



**Superior Court of California
COUNTY OF ALAMEDA**

May 10, 2023

Notice to Attorneys and to All Interested Parties:

Invitation to Comment on Proposed Amendments to Local Rules and Forms

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rule.

The proposal also may be viewed [here](#) or [here](#). In addition, a hard copy of the proposal is available upon request by email at pcomments@alameda.courts.ca.gov or by phone at 510-891-6012.

Important dates:

- The last day to comment is **June 24, 2023, at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **July 1, 2023**, whichever is sooner.

Text of Proposed Rules and Amendments: *see attached.*

Comments must be submitted in writing to:

Andrew Taylor
Superior Court of California, County of Alameda
1225 Fallon Street, Room 209
Oakland, CA 94612
E-mail: pcomments@alameda.courts.ca.gov

Rule 5.37. Application and Order for Telephone Appearance [REPEALED]

~~(a) Application~~

~~This rule applies to all family law cases, including those brought under the Domestic Violence Prevention Act, except Title IV-D child support hearings and conferences.~~

~~(b) General provision regarding telephone appearance at family law status conferences, family centered case resolution conferences, and hearings to review the dismissal of an action~~

~~Telephone appearances by a party or an attorney for a party may be authorized for appearances at family law status conferences, family centered case resolution conferences, and hearings to review the dismissal of an action.~~

~~(c) Required personal appearances~~

~~A personal appearance is required for hearings, conferences, and proceedings not listed in subsection (b), including the following:~~

- ~~(1) Trials and hearings at which witnesses are expected to testify;~~
- ~~(2) Settlement conferences, whether mandatory or voluntary;~~
- ~~(3) Hearings on motions in limine;~~
- ~~(4) Hearings on an order to show cause why sanctions should not be imposed for violation of a court order or rule, provided that the personal appearance is required only of the person to whom the order is directed;~~
- ~~(5) Persons ordered to appear in any order or citation issued under the Probate Code.~~

~~(d) Court discretion to deny or grant an individual request~~

~~Notwithstanding the provisions of subsections (b) and (c) above, the court may deny or grant a request to appear by telephone if the court determines that it is appropriate to do so in an individual case.~~

~~(e) Need for personal appearance~~

~~If, at any time during a hearing, conference, or proceedings conducted while any person is appearing by telephone, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.~~

~~(f) Notice by party~~

- ~~(1) — A party or attorney who wishes to appear by telephone at a family law proceeding must file and serve an *Application and Order for Telephone Appearance (ALA FL-037)* at least 12 court days before the date set for the proceedings.~~
- ~~(2) — Service of the *Application and Order for Telephone Appearance (ALA FL-037)* must be made by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.~~
- ~~(3) — If, after receiving notice from another party or attorney provided under subsection (1), a party or attorney that has not given notice also decides to request authorization to appear by telephone, that party must file and serve an *Application and Order for Telephone Appearance (ALA FL-037)* no later than noon on the court day before the conference or hearing. Service of the *Application and Order for Telephone Appearance (ALA FL-037)* must be made by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.~~

~~**(g) — Response to notice**~~

- ~~(1) — If, after receiving notice from another party or attorney provided under subsection (1), a party or attorney that has not given notice also decides to request authorization to appear by telephone, that party must file and serve an *Application and Order for Telephone Appearance (ALA FL-037)* no later than noon on the court day before the conference or hearing. Service of the *Application and Order for Telephone Appearance (ALA FL-037)* must be made by personal delivery, fax transmission, express mail, or other means reasonably calculated to ensure delivery to the parties no later than the close of the next business day.~~
- ~~(2) — If, after receiving notice from another party or attorney provided under subsection (1), a party or attorney that has not given notice objects to the request, that party must file and serve an objection to the request. The objection may be filed by using pleading paper or the Judicial Council form MC-030 and must be labeled Objection to Application and Order for Telephone Appearance. Any objection must state the reasons for objecting to the requested telephone appearance. An objection must be filed and served at least seven court days before the date set for the proceedings.~~

~~**(h) — Provision of telephone appearance services**~~

~~The provisions for telephone appearances that apply to general civil actions, including provisions concerning the method, fees to appear by telephone and collection of those fees, effect of fee waivers, audibility procedures, reporting of~~

~~proceedings during which a party or attorney appears by telephone, apply to telephone appearances in family law matters.~~

Rule 5.37 which was adopted effective January 1, 2013, is repealed effective July 1, 2023.