

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO

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RICHARD JONES  
CLERK OF COURT  
U.S. BANKRUPTCY COURT  
CINCINNATI, OHIO*In re:*ORDER REGARDING VIRTUAL  
HEARINGS

General Order No. 44-1

The Court issues this General Order in response to the COVID-19 public health emergency and the continuing recommendations from the Centers for Disease Control and Prevention, the Ohio Department of Health, and the Administrative Office of the United States Courts to exercise caution during the pandemic. With General Order 35-1 and its subsequent amendments, the Court has adopted procedures to conduct non-evidentiary hearings telephonically. This General Order is intended to supplement General Order 35 and to provide notice of the general requirements and expectations for all virtual hearings in the Bankruptcy Court for the Southern District of Ohio.

**Carefully monitor the presiding judge's individual page on the Court's website (<https://www.ohsb.uscourts.gov/>) to be aware of his or her specific procedures.**

The following is applicable to all virtual hearings:

**1. Platforms**

- a. The presiding judge maintains the discretion to conduct any hearing—whether evidentiary or non-evidentiary—telephonically, through videoconferencing technology, or using a combination of both (all a “Virtual Hearing”).
- b. For any Virtual Hearing, the presiding judge reserves the right to choose the platform employed for audio (the “Audio Platform”) (e.g., AT&T conference line, CourtCall, CourtSolutions) and/or video (the “Video Platform”) (e.g., Skype, Zoom for Government, Microsoft Teams, GoToMeeting).

**2. Required Equipment**

- a. For any Virtual Hearing using an Audio Platform, each attorney and each Remote Witness (defined below) must have access to a telephone. If possible, parties appearing telephonically should use a landline rather than a cell phone. If a cell phone is used, parties shall ensure that they have a strong cellular phone system or use the Wi-Fi calling option on their phones. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile.

- b. For any Virtual Hearing using a Video Platform, each attorney and each Remote Witness must have access to a computer, tablet, phone, or other device equipped with (i) a camera, (ii) an internet connection sufficient to support the applicable Video Platform, and (iii) a microphone. In lieu of a microphone, many Video Platforms also have the option of using a telephone for audio.
- c. For any Virtual Hearing, each attorney and Remote Witness must be able to access exhibits in Portable Document Format (“PDF”) through the use of a PDF reader (e.g., Adobe Acrobat Reader, Apple Books). If a Remote Witness does not have access to a program for viewing PDF files, the party sponsoring the Remote Witness shall ensure the Remote Witness has a printed copy of all exhibits.

### **3. Exhibits and Testimony**

- a. In advance of any Virtual Hearing, parties will be expected to provide to each other and to the Court electronic copies of exhibits in PDF format. A party’s exhibits should be combined into a single PDF file and each individual exhibit should be labeled and, to the extent possible, bookmarked to ensure easy navigation.
  - i. Some judges may require that exhibits be filed on the docket; others may require that exhibits be emailed. Parties should familiarize themselves with the presiding judge’s policies and procedures on the provision of exhibits.
- b. In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. Based on the foregoing, unless ordered otherwise in a particular case, any witness called to testify or subject to cross-examination in relation to a Virtual Hearing shall be permitted to testify by contemporaneous transmission from a different location (“Remote Witness”).
- c. All Remote Witnesses shall be sworn in virtually by the presiding judge or other court employee, and such testimony will have the same effect as if such Remote Witness was sworn in person in open court at the courthouse.
- d. As an additional safeguard for the allowance of a Remote Witness, the presiding judge may require the Remote Witness or the party sponsoring the Remote Witness to provide certain information. The Remote Witness and/or the sponsoring party should be prepared to provide the information such as: (i) the location of the Remote Witness (city, state, country); (ii) the place from which the Remote Witness will testify (e.g., home, office); (iii) whether anyone is or will be in the room with the Remote Witness during the testimony, and if so, who and for what purpose; and (iv) whether the Remote Witness will have access to any documents other than exhibits provided to the Court and the parties, and if so, what documents.
- e. The party sponsoring a Remote Witness shall be responsible for ensuring that any applicable dial-in information, any applicable link for the Video Platform, and all exhibits are supplied to the Remote Witness before the Virtual Hearing.

**4. Recordings**

- a. Other than official court reporters and official electronic recorders employed by the Court, no party shall be permitted to record any Virtual Hearing. Local Bankruptcy Rule 5073-1, which prohibits the use of cameras or other recording devices where judicial proceedings are being conducted, applies to Virtual Hearings.

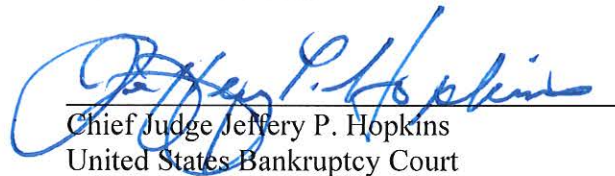
**5. General Recommendations**

- a. Parties should carefully review the presiding judge’s webpage and any scheduling orders or other orders entered in the particular case for specific policies and procedures. After such review, parties may contact the presiding judge’s courtroom deputy with any procedural questions or concerns.
- b. Parties should carefully monitor their email in advance of hearings to ensure receipt of any necessary instructions, dial-in information, or links for Video Platforms.
- c. Parties should mute their phones when not addressing the Court to prevent background noise, which is distracting to participants and interferes with the record.
- d. Parties should, where possible, avoid speaker phone, Bluetooth, and other hands-free features when addressing the Court, as these features can cause interference.
- e. Successful Virtual Hearings require the cooperation of all participants. Parties should continue to exercise patience and care in the course of their participation in Virtual Hearings to maximize the swift and orderly administration of justice during this public health emergency. To that end, every party should: (i) wait until called upon to speak; (ii) announce his or her name for the record each time the party speaks; (iii) make an effort to speak slowly, clearly, and concisely; and (iv) pause before speaking and avoid speaking over or interrupting other parties and the Court.

**IT IS SO ORDERED.**

**Dated: August 21, 2020**

**FOR THE COURT**



Chief Judge Jeffrey P. Hopkins

United States Bankruptcy Court  
Southern District of Ohio