

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA

www.flnb.uscourts.gov

In re:

VIRTUAL HEARINGS)
_____)
ADMINISTRATIVE)
ORDER NO. 21-001)

PROCEDURES FOR VIDEO AND TELEPHONIC HEARINGS
("VIRTUAL HEARINGS")

This Administrative Order, which supplements Administrative Order 20-003, sets forth procedures and requirements for successful video and telephonic hearings (collectively "Virtual Hearings"). These procedures are designed to ensure that during the continuing COVID-19 public health emergency and beyond, bankruptcy hearings proceed as efficiently and effectively as possible.

For the reasons stated,

IT IS ORDERED: Beginning January 29, 2021, the following apply to Virtual Hearings in this Court:

1. Platforms

- a. The presiding judge maintains the discretion to conduct any hearing—whether evidentiary or non-evidentiary—telephonically or through videoconferencing technology.
- b. For any telephonic hearing, the presiding judge reserves the right to choose the platform employed for audio ("Audio Platform") (e.g., AT&T conference line, CourtCall, or CourtSolutions). For any video hearing, the presiding judge reserves the right to choose the platform employed for videoconferencing ("Video Platform") (e.g., Skype, commercial Zoom (subject to IT approval), Government Zoom, Microsoft Teams, or GoToMeeting).

2. Required Equipment

- a. TELEPHONIC Hearings: For telephonic hearings, each attorney and Remote Witness (defined below) must have access to a telephone. If possible, parties appearing telephonically should use a landline rather than a cell phone. If a cell phone

is used, parties shall ensure that they have a strong cellular phone system or use the Wi-Fi calling option on their phones. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile.

- b. VIDEO Hearings: For video hearings, each attorney and each Remote Witness must have access to a computer, tablet, phone, or other device equipped with (i) a camera, (ii) an internet connection sufficient to support the applicable Video Platform, and (iii) a microphone. In lieu of a microphone, many Video Platforms also have the option of using a telephone for audio.

3. Exhibits and Testimony

- a. For any Virtual Hearing requiring evidence, each attorney and Remote Witness must have access to a computer, tablet, phone, or other device that is able to access exhibits in Portable Document Format (“PDF”) through the use of an application capable of reading PDF files (e.g., Adobe Acrobat Reader for computers or Apple Books for iPhone or iPad). If a Remote Witness does not have access to this required technology, the party sponsoring the Remote Witness shall ensure the Remote Witness has a printed copy of all exhibits prior to the hearing.
- b. In advance of any evidentiary Virtual Hearing, parties shall provide to each other and the Court electronic copies of exhibits in PDF format, in accordance with this Court’s Local Rules.
- c. Unless ordered otherwise in a case or proceeding, any witness called to testify in a Virtual Hearing shall be permitted to testify by contemporaneous transmission from a different location (“Remote Witness”).¹
- d. Remote Witnesses shall be sworn in virtually by the presiding judge or other court employee; their testimony will have the same effect as if the Remote Witness was sworn in person, in open court at the courthouse.
- e. As an additional safeguard for the allowance of a Remote Witness, the presiding judge may require the Remote Witness or the party sponsoring the Remote Witness to provide certain information. The Remote Witness and/or the sponsoring party should be prepared to provide information such as: (i) the location of the Remote Witness (city, state, and country); (ii) the

¹ Fed. R. Civ. P. 43(a) made applicable by Fed. R. Bankr. P. 9017.

place from which the Remote Witness will testify (e.g., home, office or other); (iii) whether anyone is or will be in the room with the Remote Witness during the testimony and, if so, who and for what purpose; and (iv) whether the Remote Witness will have access to any documents other than exhibits provided to the Court and the parties, and if so, what documents.

- f. The party sponsoring a Remote Witness shall be responsible for ensuring that any applicable dial-in information, any applicable link for the Video Platform, and all exhibits are supplied to the Remote Witness before the Virtual Hearing.
4. Recordings: Other than official court reporters and official electronic recorders employed by the Court, no party shall be permitted to record any Virtual Hearing. Parties are prohibited from using cameras, cell phones, or other recording devices to record judicial proceedings.
5. Test meetings: Attorneys who have not previously participated in a video hearing may attend a Video Platform test meeting hosted by the Court's IT department no fewer than five (5) business days before a scheduled video hearing. Participants should review the Notice of Hearing or the Court's website at <https://www.flnb.uscourts.gov/zoom> for information about how to sign up for the Video Platform test meeting.
6. Updates and Additional Information: Detailed information about Virtual Hearings can be found on the Court's website: <https://www.flnb.uscourts.gov/zoom>. *Updates to these procedures will be posted on the Court's website rather than in additional administrative orders.*
7. General Requirements
 - a. Prior to a Virtual Hearing, parties should carefully review the presiding judge's webpage and any scheduling or other orders entered in the case or proceeding. After such review, parties may contact the presiding judge's courtroom deputy with non-legal questions or concerns.
 - b. Parties should carefully monitor their email and the case docket in advance of Virtual Hearings for additional instructions, dial-in information, or links for Audio or Video Platforms.
 - c. Parties who wish to ACTIVELY participate in a video hearing may do so via the Video Platform chosen by the Court. Parties

who wish to listen only to a video hearing may appear telephonically via the chosen Video Platform.

- d. Participants in video hearings must:
 - i. register for the hearing as directed in any notice of hearing or docket entry issued by the Court;
 - ii. dress in appropriate attire;
 - iii. mute their microphones when not speaking;
 - iv. stop their video when their matter is not being heard;
 - v. participate from a quiet location; and
 - vi. connect to the video hearing at least thirty (30) minutes prior to the hearing time.
- e. Video Platforms require participants to be identified and accepted into the video hearing. The Court will not admit attorneys, witnesses, or parties who have not followed these procedures into a video hearing after the Judge has taken the bench, unless ordered otherwise.
- f. Any person testifying as a party or witness during a Virtual Hearing must turn off all other devices in their possession or control (i.e., cell phones, iPads, notebooks) other than the device from which they are participating in the hearing, unless all attorneys in the case agree or the Court orders otherwise.
- g. Parties shall not use speaker phone, Bluetooth, and other hands-free features without Court approval.
- h. Successful Virtual Hearings require the cooperation of all participants. Parties should continue to exercise patience and care during their participation in Virtual Hearings to maximize the swift and orderly administration of justice during this public health emergency.
- i. Every participant shall wait until called upon to speak; announce his or her name for the record before speaking; speak slowly, clearly, and concisely; and pause before speaking to avoid speaking over or interrupting other parties and the Court.

DONE AND ORDERED ON January 27, 2021.



KAREN K. SPECIE

Chief U.S. Bankruptcy Judge