

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

Judge Thomas J. Catliota
Effective June 8, 2020

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.

I. REGISTERING AND CONNECTING TO THE HEARING:

- For Chapter 13 confirmation dockets only:
 - Parties should contact the appropriate chapter 13 trustee for hearing access information (please refer to www.mdb.uscourts.gov/hearings).
- All other hearings:
 - The Courtroom Deputy will email the parties the videoconference ID and password information. If the hearing is being conducted by telephone, the Courtroom Deputy will email the parties information about the telephonic hearing. All information will be sent by email approximately 24 hours prior to the hearing.

II. PRE-HEARING PLANNING AND HEARING RECORD:

All parties are strongly encouraged to test using www.ZoomGov.com videoconference technology on their 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 15 minutes prior to the start time of the scheduled hearing.

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

To the extent parties need to submit evidence to support their respective positions, they must file on the docket declarations and authenticated documentary evidence (and serve the same by email on opposing counsel) at least 24 hours prior to the hearing. Any declarations should meet the standards of Federal Rule of Civil Procedure 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.

Counsel need not include documents to be used solely for impeachment in exhibit lists and pre-filed exhibits. If the exhibit is not included in the pre-filed exhibits, prior to using the document at a virtual hearing, examining counsel must submit by email an electronic copy of the impeachment exhibit to participating counsel and to the courtroom deputy at Hearings_TJC@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. The judge will require verification that participating counsel have obtained the document before the examination may proceed. Counsel are encouraged to send the document at least several minutes before the planned use, where feasible.

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.

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. 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.

V. TECHNICAL DIFFICULTY:

Participants should email the Court at Hearings_TJC@mdb.uscourts.gov or call the Court at (301) 344-3660 if they experience any technical issues during the hearing, including if they are disconnected or cannot enter the hearing.