

**PROTOCOL FOR CONDUCT OF HEARING BY
TELECONFERENCE OR VIDEOCONFERENCE**
(as of May 22, 2020)

Under certain circumstances, the Court may authorize a hearing to proceed telephonically or by videoconference. Although typically used in only certain non-evidentiary matters and matters in which all parties are represented by counsel, the Court may, in its discretion, use telephonic or video hearings in additional situations if warranted under the circumstances. If the Court sets a telephonic or video hearing, the following procedures apply, as well as any additional procedures announced prior to or during a hearing in any given case.

I. Connecting to Hearing

Each individual who is participating in a telephonic or video hearing must register for the hearing by emailing the individual's name, affiliation, and the case number to the Courtroom Deputy at Hearings_MMH@mdb.uscourts.gov. **Registration must be completed at least 72 hours prior to the start time of the hearing** (unless the emergency nature of any given hearing makes such timing impractical). Each individual who registers for the telephonic or video hearing will receive connection information for the hearing at least 4 hours prior to the start time of the hearing (unless the emergency nature of any given hearing makes such timing impractical).

Note: Following proper registration, the Court may direct non-party individuals to a separate listen-only conference line depending on the nature of the given hearing.

Each individual must connect to the telephonic or video hearing at least 10 minutes prior to the start time of the scheduled hearing.

The Court will create an official recording of the telephonic or video hearing. ***No party (other than the Court) may record or otherwise capture the audio or video of the hearing in any manner.***

II. Announcement of Participation

After the Courtroom Deputy has called the case, she will ask all individuals on the telephone or video to enter their appearance. Each individual who has connected to the hearing must announce his or her participation in the hearing, providing full name, affiliation, and the names of any other individuals watching or listening to the hearing through that 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 presiding Judge will identify all members of the Court participating in the hearing. In addition, the Judge or the Courtroom Deputy may pause the hearing to take a roll call if the video or conference line indicates the addition or deletion of a participant. Participants should email the Court at Hearings_MMH@mdb.uscourts.gov or call the Court at 410.962.2820 if they experience any technical issues during the hearing, including if they are disconnected or cannot enter 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.

III. Substance of Hearing

The Court generally anticipates that most telephonic or video hearings will consist primarily of status reports or oral argument by counsel. To the extent parties need to submit evidence to support their respective positions, they must file on the docket affidavits and authenticated documentary evidence (and serve the same via electronic mail on opposing counsel) *at least 24 hours prior to 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. Parties also are encouraged to consult with opposing counsel prior to the hearing regarding any evidentiary objections. The parties should coordinate the presentation of witness testimony and documentary evidence during the telephonic or video hearing with the Courtroom Deputy at least 24 hours prior to the hearing.

IV. 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.