

PROTOCOL FOR CONDUCT OF HEARING BY VIDEOCONFERENCE

Honorable Lori S. Simpson

(Updated April 14, 2021)

MOST HEARINGS BEFORE THE HONORABLE LORI S. SIMPSON WILL PROCEED BY VIDEOCONFERENCE UNTIL FURTHER NOTICE. Additionally, certain routine, non-evidentiary hearings may be conducted telephonically. The following procedures, as well as any additional procedures announced prior to or during a hearing in any given case, apply to telephonic or videoconference hearings.

I. HEARING ACCESS:

- **For Chapter 13 Docket Days only:**
 - Parties should contact the appropriate Chapter 13 trustee for hearing access information (see www.mdb.uscourts.gov/hearings).
- **All Other Hearings**
 - Once the [Courtroom Deputy](#) has confirmed that a hearing is proceeding, you should register for the appropriate hearing time at the links below no sooner than 48 hours prior to the hearing (once you register, the virtual hearing ID and password will be emailed to you):

[Morning Docket \(Zoomgov registration\)](#)

[Afternoon Docket \(Zoomgov registration\)](#)

Registering at the links above provides only access information to virtual hearings set by the court. Registering at the links above does **NOT** constitute the self-scheduling of hearings or otherwise impact the Court's official hearings schedule in any manner.

II. PRE-HEARING PLANNING AND HEARING RECORD:

All parties are strongly encouraged to test their capability to participate via zoom videoconference software on their preferred device and verify that such device has clear audio and video connections prior to the hearing.

Each party must connect to the videoconference at least 10 minutes prior to the start time of the scheduled hearing. Witnesses should have a separate video and audio feed and should not attempt to "share" a connection with counsel. Parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom. To the extent possible, all parties and witnesses should be alone in a room where there will be no interruptions or distractions for the duration of the hearing.

The Court will create an official recording of the videoconference hearing.

No party (other than the Court) may record or otherwise capture the audio or video of the hearing in any manner.

III. ANNOUNCEMENT OF PARTICIPATION

After the Courtroom Deputy has called the case, she will ask each individual to enter their appearance and confirm that they are able to hear the Judge. Each party who has connected to the hearing must announce their full name, affiliation, and the names of any other individuals watching or listening to the hearing through the participant's connection.

In general, appearances should be entered in the following order: (i) all parties associated with the Movant (or the Debtor if general status hearing); (ii) all parties associated with the Respondent (or Creditor if general status hearing); (iii) all parties associated with the case trustee, if any; (iv) all parties associated with the U.S. Trustee, if any; and (v) any other individuals connected to the hearing. The Courtroom Deputy will review this order with participants before commencing the hearing.

To ensure full transparency, the Courtroom Deputy will also identify all members of the Court participating in the hearing.

During the hearing, parties must identify themselves before speaking. Parties also should announce their joining or rejoining if the hearing is in progress and, if necessary, request permission to leave or disconnect prior to the end of the hearing (as they would in the courtroom).

All participants are asked to place their lines on mute before and during the hearing unless they are speaking or about to speak. All parties will begin the videoconference on mute and will need to unmute their device in order to announce their appearance.

IV. SUBSTANCE OF HEARING

The Court generally anticipates that most videoconference hearings will consist primarily of status reports or oral argument by counsel. The parties are **strongly** encouraged to discuss all exhibits which they propose to use at the hearing, and, to the greatest extent possible, reach agreement on their admissibility and circulate a single electronic packet of agreed exhibits to all counsel and Chambers.

AT LEAST 48 HOURS PRIOR TO THE SCHEDULED HEARING, PARTIES SHALL SUBMIT HARD COPIES OF ALL DOCUMENTARY EVIDENCE TO CHAMBERS.

In addition, the parties shall file on the docket all documentary evidence (and serve the same via electronic mail on opposing counsel) *at least 48 hours prior to the hearing*. Counsel shall ensure that all witnesses have a copy of any exhibits which have been submitted to the Court for the purposes of the hearing. Any affidavits should meet the standards of Civil Rule 56(c)(4), made applicable to bankruptcy matters by Bankruptcy Rule 7056, even if the matter does not involve a motion for summary judgment.

Counsel need not include documents to be used solely for impeachment in exhibit lists and pre-filed exhibits. If not included in the pre-filed exhibits, prior to using the document,

examining counsel must submit by email an electronic copy of the impeachment exhibit to participating counsel and to the courtroom deputy at Hearings_LSS@mdb.uscourts.gov , identified with the party's next exhibit number. Alternatively, if instructed by the presiding judge, counsel must file the document on CM/ECF. Upon verification that participating counsel have obtained the document, examining counsel shall use the screen-sharing function to show the document to the witness and hearing participants. Because the court will require verification of receipt of the document, counsel are encouraged to send the document at least several minutes before the planned use, where feasible.

Parties should consult with opposing counsel prior to the hearing regarding any evidentiary objections and file a stipulation as to the admissibility of exhibits, if any, by 4:00 p.m. on the day prior to the hearing.

All exhibits must be clearly marked, preferably with an electronic header/footer as follows:

1. Exhibits offered jointly by the parties shall be marked "Joint Exhibit ___"
2. Exhibits offered solely by the separate parties shall be marked "[Party Role, Example: Debtor, Creditor, Trustee]'s Exhibit ___"

V. COMPLIANCE

Telephonic and video 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 an individual's conduct makes telephonic or video appearances inappropriate.

VI. TECHNICAL DIFFICULTY:

Participants should email Donna Daneman at LSS_Virtual_Hearings@mdb.uscourts.gov or call the Court at (301) 344-8040 if they experience any technical issues during the hearing, including if they are disconnected or cannot enter the hearing.

End of Protocol