing. At least one of the parties or counsel who wish the proceedings to be reported by the reporter to be appointed must sign the Request for Appointment. If the judicial officer has not received the Request for Appointment in time to approve it before the hearing, the Court has discretion to deny the request.

*(Effective 1/1/2019)*

**(1) PRIOR TO HEARING**

When a party arranges for a reporter, the reporter must be appointed as an official reporter pro tempore before the hearing begins. Every reporter must complete and sign sections 1, 2, and 3 of the Request for Appointment of Official Reporter Pro Tempore (CV-5100).

*(Effective 1/1/2019)*

**(2) ORDER APPOINTING PRO TEMPORE**

The Judicial Officer must sign the order appointing the reporter as an official reporter pro tempore, using the Request for Appointment of Official Reporter Pro Tempore (CV-5100), before the reporter may report the proceeding.

*(Effective 1/1/2019)*

**C. STIPULATION AND APPOINTMENT**

By signing the Request for Appointment of Official Reporter Pro Tempore (CV-5100), the reporter agrees to the following:

*(Effective 1/1/2019)*

- (1) The reporter has a valid, current California Certified Shorthand Reporter License and is in good standing with the Court Reporters Board of California.
- (2) The reporter is not a current full-time employee of the court and appointment as an official reporter pro tempore will not interfere with the reporter's obligations as a court employee.

*(Effective 7/1/2018)*

- (3) The reporter will provide current contact information with the court.
- (4) All fees for reporting services, including appearance, transcript and real-time fees, are the responsibility of the party or parties who arranged for the reporter services and may not be charged to the court.
- (5) The reporter will comply with statutes and rules applicable to official reporters pro tempore, including the duty to timely prepare transcripts, including those for appeals, in the proper form.
- (6) The reporter will demonstrate the highest standards of ethics and impartiality in the performance of his/her duties.
- (7) The reporter will comply with the court's requirements regarding uploading electronic archiving of notes within 48 hours of the date of the proceedings except in extenuating circumstances and as approved in advance by the Director of Court Services, or make other arrangements if the only notes are in paper form
- (8) The reporter will follow directions from the court and will be subject to the jurisdiction of the court to the same extent as an official reporter.
- (9) The reporter will be available for read-back of notes taken during a jury trial within 30 minutes of the court's request.
- (10) If providing real-time reporting or other litigation support services (e.g. Live Note), the reporter is responsible for providing and connecting the necessary equipment. Instructions will be provided by the Director of Court Services.

**D. ADDITIONAL INFORMATION FOR PARTIES AND REPORTERS**

- (1) There can be only one official record of court proceedings, and only a reporter appointed by the court may report a court proceeding. (Code of Civil Procedure Section 273; Government Code Sections 70043 and 70044; *Redwing v. Moncravie* (1934) 138 Cal. App. 432, 434.) Only one reporter will be allowed to report a court proceeding at any given time. If the parties cannot agree on a reporter, the judicial officer will make the selection. The transcript may not be modified except on court order.
- (2) The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees, although the parties may arrange to share the fees at terms the parties negotiate. (California Rules of Court, rule 2.956(c).) All fees must be paid directly to the court reporter.
- (3) The tardiness or failure of a privately retained court reporter to appear for a trial or hearing will not be grounds to continue or delay a trial or proceeding, unless the court in its discretion finds good cause for a delay.

*(Effective 1/1/2021)*

**(4) TRANSCRIPTS**

- (a) The judicial officer may order any party who arranges for the transcription of proceedings by the official reporter pro tempore to lodge a copy of the transcript with the court. (Code of Civil Procedure Section 128(a).)
- (b) Transcripts produced by an official reporter pro tempore will be treated, for court purposes, identically to transcripts prepared by official reporters. Reporting notes of an official reporter pro tempore are official records of the court. (Government Code Section 69955(a).) The notes of an official reporter pro tempore, when transcribed and certified, are prima facie evidence of the testimony and proceedings. (Code of Civil Procedure Section 273(a).)
- (c) Certified transcripts are admissible as evidence to the extent otherwise permitted by law. Transcripts prepared by a privately retained certified shorthand reporter appointed by the court as an official reporter pro tempore are admissible as evidence to the extent otherwise permitted by law. (Code of Civil Procedure Section 273(a).)
- (d) The Request for Appointment of Official Reporter Pro Tempore (CV-5100) is available as a form Attachment to the Local Rules at [www.scscourt.org](http://www.scscourt.org).

*(Effective 1/1/2019)*

**RULE 8 COURT SECURITY VIDEO RECORDINGS**

**A.** Unless otherwise provided for by statute, court security video recordings must not be disclosed to non-Court personnel or agents except after consideration of a request for access to court security camera video form (See, e.g. Form GS-056) which will be sent to the Office of the General Counsel.

**B.** Because court security video recordings may be exempt from disclosure under California Rules of Court, Rule 10.500(f)(6), any request for video must describe, as narrowly as possible, 1) the time, date, and location of the video sought, 2) the specific reasons disclosure is warranted, and 3) why there are no other alternatives to disclosure.

- (1) If applicable, the request must give proposals for minimizing the potential impact on victims, witnesses, jurors, minors, judicial officers and court employees, the rationale for overriding the privacy interests of such persons, proposals for protection of such persons from harassment, embarrassment or intimidation, and proposals for protection of the attorney-client privilege.

**C.** Upon receiving the request for access to court security video form, the Court will provide the requestor with a copy of this Rule and Form GS-056 and notify the Office of the General Counsel of the request.

*(Effective 1/1/2021)*

## **RULE 9 REMOTE PROCEEDINGS**

### **A. DEFINITIONS**

- (1) “Civil case” is as defined in California Rules of Court, rule 3.672(c)(1), and includes Juvenile Dependency and Juvenile Justice cases, unless otherwise specified.
- (2) “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone, including, but not limited to, a computer, tablet, telephone, cell phone, or other electronic communication device.
- (3) “Remote appearance” means the appearance at a court hearing using remote technology by a party, attorney, witness, expert, social worker or other court participant.
- (4) “Remote proceeding” means a proceeding conducted in whole or in part using remote technology.

### **B. REQUIREMENTS FOR REMOTE APPEARANCES**

- (1) A If a remote proceeding is authorized a, person appearing remotely must:

*(Effective 7/1/2024)*

- (a) Have sufficient internet speed and/or telephone connectivity to fully participate in all aspects of the hearing without disruption.
  - (b) Have the ability to clearly communicate with the court and all other participants at the hearing through a telephone, cell phone, microphone, headset or other similar device enabling a clear audio stream.
  - (c) If appearing by video, have a device capable of capturing and displaying a clear video stream.
  - (d) Have an indoor location with limited background noise that the person can use for the entire hearing.
  - (e) Ensure there are no interruptions or distractions for the duration of their appearance at the hearing. No other individual may appear with the participant or be heard during the hearing without prior court approval, other than when an attorney appears with their client from a common remote location.
  - (f) Observe the same degree of courtesy, decorum, and courtroom etiquette as required for an in-person appearance. Attorneys must appear in professional business attire. A remote court appearance is a court appearance and must be conducted consistent with the Court’s Standing Order Regarding the Santa Clara County Bar Association Code of Professionalism.
  - (g) Comply with California Rules of Court, rule 1.150 and Local General Rule 2, by not recording, photographing, capturing an image of, or broadcasting any part of or any participant to a remote proceeding in any manner.
  - (h) Comply with any other instructions for remote appearances given by the judicial officer.
- (2) The court may reschedule or continue a remote proceeding if the requirements listed in (B)(1) are not satisfied or if a distraction or disturbance interferes with the hearing.
  - (3) A party, witness, reporter, interpreter or other participants should make an effort to alert the judicial officer of technological or audibility issues during a hearing by sending a message through the “chat” function of the remote technology, by informing another participant in the hearing, or by sending an email to the hearing department as directed by the court or department.

*(Effective 7/1/2024)*

- (4) Unless approved by the court, participants must appear with their camera turned on if appearing by video. If a participant has security concerns about appearing on camera, this concern should be brought to the court’s attention prior to the hearing.
- (5) If a participant is only able to appear by telephone, the participant must identify themselves when requested by the court and thereafter when speaking during the hearing. Participants appearing by telephone may not place the court on hold or use a speakerphone. Participants may turn off “caller ID” when appearing by telephone.

### **C. COURT DISCRETION TO REQUIRE IN-PERSON APPEARANCE**

Notwithstanding the other provisions of this rule and the availability of remote technology, the court may, in its discretion, consistently with Code of Civil Procedure section 367.75:

*(Effective 7/1/2024)*

- (1) Require a party, attorney, or other participant to appear at any hearing in person; or
- (2) On its own motion, conclude a remote proceeding and require a party or attorney to appear in person at a subsequent or continued hearing.

### **D. NOTICE AND WAIVER FOR DURATION OF CASE**

- (1) Except as required by (C), a party may at any time during a civil case provide notice to the court and all other parties that the party intends to appear remotely for the duration of the case by filing Judicial Council of California form RA-010, Notice of Remote Appearance, at least 5 court days before the next scheduled hearing in the case.
- (2) All parties to a civil case may agree to waive notice of any other participants’ remote appearance through a written stipulation filed with the court or through an oral stipulation made at a hearing.

### **E. SELF-REPRESENTED PARTIES**

A remote appearance by a self-represented party in a civil case will be construed as an agreement to appear remotely at the hearing pursuant to Code of Civil Procedure section 367.75, subdivision (g).

### **F. IN-PERSON HEARINGS**

*(Effective 7/1/2024)*

Whether a hearing will be held remotely or in person in civil cases is generally governed by Code of Civil Procedure sections 367.75 and 367.76, and rule 3.672 of the California Rules of Court.

*(Effective 7/1/2024)*



- (1) The following evidentiary hearings will presumptively be conducted remotely, in whole or in part, as directed by the assigned judicial officer, in the Family Division:
  - (a) Court trials
  - (b) Evidence Code 402 and 403 hearings
  - (c) Fee waiver hearings
  - (d) Hearings on Requests for Order
  - (e) Review hearings based on a Request for Order, including Post Mediation Hearings, Judicial Custody Conferences, and Custody Settlement Conferences
  - (f) Hearings on orders to show cause
  - (g) Hearings regarding requests for domestic violence and gun violence, civil harassment and elder abuse restraining orders
  - (h) Hearings regarding requests for civil harassment and elder abuse restraining orders, when heard in the Family Division
  - (i) Long-cause hearings

For such remote evidentiary hearings, the court may nevertheless grant leave for a party, attorney, witness, or other court participant to appear in person, and such leave may be granted at the hearing itself.

- (2) The court may exercise its discretion to require an in-person hearing or in-person testimony for the foregoing evidentiary hearings, on a hearing-by-hearing basis, either upon its own motion or after a party has filed an opposition to a remote hearing or remote testimony. A party may request that the court disallow a remote appearance or remote testimony by filing Judicial Council of California form RA-015, Opposition to Remote Proceeding at Evidentiary Hearing or Trial, at least 5 court days before the remote proceeding.

**G. Other Hearings Held In Person**

- (1) Except for the hearings listed in (F)(1), all other hearings will presumptively be held in person in civil cases unless the court orders the proceeding to be held remotely or grants leave for a participant to appear remotely.
- (2) All parties to a civil case may agree to a remote proceeding through a written stipulation filed with the court or through an oral stipulation made at a hearing. The court may accept or reject the stipulation.
- (3) A person may provide notice that the person intends to appear remotely at a hearing in the Civil Division, Family Division, Probate Division, or in Juvenile Justice by filing Judicial Council of California form RA-010, Notice of Remote Appearance, at least 5 court days before the hearing. This provision does not apply to dependency hearings in the Juvenile Division.
- (4) Any person who is authorized to be present at a juvenile dependency hearing, other than a testifying witness, may request to appear remotely using any means, oral or written, that is reasonably calculated to ensure receipt by the court no later than the time the case is called for hearing. The court retains discretion under (C) above to require an in-person appearance.
- (5) Any request for a remote appearance by a testifying witness in a juvenile dependency case must be made in writing by counsel for the party calling the witness or, if the party does not have counsel, by the party, by filing the request with the court and serving a copy of the request on counsel for all other parties or, if a party does not have counsel, on the party, by any means authorized by law reasonably calculated to ensure receipt no later than close of business three court days before the proceeding. The court retains discretion under (C) above to require an in-person appearance by the witness.
- (6) A remote appearance by a person who has not provided advance notice will be construed as a request to appear remotely pursuant to California Rules of Court, rule 3.672(j)(2). The court may grant leave for the person to appear remotely at the hearing.

*(Effective 4/1/2022)*