

**NOTICE**  
**RE: TELEPHONIC APPEARANCE PROCEDURES FOR**  
**JUDGE C. KATHRYN PRESTON**  
EFFECTIVE MAY 1, 2009

Judge Preston has arranged for parties to participate in certain Columbus hearings and conferences by telephone, using CourtCall LLC, an independent conference call company.

**I. POLICY GOVERNING TELEPHONIC APPEARANCES**

**Under no circumstances may any person participating in a hearing by telephone record or broadcast the proceedings conducted by the Bankruptcy Court.**

Attendance in person is strongly preferred, especially by local counsel; however, telephonic appearances are allowed in all matters before Judge Preston **with the exception of :**

1. Trials and evidentiary hearings – all counsel and all witnesses must appear in person.
2. Hearings requiring extensive argument or presentation (e.g., longer than 10 minutes for the person wishing to attend by telephone).
3. Initial Chapter 11 status conferences – debtor’s counsel (or debtor, if not represented by an attorney) must appear in person; others may appear telephonically.
4. Chapter 11, Chapter 12, and Chapter 13 confirmation hearings and pre-hearings – debtor’s counsel (or debtor, if not represented by an attorney) and all objecting parties must appear in person.
5. Hearings on reaffirmation agreements – debtor (and counsel, if any) must appear in person.
6. Hearing held in locales other than Columbus.
7. Any other matters designated by the Court as requiring a personal appearance.

Telephonic appearance will not be allowed unless it is made through CourtCall pursuant to the procedures set forth in Section II and III.

To ensure quality of the record and to assure all parties may hear the party attending by telephone (the “Participant”), the use of cellular phones, car phones, speaker phones, or phones in public places is prohibited absent an emergency.

If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on calendar, the Court may treat the failure to respond as a failure to appear. Scheduling simultaneous appearances in multiple courts does not excuse a failure to appear.

Participants are cautioned that they utilize the CourtCall service at their own risk. Hearings generally will not be rescheduled due to missed or lost connections.

## **II. SCHEDULING A TELEPHONIC APPEARANCE**

Those wishing to participate in hearings or conferences by telephone may notify CourtCall by: phone **(866) 582-6878**  
facsimile **(866) 533-2946**.

Absent an emergency, telephone appearances must be arranged by notifying CourtCall not later than **12:00 p.m.** two business days prior to the hearing date. Any request for a telephonic appearance made after the deadline must be Court approved by contacting Judge Preston's Courtroom Deputy at (614) 469-6638 (x 250).

Participants must provide the following information to CourtCall:

- a. Case name and number
- b. Name of judge
- c. Hearing date and time
- d. Name, address, and phone number of Participant
- e. Party which Participant represents
- f. Matter on which the Participant wishes to be heard, or whether Participant intends to monitor the proceeding in "listen-only" mode.

Any questions about telephonic appearances should be directed to CourtCall at (866) 582-6878.

## **III. PROCEDURE FOR TELEPHONIC APPEARANCE**

CourtCall will provide the Participant with written confirmation of a scheduled telephonic appearance, and give the Participant a number to call to make the telephonic appearance. It is the Participant's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing.

**CourtCall does not initiate a call to participating parties.**

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 car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited except in the most

extreme emergencies. Participants must assure that they are able to hear all parties without difficulty.

Participants shall not place the call on hold at any time.

At the time of the hearing, Participants may initially be in the listening mode, in which case they will be able to hear cases called before theirs, just as if they were in the courtroom. When the Judge calls the Participant's case, the Participant's call is connected to the courtroom. Each time a Participant speaks, (s)he should identify herself/himself for the record. When the judge announces that the hearing is concluded or adjourned, Participants may disconnect and the next case will be called.

Telephonic appearances are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the Court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable Participant, and/or a permanent prohibition against a person appearing telephonically.

#### **IV. FEES**

The fee for the appearance is fixed by CourtCall and depends on the length of time the Participant is on the call, regardless of whether the Participant is actually heard by the Court or in "listen only" mode. At the present time, the initial charge per Participant for a CourtCall appearance is \$25 for the first 45 minutes that the Participant is connected. For each additional 15 minute increment the charge is \$6.50. If a Participant does not timely call and connect with the CourtCall operator, the Participant will be billed for the call and the hearing may proceed in his/her absence.

There are no subscription fees or additional fees charged by the Court. No special equipment is required for this service.