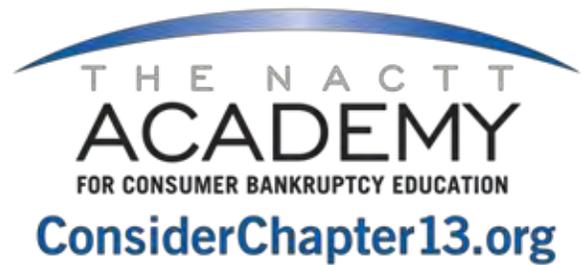


NACTT 57<sup>th</sup> Annual  
Seminar  
San Francisco, CA  
Educational Materials



**Thursday, July 7, 2022 - 11:00-12:00**

**Virtual Court Hearings: Maximizing the Benefits and Avoiding the Pitfalls**

**Moderator: Robert G. Drummond**, Chapter 13 Standing Trustee for the District of Montana (Great Falls)

**Honorable M. Elaine Hammond**, United States Bankruptcy Judge, Northern District of California (San Jose)

**Edward Emmons**, Clerk, United States Bankruptcy Court for the Northern District of California (San Francisco)

**Veronica D. Brown-Moseley**, Shareholder, Boleman Law Firm (Richmond, VA)

**MATERIALS INDEX**

1. **Speaking Outline**
2. **Logistics for Multi-Matter Law and Motion Calendar by Zoom Webinar**
3. **Judge Hammond's Practices and Procedures for In-Person Hearings**
4. **Trial Scheduling Order with Option for Remote Trial and Procedures**
5. **Zoom Attendee Waiting Room Screen Shot N.D. California**
6. **Zoom Attendee Waiting Room (Multiple Matters) N.D. California**
7. **Zoom Training N.D. California**
8. **Examples of Various Court Procedures**
  - a. **W.D. PA Judge Agresti Zoom Procedures**
  - b. **Massachusetts- Participant Guide for Video Hearings**
  - c. **Montana Local Rule Video Hearings**
  - d. **N.D. Ohio procedures-remote-participation-zoom**
  - e. **Ninth Circuit COVID-In-Person-Hearing-Protocols**
  - f. **Rhode Island Bankruptcy Court Zoom Guide for Attorney Participants**
  - g. **Vermont Standing Order**
  - h. **Zoom Hearings Delaware**
  - i. **Zoom Policy and Protocol District of New Mexico**
  - j. **Zoom Trial Guidelines - New Jersey**
  - k. **Zoom Video Conferences Colorado**
9. **Speaker Biographies**

## **Virtual Court Hearings: Best Practices & Pitfalls to Avoid**

### **1) Stay Abreast of Court Procedures**

- a. Throughout the COVID-19 pandemic, Courts have developed and implemented procedures to ensure access to the Courts while also promoting safety. Virtual hearing practices and procedures vary from court to court and continue to evolve. As a result, it is increasingly important for practitioners to pay close attention to changes in procedures, local rules, standing orders and the like. In order for an attorney to provide the best representation and make the most effective appearance, he must be familiar with the current local practices and procedures relating to virtual court hearings.

### **2) Be Prepared! Be Prepared! Be Prepared!**

- a. In addition to being knowledgeable about the facts of the case and the applicable law, an attorney should take a variety of actions to be best prepared for a virtual court hearing.
- b. Technological Needs:
  - i. Access to reliable high-speed internet;
  - ii. Access to a camera and sufficient lighting;
  - iii. Access to a computer speaker and microphone with sufficient sound;
  - iv. Ensure an electric device is charged;
  - v. Ability to troubleshoot issues;
  - vi. Ensure that notifications on a computer or other device are turned off;
  - vii. Knowledge of the virtual platform that will be used such as familiarity with basic functions (logging in, logging off, mute, raising hand feature, filters, etc.) that will be needed in the appearance.
- c. Environment
  - i. An attorney should prepare the space in which he plans to make a virtual court appearance.
  - ii. Background
    1. If an attorney elects to use a virtual background, the attorney should conduct a test run with the background prior to the hearing. Also, an attorney should be aware that when using a virtual background, movements by the attorney cause glitches in the appearance, such as hands and arms to disappear from the background.

2. If no virtual background is used, an attorney should set up the background that will appear in the court appearance ahead of time. An attorney should ensure that nothing appears in the background that the attorney would not want displayed during a court appearance. Additionally, an attorney should ensure that the background appears professional and that the lighting is sufficient for the attorney to be seen during the appearance.

iii. Privacy

1. An attorney should ensure that the space in which he plans to appear will be private. Public spaces (Starbucks, the library, the golf course, etc.) and other spaces that are not private should be avoided.
2. An attorney should make efforts to avoid disruptions by others in his office or home during a court appearance. Notify those who are in the home or office that the court appearance will be made. Close the door, lock the door, or consider placing a note on the door that puts others on notice that the court appearance is being held.

### **3) Maintaining Professionalism**

- a. Timeliness: An attorney should login to the virtual platform well in advance of the scheduled time of the hearing. This will allow sufficient time to resolve technical issues or notify the appropriate court personnel of technical issues prior to the scheduled appearance time.
- b. Professional Attire: Despite the fact that the virtual appearance is not in an actual courtroom, an attorney should dress in the same manner in which he would at an in-person appearance.
- c. Professional Demeanor: An attorney should avoid interrupting or talking over the Judge and opposing counsel. Avoiding such actions may require an attorney to be especially observant in a virtual setting. Attorneys should be sure to look at the Judge and not become so involved in his own argument that he misses cues indicating that the Judge has a question, concern, or is attempting to speak.

### **4) Managing Clients**

- a. Training & Procedures
  - i. An attorney should develop and implement procedures for handling virtual court hearings to ensure that high quality client experiences and effective court appearances occur consistently. Attorneys and staff involved in virtual court hearings should be trained on the procedures. The procedures should be reviewed and adjusted as needed for quality control and compliance with relevant rules and standards.
- b. Preparing the Client

- i. An attorney should take reasonable steps to prepare the client for a virtual court appearance.
  1. Verify that the client has access to the virtual platform that will be used. Does the client have a smart phone, tablet, or computer that can be used? Does the client have access to the internet? If not, does the client have a family member or friend that may be able to assist or could the client come into the attorney's office to make the appearance?
  2. Ensure that the client is aware of basic functions of the virtual platform, such as how to login, turn the camera on and off, mute and unmute, etc. An attorney should consider providing written instructions to all clients on how to install the application and how to login to the virtual court hearing, as well as provide other relevant information that would be useful to a client.
  3. Ensure that the client is aware of the date and time of the appearance, and the importance of logging-in in advance of the scheduled hearing time.
  4. Ensure that the client is aware of what to do in the event he has issues logging in, such as calling the attorney's office or calling the dial in number for the court appearance.
  5. Ensure that the client is aware of the importance of not causing disruptions during the court appearance. Encourage the client to be stationary at the time of the appearance. Encourage the client to minimize background noise and other distractions.
  6. Explain the anticipated timeline and what information is likely to be covered at the appearance.
  7. Verify that the client has access to all information and documentation that may be needed during the virtual appearance, such as copies of the Schedules or other documents filed in the case, proof of identity, questionnaires, interrogatories, or other relevant information.
  8. Ensure that the client has acceptable forms of identification prior to the virtual hearing. An attorney should be familiar with the local requirements for verification of identification and take all reasonable and necessary actions to verify the client's identity.
  9. Ensure that the client is aware that he should refrain from attempting to make private communications with the attorney during the appearance. Request that the client share questions or concerns with the attorney following the court appearance off of the virtual platform.

c. Technical Issues



## **Logistics for Multi-Matter Law and Motion Calendar by Zoom Webinar:**

- Prior to hearing, everyone but the Courtroom Deputy (CRD) who is running the Zoom Webinar joins as an attendee. CRD is a panelist in Zoom lingo.
- Once judge joins the Zoom, CRD promotes judge from attendee to panelist but the judge keeps their microphone and video off.
- Once attorneys join the hearing they can see the splash screen with directions on how they should identify themselves at sign-on so that they can be located (attorney name, matter appearing on) and how to use the “raise hand” tool.
- When we are ready to begin, CRD opens her video and microphone and calls the hearing to order. Judge then opens their microphone and video.
- CRD then starts promoting the attorneys on the first matter from attendee to panelist. Judge takes appearances once all attorneys for that matter are on screen.
- At the end of the hearing on the first matter, attorneys who are done generally end their session immediately. If attorneys are also appearing on other matters then the CRD moves them back to attendee status.
- CRD then promotes the attorneys for the next matter to panelists.
- Repeat

## Judge Hammond's Practices and Procedures for In-Person Hearings

1. Beginning January 18, 2022, all matters before Judge Hammond will be conducted in person, in the courtroom, unless otherwise ordered by the court. Counsel and interested parties may appear at the hearing either in person or by Zoom. Prior court approval is not required for in person or Zoom appearances.
2. Counsel appearing at the hearing in person or by Zoom will be able to see counsel appearing in the alternate manner.
3. Any person who is not fully vaccinated and intends to appear in person is required to notify Judge Hammond's courtroom deputy no later than three (3) days prior to the hearing, in order to allow the court to determine if additional precautions are required.
4. Any individual exhibiting COVID symptoms is required to attend the hearing by Zoom.
5. Individuals appearing in person must comply with any mask mandate in effect at the time of the hearing in Santa Clara County.
6. As an initial precaution, Judge Hammond's courtroom deputy, Anna Rosales, will contact counsel who file pleadings on any matter set for hearing to determine the number of people anticipated to appear in person. This information will be used to allow the court to determine if additional precautions such as staggered hearing times are required.
7. Specific procedures for any evidentiary hearing shall be determined by Judge Hammond in consultation with counsel.
8. **Notice requirements for matters set for hearing before Judge Hammond on or after January 18, 2022:**

The notice of hearing must state that (1) counsel, parties, and other interested parties may attend the hearing in person or by Zoom, (2) additional information is available on Judge Hammond's Procedures page on the court's website, and (3) information on attending the hearing by Zoom will be provided on Judge Hammond's calendar, posted no later than seven (7) days prior to the hearing date.

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re	)	Case No.
,	)	Chapter
	)	
	)	
Debtor.	)	
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	)	Adv. No.
,	)	
Plaintiff.	)	
v.	)	Date: _____, 2021
	)	Time: 9:00 a.m.
,	)	Hearing will be conducted either
	)	(1) as a video hearing through Zoom <u>or</u>
Defendant.	)	(2) in person at:
	)	280 S. First Street, Courtroom 11
	)	San Jose, CA 95113

**TRIAL SCHEDULING ORDER**

On \_\_\_\_\_, 2020, the court held a trial scheduling conference in the above-captioned matter. Appearances were as noted on the record.



- 1 E. The parties have exchanged lists of witnesses to be called at trial
- 2 F. The parties have exchanged all other non-testimonial evidence to be used at
- 3 trial, including documents, expert reports, physical evidence
- 4 G. The parties have stipulated to the admission of the following documents for all
- 5 purposes
- 6 H. The parties have objections to the following documents (including the general
- 7 nature of the objection)
- 8 I. Other matters that might affect the trial (Set forth additional matters, such as
- 9 anticipated motions in limine, special scheduling of witnesses, objections to
- 10 proposed testimony, etc.)

11 If the parties do not agree on a joint response to any of the above, they should set forth

12 each side's position clearly and concisely.

13 Counsel need not disclose evidence that will be presented as impeachment of any

14 witness. Counsel should be clear that impeachment is a fairly narrow category of evidence.

15

16 3. **PARTIES MEET AND CONFER REGARDING REMOTE TRIAL PROCEDURES**

17 Unless the court subsequently confirms that the trial will be conducted in person, counsel

18 shall also meet and confer (in person, or by telephone, and not solely by email) to discuss the

19 conduct of this trial by Zoom, with attention to the following issues:

- 20 A. Counsel access to technology:
- 21 a. Will each counsel be able to participate in the hearing with a sufficiently large
- 22 computer monitor or multiple screens? A larger screen provides space to view
- 23 the witness, manage exhibits, and view an outline of questions for the witness.
- 24 b. Does the computer have a built-in camera and microphone? Will you need to
- 25 use a headset or external camera?
- 26 c. Is there another individual that can help manage the exhibits?
- 27

- 1 B. Witness access to technology:
- 2 a. What type of device is available to the witness? Zoom works with computer
- 3 monitors, tablets, and smart phones. However, documents presented on
- 4 smaller screens may be difficult for some witnesses to read.
- 5 b. If the witness will use a computer, does it have a built-in camera and
- 6 microphone?
- 7 c. Does the witness have access to a second computer that would allow them to
- 8 view the exhibits separately from the Zoom screen?
- 9 d. Will the witness be able to testify without another person in the room where the
- 10 witness is testifying? Will the witness be able to find and open an exhibit?
- 11 C. Presentation of Exhibits: The court’s preference is for all parties to use electronic
- 12 exhibits provided in advance of trial with the following procedures:
- 13 a. Counsel will prepare electronic exhibits that are distributed to opposing counsel,
- 14 all witnesses, and the court prior to hearing. Exhibits to be used only for
- 15 impeachment or rebuttal will be emailed to and thereby lodged with the
- 16 courtroom deputy at the same time as other exhibits are distributed.
- 17 b. Witnesses will view the exhibits on a separate electronic device during
- 18 questioning.
- 19 c. Counsel may also elect to use the Zoom “share screen” feature for some or all
- 20 exhibits.
- 21 D. Preparation of Electronic Exhibits:
- 22 a. Each counsel shall provide an initial .pdf file containing a list of the exhibits,
- 23 identifying each exhibit by exhibit number or letter and a brief description. A
- 24 separate .pdf file is required for each exhibit.
- 25 b. Each exhibit shall be a separate .pdf file named sequentially. Plaintiff’s exhibits
- 26 shall be numbered as follows: P\_Ex\_1, P\_Ex\_2, etc. Defendants’ exhibits
- 27
- 28

1 shall be lettered as followed: D(specific Defendant reference)\_Ex\_1,  
2 D(Ref)\_Ex\_2, etc.

3 c. Lengthy exhibits should be bookmarked for counsel, witness, and the court to  
4 readily access the relevant portion(s) of the exhibit.

5 d. Exhibits may be provided by email, or by a thumb drive or CD. Exhibits  
6 provided by thumb drive or CD must be received by the court, counsel and all  
7 witnesses no later than October 28, 2020.

8 **4. JOINT PRE-TRIAL CONFERENCE STATEMENT**

9 Counsel shall file a Joint Pre-Trial Conference Statement by the deadline set forth  
10 above. The statement shall include the following elements:

- 11 A. Responses to all matters addressed in Paragraph 1, above;
- 12 B. Each party's List of Exhibits to be Offered at Trial; and
- 13 C. Each party's List of Witnesses to be Offered at Trial.

14 Witnesses and exhibits omitted on these lists will be excluded. The operative  
15 pleadings (complaint and answer) will be deemed superseded by the parties' Pre-Trial  
16 Conference Statement.

17  
18 **5. THE COURT'S EXPECTATIONS REGARDING PARTIES' PRE-TRIAL  
19 MEET AND CONFER AND PRE-TRIAL CONFERENCE STATEMENT**

20 Proper preparation for trial, including appropriate participation in the pre-trial process,  
21 makes for better trials and better results. Counsel must participate meaningfully in the Parties'  
22 Pre-Trial Meet and Confer.

23 Plaintiff's counsel shall have the obligation of setting up the Parties' Pre-Trial Meet  
24 and Confer and drafting the initial Joint Pre-Trial Conference Statement. Defendants' counsel  
25 shall be available for the Parties' Pre-Trial Meet and Confer and shall review the Joint Pre-  
26

1 Trial Conference Statement promptly and shall supply comments as necessary. Plaintiff's  
2 counsel shall file the completed document on time and in a satisfactory state.

3 If counsel fail to cooperate with each other in conducting the Parties' Pre-Trial Meet  
4 and Confer, or in preparing the Pre-Trial Conference Statement, they and the parties should  
5 expect the court will assess sanctions set out below on fault.

6  
7 **6. PRE-TRIAL CONFERENCE**

8 A Pre-Trial Conference will be conducted either in person or by Zoom at the date and  
9 time provided above.

10 Trial counsel shall appear in person.

11 The court will discuss in detail the matters set forth in the Joint Pre-Trial Conference  
12 Statement. The court will focus in particular on the order of proof, matters of fact and law  
13 over which there is no argument, stipulations as to witness and exhibit admissibility, and  
14 whether an interpreter may be required for any witness.

15  
16 **7. TRIAL CONDUCTED BY ZOOM VIDEO CONFERENCING**

17 **A. Potential need for a video trial:**

18 At this time, the Court is closed and may remain closed to an in-person trial in  
19 \_\_\_\_\_ 2021 as a result of the dangers presented by the COVID-19 pandemic. In  
20 accordance with Federal Rule of Civil Procedure ("FRCP") 43(a), made applicable by  
21 Federal Rule of Bankruptcy Procedure ("FRBP") 9017, for good cause in compelling  
22 circumstances and with appropriate safeguards, the court may permit testimony by  
23 contemporaneous transmission from a location other than the courtroom. The Court  
24 finds that the public danger presented by the COVID-19 pandemic merits application  
25 of this rule as to all witnesses who may remotely testify at this Trial, through the use  
26 of video conferencing technology.

1 Further, the Court finds that the procedures adopted herein will provide  
2 "adequate safeguards" for purposes of FRCP 43(a) and ensure due process of law.  
3 These procedures will (i) enable the Court to identify, communicate with, and judge  
4 the demeanor of all witnesses in real time, (ii) enable counsel for the parties to see  
5 and hear the witness testimony, interpose objections, and communicate with the  
6 Court in real time, (iii) enable the parties, the witnesses and the Court to have  
7 simultaneous access to an identical set of pre-marked exhibits, (iv) avoid any undue  
8 influence or interference with the witnesses in connection with their testimony, and  
9 (v) preserve the ability of any witness to be represented by counsel during the  
10 proceeding, and to communicate with such counsel as the Court deems appropriate.

11 **B. Remote Witness Testimony:**

12 Having found "good cause in compelling circumstances" and "adequate  
13 safeguards," any witness called to testify at the Trial shall testify by contemporaneous  
14 transmission from a different location into the video courtroom (each a "Remote  
15 Witness"). The court finds that appearance as a Remote Witness satisfies compliance  
16 with a trial subpoena in accordance with FRCP 45(c), made applicable by FRBP 9016.

- 17
- 18 a. All Remote Witnesses shall be placed under oath and their testimony shall  
19 have the same effect and be binding upon the Remote Witness in the same  
20 manner as if such Remote Witness was sworn and testified in open court.
  - 21 b. Each Remote Witness shall provide their testimony from a quiet room and  
22 must situate themselves in such a manner as to be able to both view the  
23 video and be seen by the Court.
  - 24 c. While the Remote Witness is sworn and testifying: (i) no person may be  
25 present in the room from which the Remote Witness is testifying, (ii) the  
26 Remote Witness may not have in the room any documents except the  
27

1 exhibit submitted by the parties pursuant to Paragraph 4 above [and any  
2 declaration submitted in lieu of direct testimony], and (iii) may not  
3 communicate with any other person regarding the subject of their  
4 testimony, by electronic means or otherwise. If the witness or their counsel  
5 seek to communicate with one another, either shall openly request a recess  
6 for such purpose. If such request is granted by the Court, the witness and  
7 their counsel may privately confer "offline," i.e., by telephonic means that  
8 are not transmitted to the other parties.

9 **C. Courtroom Formalities:**

10 Although conducted using video conferencing technology, the Trial constitutes  
11 a court proceeding. No person shall record— from any location or by any  
12 means—the audio or video of the Trial. The audio recording created and  
13 maintained by the Court shall constitute the official record of the Trial.  
14 Further, the formalities of a courtroom shall be observed. Counsel and  
15 witnesses shall dress appropriately, exercise civility, and otherwise conduct  
16 themselves in a manner consistent with the dignity of the Court and its  
17 proceedings.  
18

19 **D. Technical Pre-Trial Conference:**

20 Counsel for each party, and any staff that will be assisting counsel at trial, are  
21 encouraged to schedule a time with Judge Hammond's courtroom deputy,  
22 Anna Rosales, to familiarize themselves with the use of Zoom and presentation  
23 of exhibits prior to trial.  
24

25 **8. TRIAL CONDUCTED IN PERSON**

26 The parties are required to present their evidence electronically.  
27  
28

1 Each party shall provide the court with two copies of a CD or flash drive with all of  
2 the exhibits the party intends to present by 5 days before trial.

3 Each counsel shall provide a separate, initial .pdf file containing a list of the exhibits,  
4 identifying each exhibit by exhibit number or letter and a brief description. The .pdf files shall  
5 be named sequentially. Plaintiff's exhibits shall be numbered as follows: P\_Ex\_1, P\_Ex\_2,  
6 P\_Ex\_3, etc. Defendants exhibits shall be lettered as follows: D\_Ex\_A, D\_Ex\_B, D\_Ex\_C,  
7 etc. Lengthy exhibits should be bookmarked, so as to allow counsel, witness and the court to  
8 readily access the relevant portion(s) of the exhibit.

9 Counsel for each party, and any staff that will be assisting counsel at trial, are  
10 encouraged to schedule a time with Anna Rosales to familiarize themselves with the court  
11 equipment prior to trial. Counsel should verify they are able to connect their equipment to the  
12 court monitors and practice the selection and presentation of evidence within the courtroom. If  
13 counsel anticipates a witness comparing two exhibits, then counsel should determine whether  
14 a split screen presentation is possible.

15 At trial, it is the responsibility of each party to broadcast an exhibit during any period  
16 in which its attorney is questioning a witness. Counsel may be assisted by any non-court party  
17 in this process.

18  
19 **9. TRIAL BRIEFS**

20 By the date set forth above, each party must, (1) serve and file a trial brief (providing  
21 chambers copies by email if the trial brief exceeds 10 pages), which brief shall include (a) a  
22 discussion of the elements of each cause of action, including citation to controlling authority,  
23 and (b) a discussion of the legal basis and calculation for each type of damage requested in the  
24 complaint. Trial briefs shall not exceed fifteen (15) pages without prior permission of the  
25 court.

1 **10. TRIAL DATE**

2 Trial will commence in person or by Zoom video conferencing at the date and time  
3 noted above.

4 Seven calendar days before the trial date counsel shall inform the courtroom deputy  
5 (Anna Rosales at 408-278-7581) whether the parties have settled.

6  
7 **11. WITNESSES**

8 Unavailability

9 Counsel must take appropriate steps to ensure witnesses are available for trial. If  
10 necessary, witnesses must be subpoenaed. Unrepresented parties must obtain subpoenas in  
11 advance from the Clerk's Office and ensure they are served on witnesses in a timely way.

12 Form of Testimony

13 Any party may, as to any witness, present the direct examination testimony of such  
14 witness by filing and serving a declaration under penalty of perjury signed by the witness, if  
15 (a) such declaration is filed and served at least three (3) business days prior to the trial, and (b)  
16 the witness is present in court for cross-examination on the day of trial. This paragraph does  
17 not preclude either party from calling any witness for direct examination by means of live  
18 testimony.

19  
20 **12. FAILURE TO COMPLY WITH OBLIGATIONS UNDER THIS ORDER**

21 The court takes trial seriously and expects counsel to do the same.

22 Continuances

23 Counsel should be aware that the court will not grant continuances of trial dates absent  
24 compelling circumstances beyond the parties' or counsel's control. The unavailability of  
25 parties, counsel, experts, or other necessary individuals will not constitute cause to continue a  
26 trial. Stipulations to continue a trial do not bind the court.

1 Failure to comply with pre-trial requirements – including failing to file exhibits,  
2 witness lists, and trial briefs – will not result in a trial being reset, but will result in  
3 appropriate sanctions, as below.

4 Failure to Participate in Pre-Trial Process and to Complete Required Filings

5 Depending on fault and circumstances, the court may (1) enter judgment against the  
6 offending party; (2) exclude evidence; (3) impose sanctions against a party; (4) impose  
7 sanctions against counsel; (5) dismiss a matter or proceeding; or (6) enter any other order or  
8 sanction permitted by law.

9 \*\*\*END OF ORDER\*\*\*

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**COURT SERVICE LIST**

All ECF Recipients



## United States Bankruptcy Court Northern District of California

**Please wait. The hearing will begin shortly.**

Any recording of a court proceeding held by video or teleconference, including "screen-shots" or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.

- This hearing uses the Zoom webinar format. Prior to the hearing, everyone is an attendee. Once the hearing begins, attendees will be able to see and hear the judge and courtroom deputy. When an individual matter is called, attorneys will be brought on screen. This will allow you to interact with the court. Attendees cannot be seen by the individuals visible on screen.
- Attendee name should be entered as: first and last name, party represented. Please exit and enter again to provide name in correct format.
- Please use the "raise hand" function when the matter you wish to be heard on is about to be called.



## United States Bankruptcy Court Northern District of California

### Please wait. The hearing will begin shortly.

Any recording of a court proceeding held by video or teleconference, including “screen-shots” or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.

- This hearing uses the Zoom webinar format. Prior to the hearing, everyone is an attendee. Once the hearing begins, attendees will be able to see and hear the judge and courtroom deputy. When an individual matter is called, attorneys will be brought on screen. This will allow you to interact with the court. Attendees cannot be seen by the individuals visible on screen.
- Attendee name should be entered as: first and last name, name of case on which appearing. Please exit and enter again to provide name in correct format.
- Please use the “raise hand” function when the matter you wish to be heard on is about to be called.

## United States Bankruptcy Court Northern District of California

Edward Emmons, Clerk of Court  
LaTia Sanders Terrado, IT Manager



The Northern District of California Bankruptcy Court has trained 125 participants through its Zoom Training program, as of November 2020. The program was designed by the IT team and the programs are led by case administrators and other non-IT staff.

As a result of this training, attorneys are more comfortable with Zoom hearing, and it has reduced the demands on IT staff and courtroom deputies.

The topics included in the training session are:

- Joining as Attendee
- Raising hand
- Naming recommendations
- How to test your audio and video before joining a hearing
- Promotion to Panelist
- Turning on Audio/Video
- Tips on participating as Panelist (minimize sound/movement)
- Using Share Screen to Display Exhibits
- Personal Appearance/Grooming
- Basic Troubleshooting
- Security
- Zoom Resources

For additional information, please contact [Canb\\_Zoom\\_Team@canb.uscourts.gov](mailto:Canb_Zoom_Team@canb.uscourts.gov)

**UPDATED NOTICE OF TEMPORARY MODIFICATION**  
**OF APPEARANCE PROCEDURES BEFORE**  
**JUDGE THOMAS P. AGRESTI**

*Dated and Effective: November 22, 2021*

Consistent with the proactive measures taken by Judge Thomas P. Agresti concerning the use of the *Zoom Video Conference Application* (Zoom), all Counsel and Parties-in-Interest having matters on Judge Agresti's docket are advised that the Court remains open, with additional modifications in terms of the manner in which matters are heard before the Court. These additional modifications include the use of *Zoom* where indicated by the Court. The use of the telephonic hearing process as described in the Court's April 8, 2020 Notice will only be utilized where specifically indicated by the Court and the procedures set forth in the April 8, 2020 Notice should be followed in such an event. Therefore, going forward, *Zoom shall be mandatory* unless otherwise ordered by the Court ("Zoom Hearing"). The modifications involving Zoom Hearings are as follows:

(1) *Appearances:* All those Parties and Attorneys intending to appear must participate remotely by using the *Zoom Video Conference Application* (hereinafter "Zoom"). *Furthermore*, while use of a conference room setting is acceptable when a person appears before the Court, the equipment used must be capable of rendering the person's appearance via a "head shot" using the equipment's zoom-in feature thereby making the appearing person's head, shoulders and upper torso area visible to the Court. *Failure to achieve this "appearance status" may result in the imposition of sanctions including a monetary fine or denial of the request of counsel or witness to participate in the pending proceeding.*

(2) ***Zoom Hearing Attire:*** Appropriate professional courtroom attire is required for attorney attendance and suggested for Parties and witnesses.

(3) ***Use of Exhibits:*** Any Exhibit(s) to be used during a Zoom Hearing is/are to be submitted to Chambers in electronic medium format ***at least three (3) days prior to the start of the proceeding*** consistent with the requirements of Judge Agresti's General Procedures found at the Court's website at <https://www.pawb.uscourts.gov/procedures>. The Party offering the Exhibit(s) is required to assure that the Exhibit is in legible form in the electronic medium. Any Exhibit(s) not complying with this requirement will not be permitted to be made part of the record of the proceeding.

(4) ***Impeachment Materials:*** Any document a Party wishes to use for impeachment purposes and not part of its case in the first instance must be delivered to Chambers in electronic medium ***format at least three (3) days prior to start of the proceeding*** to which they relate and otherwise comply with Judge Agresti's General Procedures referenced in Paragraph 3, above, relating to the pretrial submission and identification of Exhibits including the use of Bates Stamp numbering. The Party submitting impeachment materials to Chambers need not make Exhibit(s) identified as impeachment material available to the opposing Party prior to the start of the proceeding but is required to put opposing Party(ies) on notice of the submission.

(5) ***Noticing:*** Effective immediately, when noticing any self-scheduled motion, counsel and parties-in-interest are directed to complete, file and serve the attached "Notice of Zoom Hearing and Response Deadline Regarding Motion of [Name of Party] for [Insert Relief Sought]" which is annexed hereto at "Attachment A."

(6) ***Initializing Zoom Hearing:*** To participate in and join a Zoom Hearing please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16021303488>, or alternatively, to attend and use the following

Meeting ID: 160 2130 3488. For questions regarding the connection contact Judge Agresti's Staff Lawyer or Deputy-in-Charge at 814-464-9760.

(7) ***Minimization of Noise Interference:*** One of the challenges the global health crisis has created is the need for many to conduct work out of informal workspaces which are often not protected from the ambient noises of life (for example, pets, other persons in the household, phone line interference, etc.). As a result, all Zoom participants must make a concerted effort to minimize all background noise. As part of this effort,

- (a) All Zoom participants must mute their microphone even before connecting to the Zoom Hearing;
- (b) Microphones are to remain muted unless actively speaking;
- (c) Unless directly addressed by the Court, during the course of the Zoom Hearing, Counsel may indicate a desire to speak by "raising their hand" in the ***Chat Feature*** of the Zoom Hearing mode. Using this feature will send a notification to the Court and Counsel will be provided with an opportunity to address the Court. Counsel should familiarize themselves with the Chat Feature prior to the Hearing; and,
- (d) In order to reduce the "echo effect," when speaking during the Zoom Hearing the participants shall reduce the volume of his/her microphone to the lowest level possible to allow the participant to reasonably participate in the Zoom Hearing.

(8) ***Recording of Hearing:*** Other than the Court, no party or hearing participant may record any part of the Hearing, whether by use of the Zoom recording capabilities, third-party applications, or by any other means.

(9) ***Speed Tests:*** Prior to the date of the Zoom Hearing, all hearing participants are directed to test their internet connection speed to ensure that it is at least 3 Mbps. Participants

shall also test their ability to run Zoom using <https://www.zoom.us/test>. Counsel shall ensure that all witnesses have access to Zoom and have complied with their testing obligations prior to the Hearing.

(10) **Zoom Operating Instructions:** For the purpose of ensuring a smooth and efficient hearing, prior to the date of the Zoom Hearing all hearing participants (including counsel and witnesses) shall review the following information in order to familiarize themselves with the use of Zoom *and assure that all equipment/hardware/software so used are in appropriate operating equipment at the time of the Zoom hearing:*

- (a) **Hardware:** Zoom is compatible for use on mobile devices (such as a smartphone or tablet) as well as personal computer (laptop or desktop) which have camera and microphone function.
- (b) **Installation/Update of Zoom:** To participate you need to install the Zoom app on your smartphone/tablet or install the Zoom software on a Windows or Mac laptop/desktop. If you already have Zoom installed on the device you are using for the Hearing, you must ensure the application is updated to the most recent version.

	<p>Apple SmartPhones or Tablets can download the Zoom App from the Apps Store. Android devices can use the Google Play Store.</p> <p><b>You do not need to create a Zoom account, the app installed is all you need</b></p>
<p><b>Zoom Client for Meetings</b></p> <p>The web browser client will download automatically when you meeting, and is also available for manual download here.</p> <p><a href="#">Download</a> Version 4.6.11 (20559:0413)</p>	<p>Windows or Mac laptops can download the Zoom software from: <a href="https://zoom.us/download">https://zoom.us/download</a></p> <p><b>You do not need to create a Zoom account, the app installed is all you need</b></p>

- (c) **Testing Your Device:** As stated above, all hearing participants are required to test their device compatibility with Zoom requirements prior to the date of the Hearing. Participants can test their ability to operate Zoom at <https://www.zoom.us/test>.

Tests must be conducted on the same device that will be used to participate in the hearing.

- (d) **Using Zoom:** Using the device on which Zoom has been installed and tested, click on the link to the meeting.



For additional assistance using Zoom, please consult the Zoom “Help Center” at <https://support.zoom.us/hc/en-us> which offers “quick start guides” and video tutorials.

- (e) **Screen Mode:** Parties are expected to view the Hearing using the “Speaker View” mode.

(11) **Zoom Exemption:** As previously noted, all participants in the Zoom Hearing shall participate via Zoom. However, upon appropriate cause shown, filed no later than Noon of **the day prior** to the Zoom Hearing, the Court may allow a one-time exemption and grant Counsel participation by telephonic means.

(12) **Further Relief:** The Court may review or amend these temporary procedures on a case-by-case basis, to the extent there is cause and extenuating circumstances to do so. To the extent counsel or any party-in-interest desires relief from any of these interim procedures, such party

shall file with the Court a written motion to modify the applicable procedures. In any such motion, the party requesting relief shall state with particularity the modification sought and the reason why it is necessary or appropriate for the Court to modify the applicable procedure.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

DEBTOR NAME(S), : Case No. \_\_\_\_\_-TPA  
 Debtor(s) : Chapter \_\_  
 MOVANT NAME(S), :  
 Movant(s), :  
 v. :  
 RESPONDENT NAME(S), :  
 Respondent(s). :

**NOTICE OF ZOOM HEARING AND RESPONSE DEADLINE  
REGARDING MOTION OF [NAME OF MOVANT] FOR [RELIEF REQUESTED]**

TO THE RESPONDENT(S):

***You are hereby notified that the Movant seeks an order affecting your rights or property.***

You are further instructed to file with the Clerk and serve upon the undersigned attorney for Movant a response to the Motion by no later than \_\_\_\_\_, 20\_\_ [seventeen (17) days after the date of service below], in accordance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of Judge Agresti as found on his Procedures webpage at <http://www.pawb.uscourts.gov/procedures>. If you fail to timely file and serve a written response, an order granting the relief requested in the Motion may be entered and the hearing may not be held. Please refer to the calendar posted on the Court’s webpage to verify if a default order was signed or if the hearing will go forward as scheduled.

***You should take this Notice and the Motion to a lawyer at once.***

***A Zoom Video Conference Hearing*** will be held on \_\_\_\_\_, 20\_\_, at \_\_\_\_:\_\_\_\_.m. before Judge Thomas P. Agresti via the ***Zoom Video Conference Application*** (“Zoom”). To participate in and join a Zoom Hearing please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16021303488>, or alternatively, you may use the following: **Meeting ID: 160 2130 3488**. For questions regarding the connection, contact Judge Agresti’s Staff Lawyer or Deputy-in-Charge, at 814-464-9760. ***All attorneys and Parties may only appear by Zoom*** and must comply with Judge Agresti’s ***Updated Notice of Temporary Modification of Appearance Procedures***, dated and effective November 22, 2021, and continued until further order, which can be found on the Court’s website at <https://www.pawb.uscourts.gov/content/judge-thomas-p-agresti>. Under the current COVID-19 circumstances, the general public may appear telephonically if unable to do so via the Internet. When the need to appear telephonically arises members of the general public should immediately contact Chambers to make telephonic arrangements. Only ten minutes is being provided on the calendar. No witnesses will be heard. If an evidentiary hearing is required, it will be scheduled by the Court for a later date.

Date of Service: \_\_\_\_\_, \_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Attorney for Movant/Applicant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Attorney I.D. No.

# U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS PARTICIPANT GUIDE FOR VIDEO HEARINGS

The following information is designed to assist those participating in hearings held by video. Please note that the Court may require some parties to attend the video hearings by telephone only. The Court will hold the hearings by Zoomgov.com video conference technology (“Zoom”), which is available without charge for all parties attending the hearing.

## **Important Reminders:**

- 1. Any audio recording or capturing of images of any video hearing is prohibited and violations of this prohibition may result in sanctions. See MLBR 9037-1.**
- 2. A hearing held by video is an official court hearing and participants are cautioned to act and dress accordingly.**
- 3. The Court will not provide technical support to those participating in video hearings.**

## I. Before Attending a Video Hearing

### A. Hardware and Software

Those participating in a video hearing must have access to the following hardware and software prior to attending the hearing:

1. A computer, laptop, or tablet connected to a power source (smartphones are discouraged as the performance is inferior);
2. Internet access (wired/ethernet connections are recommended, if possible);
3. A camera for video input;
4. Speakers or headphones to hear audio (if necessary for the individual or circumstances);
5. Microphone for speaking (testing the microphone prior to the hearing and having a headphone with a built-in microphone, as well as a backup microphone, is recommended); and
6. Access to Zoom. This can be accomplished by downloading and installing Zoom Client for Meeting at <https://zoom.us/download> OR by clicking on your email notification “Join Meeting Now” link sent by the Courtroom Deputy prior to the hearing and following install client prompts. For tablets and smartphones, download the Zoom Cloud Meetings app from the Google Play or Apple Store.

### B. Required Tutorial

Zoom provides tutorials for those unfamiliar with the platform. The Court requires that all who participate in a video hearing watch the Zoom tutorial, Getting Stated with Zoom Meetings, which can be found at

 U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS  
PARTICIPANT GUIDE FOR  
VIDEO HEARINGS

[livetraining.zoom.us](https://livetraining.zoom.us)

## II. Hearing Notification for Parties

### A. Trial/Evidentiary Hearing

If the hearing is a trial or an evidentiary hearing in an adversary proceeding or contested matter, the parties to the hearing will receive from the Court a Supplemental Order Regarding Trial/Evidentiary Hearing by Video (“Supplemental Order”). The Supplemental Order will set forth the conduct, obligations, and other requirements for all parties participating in the hearing including counsel, pro se parties, and witnesses and will provide instructions for how to attend the hearing by video or telephone. You must review the Supplemental Order prior to the hearing, and you will be bound by its provisions. After you notify the Court you will attend the hearing, and the Court verifies your role, you will receive an email notification from the Courtroom Deputy prior to the hearing with the login information to appear at the hearing by video or, if applicable, the dial-in information to appear by telephone.

### B. Nonevidentiary Hearing

If the hearing is a nonevidentiary hearing, the Court will issue a notice or order for individuals with general information and how to obtain login information.

### C. Further Hearing Notification Information

If you are appearing by video, the notification will include a link to “Join Zoom Meeting” as well as a Meeting ID, Meeting Password, and Dial-in Telephone number. Kindly follow the steps in ¶ V below at least 30 minutes prior to the hearing to ensure that you can successfully connect and to test your system. You must make reasonable efforts to be available for a video test of Zoom when/if notified by the Courtroom Deputy.

# U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS PARTICIPANT GUIDE FOR VIDEO HEARINGS

## III. General Public Access

Video hearings are open to the general public. The public is invited to listen to a hearing by telephone. Any person wishing to listen to a hearing must email the applicable Courtroom Deputy at the email address located in the Supplemental Order or on our website at :

<http://www.mab.uscourts.gov/mab/judges-and-phone-numbers>. Please note that if a request is not made at least one business day before the Hearing, the Courtroom Deputy may not be able to respond.

## IV. Media Access

Members of the press who seek to observe by video or telephone shall follow the instructions located on our website, <http://www.mab.uscourts.gov/mab/media-requirements>.

## V. Additional Zoom Information and Frequently Asked Questions.

### A. Information Regarding Joining the Zoom Hearing By Video on a Computer or Laptop

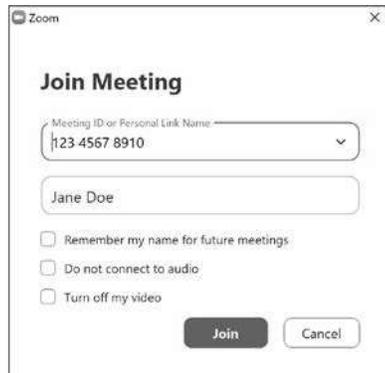
#### 1. Open **Start Zoom** on your computer (see #6 above) and select **Join a Meeting**



#### 2. In the Join Meeting screen:

- Enter the **Meeting ID** number located in the Court's email notification
- Enter your first and last name as your **Display Name**
- Uncheck all 3 boxes
- Click on **Join**

 U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS  
PARTICIPANT GUIDE FOR  
VIDEO HEARINGS



The image shows a Zoom 'Join Meeting' dialog box. It has a title bar with the Zoom logo and a close button. The main heading is 'Join Meeting'. Below it is a text input field for 'Meeting ID or Personal Link Name' containing '123 4567 8910'. Underneath is a name input field with 'Jane Doe'. There are three checkboxes: 'Remember my name for future meetings', 'Do not connect to audio', and 'Turn off my video'. At the bottom are 'Join' and 'Cancel' buttons.

3. Next, enter the **Meeting Password** (located in the Court’s email notification) and click on **Join Meeting**



The image shows a Zoom 'Enter meeting password' dialog box. It has a title bar with the text 'Enter meeting password' and a close button. The main heading is 'Enter meeting password'. Below it is a password input field with six asterisks. At the bottom are 'Join Meeting' and 'Cancel' buttons.

4. When you first join the hearing, you will be placed in a **Waiting Room**. You will see the message “Please wait, the host will let you in soon” as well as a warning regarding recording or otherwise capturing images of the hearing. When the Court is ready, the Courtroom Deputy will admit you to the virtual courtroom and provide further information.

# U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS PARTICIPANT GUIDE FOR VIDEO HEARINGS

## B. Information About Meeting Control Panel Functions



**Mute** – use to mute/unmute your microphone. Click on the up arrow (next to the Mute icon) to adjust your audio settings. The host may mute/unmute you during the proceeding.

**Video** – use to start/stop your video. Participants are required to have video turned on. Click on the up arrow (next to the Video icon) to adjust your video settings.

**Participants** – use to view a list of all participants attending this hearing. This feature may be limited or disabled by the host.

**Chat** – use to send a chat message. This function will be disabled.

**Share Screen** – use to start sharing a screen or an application window on your computer with others in the meeting, including documents stored in a file on your computer. This function can only be used as permitted by the Court and will allow you to present documentary evidence to the Court. Click the green up arrow to reveal sharing options, sharing your entire monitor or just one open window/program (i.e., the entirety of what is on the screen or just a single open PDF/photograph). The hearing participants will remain on the screen allowing you to see both document you are sharing and the hearing participants. To end screen sharing, click on the red button on top of the screen which is only visible while you are sharing your screen.

**Record** – this function will be disabled. Video trials/evidentiary proceedings may not be recorded or otherwise captured from any location by any means.

**Reactions** – this function will be disabled.

**Leave** – use to leave the meeting.

 U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS  
PARTICIPANT GUIDE FOR  
VIDEO HEARINGS

C. Information Regarding View Options

To see all hearing participants, choose “gallery view” or to see just the person speaking, choose “speaker view.”

D. Information For Presenting Evidence

Those presenting exhibits will utilize the Share Screen option on Zoom and must ensure prior to the hearing that they are able to use Share Screen for identification and introduction into evidence of their exhibits. The exhibits must be open so they are ready to be shared.

E. Frequently Asked Questions

What do I do if I get disconnected?

*If you get disconnected, call in to the hearing using the dial-in number provided in your email notification.*

Can I record a Zoom Hearing or photograph the screen?

*No. No hearing may be recorded or otherwise captured from any location by any means.*

Will my telephone number be visible if I call in?

*No, the Courtroom Deputy will change your Display Name according to standard protocols.*

If the Supplemental Order so indicates, do I have to be on video?

*Yes, unless you are a member of the general public or you are a party, counsel, or witness and you are expressly exempted by the Court.*

*Do you have tips for a video appearance?*

*Yes, make sure the camera is at eye level. You may want to put your device on a stack of books so you can be hands-free and look directly at the camera while talking. Avoid moving around with your device during the proceeding. Avoid speaking to someone not in the proceeding. To see your face clearly, avoid having bright light behind or beside you and sit so that your entire face and shoulders occupy much of the screen. Avoid distracting real or virtual backgrounds.*

 U.S. BANKRUPTCY COURT FOR THE DISTRICT OF MASSACHUSETTS  
PARTICIPANT GUIDE FOR  
VIDEO HEARINGS

What if I want to speak with my representative (or client) privately?

*Request that the Court permit you to speak with your representative (or client) privately. The Court may excuse you to a private breakout room or provide further direction as appropriate.*

What is a breakout room?

*A breakout room is a separate meeting space, apart from the main virtual courtroom. Breakout rooms are private, and only the participants in the room can see or hear what is going on in them. Discussions in the breakout rooms are not recorded and not considered part of the official proceeding or the record of the hearing.*

Can I obtain a transcript of a Zoom hearing?

*The procedures for obtaining a transcript of a Zoom hearing is the same as for all hearings before the Court. See <http://www.mab.uscourts.gov/mab/obtain-case-documents> for further information.*

Do you have further Zoom training suggestions?

*Yes. Zoom provides training resources at <https://support.zoom.us>.*

**RULE 5074-1. Telephone, Video, or In-Person Conferences and Hearings.**

(a) **Conferences and Hearings.** The Court may schedule any matter in a bankruptcy case, contested matter or adversary proceeding to be heard by video or telephonic conference. Any party in interest affected by or involved in such case, matter or proceeding may request the Court to hear the matter by video conference, or in-person. Requests for in-person hearings shall be made in substantial conformity with Mont. LBF 26, and may be granted at the discretion of the Court. The Court may, at its discretion, hold pretrial conferences in adversary proceedings, preliminary hearings on motions to modify, preliminary hearings, hearings on reaffirmation agreements, and any other matters requiring an emergency hearing by telephone. The Court, except within its discretion, will not conduct evidentiary hearings by telephone.

(b) **Appearance by Video.** Any party or attorney wishing to appear for a Court hearing by way of video conference facilities shall contact the Clerk of Court's Office at least three (3) business days prior to the hearing, and provide any information requested by the Clerk of Court's Office. Any party or attorney who previously arranged to appear by video shall immediately notify the Clerk of Court if the underlying matter has been settled, or if the party or attorney shall not otherwise be appearing by video.

(c) **Exchange of Exhibit and Witness Lists.** The parties involved in video and in-person conferences and hearings shall exchange proposed witness and exhibit lists and copies of all proposed exhibits, and file such lists and exhibits with the Court, at least three (3) business days prior to a hearing or trial.

(1) Witness and exhibit lists may be combined into one document. Copies of all proposed exhibits shall be attached to such list, and each individual exhibit must be electronically filed as a separate .pdf document; or as a single .pdf document, with each exhibit book marked and identified therein. The location of any witness appearing remotely shall be disclosed in the witness list so counsel can coordinate exhibits necessary for that witness.

(2) The moving party in a contested matter and the plaintiff in an adversary proceeding shall identify exhibits in numerical sequence commencing with the number 1. The responding party in a contested matter and the defendant in an adversary proceeding shall identify exhibits in alphabetical sequence. If multiple parties are involved, the parties prior to hearing or trial shall determine an identification sequence that eliminates any duplicative sequence.

(3) Failure to timely exchange and file proposed witness and exhibit lists and copies of proposed exhibits in accordance with this rule may result in the Court barring any undisclosed witness testimony and denying the admission of any exhibit not disclosed or exchanged.

(4) Except as otherwise may be allowed by the Court, all exhibits shall be electronically filed.

(5) For purposes of any hearing or trial, counsel for the proponent of the exhibit shall be

responsible for ensuring that sufficient copies of any exhibit that may be utilized are available for any witness in the courtroom.

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Committee Note:

Each exhibit must be filed separately or book marked separately, so that the Court and other parties may easily retrieve each individual exhibit from the electronic filing. Transcripts from Rule 2004 examinations or § 341 creditor meetings that are to be used for impeachment purposes do not need to be filed with the Court. Such transcripts only need to be filed with the Court if they will be used for evidentiary purposes.

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**RULE 5078-1. Clerk's Fees in Chapter 13 Cases.**

Unless otherwise ordered, the trustee in a Chapter 13 case shall pay any claim of the Clerk of Court for fees or costs incurred in a case at the time of the initial distribution under the plan. The Clerk shall provide a statement of such fees or costs to the trustee immediately following the confirmation of the plan.

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Related Authority:  
28 U.S.C. § 1930

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**PART VI**

**RULE 6004-1. Notice of a Proposed Sale by a Trustee or Debtor in Possession.**

A notice of a proposed sale filed by a trustee or debtor in possession shall include the fourteen (14) day notice provided in Mont. LBR 9013-1, which shall constitute a permissible reduction of time authorized under Fed. R. Bankr. P. 9006(c)(1). A trustee or debtor in possession shall file with the notice a proposed order. A party in interest may file a response and request a hearing pursuant to Mont. LBR 9013-1.

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Related Authority:  
Fed. R. Bankr. P. 6003 and 6004

Committee Note:

It should be noted that Fed. R. Bankr. P. 6003 now provides that within 21 days after the filing of a petition, the Court shall not grant relief regarding a motion to use, sell, lease or otherwise incur an obligation regarding property of the estate, except to the extent that relief is necessary to avoid immediate and irreparable harm. The Court can make the order approving the motion retroactive to the date of its filing.

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**RULE 6006-1. Motions for Assumption or Rejection of an Executory Contract or Unexpired Lease.**

(a) **Motion.** A motion for assumption or rejection of an executory contract or unexpired lease under 11 U.S.C. § 365 shall be made in compliance with Mont. LBR 9013-1 and in conformity with Mont. LBF 25, if appropriate, and promptly served in a Chapter 9 or 11 case upon any committee appointed under the Code or its authorized agent, or, if no committee has been appointed, the



**The Honorable Tiiara N.A. Patton  
United States Bankruptcy Court  
Northern District of Ohio, Eastern Division**

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Nathaniel R. Jones Federal Building & U.S. Courthouse  
10 East Commerce Street  
Youngstown, Ohio 44503-1621 Phone: (330) 742-0950

**Memorandum**

To: All Practitioners and Unrepresented/*Pro Se* Parties

From: Judge Tiiara N.A. Patton

Date: February 19, 2021

Re: Judge Tiiara N.A. Patton's Procedures for Video Conference Hearings via Zoom® Video Communications (Effective March 15, 2021)

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Effective March 15, 2021, unless otherwise ordered, participation in all non-evidentiary hearings before Judge Patton (either scheduled by the Court or through self-calendaring) will be conducted via video conference ("Video Conference Hearing") using the Zoom® Video Communications application ("Zoom") and adhere to the following procedures:

**Modification to Self-Calendaring & Existing Hearings**

- A. Counsel and parties-in-interest are directed to complete, file and serve the attached *Notice of Zoom Hearing with Response Deadline Regarding [Title of Motion/Application]*, which is attached hereto as Exhibit A, when noticing any self-calendared pleading for a hearing date on or after March 15, 2021.
- B. Matters currently scheduled for hearing on or after March 15, 2021 via telephonic appearance, shall be held by Video Conference Hearing in accordance with these procedures.

**Court Zoom Training Program**

- C. The Court is offering Zoom training on the dates listed below. To register for the Zoom training contact Brandon Pasvanis, Judge Patton's Courtroom Deputy, at [PattonZoom\\_Registration@ohnb.uscourts.gov](mailto:PattonZoom_Registration@ohnb.uscourts.gov) no later than three (3) business days before the scheduled training date. Your registration email must include your name, email address, telephone number, and requested training date. Within 24 hours of the training date, you will receive a Zoom invite for the training class.
- D. Prior to your scheduled Zoom training, you must review the following materials/pre-requisites:
  - 1. Review materials on [how to join a Zoom meeting](#).
  - 2. Review materials on [how to eliminate audio echo in a Zoom meeting](#).

3. A personal computer (desktop or laptop) or mobile device (smartphone or tablet) with audio and visual capability.
- E. The Zoom Training Program will include the following topics: (a) joining as an attendee; (b) raising hand function; (c) screen name requirements; (d) how to test your audio and video before joining a hearing; (d) turning on your microphone and camera; (e) basic troubleshooting; (f) security; and (g) Zoom resources.
- F. Training Classes (Dates and Times)
  - Friday, February 26, 2021 at 10:00 a.m.
  - Friday, February 26, 2021 at 2:00 p.m.
  - Friday, March 5, 2021 at 10:00 a.m.
  - Friday, March 5, 2021 at 2:00 p.m.
  - Monday, March 8, 2021 at 10:00 a.m.
  - Monday, March 8, 2021 at 2:00 p.m.
  - Wednesday, March 10, 2021 at 10:00 a.m.
  - Wednesday, March 10, 2021 at 2:00 p.m.

### **General Remote Participation Procedures**

- G. Punctuality & Presence – As with in-person hearings, participants in Video Conference Hearings must be present in the “virtual courtroom” when their case is called by the Court. Participants must account for the time needed to connect to the virtual hearing and be cleared through the applicable waiting room. If a participant fails to timely appear for their hearing, they may be deemed to have waived their appearance and the Court may proceed without them. To avoid this result, all participants must join the Video Conference Hearing not less than ten (10) minutes prior to the start of the virtual hearing. Participants should be aware that, based on the number of items on the Court’s docket, a hearing may not begin at its scheduled time. If a participant is scheduled to appear in front of another bankruptcy judge at the same time, it is highly recommended that they contact Judge Patton’s Chambers in advance of the scheduled hearing to apprise the Court of the potential conflict.
- H. Evidentiary Hearings – If an evidentiary hearing is required, the Court will specify the form and manner of the hearing in a separate scheduling order.
- I. Notice of Emergency Filings – Participants are reminded that Chambers staff do not receive immediate electronic notices of filings. Therefore, it is important that parties notify court staff of any emergency filings or other matters that require immediate attention.

### **Video Conference Hearing Procedures**

- J. Mandatory Appearance by Zoom – All Video Conference Hearing participants are required to appear by Zoom and must comply with these procedures.

- K. Video Conference Hearing Exemption – Participants without video conferencing capabilities must immediately contact Brandon Pasvanis, Judge Patton’s Courtroom Deputy, at (330) 742-0950 to make alternative arrangements. Absent emergency circumstances, such arrangements must be made no later than three (3) business days prior to the scheduled hearing date.
- L. Registering for Video Conference Hearings – All parties wishing to appear at a Video Conference Hearing must pre-register by emailing Brandon Pasvanis at [PattonZoom\\_Registration@ohnb.uscourts.gov](mailto:PattonZoom_Registration@ohnb.uscourts.gov) by no later than 4:00 p.m. three (3) business days prior to the scheduled hearing date. Your registration email must include the following information:
- Case name and case number;
  - The hearing date and time(s);
  - The participant’s name, address, and telephone number; and
  - The name of party or parties whom participant represents.
- M. Joining Video Conference Hearings – After registering for the Video Conference Hearing, participants will receive a confirmation email containing meeting information and the requisite links to join the Video Conference Hearing. To join by computer, click on the meeting link in the confirmation email or, alternatively, enter the “Meeting ID” provided in the confirmation email into the Zoom mobile or desktop application. Participants will be placed into a waiting room and admitted into the main conference by the Video Conference Hearing host.
- N. Entering a Video Conference Hearing Appearance/Screen Name – Once participants are connected to the Video Conference Hearing, they **must** provide their full name (first and last name required) as their Zoom “screen name” (i.e., the name displayed upon entry into the Zoom hearing). In hearings with large number of participants, the Court may use the screen name to take the entry of appearance for the record.
- O. Rules for Video Conference Hearing Participation – Participants appearing at Video Conference Hearings must abide by the following directives at all times. Failure to comply with these procedures may result in the Court imposing sanctions, including but not limited to, monetary sanctions and/or suspension of electronic filing privileges.
1. Basic Prohibition – The following actions are prohibited while connected to a Video Conference Hearing: (a) use of a device while in a vehicle or a public place; (b) conversing with anyone outside of the hearing during the hearing; (c) failing to keep an audio microphone on “mute” when the participant is not speaking; (d) placing the Court on “hold” during a hearing; and (e) allowing any background noise to

interfere or disturb the proceedings. Once the participant's matter is called, they must remain seated and stationary at all times.

2. Hearing Attire and Surroundings – Participants are required to appear in appropriate courtroom attire. Virtual backgrounds are permitted solely to the extent that it involves a solid, neutral background.
3. Minimization of Noise Interference – Participants must make a concerted effort to minimize all background noise and shall silence any devices that may make noise (e.g., telephones, cell phones, messaging, and email alerts). All parties are responsible for the quality of their audio connection, and to that end, the Court strongly recommends that participants wear a corded headset with a microphone during hearings. Should participants choose to use a wireless device, such as AirPods or other Bluetooth-enabled devices, they must remain in close proximity to the connection source and avoid movement that would interfere with the signal.
4. Recording – No participant may record any part of the hearing, whether by use of video conferencing recording capabilities, third-party applications, photographs, screenshots, or by any other means.
5. Screen-Sharing – Screen-sharing capabilities will be disabled for non-Court personnel during Video Conference Hearings. For evidentiary hearings, participants are directed to comply with the exhibit submission procedures outlined in the order scheduling the evidentiary hearing.

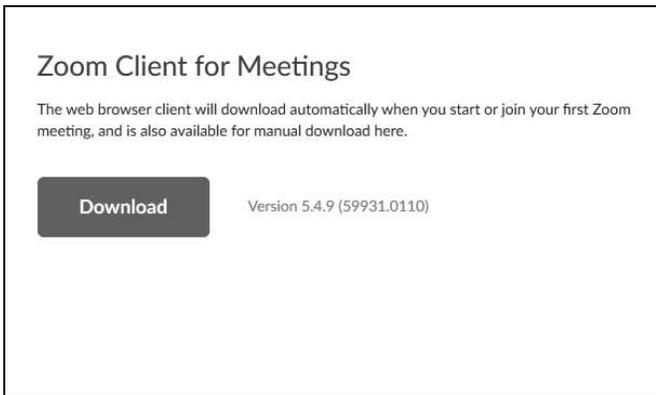
**Zoom Operating Instructions** – For the purpose of ensuring a smooth and efficient Video Conference Hearing, all participants shall review the following information prior to the scheduled hearing to familiarize themselves with the Zoom application and its feature:

- P. Hardware – Zoom is compatible for use on mobile devices (such as a smartphone or tablet) as well as a personal computer (laptop or desktop) that have camera and microphone functions.
- Q. Installation/Update of Zoom – To participate in the Video Conference Hearing, participants will need to install the Zoom application on a mobile device (smartphone or tablet) or install the Zoom software on a personal computer (desktop or laptop). If you already have Zoom installed on your device, you must ensure the application is updated to the most recent version.



Participants who are using a mobile device (smartphone or tablet) can download the Zoom application from their application store.

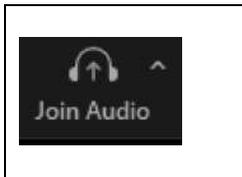
**You do not need to create a Zoom account. Installing the Zoom application is all that is required to participate in the Video Conference Hearing.**



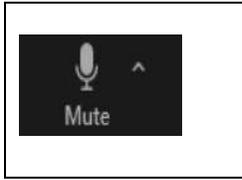
Participants who are using a personal computer (desktop or laptop) can download the Zoom software from <https://zoom.us/download>

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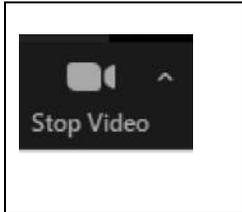
- R. Mandatory Speed & Compatibility Tests – Prior to the scheduled Video Conference Hearing, all participants are directed to test their device compatibility with Zoom requirements and their internet connection speed to ensure that it is at least 3 Mbps. Participants can conduct such tests at <https://zoom.us/test>. Tests must be performed on the same device that will be used to participate in the Video Conference Hearing.
- S. Screen Mode – Participants are expected to view the Video Conference Hearing using the “Speaker View” mode.
- T. Additional Assistance – For additional assistance using the Zoom application, please consult the Zoom “Help Center” at <https://support.zoom.us/hc/en-us> which offers “Quickstart Guides” and video tutorials.



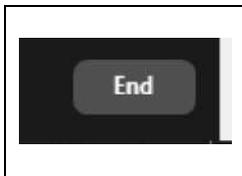
When you join the Video Hearing Conference, the audio icon will look like the image on the left. Click the audio icon and follow the prompts to connect to the Video Hearing Conference.



The microphone icon will look like the image on the left. Click the microphone icon to “mute” and “unmute” yourself. A red diagonal line through the microphone icon indicates that you are muted (Red = muted).



The camera icon will look like the image on the left. Click the camera icon to turn your camera on and off. A red diagonal line through the camera icon indicates that your camera is off. Please confirm that your camera is turned on during the Video Conference Hearing.



The “end” icon will look like the image on the left. Press the exit icon to leave the Video Conference Hearing.

U. Other Matters –

1. If counsel or an unrepresented party is unable to participate during a scheduled Video Conference Hearing or a matter is not ready for adjudication, parties are encouraged to continue the matter to a future hearing date using the procedures for “Continuances” set forth in *Judge Patton’s General Practices and Procedures*. Such requests will be liberally granted provided that adequate notice is given to other parties in interest.
2. Counsel and unrepresented parties are strongly encouraged to check the Court’s hearing calendar docket frequently for any changes that may occur.
3. If you have a problem connecting to your hearing, immediately contact Judge Patton’s chambers at (330) 742-0950.

\*\*\*

**Exhibit A**

**Form Notice of Video Conference Hearing via Zoom to be  
Used in Self-Calendaring Motions and Applications Before Judge Patton**

**UNITED STATES BANKRUPTCY COURT FOR THE  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In re:**

**<Debtor(s) Name(s)>,**

**Debtor<s>.**

**Chapter <Number>**

**Case No. <Number> (TNAP)**

**Judge Tiiara N.A. Patton**

**NOTICE OF ZOOM HEARING  
REGARDING [TITLE OF MOTION OF APPLICATION]**

[MOVANT’S NAME] has filed with the Court the [TITLE OF MOTION OR APPLICATION] (the “Motion” or “Application”).

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. If you do not have an attorney, you may wish to consult one.**

If you do not want the Court to grant the [Motion or Application], or if you want the Court to consider your views on the [Motion or Application] at a hearing, then on or before **[INSERT DATE]**, you or your attorney must:

File with the Court an objection/response at:

United States Bankruptcy Court  
Nathaniel R. Jones Federal Building & U.S. Courthouse  
10 East Commerce Street  
Youngstown, Ohio 44503 – 1621

If you mail your objection/response to the Court, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Mail a copy of your response to:

[INSERT MOVANT’S MAILING ADDRESS]

Please take further notice that a **Zoom Video Conference Hearing** on the [Motion or Application] will be held on \_\_\_\_\_, 20\_\_ at \_\_\_\_:\_\_\_\_\_.m. prevailing Eastern Time, or as soon as thereafter as this matter may be heard, before the Honorable Tiiara N.A. Patton via the Zoom® Video Communications application (“Zoom”). To participate in and join the Zoom hearing, parties must pre-register by emailing Brandon Pasvanis at [PattonZoom\\_Registration@ohnb.uscourts.gov](mailto:PattonZoom_Registration@ohnb.uscourts.gov) by no later than 4:00 p.m. three (3) business days prior to the scheduled hearing. Your hearing registration email must include the following information: (a) case name and case number; (b) the hearing date and time(s); (c) the participant’s

name, address, and telephone number; and (d) the name of party or parties whom participant represents.

All participants are required to appear by Zoom and comply with *Judge Tiara N.A. Patton's Procedures for Video Conference Hearings via Zoom® Video Communications*, which can be found on the Court's website. Persons without video conferencing capabilities must immediately contact Brandon Pasvanis, Judge Patton's Courtroom Deputy, at (330) 742-0950 to make alternative arrangements. Absent emergency circumstances, such arrangements must be made no later than three (3) business days prior to the scheduled hearing date. The hearing may be continued from time to time until completed without further notice except as announced in open court

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney for Movant/Applicant

\_\_\_\_\_  
Printed Name of Attorney for Movant/Applicant (Bar Number)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

Argument Protocols  
(December 30, 2021)

When the United States Court of Appeals for the Ninth Circuit resumes in-person arguments, this document sets forth protocols that will govern appearances for in-person sittings pending further order of the Court. These protocols reflect the Court's concern for the health and safety of the Court, its staff, the bar, and the public. While the Court desires to return to in-person arguments, the Court understands that there will need to be a transition period. Because of the evolving public-health guidance concerning the COVID-19 pandemic, the Court may modify these protocols as needed.

**A. In-Person Appearances:**

- Pursuant to the Court's Amended Administrative Order Regarding Vaccines, only fully vaccinated arguing counsel and no more than two other fully vaccinated attendees whose presence is necessary to assist or supervise arguing counsel (e.g., a client, lawyer sitting second chair, or paralegal) are permitted to access the courtrooms.
- Arguing counsel planning to appear in person must certify in advance of argument that they and their attendees are fully vaccinated and will comply with these protocols and guidelines. *See* COVID Vaccination Status Form.
- Counsel and attendees should be masked as they enter the building, proceed through screening, in all public areas, and on to their designated courtroom.
- Masks are required at all times unless speaking at the podium.
- N95, KN95 or surgical masks are strongly preferred; no bandanas or neck gaiters will be allowed. Masks must always cover the mouth and the nose.
- Counsel and attendees may access only the main lobbies, attorney lounges, public elevators, their designated courtroom, and restrooms immediately outside their designated courtroom.
- The buildings remain closed to the general public.
- No one shall enter a Ninth Circuit Courthouse if they:
  - Have tested positive for COVID-19 within the previous 14 days,
  - Are currently awaiting the results of a COVID-19 test,
  - Have been directed to self-quarantine by any physician, hospital, or health agency,
  - Have had symptoms consistent with COVID-19 within the previous 14 days (e.g., temperature above 100.4, chills, shortness of breath,

- unusual fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion, nausea or vomiting, or diarrhea),
- Have traveled internationally within the previous 14 days, or
  - Within the previous 14 days, have had known close contact with a person who has been diagnosed with COVID-19.

**B. Notice of Intent to Appear Remotely**

- *All attorneys who are not yet fully vaccinated or who decline to share their vaccination status will be required to present their arguments remotely.*
- In addition, because the Court recognizes that there will be a period of transition back to in-person arguments and that an attorney's particular circumstances may make a remote appearance more practical, no motion to appear remotely will be required pending further order of the Court, regardless of vaccination status.
- Instead, counsel shall indicate in their *Acknowledgment of Hearing Notice* a preference for remote video argument. Until further notice, these requests will be honored.
- All counsel appearing remotely are encouraged to test their connections in advance of argument and will be contacted by court staff with further instructions.
- The Court widely disfavors telephonic appearances. They will not be allowed absent direct permission from the panel or as directed by court staff in the event of technological difficulties.

**C. General Considerations**

- The fact that one or more counsel may elect to appear remotely will not result in all counsel having to do the same; each counsel will be allowed to appear in-person or by video as they choose.
- Any counsel who initially indicated a preference for in-person argument but who becomes unable to do so for any reason shall notify the Court as soon as possible to arrange for remote participation.

**D. Notification of Potential Exposure**

- Counsel shall notify the Clerk's Office if counsel or any of counsel's attendees exhibit symptoms or test positive for COVID-19 within five days after an in-person argument.



# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

## VIRTUAL COURTROOM DECORUM

Please be reminded that although you will be attending the scheduled hearing virtually using the Zoom platform, attorneys and all parties present are required to adhere to Local Bankruptcy Rule 5072-1(f) regarding Courtroom Attire.

## JOINING THE ZOOM HEARING

All respective parties for the scheduled hearings should join the Zoom hearing at least ten (10) minutes prior to the scheduled start of the court calendar. Upon entering, you will be asked to enter the hearing with your audio and video ON so that sound and visual checks may be done with the assistance of the court staff.

Once the audio and video checks are completed, all respective parties will be required to keep their video on until the First Call of the Calendar is made by the Courtroom Deputy. Following such, the Courtroom Deputy will direct all participants to shut off their video and mute their phones until their individual case is called. Only the participants for the case being heard at the time shall be visible on video.

If you do not have video capability, you may join the hearing by audio only using the call-in number included on the zoom meeting invitation. If you need training on the Zoom platform prior to your first hearing, please contact the Courtroom Deputy, Pamela Ricciarelli at [Pamela\\_Ricciarelli@rib.uscourts.gov](mailto:Pamela_Ricciarelli@rib.uscourts.gov) or (401) 626-3136 to arrange a training time.

## ANNOUNCEMENT OF REPRESENTATION

Just as in-person court sessions, upon the call of the case, counsel or if appropriate, a pro se litigant, shall announce his/her name for the record and the name of the party or parties he/she represents. Although the parties are visible on the video, our Electronic Courtroom Reporter Operator will record the session using audio only and by adhering to this procedure, it enables the court reporter to accurately reflect who is speaking for the record. See *LBR 5072-1(a)*.



# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

## BEFORE A VIDEOCONFERENCE

You will need a computer, tablet, or smartphone with speaker or headphones. If using a computer, you may be prompted to download and run Zoom. Google Chrome is the recommended browser for Zoom. If using a tablet or smartphone, you should download the free Zoom app well before the video conference.

You will have the opportunity to check your audio upon joining a meeting. Using headphones with a microphone is preferred to reduce other noise and feedback.

You will receive notice for a videoconference from the court. The notification will include a link to "Join Zoom Meeting" as well as a Meeting ID and Password. You should join at least 10 minutes prior to your scheduled hearing time to test your system.

## JOIN A VIDEOCONFERENCE

1. Click the link in your notification to join at the appropriate time. You may also join a meeting without clicking on the invitation link by going to [join.zoom.us](https://join.zoom.us) on any browser or to the Zoom app on a tablet or smartphone and entering the Meeting ID provided by the court (see more specific instructions on page 6). If you have not already downloaded the Zoom app and your device requires it, you may be instructed to download it at this time.
2. You have an opportunity to test your audio at this point by clicking on "Test Computer Audio." Once you are satisfied that your audio works, click on "Join audio by computer."
3. If the Host has enabled the "waiting room" feature, you may see a "Waiting for the host to start this meeting" or "Please wait, the meeting host will let you in soon" message. When chambers is ready internally, you will then be admitted for a audio and video test to verify good quality.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided in your invitation.
2. Enter the Meeting ID number (also provided in your invitation) when prompted using your touch-tone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

If you are more of a visual learner, here are two short (approx. 1 to 2.5 minutes each), YouTube training videos:

1. ["Zoom 101 Sign Up & Download Meeting Client"](#)
2. ["Zoom - Join a Meeting"](#)

## QUICK TIPS FOR USING ZOOM

- If you are using an external camera and/or microphone, plug them in before opening the Zoom application. A headset is recommended.
- Only 1 microphone and speaker system should be active per physical location to avoid a loud screeching sound.
- Be sure to mute yourself when you are not speaking.

## PARTICIPANT CONTROLS IN THE ZOOM SCREEN

On a computer, a menu bar containing participant tools may appear and disappear as you mouse over the Zoom meeting, typically at the bottom of the screen. Mobile app interfaces will appear differently but contain most of the same functionality. As a participant, some of these controls may not be available to you and therefore will not show up on the control panel.



1. Mute/Unmute your microphone – Click the up arrow next to the microphone icon to open audio settings. Here you change your speaker and microphone settings.
2. Start/Stop your video feed (Turn on/off camera) – Click the up arrow next to the camera icon to open video settings. Here you can change your camera settings.
3. Invite other participants
4. Manage Participants – Click to open a pop-out screen that shows a list of participants in the meeting. From this panel, the host can mute/unmute all participants and more. Includes a "Raise Hand" icon that you may use to raise a virtual hand.
5. Share your screen – Click to start sharing your desktop display or any window/application on your computer with others in the meeting. Click the up arrow to reveal sharing options. This option may be disabled for participants.
6. Chat – If enabled, click to open the Chat panel where you can start or respond to a chat.



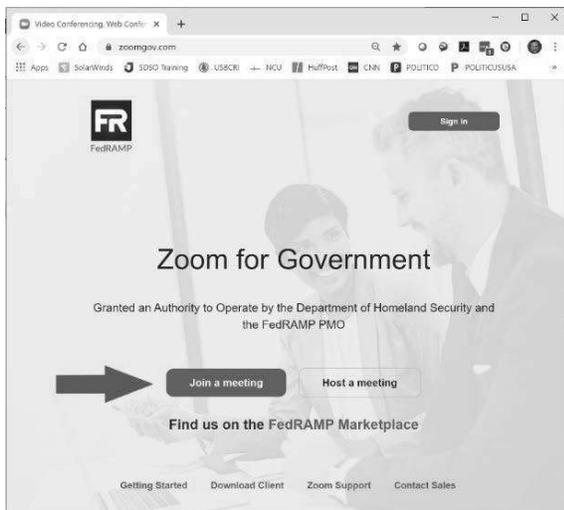
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

7. Record – Click to record. Participants cannot record unless the meeting host grants permission to record. If a meeting is being recorded, an icon will appear.
8. Reactions
9. End or Leave Meeting – Ending the meeting will disconnect all participants. Leaving the meeting will allow participants to remain in the meeting room.

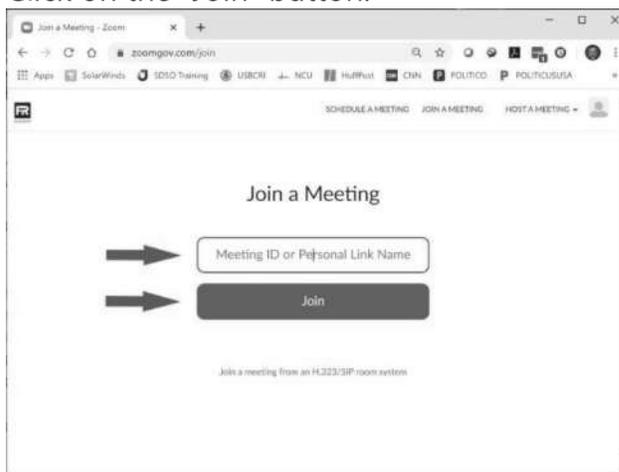
Views: Somewhere on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all the meeting participants.

## JOIN A ZOOM MEETING USING A WEB BROWSER WITHOUT GIVING ANY PERSONAL INFORMATION.

1. Open any web browser and go to the following website: <https://zoomgov.com/>
2. Click on “Join a meeting”

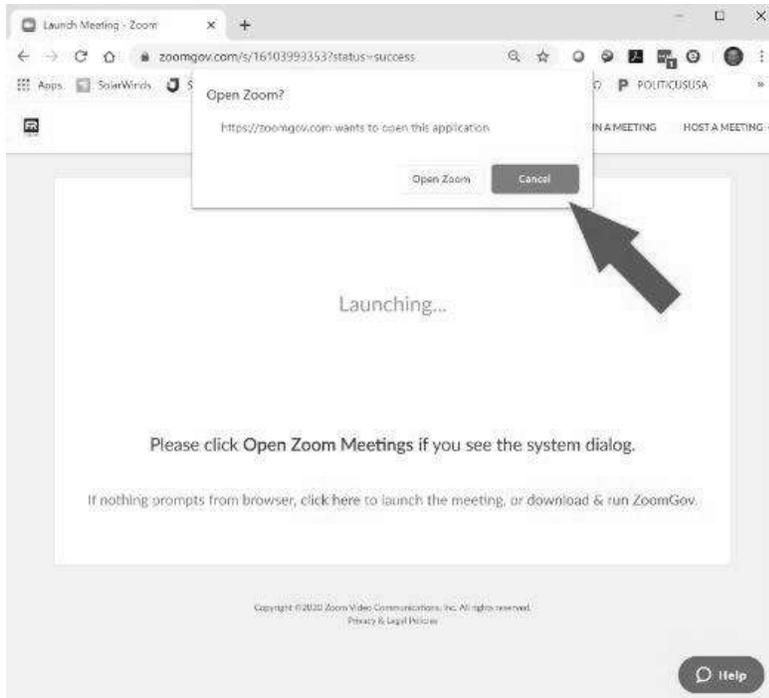


3. Enter the Meeting ID sent to you in an email invitation.
4. Click on the “Join” button.

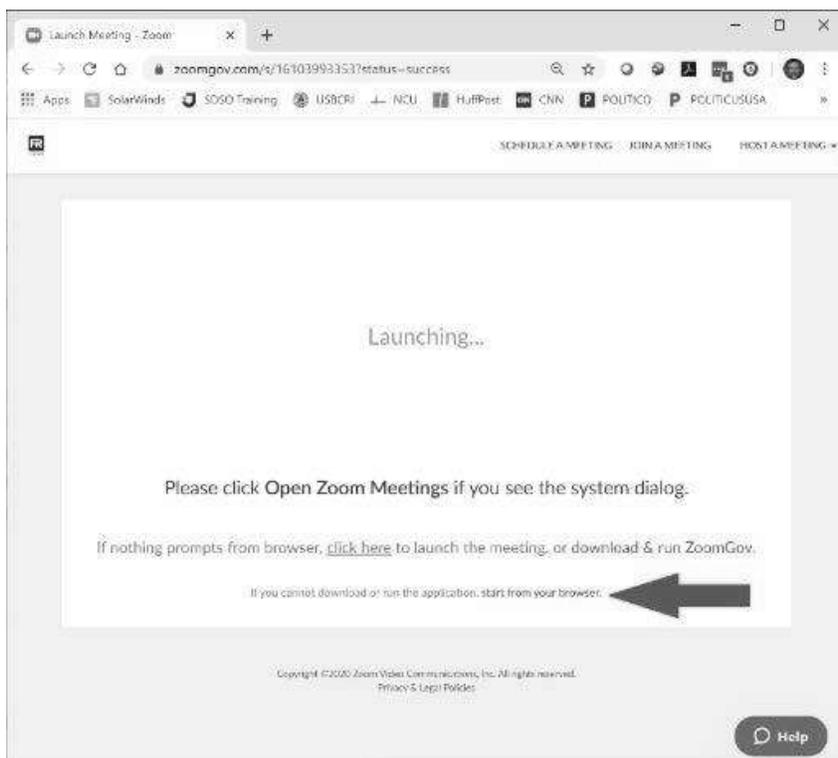


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

5. If prompted to "Open in Zoom", press the "Cancel" button



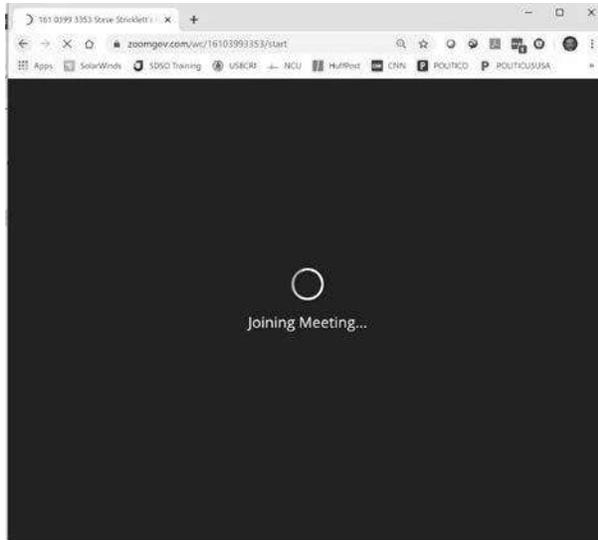
6. Click the link to "start from your browser" at the bottom of the screen



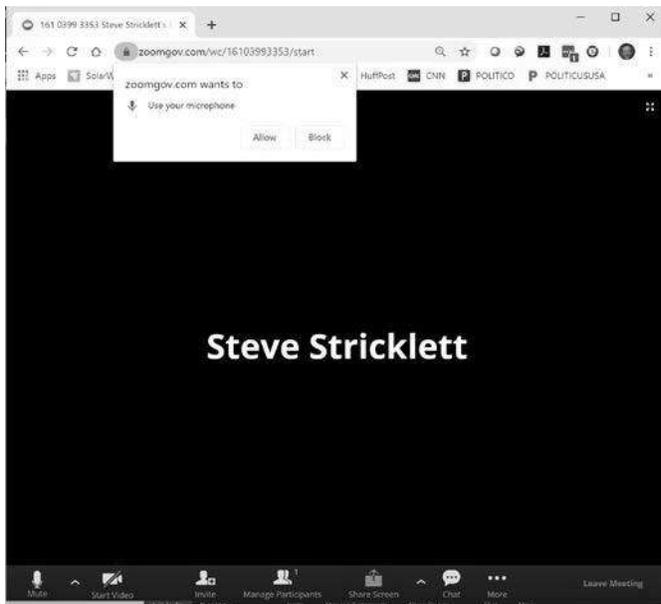


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

7. You will be re-directed to the meeting within your web browser.



8. If prompted, click on the "Allow" button so your audio can be used by the ZOOM website



At this time, you have joined a meeting

This will be your interface during the ZOOM Web based Video Teleconference

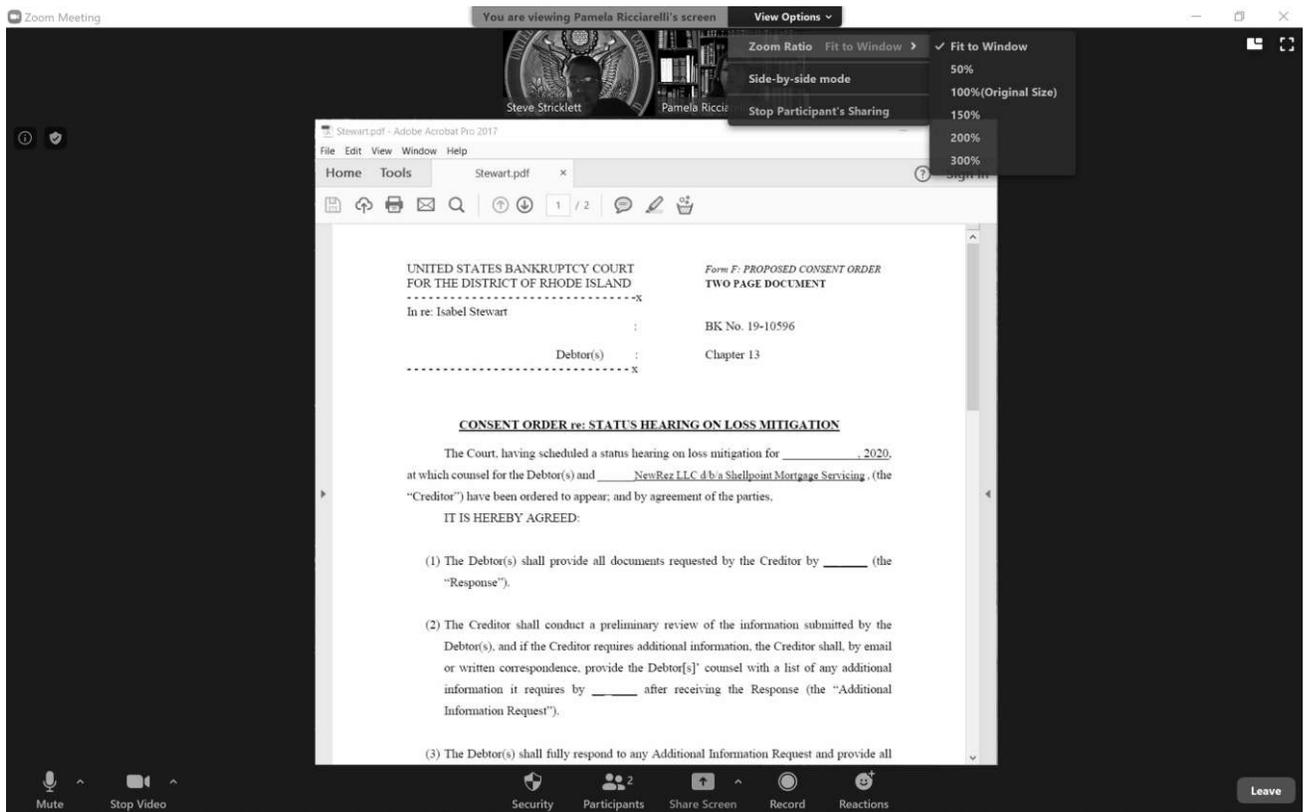


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

## Exhibit Presentation and Participant window viewing options

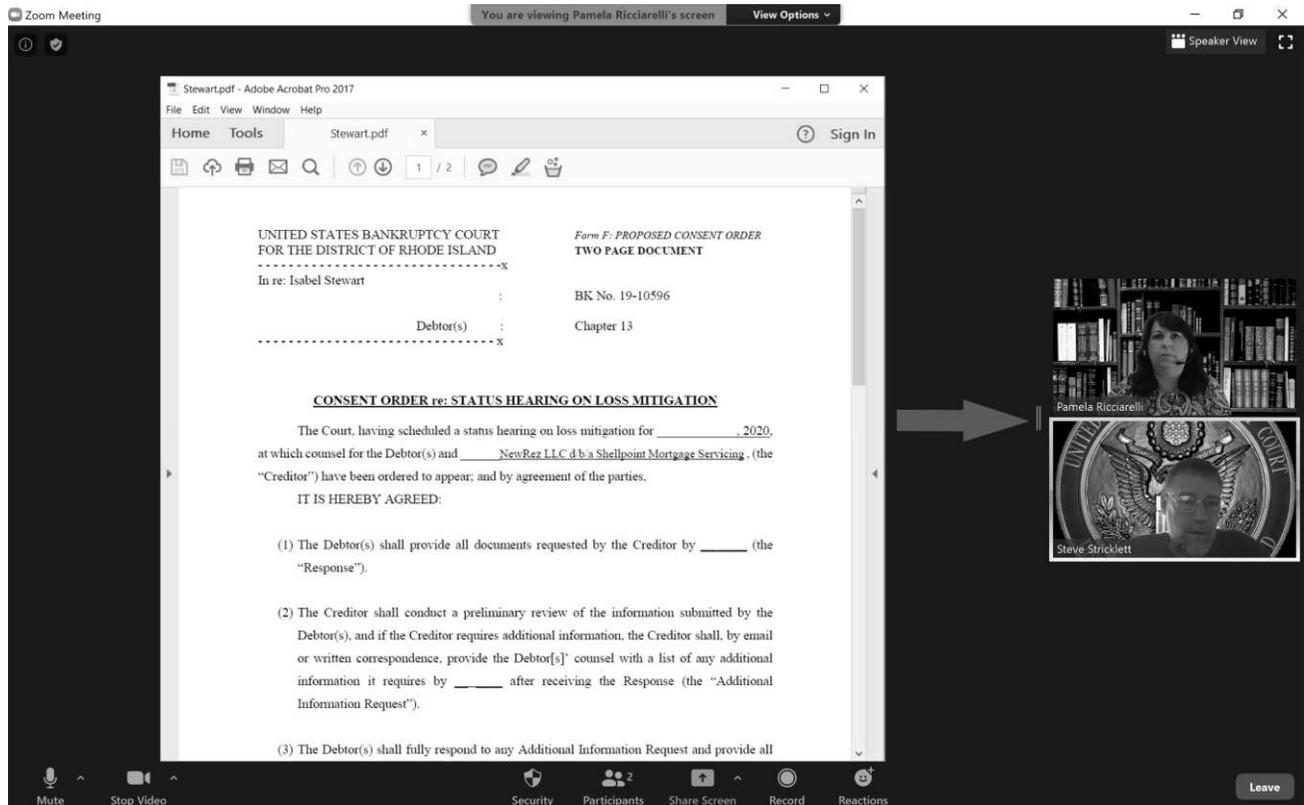
When exhibits are requested and shared by the court for everyone to view, you can choose to setup your screen to allow viewing of all participants in a larger section of the window then is done by default.

If the participants show at the top of the screen, click on the "View Options" toolbar at the top of the screen and select "Side-by-side mode"



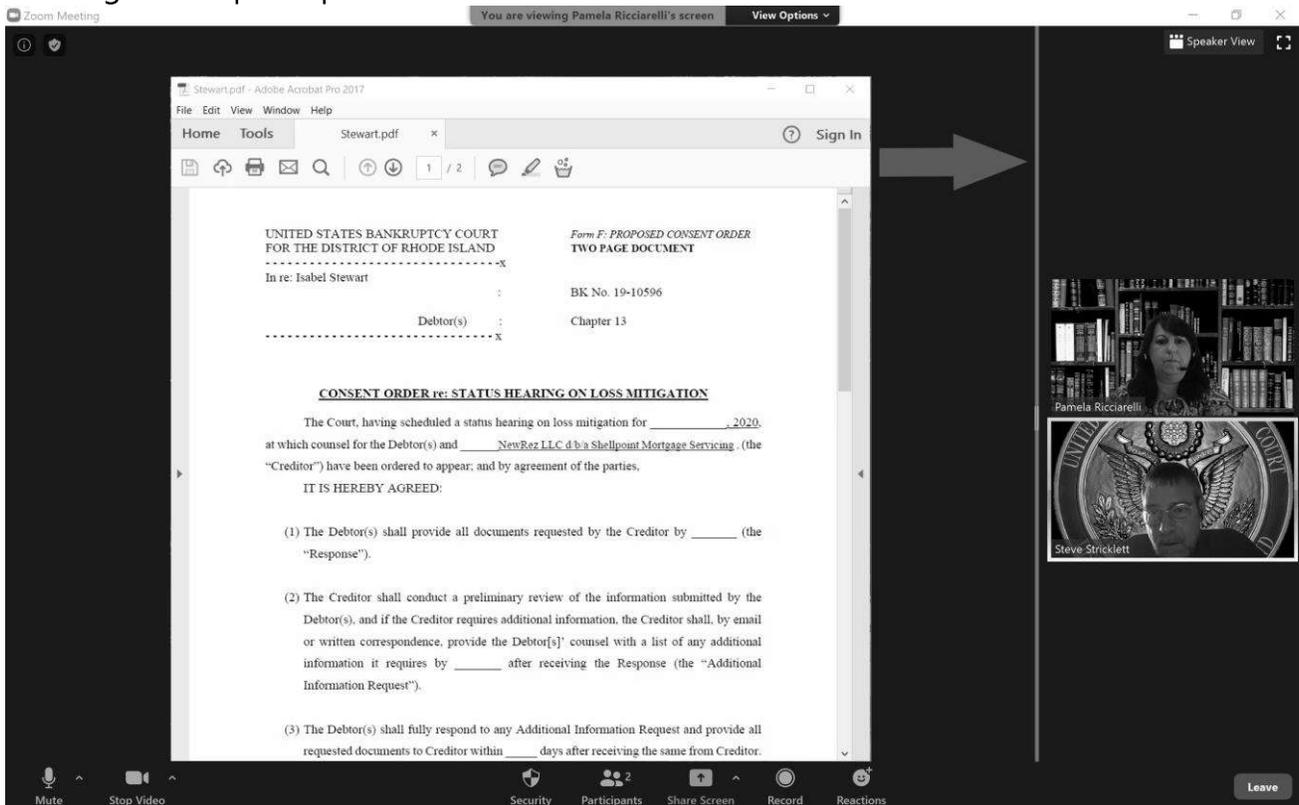
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Once in the side by side view, you can adjust how much of the viewing window will be divided between the exhibit and the participants by clicking on the “double-line” adjustment handle, located halfway down in the ZOOMGov meeting window between the two sections (exhibit and participants).



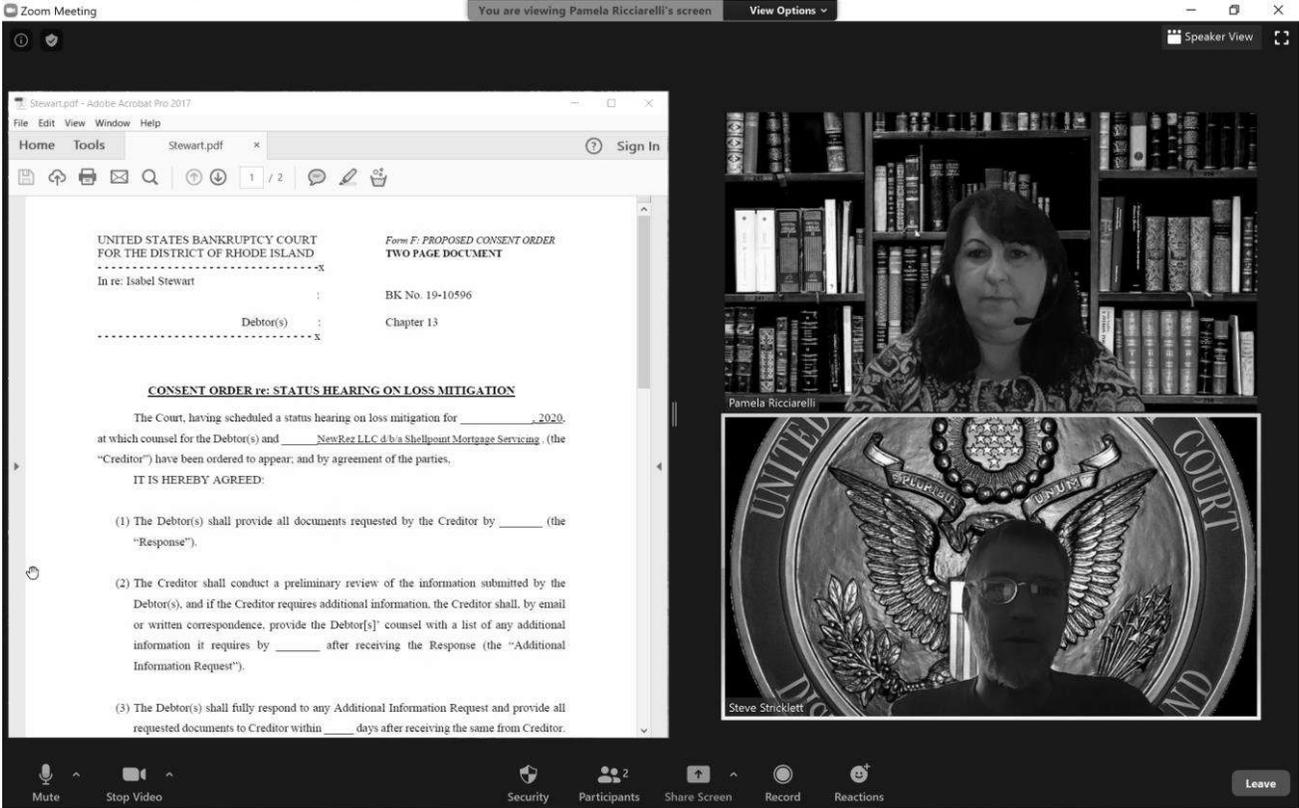
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Once the handle is clicked on, you will see the entire separation line. You can then move this to the left increasing the size of the participants window to allow a larger portion of the meeting for the participants.



# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Depending on how many people are on the ZOOMGov meeting, the participants viewable size will change accordingly as you slide the dividing handle.



The screenshot displays a Zoom meeting interface. On the left, a PDF document titled "Stewart.pdf" is open in Adobe Acrobat Pro 2017. The document is a "Form F. PROPOSED CONSENT ORDER TWO PAGE DOCUMENT" for the United States Bankruptcy Court for the District of Rhode Island, in re: Isabel Stewart, Chapter 13, BK No. 19-10596. The document contains a "CONSENT ORDER re: STATUS HEARING ON LOSS MITIGATION" and lists three conditions for the debtor and creditor. On the right, two participants are visible in a grid view. The top participant is Pamela Ricciarelli, and the bottom participant is Steve Stricklett, who is positioned in front of the Rhode Island State Seal.

For more information and instructional videos see the Zoom Help Center  
<https://support.zoom.us/hc/en-us>



# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

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3. Invite other participants
4. Manage Participants – Click to open a pop-out screen that shows a list of participants in the meeting. From this panel, the host can mute/unmute all participants and more. Includes a "Raise Hand" icon that you may use to raise a virtual hand.
5. Share your screen – Click to start sharing your desktop display or any window/application on your computer with others in the meeting. Click the up arrow to reveal sharing options. This option may be disabled for participants.
6. Chat – If enabled, click to open the Chat panel where you can start or respond to a chat.



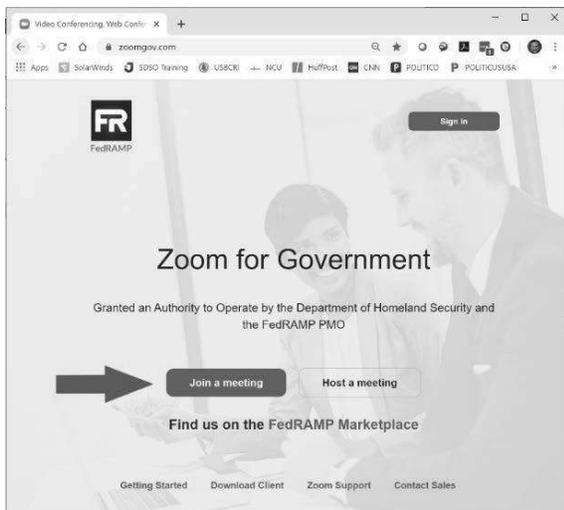
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

7. Record – Click to record. Participants cannot record unless the meeting host grants permission to record. If a meeting is being recorded, an icon will appear.
8. Reactions
9. End or Leave Meeting – Ending the meeting will disconnect all participants. Leaving the meeting will allow participants to remain in the meeting room.

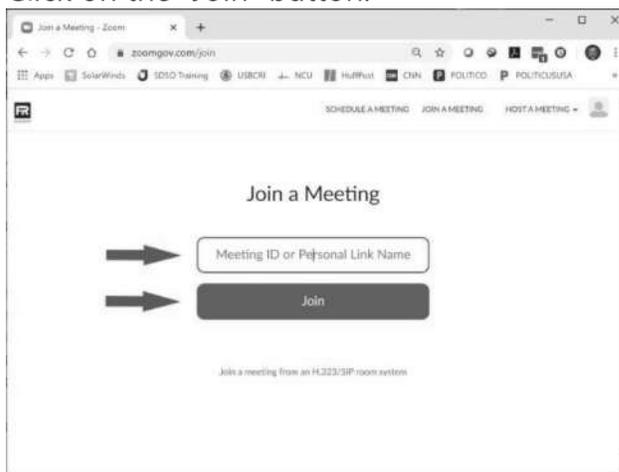
Views: Somewhere on your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all the meeting participants.

## JOIN A ZOOM MEETING USING A WEB BROWSER WITHOUT GIVING ANY PERSONAL INFORMATION.

1. Open any web browser and go to the following website: <https://zoomgov.com/>
2. Click on “Join a meeting”



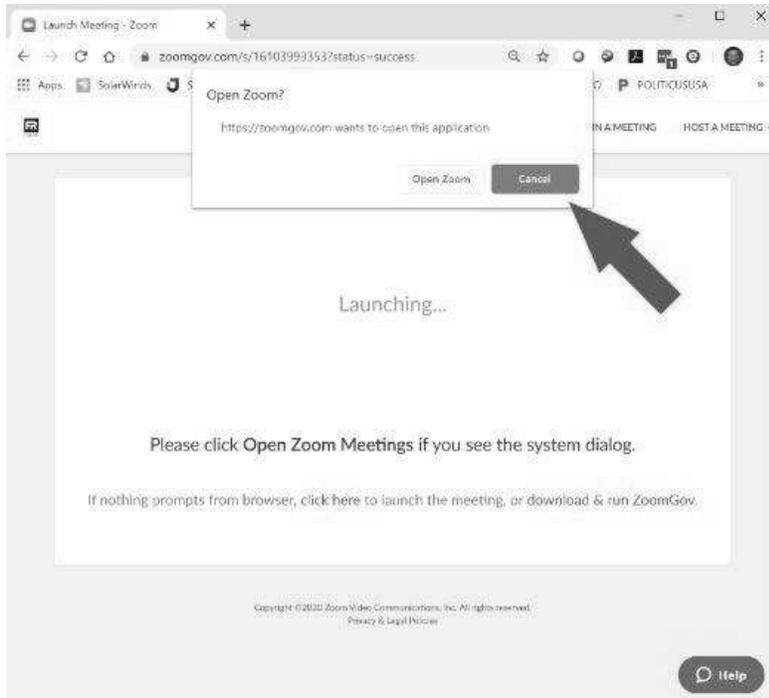
3. Enter the Meeting ID sent to you in an email invitation.
4. Click on the “Join” button.



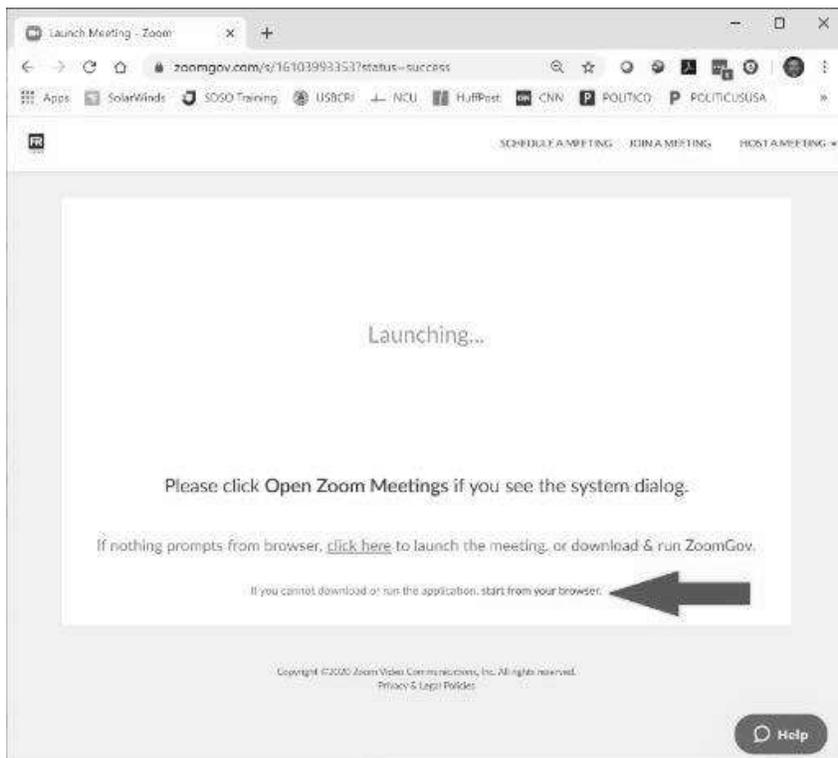


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

5. If prompted to "Open in Zoom", press the "Cancel" button



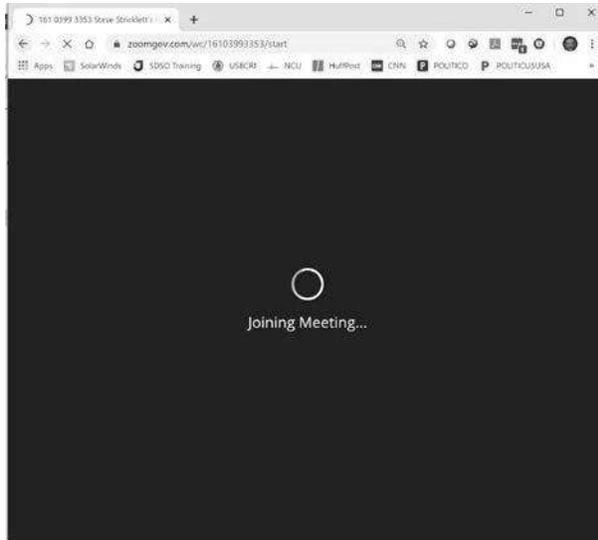
6. Click the link to "start from your browser" at the bottom of the screen



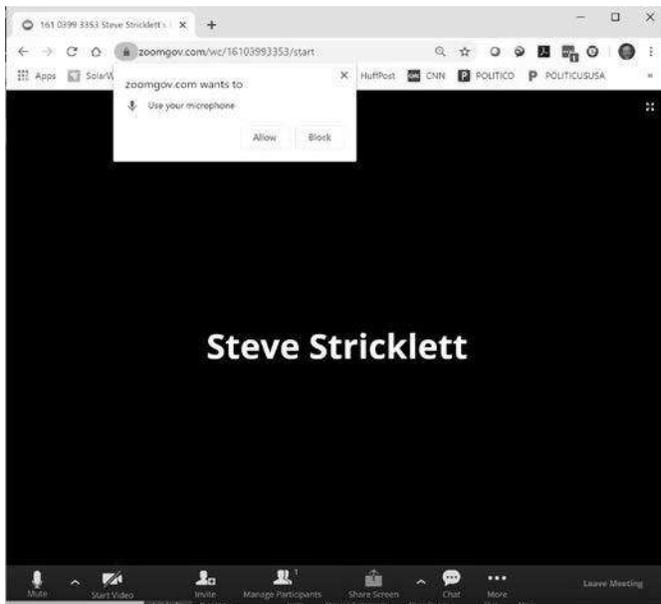


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

7. You will be re-directed to the meeting within your web browser.



8. If prompted, click on the "Allow" button so your audio can be used by the ZOOM website



At this time, you have joined a meeting

This will be your interface during the ZOOM Web based Video Teleconference

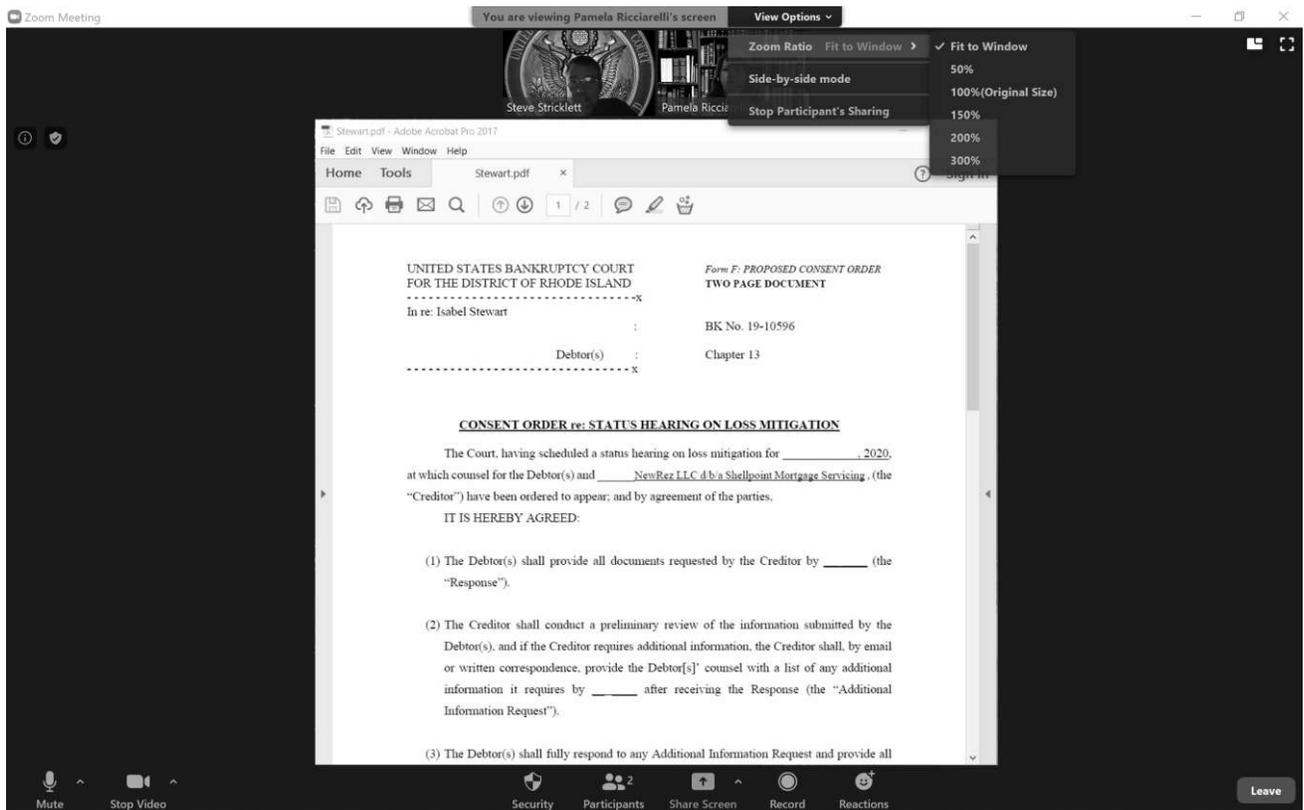


# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

## Exhibit Presentation and Participant window viewing options

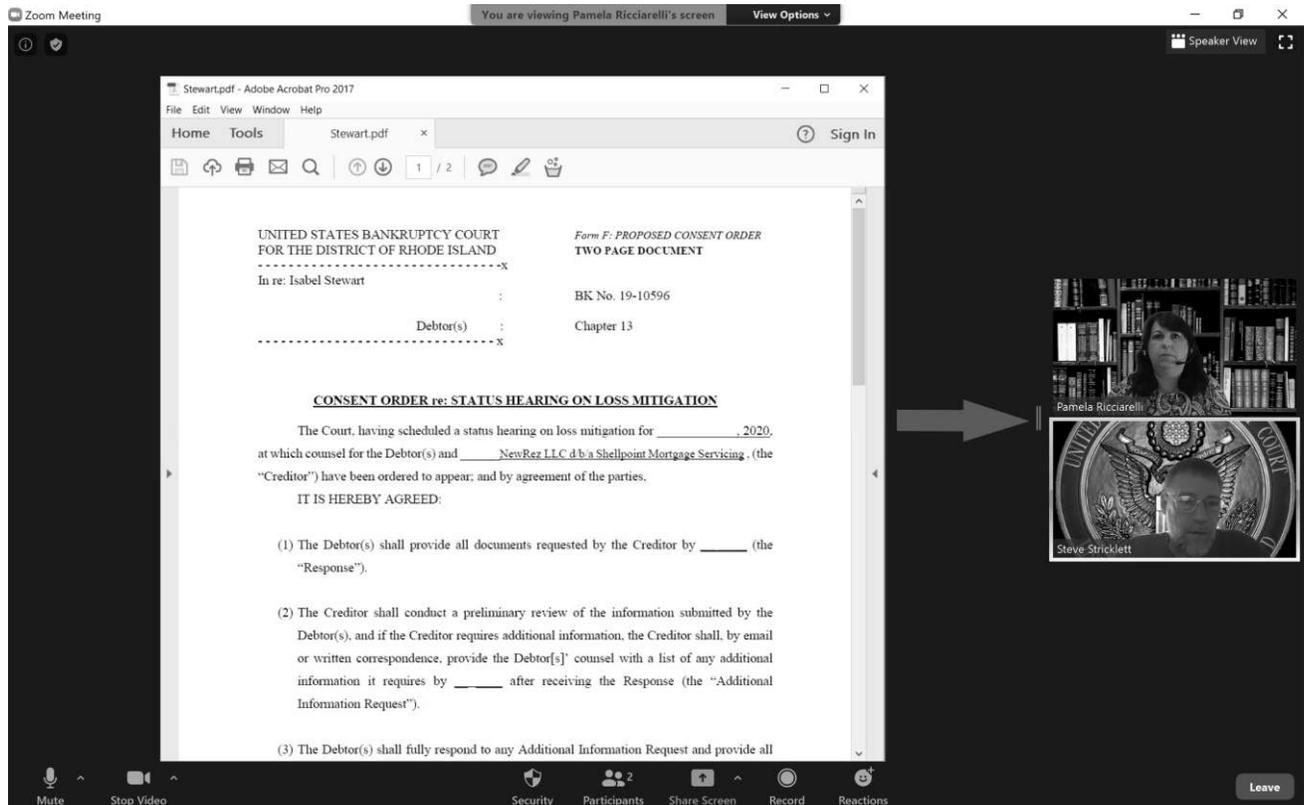
When exhibits are requested and shared by the court for everyone to view, you can choose to setup your screen to allow viewing of all participants in a larger section of the window then is done by default.

If the participants show at the top of the screen, click on the "View Options" toolbar at the top of the screen and select "Side-by-side mode"



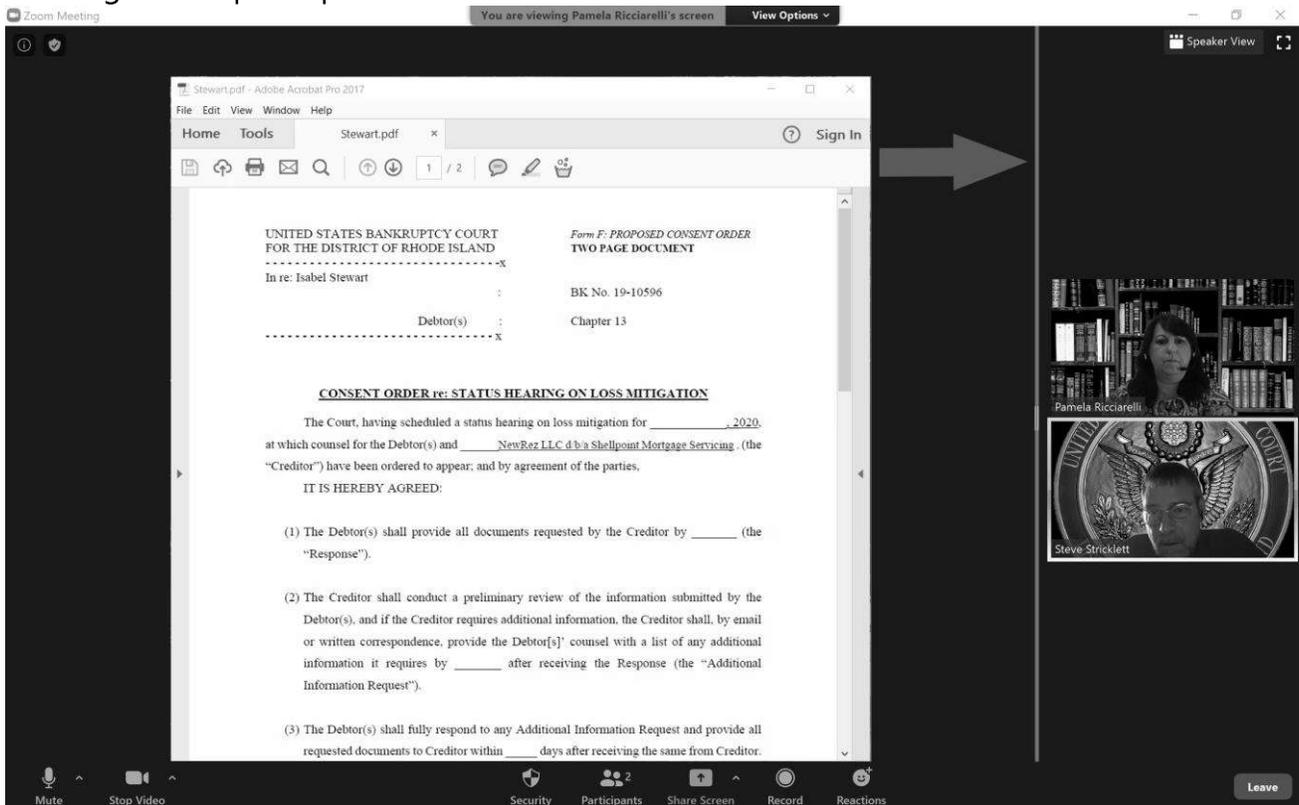
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Once in the side by side view, you can adjust how much of the viewing window will be divided between the exhibit and the participants by clicking on the “double-line” adjustment handle, located halfway down in the ZOOMGov meeting window between the two sections (exhibit and participants).



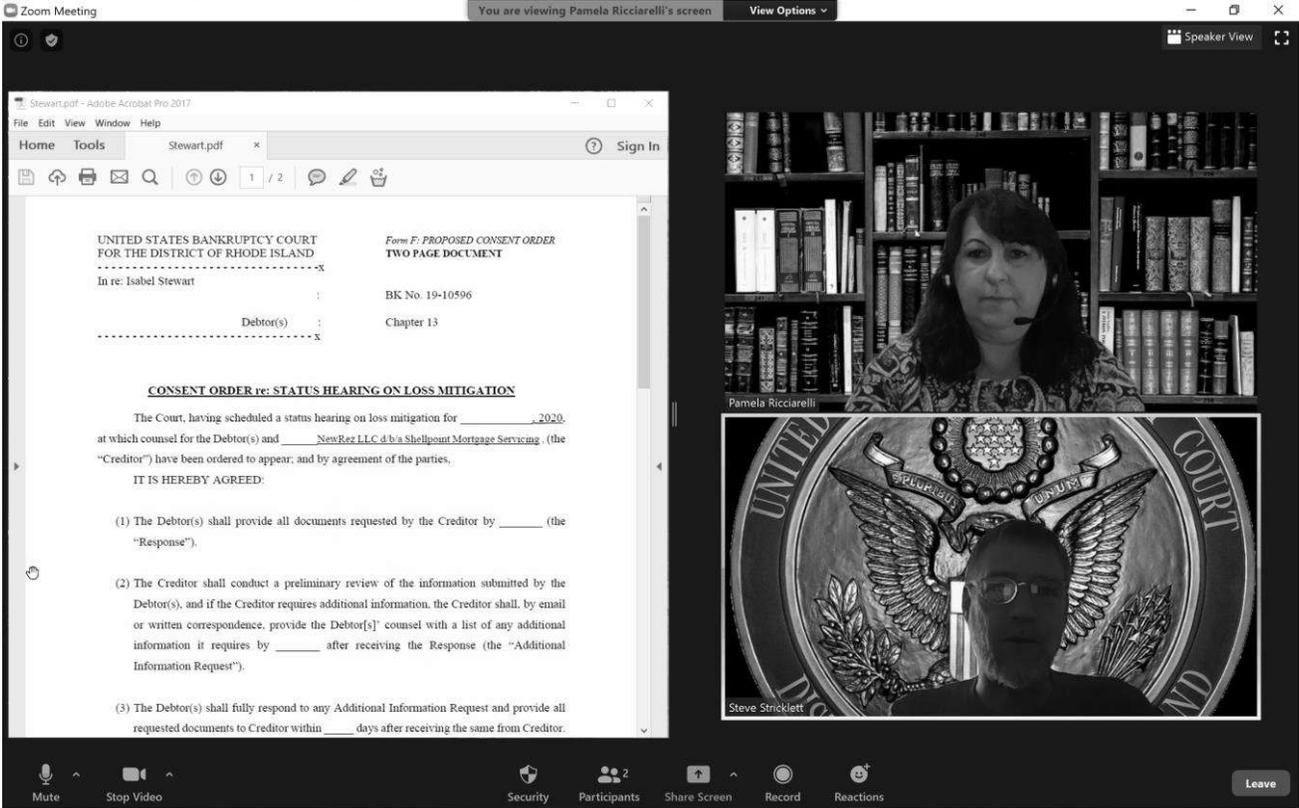
# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Once the handle is clicked on, you will see the entire separation line. You can then move this to the left increasing the size of the participants window to allow a larger portion of the meeting for the participants.



# RHODE ISLAND BANKRUPTCY COURT ZOOM GUIDE FOR ATTORNEY PARTICIPANTS

Depending on how many people are on the ZOOMGov meeting, the participants viewable size will change accordingly as you slide the dividing handle.



The screenshot displays a Zoom meeting interface. On the left, a PDF document titled "Stewart.pdf" is open in Adobe Acrobat Pro 2017. The document is a "Form F. PROPOSED CONSENT ORDER TWO PAGE DOCUMENT" for the United States Bankruptcy Court for the District of Rhode Island, in re: Isabel Stewart, BK No. 19-10596, Chapter 13. The document includes a section titled "CONSENT ORDER re: STATUS HEARING ON LOSS MITIGATION" with the following text:

The Court, having scheduled a status hearing on loss mitigation for \_\_\_\_\_, 2020, at which counsel for the Debtor(s) and \_\_\_\_\_ NewRez LLC d/b/a Shellpoint Mortgage Servicing (the "Creditor") have been ordered to appear, and by agreement of the parties,

IT IS HEREBY AGREED:

- (1) The Debtor(s) shall provide all documents requested by the Creditor by \_\_\_\_\_ (the "Response").
- (2) The Creditor shall conduct a preliminary review of the information submitted by the Debtor(s), and if the Creditor requires additional information, the Creditor shall, by email or written correspondence, provide the Debtor[s]' counsel with a list of any additional information it requires by \_\_\_\_\_ after receiving the Response (the "Additional Information Request").
- (3) The Debtor(s) shall fully respond to any Additional Information Request and provide all requested documents to Creditor within \_\_\_\_\_ days after receiving the same from Creditor.

On the right side of the Zoom window, two participants are visible. The top participant is Pamela Ricciarelli, shown from the chest up against a background of bookshelves. The bottom participant is Steve Stricklett, shown from the chest up with a background featuring the Seal of the United States Bankruptcy Court. The Zoom meeting controls at the bottom include Mute, Stop Video, Security, Participants (2), Share Screen, Record, Reactions, and a Leave button.

For more information and instructional videos see the Zoom Help Center  
<https://support.zoom.us/hc/en-us>

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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**In re:  
Expansion of Standing Order # 20-09  
Regarding Modifications of Bankruptcy Court  
Procedures and Operations Under the  
Exigent Circumstances Created by COVID-19,  
Including (i) Conduct of Hearings by Zoom,  
(ii) Rules Governing In-Person Appearances,  
and (iii) Notices of Motion for Zoom Hearings**

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**STANDING ORDER  
# 20-12**

On March 16, 2020, this Court entered Standing Order # 20-09 to describe the modified procedures it was implementing in response to the public health emergency caused by the COVID-19 (coronavirus) outbreak, to balance and maximize the following priorities (i) the health and safety of all constituents involved in bankruptcy court proceedings and hearings, (ii) the need to move cases forward and avoid delay in the delivery of crucial relief, and (iii) comply with the pandemic-related recommendations of national, state and local authorities. The Court enters this Standing Order based on its experience with those new procedures and in recognition that the pandemic, and restrictions flowing from it, are likely to continue for the foreseeable future, and the need to establish clear procedures, in particular, with respect to the conduct of hearings, the restrictions on in-person appearance at hearings, and the language to be used in notices of motion to reflect these changes.

While the Court continues to believe in-person participation at hearings and court-convened conferences is more effective than telephonic participation, or any type of remote participation, the exigent circumstances created by COVID-19, and the health and safety risks associated with in-person hearings, warrant continued application of a more liberal standard for remote participation in this Court's hearings and conferences. In discerning whether and for how long to continue to conduct hearings remotely, the Court gives great weight to four factors: (a) the experience to date with Zoom hearings, of both the Court and bar; (b) whether, and for how long, other bankruptcy-related constituents are fulfilling their responsibilities through technology from remote locations; (c) whether, and for how long, other federal courts in this District are conducting their hearings remotely; and (d) what effect a continuation of remote hearings will have on access to justice and the safety of hearing participants, and the procedures that will be needed to address those priorities.

With respect to the first factor, the Court's experience with Zoom hearings during the pandemic has persuaded it that parties who participate in hearings held via Zoom are able to get the essential benefits of an in-person hearing, the bar and parties who need to appear at hearings are capable of using this technology, any technical issues that arise can be resolved quite quickly, and conducting hearings via Zoom is productive and effective. The Court asked the members of the bankruptcy bar to comment on their experience with Zoom hearings in this Court at the June 19, 2020 Bench Bar meeting, and the feedback the bar offered was unanimously in support of continuing to conduct hearings by Zoom.

As to the second factor, the Court is aware that the U.S. Trustee Program recently announced it is requiring bankruptcy trustees to hold all meetings of creditors (“§ 341 meetings”) either by telephone or video in all cases filed through October 10, 2020, with the caveat that trustees may set in-person § 341 meetings where it appears necessary “to ensure completeness of the meeting or protection of estate property,” and can be done “in a manner that complies with local public health guidance.” This will likely result in §341 meetings being conducted by telephone/video through approximately November 30, 2020.

Regarding the third factor, on June 23, 2020 the U.S. District Court for the District of Vermont entered General Order 92, extending remote hearings for 90 days, through September 1, 2020.

Finally, as to the fourth factor, the Court has advised attorneys and parties involved in matters that may require a trial that (i) the Court will entertain motions requesting an in-person evidentiary hearing, and (ii) the movant will bear the burden of demonstrating why a remote hearing is insufficient and would deprive them of a fair and sufficient hearing. If the Court determines an in-person hearing is necessary, it will specify the restrictions that will be imposed at the hearing to ensure that attorneys, *pro se* parties, witnesses, and court staff are not at undue risk of contracting COVID-19. More details about this procedure are set out below. This approach is consistent with the position members of the bar voiced at the June 19, 2020 Bench Bar meeting.

After taking into account the impact of the pandemic and these four salient factors, THE COURT FINDS it serves the interests of justice to extend and continue Zoom hearings.

THEREFORE, IT IS HEREBY ORDERED, effective immediately and subject to the evolving circumstances of COVID-19 in Vermont, all hearings scheduled through November 30, 2020, will be conducted via Zoom unless the Court orders otherwise, based on a showing of exigent circumstances.

(i) Conduct of Hearings by Zoom

Until the expiration of this Standing Order or further notice, all hearings to be held in this Court shall be held using Zoom. Participants may appear using either audio only or combined audio and video functionality. The courtroom deputy will send the Zoom URL link, meeting ID, and password for the hearing or conference, to the parties who filed the motion, any objection(s) and a notice of appearance in the case, no later than 1 business day before the hearing. Anyone else who wishes to appear at the Zoom hearing may contact the courtroom deputy at (802) 657-6404 to get the information necessary to access the hearing. This information is not to be shared with anyone other than those authorized to appear at the hearing.

Anyone who will be appearing at a hearing via Zoom using only the audio functionality (i.e., by telephone) must use the Zoom link (or Zoom meeting ID and password) for that particular hearing (rather than the usual call-in information for telephonic hearings), and must (i) notify the courtroom deputy at least two business days prior to the hearing that they will be calling in to a hearing, (ii) identify the hearing(s) in which they wish to participate, and (iii) give the courtroom deputy the telephone number from which they will be calling. For security reasons, the Court will not admit phone participants into a hearing if they fail to comply with this requirement.

To maximize the quality of the hearing, all Zoom participants must be on mute except when speaking, and must refrain from using speaker phones. Once they connect via Zoom, participants will find themselves in a “Zoom waiting room,” and they will remain there until the Court is ready to address the matter in which they want to appear, and the courtroom deputy lets them into the Zoom hearing. If a

person experiences any technical difficulties during a Zoom hearing, they will be able to get immediate assistance by emailing the courtroom deputy directly at [Jody\\_Kennedy@vtb.uscourts.gov](mailto:Jody_Kennedy@vtb.uscourts.gov).

### (ii) Rules Governing In-Person Appearances

Any attorney or *pro se* party who believes they or their client will suffer negative consequences if unable to appear at a particular hearing in person (for example, because they need to call witnesses whose credibility is determinative to the issues before the Court), may file a motion, on notice to all attorneys and parties who are expected to appear at the hearing, as well as all attorneys who have filed a notice of appearance in the case, setting forth the legal and factual basis for their request, no later than seven business days before the hearing. Responses to such motions shall due no later than three business days prior to the hearing. All hearings shall proceed via Zoom unless the Court enters an Order providing otherwise.

In the event an attorney or *pro se* party demonstrates exigent circumstances warranting an in-person hearing, the Court shall issue an Order specifying the health and safety precautions that shall be required of the parties and enforced by the Court, to ensure that no one is put at undue risk by attending the hearing and the interests of justice are served. The Court may hold a remote hearing to address the arguments presented by those in favor and those opposed to any in-person hearing.

### (iii) Notices of Motion for Zoom Hearings

Notices of Motion, for routine and non-routine motions, using both the default and conventional methods of notice, shall be modified as set forth below, to reflect that all hearings will be held by Zoom unless the Court grants a motion, showing exigent circumstances, that authorizes in-person appearances.

Notices required under Vt. LBR. 9013-2(c) shall include the following language with respect to the conduct of the hearing (modified and new language in red):

#### **Form of Hearing Notice.**

For all routine, non-evidentiary motions, the moving party must file and serve a hearing notice specifying (1) the relief sought, (2) the hearing date and time, (3) state that the hearing will be held via Zoom, (4) include a statement that the courtroom deputy will make Zoom information necessary no less than 1 business day before the hearing, and (5) the response deadline. See Vt. LBR 9013-3 (providing guidelines for noticing a hearing under the conventional procedure); see also Vt. LBR 9013-4 (providing guidelines for noticing a hearing under the default procedure); Vt. LB Forms U-1 and U-2 (model notices of motion for conventional and default procedures).

Hearing Dates/Times. The upcoming Court calendar dates and designated times for hearings are posted on the Court's website, <http://www.vtb.uscourts.gov>, and may also be obtained by contacting the courtroom deputy at (802) 657-6404. The Court has specific days when it hears (A) chapter 7 and 11 matters, and (B) chapter 12 and 13 matters, all of which are set out on the Court's website. Unless a party obtains Court approval in advance by showing good cause to schedule the hearing otherwise, a party filing a motion should schedule a hearing on that motion according to the Court's designated hearing schedule.

Hearing Sites. In response to the coronavirus pandemic, all hearings will be conducted by Zoom, and should be set for the Court's "Audio-Video / Zoom Location," unless the Court orders otherwise, based on a showing exigent circumstances.

Notices required under Vt. LBR. 9013-3(b) shall include the following language with respect to the conduct of the hearing:

**Form of Hearing Notice.**

In addition to the requirements set forth in Vt. LBR 9013-2(c), the following items must be in each notice of motion using the conventional procedure:

Title of Notice. The title of the hearing notice must be “Notice of Motion”;

Response Deadline. The deadline for filing responses to a motion scheduled under the conventional procedure may be no later than 3 business days before the hearing date, and this 3-day period may be included within the required notice period;

Mandatory Language. The following language, in bold and conspicuous print, must be included in the notice:

If the motion is filed in a chapter 7, 12, or 13 case:

*A **HEARING ON THE MOTION** and any responses **will be held at [time] on [date] via Zoom, i.e., at the “Audio-Video / Zoom Location,” unless the Court orders otherwise based on a showing exigent circumstances.***

***IF YOU OPPOSE THE MOTION**, you are encouraged to file a written response specifying your opposition to the motion with the Clerk of the Court, **on or before 4:00 P.M. on [a date that is no fewer than 3 business days before the hearing date]**. If you file a written response, you must also serve a copy on the moving party, the debtor, the debtor’s counsel, the United States trustee, and the case trustee (if any). The addresses for those parties are set forth below.*

If the motion is filed in a chapter 11 case:

*A **HEARING ON THE MOTION** and any responses **will be held at [time] on [date] via Zoom, i.e., at the “Audio-Video / Zoom Location,” unless the Court orders otherwise based on a showing exigent circumstances.***

***IF YOU OPPOSE THE MOTION**, you are encouraged to file a written response specifying your opposition to the motion with the Clerk of the Court **on or before 4:00 P.M. on [a date that is no fewer than 3 business days before the hearing date]**. If you file a written response, you must also serve a copy on the moving party, the debtor, the debtor’s counsel, the United States trustee, the case trustee (if any), and the creditors’ committee and its counsel or, if no committee is appointed, the 20 largest unsecured creditors. The addresses for those parties are set forth below*

All notices of hearings under Vt. LBR 9013-3 must be in substantial compliance with Vt. LB Form U-1 or Vt. LB Form U-1-11.

Notices required under Vt. LBR. 9013-4(c) shall include the following language with respect to the conduct of the hearing:

**Form of Hearing Notice.**

In addition to the requirements set forth in Vt. LBR 9013-2(c), the following items must be included in each notice of motion filed under the default procedure:

Title of Notice. The title of the notice must be “Notice of Motion under Default Procedure.”

Response Deadline. The deadline for filing responses to a motion scheduled for a hearing using the default procedure may be no later than 7 days before the hearing date; this 7-day period is in addition to the requisite notice period.

Mandatory Language. The following language, in bold and conspicuous print, must be included in the notice:

If the motion is filed in a chapter 7, 12, or 13 case:

***IF YOU OPPOSE THE MOTION***, you must file a written response specifying your opposition to the motion with the Clerk of the Court, ***on or before 4:00 P.M. on [a date that is no fewer than 7 days before the hearing date]***. You must also serve a copy of your response on the moving party, the debtor, the debtor's counsel, the United States trustee, and the case trustee (if any). The addresses for those parties are set forth below.

***IF A TIMELY RESPONSE TO THE MOTION IS FILED***, the Court will hold a hearing on the motion and the response at [time] on [date] via Zoom, , i.e., at the "Audio-Video / Zoom Location," unless the Court deems no hearing is necessary or that an in-person hearing is necessary, and enters an order prior to the time set for the Hearing. ***IF NO RESPONSE IS TIMELY FILED***, the Court ***may*** deem the matter unopposed and grant the motion without a further hearing. If an order has not been entered before the hearing date, the hearing will proceed via Zoom and the Movant must appear remotely, unless the Court orders otherwise based on a showing exigent circumstances.

If the motion is filed in a chapter 11 case:

***IF YOU OPPOSE THE MOTION***, you must file a written response specifying your opposition to the motion with the Clerk of the Court, ***on or before 4:00 P.M. on [a date that is no fewer than 7 days before the hearing date]***. You must also serve a copy of your response on the moving party, the debtor, the debtor's counsel, the United States trustee, the case trustee (if any), and the creditors' committee and its counsel or, if no committee is appointed, the 20 largest unsecured creditors. The addresses for those parties are set forth below.

***IF A TIMELY RESPONSE TO THE MOTION IS FILED***, the Court will hold a hearing on the motion and the response at [time] on [date] at the remote location, i.e., via Zoom, unless the Court deems no hearing is necessary or that an in-person hearing is necessary, and enters an order prior to the time set for the hearing.

***IF NO RESPONSE IS TIMELY FILED***, the Court ***may*** deem the matter unopposed and grant the motion without a further hearing. If an order has not been entered before the hearing date, the hearing will proceed and the Movant must appear remotely, unless the Court orders otherwise based on a showing exigent circumstances.

All notices of Hearings under Vt. LBR 9013-4 must be in substantial compliance with Vt. LB Form U-2.

IT IS FURTHER ORDERED the relief authorized by this Standing Order shall be effective immediately and shall apply to **all hearings scheduled through November 30, 2020**, unless the Court orders otherwise.

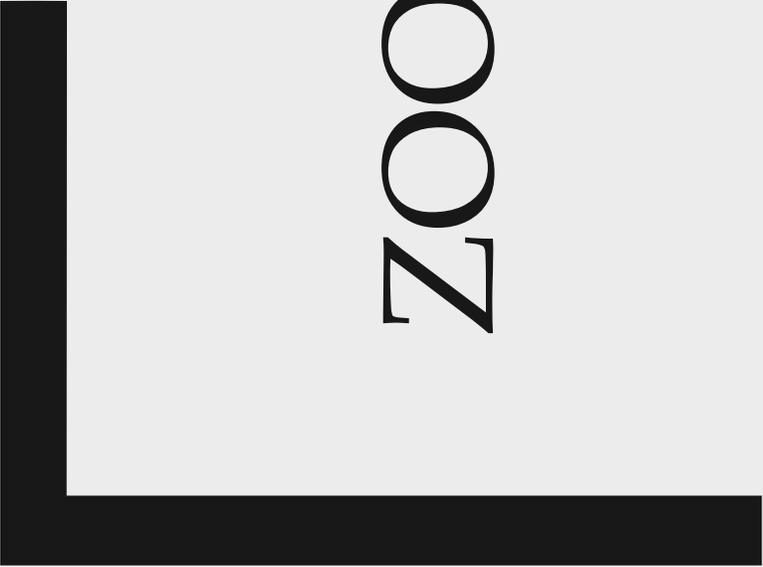
SO ORDERED.

June 24, 2020  
Burlington, Vermont



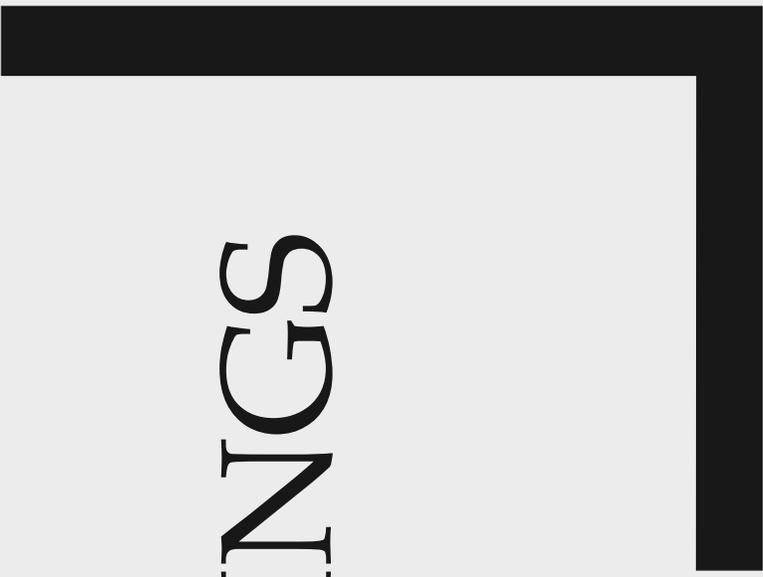
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Colleen A. Brown  
United States Bankruptcy Judge



# ZOOM HEARINGS

Do's and Don'ts



# Audio

- Sound quality over ear buds, cell phones and land lines are poor. Please consider investing in a high-quality headset. Also, please mute your phone when not speaking.
- Speaker phones should be used as a last resort.
- Be mindful of your microphone if you are using earbuds. It often rubs against your clothes and creates background noise.

# Video

- Please put your proper name on your screen ID while in Zoom. Using only your first name or “iPhone” or “Ron’s iPhone” or “The Dude Abides” is inappropriate and unhelpful. Remember this is a court appearance so formality should be preserved. Also, using your name helps as a cheat sheet for the judge. This is not necessary with the local bar but is very helpful with co-counsel and witnesses.
- Be cognizant of lighting. If you have a bright light or window to the side or behind you, or you are in the dark we cannot see your face. This is a problem with witnesses as we must be able to discern the expression on the witness’s face to take the testimony.
- Consider using an appropriate virtual background (no Star Wars themes) if you are appearing from a location that is not a business setting, such as a bedroom. Again, this is a court appearance.

# Etiquette

- Please wear court attire. For men this means coat and tie. For women it is suitable business attire.
- Please remember that if you or your co-counsel intends to speak, you should be on Zoom with your video turned on. Appearing by Zoom without showing your video may help you but it does not help the court.
- It is unnecessary to stand when addressing the Court but it is appreciated.

# Questions?

- Any questions?
  - Please use the Raise Hand function on Zoom.

UNITED STATES  
BANKRUPTCY COURT  
District of New Mexico



## Zoom Policy and Protocol

A. Final Hearings and Trials by Zoom. With Court approval, counsel and parties may appear and participate, and witnesses may testify, by Zoom at final hearings and trials in cases and adversary proceedings. The Court does not routinely grant such requests. The Court can accommodate both in-person testimony and appearances by some participants and Zoom testimony and appearances by others at the same final hearing or trial. In addition, the courtroom will be open to the public regardless of whether there is Zoom participation by some or all parties.

B. Requesting a Zoom Appearance. To request Court appearances and/or testimony by Zoom, make the request at a status conference, preliminary hearing, or pretrial conference, or file a motion pursuant to Fed.R.Civ.P. 43 and the applicable Rule of Bankruptcy Procedure. The Court will promptly rule on the request.

C. Zoom Protocol. The Court uses the Zoom video conferencing platform for video hearings and trials governed by this policy. The following protocol applies to Zoom hearings and trials:

- (a) The Court will email the Zoom information, including a Zoom link to the requesting counsel and unrepresented parties before the final hearing or trial date.
- (b) Counsel may only share the Zoom link with their clients and with witnesses. Parties and witnesses may not share the Zoom link with others.
- (c) It is counsel's and unrepresented party's responsibility to ensure that they and their witnesses have the proper equipment to attend the hearing by Zoom. The Court is not responsible for providing technical support.
- (d) Persons appearing by Zoom must be in a quiet room during the hearing. Unless the Court orders otherwise for good cause shown, no one will be permitted to appear by video from a motor vehicle.
- (e) Persons appearing by Zoom should ensure that their audio and video connections are functioning by joining the hearing at least 15 minutes before it is scheduled to begin. The Court may begin a hearing promptly at the scheduled time notwithstanding technical problems for those appearing by Zoom.
- (f) Counsel, parties, and witnesses shall not record any court proceeding held by Zoom, including taking screen shots or other visual copies.

(g) If a party expects to or may call one or more witnesses to testify by Zoom, then, at least two days prior to the commencement of the hearing, the party shall provide a hard copy of all exhibits to be used at the hearing to each such witness. The exhibits must be organized in such a way that they are readily accessible by the witness during the hearing.

(h) Prior to the final hearing, counsel and unrepresented parties shall advise all witnesses they expect to call to testify at the final hearing by Zoom of the following:

Testifying by Zoom should be as close as possible to testifying in person in the courtroom. Other than exhibits for the hearing, witnesses should not have any notes or other materials with them during their testimony (unless authorized by the Court during the hearing to refresh the witness' recollection), including cell phones, tablets, or other electronic devices. Witnesses should not have any person other than counsel present in the room when they testify. Coaching by persons off-camera is prohibited. For security reasons, witnesses are not to share the Zoom link with others.

(i) If a party, counsel, or witness wants to appear and/or testify by Zoom and the Court's scheduling order or notice of hearing does not so provide, then such party may file a motion to allow video appearance, identifying the persons the party wishes to appear and/or testify by Zoom and the reasons video appearance is appropriate.

(j) Failure to comply with Zoom protocol may result in the Court barring video appearance by the noncompliant person at the scheduled hearing and in future hearings.



Text Size:

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Home » For Attorneys

## Zoom Trial Guidelines

**These guidelines have been posted primarily to assist the Bar in preparing for virtual hearings and to offer a sense of what to expect. Please be advised that each Judge may utilize her/his own Zoom Trial Procedures at her/his discretion. Parties are encouraged to check the website and/or reach out to Chambers for specific instructions.**

### Generally

- [Courtroom behavior](#). Although held remotely, the Zoom trial is a judicial proceeding and therefore the formalities of a courtroom must be observed. Parties are expected to conduct themselves in the same way that they would if they were in person in the courtroom. This includes appropriate formality and attire.
- ["Public Proceedings."](#) Please be reminded that the trial is a "public proceeding." Thus, the Court may allow any party interested in the case to "listen in" to the Zoom trial. Parties to the case should consult with Chambers before sharing the Zoom ID and passcode with interested parties who wish to "listen in." Zoom trial information may be made publicly available on the Judge's website. Parties who "listen in" must have their cameras off and their microphones muted at all times.
- [Appearance by Zoom and CourtSolutions](#). **Parties must appear through both CourtSolutions and Zoom.** The audio and recording will be provided through CourtSolutions, while only video will be provided through Zoom. The Zoom video may or may not be recorded at the Judge's discretion.
- [Video/audio on](#). All video will be off upon entry into the meeting. Only parties who are expected to call witnesses or pose objections at the trial and the witnesses who are testifying should manually turn their cameras and microphones on during the trial. All others should turn their cameras off and mute their microphones via Zoom and CourtSolutions. Your computer or telephone must be on "mute," except when you are speaking. The video feed will show only the parties who are actively participating—the Judge, the witness, the lawyer asking the questions, and any parties entitled to object. Other attorneys assisting in the case must have their cameras off and their microphones muted.
- [Identify yourself, slow down, and do not interrupt](#). Each time you speak, identify yourself for the record. Remember to speak slowly and distinctly. Do not interrupt others.
- [Participate from a quiet place with reliable reception](#). Do not use a speaker phone or call from a public place. Disruptions or background noise may cause the Judge to mute you or terminate your participation.
- [Breakout rooms](#). If any party wants to be placed in a breakout room so that he/she may speak separately to another participant, the party should ask the Court, and, if appropriate, a Court staff member will arrange for the breakout and place the parties in the correct breakout room. Breakout rooms must be set up in advance, so please advise the Court in advance of trial if this is a feature you would like to utilize. Court personnel may also have a chambers breakout room.
- [Technical information](#). The Court must be provided with a list of phone numbers at which parties can be readily reached for everyone expected to actively participate in the trial. Additionally, the Court may ask for descriptions of the types of technology (e.g., Mac, PC, iPad) that each party will be using at trial. Such a list will assist Court personnel in quickly contacting and providing appropriate technical assistance to any party experiencing technical issues during the trial. If you are having trouble with the video, audio, or experiencing other technical difficulties, please speak up immediately and/or reach out to a designated contact person at the Court who will be identified in advance of trial. Though glitches are expected, they do not always occur on the Court's end, so we will not necessarily know if your Internet goes down until you inform us.
- [No Photographs or recordings](#). No photographs or recordings of the proceedings are permitted. No one except the assigned court reporter or another person that the Court directs may record the audio or video. You may have your cell phones or similar devices with you during the trial, but they must be muted, and you may not use them to take photographs or record any part of the proceedings. A court reporter will be present, and she will be preparing the only official record of the proceedings. Parties will not be provided access to that recording.

### Zoom Trial Preparation

- [Provide E-Mail Addresses](#). Parties are responsible for providing participant e-mail addresses to the Court, including a brief description of the role that each participant plays in the case. These e-mail addresses should include the e-mail address for any witness, expert or other interested, participating party. Please be reminded that, due to security clearance for each attendee, the Court may be unable to accept parties requesting late access to Zoom.
- [Documents/Exhibits](#). All exhibits should be circulated to all attorneys, witnesses, and the Court in advance of trial. The Court will provide you with a deadline for submission of these documents. Please reach out to Chambers for specific instruction as to the required format for submission of exhibits—whether electronically in the form of PDFs or hard copies in binders submitted to Chambers. In either event, the exhibits must be clearly identified (either via PDF file name, or binder tab) so that the exhibits can be easily located during trial. Parties should work with each other and the Court in advance of trial in an effort

to narrow the exhibit list, and the parties are encouraged to stipulate to facts and documents in evidence before the hearing. *The Court may instruct the submission of direct testimony of a witness by written declaration as opposed to live question and answer.* This saves time and streamlines the process. If this procedure is utilized, the live Zoom testimony is for cross-examination only (and redirect and re-cross, as necessary).

- Pretrial Zoom Conference. The Court may conduct a pre-trial Zoom Conference wherein the parties can familiarize themselves with the Zoom platform. Additionally, during the conference the Court may further explain the Zoom trial procedure, answer questions, and modify some of the dates/requests from the form Pre-trial Order.
- Zoom Invitation and CourtSolutions. The Court will send an e-mail with the Zoom invitation (including Zoom Meeting ID and Password) to all approved parties whose e-mail addresses were provided in advance. As discussed above, **parties must appear through both CourtSolutions and Zoom**. The audio and recording will be provided through CourtSolutions, while only video will be provided through Zoom. The video through Zoom may or may not be recorded at the Judge's discretion. All attorneys/witnesses must attend from a different computer.

#### During the Zoom Trial

- Logging in for trial. Parties are encouraged to sign-in to the video conference at least ten minutes in advance. **All parties are required to join Zoom without audio or mute their lines in Zoom**. To appear telephonically, visit CourtSolutions <https://www.Court-Solutions.com/> to register your appearance. If you need assistance, contact CourtSolutions at 917-746-7476. Parties' lines should be muted when they are not speaking.
- Courtroom demeanor. Again, the parties are reminded that although held remotely by electronic means, the Zoom trial is a judicial proceeding and the formalities of a courtroom must be observed.
- Speaking. Each time you speak, identify yourself for the record. Remember to speak slowly and distinctly. Do not interrupt others.
- Independent attendance. As stated above, all attorneys/witnesses must attend the Zoom trial from a different computer so that the Judge can see all participants at all times and clearly identify who is speaking.
- Breaks. If a party needs a break, ask for a break during a pause in conversation or use the "raise your hand" feature if someone else is speaking. Parties are reminded that the Zoom meeting is on-going and the CourtSolutions recording may not shut off. Therefore, in the event the parties want to have a private discussion, they must mute their microphones and/or turn off their video.
- Technical Problems. If you are having trouble with the video or audio or other technical difficulties, please speak up immediately. Though glitches are expected, they do not always occur on the Court's end, so we will not necessarily know if your Internet goes down until you tell us. The Court will provide a contact person—with phone number or e-mail—whom you can contact during the trial to immediately report issues.

#### Witnesses

- Witness protocol. When a party is called to testify, the witness cannot accept "coaching" and, generally, must be in a room by himself or herself with no notes or other aids while testifying, other than the filed exhibits. The witness will be sworn in by the Court via Zoom video and CourtSolutions audio. While under oath, the witness may be asked to testify as to where the witness is located, who is in the room with the witness, whether the witness has any papers in front of him/her, and may be asked to use their camera to visually show that they are alone in the room. The witness will also be asked to tell the Court if, at any time, someone who was not initially there enters the room. If witnesses wish to have counsel with them in person, that fact must be disclosed to the Court, and the parties should maintain social distance in the room.
- Violation of witness rules. If, during the course of a witness's testimony or otherwise, it is discovered that (a) the witness is being coached or otherwise communicated to, (b) there is an undisclosed person in the room with the witness, or (c) the witness has notes in front of him/her that have not been disclosed, the Court may disqualify the witness from testifying, enter sanctions, or take other appropriate action within the Court's discretion.
- Excluding witnesses. At the start of the trial, the parties must inform the Court if they wish to have testifying witnesses excluded from the courtroom. If so, the Court will decide whether the request is appropriate pursuant to the applicable federal rules. Either excluded witnesses will be placed in a Zoom waiting room until it is time for them to testify, or they should be directed not to dial in to the Zoom trial until they are expected to testify.
- Objections. If parties wish to object to questions during examination, they should state "objection" orally and physically raise their hand. When the word "objection" is stated and/or the hand is raised, all parties must stop talking. At that point, the Court will invite the objecting party to state the legal basis for his/her objection; may, at its discretion, solicit a response from the other party; and then rule.
- Sidebar. If a lawyer needs a sidebar with the Court and opposing counsel during a witness's testimony, the lawyer should ask. The Court can arrange for the witness to be placed in the waiting room while the sidebar takes place.

#### Exhibits

- Advance Submission of Exhibits. As indicated, all exhibits must be exchanged in advance of trial in the manner and format prescribed by the Judge.
- Screen Share. In general, a member of the Court staff will serve as "host" for the Zoom trial and, thus, the Court will be the only entity that can "screen share." As previously discussed, all exhibits must be clearly identified and marked with page numbers that will allow the Court to readily and quickly find the appropriate pages in each exhibit for sharing with trial participants.

- Hardcopy exhibits. In addition to filing exhibits electronically, the parties may be instructed by the Judge to provide hard copies of the exhibits to each other and the witnesses. Please reach out to Chambers for specific pretrial procedures.
- Confidential exhibits. If the parties designate as exhibits documents that are marked as confidential, a redacted set of the confidential documents should be filed on the public docket, and a separate, unredacted version of the documents should be filed under seal with the Court pursuant to Local Rule. During the trial, the Court will “screen share” only the redacted version of the confidential exhibits. The Court does not need hard copies of the redacted exhibits. In the hardcopy set of exhibits to be delivered to the Court, the confidential documents should be provided in separate sealed envelopes marked as confidential. Whenever witnesses are expected to testify on the record about confidential information, counsel must provide advanced notice so that the Court can determine whether arrangements need to be made to protect that information from anyone listening in during the trial.
- Impeachment/rebuttal documents. If a lawyer wants to use a document that is not a marked exhibit for impeachment or rebuttal, he or she must send the relevant document via email to a member of the Court staff identified by the Court who will then share the document on the screen as directed by the lawyer.
- Deposition transcripts. If a lawyer anticipates using a deposition transcript for impeachment, he or she may either designate the transcript as an exhibit and file it with the other exhibits ahead of the trial or have the transcript downloaded and readily available to provide to the Court for sharing during the trial.

# Zoom Video Conferences

## Participating in a Zoom Video Conference

**Important:** Any recording of a court proceeding held by video or teleconference, including “screen-shots” or other visual copying of a hearing, is absolutely prohibited. Violation of these prohibitions may result in sanctions deemed necessary by the court.

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If you will be a **participant** in a Zoom video conference with the court (attorney, witness, case party, etc.), preparing properly will ensure all involved will have a good experience using this system. Please note that some proceedings may provide phone-only connectivity via Zoom, WebEx or other means.

For security and enforcement of court standards, the court may disable Zoom interactions (such as chat, screen share, whiteboard, Q&A, raise hand, react, etc.).

The court will not provide any type of support on Zoom for participants or attendees. Please contact the Zoom Help Center, your local IT support, or other online guidance.

## Zoom Account and Software

1. Participants: If you do not already have a Zoom account, set one up at <https://zoom.us>. A paid Zoom account is not necessary for any interaction with the court. *Attendees do not need a Zoom account, but it does make using the system easier.*
2. Log into <https://zoom.us/profile> and set your name, phone and email. Including a photo will help identify you when connecting. *Attendees do not need a Zoom profile or to provide any identity information.*
3. Install the latest Zoom Client for Meetings at <https://zoom.us/download>. Although Zoom can be used in a browser only, it is very limited. The full Zoom client is required for best functionality and best experience with the system.
4. Always keep your software up to date! The Zoom Client automatically update itself upon launching the software, but you can also update it manually.

## Settings

Zoom has a lot of settings, and as Zoom updates their system they may change aspects. Below are a few settings recommended by the court to improve your video conference.

- General: Ask me to confirm when I leave a meeting: ON (Helps prevent unintended departures)
- Video: Enable HD: OFF (Helps prevent poor video performance, and usually looks just as good as HD)
- Video: Always display participant names on their video: ON
- Video: Always show video preview dialog when joining a video meeting: ON (Final check before your video displays to others)

## Learning

The court will only be using the audio and video functionality of Zoom. Other functions like text chat, screen sharing, etc., may not be used, and will likely be disabled for your session, so you only need to learn the basics of using Zoom for audio and video. Learn how to select the correct source for both, and how to mute/unmute your audio, and Start/Stop your video:

1. Video: <https://support.zoom.us/hc/en-us/sec>
2. Audio: <https://support.zoom.us/hc/en-us/sec>
3. Learn how to easy mute/unmute with Push to Mute
4. Hot Keys and Keyboard Shortcuts to start/stop video: [Hot Keys-and-Keyboard-Shortcuts-for-Zoom](#)

## Training

The Clerk's Office offers free Zoom training by appointment. An office staff member will contact you to schedule training.

Welcome to the Live Help Desk for the U.S. Bankruptcy Court, District of Colorado. Assistance is available 8:00 am to 4:30 pm, Monday through Friday, except holidays.



## Recommendations

1. Avoid using a mobile device if possible. Although tablets (iPads) and smartphones can be used, they are very limited, and the performance is inferior.
2. Avoid using battery power only (laptops, etc.). Plug into a good power source while in a Zoom meeting
3. Unless you've confirmed the quality is sufficient, avoid using an open microphone and speakers (such as are built-into laptops, or a webcam mic). Using a good quality headset (headphones with mic) will often help ensure you can hear and be heard with maximum quality.
4. Avoid noisy and echoing locations. Use of a headset will improve audio quality when this is unavoidable.
5. Avoid distracting real or virtual backgrounds.
6. Check the lighting. Light from a window behind you might blind the camera, making you look dark. Light above you in the center of a room might also cast shadows. Ideally, position a lamp, or sit facing a window, where light is directly on your face
7. Avoid bad camera positioning (if possible) and remember to look directly at the webcam, not at the screen.
8. Avoid using WiFi if possible. Connection via a hard-wire Ethernet cable will always be faster and more reliable than WiFi.

## Before Every Court Session using Zoom

1. Connect your device to power.
2. Make sure your internet connection is good: <https://www.pcworld.com/article/2048594/how-to-test-your-home-internet-speed.html>
3. Test your video.
4. Test your audio.
5. Run a quick test to connect with another Zoom user, or use the Zoom test: <https://support.zoom.us/hc/en-us/articles/115002262083-joining-a-test-meeting>

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## Speaker Biographies



**Robert G. Drummond** has been the only standing Chapter 13 Trustee for the District of Montana since 1992. Originally from Montana, Mr. Drummond graduated from Montana State University with a Bachelor of Science degree in Agricultural Business and received a Juris Doctorate in Law with Honors from the University of Montana. Mr. Drummond has been a member of the American Bankruptcy Institute since 1987, and a member of the National Association of Chapter 13 Trustees since 1992. He was President of the National Association of Chapter 13 Trustees in its 2012 - 2013 year and has twice chaired the Montana Bankruptcy Section. He has published numerous articles dealing with Chapter 13 bankruptcy in several national publications. He is the editor of the NACTT Quarterly and the publisher of the Montana Bankruptcy Reporter at [www.montanabankruptcyreporter.com](http://www.montanabankruptcyreporter.com).



**The Honorable M. Elaine Hammond** is a United States Bankruptcy Judge for the Northern District of California in San Jose. A native of North Carolina, she received her undergraduate degree from Duke University, and her JD with honors from the University of North Carolina School of Law. Prior to taking the bench in 2012, Judge Hammond's practice focused on representing debtors and creditors in commercial bankruptcy cases and out-of-court restructurings. She was a partner with the San Francisco firm Friedman Dumas and Springwater LLP. Prior to that she was an associate with Murphy, Sheneman, Julian & Rogers LLP. Judge Hammond began her legal career as a law clerk for the Judge Edward D. Jellen (ret.), also of the Northern District of California.



**Eddy Emmons** is the Clerk of the Bankruptcy Court for the Northern District of California, with offices in Oakland, San Francisco, San Jose, and Santa Rosa. Eddy has been with the judiciary for close to 40 years. Eddy has served on various committees with the Ninth Circuit, Administrative Office of the U.S. Courts, and as a facilitator for several Federal Judicial Center programs. Before working for the judiciary, Eddy served in the United States Air Force. Eddy was the President of the National Conference of Bankruptcy Clerks from 2018 to 2020 and is currently the Immediate Past President.



**Veronica D. Brown-Moseley** is a shareholder at the Boleman Law Firm, P.C. She represents consumers in chapter 7 and chapter 13 bankruptcy cases in the firms' Richmond, Hampton, and Virginia Beach offices. She served as the president of the Hill-Tucker Bar Association, one of the oldest historically African-American bar associations in Virginia. Veronica is a past co-chair of the International Women's Insolvency and Restructuring Confederation's Virginia chapter. She is a co-founder and serves as vice president of Brighter Tomorrows Begin Today, a non-profit organization dedicated to assisting individuals in achieving their academic and professional goals. Veronica is a frequent writer and speaker on consumer bankruptcy-related issues.