

**PROPOSED AMENDMENTS TO LOCAL RULES
SUPERIOR COURT, COUNTY OF HUMBOLDT
EFFECTIVE JULY 1, 2022**

CHAPTER 1 – GENERAL SECTION LOCAL RULES

For revision in Chapter 1 as ~~stricken~~ and/or underlined (*as amended*):

1.13 ~~Telephonic~~ Remote Appearances (Telephonic and Video)

Except when a personal appearance is required, remote appearance by telephone or video is permitted under the circumstances and procedures listed in California Rules of Court, Rule 3.670. Personal appearances are required for evidentiary hearings, which include but are not limited to, testimony at trials, and domestic violence restraining order hearings. ~~All other types of hearings are pre-approved and do not require Court approval.~~

Appearances for non-evidentiary hearings or case management conferences are pre-approved and do not require Court approval.

~~Parties requesting approval to appear remotely at an evidentiary hearing via telephone must first submit their written request via email to: phonerequests@humboldtcourt.ca.gov.~~

Parties requesting approval to appear remotely at evidentiary hearings must comply with California Rules of Court 3.672. Notice to the court must be given by filing the mandatory Judicial Council form “Notice of Remote Appearance” (JC Form #RA-010) and must specify whether the party intends to appear remotely throughout the case or for a specific hearing and whether the party intends to appear by videoconference or audio only (including telephone). Notice to the other parties and persons entitled to receive notice of the proceedings may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least two court days prior to the hearing.

A party that objects to the remote appearances for evidentiary hearings must file and serve the mandatory Judicial Council form “Opposition to Remote Proceeding for Evidentiary Hearing or Trial” (JC Form #RA-015). Upon receipt, the Court will consider the request and opposition and prepare the mandatory Judicial Council form “Order Regarding Remote Appearance” (JC Form #RA-020).

Any party or witness may ask the court for leave to appear remotely without notice. The court may permit the party or witness to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice. (See CRC 3.672, subd. (j)(2).)

~~CourtCall provides the telephonic services used by the Court. Parties must contact CourtCall, LLC at (888) 882-6878 no later than noon the day before the hearing to schedule telephonic appearances. CourtCall charges a fee for their services unless they have a fee waiver on file. It is the requestor’s responsibility to provide a copy of their fee waiver to CourtCall.~~

It is the responsibility of the party making the remote appearance to ensure that their internet connection, hardware, and software is sufficient for a clear connection to video and audio, so that the party can be seen and heard in the courtroom. A failure to appear because of difficulties with connecting to the courtroom remotely is not good cause for failing to appear.

Nothing in this rule is intended to nor shall diminish the legal and lawful authority of an individual judicial officer's right to control the order in their courtroom (Code Civ. Proc. § 128) or make discretionary decisions that deviate from this order but otherwise comply with the law.

Further information for parties desiring to appear ~~by telephone~~ remotely is available on the Court's website at: humboldt.courts.ca.gov.

(Eff. 01/01/2014; as amended eff. 01/01/2017; as amended eff. 07/01/2022)

1.16 Court Interpreters:

~~Prosecution or defense~~ Parties' requests for interpreters for trial, preliminary examinations, motions, or any other appearances, must be made in open court at the time these matters are set. If an interpreter is required by any party to an action, and a request cannot be made in open court, counsel shall advise the Court of the need for an interpreter at least ~~five (5)~~ ten (10) court days prior to the ~~trial or hearing~~ appearance. A Request for Interpreter Form is available on the Court's website at: humboldt.courts.ca.gov and must be filed with the clerk's office at least ten (10) court days before the date of the trial, hearing, or other appearance for which an interpreter is required. Pursuant to Cal. Rule of Court 10.810, the Court will make arrangements for the foreign language interpreter to be present at the ~~trial or hearing~~ scheduled appearance and will pay the related costs. Counsel must immediately notify the Court not later than 48 hours prior to the scheduled hearing date upon learning that the services of the interpreter are not required. Failure to provide 48-hour notification to the Court of the cancellation of the need for an interpreter may result in an order for reimbursement to the Court for any cancellation fee the Court is required to pay to the interpreter.

For criminal and juvenile matters, the Court shall provide certified, registered or provisionally qualified interpreters. The Court will diligently attempt to secure a qualified interpreter pursuant to the priorities and provisions set forth in Evidence Code §756.

(a) Responsibility for Notice

The party requiring the services of an interpreter is responsible for providing Notice to the Court.

(b) Continuances

The Court will not grant continuances in proceedings where the Court has obtained the services of court interpreters without a showing of good cause.

Parties and counsel seeking the continuance of proceedings with court interpreters shall do so at least three (3) court days prior to the date of the proceeding by submitting a new Request for Court Interpreter Form, advising the Court that the interpreter will not be needed.

(c) **Failure to Adhere**

Absent a showing of good cause and proper notice to the Court, the judge may order that the cost of the interpreter be paid by the requesting party.

(Eff. 07/01/2021; as amended eff. 07/01/2022)