

AMENDMENT TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on December 2, 2022, effective January 1, 2023

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1 **Rule 3.55. Court fees and costs included in all initial fee waivers**

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3 Court fees and costs that must be waived upon granting an application for an initial fee  
4 waiver include:

5  
6 (1)–(6) \* \* \*

7  
8 (7) The court fee for a telephone appearance ~~under Code of Civil Procedure section~~  
9 ~~367.5;~~

10  
11 (8)–(10) \* \* \*

12  
13 *Rule 3.55 amended effective January 1, 2023; adopted as rule 3.61 effective January 1, 2007;*  
14 *previously amended and renumbered as rule 3.55 effective July 1, 2009; previously amended*  
15 *effective January 1, 2009; July 1, 2015, and September 1, 2019.*

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17  
18 **Rule 3.670. Telephone appearance**

19  
20 **(a) Policy favoring telephone appearances**

21  
22 The intent of this rule is to promote uniformity in the practices and procedures  
23 relating to telephone appearances in civil cases. To improve access to the courts  
24 and reduce litigation costs, courts should permit parties, to the extent feasible, to  
25 appear by telephone at appropriate conferences, hearings, and proceedings in civil  
26 cases.

27  
28 **(b) Application**

29  
30 Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July  
31 1, 2023, during which time the provisions in rule 3.672 apply in their place. This  
32 rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer  
33 and probate proceedings.

34  
35 **(c)–(i) \* \* \***

36  
37 ~~**(j) Provision of telephone appearance services**~~

38  
39 ~~A court may provide for telephone appearances only through one or more of the~~  
40 ~~following methods:~~

41  
42 ~~(1) An agreement with one or more vendors under a statewide master agreement~~  
43 ~~or agreements.~~

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~~(2) — 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 (k), except as provided in (l) and (m). A judge may, at his or her discretion, waive telephone appearance fees for parties appearing directly by telephone in that judge’s courtroom.~~

~~**(k) — 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. Except as provided under (l) and (m), 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 \$94 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 services is not made at least two days before the scheduled appearance, except:~~

~~(A) — When an opposing party has provided timely notice under (h)(4) on an ex parte application or other hearing, conference, or proceeding, no late fee is to be charged to that party;~~

~~(B) — When the court, on its own motion, sets a hearing or conference on shortened time, no late fee is to be charged to any party;~~

~~(C) — When the matter has a tentative ruling posted within the two day period, no late fee is to be charged to any party; and~~

~~(D) — When 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 (h)(2), no late fee is to be charged to that party if its 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 cancellation under this rule. If the hearing or appearance is taken off~~

1 calendar by the court, there is no charge for the telephone appearance. If the  
2 hearing or appearance is continued by the court, the appearance fee must be  
3 refunded to the requesting party or, if the party agrees, be applied to the new  
4 hearing or appearance date.

5  
6 **~~(j)~~(i) Fee waivers**

7  
8 (1) *Effect of fee waiver*

9  
10 A party that has received a fee waiver must not be charged the fees for  
11 telephone appearances provided under (k), subject to the provisions of Code  
12 of Civil Procedure section 367.6(b).

13  
14 (2) *Responsibility of requesting party*

15  
16 To obtain telephone services without payment of a telephone appearance fee  
17 from a vendor or a court that provides telephone appearance services, a party  
18 must advise the vendor or the court that he or she has received a fee waiver  
19 from the court. If a vendor requests, the party must transmit a copy of the  
20 order granting the fee waiver to the vendor.

21  
22 (3) *Lien on judgment*

23  
24 If a party based on a fee waiver receives telephone appearance services under  
25 this rule without payment of a fee, the vendor or court that provides the  
26 telephone appearance services has a lien on any judgment, including a  
27 judgment for costs, that the party may receive, in the amount of the fee that  
28 the party would have paid for the telephone appearance. There is no charge  
29 for filing the lien.

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31 *(Subd (j) relettered effective January 1, 2023; adopted as subd (k) effective July 1, 2011;*  
32 *previously amended and relettered as subd (l) effective January 1, 2014.)*

33  
34 **~~(m)~~(k) Title IV-D proceedings**

35  
36 (1) *Court-provided telephone appearance services*

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38 If a court provides telephone appearance services in a proceeding for child or  
39 family support under Title IV-D of the Social Security Act brought by or  
40 otherwise involving a local child support agency, the court must not charge a  
41 fee for those services.  
42

1           ~~(2)~~ *Vendor provided telephone appearance services*

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3           If a vendor provides for telephone appearance services in a proceeding for  
4           child or family support under Title IV-D, the amount of the fee for a  
5           telephone appearance under ~~(k)(1)~~ is \$74 instead of \$94. No portion of the  
6           fee received by the vendor for a telephone appearance under this subdivision  
7           is to be transmitted to the State Treasury under Government Code section  
8           72011.

9  
10          ~~(3)~~(2) *Responsibility of requesting party*

11  
12           When a party in a Title IV-D proceeding requests telephone appearance  
13           services from a court or a vendor, the party requesting the services must  
14           advise the court or the vendor that the requester is a party in a proceeding for  
15           child or family support under Title IV-D brought by or otherwise involving a  
16           local child support agency.

17  
18          ~~(4)~~(3) *Fee waivers applicable*

19  
20           The fee waiver provisions in ~~(4)(j)~~ apply to a request by a party in a Title IV-  
21           D proceeding for telephone appearance services from a vendor.

22  
23          ~~(n)~~(l) **Audibility and procedure**

24  
25           The court must ensure that the statements of participants are audible to all other  
26           participants and the court staff and that the statements made by a participant are  
27           identified as being made by that participant.

28  
29           *(Subd (l) relettered effective January 1, 2023; adopted as subd (f); previously amended*  
30           *effective January 1, 2003, and January 1, 2007; previously amended and relettered as*  
31           *subd (j) effective January 1, 2008; previously relettered as subd (c) effective January 1,*  
32           *1989, as subd (g) effective July 1, 1998, as subd (m) effective July 1, 2011; and as subd (n)*  
33           *effective January 1, 2014.)*

34  
35          ~~(o)~~(m) **Reporting**

36  
37           All proceedings involving telephone appearances must be reported to the same  
38           extent and in the same manner as if the participants had appeared in person.

39  
40           *(Subd (m) relettered effective January 1, 2023; adopted as subd (h) effective July 1, 1998;*  
41           *previously amended effective January 1, 2003; previously relettered as subd (k) effective*  
42           *January 1, 2008, as subd (n) effective July 1, 2011; as subd (o) effective January 1, 2014.)*

1 **~~(p)~~(n) Conference call vendor or vendors**

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3 A court, by local rule, may designate the conference call vendor or vendors that  
4 must be used for telephone appearances.

5  
6 *(Subd (n) relettered effective January 1, 2023; adopted as subd (i) effective July 1, 1998;*  
7 *previously amended effective January 1, 1999, and January 1, 2003; previously relettered*  
8 *as subd (l) effective January 1, 2008; and as subd (p) effective January 1, 2014; previously*  
9 *amended and relettered as subd (o) effective July 1, 2011.)*

10  
11 **~~(q)~~(o) Information on telephone appearances**

12  
13 The court must publish notice providing parties with the particular information  
14 necessary for them to appear by telephone at conferences, hearings, and  
15 proceedings in that court under this rule.

16  
17 *(Subd (o) relettered effective January 1, 2023; adopted as subd (j); previously amended*  
18 *effective January 1, 2003, and January 1, 2007; previously amended and relettered as*  
19 *subd (m) effective January 1, 2008; previously relettered as subd (p) effective July 1, 2011;*  
20 *and as subd (q) effective January 1, 2014.)*

21  
22 **Advisory Committee Comment**

23  
24 This rule does not apply to criminal or juvenile matters, and it also does not apply to family law  
25 matters, except in certain respects as provided in rule 5.324 relating to telephone appearances in  
26 proceedings for child or family support under Title IV-D of the Social Security Act. (See Cal.  
27 Rules of Court, rule 3.670(b) [rule applies to general civil cases and unlawful detainer and  
28 probate proceedings]; rule 5.324(j) [subdivisions (j)–(q) of rule 3.670 apply to telephone  
29 appearances in Title IV-D proceedings].)

30  
31 *Rule 3.670 amended effective January 1, 2023; adopted as rule 298 effective March 1, 1988;*  
32 *previously amended and renumbered as rule 3.670 effective January 1, 2007; previously*  
33 *amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001,*  
34 *July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2011, July 1, 2013, January 1, 2014,*  
35 *January 1, 2016, January 1, 2019, and January 1, 2022.*

36  
37 **Subdivision (d) \* \* \***

38  
39 **Subdivision (h) \* \* \***

40  
41 **Subdivision (j).** Under subdivision (j)(3) of this rule and Government Code section 72010(c),  
42 ~~even for proceedings in which fees are authorized, the fees may be waived by a judicial officer, in~~

1 his or her discretion, for parties appearing directly by telephone in that judicial officer's  
2 courtroom.

3  
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5 **Rule 10.815. Fees to be set by the court**

6  
7 **(a) Authority**

8  
9 Under Government Code section 70631, a superior court may charge a reasonable  
10 fee for a service or product not to exceed the costs of providing the service or  
11 product, if the Judicial Council approves the fee.

12  
13 **(b) Approved fees**

14  
15 The Judicial Council authorizes courts to charge a reasonable fee not to exceed  
16 costs for the following products and services unless courts are prohibited by law  
17 from charging a fee for, or providing, the product or service:

18  
19 (1)–(15) \* \* \*

20  
21 (16) Training programs for attorneys who serve as court-appointed temporary  
22 judges, including the materials and food provided to the participants; ~~and~~

23  
24 (17) Other training programs or events, including materials and food provided to  
25 the participants; and

26  
27 (18) Telephone appearance services.

28  
29 *(Subd (b) amended effective January 1, 2023; previously amended effective July 1, 2006,*  
30 *and January 1, 2007.)*

31  
32 **(c) Guidelines for determining costs**

33  
34 The fee charged for any product or service listed in (b) may not exceed the court's  
35 cost in providing the product or service. In determining the costs of a product or  
36 service, the court must:

37  
38 (1) Identify the specific product or service; and

39  
40 (2) Prepare an analysis of the direct and indirect costs on which the fee is based.

41  
42 **(d) Reasonableness**

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1 In deciding what specific fee or fees, if any, to charge for a product or service under  
2 (b), the court must determine that the fee charged is reasonable considering relevant  
3 factors such as the benefits to the court and the public from providing the product  
4 or service and the effects of charging the fee on public access to the court.  
5

6 **(e) Reporting requirement**

7  
8 Each court that charges a fee under this rule must provide Judicial Council staff  
9 with a description of the fee, how the amount of the fee was determined, and how  
10 the fee is applied.  
11

12 **(f) Public notice**

13  
14 The court must notify the public of any fee that it charges under this rule by  
15 providing information concerning the fee in a conspicuous place such as the court's  
16 fee schedule.  
17

18 **(g) Procedure for adoption of fee**

19  
20 If a court proposes to change any fee authorized under (b) that it is already charging  
21 or to charge any new fee authorized under (b), the court must follow the procedures  
22 for adopting or amending a local rule under rule 10.613 of the California Rules of  
23 Court.  
24

25 *Rule 10.815 amended effective January 1, 2023; adopted as rule 6.712 effective January 1, 2006;*  
26 *previously amended effective July 1, 2006, and January 1, 2016; amended and renumbered as*  
27 *rule 10.815 effective January 1, 2007.*  
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