

**Invitation to Comment**

Title	Civil Forms: <i>Notice of Intent to Appear by Telephone</i> (adopt form CIV-020)
Summary	Code of Civil Procedure, section 367.5 and California Rules of Court, rule 3.670 permit parties to appear by telephone at certain conferences, hearings, and proceedings in civil cases, unless the court determines on a hearing-by-hearing basis that a personal appearance would materially assist in the determination of the proceedings or in the effective management or resolution of the case. The proposed form is intended to facilitate a party’s providing written notice of intent to appear by telephone.
Source	Civil and Small Claims Advisory Committee Hon. Dennis M. Perluss, Chair
Staff	Anne M. Ronan, Attorney, 415-865-8933, anne.ronan@jud.ca.gov.
Discussion	Recently amended rule 3.670 provides that a party must provide notice to the court and other parties of intent to appear by telephone. If a notice of telephonic appearance is not included below the title of the moving, opposition, or reply papers, notice may be given either orally or in writing, at least three court days before the appearance. The proposed form will provide a simple and uniform method of giving this written notice to the court and other parties.
	Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i>  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="margin-left: 150px;">FAX NO. <i>(Optional):</i></span></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>DRAFT</b> <b>v.4 04.16.09</b></p> <p><b>NOT APPROVED</b> <b>BY JUDICIAL</b> <b>COUNCIL</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	
<p>PLAINTIFF/PETITIONER:</p> <p>DEFENDANT/RESPONDENT:</p>	
<p><b>NOTICE OF INTENT TO APPEAR BY TELEPHONE</b></p>	CASE NUMBER:

1.  Plaintiff/Petitioner *(name):*  
 Defendant/Respondent *(name):*  
 Other *(name):*

2. The conference, hearing, or proceeding is for *(describe):*

set on *(date):* \_\_\_\_\_ at *(time):* \_\_\_\_\_ in *(Department):* \_\_\_\_\_

Date:

\_\_\_\_\_

▶

\_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE)

See Code of Civil Procedure, section 367.5 and rule 3.670 of the California Rules of Court to determine if a conference, hearing, or proceeding is one generally considered appropriate for telephone appearance. Note that a court may determine on a hearing-by-hearing basis that a personal appearance is required. (Code Civ. Proc., § 367.5(c).)

This form is intended only to provide written notice to a court and parties as provided in rule 3.670(g)(1)(B) of the California Rules of Court. Check local court rules to determine how to make arrangements for telephone services for an appearance either directly with the court or through a court-appointed vendor.

This notice must be filed with the court at least three court days before the appearance, and must be served at the same time on all other parties in such a way as to ensure delivery to the parties no later than the close of the next business day. (Cal. Rules of Court, rule 3.670(g)(1)(B).)

## Item SPR09-15 Response Form

**Title:** Civil Forms: *Notice of Intent to Appear by Telephone* (adopt form CIV-020)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_  
\_\_\_\_\_  
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**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/>

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

**Fax:** (415) 865-7664, Attn: Camilla Kieliger

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Wednesday, June 17, 2009
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*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*