

Rule 5.17 Appearances for Non-Trial Events in the Hearing Department

- (A) General Provision Authorizing Parties to Appear Remotely.** ~~Early Neutral Evaluation~~ Prefiling Settlement Conferences, Settlement Conferences, and all ~~Hearings~~ hearings as defined in rule 5.4(37) except evidentiary hearings and trials will take place remotely by video or telephone. The court will publish information for remote appearances for proceedings open to the public on the State Bar Court website.
- (B) Notice by Party to Appear In Person.** Notwithstanding subparagraph (A), a party may appear in-person upon notice to the court that is served on the opposing party.
- (1) Notice to the Court.** The notice must be in writing and filed with the court as far in advance as possible but no fewer than 10 days before the appearance. The notice must be in writing and may be submitted using the State Bar Court Form Notice re Remote or In-Person Appearance form.
 - (2) Notice to the Opposing Party.** The party must serve the notice on the opposing party pursuant to rule 5.26 or 5.26.1. ~~If notice is not provided electronically pursuant to rule 5.26.1, the party must also provide notice by telephone or in-person no fewer than ten days before the appearance.~~
 - (3) Notice by the Opposing Party.** On receipt of notice under subparagraph (B)(2), should the opposing party elect to also appear in-person, that party must notify the court and all other parties no fewer than two court days before the appearance. The notice must be in writing, may be submitted using the State Bar Court Form Notice re Remote or In-Person Appearance form, and must be served on all parties pursuant to rule 5.26 or 5.26.1. ~~If notice is not provided electronically pursuant to rule 5.26.1, the party must also provide notice by telephone or in-person no fewer than two court days before the appearance.~~
 - (4) Court Discretion to Order Remote Appearance or to Reschedule Proceeding.** If a party has provided notice of the party's intent to appear in-person under this subparagraph, the court may, in its discretion and in the interests of justice, order that the proceeding be conducted remotely or rescheduled ~~if the judge is already scheduled to conduct another in-person proceeding in a different venue on the same date.~~
- (C) Court Discretion to Require In-Person Appearance.** Notwithstanding subparagraph (A), the court has discretion to require an in-person appearance, to conduct a proceeding partially remotely by video or telephone, or to continue the matter if, at any time during the proceeding being conducted remotely, the court determines that:
- (1)** An in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - (2)** The quality of the technology or audibility at a proceeding prevents the effective management, ~~or resolution of the proceeding or~~ inhibits the ability to accurately prepare a recording ~~of the proceeding;~~ or
 - (3)** The court otherwise determines that an in-person appearance is necessary.

- (D)** The ~~hearing department~~ Hearing Department ruling to require a remote appearance under subparagraph (B)(4) or to require an in-person appearance under ~~sub~~paragraph (C) is the final ruling in the State Bar Court and is not reviewable.