

Telephonic Appearances by Counsel in Chapter 11 Cases

In limited circumstances, Judge Baisier may grant an attorney permission to appear at a hearing telephonically. Telephonic attendance is intended for attorneys who are monitoring a hearing, and not for attorneys that intend to participate actively. Although attorneys whose primary office is in Atlanta may attend by telephone in appropriate circumstances, Judge Baisier would prefer that local attorneys generally attend hearings in person. The ability to appear by telephone is a privilege, not a right, and may be denied for any reason or revoked at any time.

An attorney may NOT appear by telephone if the attorney's client will attend in person, or if the attorney intends to present evidence, cross examine witnesses or make material argument.

To inquire about appearing telephonically, please contact Ashleigh Marchant (404-215-1251), Courtroom Deputy Clerk. If the request is approved, Miss Marchant will contact the attorney with the dial-in information.

In requesting to appear telephonically, the attorney agrees on behalf of their client:

1. that the risks of attending by telephone will be borne entirely by the attorney and their client;
2. to waive any prejudice attributable to the limitations inherent in such an appearance, including (i) the inability to be connected to, remain connected to, be heard at, or be able to hear, the hearing, and (ii) quality deficiencies or irregularities in the record that results from such appearance;
3. that the hearing may proceed, and not wait for counsel to be connected (if counsel is late) or to be reconnected (if counsel gets disconnected).

Telephonic appearances are connected to the sound system in the courtroom so that the call is picked up by the electronic recording equipment in the courtroom. To ensure the quality of the audio record,¹ **the use of speaker phones, public telephone booths, or phones in other public places is prohibited**, and the **use of cell phones is discouraged**. Participants in court should be able to hear the attorney on the phone without difficulty or echo.

An attorney attending a hearing by telephone should determine whether there is more than one attorney attending by telephone and, if there is, should state their name each time before they speak so that the audio record is clear as to who is speaking. An attorney attending by telephone should also place the telephone on mute (or cover the mouthpiece or microphone) when not talking to minimize the broadcast of background noise. Failure to do so may result in the inability of the transcription system to fully and accurately transcribe the statements of counsel. A poor connection or excessive background noise may result in counsel's line being disconnected and the telephonic appearance being discontinued. Repeated such issues may cause counsel to be banned from future telephonic appearances.

¹ In the Bankruptcy Court for the Northern District of Georgia, hearings are recorded by audio only. There is no court reporter transcribing the proceedings.

Bankruptcy Local Rule 5073-1 states: “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 proceedings before a Bankruptcy Judge whether or not Bankruptcy Court is actually in session, is prohibited.” **In accordance with B.L.R. 5073-1, under no circumstances may any individual participating 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.