



Supplement to Rules of Procedure of the State Bar of California

**Supplement Effective
November 25, 2024**

TITLE 5. DISCIPLINE

DIVISION 1. GENERAL RULES

Rule 5.17 Appearances for Non-Trial Events in the Hearing Department

- (A) **General Provision Authorizing Parties to Appear Remotely.** Prefiling Settlement Conferences, Settlement Conferences, and all hearings as defined in rule 5.4(37) except evidentiary hearings and trials will take place remotely by video or telephone. The court will publish information for remote appearances for proceedings open to the public on the State Bar Court website.
- (B) **Notice by Party to Appear In Person.** Notwithstanding paragraph (A), a party may appear in-person upon notice to the court that is served on the opposing party.
- (1) **Notice to the Court.** The notice must be in writing and filed with the court as far in advance as possible but no fewer than 10 days before the appearance. The notice must be in writing and may be submitted using the court-approved form located on the court's website.
 - (2) **Notice to the Opposing Party.** The party must serve the notice on the opposing party pursuant to rule 5.26 or 5.26.1.
 - (3) **Notice by the Opposing Party.** On receipt of notice under paragraph (B)(2), should the opposing party elect to also appear in-person, that party must notify the court and all other parties no fewer than two court days before the appearance. The notice must be in writing, may be submitted using the court-approved form located on the court's website, and must be served on all parties pursuant to rule 5.26 or 5.26.1.
 - (4) **Court Discretion to Order Remote Appearance or to Reschedule Proceeding.** If a party has provided notice of the party's intent to appear in-person under this paragraph, the court may, in its discretion and in the interests of justice, order that the proceeding be conducted remotely or rescheduled.
- (C) **Court Discretion to Require In-Person Appearance.** Notwithstanding paragraph (A), the court has discretion to require an in-person appearance, to conduct a proceeding partially remotely by video or telephone, or to continue the matter if, at any time during the proceeding being conducted remotely, the court determines that:
- (1) An in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - (2) The quality of the technology or audibility at a proceeding prevents effective management, resolution or ability to accurately prepare a recording; or
 - (3) The court otherwise determines that an in-person appearance is necessary.

- (D) The Hearing Department ruling to require a remote appearance under subparagraph (B)(4) or to require an in-person appearance under paragraph (C) is the final ruling in the State Bar Court and is not reviewable.

Eff. April. 4, 2022; Revised July 29, 2024; November 25, 2024.

Rule 5.18 Appearances for Evidentiary Hearings and Trials in the Hearing Department

- (A) **General Provision Requiring Parties to Appear In Person.** Except as permitted by this rule, parties must appear in person at evidentiary hearings and at trial as defined in rule 5.4(62).
- (B) **Stipulation by Parties to Appear Remotely.** Notwithstanding paragraph (A), parties may provide notice to the court through a stipulation that either party or both parties intend to appear remotely at an evidentiary hearing or trial. The parties may stipulate orally at the initial status conference or in writing within 10 days after the court serves notice of the evidentiary hearing or trial pursuant to rule 5.102.
- (C) **Oral Notice by Party to Appear Remotely.** Notwithstanding paragraph (A), a party may provide oral notice at the initial status conference of an intent to appear remotely at an evidentiary hearing or trial. The court's order following the status conference must state whether any party gave notice of an intent to appear remotely and whether there was opposition. In response to an oral notice of an intent to appear remotely, a party may make an oral showing to the court as to why a remote appearance should not be allowed. A party may also file a written opposition as set forth in paragraph (D)(3).
- (D) **Written Notice by Party to Appear Remotely.** Notwithstanding paragraph (A), a party may provide notice of an intent to appear remotely at an evidentiary hearing or trial in writing within 10 days after the court serves notice of the hearing or trial date pursuant to rule 5.102. The notice may be submitted using the court-approved form located on the court's website.
- (1) **Notice to the Opposing Party.** The party must serve the notice on the opposing party pursuant to rule 5.26 or 5.26.1.
 - (2) **Notice by the Opposing Party.** On receipt of notice under subparagraph (1), should the opposing party elect to also appear remotely, that party must notify the court and all other parties within five calendar days after the notice is served. The notice must be in writing, may be submitted using the court-approved form located on the court's website, and must be served on all parties pursuant to rule 5.26 or 5.26.1.
 - (3) **Opposition to Remote Proceedings.** In response to a notice of an intent to appear remotely provided under this paragraph or paragraph (C), a party may make a written showing to the court as to why a remote appearance should not be allowed. The opposition may be submitted using the court-approved form located on the court's website. The opposition must be filed with the court and served on the parties within five calendar days after the notice of the party's

intent to appear remotely is served, or, when notice is given orally under paragraph (C), within five calendar days after the court's status conference order stating that such notice was given is served. The party must serve the opposition on the opposing party pursuant to rule 5.26 or 5.26.1.

- (E) **Court Determination on Opposition.** In determining whether to allow a remote appearance over opposition, the court must consider the following:
- (1) Whether an in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - (2) Whether the quality of the technology or audibility at a proceeding prevents effective management, resolution, or ability to accurately prepare a recording;
 - (3) Whether limited access to technology or transportation asserted by a party affects the ability to appear remotely; and
 - (4) Whether the interests of justice are best served by permitting a party to appear remotely in whole or in part over another party's opposition.
- (F) **Court Discretion to Require In-Person Appearance.** If an evidentiary hearing or trial is conducted remotely in full or in part, the court has discretion at any time during the proceeding to require an in-person appearance if the court determines that:
- (1) An in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - (2) The quality of the technology or audibility at a proceeding prevents effective management, resolution, or ability to accurately prepare a recording; or
 - (3) The court otherwise determines that an in-person appearance is necessary.
- (G) **Review.** Hearing Department rulings regarding paragraph (E) are reviewable under rule 5.150.

Eff. April 4, 2022; Revised July 29, 2024; November 25, 2024.

Rule 5.154 Oral Argument Before Review Department

Except as otherwise provided in these rules, the Review Department will give the parties an opportunity for oral argument. The parties may waive oral argument at any time up to five days before the date set for oral argument. Unless oral argument is waived or the parties agree to a shorter period of notice, written notice of the time and place of oral argument must be served by the Clerk on the parties at least 30 days before the oral argument.

- (A) **General Provision Requiring Parties to Appear In Person.** The Review Department will hear in-person oral argument in San Francisco and Los Angeles. Oral argument shall be scheduled in the venue in which the trial took place.
- (B) **Notice by Party to Appear Remotely.** Notwithstanding subparagraph (A), a party may appear remotely by video or telephone upon notice to the court that is served on the opposing party.
- (1) **Notice to the Court.** Within 10 days after the court sends notice of the time and place of oral argument, a party may provide notice of the party's intent to appear

remotely. The notice must be in writing and may be submitted using the court-approved form located on the court's website.

- (2) **Notice to the Opposing Party.** The party must serve the notice on the opposing party pursuant to rule 5.26 or 5.26.1. If notice is not provided electronically pursuant to rule 5.26.1, the party must also provide notice by telephone or in-person within 10 days after the court sends notice of the time and place of oral argument.
- (3) **Notice by the Opposing Party.** On receipt of notice under subparagraph (B)(2), should the opposing party elect to also appear remotely, that party must notify the court and all other parties within five days after the notice is served. The notice must be in writing, may be submitted using the court-approved form located on the court's website, and must be served on all parties pursuant to rule 5.26 or 5.26.1. If notice is not provided electronically pursuant to rule 5.26.1, the party must also provide notice by telephone or in-person within five days after the notice is served.
- (C) **Information for Remote Appearances.** The court will publish information for remote appearances on the State Bar Court website;
- (D) **Court Discretion to Require In-Person Appearance.** If oral argument is conducted remotely in full or in part, the court has discretion at any time during the proceeding being conducted remotely to require an in-person appearance if the court determines that:
 - (1) An in-person appearance would materially assist in the determination of the proceeding or the effective management or resolution of the case;
 - (2) The quality of the technology or audibility at a proceeding prevents the effective management or resolution of the proceeding or inhibits the ability to accurately prepare a recording of the proceeding; or
 - (3) The court otherwise determines that an in-person appearance is necessary.
- (E) **Duration of Oral Argument.** In a matter before the Review Department, each side shall have a maximum of 30 minutes for oral argument except as the Presiding Judge may otherwise direct.
- (F) **Expedited Oral Argument in Proceedings Underlying Business and Professions Code § 6007(c).** Any respondent having timely sought review of a decision by the Hearing Department on the matter underlying an order for inactive enrollment under Business and Professions Code section 6007(c) may move that the review of that underlying matter be set for oral argument on the next available calendar regardless of location. Such motion shall be filed and served no later than the last day for filing briefs.
- (G) **Time of Submission.** A proceeding pending in the Review Department is submitted when that Department has heard oral argument or has approved at the conclusion of oral argument unless otherwise ordered by the court.

Eff. January 1, 2011; Revised January 1, 2019; April 4, 2022; November 25, 2024.