

**NOTICE RE: TELEPHONIC APPEARANCE PROCEDURES FOR
MAGISTRATE JUDGE KANDIS A. WESTMORE**

(Revised April 17, 2019)

I. POLICY GOVERNING TELEPHONIC APPEARANCES

- A. **Generally**, a party representative (or a party if *pro se*) must appear in person for a hearing or case management conference. In the Court's discretion, however, permission to attend by telephone may be granted upon a finding that good cause exists to excuse personal attendance, and personal attendance is not necessary to have an effective hearing or conference.
- B. **Written request** must be filed on the case docket at least two weeks in advance of the hearing. The facts establishing good cause must be set forth in the request, and the party must simultaneously file a proposed order granting the request. (*See* Attachment A for a sample proposed order.)
- C. **Use of CourtCall:** All telephonic appearances must be made through CourtCall, an independent conference call company, pursuant to the procedures set forth in Section II. The Court does not initiate calls to counsel nor provide a call-in line in the courtroom.
- D. **Caution**
- a. At your risk: Individuals making use of the conference call service do so at their own risk. Hearings will not generally be rescheduled due to missed connections or interruptions in service.
 - b. Failure to respond: If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on calendar, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.

II. SCHEDULING A TELEPHONIC APPEARANCE WITH COURTCALL

If the Court grants a party's request for telephonic appearance, the party shall personally arrange for the appearance by calling **CourtCall at (866) 582-6878** not later than **3:00 p.m.** the court day prior to the hearing date.

CourtCall will provide counsel with written confirmation of the telephonic appearance, and will furnish a call-in number to make the telephonic appearance.

III. PROCEDURE FOR TELEPHONIC APPEARANCE

- A. **CourtCall does not place a call to counsel.** It is counsel's responsibility to dial into the call no later than 10 minutes prior to the scheduled hearing.
- B. **Fees:** As of the date of revision, the initial charge per participant for a CourtCall appearance is \$30.00 for the first 45 minutes, and \$7.00 for each additional 15 minute increment or portion thereof. If you do not timely call and connect with the Court Call operator, you will be billed for the call and the hearing may proceed in your absence.
- C. **Logistics**
- a. Call quality: Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of cellular phones, speakerphones, or phones in public places is prohibited except in the most extreme circumstances. Participants should be able to hear all parties without difficulty or echo.
 - b. Listening Mode: At the time of your hearing, you may initially be in the listening mode, such that you will be able to hear the case(s) called before yours as if you were in the courtroom.
 - c. Your hearing: After your call is connected to the courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.
 - d. Note: Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the Court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, and/or a permanent prohibition against a person appearing telephonically.

ATTACHMENT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

_____,
Plaintiff,
v.
_____,
Defendant.

Case No.
[PROPOSED] ORDER GRANTING
TELEPHONIC APPEARANCE

[Plaintiff/Defendant]'s motion to appear telephonically at the **[Type of proceeding]** on **[Date]** at **[Time]** is GRANTED.

Counsel shall comply with the Court's Standing Order on Procedures for Telephonic Appearances, available online at <http://cand.uscourts.gov/kaworders>. This includes personally arranging the telephonic appearance with CourtCall—a paid, private service—in advance of the hearing date.

IT IS SO ORDERED.

Dated:

KANDIS A. WESTMORE
United States Magistrate Judge

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