

# **Telephone Appearance Procedures**

## **Judge Robert N. Kwan**

### **SECTION ONE: POLICY GOVERNING TELEPHONE APPEARANCES**

Telephone appearances are permitted in all matters before Judge Kwan in Courtroom 1675 with the exception of trials and evidentiary hearings (for which all attorneys and all witnesses must appear in person), Chapter 11 confirmation hearings (for which all attorneys and parties for the plan proponent(s) and any objecting parties must appear in person), and such other matters as designated by the Court as requiring a personal appearance.

No telephone appearance will be allowed unless it is made through CourtCall, an independent conference call company, pursuant to the procedures set forth below in Section Two, or otherwise permitted by the Court.

Before the hearing, you should check Judge Kwan's hearing calendar posted on the court's website, [www.cacb.uscourts.gov](http://www.cacb.uscourts.gov), and review any tentative ruling for the matter on calendar.

If an attorney or a party who schedules a telephonic appearance fails to respond to the call of a matter on calendar, the court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephone appearances in multiple courts does not excuse a failure to appear.

Attorneys and parties 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.

### **SECTION TWO: SCHEDULING A TELEPHONE APPEARANCE**

Telephone appearances may be arranged by calling **CourtCall at (866) 582-6878**. You may arrange for a telephone appearance up until the starting time of the scheduled hearing.

### **SECTION THREE: PROCEDURE FOR TELEPHONE APPEARANCE**

Any attorney or party making a telephone appearance must make arrangements with CourtCall for the appearance, including for payment of any charges for CourtCall's services. CourtCall will provide the attorney or the party with written confirmation of a telephone appearance, and give the attorney or party a telephone number to call to make the telephone appearance. It is the responsibility of the attorney or party making a telephone appearance to call CourtCall not later than 10 minutes before the scheduled hearing. CourtCall does NOT place a call to the attorney or party. If you do not timely call and connect with the CourtCall operator, you may be billed for the call and the hearing may proceed in your absence.

Telephone appearances are connected directly with the Court's public address system and electronic recording equipment so that a normal audio record is produced. To ensure the quality of the audio record:

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

Exceptions only in the most extreme emergencies.

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 is to proceed. 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 hearing participants that the hearing is completed, you may disconnect from the call, and the next case will be called.

Telephone 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 of the Court determines that a person's conduct makes telephone 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 an attorney or party appearing by telephone.