

1 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
2 **IN AND FOR THE COUNTY OF SANTA CLARA (CRIMINAL DIVISION)**
3 **STANDING ORDER OF THE COURT**
 REGARDING REMOTE APPEARANCES

4 GOOD CAUSE APPEARING, the Court adopts the following standing order¹ regarding
5 remote appearances in criminal cases.

- 6 (1) Consistent with Emergency Rule 5, an accused may appear remotely at pretrial
7 criminal proceedings without prior court approval.
- 8 (2) If Emergency Rule 5 is repealed, an accused may appear remotely only as permitted
9 by Penal Code § 977.
- 10 (3) Attorneys may appear remotely in proceedings in criminal cases if permitted by the
11 judge presiding over the proceeding. Individual judges shall have the discretion to
12 determine how attorneys shall seek approval to appear remotely. Individual judges
13 shall have the discretion to determine the scope of any approval they grant for remote
14 attorney appearances (i.e., approval may be granted for an attorney to appear only for
15 a specific hearing, for all attorneys to appear remotely on particular calendars, or
16 otherwise). When seeking approval to appear remotely, attorneys should be prepared
17 to advise if an attorney’s client — whether an accused, a witness, an alleged victim, or
18 other individual — will appear personally in court for the proceeding. Approval for a
19 remote appearance is unlikely to be granted if an attorney’s client will appear
20 personally in court for the proceeding,
- 21 (4) Conduct of remote appearances:
- 22 (a) The Court’s current remote appearance platform is Microsoft Teams. Remote
23 appearance information for courtrooms may be found at:
24 https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml ²

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27 ¹ Statewide Order by Chief Justice and Chair of the Judicial Council Tani G. Cantil-Sakauye, March 23, 2020,
28 allowing for an exception to Cal. Rule of Court 10.613(i) for “adopt[ion of] any proposed rules or rule
amendment[s] ... intended to address the impact of the COVID-19 pandemic to take effect immediately, without
advance circulation for 45 days of public comment.”

² Most Criminal Division courtroom Teams links have been published on the court’s website as a pilot project
beginning March 1, 2022.

1 (b) No proceeding may be photographed, recorded (audio or video), or re-
2 broadcast by any person who is personally present or who is appearing,
3 participating, or observing remotely without prior written order of the Court.
4 (California Rules of Court, Rule 1.150; Super. Ct. Santa Clara County, General
5 Local Rules, Rule 2.)

6 (c) A remote court appearance is a court appearance and shall be conducted
7 consistent with the Court's Standing Order Regarding the Santa Clara County
8 Bar Association Code of Professionalism.

9 (d) Attorneys shall appear in professional business attire from a quiet, stationary
10 location with minimal background noise or visual distractions, an adequate Wi-
11 Fi connection, and using working microphones and headphones/speakers.

12 (e) For purposes of this Order, a "participant" includes an accused, a party, an
13 attorney, an alleged victim, or a witness.

14 i. Unless approved by the Court, participants shall appear with their
15 camera turned on. If a participant has security concerns about
16 appearing on camera, this concern should be brought to the Court's
17 attention prior to the hearing.

18 ii. If a participant is able only to appear by telephone, that participant shall
19 identify themselves when requested by the Court and thereafter when
20 speaking during the hearing. Participants appearing by telephone may
21 not place the Court on hold or use a speakerphone. Participants may
22 turn off "caller ID" when appearing by telephone.

23 iii. All participants must ensure there are no interruptions or distractions
24 for the duration of their appearance at the hearing. No other individual
25 (including a minor child) shall appear with the participant or be heard
26 during the hearing without prior court approval, other than when an
27 attorney appears with their client from a common remote location.
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iv. All participants must place their microphones on mute unless they are speaking. All participants must refrain from speaking unless addressed by the Court.

v. Individual judges shall have the discretion to allow remote observation by persons who are not participants and the authority to manage remote observation, including by requiring identification of an observer and/or requiring observers to have cameras turned on.

(5) The Court may amend or repeal this Order at any time.

IT IS SO ORDERED.

Dated: March 1, 2022



HON. DANIEL T. NISHIGAYA
JUDGE OF THE SUPERIOR COURT
SUPERVISING JUDGE, CRIMINAL DIVISION