

Bankruptcy Practitioners in the Middle District of Georgia,

Subject: Middle District of Georgia Bankruptcy Court Response to COVID-19
(7th Announcement)

Date: April 30, 2020

We have decided to use Skype For Business (S4B) as a videoconferencing solution in order to conduct evidentiary hearings on a limited basis if needed during the COVID-19 pandemic. Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017) permits witness testimony remotely “for good cause in compelling circumstances and with appropriate safeguards.”

S4B is a web-based technology that is part of the Microsoft Office family of products. You will be required to download and install the free Skype Meetings web app. The Court will send you instructions on installing and launching the Skype Meetings web app. If you participate in a videoconference hearing, you will receive an email invitation from the courtroom deputy which will contain a link to join the videoconference hearing. The courtroom deputy will also schedule a date and time for a “trial run” where all parties, except the judge, connect to make sure that everyone’s hardware and software are functioning correctly. S4B should be run from a Windows-based desktop, laptop, or Surface Pro (or compatible) computer. **S4B is not suitable for use on Apple products such as iPads, iPhones, or iMacs, or Android products such as Android tablets because the iOS and Android operating systems do not support multi-party video (gallery view).**

We have established the following protocols for conducting a videoconference hearing. These protocols are subject to change as we gain more experience in conducting videoconference hearings.

1. A party requesting an evidentiary hearing must file a Motion for Videoconference Hearing with notice to all interested parties using the “Generic Motion” event in CM/ECF. The Court will schedule an audio teleconference hearing to determine if a videoconference hearing is appropriate and to establish any additional protocols or modifications to protocols that may be appropriate and necessary. Parties will receive detailed written instructions from the Court on how to connect to a videoconference hearing.

2. In the motion, and responses, and at the teleconference hearing, the parties should address the following issues (along with others that may be relevant):

- Name and description of the adversary proceeding, contested matter, motion, application, etc. for which the party seeks a videoconference hearing
- Justification for videoconference hearing such as time urgency, etc.
- The factual issues that will be heard
- The estimated amount of time the hearing will require
- The number of witnesses each party expects to call
- The names of expected witnesses and their titles
- The physical location (address, city, and state/country) of each expected witness during testimony
- The names and titles of any persons who will be present with each witness during testimony, and explanation of reason therefor
- Whether the witness(es) will have access to any documents other than exhibits circulated among parties and, if so, what documents
- The number of participants on the videoconference
- How, when, and to whom exhibits will be submitted
- Who is responsible for the witness to ensure the witness can attend the videoconference hearing and has the appropriate exhibits to review, and how sequestration of the witness will be accomplished if requested by a party
- Procedures to take if someone drops off the videoconference or the videoconference is otherwise disrupted

3. The following protocols will govern any videoconference hearing approved, unless otherwise ordered by the presiding judge:

- No participant will record, or attempt to record, the videoconference hearing
- Participants should ensure that proper lighting is available in their remote locations which will enable all viewers to properly see all participants
- The presiding judge will establish the order of the speakers

- Participants who wish to object or otherwise need the court to recognize them prior to their predetermined speaking opportunity will raise their hand and await the judge's recognition
- When the judge raises his hand, all participants will stop talking until instructions are given by the judge
- Participants should be in appropriate attire and comport themselves as if they were in a courtroom
- Participants must ensure that they are located in an area free of background noise, such as office conversations, automobile traffic, animal noises, or household noises

4. Please contact the Courtroom Deputy for the judge assigned to your case for more information.