

**PROTOCOL FOR CONDUCT OF HEARING BY
TELEPHONE OR VIDEOCONFERENCE**

The Honorable Maria Ellena Chavez-Ruark
(Effective April 7, 2021)

ALL HEARINGS BEFORE JUDGE RUARK 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 and videoconference hearings.

I. HEARING ACCESS

For Chapter 13 confirmation dockets only: Parties should contact the appropriate chapter 13 trustee for hearing access information (see www.mdb.uscourts.gov/hearings).

For 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 Zoom hearing ID and password will be emailed to you.

[Zoomgov registration](#)

Registering at the link above provides access information to virtual hearings set by the Court. Registering at the link 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.

Parties 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. 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.

Parties should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom.

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 his or her appearance and confirm that he or she is able to hear the Judge. Each individual who has connected to the hearing must announce his or her 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 Office of 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.

All participants should do the following during the hearing:

1. Ensure that their first and last names appear for their device on Zoom;
2. Identify themselves before speaking;
3. Announce themselves after 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);
4. 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 to announce their appearance); and
5. Keep their video on for the entire duration of the hearing.

IV. EXHIBITS

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 compile a single electronic packet of agreed exhibits.

At least 48 hours prior to the scheduled hearing, all parties shall:

1. File an exhibit list on the case docket and attach all exhibits;
2. Include on the exhibit list any affidavits and authenticated documentary evidence;
3. Serve the foregoing on opposing counsel by electronic email; and
4. Ensure that any witness the party intends to call at the hearing has a copy of all exhibits filed by all parties in connection with the matter to be heard.

Any affidavits should meet the standards of 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.

A party need not include documents to be used solely for impeachment in its exhibit list and pre-filed exhibits. If the exhibit is not included in the pre-filed exhibits, prior to using the document at a videoconference hearing, the examining party must submit by email an electronic copy of the impeachment exhibit to all participating counsel, any unrepresented parties and Judge Ruark's Courtroom Deputy, identified with the party's next exhibit number. Judge Ruark will require verification that all participating counsel and unrepresented parties have obtained the document before the examination may proceed. Parties are encouraged to send an impeachment document at least several minutes before the planned use, where feasible, to allow the hearing to proceed in a timely manner. After the conclusion of the hearing, a party using impeachment documents must file the documents on CM/ECF.

The parties are encouraged to coordinate the presentation of witness testimony and discuss any evidentiary objections 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 by only one party shall be marked "[Party]'s Exhibit X" (ex. "Debtor's Exhibit 1").

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 the Courtroom Deputy at Hearings_MCR@mdb.uscourts.gov or call Chambers at (301) 344-3377 if they experience any technical issues during the hearing, including if they are disconnected or cannot enter the hearing.