



The State Bar *of California*

OPEN SESSION AGENDA ITEM 703 NOVEMBER 2021

DATE: November 18, 2021

TO: Members, Board of Trustees

FROM: Michelle Cramton, Clerk of the State Bar Court
Erika Doherty, Projects Attorney, State Bar Court

SUBJECT: Proposed Interim New and Amended Rules of Procedure to Continue to Conduct State Bar Court Proceedings Remotely: Request for Interim Adoption and Request to Circulate for Public Comment

EXECUTIVE SUMMARY

This agenda item requests that the Board of Trustees adopt Interim Rules of Procedure of the State Bar of California that will authorize the State Bar Court to continue to conduct court proceedings remotely effective January 1, 2022. Additionally, this agenda item proposes that the same rules are issued for a 45-day public comment period for permanent consideration.

BACKGROUND

Effective March 17, 2020, and in response to the COVID-19 pandemic and the related State of Emergency, the State Bar closed the San Francisco and Los Angeles buildings to the public on a temporary basis. The buildings were reopened to the public beginning June 15, 2020, and then closed again December 7, 2020, until February 1, 2021. Effective April 6, 2020, the Judicial Council of California adopted Emergency Rule 3 of the Rules of Court (Emergency Rule 3), which authorizes courts to conduct judicial proceedings remotely as an important means of balancing access to justice and the health of parties, court staff and judicial officers, and the public due to the COVID-19 pandemic. Since April 2020, the State Bar Court has relied on Emergency Rule 3 to conduct nearly all court proceedings remotely by video using Zoom technology and by telephone.

Effective March 17, 2020, and in response to the COVID-19 pandemic and the related State of Emergency, the State Bar closed the San Francisco and Los Angeles buildings to the public on a temporary basis. The buildings were reopened to the public beginning June 15, 2020, and then closed again December 7, 2020, until February 1, 2021. Effective April 6, 2020, the Judicial Council of California adopted Emergency Rule 3 of the Rules of Court (Emergency Rule 3), which authorizes courts to conduct judicial proceedings remotely as an important means of balancing access to justice and the health of parties, court staff and judicial officers, and the public due to the COVID-19 pandemic. Since April 2020, the State Bar Court has relied on Emergency Rule 3 to conduct nearly all court proceedings remotely by video using Zoom technology and by telephone.

Recently, the Legislature enacted Senate Bill 241, which authorizes remote proceedings in all civil cases pursuant to new section 367.75 of the Code of Civil Procedure (section 367.75). Effective January 1, 2022, section 367.75 will permit remote proceedings in all civil proceedings. On November 2, 2021, the Rules Committee of the Judicial Council proposed new and amended Rules of Court to implement section 367.75. To avoid any conflict with these proposed Rules of Court, the Rules Committee also proposed an amendment to Emergency Rule 3 to exclude civil proceedings from the scope of that rule. The Judicial Council will vote on whether to adopt the proposed Rules of Court and whether to amend Emergency Rule 3 on November 19, 2021, with the changes proposed to go into effect on January 1, 2022.

If these changes are approved by the Judicial Council, beginning on January 1, 2022, the State Bar Court can no longer rely on Emergency Rule 3 to conduct court proceedings remotely. As such, unless there are changes to the Rules of Procedure that are effective on or before January 1, 2022, nearly all State Bar Court proceedings will be required to be held in person. Remote court proceedings would be limited to instances in which there is an existing Rule of Procedure that authorizes a remote appearance or when the parties stipulate to a remote appearance.

DISCUSSION

The State Bar Court is proposing two new Rules of Procedure, rules 5.17 and 5.18, and an amendment to existing rule 5.154 to continue to authorize State Bar Court proceedings to be conducted remotely. If adopted, the parties would be able to continue to appear remotely for all court proceedings, including but not limited to settlement conferences, pretrial conferences, trials, and oral argument.

Since April 2020, the State Bar Court has conducted nearly all court proceedings remotely by video or telephone. Remote access to court events has been an important means of maintaining and improving access to justice in the State Bar Court. It has reduced or eliminated the need for respondents and their counsel to travel for court proceedings, saving travel time and costs. The State Bar Court has two locations, San Francisco and Los Angeles. Prior to the use of remote court proceedings, parties and counsel would often have to travel significant distances to attend any proceeding in the State Bar Court, no matter the duration of the proceeding.

Proposed new rules 5.17 and 5.18 will govern remote proceedings in the State Bar Court Hearing Department. Proposed amendments to rule 5.154 will authorize oral argument to be conducted remotely by video in the State Bar Court Review Department. Existing rule 5.154 already authorizes the Review Department to conduct oral argument by telephone.

Proposed rule 5.17 applies to all court proceedings in the Hearing Department except for evidentiary hearings and trials. Such court proceedings will be conducted remotely unless a party provides notice of their intent to appear in person. Upon notice of the party's intent to appear in person, a judge may in their discretion and the interests of justice order the proceeding to be conducted remotely or reschedule the proceeding if the judge is already scheduled to conduct another proceeding in person in a different venue on the same date. Additionally, during the remote proceeding, a judge may order a party to appear in person or continue a proceeding for one of three reasons: (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; or (3) if the judge otherwise determines that an in-person appearance is necessary. A judge's decision to require a remote appearance or require in-person appearance as described is not reviewable.

Proposed rule 5.18 applies to evidentiary hearings and trials in the Hearing Department. Evidentiary hearings and trials will be conducted in person unless a party gives notice of the party's intent to appear remotely. Another party, however, may oppose the remote appearance by showing why remote testimony or a remote appearance should not be allowed. If there is opposition to a remote appearance, the judge must determine whether to conduct the evidentiary hearing or trial using remote technology over a party's opposition. The judge must consider whether (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 could impact management or resolution of the proceeding or an accurate record; (3) there is any limited access to technology or transportation; or (4) whether the interests of justice are best served by permitting a party or witness to appear remotely over objection. The judge's decision to permit or deny a remote appearance is subject to interlocutory review in the Review Department. Additionally, a judge retains discretion to require an in-person appearance for the same reasons provided in rule 5.17.

Proposed rule 5.154 amends the existing rule to authorize oral argument to be conducted remotely by video. The existing rule permits oral argument in the Review Department to be conducted by telephone upon notice to the court. Similar to proposed rules 5.17 and 5.18, the Review Department may require an in-person appearance if an in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case; due to the quality of the technology or audibility at a proceeding; or if the court otherwise determines that an in-person appearance is necessary.

The proposed rules permit the parties to provide notice of their intent to appear remotely or appear in person using two new State Bar Court forms. These forms are not mandatory; they

are intended to make it simple for a party to provide notice of their intent to appear remotely or in person, and to provide notice of opposition to another party's intent to appear remotely at an evidentiary hearing or a trial.

This agenda item requests that the proposed rules be adopted on an interim basis pursuant to rule 1.10(C) of the Rules of the State Bar of California, which allows the Board of Trustees to adopt or amend a rule on an interim basis without first circulating it for public comment in the case of an emergency. The State Bar Court was made aware that Emergency Rule 3 would no longer apply in civil proceedings at the Judicial Council Rules Committee meeting on November 2, 2022, and is requesting that the proposed rules be adopted at the next scheduled Board of Trustees meeting. Without interim rules that continue to authorize remote court proceedings, the court will return to in-person court proceedings for a likely temporary period until permanent Rules of Procedure are approved through the ordinary rule-making process, including public comment and adoption. Interim rules will allow for continuity of remote court proceedings, which has benefited the parties and their counsel through reduced travel time and expense, and maintain the ability to appear remotely, to which the parties and their counsel have become accustomed.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF PROCEDURE

Title 5, Division 1 and Division 3 of the Rules of Procedure of the State Bar of California, Rules 5.17, 5.18, and 5.154

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: None

Should the Board of Trustees concur in the proposed action, passage of the following resolution is recommended:

- 1. Interim Rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California**

RESOLVED, that the Board of Trustees, determines pursuant to rule 1.10(C) of the Rules of the State Bar of California that the end of the applicability of Emergency Rule 3 to State Bar Court proceedings requires authorization of Interim Rules of Procedure to continue to permit the court to conduct proceedings remotely without prior public comment; and it is

FURTHER RESOLVED, that the Board of Trustees, having determined pursuant to rule 1.10(C) of the Rules of the State Bar of California that an emergency justifies the Board of Trustees to adopt these rules on an interim basis without public comment, hereby adopts Interim Rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California as set forth in Attachment A (clean copy) and Attachment B (redline copy) effective on the date that amended Emergency Rule 3 of the Rules of Court excluding civil proceedings goes into effect and effective for 120 days thereafter.

2. Public Comment Period for Proposed Rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California

RESOLVED, that the Board of Trustees authorizes staff to make available for a 45-day public comment period proposed rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California as set forth in Attachment A (clean copy) and Attachment B (redline copy).

ATTACHMENTS LIST

- A.** Proposed Interim Rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California (clean copy)
- B.** Proposed Interim Rules 5.17, 5.18, and 5.154 of the Rules of Procedure of the State Bar of California (redline copy)

5.17 Appearances for Non-Trial Events in the Hearing Department

(A) General Provision Authorizing Parties to Appear Remotely. Early Neutral Evaluation Conferences, Settlement Conferences, and all 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 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 State Bar Court Form *Notice re Remote or In-Person Appearance*.
- (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 State Bar Court Form *Notice re Remote or In-Person Appearance*, 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 decision to require a remote appearance under subparagraph (B)(4) or to require an in-person appearance under subparagraph (C) is the final decision in the State Bar Court and is not reviewable.

5.18 Appearances for Evidentiary Hearings and Trials in the Hearing Department

(A) **General Provision Requiring Parties and Witnesses to Appear in Person.** Except as permitted by this rule, parties and witnesses must appear in-person at evidentiary hearings and at trial as defined in rule 5.4(62).

(B) **Notice by Party to Appear Remotely.** Notwithstanding subparagraph (A), a party may appear remotely by video or telephone upon notice to the court that is served on the opposing party.

(1) **Notice to the Court.** Within 10 days after the court sends notice of the evidentiary hearing or notice of the trial date pursuant to rule 5.102, a party may provide notice of the party's intent to appear remotely. The notice must be in writing and may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*.

(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 within 10 days after the court has sent notice of the evidentiary hearing or notice of the trial date pursuant to rule 5.102.

(3) **Notice by the Opposing Party.** On receipt of notice under subparagraph (B)(2), should the opposing party elect to also appear remotely, that party must notify the court and all other parties within five days after the notice is served. The notice must be in writing, may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*, 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 within five days after the notice is served.

(C) **Opposition to Remote Proceedings.** In response to notice of a remote proceeding provided under subparagraph (B), a party may make a showing to the court as to why a remote appearance or remote testimony should not be allowed by serving and filing the State Bar Court Form *Opposition to Remote Proceedings at Evidentiary Hearing or Trial*.

(1) **Notice of Opposition to the Court and Parties.** The Opposition must be filed with the court and served on the parties within five days after the initial notice

of the party's intent to appear remotely. 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 within five days after the initial notice of the party's intent to appear remotely.

- (2) **Court Determination on Opposition.** In determining whether to conduct an evidentiary hearing or trial in whole or in part through the use of remote technology over opposition, the court must consider the following:
- i. Whether an in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - ii. Whether 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;
 - iii. Whether there is any limited access to technology or transportation asserted by a party that affects the ability for a party or witness to appear remotely; and
 - iv. Whether the interests of justice are best served by permitting a party or witness to appear remotely in whole or in part over another party's opposition.

(D) Court Discretion to Require In-Person Appearance. If an evidentiary hearing or trial is conducted remotely in full or in part, the court has discretion at any time during the proceeding being conducted remotely to require an in-person appearance if 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.

(E) Review. The court's decision regarding subparagraph (C) is reviewable under rule 5.150.

Rule 5.154 Oral Argument Before Review Department

Except as otherwise provided in these rules, the Review Department will give the parties an opportunity for oral argument. The parties may waive oral argument at any time up to five days before the date set for oral argument. Unless oral argument is waived or the parties agree

to a shorter period of notice, written notice of the time and place of oral argument must be served by the Clerk on the parties at least 30 days before the oral argument.

(A) General Provision Requiring Parties to Appear in Person. The Review Department will hear in-person oral argument in San Francisco and Los Angeles. Oral argument shall be scheduled in the venue in which the trial took place.

(B) Notice by Party to Appear Remotely. Notwithstanding subparagraph (A), a party may appear remotely by video or telephone upon notice to the court that is served on the opposing party.

(1) **Notice to the Court.** Within 10 days after the court sends notice of the time and place of oral argument, a party may provide notice of the party's intent to appear remotely. The notice must be in writing and may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*.

(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 within 10 days after the court sends notice of the time and place of oral argument.

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(C) Information for Remote Appearances. The court will publish information for remote appearances on the State Bar Court website.

(D) Court Discretion to Require In-Person Appearance. If oral argument is conducted remotely in full or in part, the court has discretion at any time during the proceeding being conducted remotely to require an in-person appearance if 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.

(E) Duration of Oral Argument. In a matter before the Review Department, each side shall have a maximum of 30 minutes for oral argument except as the Presiding Judge may otherwise direct.

(F) Expedited Oral Argument in Proceedings Underlying Business and Professions Code § 6007(c). Any respondent having timely sought review of a decision by the Hearing Department on the matter underlying an order for inactive enrollment under Business and Professions Code section 6007(c) may move that the review of that underlying matter be set for oral argument on the next available calendar regardless of location. Such motion shall be filed and served no later than the last day for filing briefs.

(G) Time of Submission. A proceeding pending in the Review Department is submitted when that Department has heard oral argument or has approved at the conclusion of oral argument unless otherwise ordered by the court.

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- (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:

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- (D) The decision to require a remote appearance under subparagraph (B)(4) or to require an in-person appearance under subparagraph (C) is the final decision in the State Bar Court and is not reviewable.

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- (A) **General Provision Requiring Parties and Witnesses to Appear in Person.** Except as permitted by this rule, parties and witnesses must appear in-person at evidentiary hearings and at trial as defined in rule 5.4(62).
- (B) **Notice by Party to Appear Remotely.** Notwithstanding subparagraph (A), a party may appear remotely by video or telephone upon notice to the court that is served on the opposing party.
- (1) **Notice to the Court.** Within 10 days after the court sends notice of the evidentiary hearing or notice of the trial date pursuant to rule 5.102, a party may provide notice of the party's intent to appear remotely. The notice must be in writing and may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*.
- (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 within 10 days after the court has sent notice of the evidentiary hearing or notice of the trial date pursuant to rule 5.102.
- (3) **Notice by the Opposing Party.** On receipt of notice under subparagraph (B)(2), should the opposing party elect to also appear remotely, that party must notify the court and all other parties within five days after the notice is served. The notice must be in writing, may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*, 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 within five days after the notice is served.
- (C) **Opposition to Remote Proceedings.** In response to notice of a remote proceeding provided under subparagraph (B), a party may make a showing to the court as to why a remote appearance or remote testimony should not be allowed by serving and filing the State Bar Court Form *Opposition to Remote Proceedings at Evidentiary Hearing or Trial*.
- (1) **Notice of Opposition to the Court and Parties.** The Opposition must be filed with the court and served on the parties within five days after the initial notice

of the party's intent to appear remotely. 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 within five days after the initial notice of the party's intent to appear remotely.

- (2) **Court Determination on Opposition.** In determining whether to conduct an evidentiary hearing or trial in whole or in part through the use of remote technology over opposition, the court must consider the following:
- i. Whether an in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - ii. Whether 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;
 - iii. Whether there is any limited access to technology or transportation asserted by a party that affects the ability for a party or witness to appear remotely; and
 - iv. Whether the interests of justice are best served by permitting a party or witness to appear remotely in whole or in part over another party's opposition.

(D) Court Discretion to Require In-Person Appearance. If an evidentiary hearing or trial is conducted remotely in full or in part, the court has discretion at any time during the proceeding being conducted remotely to require an in-person appearance if 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;
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(E) Review. The court's decision regarding subparagraph (C) is reviewable under rule 5.150.

Rule 5.154 Oral Argument Before Review Department

Except as otherwise provided in these rules, the Review Department will give the parties an opportunity for oral argument. The parties may waive oral argument at any time up to five days before the date set for oral argument. Unless oral argument is waived or the parties agree

to a shorter period of notice, written notice of the time and place of oral argument must be served by the Clerk on the parties at least 30 days before the oral argument.

(A) General Provision Requiring Parties to Appear in Person. The Review Department will hear in-person oral argument in San Francisco and Los Angeles. Oral argument shall be scheduled in the venue in which the trial took place. ~~Location of Oral Argument; Argument by Conference Telephone. Unless otherwise ordered by the court, the Review Department will regularly hear oral arguments in San Francisco and Los Angeles. Oral argument shall be scheduled in the venue in which the trial took place. By written request filed with the Clerk at least 10 days prior to the date of oral argument, counsel entitled to present oral argument may request to do so by a conference telephone system operated by the State Bar Court. The Review Department may require counsel to appear in person.~~

(B) Notice by Party to Appear Remotely. Notwithstanding subparagraph (A), a party may appear remotely by video or telephone upon notice to the court that is served on the opposing party.

(1) **Notice to the Court.** Within 10 days after the court sends notice of the time and place of oral argument, a party may provide notice of the party's intent to appear remotely. The notice must be in writing and may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*.

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(3) **Notice by the Opposing Party.** On receipt of notice under subparagraph (B)(2), should the opposing party elect to also appear remotely, that party must notify the court and all other parties within five days after the notice is served. The notice must be in writing, may be submitted using State Bar Court Form *Notice re Remote or In-Person Appearance*, 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 within five days after the notice is served.

(C) Information for Remote Appearances. The court will publish information for remote appearances on the State Bar Court website.

(D) Court Discretion to Require In-Person Appearance. If oral argument is conducted remotely in full or in part, the court has discretion at any time during the proceeding

being conducted remotely to require an in-person appearance if 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.

(E) ~~(B)~~ **Duration of Oral Argument.** In a matter before the Review Department, each side shall have a maximum of 30 minutes for oral argument except as the Presiding Judge may otherwise direct.

(F) ~~(C)~~ **Expedited Oral Argument in Proceedings Underlying Business and Professions Code § 6007(c).** Any respondent having timely sought review of a decision by the Hearing Department on the matter underlying an order for inactive enrollment under Business and Professions Code section 6007(c) may move that the review of that underlying matter be set for oral argument on the next available calendar regardless of location. Such motion shall be filed and served no later than the last day for filing briefs.

(G) ~~(D)~~ **Time of Submission.** A proceeding pending in the Review Department is submitted when that Department has heard oral argument or has approved at the conclusion of oral argument unless otherwise ordered by the court.