



## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

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### **GENERAL PROCEDURES FOR HEARINGS BY VIDEO CONFERENCE**

Unless ordered otherwise, the following procedures apply to all hearings scheduled as video conferences:

**1. VIDEO CONFERENCE.** The hearing will take place only by video conference. Do not go to the courthouse. Attorneys must advise their clients and witnesses not to appear at the courthouse. The video conference will be conducted using the services of Zoom Video Communications, Inc. Zoom will provide a password-protected link for the appropriate Zoom video conference to those who register to participate in accordance with paragraph 2 below and who have been approved by the Court. All participants must conduct a pre-hearing test of Zoom using the same equipment that they intend to use during the hearing.

**2. REGISTRATION FOR VIDEO CONFERENCE.** Each person wishing to participate in the hearing by video conference must register for the video conference using the web address provided in the notice of hearing generated by the Court or provided in the Court order scheduling the hearing. Participants must register at least 24 hours prior to the hearing, except for hearings set on an emergency basis, in which case participants must register at least one hour prior to the hearing. If the Court sets more than one matter for hearing by video conference at the same date and time, participants must register for the video conference only once for each case (including

jointly administered cases) and may be heard on all matters set during the video conference.

**3. LIMIT ON PARTICIPATION BY VIDEO; ALTERNATIVE TELEPHONE PARTICIPATION.** Parties should limit video conference participation to those persons necessary to present the matter(s) set for hearing. If the number of persons wishing to participate in the video conference, in the Court's view, exceeds the number that would permit the efficient and reliable transmission of the hearing by video conference, the Court may require certain persons to participate in the hearing only by telephone. The Court will provide to each person participating by telephone separate dial-in instructions, which may be used with any telephone equipment.

**4. PUBLIC ACCESS.** The general public is invited to listen to the hearing by telephone. Any person wishing to listen to the hearing by telephone may e-mail the courtroom deputy for the relevant Judge to obtain dial-in instructions. E-mail contact information for courtroom deputies is provided under the name of each Judge on this web site.

**5. RECORDING PROHIBITED; OFFICIAL RECORD.** No person may record the proceedings from any location by any means. The audio recording created and maintained by the Court will be the sole basis for creation of a transcript that constitutes the official record of the hearing.

**6. REMOTE WITNESS TESTIMONY.** In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances, a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. Unless

ordered otherwise, the Court will permit examination and/or cross-examination of witnesses in all evidentiary hearings conducted by video conference. The Court will administer the oath to each remote witness during the video conference and witness testimony will have the same effect and be binding upon each remote witness in the same manner as if such remote witness was sworn in by the Court in person in open court. As additional safeguards, the Court requires as follows: (a) if requested, each remote witness must disclose the city, state and country, and the type of place (such as home or office), where she or he is located while testifying; (b) no other person is permitted to be in the same room with any remote witness unless specifically authorized by the Court; (c) each remote witness shall have with her or him only those documents also provided to the Court for consideration in connection with the matter(s) set for hearing and no other documents or data unless specifically authorized by the Court; and (d) no person may communicate with a witness during his or her testimony, except by direct examination or cross-examination on the record, unless specifically authorized by the Court.

**7. RESPONSIBILITY FOR REMOTE WITNESSES:** The party sponsoring each remote witness shall be responsible for ensuring that the remote witness has registered with Zoom and obtained the password-protected link to the video conference, the remote witness has obtained all exhibits prior to the hearing, and the remote witness has the technological capability of participate in the video conference hearing via Zoom.

**8. CONDUCT DURING HEARING.** To avoid distractions during the hearing, all participants must mute electronic devices and disable all audible alerts. Although conducted using video conferencing technology, the hearing is a court

proceeding. The formalities of the courtroom must be observed. Counsel and witnesses must dress appropriately, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the Court.

**9. COMPLIANCE WITH FEDERAL JUDICIARY PRIVACY POLICY.**

All papers submitted to the Court, including exhibits, must comply with the federal judiciary privacy policy as referenced under Local Rule 5005-1(A)(2).