



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-132
For business meeting on October 24, 2025

Title

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 8.885 and 8.929

Recommended by

Appellate Advisory Committee
Hon. Allison M. Danner, Chair

Report Type

Action Required

Effective Date

January 1, 2026

Date of Report

September 23, 2025

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Executive Summary

The Appellate Advisory Committee recommends updating the California Rules of Court regarding oral argument in superior court appellate divisions to reflect modern videoconferencing technology and allow broader authorization for remote participation by both parties and appellate division judges. The recommended amendments will enhance access to the courts for self-represented litigants who lack resources or the ability to travel to court in person, along with saving travel costs for courts and simplifying scheduling, ultimately reducing delays for parties.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2026, amend rules 8.885 and 8.929 of the California Rules of Court regarding oral argument in the appellate division to authorize remote appearances by parties and more broadly authorize remote participation by appellate division judges.

The text of the proposed amended rules is attached at pages 6–14.

Relevant Previous Council Action

Rule 8.885 governs oral argument in misdemeanor and limited civil appeals. The corresponding rule for infraction appeals is rule 8.929. Effective January 1, 2010, rules 8.885 and 8.929 were amended to authorize oral argument by videoconference. The proposal followed a successful program involving the Superior Courts of Lassen, Modoc, Plumas, and Sierra Counties in which one judge was selected from each county to sit on a regional appellate division. When a matter came before the regional appellate division, it was heard by a panel of the judges from the other three counties. The program utilized videoconferencing to enable the judges to participate from their home courts rather than spend the time traveling long distances to one courthouse. This innovation saved travel costs for the courts and facilitated scheduling, reducing delay for the parties.

Adopted in 2022 and since amended to conform to statutory changes, rule 3.672 governs remote appearances by parties in civil cases subject to Code of Civil Procedure section 367.75. In July 2024, the Judicial Council adopted rule 10.635, which prescribes when a judicial officer of a superior court may use remote technology to effectuate their own participation in a such a proceeding from a location other than a courtroom. These rules, however, do not apply to the appellate division of a superior court.

Analysis/Rationale

The current oral argument by videoconferencing provisions, which have not been amended since 2010, authorize appellate divisions to provide videoconferencing for parties on order of the court's presiding judge or the presiding judge's designee or, if permitted, by a local rule. If oral argument will be conducted by videoconference, each judge must participate either at the court that issued the order or judgment being appealed or from another court. Unless otherwise allowed, all parties must participate from the court that issued the order or judgment being appealed. The oral argument must be open to the public at the court that issued the judgment or order being appealed; public attendance may also be allowed at a court from which a judge is participating. The rules contain provisions requiring individuals who speak to be visible, audible, and identified by name, and prohibiting participation by unauthorized persons. Parties may not be charged a fee to attend oral argument by videoconference in the court that issued the judgment or order or in another court from which a judge is participating.

The existing videoconferencing provisions of rule 8.885 and rule 8.929 were primarily intended to address the challenges of regional appellate divisions with judges having to travel long distances to appear together in person at one court; the rules provide similar benefits in large counties with appellate division judges located in distant courthouses. However, in the years since the current rules took effect, videoconferencing technology has advanced to the point that remote video appearances using a computer, smart phone, or tablet are now possible from wherever one is located. Since 2020 and the COVID-19 pandemic, remote technology use in superior courts has expanded, as reflected by the adoption of rules 3.672 and 10.635. Videoconferencing also no longer needs to be limited to the panel judges. Under the recommended amendments, the videoconferencing provisions will be replaced by a subdivision

regarding remote appearances at oral argument using remote technology. “Remote technology” is defined as “technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.” This definition matches the definition of “remote technology” in rule 3.672, the rule regarding remote proceedings in civil cases.

Consistent with the current rules authorizing videoconferencing, this recommendation will allow appellate divisions to conduct oral argument in whole or in part through the use of remote technology if either a local rule authorizes it or a court orders it on the court’s own motion or on application of a party. An application from a party requesting to appear remotely at oral argument would be required to be filed within 10 days after the court sends notice of oral argument.

Like rule 3.672, the recommended amendments to the rules for appellate division proceedings will provide that no party can be mandated to appear remotely. Any local rules will need to include procedures for self-represented litigants to agree to remote appearances and procedures for opting out of remote appearances. The recommended amendments also retain the requirement from the current videoconference rules that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings. To maintain consistency with rules 3.672 and 10.635 and encompass remote participation by judges and parties, the committee recommends the title of “Remote proceedings” instead of “Remote appearance” for rules 8.885(b) and 8.929(b).

Provisions regarding fees again parallel those in rule 3.672. Parties who by statute are not charged court fees may not be charged a videoconference fee under Government Code section 70630. Parties with a fee waiver may not be charged a fee for remote appearances.

Policy implications

Updating the rules for oral argument in the appellate division will provide significant cost savings and efficiencies. Remote appearances expand access to justice by allowing parties and their attorneys to appear remotely from locations of their choosing, saving travel time and costs. Additionally, proceedings in the appellate division are limited to oral argument, which does not include factors weighing in favor of in-person proceedings, such as juries, witness testimony, evidentiary exhibits, or court reporters. Remote participation by judges is necessary in counties with insufficient numbers of judges to empanel a full bench for appellate division oral arguments and is practical and efficient even in large counties where appellate division panel judges may be sitting in multiple and geographically distant court locations. Despite these changes, the recommended rule amendments maintain a requirement for public access to oral argument.

Comments

The committee solicited public comments on this proposal from April 14 to May 23, 2025, as part of the council’s regular spring 2025 invitation-to-comment cycle. Of the eight comments received, two were from courts, one was from the Joint Rules Subcommittee of the Trial Court

Presiding Judges Advisory Committee and the Court Executives Advisory Committee, one was from the California Lawyers Association, one was from the Legal Aid Association of California, one was from the Orange County Bar Association, and two were from individuals. All the commenters either agreed with the proposal or did not indicate a position. The substantive comments and the committees' responses are summarized below.

The California Lawyers Association, Litigation Section, Committee on Appellate Courts (CAC) largely supports the proposal but made three suggestions. First, the CAC proposed additional language to clarify the requirement that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings. The committee agrees that additional language is necessary to clarify the requirement but recommends different language, adding a separate clarifying subdivision to both rules. Second, the CAC suggests including checkbox options in the notice of oral argument for litigants to easily request remote appearances. Because there currently is no statewide form for notices of oral argument, and adoption of a new form is beyond the scope of this proposal, the committee has not recommended the suggestion. The committee may consider the issue in the future. Third, the CAC suggests removing the provision requiring that a lien be placed on the judgment of parties with a fee waiver. The committee elected to maintain the lien requirement because the corresponding rule for other remote proceedings before the superior court (rule 3.672(k)(2)(C)) includes the same requirement for parties with a fee waiver.

A chart of comments and the committee's responses is attached at pages 15–23.

Alternatives considered

The committee considered simply repealing the outdated videoconferencing provisions in the current rules but decided that expanding and updating them was a better approach. The proposed amendments would continue to authorize oral argument by videoconference but would improve access to justice and authorize the broader use of remote technology, consistent with modern business and court practices.

The committee also considered taking no action to amend the videoconferencing rules but concluded that the rules not only are outdated but also could hinder remote appearances by parties and their attorneys. The rules regarding videoconferencing currently require parties to appear in person at the court that issued the judgment or order that is being appealed unless otherwise allowed by court order or local rule. In-person appearances as the standard procedure, with the use of remote technology available only by exception, no longer makes sense within the current technological landscape.

In addition, the committee considered amending the rules to include the same or similar provisions to those in rule 10.635 but concluded that the differences between trial and appellate proceedings necessitate different rules. For example, oral arguments do not involve juries, witness testimony, evidentiary exhibits, or court reporters. Further, the procedural needs for appellate division proceedings vary widely from county to county. For these reasons, the

committee concluded that increased flexibility for remote appearances by parties and remote participation by judges is appropriate for oral argument in superior court appellate divisions.

Fiscal and Operational Impacts

The rule amendments would not impose any fiscal impacts on the courts. They do not require courts to allow the use of remote technology and do not require the purchase of any equipment or provider platform. Courts may choose to incur costs related to videoconferencing service providers or platforms (and may charge some parties a videoconference fee as provided by statute), or remote appearances more generally, but the committee expects that any costs would be offset by the time and cost savings and efficiencies discussed above.

Implementation impacts on courts may include the need for training, changes to case management systems, and changes to procedures for oral argument. The committee concluded these operational impacts are outweighed by the benefits to courts and court users of facilitating the use of remote technology.

Attachments and Links

1. Cal. Rules of Court, rules 8.885 and 8.929, at pages 6–14
2. Chart of comments, at pages 15–23

Rules 8.885 and 8.929 of the California Rules of Court are amended, effective January 1, 2026, to read:

1 **Rule 8.885. Oral argument**

2 **(a) Calendaring and sessions**

5 (1) Unless otherwise ordered, and except as provided in (2), all appeals in which
6 the last reply brief was filed or the time for filing this brief expired 45 or
7 more days before the date of a regular appellate division session must be
8 placed on the calendar for that session by the appellate division clerk. By
9 order of the presiding judge or the appellate division, any appeal may be
10 placed on the calendar for oral argument at any session.

12 (2) Oral argument will not be set in appeals under *People v. Wende* (1979) 25
13 Cal.3d 436 where no arguable issue is raised.

14 **(b) Oral argument by videoconference**

17 (1) ~~Oral argument may be conducted by videoconference if:~~

19 (A) ~~It is ordered by the presiding judge of the appellate division or the
20 presiding judge's designee on application of any party or on the court's
21 own motion. An application from a party requesting that oral argument
22 be conducted by videoconference must be filed within 10 days after the
23 court sends notice of oral argument under (c)(1); or~~

25 (B) ~~A local rule authorizes oral argument to be conducted by
26 videoconference consistent with these rules.~~

28 (2) ~~If oral argument is conducted by videoconference:~~

30 (A) ~~Each judge of the appellate division panel assigned to the case must
31 participate in the entire oral argument either in person at the superior
32 court that issued the judgment or order that is being appealed or by
33 videoconference from another court.~~

35 (B) ~~Unless otherwise allowed by local rule or ordered by the presiding
36 judge of the appellate division or the presiding judge's designee, all the
37 parties must appear at oral argument in person at the superior court that
38 issued the judgment or order that is being appealed.~~

40 (C) ~~The oral argument must be open to the public at the superior court that
41 issued the judgment or order that is being appealed. If provided by local
42 rule or ordered by the presiding judge of the appellate division or the~~

1 presiding judge's designee, oral argument may also be open to the
2 public at any of the locations from which a judge of the appellate
3 division is participating in oral argument.

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5 (D) The appellate division must ensure that:

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7 (i) During oral argument, the participants in oral argument are
8 visible and their statements are audible to all other participants,
9 court staff, and any members of the public attending the oral
10 argument;

11

12 (ii) Participants are identified when they speak; and

13

14 (iii) Only persons who are authorized to participate in the proceedings
15 speak.

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17 (E) A party must not be charged any fee to participate in oral argument by
18 videoconference if the party participates from the superior court that
19 issued the judgment or order that is being appealed or from a location
20 from which a judge of the appellate division panel is participating in
21 oral argument.

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23 **(b) Remote proceedings**

24

25 (1) Definitions

26

27 (A) "Court facility" has the same meaning as that provided in Government
28 Code section 70301(d).

29

30 (B) "Party" is as defined in rule 1.6(15), meaning any person appearing in
31 an action and that person's counsel.

32

33 (C) "Remote appearance" or "appear remotely" means the appearance of a
34 party at oral argument through the use of remote technology.

35

36 (D) "Remote technology" means technology that provides for the
37 transmission of video and audio signals or audio signals alone. This
38 phrase is meant to be interpreted broadly and includes a computer,
39 tablet, telephone, cellphone, or other electronic or communications
40 device.

41

42 (2) Oral argument may be conducted in whole or in part through the use of
43 remote technology if:

(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting to appear remotely at oral argument must be filed within 10 days after the court sends notice of oral argument under (c). The court may not require a party to appear through remote technology; or

(B) A local rule authorizes remote appearances consistent with these rules, so long as the court procedure includes a process for self-represented parties to agree to their remote appearance and for parties to show why remote appearances should not be allowed.

The appellate division must ensure that:

(A) Participants are identified when they speak.

(B) Only persons who are authorized to participate in the proceedings speak.

(C) The oral argument is open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, public access to oral argument may in addition be provided to the public through remote technology or at any of the locations from which a judge of the appellate division is participating in oral argument.

Remote appearance fees

(A) Parties who, by statute, are not charged filing fees or fees for court services may not be charged a videoconference fee under Government Code section 70630 or otherwise.

(B) Parties with a fee waiver may not be charged fees for remote appearances.

(i) To obtain remote appearance services without payment of a fee from a vendor or a court that provides such services, a party must advise the vendor or the court that they have received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

(ii) If a party, based on a fee waiver, receives remote appearance services under this rule without payment of a fee, the vendor or court that provides the remote appearance services has a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the remote appearance. There is no charge for filing the lien.

(5) Location of judicial officer

(A) A judicial officer may preside from the following locations:

- (i) In person from a courtroom;
- (ii) Remotely from within a court facility other than a courtroom; or
- (iii) Remotely from outside a court facility, with the approval of the court's presiding judge.

(B) If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.

(c) Notice of argument

(1) Except for appeals covered by (a)(2), as soon as all parties' briefs are filed or the time for filing these briefs has expired, the appellate division clerk must send a notice of the time and place of oral argument to all parties. The notice must be sent at least 20 days before the date for oral argument. The presiding judge may shorten the notice period for good cause; in that event, the clerk must immediately notify the parties by telephone or other expeditious method.

(2) ~~If oral argument will be conducted by videoconference under (b), the clerk must specify, either in the notice required under (1) or in a supplemental notice sent to all parties at least 5 days before the date for oral argument, the location from which each judge of the appellate division panel assigned to the case will participate in oral argument.~~

(d)-(e) * * *

Advisory Committee Comment

Subdivision (a). * * *

1 **Subdivision (b)(4).** Statutes currently provide that courts are not to charge fees to certain types of
2 parties, such as governmental entities; representatives of tribes in cases covered by the Indian
3 Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to
4 prevent domestic violence. This rule would preclude courts from charging videoconference fees
5 to such parties as well.

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8 **Rule 8.929. Oral argument**

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10 **(a) Calendaring and sessions**

11

12 Unless otherwise ordered, all appeals in which the last reply brief was filed or the time for filing this brief expired 45 or more days before the date of a regular appellate division session must be placed on the calendar for that session by the appellate division clerk. By order of the presiding judge or the appellate division, any appeal may be placed on the calendar for oral argument at any session.

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18 **(b) Oral argument by videoconference**

19

20 (1) ~~Oral argument may be conducted by videoconference if:~~

21

22 (A) ~~It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting that oral argument be conducted by videoconference must be filed within 10 days after the court sends notice of oral argument under (e)(1); or~~

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28 (B) ~~A local rule authorizes oral argument to be conducted by videoconference consistent with these rules.~~

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31 (2) ~~If oral argument is conducted by videoconference:~~

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33 (A) ~~Each judge of the appellate division panel assigned to the case must participate in the entire oral argument either in person at the superior court that issued the judgment or order that is being appealed or by videoconference from another court.~~

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38 (B) ~~Unless otherwise allowed by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, all of the parties must appear at oral argument in person at the superior court that issued the judgment or order that is being appealed.~~

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(C) The oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, oral argument may also be open to the public at any of the locations from which a judge of the appellate division is participating in oral argument.

(D) The appellate division must ensure that:

(i) During oral argument, the participants in oral argument are visible and their statements are audible to all other participants, court staff, and any members of the public attending the oral argument;

(ii) Participants are identified when they speak; and

(iii) Only persons who are authorized to participate in the proceedings speak.

(E) A party must not be charged any fee to participate in oral argument by videoconference if the party participates from the superior court that issued the judgment or order that is being appealed or from a location from which a judge of the appellate division panel is participating in oral argument.

(b) Remote proceedings

(1) Definitions

(A) “Court facility” has the same meaning as that provided in Government Code section 70301(d).

(B) “Party” is as defined in rule 1.6(15), meaning any person appearing in an action and that person’s counsel.

(C) “Remote appearance” or “appear remotely” means the appearance of a party at oral argument through the use of remote technology.

(D) “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

1
2 (2) Oral argument may be conducted in whole or in part through the use of
3 remote technology if:
4
5 (A) It is ordered by the presiding judge of the appellate division or the
6 presiding judge's designee on application of any party or on the court's
7 own motion. An application from a party requesting to appear remotely
8 at oral argument must be filed within 10 days after the court sends
9 notice of oral argument under (c). The court may not require a party to
10 appear through remote technology; or
11
12 (B) A local rule authorizes remote appearances consistent with these rules,
13 so long as the court procedure includes a process for self-represented
14 parties to agree to their remote appearance and for parties to show why
15 remote appearances should not be allowed.
16
17 (3) The appellate division must ensure that:
18
19 (A) Participants are identified when they speak.
20
21 (B) Only persons who are authorized to participate in the proceedings
22 speak.
23
24 (C) The oral argument is open to the public at the superior court that issued
25 the judgment or order that is being appealed. If provided by local rule
26 or ordered by the presiding judge of the appellate division or the
27 presiding judge's designee, public access to oral argument may in
28 addition be provided to the public through remote technology or at any
29 of the locations from which a judge of the appellate division is
30 participating in oral argument.
31
32 (4) Remote appearance fees
33
34 (A) Parties who, by statute, are not charged filing fees or fees for court
35 services may not be charged a videoconference fee under Government
36 Code section 70630 or otherwise.
37
38 (B) Parties with a fee waiver may not be charged fees for remote
39 appearances.
40
41 (i) To obtain remote appearance services without payment of a fee
42 from a vendor or a court that provides such services, a party must
43 advise the vendor or the court that they have received a fee

1 waiver from the court. If a vendor requests, the party must
2 transmit a copy of the order granting the fee waiver to the vendor.
3

4 (ii) If a party, based on a fee waiver, receives remote appearance
5 services under this rule without payment of a fee, the vendor or
6 court that provides the remote appearance services has a lien on
7 any judgment, including a judgment for costs, that the party may
8 receive, in the amount of the fee that the party would have paid
9 for the remote appearance. There is no charge for filing the lien.

10
11 (5) Location of judicial officer

12
13 (A) A judicial officer may preside from the following locations:

14
15 (i) In person from a courtroom;
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17 (ii) Remotely from within a court facility other than a courtroom; or
18
19 (iii) Remotely from outside a court facility, with the approval of the
20 court's presiding judge.

21
22 (B) If one or more parties appear in person, at least one judge of the
23 appellate panel must preside in person from the courtroom.

24
25 (c) **Notice of argument**

26
27 (1) As soon as all parties' briefs are filed or the time for filing these briefs has
28 expired, the appellate division clerk must send a notice of the time and place of oral
29 argument to all parties. The notice must be sent at least 20 days before the date for
30 oral argument. The presiding judge may shorten the notice period for good cause;
31 in that event, the clerk must immediately notify the parties by telephone or other
32 expeditious method.

33
34 (2) ~~If oral argument will be conducted by videoconference under (b), the clerk~~
35 ~~must specify, either in the notice required under (1) or in a supplemental~~
36 ~~notice sent to all parties at least 5 days before the date for oral argument, the~~
37 ~~location from which each judge of the appellate division panel assigned to the~~
38 ~~case will participate in oral argument.~~

39
40 (d)–(e) * * *

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42 **Advisory Committee Comment**
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1 **Subdivision (a). * * ***

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3 **Subdivision (b)(4).** Statutes currently provide that courts are not to charge fees to certain types of
4 parties, such as governmental entities; representatives of tribes in cases covered by the Indian
5 Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to
6 prevent domestic violence. This rule would preclude courts from charging videoconference fees
7 to such parties as well.

SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
1. California Lawyers Association, Litigation Section, Committee on Appellate Courts by Jocelyn Sperling, Chair, and Saul Bercovitch, Director of Governmental Affairs	NI	<p>The CAC supports expanding the rules regarding remote appearances in the appellate division. The CAC also believes that at least one judge should be present in the courtroom when one or both parties will appear in person. Additionally, rather than requiring litigants to file an application to appear remotely, the CAC suggests checkbox options on the notice of oral argument to facilitate remote appearances. Finally, the CAC cautions against placing a lien on the judgments of parties with fee waivers.</p>	<p>The committee appreciates the information provided. See the committee's responses to CAC's specific comments, below.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<p>2. The CAC supports the presence of at least one judge in the courtroom when one or both parties will appear in person</p> <p>The proposal states that it would “retain the requirement from the current videoconference rules that at least one of the judges hearing the oral argument must be present in the courtroom for the proceedings.” The proposed amendments, however, do not appear to require that one judge be present. Rather, they would allow judicial officers to preside remotely, either from within a court facility or, with presiding judge approval, from outside a court facility. (See proposed rules 8.885(b)(5), 8.929(b)(5).)</p> <p>The CAC believes that it is necessary for at least one judge on the appellate panel to be physically present in the courtroom when one or both parties elect to appear in person, because the appearance of justice may be diminished if a party appears in person while all judges appear remotely. The physical presence of at least one judge in the courtroom bolsters the parties’ and the public’s confidence in the administration of justice. However, if neither party elects to appear in person, then the CAC sees no reason to require a judge to be present in the courtroom.</p> <p>For these reasons, the CAC suggests the following changes to the proposed</p>	<p>The committee appreciates the information provided and is instead recommending the addition of a subsection to rules 8.885(b)(5), 8.929(b)(5) that reads, “If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.”</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<p>amendments to rules 8.885(b)(5) and 8.929(b)(5):</p> <p><u>(b)(5)(B):</u> “Remotely from within a court facility other than a courtroom <u>if no party appears in person at the proceeding; but, if one or both parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.</u>”</p> <p><u>(b)(5)(C):</u> “Remotely from outside a court facility if no party appears in person at the proceeding and with the approval of the court’s presiding judge; <u>but, if one or both parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.</u>”</p> <p>Finally, the CAC supports retaining the requirement that oral argument be open to the public at the court, even when all parties and the judges appear remotely. It is important to retain public access at the court for those without access to remote technology. (See proposed rules 8.885(b)(3)(C), 8.929(b)(3)(C).)</p> <p>3. The CAC suggests changing the proposed amendment to include checkbox options for litigants to easily request remote appearances</p> <p>Under the current proposal, litigants who wish to appear remotely must file an application within 10 days after the court sends notice of</p>	The committee appreciates the information provided. There currently is no statewide form for notice of oral argument, and adoption of a new form is beyond the scope of this invitation to comment. The committee may consider the issue in the future.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		<p>oral argument. The CAC suggests simplifying this process to further enhance access to justice for litigants, particularly those who are self-represented. Rather than requiring litigants to file an application, the CAC suggests including checkboxes in the notice of oral argument as follows:</p> <p>[] I will appear remotely for oral argument. [] I will appear in person for oral argument. [] I will appear remotely for oral argument unless the opposing party chooses to appear in person. If the opposing party chooses to appear in person, I will also appear in person.</p> <p>4. The CAC cautions against placing a lien on the judgments of parties with fee waivers The current proposal states that under rules 8.885(b)(4)(B)(ii) and 8.929(b)(4)(B)(ii), parties with a fee waiver will have a lien placed on their judgment for the remote appearance vendor or the court to recover costs of the remote appearance. The CAC cautions against this proposal.</p> <p>Fees are waived for appearances by telephone. (See FW-015-INFO, § 2 [if a litigant holds a fee waiver, the court will waive “any court fee for participating in oral argument by telephone”].) Telephone and remote appearances should be treated the same. Litigants with fee waivers are the lowest income litigants in California and are least able to pay, even when they recover monetary judgments. Accordingly, CAC</p>	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-01

Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			suggests removing the lien subdivisions from the proposal.	
2.	Legal Aid Association of California by Zachary Newman, Directing Attorney	NI	The Legal Aid Association of California (LAAC) approves of, and joins in, the Committee on Appellate Courts (CAC) of the California Lawyer's Association Litigation Section's response to the Invitation to Comment on SPR25-01, attached to this letter.	The committee appreciates the information provided. See the committee's responses to CAC's comments, above.
3.	Mollijoy Carter Jamestown, CA	A	I live in a rural area. It is 3 hours 360 degrees to get tons of any major city. Remote video anything is a huge benefit whether it's court, a doctor's appointment, or even a job interview. It saves time on travel, it saves money, it is safer it's good for the environment, too. Plus, if I had to face my ex DV charges face to face, I would be scared out of my skin. Remotely, I would just feel safer not being in the same court room. DV IS VERY SCARY and can have a triggering effect even now and it's been 6 years.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
4.	Orange County Bar Association by Mei Tsang, President	A	1. The Rule accomplishes its stated purpose.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
			2. For the reasons stated in the proposal (e.g., no jury, no evidentiary hearing, etc.), it is appropriate for the appellate division rules to differ from rule 10.635.	The committee appreciates the information provided.
			3. Unless one of the parties is presenting argument in person, it is not necessary to require	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPR25-01**Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division** (Amend Cal. Rules of Court, rules 8.885 and 8.929)

All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Committee Response
		that at least one of the judges be present in the courtroom. Public access can be achieved by giving access to the remote proceedings, and the nature of appellate arguments does not require the judge's presence in a courtroom.	
5. Steven Ortega Bell, CA	N	* Steven Ortega expressed concern that self-represented litigants are unable to access remote hearings based on an experience where a court entered a failure to appear despite his efforts to log on early for a remote appearance.	The committee appreciates the information provided and acknowledges the commenter's disagreement with the proposal. As written, the rule amendments are aimed to ensure that all litigants, including self-represented litigants, will be able to appear in-person for an oral argument hearing.
6. Superior Court of California, County of Los Angeles by Stephanie Kuo	A	In response to the Judicial Council of California's ITC, "SPR25-01: Appellate Procedure: Remote Appearances at Oral Argument in the Appellate Division," the Superior Court of California, County of Los Angeles (Court), agrees with the proposal.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.
		The appellate division rules do not need to differ substantially from rule 10.635, despite the differences in trial-level proceedings in the superior court and oral argument in the appellate division. However, the appellate rules should clarify how this applies to a panel of judges instead of a single judicial officer.	The committee appreciates the information provided.
		Furthermore, it is not necessary to require that at least one of the judges hearing oral argument be present in the courtroom for the proceedings. The exception under rule 10.635(e)(2) covers the need for remote appearance by the judicial	The committee appreciates the information provided and notes that Rule 10.635 does not apply to the appellate division.

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Commenter	Position	Comment	Committee Response
		officer when the distance, or any other reason arises that may require one or more of the judges on the panel to preside remotely when it is essential to prevent a significant delay that would substantially prejudice the litigants.	
		The proposed rule amendments maintain a requirement for public access to oral argument, and this access may be in person or remote to the extent it is feasible to do so. If the Council proposes additional provisions or procedures, then it should specify what those are.	The committee appreciates the information provided.
		The Court finds that the proposal would not provide cost savings. To implement the proposal, there would be very minimal changes because the panel of appellate judicial officers preside in person over the oral argument. If it should be necessary for one or more of the judicial officers to preside remotely, then the proposed rule could be implemented without changes to the system except to add the appearance model of the judicial officer to the header of the minute order. Three months from Judicial Council approval should be sufficient to implement the proposal.	The committee appreciates the information provided.
7. Superior Court of California, County of Orange, Appellate Operation Management by Janay Marks, Operations Analyst	NI	<p><i>Should Appellate Division Rules Differ Substantively from Rule 10.635?</i></p> <p>Yes, it is appropriate for appellate division rules to differ because:</p> <ul style="list-style-type: none"> • Appellate oral arguments involve legal issues and do not require the 	The committee appreciates the information provided.

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Commenter	Position	Comment	Committee Response
		<p>presentation of evidence, testimony, or jury interactions, which are central to trial-level proceedings.</p> <ul style="list-style-type: none"> • The appellate division's emphasis on legal argument allows greater flexibility for remote participation without compromising procedural integrity. • Rules should reflect the unique needs of appellate courts, such as addressing geographic challenges and the limited availability of appellate judges. 	
		<p><i>Is It Necessary for One Judge to Be Present in the Courtroom?</i></p> <p>No, this is unnecessary:</p> <ul style="list-style-type: none"> • Advances in secure and reliable videoconferencing make fully remote proceedings feasible without undermining procedural fairness or public access. • Removing the in-person requirement could address scheduling constraints and resource limitations in smaller or rural courts. • Courts can ensure public access through live streaming or designated viewing rooms. 	<p>The committee appreciates the information provided.</p>
8. Trial Court Presiding Judges Advisory Committee and the Court Executives	A	The JRS notes that the proposal is intended to provide significant cost savings or efficiencies.	The committee appreciates the information provided and acknowledges the commenter's agreement with the proposal.

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Commenter	Position	Comment	Committee Response
Advisory Committee Joint Rules Subcommittee (TCPJAC/CEAC JRS)		<p>The JRS also notes the following impact to court operations:</p> <ul style="list-style-type: none">• Impact on existing automated systems.• Increases court staff workload<ul style="list-style-type: none">○ Remote appearance technology requires additional training and check-in tasks. These are consistent with existing use of remote technology.	The committee appreciates the information provided.

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