

TELEPHONIC COURT APPEARANCE PROCEDURES FOR JUDGE CAVENDER

I. POLICY GOVERNING TELEPHONIC APPEARANCES.

Telephone appearances are allowed for **attorneys** whose offices are outside the Atlanta Division in all matters before Judge Cavender in Courtroom 1203, with the exception of:

1. Trials and Evidentiary Hearings – All counsel and witnesses must appear in person.
2. Matters expected to last more than 20 minutes.
3. Chapter 13 Confirmation Hearings, unless the Chapter 13 Trustee has consented to a telephonic appearance.
4. Chapter 11 Confirmation Hearings – The debtor (if an individual), a representative of the debtor (if not an individual), and debtor’s counsel must appear in person.
5. Matters where the client is present in Court.
6. Any matter designated by the Court as one requiring a personal appearance.
7. No witness in any hearing may appear telephonically.

Parties representing themselves must appear in person. The ability to appear by telephone is a privilege and not a right, and such privilege may be withdrawn by the Court at any time.

Telephonic appearances should be made through **CourtCall**, an independent conference call company, pursuant to the procedures set forth in Section II. If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on the calendar, the Court may continue the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.

Individuals making use of the conference call service are cautioned that they do so at their own risk. Hearings generally will not be rescheduled due to missed connections. If the Court determines it is appropriate to receive evidence at the scheduled hearing, the hearing will not be continued or rescheduled to accommodate counsel appearing by telephone. If there is an equipment failure for any reason, the Judge will proceed with the hearing without participation of counsel appearing telephonically. In deciding to appear telephonically, counsel is agreeing to waive any prejudice attributable to quality deficiencies or irregularities of the record that may result. Please be advised that poor reception will cause counsel’s appearance to be disconnected. Repeated poor connections may cause counsel to be banned from future telephonic appearances.

II. SCHEDULING A TELEPHONIC APPEARANCE.

Absent an emergency, telephone appearances should be arranged by calling **CourtCall at (866) 582-6878** not later than **12:00 noon** the court day prior to the hearing date. Any request for a telephonic appearance after the noon deadline must be Court approved by contacting Judge Cavender's Courtroom Deputy, Monique J Chapple at (404) 215-1004. Participants intending to appear telephonically must send written notification to opposing counsel of the intended telephonic appearance.

III. PROCEDURE FOR TELEPHONIC APPEARANCES.

CourtCall will provide counsel with written confirmation of a telephonic appearance, and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call no later than 10 minutes prior to the scheduled hearing.

CourtCall does not place a call to counsel.

The initial charge per participant for a CourtCall appearance is \$35.00 for the first 45 minutes you are connected. For each additional 15-minute increment, the charge is \$7.50. If you do not timely call and connect with the CourtCall operator, you will be billed for the call and the hearing may proceed in your absence. CourtCall may modify its prices at any time and you should make inquiry of the cost when you contact CourtCall.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of speaker phones, public telephone booths, or phones in other public places is prohibited, and the use of cell phones is discouraged except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo. Counsel should cover the telephone handset, or place the telephone on mute, when he or she is not talking, to minimize background noise that is broadcast over the speaker system in the courtroom. Failure to do so may result in the inability of the court reporter to fully and accurately transcribe the statements of counsel. Do not place the call on hold at any time.

In accordance with BLR 5073-1: "The taking of photographs and operation of tape recorders in the courthouse and radio or television broadcasting from the courthouse during the progress of or in connection with judicial proceedings, including a proceeding before a Bankruptcy Judge whether or not bankruptcy Court is actually in session, is prohibited." **Under no circumstances may any individual participating in or listening to the proceedings record or broadcast the proceedings conducted by the Bankruptcy Court.**

Violation of BLR 5073-1 may result in sanctions, including but not limited to loss of the privilege of appearing by telephone, monetary sanctions or a finding of contempt against the violator.

At the time of your hearing, you will be connected to the call of the calendar. You will be able to hear the cases being called as if you were in the courtroom. After your call is

connected to the courtroom, the case will be called, and appearances requested. The Court will direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record so the court reporter can identify who is speaking. Counsel should speak loudly, clearly and slowly. The Court's teleconferencing system allows more than one speaker to be heard, so the Judge can interrupt a speaker to ask a question or re-direct the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.