

**United States Bankruptcy Court
Northern District of Ohio
Eastern Division - Akron Court Location Only**

**NOTICE OF REVISED IN-PERSON HEARING PROCEDURES AND LIMITED
OPTION FOR TELEPHONIC APPEARANCE FOR JUDGE ALAN M. KOSCHIK**

On April 21, 2023, the undersigned Judge issued his Notice of Termination of COVID Emergency Hearing Procedures (the “COVID Emergency Termination Notice”), which ended all stages of this Court’s COVID-19 era restrictions on in-person court attendance. The COVID Emergency Termination Notice reinstated the “hearing protocol that existed in this Court prior to the COVID-19 pandemic.” The Court observed that Bankruptcy Rule 5001(b) required that “all trials and hearings shall be conducted in open court and, so far as convenient, in a regular court room.” As a result, the Court directed that “telephonic appearance is no longer presumed.” Therefore, beginning May 1, 2023, attorneys and *pro se* parties were required to obtain permission to participate in court hearings telephonically.

The Court observes that notwithstanding the COVID Emergency Termination Notice and the restoration of pre-COVID procedures, the COVID era habits of counsel and *pro se* litigants have remained entrenched and the pre-COVID court hearing protocols have not been fully restored. This has resulted in numerous situations in which some counsel attend hearings in person but are denied the opportunity to discuss matters in person, either before or after the hearing, with other attorneys who should be in the courtroom but instead appear telephonically. Debtors have appeared in person while their counsel, who claim to have lost contact with their clients, are on the telephone.

Moreover, telephonic communications are spotty, with some telephonic presentations by counsel difficult to understand. In this Court's view, after several years of experience, telephonic appearance is substandard, which underscores why it should be reserved for emergencies, including times when in-person attendance is impossible, or for when appearances concern routine matters that are unopposed or are essentially for audit purposes only where a parties' counsel merely wants to monitor the proceedings and not make a presentation. Even when an attorney merely intends to monitor a hearing, opportunities to meet, confer, or negotiate among parties to a multi-party bankruptcy case may be lost.

In addition, counsel have frequently appeared telephonically without advance Court permission, in violation the COVID Emergency Termination Notice, a circumstance made technically possible because the Court's AT&T bridge line telephone number and participant code have remained static. Counsel know what numbers to use and feel entitled to use them.

Because the habit of telephonic appearance has become, in the Court's view, a problem for both the prosecution of bankruptcy cases before it and the administration of justice, the Court will heighten its presumption of in-person court appearance and restrict the options for telephonic appearance.

The Court's new procedure will be effective on Monday, December 2, 2024. As has been the case since May 1, 2023 (as well as before the COVID restrictions began on March 23, 2020), attorneys, parties, and party representatives who wish to appear telephonically at court hearings in the Akron Bankruptcy Court must contact my courtroom deputy no later than 3:00 p.m. on the court day immediately prior to the hearing in question and request permission to do so. However, the Court is changing its platform for telephonic appearances. The AT&T bridge line will no longer be available. Going forward, telephonic appearances, when permitted, will be

accessed by a different toll-free telephone number than before and will utilize *a unique participant code for each court docket*. As a result, unless the unique participant code is obtained from the courtroom deputy for a specific court docket, counsel will be unable to join by telephone. Instead, they will be required to appear in person or miss the hearing.

Sharing participant codes among counsel for court hearings is prohibited. Each counsel or *pro se* litigant is expected to appear in person unless they have obtained permission to appear telephonically. They should have possession of the relevant participation code only after obtaining such permission. Evading that restriction by sharing a participant code may result in sanctions imposed upon any or all of the persons involved.

If counsel or parties are unable to attend a particular court hearing date, but do not qualify for telephonic appearance, they are urged to consider obtaining an adjournment either for cause or with the consent of opposing counsel.

As has been the case since May 1, 2023, presentation of evidence, including live witness testimony, must be presented in person absent further order of the Court after motion and notice and opportunity for a hearing, and only if permitted by applicable statute or rule.

Pretrial conferences will continue to be conducted by telephone only.

These procedures will be effective on and after Monday, December 2, 2024.

Dated: November 26, 2024

Alan M. Koschik
United States Bankruptcy Judge