

Judge Edward K. Bernatavicius' Procedures Regarding Phone/Video Appearances and Requests for Priority and Second Call

Judge Bernatavicius holds hearings **in person in Courtroom 304 or remotely via ZoomGov**, unless otherwise ordered by the court. Remote appearances are generally permitted without prior approval except as provided below.

ZoomGov connection information for each hearing is as follows:

Meeting ID: 165 291 7488

Password: 327523

Video/audio web address: <https://cacb.zoomgov.com/j/1652917488b>

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

It is also available on Judge Bernatavicius' publicly posted hearing calendar at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted>. Select **Judge Edward K. Bernatavicius** from the list of judges.

A ZoomGov account is **not required**, no pre-registration is necessary, and remote participation is provided **free of charge**. Individuals may participate by video using a computer or mobile device equipped with a camera, microphone, and speakers, or by telephone for audio only (standard telephone charges may apply).

Matters Requiring an In-Person Appearance: Unless otherwise ordered by the court, remote appearances are **not permitted** for:

- Chapter 11 plan confirmation hearings
- Motions for summary judgment
- Trials and other evidentiary hearings

IMPORTANT NOTICE REGARDING PUBLIC REMOTE ACCESS

The Administrative Office of the United States Courts mandates that members of the public and the media **may not observe court proceedings by video**, unless they are actual parties or counsels with matters before the court in which they have an official interest or specifically authorized by the court. For hearings that do **not** involve live witness testimony, members of the public and the media may listen by **telephone audio only** using the ZoomGov telephone information posted on Judge Bernatavicius' hearing calendar. Audio access is **not available** for trials, evidentiary hearings, or any proceeding involving live witness testimony. The court retains complete discretion over public audio access and may limit or terminate such access at any time. Members of the public and the media may attend all open court proceedings in person, subject to courtroom capacity and any applicable court orders.

The audio portion of each hearing is recorded electronically by the court and constitutes the **official record** of the proceeding. Official recordings are available for a small fee through the Clerk's Office. **Except for authorized court personnel, all persons are strictly prohibited from making any audio recording, video recording, photograph, screenshot, screen capture, livestream, or other reproduction of any court proceeding by any means.** Violation of this prohibition may result in the imposition of monetary and/or non-monetary sanctions.

All participants (whether attending in person or remotely) must observe the formalities of the courtroom, exercise civility, and otherwise conduct themselves in a manner consistent with the dignity of the court. This includes appropriate courtroom attire for those participants appearing in person or by video.

Individuals choosing to appear via phone/video do so at their own risk. Hearings generally will not be rescheduled due to missed connections. Furthermore, in deciding to appear via phone/video, counsel is agreeing to waive any prejudice attributable to quality deficiencies or irregularities of the record that may result. Please be advised that poor reception will cause counsel's appearance to be disconnected. Repeated poor connections may cause counsel to be barred from future phone/video appearances. If an individual fails to respond to the call of the matter on calendar, the court may pass the matter or may treat the failure to respond as a failure to appear. Before appearing via phone/video, please check Judge Bernatavicius' calendar and review any tentative rulings which can be found on the court's website.

Remote appearance is a privilege. Judge Bernatavicius reserves the right to suspend or discontinue remote appearance privileges at any time. Further, although Judge Bernatavicius is pleased to make this accommodation available, any party or counsel that elects to appear remotely bears the risk of malfunction or disconnection from the hearing.

Tips for a Successful ZoomGov Appearance

1. Test the video and audio capabilities of your computer or mobile device in advance of the hearing (i.e., at least one day in advance).
 - a. You can do this by clicking on the ZoomGov meeting link posting for the hearing and/or check your video and audio using the ZoomGov app.
2. If you intend to speak at the hearing, please find a quiet place from which to participate. Unless and until it is your turn to speak, please mute your audio to minimize background noise.
3. If connected to ZoomGov audio by telephone, you can mute or unmute your connection by pressing *6 on your phone.
4. If you are connecting to the hearing using a wireless device, you should situate yourself in a location with a strong wireless signal.
5. ZoomGov video participants must display the matter number, full name, and who you represent on your ZoomGov tile. This assists the court in creating a record of the proceedings.
6. When you first speak—and each time you speak after someone else has spoken—please say your name. This may seem awkward but is essential to making a good court record. The only part of the hearing being recorded is the audio. If a transcript is requested, it is sometimes difficult for the transcriber to know who is speaking.

7. If you are participating by video, try to avoid having a window or bright background behind you. (You may, as a result, appear on video as a shadow.) If you cannot avoid the bright background, try using a desk lamp or other light source to brighten your face.
8. If you are participating by video using a personal computer, you may separately connect to the audio feed by telephone (for improved audio) using the call-in information provided for the hearing.
 - a. If you do this, please connect to the video feed first. In the ZoomGov app, you will be assigned a Participant Code. Use this code to associate your video and audio feeds.
9. If available, a headset-microphone often provides better sound quality for listening and speaking.
10. Participants and members of the public should at all times remember that although conducted remotely, these hearings are official court proceedings, and individuals should act accordingly.
 - a. If appearing by video, video must be enabled, unless otherwise authorized by the court. Please wear attire consistent with the decorum of court proceedings.
 - b. ZoomGov permits the use of virtual backgrounds to safeguard your privacy. If you choose to use a virtual background, please avoid backgrounds that are offensive or distracting.

Requests for Priority or Second Call

The attorney cannot request second call for more than 5 matters on a relief from stay or chapter 13 confirmation calendar. When the attorney requests priority or second call, a reason must be given for the judge to consider the request. If no reason is given, then the request for priority or second call will be denied.