

Title 1. General and Administrative Rules

Chapter 1. General and Administrative Rules

1.90. ~~Emergency amendments re-r~~Remote proceedings

(a) Application

This rule applies to all civil matters other than family law matters.

(a b) Discretion to order remote proceedings

To the extent consistent with current law, the court may conduct proceedings, including trials, remotely.

~~In light of the passage of Senate Bill 241, the Court adopts the following emergency amendments to this rule:-~~

~~(1) Any matter noticed for a hearing date after January 1, 2022, and where the Court (or, in a Probate case, the petitioner) gave notice before January 1, 2022, will be conducted remotely unless the notice required an in-person appearance or a party has requested to appear in person by emailing the assigned department no fewer than 5 court days before the hearing.—~~

~~(2~~ 1) Proceedings that ~~will~~ may be conducted remotely

(A) All juvenile dependency proceedings will be conducted **remotely** consistent with subdivision (h) of Code of Civil Procedure section 367.75.

(B) ~~Other than as provided for by subsection (1), above, and~~
sSubject to the exceptions below, all non-criminal trials and evidentiary hearings other than small claims and civil harassment hearings will be conducted remotely unless (i) the court orders otherwise, or (ii) a party makes a showing as to why the trial or hearing should not be conducted remotely by emailing said showing to the assigned department and to all parties and others entitled to notice no later than five court days before the hearing.

(C) For purposes of this rule, evidentiary hearings to be conducted remotely include:

- Jury trials
- Court trials
- Evidence Code 402 and 403 hearings

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- Preliminary injunction hearings where live testimony is offered
 - ~~In Family cases:~~
 - ~~Requests for order~~
 - ~~Review hearings based on a request for order~~
 - ~~Orders to show cause~~
 - ~~Domestic violence, civil harassment, and elder abuse restraining orders~~
 - ~~Long cause hearings~~
 - ~~Non-jury trials~~
 - In Probate cases:
 - Any case designated on the calendar as Probate Non-Jury Trial
 - Court trials on any contested petition
 - Petitions to establish birth, death, or marriage
 - Petitions for conservatorship
 - Petitions for guardianship
- (D) Any party who intends to appear in person at any hearing ~~shall~~ **must** inform all parties and others entitled to notice and ~~shall~~ **must** email the assigned department no later than the pretrial conference, if any, or, if there is no pretrial conference, no later than five court days before the hearing.
- (3 2) Proceedings that ~~will~~ **may not** be conducted ~~in-person~~ **remotely**
- (A) ~~Other than as provided for by subsection (1), above,~~ **Unless otherwise ordered by the Court,** all non-evidentiary hearings ~~and the evidentiary hearings listed below~~ will be ~~held~~ **conducted** in person. **For purposes of this rule, “non-evidentiary hearings” means settlement conferences; pretrial conferences; motions; civil appeals, including unlawful detainer appeals; and Probate matters not enumerated in subsection (b)(1)(C). except where the parties agree to a remote hearing or any party requests to appear remotely.** Notwithstanding the foregoing, parties may appear remotely at non-evidentiary hearings as provided in Code of Civil Procedure section 367.75.
- ~~(B) For purposes of this rule, non-evidentiary hearings include:~~
- ~~Case management conferences~~
 - ~~Settlement conferences, including in Family cases~~
 - ~~Status conferences, including in Family cases~~
 - ~~Pretrial conferences~~
 - ~~Informal discovery conferences~~
 - ~~Motions~~
 - ~~Family-centered case resolution conferences~~

- ~~• Civil appeals, including unlawful detainer appeals~~
- ~~• All probate matters not enumerated in subsection (2)(B) above~~

- (C B) With the exception of Probate matters, Requests or agreements to appear remotely may be made ~~(i)~~ by emailing the assigned department no later than five court days before the hearing, or ~~(ii)~~ orally at any hearing. In Probate matters, requests or agreements to appear remotely must be made by filing a *Notice of Remote Appearance* (Judicial Council of California Form RA-010).
- (D C) At any time during a case, a party may provide notice to the Court and to all other parties and others entitled to notice that ~~it~~ the party intends ~~ed~~ to appear remotely for the duration of the case. That notice ~~shall~~ must be made no later than five court days before the next scheduled hearing in the case.
- (4 3) A remote appearance by a self-represented party will be construed to be an agreement to appear remotely under Code of Civil Procedure section 367.75(g).
- (5 4) Self-represented parties with questions about in-person or remote hearings may email the court at ExecutiveOffice@alameda.courts.ca.gov.

(b c) Technology and conduct in remote proceedings

Remote proceedings may be conducted through telephonic or videoconference applications. Parties and counsel must comply with directions provided by the court regarding specific remote technology and participant conduct.

(c d) Prohibition on recording or transmitting remote proceedings

Participants may not record or transmit any portion of remote proceedings without advance written permission of the judicial officer.

(d e) Violations

Any violation of this rule may result in sanctions, including but not limited to termination or continuance of the proceedings.

Rule 1.90 amended effective April 30, 2022; previously amended ~~Emergency amendments to Rule 1.90 adopted~~ effective January 1, 2022; Rule 1.90 adopted effective February 8, 2021.