Rules 3.670 and 5.324 of the California Rules of Court are amended effective July 1, 2011, to read:

Rule 3.670. Telephone appearance

(a)–(h) * * *

(i) ~~Private vendor; charges for service~~ Provision of telephone appearance services

A court may provide ~~teleconferencing for court~~ for telephone appearances ~~by entering into a contract with a private vendor. The contract may provide that the vendor may charge the party appearing by telephone a reasonable fee, specified in the contract, for its services.~~ only through one or more of the following methods:

(1) An agreement with one or more vendors under a statewide master agreement or agreements.

(2) An agreement between a court and a vendor that was entered into before July 1, 2011, and that has not expired. If a contract is subject to cancelation by a court after July 1, 2011, that court must exercise its option to cancel the contract as soon after July 1, 2011 as is legally possible to do so.

(3) The direct provision by the court of telephone appearance services. If a court directly provides telephone services, it must collect the telephone appearance fees specified in (j), except as provided in (k) and (*l*). A judge may, at his or her discretion, waive telephone appearance fees for parties appearing directly by telephone in that judge's courtroom.

(Subd (i) amended effective July 1, 2011; adopted as subd (f) effective July 1, 1998; previously amended effective January 1, 2003; previously relettered as subd (i) effective January 1, 2008.)

(j) Telephone appearance fee amounts; time for making requests

The telephone appearance fees specified in this subdivision are the statewide, uniform fees to be paid by parties to a vendor or court for providing telephone appearance services. These fees supersede any fees paid by parties to vendors or courts under agreements or procedures existing before July 1, 2011. Except as provided under (k) and (*l*), the fees to be paid to appear by telephone are as follows:

(1) The fee to appear by telephone, made by a timely request to a vendor or court providing telephone appearance services, is $78 for each appearance.

(2) An additional late request fee of $30 is to be charged for an appearance by telephone if the request to the vendor or the court providing telephone

appearance services is not made at least three days before the scheduled appearance, except when:

(A) There is an ex parte or other hearing or conference set on shortened time for which three days' notice would not be feasible or practical;

(B) The court, on its own motion, sets a hearing or conference on shortened time;

(C) The matter has a tentative ruling posted within the three-day period; or

(D) The request to appear by telephone is made by a party that received notice of another party's intent to appear and afterward decides also to appear by telephone under (g)(2). The request of a party seeking to appear under (g)(2) is timely if the request is made to the vendor or the court providing the service by noon on the court day before the hearing or conference.

(3) A fee of $5 is to be charged instead of the fees under (1) and (2) if a party cancels a telephone appearance request and no telephone appearance is made. A hearing or appearance that is taken off calendar or continued by the court is not a cancelation under this rule. If the hearing or appearance is taken off calendar by the court, there is no charge for the telephone appearance. If the hearing or appearance is continued by the court, the appearance fee must be refunded to the requesting party or, if the party agrees, be applied to the new hearing or appearance date.

(Subd (j) adopted effective July 1, 2011.)

(k) Fee waivers

(1) *Effect of fee waiver*

A party that has received a fee waiver must not be charged the fees for telephone appearances provided under (j), subject to the provisions of Code of Civil Procedure section 367.6(b).

(2) *Responsibility of requesting party*

To obtain telephone services without payment of a telephone appearance fee from a vendor or a court that provides telephone appearance services, a party must advise the vendor or the court that he or she has 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.

(3) *Lien on judgment*

If a party based on a fee waiver receives telephone appearance services under this rule without payment of a fee, the vendor or court that provides the telephone 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 telephone appearance. There is no charge for filing the lien.

(Subd (k) adopted effective July 1, 2011.)

(*l*) Title IV-D proceedings

(1) *Court-provided telephone appearance services*

If a court provides telephone appearance services in a proceeding for child or family support under Title IV-D of the Social Security Act brought by or otherwise involving a local child support agency, the court must not charge a fee for those services.

(2) *Vendor-provided telephone appearance services*

If a vendor provides for telephone appearance services in a proceeding for child or family support under Title IV-D, the amount of the fee for a telephone appearance under (j)(1) is $58 instead of $78. No portion of the fee received by the vendor for a telephone appearance under this subdivision is to be transmitted to the State Treasury under Government Code section 72011.

(3) *Responsibility of requesting party*

When a party in a Title IV-D proceeding requests telephone appearance services from a court or a vendor, the party requesting the services must advise the court or the vendor that the requester is a party in a proceeding for child or family support under Title IV-D brought by or otherwise involving a local child support agency.

(4) *Fee waivers applicable*

The fee waiver provisions in (k) apply to a request by a party in a Title IV-D proceeding for telephone appearance services from a vendor.

(Subd (l) adopted effective July 1, 2011.)

~~(j)~~**(m)** * * *

(Subd (m) relettered effective July 1, 2011; adopted as subd (f); previously relettered as subd (c) effective January 1, 1989, and as subd (g) effective July 1, 1998; previously amended effective January 1, 2003, and January 1, 2007; previously amended and relettered as subd (j) effective January 1, 2008.)

~~(k)~~**(n)** * * *

(Subd (n) relettered effective July 1, 2011; adopted as subd (h) effective July 1, 1998; previously amended effective January 1, 2003; previously relettered as subd (k) effective January 1, 2008.)

~~(l)~~**(o) Conference call ~~provider~~ vendor or vendors**

A court, by local rule, may designate ~~a particular~~ the conference call ~~provider~~ vendor or vendors that must be used for telephone appearances.

(Subd (o) amended and relettered effective July 1, 2011; adopted as subd (i) effective July 1, 1998; previously amended effective January 1, 1999, and January 1, 2003; previously relettered as subd (l) effective January 1, 2008.)

~~(m)~~**(p)** * * *

(Subd (p) relettered effective July 1, 2011; adopted as subd (j); previously amended effective January 1, 2003, and January 1, 2007; previously amended and relettered as subd (m) effective January 1, 2008.)

Rule 3.670 amended effective July 1, 2011; adopted as rule 298 effective March 1, 1988; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2002, January 1, 2003, and January 1, 2008.

Advisory Committee Comment

This rule does not apply to criminal or juvenile matters, and it also does not apply to family law matters, except in certain respects as provided in rule 5.324 relating to telephone appearances in proceedings for child or family support under Title IV-D of the Social Security Act. (See Cal. Rules of Court, rule 3.670(b) [rule applies to general civil cases and unlawful detainer and probate proceedings]; rule 5.324(j) [subdivisions (i)–(p) of rule 3.670 apply to telephone appearances in Title IV-D proceedings].)

Under subdivision (i)(3) of this rule and Government Code section 72010(c), even for proceedings in which fees are authorized, the fees may be waived by a judicial officer, in his or her discretion, for parties appearing directly by telephone in that judicial officer's courtroom.

Rule 5.324. Telephone appearance in Title IV-D hearings and conferences

(a)–(i) * * *

(j) Vendors, procedure, audibility, reporting, and information

~~Subdivisions (i) through (m) of~~ Rule 3.670(i)–(p) appl~~y~~ies to telephone appearances under this rule.

(Subd (j) amended effective July 1, 2011; previously amended effective January 1, 2007, and July 1, 2008.)

(k) * * *

Rule 5.324 amended effective July 1, 2011; adopted effective July 1, 2005; previously amended effective January 1, 2007, January 1, 2008, and July 1, 2008.