

ATTACHMENT B
Revised Rule Proposals for Justice Courts
(Draft Date: May 22, 2022)

Proposed New Rule 500.2(g)

(g) “Court proceeding” is an appearance before the court, such as a hearing or a trial.

[Note: Subsequent subparts or Rule 500.2 will be relettered, starting with subpart (h).]

Proposed New Rule 500.10 Appearances at Court Proceedings

(a) **Manner of Appearance.** A court may allow or require a participant to appear at a court proceeding in person—by being physically present in the courtroom—or remotely by audio, video, or other technological means, *[except that a court may not require lawyers, parties, or jurors to appear remotely for a jury trial absent the consent of all parties involved in the jury trial]*. A remote appearance satisfies any statutory requirement to appear in person unless the statute expressly prohibits remote appearances.

(b) **Request to Appear by Alternate Means.** A party may ~~file a~~ request for a participant to appear at a court proceeding in a manner other than the manner allowed or required by the court. The request must be ~~filed~~ made within a reasonable time after a party identifies the need for the request. The court must rule on the request and timely communicate the ruling to the parties, but it is not required to hold a hearing before ruling. The court ~~should~~ must grant the request unless it finds there is good cause not to grant. Such good cause must be documented in the ruling denying the request.

(c) **Notice.** Any notice for a court proceeding must contain all information needed to participate in the proceeding, including the location of the proceeding or instructions for joining the proceeding remotely, the court’s designated contact information, and instructions for submitting evidence to be considered in the proceeding.

(d) **Open Courts Notice.** If a court proceeding is conducted away from the court’s usual location, the court must provide reasonable notice to the public that the proceeding will be conducted away from the court’s usual location and an opportunity for the public to observe the proceeding.

Comment to 2022 Change: New Rule 500.10 clarifies procedures for appearances at court proceedings. ~~When evaluating a request under Subpart (b), references good cause not to grant a request to appear by alternate means. When evaluating the request, the court should consider relevant factors, such as including, but not limited to, the following: (1) whether the court’s capability to conduct a hybrid hearing; (2) the complexity of the case, including number of witnesses; (3) the financial burden associated with the method of appearance, such as litigation costs or potential risk of loss of employment; (4) representation by a pro bono or legal aid lawyer; (5) scheduling conflicts; (6) the inability to appear remotely a person who is the subject of the request may be unable to appear remotely due to a lack of access to the needed technological access or y or a lack of proficiency in technology that would prevent meaningful participation in the proceeding; (7) whether a person the ability to who is the subject of the request~~

~~lacks the technology, or proficiency in use of technology, to submit or view evidence electronically; (872) whether in-person participation could compromise one's health or safety risks; (983) the need for language access services whether the court can provide language access services for a person with limited English proficiency through the manner of appearance requested; and (1094) whether the court's ability can to provide a reasonable accommodation for a person with a disability to participate in the proceeding, in the particular manner requested; (10) whether in-person participation would pose a financial burden or risk a loss of employment; (11) the ability to travel to the courthouse; and (12) whether a person who is subject of the request may be unable to appear remotely due to a) the travel distance from the courthouse or access to reliable transportation or b) caretaking responsibilities.~~ When a party files a request for participation in a particular manner, the party should explain the reasons for the request. Subpart (c) requires the court's contact information to be in a notice of a court proceeding. A participant in a court proceeding should be able to use that information to receive a reasonably timely response to any issues concerning participating remotely or by being physically present in the courtroom.