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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN BENITO

**MODIFICATION OF REMOTE APPEARANCE
POLICY ADOPTED IN RESPONSE TO THE
COVID-19 PANDEMIC**

ORDER NO. 2022-01

WHEREAS Governor Gavin Newsom on March 4, 2020 proclaimed the existence of a state of emergency in California in response to the global COVID-19 pandemic;

WHEREAS despite significant progress, San Benito County and the State of California remain under a state of emergency; and

WHEREAS the Judicial Council of California adopted statewide emergency rule 3 and the Superior Court of California, County of San Benito ("Court") adopted local emergency rule 4 allowing for remote appearance in civil and criminal cases; and

WHEREAS the Legislature has enacted Code of Civil Procedure section 367.75, which governs the remote appearance of parties in civil and juvenile dependency proceedings beginning January 1, 2022; and

WHEREAS the Judicial Council of California amended statewide emergency rule 3 to exclude civil and juvenile dependency proceedings from the scope of that rule effective January 1, 2022.

NOW, THEREFORE, I find good cause to order that:

1. Local emergency rule 4 section 2.0(b) is hereby repealed.

2. Any appearance in a criminal or juvenile delinquency case, excluding jury trials, may be conducted by remote internet-facilitated proceedings (via ZOOM or otherwise) or telephonically conducted, consistent with and except as otherwise required by California Rules of Court, Emergency Rule 3 and 5, as adopted by the Judicial Council of California on April 6, 2020 (as subsequently amended). Remote access for criminal and juvenile delinquency matters shall be allowed only if the request is based on COVID considerations. All litigants and counsel in any such court proceeding shall provide to the clerk of the appropriate department (criminal or juvenile delinquency) notice of such person's email address or telephone number no less than two (2) court days before such proceeding along with the reason such person desires to remotely appear. For any proceeding conducted remotely, the litigant (or counsel for such litigant, if represented) is responsible for arranging for the remote appearance of any

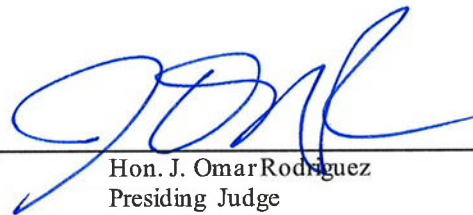
1 out-of-custody party or witness. Until further order of the court, all persons in custody shall appear remotely. The
2 San Benito County Jail shall facilitate the remote appearance of, and confidential communication with counsel of,
3 any person incarcerated therein.

4 This order may be deemed part of the record in affected cases without the need to file the order in each
5 case.

6 Pursuant to the authority granted in the Statewide Order issued by Chief Justice Cantil-Sakauye on March
7 23, 2020, this order shall take effect immediately. This order shall remain in effect until ninety (90) days after the
8 COVID-19 state of emergency in the State of California ends, or until this order is otherwise repealed or amended.

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10 **IT IS SO ORDERED.**

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12 Dated this 4 day of January, 2022.

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16 Hon. J. Omar Rodriguez
17 Presiding Judge
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