

# Superior Court of California County of Marin

COURT ADMINISTRATION



3501 Civic Center Drive, Room 116  
P.O. Box 4988  
San Rafael, CA 94913-4988  
(415) 444-7020

## **REMOTE ACCESS PROCEDURES**

Pursuant to Marin County Superior Court Administrative Order 20-06, and Emergency Rules 1-11 of the California Rules of Court adopted and effective April 6, 2020, the Court has implemented the following remote access procedures:

(Check back for Civil, Family, and Juvenile department remote court procedures.)

### **CRIMINAL DEPARTMENTS**

#### Remote Proceeding, Generally

Upon consent by the defendant (as described in Emergency Rules 3 and 5 adopted and effective April 6, 2020), all criminal proceedings will be conducted by video conferencing, utilizing the Zoom.us video conferencing software, provided by Zoom Video Communications, Inc.

The video conferencing court sessions may be joined by counsel and other participants by use of the [Zoom.us](https://zoom.us) desktop/laptop application, a web browser for those without the [Zoom.us](https://zoom.us) application, or a smart device (such as iPhone or iPad). The desktop/laptop application provides the most functionality and flexibility. The court encourages use of such applications, where possible.

The meeting URL, meeting number, meeting phone number, and meeting password will be sent to participants (counsel, self-represented defendants, and probation) prior to each court session.

To the extent a witness will be called at any evidentiary hearing, the parties must identify the witness by 10:00 AM the day prior to the hearing, by sending an email to the courtroom clerk. Counsel may then share the meeting URL, meeting number, meeting phone number, and meeting password with the witness.

For participants who do not have access to a computer, or smart device, the court session may be joined (audio only) by telephone.

All participants will be required to enter a password upon entry. The password will also be provided by the court.

Participants joining a court session will be placed in a queue (virtual waiting room), and should remain ready to join the video/audio conferencing session when their case is called.

Participants who do not have access to a computer, smart device, or telephone, and who have no access to the remote proceeding, may seek authorization to appear in court.

### Documents

Any document to be referenced, marked, or filed during the course of any video conference court session must be emailed to the court clerk, with copy to opposing party/parties. Counsel may email the courtroom clerk such documents at the commencement of the court calendar. The documents to be proffered as evidence must be clearly identified by party affiliation, and number. Plea forms and other documents must be clearly identified. The court will display documents during the court hearings at the appropriate time, during the court hearing. The court will print such documents for the court file as appropriate.

Documents presented during, and in the course of, a remote proceeding, such as a plea form and accompanying waivers, and criminal protective orders, may be signed electronically.

The court will not require the defendant's signature on any document. Defense counsel must review plea forms with clients and attest at the court hearing to such review. The court will orally voir dire the defendant about the plea and the plea form.

### Court Record

In felony matters, the court sessions will be reported by a certified court reporter. The sessions will also be audio and video recorded by the court. The recordings will be saved on a local drive (not in the cloud) for the sole purpose of being used as a backup in the event the court reporting fails.

In misdemeanor matters, the court sessions will be reported by the in-court electronic recording system. The court sessions will also be audio and video recorded by the court. The recordings will be saved on a local drive (not in the cloud) for the sole purpose of being used as a backup in the event the courtroom electronic recording fails.

The proceedings may not be recorded by the participants.

The proceedings will not be publicly broadcast. A member of the public wishing to view the proceedings may request access from the court.

### Matters in which Defendant does not Consent to Remote Proceeding

In the event a defendant does not consent to a remote appearance, the matter will be postponed until the next available in-court session as authorized by all applicable rules enacted during the state of emergency related to the COVID-19 pandemic. For non-evidentiary hearings, counsel may advise the court of the "non-consent" at any time up to, and including, the time of the set

court appearance. For evidentiary hearings, counsel must advise the court and opposing counsel of the “non-consent” at least 48 hours prior to the set appearance.

The court will set “non-consent” matters at its discretion consistent with the Rules of Court referenced above.

Attorneys representing a non-consenting defendant must appear in person, before the judge (also appearing in person) in the courtroom with the client. All other participants may appear remotely. Non-consenting defendants’ attorneys must advise the jail of the non-consent prior to the commencement of the court calendar, so that jail staff are not required to organize a video appearance.

#### Defendant’s waiver of Appearance

Pursuant to Emergency Rules 3 and 5 of the California Rules of Court adopted and effective April 6, 2020, defendants may waive appearance, and appear through counsel. Counsel who receive such authorization from a client must advise the jail prior to the commencement of the court calendar, so that jail staff are not required to organize a video or personal appearance.