

Telephonic Appearances and Connection Procedures

- **Preference for Appearances In Person.**

The Court prefers for counsel and *pro se* parties to appear in person in Court for all scheduled hearings. Participation in person may facilitate better communication with the Court and promote substantive dialogue between opposing counsel and parties. Such communication in person between opposing counsel and parties often leads to the resolution or narrowing of disputed issues.

Notwithstanding, the Court recognizes that telephonic participation may be appropriate in certain routine, non-evidentiary hearings and conferences in order to avoid additional fees and costs. Accordingly, as set forth below, the Court will permit telephonic participation in certain routine, non-evidentiary hearings and conferences. But even if telephonic participation is authorized, counsel and *pro se* parties always may appear in person.

If telephonic participation is authorized, please be aware that telephonic hearings are conducted in open Court and all proceedings are recorded.

- **Presumptive Authorized Telephonic Appearances.**

The Court presumptively permits counsel and parties (including *pro se* parties) to appear by telephone only at the following type of hearings and conferences:

- Non-evidentiary hearings on contested motions;
- Status and scheduling conferences on contested motions;
- Scheduling conferences, pretrial conferences, and final pretrial conferences conducted under Fed. R. Civ. P. 16 and Fed. R. Bankr. P. 7016 in adversary proceedings;
- Reaffirmation agreement hearings under 11 U.S.C. § 524;
- Non-evidentiary Chapter 13 confirmation hearings under 11 U.S.C. § 1324; provided however, that counsel may appear by telephone only if the required Confirmation Status Report is **timely filed** under L.B.R. 3015-1, or if a phone appearance is indicated in the minutes of proceeding, minute order, Court order, or notice setting the hearing.
- Other types of hearings and conferences in which the minutes of proceeding, minute order, Court order, or notice specify that telephonic participation is authorized.

- **Presumptive Appearances In Person.**

- **Trials and Evidentiary Hearings.** For trials and evidentiary hearings, the Court presumptively requires (absent extraordinary circumstances presented by motion in advance) that all counsel (and *pro se* parties), as well as all witnesses, appear in person. The Court generally does not accept evidence telephonically.
- **Evidentiary Proffers.** For preliminary hearings at which an evidentiary proffer is required or anticipated (including hearings on motions for relief from stay under 11 U.S.C. § 362(d) and L.B.R. 4001-1 and motions to dismiss or convert under 11 U.S.C. § 1112 and L.B.R. 2081-3), the Court presumptively requires (absent extraordinary circumstances presented by motion in advance) that all counsel (and *pro se* parties) appear in person to present evidentiary proffers. Witnesses are not required to attend hearings in which only evidentiary proffers will be made. The Court generally does not accept evidence telephonically.

- **Motions for Telephonic Participation.**

If telephonic participation is not presumptively authorized, counsel (or *pro se* parties), may file a motion requesting authorization to appear telephonically or present a witness telephonically. Any such motion must be filed well in advance of the trial or hearing date and must explain the extraordinary circumstances warranting telephonic participation. Telephonic participation is not authorized unless the Court approves such motion.

- **Procedure for Telephone Connection.**

If telephonic participation is authorized, it is the responsibility of counsel and *pro se* parties to initiate any connection to the Court's telephone conference system. Failure to contact the Court and to connect to a hearing or conference in a timely manner, prior to the scheduled time, may preclude counsel or *pro se* parties from participation in a hearing or a status and scheduling conference.

If telephonic participation is authorized, please access the Courtroom conference bridge by dialing **1-888-684-8852**. The User ID is **3187256 followed by #**. The Court strongly recommends use of a land line if appearing by telephone. Please stay on the line until the Court operator takes the roll call and the hearing or conference begins.

Please note that being allowed to appear telephonically at a hearing is a **privilege** which will be not be granted or continued unless the Court can obtain an accurate record. In order to allow the Court to make a proper electronic recording of its proceedings when parties appear telephonically, those appearing by telephone are advised that they cannot use speaker phones, as speakerphones cause feedback on the Court's recording system. Those appearing telephonically must eliminate all excessive noise (including, but not limited to typing, background conversations, crying babies, barking dogs, traffic, wind, music, etc.). Cellular telephones are discouraged since they are more susceptible to background noise and clarity issues. **Participants who fail to follow the foregoing telephone procedures risk being disconnected and excluded from the hearing or conference.**