

TELEPHONIC APPEARANCE PROCEDURES JUDGE ROBERT KWAN

I. POLICY GOVERNING TELEPHONIC APPEARANCES

Telephonic appearances are allowed in all matters before Judge Kwan in Courtroom 5D except the following:

1. Trials and Evidentiary hearings (all counsel and all witnesses must appear in person).
2. Contested Chapter 11 Confirmation Hearings (debtor, debtor's counsel, and all objecting creditors must appear in person). All other parties in interest may appear telephonically.
3. Hearings on Reaffirmation Agreements (debtor must appear in person).
4. Any matter designated by the Court as one requiring a personal appearance.

No telephonic appearance will be allowed unless it is made through **CourtCall**, an independent conference call company, pursuant to the procedures set forth in Section II.

Before requesting a telephonic appearance, you should check Judge Kwan's Calendar on the Court's website (www.cacb.uscourts.gov) and review any Tentative Ruling concerning the matter on calendar. (Click on Tentative Ruling Box on bottom left corner of homepage) If the court has issued a Tentative Ruling prior to the hearing, each individual who appears telephonically should have reviewed the Tentative Ruling prior to the hearing.

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

The 3:00 p.m. deadline for scheduling telephonic appearances noted below is independent of the Tentative Ruling process. Late scheduling of a telephonic appearance is not justified by the fact that Tentative Rulings have not been posted on the court's website by 3:00 p.m. the day before the hearing.

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.

Parties are also cautioned to consider whether their cases are ones suitable to telephonic appearance. On closer, contested matters, there is no doubt that personal presence adds weight to the presentation of the case.

II. SCHEDULING A TELEPHONIC APPEARANCE

By telephone: Telephone appearances may be arranged by calling **CourtCall at (866) 582-6878** not later than **3:00 p.m.** the day prior to the court hearing date. Any request for a telephonic appearance made after the 3:00 p.m. deadline must be court approved by contacting Judge Kwan's Calendar Clerk, Susan Kent at (714) 338-5366.

III. PROCEDURE FOR TELEPHONIC APPEARANCE

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 not 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 \$25 for the first 45 minutes, \$6.50 for each additional 15 minutes. These rates are subject to change without prior notice; please confirm current rates with 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:

- No car phones
- No cellular phones
- No speaker phones
- No public telephone booths, or phones in other public places

Exceptions to these restrictions may be permitted only in the most extreme circumstances.

At the time of your hearing you may initially be in the listening mode, in which case you will be able to hear the case before yours, just as if you were in the courtroom. After your call is connected to the courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak you should identify yourself for the record. 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 redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

Telephonic appearances by multiple participants 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, a monetary sanction, and/or a permanent prohibition against a person appearing telephonically.