

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)