

Superior Court of California County of Marin

COURT ADMINISTRATION



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REMOTE ACCESS PROCEDURES FOR ALL MATTERS EFFECTIVE JUNE 1, 2020

Pursuant to Marin County Superior Court Administrative Orders 20-06, 20-07, 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, which will be in effect during the time Administrative Orders 20-04, 20-05, 20-06, 20-07, (and any extensions thereof) are in effect. These procedures apply to hearings of all matters effective June 1, 2020.

Remote Proceeding, Generally

With the exception of hearings where a party's personal appearance is required (including initial appearances on a citation to appear in Department N, and any other appearance in which a judge orders a person to appear) All proceedings in Marin County Superior Court will be conducted by video conferencing, utilizing the Zoom.us video conferencing software, provided by Zoom Video Communications, Inc., and/or by V-Court (telephone conference call). Appearing remotely is free to all parties.

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.

Note that not all court sessions will utilize video conferencing technology. Some civil and family matters will utilize telephone conferencing only. Parties will be instructed as to the available method in their particular hearing.

The meeting URL, meeting number, meeting phone number, and meeting password will be sent to participants (counsel and self-represented litigants) prior to each court session. If a party or counsel does not receive the meeting information, request may be made by emailing videoappearance@marin.courts.ca.gov. Note, that this email address is for parties and counsel only. For public access, see below.

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. The call in number is listed on the invitation.

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

In all matters as to which an interpreter is required by law, the court sessions will be interpreted by a certified court interpreter.

Remote Proceeding, Instructions

Parties will receive an email containing a hyperlink to join the meeting. If accessing from a computer, click on the hyperlink and follow the instructions. If the link does not work then click “Join Meeting” in the Zoom application and input the meeting number and password (from the invitation)

If a party is unable to join by computer, the party may join by telephone. The phone number will be included in the email invitation to the meeting. If a party does not have an email address, arrangements will be made by the court clerk to provide the meeting number, phone number, and password.

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.

“Self-Represented Litigants are encouraged to check with the Legal Self-Help Center of Marin (phone: 415-444-7130; email: selfhelp@marin.courts.ca.gov) for additional suggestions about accessing Zoom hearings.”

When joining a court session by Zoom, please keep in mind the following rules of virtual courtroom etiquette:

Be on time. You must join the videoconference through the following link and/or telephone number and connect to the hearing at least 5 minutes prior to your scheduled hearing.

Do not announce your presence until the court calls your case. Simply stay on the videoconference/telephone line, even if there is only silence, until the Judge starts the hearings. Listen quietly until your case is called.

When your case is called, speak one at a time and pause prior to speaking in case there is any video/audio lag.

If court has commenced, do not interrupt. The court must ensure that the statements of participants are audible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant. Parties will have an opportunity to speak, so please be patient.

Please mute your electronic device/phone when you are not speaking. If you need to speak, please raise your hand (when appearing on video).

If you are calling in on a telephone, do not put the court on hold if it will result in music or other noise.

Parties must appear in a quiet, private area with minimal background noise. Avoid noisy and echoing locations.

No children are allowed to be present for the hearing; only the parties and their attorneys.

Parties must be dressed in appropriate courtroom attire.

Whenever speaking, first identify yourself. When the court calls your case, it's helpful if the moving party speaks first to avoid multiple parties speaking at the same time.

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 identifying the party offering the document, and case number. 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 may be signed electronically.

In criminal and juvenile matters, the court will not require the minor/non minor's signature on any document. Counsel must review plea forms with minors and attest at the court hearing to such review. The court will orally voir dire the defendant or the minor about any plea and the plea form.

Court Record

In all matters for which a court reporter's record is required by law the court sessions will be reported by a certified court reporter.

In criminal felony matters, the court sessions will be reported by a certified court reporter.

In misdemeanor matters, the court sessions will be reported by the in-court electronic recording system.

The proceedings may not be audio or video recorded by the participants. Prohibited recording includes, but is not limited to, screenshots, other visual copying or photographing images or video of the proceedings, and audio recording of the proceedings.

The proceedings will not be publicly broadcast. A member of the public wishing to view the proceedings may request access from the court. See the public access procedure at <https://www.marincourt.org/data/hpnews/308.pdf>.

Consent Required in Criminal and Juvenile Matters

The court must have a juvenile, or criminal defendant's consent to appear remotely. Such consent may be communicate to the court orally by counsel

In the event a minor/non-minor dependent/ward or criminal 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, in criminal matters, counsel may advise the court of the "non-consent" at any time up to, and including, the time of the set court appearance. For non-evidentiary hearings, in juvenile matters, counsel may advise the court and juvenile hall of the "non-consent" at any time up to, and including, the time of prior to 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 minor/nonminor ward/dependent or criminal defendant must appear in person, before the judge (also appearing in person) in the courtroom with the client. All other participants may appear remotely.

Minor/non-minor ward/dependents and criminal defendant's waiver of Appearance

Pursuant to Emergency Rules 3 and 5 of the California Rules of Court adopted and effective April 6, 2020, minor/nonminor wards/dependents and criminal defendants may waive appearance, and appear through counsel. The waiver may be orally communicated to the court by counsel.