

**Superior Court of California
County of Solano**

Rule 19 – Remote Appearances

19.1 CIVIL REMOTE APPEARANCES

a. PROCEEDINGS AUTHORIZED FOR REMOTE APPEARANCES

Remote proceedings are proceedings in which the court utilizes technology to permit a simultaneous audio and video appearance by an attorney, party or witness. In person appearances remain available. No litigant or attorney shall be required to appear remotely. The court retains the discretion to require personal appearances by any litigant, attorney or witness.

Remote proceedings are normally authorized in all civil matters, EXCEPT as follows:

The ability of the litigants to appear at the following proceedings will be specifically addressed by the assigned judicial officer during trial setting and/or in the Notice of Trial/Trial Management Orders or Case Management Orders issued by the department:

1. Mandatory Settlement Conferences;
2. Trial Management Conferences;
3. Court trials; and
4. Jury trials.

Remote proceedings are normally not authorized for the following civil matters:

5. Orders of Examination;
6. Contempt Proceedings;
7. Returns on Bench Warrants; and
8. Any other proceeding in which the court has previously denied the ability to appear via remote technology.

The court finds that these proceedings are normally not suitable for a remote proceeding and that an in-person appearance will materially assist in the determination of the proceeding or in the effective management or resolution of the case.

Telephonic appearances are distinct from remote appearances and may be made utilizing CourtCall for only the appearances authorized in advance by the assigned judicial officer. Telephonic appearances are not authorized for any evidentiary proceeding unless expressly authorized in advance by the assigned judicial officer.

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b. NOTICE OF REMOTE APPEARANCE

Notice of the intent to appear remotely may be given orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice pursuant to California Rules of Court, rule 3.672. Remote access to the first hearing by Zoom shall be inferred as a request to appear remotely. At an initial court appearance, the judge may inquire whether the attorney or party intends to appear remotely for the duration of the case (except as to those hearings for which specific permission must be granted.) For matters in which remote appearances are expressly allowed pursuant to this policy, the court does not require the advance filing and service of a notice of appearance for remote appearances, including case management conferences and law and motion hearings. Parties or attorneys who give written notice of an intent to appear remotely must use the mandatory Judicial Council form for that purpose (Form RA-010) which must be filed no later than five court days prior to the hearing. Parties who object to a remote appearance as authorized by this policy may serve and file an Opposition to Remote Proceedings at Evidentiary Hearing or Trial (Form RA-015) and proposed order as set forth in California Rules of Court, rule 3.672.

c. PROCEDURE FOR REMOTE APPEARANCE

The Zoom link for each department utilizing the single Zoom link process (currently Departments 3, 4 and 12) will be posted in two sites on the court website (www.solano.courts.ca.gov): 1) On the home page, under the Divisions link, under the Civil section, there will be a tab entitled Remote Appearances; and 2) on each department's Tentative Rulings page also found under the Divisions link under the Civil section. Individuals who wish to observe a proceeding as a member of the public may always appear in the courtroom in person. Judicial officers may exercise discretion to authorize additional attendees to observe proceedings based upon specific case needs, the ability of the court to appropriately manage the hearing and on any other special needs.

Departments continuing to send Zoom invitations (currently Department 22) will initiate any remote court proceeding via an email calendar invitation sent to the attorney of record at the email address of record or to a litigant who appears pro se at his or her email address of record. Local Form 9000 may be used to update the court regarding contact information. The invitation will include a description of the meeting, the date and time, a link to the meeting, a meeting identification number and passcode. It is the responsibility of the handling attorney to forward the remote court invitation to any other attorney appearing in the attorney of record's place. Counsel may then forward the invitation to their own client to allow the client to observe the proceeding. The remote court invitation shall not be forwarded to any other persons, due to the difficulty, interruption and delay associated with handling multiple remote

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appearances. The courtroom is open should any other individuals or members of the public wish to attend a hearing in person.

Cases which are calendared for matters in which a remote appearance is not authorized by policy or prior judicial order will not receive a remote court invitation. The email used to send the remote court invitation shall not be used to communicate with the court. Any communications sent to the email address will not be read, answered or forwarded. No documents shall be submitted to the email address. Any effort to make such a communication is considered an impermissible ex parte communication.

d. CONDUCT DURING REMOTE APPEARANCES

Parties are responsible for promptly joining the remote hearing at the scheduled time and date. Litigants are encouraged to review the department calendar for the specific date and time of their matter.

The chat function may not be utilized by any party during the proceedings except to alert the court as to any technical or audio difficulties. Other than the court, no person may record, video or photograph any portion of the proceeding unless expressly authorized by the assigned judicial officer.

Each participant in a remote court proceeding is expected to conduct himself or herself in the same manner as he or she would if the proceeding were conducted in a public courtroom (i.e. appropriate courtroom attire, no eating or drinking, cell phones switched to silent). Due to the difficulty in managing remote appearances, other than the authorized participant, no other persons shall simultaneously participate in the remote appearance with the same computer or smartphone unless expressly authorized by the assigned judicial officer.

Participants shall update their profile name so that it is consistent with the name used in regular court operations and ensure the name listed includes a first and last name. Upon entry into remote court, participants shall ensure that they are muted. Participants shall make every effort to reduce or eliminate background noises and distractions that may interfere with the remote court proceedings. In the event that the participation of any individual interferes with the remote court proceeding, intentionally or inadvertently, that participant may be muted, including both audio and video participation, and/or the participant may be removed from the proceeding by being returned to the waiting room or dismissed by the court.

e. PRESENTATION OF EVIDENCE

Documentary or physical evidence may not be presented remotely. Should a party intend to present documentary or physical evidence, the party shall cause the exhibits

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to actually be received by the court and the opposing party or parties no less than 10 calendar days prior to the hearing unless otherwise expressly ordered by the assigned judicial officer. An appointment may be made with the clerk's office to submit the exhibits. Parties are advised that utilizing the drop-box may not ensure timely receipt and processing of the exhibits by the court.

Exhibits may not be filed with the court without a cover pleading which includes a caption identifying the parties, the case number and a title of the pleading (i.e. Trial Management Packet, Declaration, List of Exhibits, etc.) and a list that itemizes the attached exhibits. It is the burden of the party presenting evidence at a remote hearing to ensure that the evidence is actually received by the court in a timely fashion prior to the hearing. The failure to timely submit documentary or physical exhibits for use during any evidentiary proceeding may result in the exclusion of that evidence.

f. INABILITY OR FAILURE TO MAKE APPROPRIATE REMOTE APPEARANCE

Court proceedings are open to the public. By choosing to appear remotely, a participant represents that he or she is proficient in the use of remote technology and shall comply with the rules regarding its use. It is expected that participants shall practice in advance with the remote court application to ensure familiarity with use of the technology and that the participant's equipment actually enables the participant to be clearly seen on video and heard via audio. Participants should make plans for a second or redundant system in the event of equipment failure or an internet outage. The court may not delay the proceedings due to a participant's inability to use remote court technology or challenges due to malfunctioning equipment or internet.

g. OPPOSITION TO REMOTE APPEARANCE

Any party opposing the use of a remote appearance by another party may object by using the procedures set forth in the California Rules of Court, Rule 3.672 and filing the appropriate mandatory judicial council form and proposed order. (Form RA-015.)

h. MISCELLANEOUS

In the event of a conflict between these rules and the Code of Civil Procedure or the California Rules of Court, the Code of Civil Procedure and California Rules of Court shall control.

i. SANCTIONS FOR UNAUTHORIZED REMOTE APPEARANCES

Parties who appear remotely at any proceeding at which the court has not authorized a remote appearance, or has expressly ordered one not to take place, or during which they conduct themselves in a manner that violates the rule or requires the court to

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continue the hearing for an in person appearance may be sanctioned pursuant to Local Rule 4.13.

19.2 CRIMINAL REMOTE APPEARANCES [Reserved]

19.3 FAMILY REMOTE APPEARANCES

a. PROCEEDINGS AUTHORIZED FOR REMOTE APPEARANCES

Remote proceedings are proceedings in which the court utilizes technology to permit a simultaneous audio and video appearance of an attorney, party or witness. Remote proceedings are normally authorized in all family matters, EXCEPT as follows:

1. Trial Management Conferences;
2. Court trial, if not expressly authorized by the assigned judicial officer at trial-setting;
3. Contempt proceedings;
4. Adoptions and Petitions to Declare a Minor Free; and
5. Any other proceeding in which the court has previously denied the ability to appear via remote technology.

The court finds that these proceedings are not normally suitable for a remote proceeding which utilizes a simultaneous audio and video appearance and that an in-person appearance will materially assist in the determination of the proceeding or in the effective management or resolution of the case.

Telephonic appearances are distinct from remote appearances and may be made utilizing CourtCall for only the appearances authorized in advance by the assigned judicial officer.

Telephonic appearances are not authorized for any evidentiary proceeding unless expressly ordered by the assigned judicial officer.

b. PROCEDURE FOR REMOTE APPEARANCES

The court will initiate any remote court proceeding. The remote court proceeding will typically be initiated via an email calendar invitation sent to the attorney of record at the email address of record or to a self-represented litigant at his or her email address of record. Local Form 9000 may be used to update the court regarding contact information. The invitation will include a description of the meeting, the date and time, a link to the meeting, a meeting identification number and passcode. If a different attorney or limited scope attorney has been retained to appear, it is the responsibility of the handling attorney to forward the Zoom invitation to the appropriate attendee.

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Counsel may additionally forward the invitation to their own client to allow the client to observe the proceeding. Due to the difficulty, interruption and delay associated with managing multiple remote appearances, the Zoom invitation shall not be forwarded to any other persons. Other individuals who wish to observe a proceeding as a member of the public may also appear remotely upon request.

Cases which are calendared for matters in which a remote appearance is not authorized will not receive a Zoom invitation.

The email used to send the Zoom invitation shall not be used to communicate with the court. Any communications sent to the email address will not be read, answered or forwarded. No documents shall be submitted to the email address. Any effort to make such a communication is considered an impermissible ex parte communication.

c. CONDUCT DURING REMOTE APPEARANCES

Parties are responsible for promptly joining the remote hearing at the scheduled time and date. An invitation start time may or may not correspond with the scheduled hearing date and time based upon other calendared matters.

The chat function may not be utilized by any party during the proceedings. Other than the court, no person may record, video, tape or photograph any portion of the proceeding unless expressly authorized by the assigned judicial officer. The reporter's transcript or statutorily authorized recording shall be the official transcript.

Each participant in a remote court proceeding is expected to conduct himself or herself in the same manner as he or she would if the proceeding were conducted in a public courtroom (i.e. appropriate courtroom attire, no eating or drinking, cell phones switched to silent). Participants shall update their profile name so that it is consistent with the name used in regular court operations and ensure the name listed includes a first and last name.

Participants shall make every effort to reduce or eliminate background noises and distractions that may interfere with the remote court proceedings. In the event that the participation of any individual interferes with the remote court proceeding, intentionally or inadvertently, that participant may be muted, including both audio and video participation, and/or the participant may be removed from the proceeding by being returned to the waiting room or dismissed by the court.

d. PRESENTATION OF EVIDENCE

Documentary or physical evidence may not be presented remotely unless expressly authorized by the assigned judicial officer. Should a party intend to present

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documentary or physical evidence, the party shall cause the exhibits to actually be received by the court and the opposing party or parties no less than 10 calendar days prior to the hearing unless otherwise expressly ordered by the assigned judicial officer. An appointment may be made with the clerk’s office to submit the exhibits. Utilizing the drop-box is strongly discouraged.

Exhibits may not be filed with the court without a cover pleading which includes a caption identifying the parties, the case number and a title of the pleading (i.e. Trial Management Packet, Declaration, List of Exhibits, etc.) and a list that itemizes the attached exhibits. It is the burden of the party presenting evidence at a remote hearing to ensure that the evidence is actually received by the court and the opposing party or parties and attorney(s) in a timely fashion prior to the hearing. The failure to timely submit documentary or physical exhibits for use during any evidentiary proceeding may result in the exclusion of that evidence.

e. INABILITY OR FAILURE TO MAKE APPROPRIATE REMOTE APPEARANCES

Court proceedings are open to the public. By choosing to appear remotely, a participant represents that he or she is proficient in the use of remote technology and shall comply with the rules regarding its use. It is expected that participants shall practice in advance with the Zoom application to ensure familiarity with use of the technology and that the participant’s equipment actually enables the participant to be clearly seen on video and heard via audio. Participants should make plans for a second or redundant system in the event of equipment failure or an internet outage. The court may not delay the proceedings due to a participant’s inability to use Zoom or challenges due to malfunctioning equipment or internet.

f. OPPOSITION TO REMOTE APPEARANCE

Any party opposing the use of a remote appearance by another party may object by using the procedures set forth in the California Rules of Court and filing the appropriate mandatory judicial council form.

19.4 JUVENILE REMOTE APPEARANCES [Reserved]

19.5 TRAFFIC REMOTE APPEARANCES

a. AUTHORIZATION FOR REMOTE APPEARANCES

Remote proceedings may be initiated by any department handling traffic or other infraction matters in the discretion of the judicial officer and as resources permit. Remote proceedings may be utilized in either a physical courtroom or a remote courtroom, and includes, but is not limited to, the use of video, audio, and telephonic

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means for remote appearances; the electronic exchange and authentication of documentary evidence; e-filing and e-service; the use of remote interpreting; and electronic recording to make the official record of an action or proceeding.

b. DEFINITIONS

For the purpose of this rule:

1. "Infraction" means any alleged infraction including, but not limited to, a violation of the Vehicle Code or any local ordinance adopted under the Vehicle Code; state, local or municipal ordinance; or Fish and Game violation, except that the procedures for remote video trials authorized by this rule do not apply to any case in which an informal juvenile and traffic court exercises jurisdiction over a violation under sections 255 and 256 of the Welfare and Institutions Code.
2. "Remote video proceeding" means an arraignment, trial, or related proceeding conducted by two-way electronic audiovisual communication between the defendant, any witnesses, and the court in lieu of the physical presence of both the defendant and any witnesses in the courtroom.
3. "Due date" means the last date on which the defendant's appearance is timely under this rule.

c. COURT COMPLIANCE

Any Solano County Superior Court that conducts remote video proceedings under this rule must comply with the following procedures and use the required forms in this section. In addition to following the standard provisions for processing traffic or other infraction cases, the defendant may request to proceed by remote video proceeding as provided below. The defendant's participation in remote video proceedings is strictly voluntary and shall not be undertaken absent the consent of the defendant.

d. PROCEDURE FOR ARRAIGNMENT

The following procedures apply to a remote video proceeding when the court grants a defendant's request to have an arraignment that is set for a date that is separate from the trial date:

1. The defendant shall review a copy of the Instructions to Defendant for Remote Video Proceeding and agree to the terms (Solano Local Instructions STR-500-INFO.)

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2. To proceed by remote video arraignment, the defendant must sign and file a Notice and Waiver of Rights and Request for Remote Video Proceeding (Solano Local Form STR-510) with the clerk by the appearance date indicated on the Notice to Appear or a continuation of that date granted by the court. The form may be filed electronically or via paper copy.
3. Within ten (10) days of receipt of the Notice and Waiver of Rights and Request for Remote Video Arraignment, and approval by the court, the clerk of the court shall schedule a remote video arraignment. The clerk will thereafter notice the defendant of the remote proceeding as indicated below.
4. To proceed by remote video arraignment, the defendant shall be required to provide a valid e-mail address which will be used by the clerk of the court to provide the approval and notice of the date and time of the remote video proceedings. The clerk shall provide an invitation to the meeting via e-mail, as well as the electronic link to the meeting. The defendant will be required to provide the necessary electronic audiovisual or other communication device for their use during the remote proceedings.
5. On the date and time of the remote video arraignment, the court will initiate the remote proceeding. The defendant will join the meeting as set forth in the instructions form. The defendant's acceptance of the invitation to attend the remote proceeding will be deemed an acknowledgement they have received, reviewed, and expressly consented to the terms of the remote proceeding.

e. PROCEDURE FOR ARRAIGNMENT AND TRIAL

The following procedures apply to a remote video proceeding when the court grants a defendant's request to have an arraignment and trial on the same date:

1. The defendant shall review a copy of the Instructions to Defendant for Remote Video Proceeding and agree to the terms (Solano Local Instructions STR-500-INFO.)
2. To proceed by remote video arraignment and trial, the defendant must sign and file a Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial (Solano Local Form STR-505) with the clerk by the appearance date indicated on the Notice to Appear or a continuation of that date granted by the court. The form may be filed electronically or via paper copy.

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3. Within ten (10) days of receipt of the Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial, and approval by the court, the clerk of the court shall enter a not guilty plea on behalf of the defendant and thereafter schedule a remote video trial. The clerk will thereafter notice the defendant of the remote proceeding as indicated below.
4. To proceed by remote video arraignment and trial, the defendant shall be required to provide a valid e-mail address which will be used by the clerk of the court to provide the initial approval and the notice of the date and time of the remote video proceedings. The e-mail address provided shall also be used for the clerk to send an electronic notice for access to the court's secure portal for uploading of exhibits or other documents as set forth in the Instructions to Defendant for Remote Video Proceeding (Solano Local Instructions STR-500-INFO.)
5. At the time of the notice of the remote proceeding, the clerk shall also provide an electronic link for access to the court's secure exhibit portal. Either side may lodge evidence or exhibits via the secure portal, the admissibility of which shall be addressed at the time of the trial. The defendant shall be required to provide the necessary electronic audiovisual or other communication device for their use during the remote proceedings.
6. If the defendant elects to present exhibits or other documents for court consideration, they may do so either in hard copy format or via the court's secure exhibit portal no later than five (5) days prior to the remote proceeding. Written documents submitted via the portal shall be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal shall be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted via portal shall be in one or more of the following formats: JPEG, PNG, or TIFF. Total file size for all submitted exhibits shall not exceed 50 MB.
7. If the officer or agency issuing the citation elects to present exhibits or other documents for court consideration, they may do so either in hard copy format or via the court's secure exhibit portal no later than five (5) days prior to the remote proceeding. Written documents submitted via the portal shall be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal shall be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted

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via portal shall be in one or more of the following formats: JPEG, PNG, or TIFF. Total file size for all submitted exhibits shall not exceed 50 MB.

8. On the date and time of the remote trial the court will initiate the remote proceeding. The defendant will join the meeting as set forth in the instructions form. The defendant's acceptance of the invitation to attend the remote proceeding will be deemed an acknowledgement they have received, reviewed, and expressly consented to the terms of the remote proceeding.
9. Either side may, upon request, view any real evidence or exhibits offered by the opposing side. With respect to items lodged through the secure portal the Court may utilize a "breakout room" or similar measure to allow both sides to view the lodged evidence or exhibits.
10. This rule does not prevent or preclude the court from imposing on a defendant who is found guilty any lawful fine, assessment, or other penalty, and the court is not limited to imposing money penalties in the bail amount, unless the bail amount is the maximum and the only lawful penalty. A defendant who is dissatisfied with the judgment in a remote video trial may appeal the judgment under rules 8.901-8.902.

f. PROCEDURE FOR TRIAL

The following procedures apply to a remote video proceeding when the court grants a defendant's request at arraignment to have a trial set for a date that is separate from the date of the arraignment:

1. The defendant shall review a copy of the Instructions to Defendant for Remote Video Proceeding and agree to its terms (Solano Local Instructions STR-500-INFO.)
2. To proceed by remote video trial, the defendant must sign and file a Notice and Waiver of Rights and Request for Remote Video Proceeding (Solano Local Form STR-510) with the clerk by the appearance date indicated on the Notice to Appear or a continuation of that date granted by the court. The form may be filed electronically or via paper copy.
3. Within ten (10) days of receipt of the Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial, and approval by the court, the clerk of the court shall thereafter schedule a remote video trial.

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4. To proceed by remote video arraignment and trial, the defendant shall be required to provide a valid e-mail address which will be used by the clerk of the court to provide the initial approval and the notice of the date and time of the remote video proceedings. The e-mail address provided shall also be used for the clerk to send an electronic notice for access to the court's secure portal for uploading of exhibits or other documents as set forth in the Instructions to Defendant for Remote Video Proceeding (Solano Local Instructions STR-500-INFO.)
5. At the time of the notice of the remote proceeding, the clerk shall also provide an electronic link for access to the court's secure exhibit portal. The defendant will be required to provide the necessary electronic audiovisual or other communication device for their use during the remote proceedings.
6. If the defendant elects to present exhibits or other documents for court consideration, they may do so either in hard copy format or via the court's secure exhibit portal no later than five (5) days prior to the remote proceeding. Written documents submitted via the portal shall be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal shall be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted via portal shall be in one or more of the following formats: JPEG, PNG, or TIFF. Total file size for all submitted exhibits shall not exceed 50 MB.
7. If the officer or agency issuing the citation elects to present exhibits or other documents for court consideration, they may do so either in hard copy format or via the court's secure exhibit portal no later than five (5) days prior to the remote proceeding. Written documents submitted via the portal shall be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal shall be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted via portal shall be in one or more of the following formats: JPEG, PNG, or TIFF. Total file size for all submitted exhibits shall not exceed 50 MB.
8. On the date and time of the remote trial the court will initiate the remote proceeding. The defendant will join the meeting as set forth in the instructions form. The defendant's acceptance of the invitation to attend the remote proceeding will be deemed an acknowledgement they have received, reviewed, and expressly consented to the terms of the remote proceeding.

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9. Either side may, upon request, view any real evidence or exhibits offered by the opposing side. With respect to items lodged through the secure portal the Court may utilize a “breakout room” or similar measure to allow both sides to view the lodged evidence or exhibits.

10. This rule does not prevent or preclude the court from imposing on a defendant who is found guilty any lawful fine, assessment, or other penalty, and the court is not limited to imposing money penalties in the bail amount, unless the bail amount is the maximum and the only lawful penalty. A defendant who is dissatisfied with the judgment in a remote video trial may appeal the judgment under rules 8.901-8.902.

g. WITNESSES

On receipt of the defendant's waiver of rights and request to appear for trial as specified above, law enforcement officers and other witnesses will testify remotely and be cross-examined by the defendant remotely. The defendant may offer the testimony of witnesses remotely. Upon good cause shown the court may allow witnesses from either side to appear live in court. Any such decision to allow live witnesses will be made on a case-by-case basis within the sound discretion of the court. The clerk or court will administer the oath to any witness.

h. EXHIBITS

Either side may offer exhibits as if the proceedings were held in open court. It shall be the responsibility of the party offering the exhibit to provide them to the clerk of the court no later than five (5) days prior to the hearing date. Either side may lodge exhibits with the court via the secure exhibit portal or in hard copy format. The court will retain discretion to admit late filed exhibits on good cause shown. If supplied electronically the exhibits shall follow the secure exhibit portal format and procedure as indicated above.

Pursuant to Penal Code section 1417, et seq., exhibits received in hard copy format will be retained pending final resolution of the case, and the return and/or destruction will be pursuant to those provisions. Exhibits transmitted electronically via the secure portal are copies provided to the court and therefore will not be retained following disposition of the case. All electronic exhibits are to be destroyed upon final conclusion of the case, including any and all appellate proceedings.

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i. PROOF OF CORRECTION

If the citation or other charging document alleges one or more correctable offenses, the defendant at arraignment or trial may present proof of correction via video transmission, unless the court requires proof of correction to be submitted in either electronic or paper format. Unless otherwise ordered by the Court, proof of correction may be submitted via the secure portal in the manner set forth in this rule. At the defendant’s request the Court shall take reasonable measures to protect the privacy interests of the defendant when considering evidence offered on a correctable offense. This may include the use of “breakout rooms” or similar measures.

j. PHYSICAL PRESENCE

Nothing in this rule is intended to limit the authority of the court to issue an order requiring the defendant or any witnesses to be physically present in the courtroom in any proceeding or portion of a proceeding if the court finds that circumstances require the physical presence of the defendant or witness in the courtroom.

k. EXTENDING DUE DATE FOR REMOTE VIDEO TRIAL

If the clerk receives the defendant's timely request for a remote video arraignment and trial or remote video trial, and the request is granted, the clerk must, within 10 court days after receiving the defendant's request, extend the appearance date by no less than 25 calendar days and must provide notice to the defendant of the extended due date. Said notice to the defendant may be made by e-mail as provided for above.

l. NOTICE TO ARRESTING OFFICER

If a court grants the defendant's request for a remote video proceeding after receipt of the defendant's Notice and Waiver of Rights and Request for Remote Video arraignment and Trial form or Notice and Waiver of Rights and Request for Remote Video Proceeding form, the clerk must within ten (10) days of receipt deliver electronically a notice of the remote video proceedings to the arresting or citing law enforcement officer, specifying the date and time for the remote video proceedings. The clerk shall also provide an electronic link for access to the court’s secure exhibit portal. The officer and/or law enforcement agency shall be required to provide the necessary electronic audiovisual or other communication device for their use during the remote proceedings

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m. DEFENDANT’S COMPLIANCE

If the defendant fails to comply with this rule, signing and filing all required forms, and complying with all time limits and due dates, the court may deny a request for a remote video proceeding and may proceed as otherwise provided by statute. Defendants will be required to join the remote proceeding promptly and are expected to conduct themselves in the same manner as if the proceeding were conducted in a public courtroom.

n. DISRUPTION TO PROCEEDINGS

All participants shall make all reasonable efforts to reduce or eliminate background noises and distractions. The court retains its discretion to mute a participant and/or terminate a remote video proceeding should there be a violation of these rules or other lawful orders of the court.

o. INELIGIBLE DEFENDANT

If the defendant requests a remote video proceeding and the court determines that the defendant is ineligible, the clerk must extend the due date by no less than 25 calendar days and notify the defendant of the determination and the new due date

p. DUE DATES AND TIME LIMITS

Due dates and time limits must be as stated in this rule, unless extended by the court. The court may extend any date, and the court need not state the reasons for granting or denying an extension on the record or in the minutes.

q. PUBLIC PROCEEDING

Unless otherwise ordered, remote video proceedings under this rule are public proceedings. Members of the public, press/media, professional journalists or other interested persons may request inclusion in a remote video proceeding, including viewing evidence or exhibits offered via the secure portal and viewed by the parties in a “breakout room” or similar measure.

Request to participate should be made at least one (1) day in advance to permit sufficient time to administer the request. Requests to join a remote video proceeding should be submitted by following the directions on the court’s website at

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www.solano.courts.ca.gov. The public may access the traffic or infraction calendar on the court’s website by utilizing the calendar link on the home screen.

r. RECORDINGS PROHIBITED

Remote video proceedings will be recorded electronically by the court and thus shall be the official record of the proceedings. Consistent with Rule 1.150, California Rules of Court, no participant in a remote video proceeding may record, video, tape or photograph any portion of the proceeding absent prior order of the court on good cause shown. Failure to adhere to this rule may subject to the individual to sanctions for contempt of court or other penalties as authorized by law.

(Rule 19.5 adopted effective July 1, 2022).

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APPENDIX

INSTRUCTIONS TO DEFENDANT FOR REMOTE VIDEO PROCEEDING

The Solano County Superior Court is allowing remote video arraignments and trials for traffic infraction cases. (Local Rule 2.150.) RVP are available in almost all adult infraction cases. **IF THE COURT PERMITS REMOTE VIDEO PROCEEDINGS (RVP), YOU MAY BE ABLE TO APPEAR BY AUDIO/VIDEO WITHOUT HAVING TO APPEAR IN PERSON IN COURT.** The procedure does not apply to traffic or other infractions that are filed in Informal Juvenile and Traffic Court. The procedure provides a convenient process for resolving cases with the use of two-way audiovisual communication between you and the court. Defendants who request to appear by RVP must waive (give up) certain rights that apply to trial of criminal offenses, including traffic infractions. The instructions below explain procedures for requesting RVP for traffic infraction cases:

1. **IN ORDER TO PARTICIPATE IN RVP YOU MUST HAVE A VALID, WORKING E-MAIL ADDRESS.** You will be notified of hearing dates and you will receive an electronic link to participate in a Zoom meeting only through e-mail. To request arraignment and trial on the same day, you may file a *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial* (form STR-505). To request RVP for arraignment or trial on separate days, you may file a *Notice and Waiver of Rights and Request for Remote Video Proceeding* (form STR-510). You will be required to provide your own electronic devices to participate in the Zoom meeting, which can include a telephone, mobile phone, smart phone, laptop or desktop computer with audio and/or video capabilities. If your device does not have video capability you may still participate by audio.
2. **YOU MAY COMPLETE AND SUBMIT THE FORM ONLINE OR FILL OUT THE FORM AND DELIVER IT TO THE COURT.** A completed form must be received by the clerk by the appearance date on the Notice to Appear citation or continuation date granted by the court. If the form is received after the due date the court may require a court appearance or bail deposit to schedule a trial. **Failure to file the form as required by the due date may subject you to other charges, penalties, assessments, and actions, including a civil assessment under Penal Code section 1214.1 of up to \$300 and a hold on your driver's license.**
3. **YOU WILL RECEIVE NOTICE BY E-MAIL.** When the clerk receives a timely request for RVP, the court will rule on the request and notify you through e-mail. If the court denies the request, the court may order you to respond within 10 court days of the notice of the order to schedule an arraignment or trial or appear in court. If the court approves the request, the court will notify you and the officer of the extended date and you will be given an electronic link via your e-mail with instructions on how to join the RVP. Once you join the Zoom meeting you will remain in the "waiting room" until your case is called.
4. **YOU MAY SUBMIT YOUR EXHIBITS ELECTRONICALLY TO THE COURT.** If you receive approval for an arraignment via RVP you may show the court proof of correction for any correctable offenses through your video connection, unless the court requires proof of correction to be submitted in either electronic or paper format. If you receive approval for a trial via RVP you will also be given notice of the electronic link to upload exhibits or other documents via the Court's secure exhibit portal. Electronic exhibits must be submitted to the court no less than five (5) days prior to the trial. If you use the secure portal any written documents must be submitted in Adobe Portable Document Format (PDF). Video exhibits submitted via portal must be submitted in one or more of the following formats: AVI, FLV, WMV, MP4 and MOV. Photographic exhibits submitted via portal must be in one or more of the following formats: JPEG, PNG, or TIFF. The file size for all submitted exhibits shall not exceed 2 GB per file. If you do not use the secure portal, you may provide your exhibits to the court five (5) days before the trial, indicating your name, case or citation number, as well as brief description of what they are.
5. **A NEW TRIAL ("TRIAL DE NOVO") IS NOT ALLOWED UNDER RVP.** After a remote video trial is completed, if you are dissatisfied with the court's judgment, you may file an appeal under California Rules of Court, rules 8.901–8.902 within 30 days of the judgment. A new trial ("trial de novo") is not allowed. Always include your citation number in any correspondence with the court. If you use the secure exhibit portal the court will not keep any exhibits once the case has reached final disposition, including any appellate proceedings. Therefore, at the final conclusion of the case all electronic exhibits will be destroyed. If you submit your exhibits in hard copy format the court will follow the procedure contained in Penal Code section 1417, et seq., concerning exhibits.
6. **IMPORTANT:** You have the right to appear in court for an in-person arraignment without deposit of bail and trial at the court. If you appear in court for your case, your rights include:
 - The right to be represented by an attorney employed by you;
 - The right to request court orders without cost to subpoena and compel the attendance of witnesses and the production of evidence on your behalf;
 - The right to appear in person in court before a judicial officer for an arraignment to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail;
 - The right to request that a court trial be scheduled without bail for a date that is after your arraignment in court;
 - The right to have a speedy trial;
 - The right to be physically present in court at all stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law at trial and sentencing; and
 - The right to have the witnesses testify under oath in court and to confront and cross-examine witnesses in court.

By voluntarily requesting to appear for arraignment and/or trial by RVP, you will agree to waive (give up):

- Your right to appear in person in court before a judicial officer for arraignment and/or trial;
- Your right to a speedy trial within 45 days; and
- Your right to be physically present in court for trial and sentencing and all stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination in person of the officer who issued the ticket and other witnesses.

NAME OF COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 UNION AVENUE 321 TUOLUMNE STREET MAILING ADDRESS: P.O. BOX 2463 321 TUOLUMNE STREET CITY AND ZIP CODE: FAIRFIELD, CA 94533 VALLEJO, CA 94590 BRANCH NAME: FAIRFIELD BRANCH VALLEJO BRANCH	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT (Name):	
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO ARRAIGNMENT AND TRIAL (Veh. Code, §§ 40901 and 40519(a))	CITATION NUMBER/CASE NUMBER:
	DUE DATE (For Filing Form):

1. Notice to Defendant of Rights

- You have the right to appear in person in court before a judicial officer for arraignment, to be informed of the charges against you, to be advised of your rights, and to enter a plea without deposit of bail.
- You have the right to request at arraignment that a court trial be scheduled for a date after your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

2. Waiver of Rights and Request for Remote Video Arraignment and Trial:

a. I, (print name): _____, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me through my electronic device instead of having me physically appear in the courtroom. By requesting RVP, I agree to have a working e-mail address to receive notices and the electronic link to participate in the RVP. I agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in the courtroom and to appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights:

- My right to appear in person in court on separate days for arraignment without deposit of bail and for trial without deposit of bail unless ordered by the court; INITIALS
- My right to a speedy trial within 45 days; and
- My right to be physically present in the court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination of witnesses in court.

I have read the *Instructions to Defendant for Remote Video Proceeding* (form STR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer that issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear remotely and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

- b. I need an interpreter: Yes No (language): _____
- c. I have an attorney to represent me: Yes No (name of attorney): _____
- d. I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised, the court may forfeit any bail that I posted; hold the trial in my absence; impose a civil assessment of up to \$300 under Penal Code 1214.1, or issue a warrant for my arrest; and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: _____ ▶ _____
DEFENDANT'S SIGNATURE

(Defendant's Phone Number) (Defendant's Street Address/City/State/ZIP) (Defendant's E-mail Address)

Please return this form to the court clerk electronically by clicking the SUBMIT button below or by mail to the Solano Superior Court.

TO BE COMPLETED BY CLERK

Date: _____ Approved by: _____
DEPUTY CLERK

Hearing set for (type of hearing): _____ on (date): _____ at (time): _____

Remote video proceedings to be held via Zoom.

Meeting ID: _____ Password: _____

NAME OF COURT: SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO STREET ADDRESS: 600 UNION AVENUE 321 TUOLUMNE STREET MAILING ADDRESS: P.O. BOX 2463 321 TUOLUMNE STREET CITY AND ZIP CODE: FAIRFIELD, CA 94533 VALLEJO, CA 94590 BRANCH NAME: FAIRFIELD BRANCH VALLEJO BRANCH	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT (Name):	CITATION NUMBER/CASE NUMBER: DUE DATE (For Form): —
NOTICE AND WAIVER OF RIGHTS AND REQUEST FOR REMOTE VIDEO PROCEEDING (Veh. Code, § 40901)	

1. Notice to Defendant of Rights

- You have the right to appear in person in court before a judicial officer without deposit of bail for an arraignment to be informed of the charges against you, be advised of your rights, enter a plea, and request that a trial be scheduled without deposit of bail.
- You have the right to request with deposit of bail that a trial be scheduled for the same date as your arraignment.
- You have the right to a speedy trial within 45 days of submitting your request for a trial.
- You have the right to be physically present in court for trial and sentencing and all other stages of the proceedings including, but not limited to, presentation of testimony and evidence and arguments on questions of law.
- You have the right to have witnesses testify under oath in court and to confront and cross-examine them in court.

2. Waiver of Rights and Request for Remote Video Arraignment or Trial: _____

a. I, (print name): _____, am the defendant in this traffic infraction case and understand that my rights include those listed above and also the right to hire an attorney and subpoena witnesses. I understand that a remote video proceeding (RVP) uses two-way electronic audiovisual communication between the court and me through my electronic device instead of having me physically appear in the courtroom. By requesting RVP I agree to have a working e-mail address to receive notices and the electronic link to participate in RVP. I agree that the court may order me to appear in my case by RVP for any related proceedings. By requesting that the court allow me to proceed without being physically present in court and appear for all proceedings by RVP, I voluntarily elect to waive (give up) the following rights for (check one) arraignment trial:


INITIALS

- My right to appear for arraignment in person in court before a judicial officer and have a trial on the same day;
- My trial right to a speedy trial within 45 days; and
- My trial right after arraignment to be physically present in the court for trial and sentencing and all other stages of the proceedings, including, but not limited to, presentation of testimony and evidence and arguments on questions of law, and confrontation and cross-examination of witnesses in court.

I have read the *Instructions to Defendant for Remote Video Proceedings* (form STR-500-INFO) and request to appear by RVP in this case. I understand that the court may permit the officer who issued the ticket and any other witnesses to appear in court to testify and be cross-examined while I appear remotely and may deny my request at any time and order me to be present in the courtroom for any proceedings conducted in this case.

b. I need an interpreter: Yes No (language): _____
c. I have an attorney to represent me: Yes No (name of attorney): _____

d. I declare under penalty of perjury under the laws of the State of California that the information I have provided on this form and all attachments is true and correct. I promise to appear for all proceedings ordered by the court in this case. I understand that if I do not appear as promised the court may forfeit any bail that I posted; hold the trial in my absence; impose a civil assessment of up to \$300 under Penal Code 1214.1 or issue a warrant for my arrest; and report the failure to appear to the Department of Motor Vehicles for a hold on my license.

Date: _____  _____
DEFENDANT'S SIGNATURE

(Defendant's Phone Number) (Defendant's Street Address/City/State/ZIP) (Defendant's E-mail Address)

Please return this form to the court clerk electronically by clicking the SUBMIT button below or by mail to the Solano Superior Court.

TO BE COMPLETED BY CLERK

Date: _____ Approved by: _____
DEPUTY CLERK

Hearing set for (type of hearing): _____ on (date): _____ at (time): _____

Remote video proceedings to be held via Zoom.

Meeting ID: _____ Password: _____