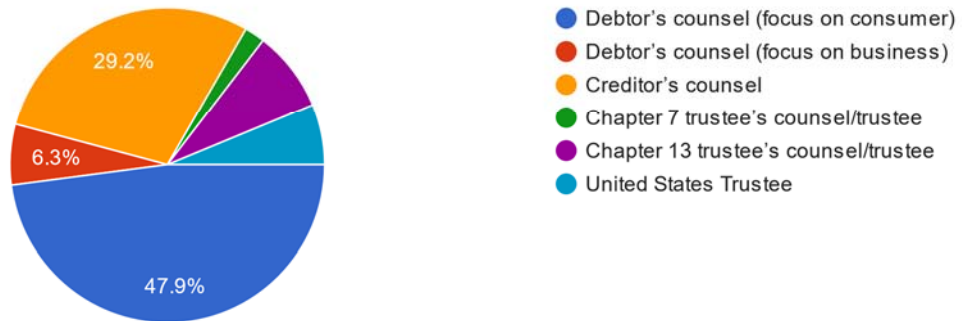


Remote Hearings Survey Responses

Question # 1:

The person completing this survey is primarily:

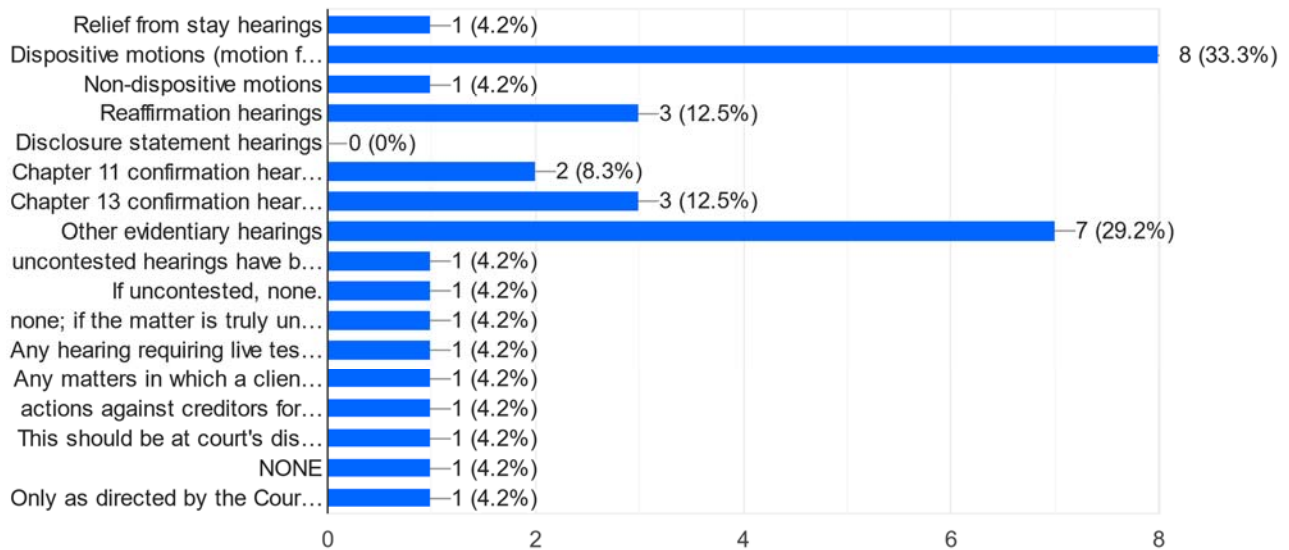
48 responses



Question # 2:

Post COVID-19 pandemic, which types of UNCONTESTED hearings, if any, should require in-person appearances? (You may select multiple options)

24 responses



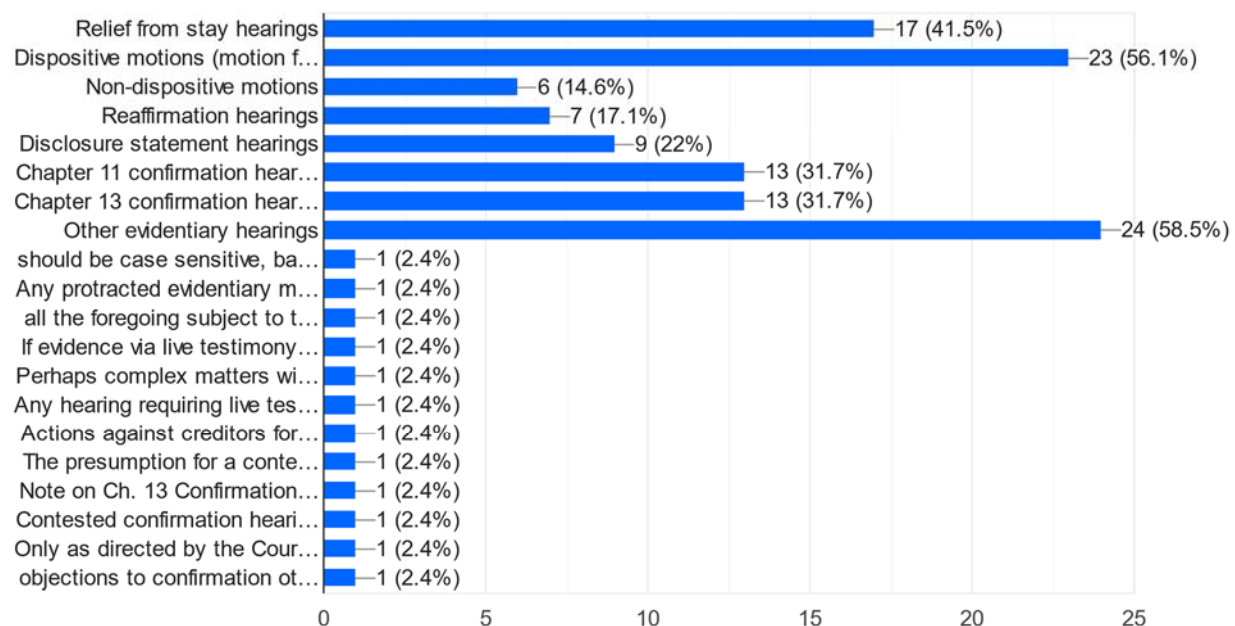
“Other” Responses to Question #2:

1. uncontested hearings have been handled well through Zoom
2. Any matters in which a client (debtor or creditor) needs to be present.
3. If uncontested, none.
4. none; if the matter is truly uncontested, it should advance remotely.
5. Any hearing requiring live testimony or exhibits
6. Any matters in which a client (debtor or creditor) needs to be present.
7. actions against creditors for violating automatic stay
8. This should be at court's discretion; many of these matters would not usually require in-person testimony in any event.
9. NONE
10. Only as directed by the Court. I think nearly everything can be done remotely or in a combination live/remote setting.

Question #3:

Post COVID-19 pandemic, which types of CONTESTED hearings, if any, should require in-person appearances? (You may select multiple options)

41 responses



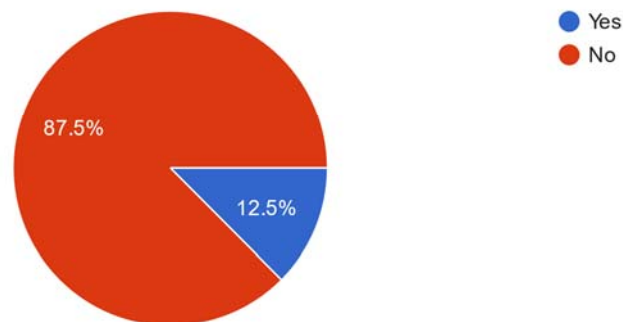
“Other” Responses to Question #3:

1. Any protracted evidentiary matters where the Court determines an in-person hearing is required or appropriate.
2. all the foregoing subject to taking evidence remotely by agreement
3. If evidence via live testimony will be required [sic], then these should require in person hearings.
4. Perhaps complex matters with multiple witnesses and large volume of exhibits.
5. Note on Ch. 13 Confirmation hearings (contested): Every confirmation hearing is contested because the Trustee files a report, objection, Motion to Dismiss and show cause all in one pleading. This is confusing to a lay person and pro se debtors. If the Trustee were to properly file pleadings as separate docket entries - there would be less need for Ch. 13 confirmation hearings that are "contested" and that would require in person hearings. This note is for Beskin cases only - I don't know the practice for Micale. It is embarrassing that this practice is still allowed given the increased number of pro se debtors.
6. Contested confirmation hearings
7. Should be case sensitive, based on the kind of evidence needing presented
8. Any hearing requiring live testimony or exhibits
9. Actions against creditors for stay violations
10. The presumption for a contested hearing should be for in-person appearances, but remote appearances should be permitted if counsel (and the court) are agreed
11. Only as directed by the Court based on the circumstances of the hearing.
12. objections to confirmation other than the chapter 13 trustee

Question #4:

Have you encountered technological difficulties with attending remote hearings?

48 responses



Question #5:

If you have encountered technological difficulties with attending remote hearings, please elaborate.

9 responses:

1. n/a
2. (None)
3. broke down during a trial, loss of audio in hearings
4. Zoom would not allow access for a hearing. It was a system-wide Zoom issue.
5. Internet connectivity, audio difficulties when presenting testimonial evidence from witnesses
6. Screen freeze and involuntary restart of Zoom application.
7. N/A.
8. Slow, unreliable internet speed due to local infrastructure. Interruptions in evidentiary hearings. Not being able to hear/see the speaker/witness.
9. Unfamiliarity with Zoom

Question #6:

Please describe any court remote procedures you would like the court to implement.

15 responses:

1. None
2. All 341 hearings should remain remote as it is cost efficient for all parties.
3. (None)
4. for uncontested dockets it is a significant time saver to have remote hearings
5. i would echo those comments during the brown bag lunch that Zoom dockets have spurred the pre-docket conversations needed to maintain the efficiencies we're seeing. The historic collegiality of the bar is working while we wait to see how restrictions in court access and case volume play out. That said, the prospect of an end to the federal moratoria on foreclosures and evictions with an accompanying increase in filing and hearing volume could put a strain on that. In the interests of avoiding multiple changes to procedures, i'd suggest business as usual for the next 60 days.
6. I think that the Chapter 13 docket has been managed brilliantly by the Court and the Trustees, so a notice of video hearing can be sent by the 13 Trustees for all cases that they do not think an in person hearing is required. Also the 341 meetings have been handled very well by remote appearances.
7. The Court has done an excellent job in docketing and conducting hearings remotely; I applaud the efforts and have no suggested changes.
8. Virtual side bar meeting rooms for attorneys to discuss matters while court is in session.
9. Encourage interaction between attorneys prior to the start of hearings, including break out rooms, for social and/or business communications.
10. Continue to allow agreed orders to be submitted prior to the hearing date

11. Allow counsel to remove settled matters from the hearing docket pending submission or entry of order resolving.
12. N/A.
13. Submitting confirmation orders prior to the hearing for entry.
14. I would like to attend hearings in locations other than my home base of Roanoke via Zoom if no evidence or testimony is required. Additionally, I hope the court will consider continuing allowing submission of confirmation orders for uncontested cases after the deadline for objection but before the hearing date. While I think evidentiary hearings are best in person, I think the use of the remote procedures can be extremely helpful if witnesses are not local.
15. Make video appearances a permanent option.

Question #7:

Please describe any court remote procedures you would like to see eliminated.

6 responses:

1. None
2. (None)
3. Trials of Adversary proceedings and complicated confirmation hearings
4. N/A
5. none; the procedures in place work well.
6. None. I think this is a very useful tool.

Question #8:

At what point would you be comfortable returning to in-person hearings? In answering this please consider the following questions: (i) What factors do you consider? (ii) What standards do you think the court should require before returning to in-person hearings? (iii) Are there any steps that the court can take in order to make you more comfortable in returning to in-person hearings?

40 responses:

1. The declaration that the national health emergency has ended. Once we are back in, it would make me more comfortable to avoid packed courtrooms and to require mask wearing.
2. When Virginia has 80% herd immunity.
3. Comfortable returning at any time, without additional requirements
4. I personally would be comfortable to returning to in-person hearings immediately, but I certainly understand and appreciate the perspective that others do not share my optimism. The main factors I would consider is the percentage of the local population that has been vaccinated and whether the Court can effectively implement masking and social distancing protocols, if necessary once hearings resume in person.
5. Normal appearances with crowded courtrooms should be delayed until COVID is no longer a factor.

6. In-person hearings can resume immediately. Masks and distance while awaiting speaking, and remove mask while speaking and maintain distance.
7. I would suggest when the federal government declares the pandemic at an essential end.
8. I will not be comfortable any time soon. I am very concerned about the possibility of contracting the virus even after vaccinations. The majority of hearings can proceed without the need for the parties being in person. There is very little that the court can do to make me more comfortable. I do not trust the public to be responsible. We have all experienced the parents who send their children to school when they are sick because the parent cannot or does not want to take time off of work. My fear is that people will treat and do treat COVID the same way. Evidence of this is seen with how it has spread. In addition, this is evidenced by the resistance and overt refusal to wear masks and maintain social distancing.
9. Assuming the cases decline and vaccinations increase, I think the Court might return to in person hearings, of some kind, in the fall
10. I would feel comfortable returning to in-person hearings when the CDC has stated that such gatherings no longer pose a risk to the health of attendees, and when the Court has implemented whatever safety precautions (spacing, plastic dividers, improved ventilation, etc.) have been recommended by the CDC for such hearings.
11. When the transmission rate has fallen to the WHO recommended level for lifting COVID-19 restrictions or the vaccines have been proven to prevent transmission of the virus by vaccinated persons to unvaccinated people such as young children, especially in the face of the growth of the B.1.1.7 variant which disproportionately infects children.
12. Employer's requirements to protect employees during COVID are significant and penalties could be severe. Return to in-person hearings must account that in Virginia we don't look to OSHA but to VOSH which may have different requirements. Return to in-person hearings should also coincide with a significant rise in vaccinations.
13. when the CDC guidelines indicate such hearings can be safely held. Ideally it would lessen concerns if all persons at an in person hearing who can be vaccinated were vaccinated, but I doubt such a policy could be implemented.
14. I'm comfortable returning to in-person hearings now. However, remote hearings seem to be working fine, so I don't see the need to rush things, particularly if other people would be uncomfortable with in-person hearings.
15. I am comfortable at the moment (unless a 4th surge occurs) with mask mandates and certain social distancing protocols and adherence to the "questions" prior to entering the courthouse
16. I've appeared in a number of state court proceedings over the past 6 months and am generally comfortable with the steps courthouses have taken to protect the public health. The only instances which have made me uncomfortable are general district court dockets in populous jurisdictions and things like circuit court motions dockets which can be crowded. As the federal courts have always been more careful, i'd be comfortable coming back anytime as long as volume is low and procedures are in place to regulate the comings and goings of non-lawyers. As a general proposition, I'd suggest waiting until the end of June to assess vaccination rates and the status of the federal moratoria on foreclosures and evictions before implementing broad changes in current practices.
17. after the pandemic is over
18. I think that once the vaccination level gets to 60-75%, we should be safe to go back in

general , but for hearings with limited participants, as soon as all parties are vaccinated

19. When the COVID positivity rate for the state remains low for an extended period of time. When the COVID vaccine has been freely available to everyone for an extended period of time. When there is no longer a national state of emergency. When the Court implements a protocol to (1) test people for a fever upon entering the courthouse and have them respond to screening questions about exposure to COVID, (2) require everyone to wear a mask except when alone at the podium to speak (which podium should be 6' away from anyone else), (3) provide seating for everyone that provides room for 6' distancing while waiting for a matter to be called, (4) provide hand sanitizer at the entrance to the courthouse and in each courtroom, and (5) clean the courtroom and bathrooms with disinfectant before every docket.
20. When the area is below a specified positivity rate for the virus and as many people as desire to do so have had the opportunity to be vaccinated. Given the current location of the lectern in the courtroom and the number of parties that may appear in a contested case, there will need to be some accommodation that allows all parties to present their positions but does not allow them to congregate together in one location in the courtroom. There would need to be a determination made as to how many people can safely be in the courtroom and maintain the requisite social distancing. Similarly, the line to enter the courthouse will create another bottleneck where social distancing could be an issue where there is adverse weather.
21. It is difficult to say at this point but I think that mask and vaccination requirements as well as a reduction in the number of new cases.
22. I think the Court should wait until vaccines have been more widely disseminated, and I think the vaccination status of counsel should be taken into consideration in determining whether counsel should be allowed to appear in person.
23. In person hearings can return today. Many people are getting vaccinated, the infection rate is low and the mortality rate is low. The court should follow CDC standards for social distancing and mask wearing. Attorneys should be allowed to attend remotely if they are exhibiting COVID-19 symptoms.
24. I am not comfortable with in person hearings or other gatherings until such time as the CDC lifts restrictions gathering limits. I have been strict in my adherence to safety measures for over a year and do not relish risk even now. Ideally, I would like the pandemic to be under control before we are required to return to court. At the very least, if in person hearings are required, perhaps they could be spread out to limit the number of people gathering at a single time. Distancing in the Courtroom would be necessary and strict enforcement of proper masking, not just covering. Persons exhibiting symptoms should be requested to leave and their matters continued if necessary.
25. I would feel comfortable returning to in-person hearings at any time because I trust that the court would take reasonable precautions.
26. I would feel comfortable now, provided that mask wearing and social distancing is enforced
27. As I am fully vaccinated and the Court is generally not a high crowd situation, anytime would be comfortable.
28. With Virginia opening up vaccinations to all adults, I would be comfortable with in-person hearings by the fall
29. Safety and efficiency are important. It doesn't make sense for one party to be remote and

one to be in person; Masks should be required unless at the podium; People should be 6 feet apart if more than one attorney is presenting, especially if attorneys are not wearing masks; In-person attendees should be fully vaccinated.

30. When substantially all COVID-19 precautions are lifted.

31. N/A.

32. Before requiring in-person hearings, covid related issues should be fully resolved.

33. In person hearings should have already resumed. Masked required except where speaking at a podium.

34. Personally, I am comfortable attending in-person hearings. However, some of my clients are not ready to be with groups of people, especially those in higher risk groups. Client-wise, I would continue my case-by-case approach and work within the bounds of their comfort.

35. At this time, I am comfortable returning. I think 6 feet apart can be accomplished within each court room. Counsel and witnesses could be directed to only remove masks when addressing the Court.

36. I'm not comfortable attending in-person hearings where some may not be vaccinated. Even with the vaccines, the chance of contracting or passing COVID is not zero.

37. Am comfortable now with in-person hearings if masks are worn and social distancing observed.

38. I think June or July 2021 if there is no surge of variants. At that point, I believe most folks should have been vaccinated. I think the court has to limit the number of folks in the courtroom, and restrict seating to ensure spacing. I think the court must enforce masks and proper use of masks. I think if the court wishes us to not have masks on when we are at the podium speaking, we need to assure distance between parties in the front area. In terms of standards, I think the Courts need to follow the CDC guidance and that of the Virginia Dept. of Health.

39. Not before a majority of people are vaccinated; still require masks and social distancing. May also need to consider sanitizing podium between speakers.

40. avoid crowding at the metal detector

Question #9:

What are the benefits of remote hearings?

45 responses:

1. Time and cost savings.
2. Safety for attorneys, court staff, debtors and creditors and ease of access for same.
3. Saving travel time
4. The remote hearings are very convenient and efficient. Eliminating travel time to and from the Court locations is a significant time-saver.
5. Time/cost efficiency
6. Less travel expense and time.
7. clients seem more comfortable and engaged; more efficient; encourages early resolutions
8. It is more cost effective. They are a time saver eliminating the commute to the court.
9. efficiency, lower costs, attorney has access to all files, systems, etc.

10. I must admit that I have been pleasantly surprised at how well Court dockets and hearings have been handled using the Zoom platform. Given the short duration and lack of evidence required for most Chapter 13 hearings, it has been my experience that the virtual dockets have proven to be as effective and efficient as in-person hearings for run-of-the-mill matters. On the other hand, virtual hearings (i) save the Court, attorneys, Trustees, and parties significant travel time and expense, (ii) avoid the possibility of mishaps on the road, (iii) allow the Court to see and hear from numerous creditor attorneys who would otherwise be appearing by substitute counsel, and (iv) allow attorneys charge their clients less for representation before this Court.
11. For now, safety of the community. In the future, to reduce travel time for uncontested matters or possibly to be able to increase the availability of live testimony of witnesses that might be willing to testify remotely but who otherwise could not be compelled to appear before the court (i.e. would only be available by deposition transcript).
12. Remote hearings makes consumer bankruptcy practice efficient and, if cases rise, could finally be a meaningfully profitable for both creditor and debtor bars. Remote hearings also make the pool of consumer attorneys larger as geography no longer becomes a bar to entering a market. COVID has taught us all that technology really can make processes more efficient and we should embrace this lesson and continue to develop hearing processes to be more efficient using technology.
13. convenience, cost savings
14. Avoids the need for extensive and time-consuming travel.
15. allows creditors attorneys (in particular) to manage hearings in multiple areas without the need of appearance counsel when a conflict arises. saves significant driving time and out of office time and increases efficiency
16. from a personal and business perspective, saving time, money, and resources are major benefits.
17. safety and eliminates unnecessary travel
18. they save a lot of time and they are very convenient for 341 meetings. Previously clients traveled great distances.
19. Dockets are managed quickly and efficiently. Attorneys have better access to additional information during the hearing. Eliminates long travel for attorneys and parties.
20. The remote hearings reduce the time counsel must devote to travel and allows that time to be used on other matters.
21. Reduced expense.
22. Extremely efficient; saves significant transportation time; no risk of transmitting illnesses; counsel can have court case files far more readily accessible to answer the Court's questions
23. expedited docket; more responsive communications; avoidance of travel time;
24. Less travel, more convenience for attorneys, more productive work time. The ability to conduct court safely regardless of weather conditions. Less excuses for counsel and witnesses to miss hearings because of travel or other related issues.
25. Remote hearings have less impact on the environment. Less use of fossil fuels, etc. They also enable counsel to spend less time traveling so that more time can be focused on work and work/life balance. Counsel has greater access to information if needed for the hearing or requested by the court also. Remote hearings permit debtors and other individuals from losing more time from work or other responsibilities.

26. Obviously, a benefit is not having to travel to court, a savings for me of 2 - 8 hours. It also can be helpful to have easy access to my computer during a hearing.
27. Eliminates travel time, more efficient
28. Saves time without compromising justice for "routine" matters.
29. Less travel time
30. Remote hearings allow for better use of attorney time. Money and time are saved.
31. Elimination of time spent traveling to courtrooms.
32. Enormous travel time saver for agreed matters, continuances, uncontested matters.
33. No Distractions.
34. It is safe, time and cost saving.
35. convenience; greater scheduling flexibility; less time consumed (commuting/travel to hearing & awaiting hearing in court)
36. Less travel for attorneys - you will get better representation for Debtors if good attorney's can cover more ground.
37. I have only attended two remote hearings, but they are a much more efficient use of time, especially for counsel who must travel several hours to attend court.
38. For uncontested matters, it saves counsel considerable time and resources, particularly for those who must travel long distances. Counsel may work harder to resolve matters well in advance of a hearing if they are aware a remote option exists.
39. Convenience, travel savings, time savings.
40. Saves travel time
41. Extremely efficient use of time & elimination of travel
42. cost effective for attorney's outside the area
43. Efficiency x 10. Our district is so large, that we can spend 4-5 hours on the road for one or two consumer cases. In my practice, we work hard to resolve hearing prior to the scheduled date and to have appropriate orders entered. But, some hearings need to remain on the docket and have a resolution addressed or approved by the Court. This does not mean the hearing is contested, but may be a notice issue. It is seems unnecessary to drive round-trip 4 hours for such a hearing. I can use that time to better serve my clients and the court. And, I have to admit that with screen sharing, I think I can share some exhibits easier than in person.
44. Reduced travel time and expense; convenience
45. travel time avoided

Question #10:

What are the benefits with in-person hearings that are not available in remote hearings?

40 responses:

1. Few, if any.
2. Evidentiary hearings are best in person.
3. Opportunities to consult in person with other counsel about other matters
4. As a newer attorney, I feel that I have missed out on building connections and getting to know the fellow members of the bar. Since I did not have connections with the other members before the onset of the pandemic, I feel quite isolated and disconnected from

the bar as a whole.

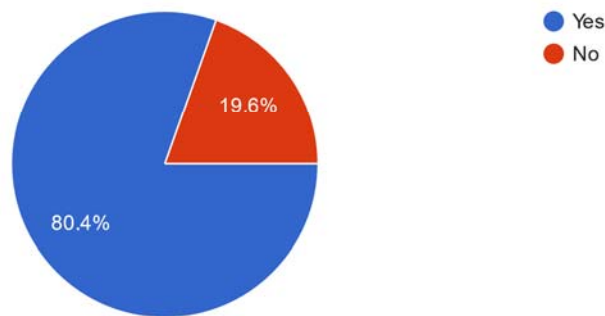
5. I believe credibility determinations are more challenging remotely.
6. Better opportunity for argument and response.
7. there might be some evidentiary matters where a live witness is more effective
8. There is very little that in person provides. I believe that only evidentiary hearings need to be in person to evaluate a witness's credibility.
9. witness testimony more effective in person; allows for developing relationships with counsel; encourages settlement
10. I would assume that extended evidentiary matters may in some instances require in-person hearings in order to be efficiently conducted.
11. Helps insure a vibrant local bar, which is critical to the provision of competent legal services to the community, by reducing the ability of certain entities to take cases. It fosters interaction between the members of the bar which is important on many levels.
12. Live testimony from a witness may be the only thing that technology cannot support.
13. familiarity with the process, ability to observe witnesses
14. They provide an opportunity to get together once in awhile with other members of the bar, and interact directly with the judge and the trustees.
15. you get to meet with the other attorneys and possibly settle prior
16. While i have not had evidentiary hearings, based on what i've seen, i'd prefer not to have them. For contested matters which require the taking of evidence, i think management of and communication with witnesses, opposing counsel and the court are better in person and promote more effective representation.
17. none - should only be for contested evidentiary hearings
18. Primarily the ability to hear testimony and the ability to get non verbal clues
19. The opportunity to negotiate, collaborate, and network with other colleagues is sorely missed. In addition, it can be difficult to specifically address the Court with comments when Zoom routinely shifts the location of the parties in the hearing.
20. Irrelevance of technological issues
21. facilitates evidentiary hearings
22. Face-to-face hearings and meetings with the court, attorneys, and trustees. The ability to control the courtroom and to have personal interaction. Less chance of technical issues interfering with important matters.
23. Evidentiary hearings take much more time to accomplish remotely. Review and presentation of documents is more cumbersome and it is more difficult for counsel and the court to "read" witnesses body language and demeanor. Until such time as it is safe for people to gather, we have to make the best of it.
24. The collegial in-person interactions between members of the bar before court are hard to replace with the current zoom format, and I think it shows respect to the court to appear in person.
25. Hob-nobbing with my fellow wizards!!
26. Ability to confer with client and opposing counsel, ability to listen (and learn) from other matters that are heard at the same time
27. In-person hearings would allow for conversations between attorneys and better communication when presenting. Often during remote hearings it is difficult to hear everyone. It's especially difficult for some clients to effectively participate in the remote hearings due to poor internet connections or faulty technology.

28. Communication with counsel prior to or after hearings; communication with clients off the record
29. Contested matters require assessment of credibility of witnesses and nuanced argument that is better conducted in person.
30. N/A.
31. prehearing interaction with counsel, both in relation to matter being heard, and casual contact with other counsel
32. Evidentiary hearings are easier.
33. In-person hearings emphasize the importance of the matter. It is also easier and more fruitful to examine witnesses in person than remotely, and it is often very important to assess the entire person, instead of viewing only their upper bodies via a webcam.
34. Being able to interact with colleagues directly. It is much easier to fully question a witness in an evidentiary hearing in-person. Longer evidentiary matters are very challenging to follow remotely due to technology issues (sound breaking up). Presentation of evidence is difficult.
35. Judging the demeanor of fact witnesses.
36. Able to discuss issues with counsel prior to hearing.
37. very few; perhaps presentation of evidence or exhibits
38. Personally, I find it hard to read cues, whether it is a witness or the Court, on Zoom as compared to in-person hearings.
39. Seeing colleagues
40. There is a law library at the courthouse.

Question #11:

If the court holds an in-person hearing, should the court allow counsel to appear remotely?

46 responses



Question #12:

Please explain your answer to the previous question.

43 responses:

1. Believe this should track with the prior requirements regarding telephonic hearings. Can be heard but cannot examine witnesses.
2. If in person hearings are for evidentiary hearing only, I don't think counsel or witnesses should be allowed to appear remotely.
3. Ideally, parties that wish to appear in person should be able to do so, and those who wish to appear via Zoom should be able to do so -- including court personnel, attorneys, debtors, etc.
4. I think this should be allowed on a case-by-case basis. If an attorney feels that his or her own safety, or the safety of their clients, may be compromised by attending an in-person hearing, then I think the Court should be willing to work with them, as this may remain a pressing and legitimate concern for some time.
5. Yes by Motion for leave to appear remotely
6. One side can decide to do remote while the other appears; common in other courts around the country.
7. Thinking more about out of town counsel who can appear remotely especially on resolved or simple matters.
8. I have been appearing remotely for 12 years in other jurisdictions successfully. As noted, only evidentiary hearings truly need to be in person. Any other hearing can be completed remotely without issue.
9. All parties should be on an equal playing field
10. As long as the Court is comfortable with the due process and efficiency aspects of remote appearance by counsel, such appearances will save time and money and allow more non-local attorneys to take part in hearings.
11. Everything is situationally dependent, and circumstances could exist where it would be appropriate to allow this.
12. Unless live testimony is a component to a hearing, why can't the hearing be a hybrid in-person/remote for attorneys? This will make hearings efficient and economical. If a DC attorney needs to appear in an Abingdon courtroom, what is the benefit to any party or the bankruptcy estate to make someone pay for a DC attorney's travel time? If consumer cases can be done remotely, including the hearings required, won't the consumers based in Abingdon benefit from a larger pool of attorneys they may retain if they can now access Roanoke attorneys? If the Roanoke attorney doesn't have to drive to Abingdon for a simple hearing, surely they will be able to expand their practice.
13. If a lawyer and client believe that effective representation can be done remotely then that should be an option to be considered. There will probably be instances where the Court finds that remote representation makes a hearing too complicated. I will confess I am not on the cutting edge of technology so I don't know all the ways that any concerns may be addressed
14. If the court holds an in-person hearing, counsel should appear remotely only for uncontested matters of a routine nature.

15. It allows attorneys in other states or farther away from court to still attend without additional expense, etc that potentially gets billed back to the debtor
16. i see no reason to change the court's practices which were in place before the pandemic. When in-person hearings do start up, i'd ask for some leniency in the short term while we assess the impact of volume increases which may occur at the expiration of the moratoria. Many firms have experienced decreases in staffing which will affect the ability to cover all our courthouses.
17. though it depends how contested and in depth such a hearing would be
18. If one counsel is having to appear then all counsel should appear, or if they want to appear remotely, their ability to examine and cross examine should be limited.
19. Sometimes there are attorneys whose role in a hearing is minimal enough that attending remotely would be sufficient.
20. For a period of time (unfortunately unknown at present), the court should allow remote appearance of counsel in order to allow social distancing.
21. If the hearing is in-person, the decision to attend in person should be left to counsel.
22. I think remote appearance should be offered in the vast majority, if not all, of cases, as it has come to be an extremely efficient way of getting before the court without travel time/expense. Counsel can also be more prepared by having their computer/case files easily accessible in a way that, for counsel who handles multiple cases, is not nearly as feasible to do in person.
23. Often creditor's counsel adds little to the hearing at issue before the court (such as a reaffirmation approval hearing in a hardship case; where the focus is on the debtor's testimony primarily) but may wish to be available to observe the proceedings or be available should the Court have any questions.
24. If counsel has uncontested matters (such as continuances or resolved motion matters), then counsels should not have to appear to make the announcement to the court or to concur with the announcement of opposing counsel with no other comments of substance
25. There is no benefit to in person hearings if the matter does not involve the taking of evidence. As the district is geographically large, anything that can assist counsel and participants in saving travel time and loss of work, is a benefit.
26. If it is a simple matter such as an agreed continuance, it seems reasonable to allow a remote appearance during an in-person hearing.
27. While I generally think that hy-bred hearings are the most likely to be problematic, I would not favor a generally rule that precluded remote appearances in unique circumstances
28. In my opinion this would need to be handled on a case by case basis, depending on the nature of the hearing. Certainly larger Ch. 11 cases benefit from remote hearings. In addition, remote appearance by counsel that are not playing an active role in the matter being heard would seem reasonable to me.
29. Certain matters should be in-person. If a matter is held in person all parties should attend.
30. If a matter is going to be conducted in-person, there seem to be many logistical issues in having some participants "live," but others participating remotely.
31. Except i exceptional circumstances, in-person should be all or none.
32. Yes, To Witness The Hearing As Evidence To A Case.
33. I would have answered maybe, given the option. I realize that allowing remote appearance by counsel could present logistical issues for the court; to the extent that those

can be overcome without an undue burden on the court, I do not see why counsel should not be permitted to appear remotely, if counsel thinks it well advised.

34. All uncontested matters should either not require a hearing or have a remote option. All contested should require in person in the event that evidence is needed to be presented.
35. If parties must appear in person, so must counsel.
36. My position is this should be allowable, but used only in exigent circumstances and very sparingly.
37. Most of what we do is arguments based on the law and on (usually) agreed facts.
38. This was done prior to Covid by phone.
39. Qualified by the type of hearing and the discretion of the Court to require any appearances, but routine responses/ argument of counsel and even examination of witnesses can be conducted remotely. I think many Courts will expand the availability long after the pandemic is over.
40. It isn't always easy finding someone to appear in person on cases that counsel for creditor does not have office in the area.
41. So, I do think it is fact specific. But, there are situations where this should be allowed. For example, if we have a confirmation hearing and counsel for the lender needs to appear, but perhaps all matters are resolved, I can see counsel from out of town appearing remotely.
42. The court previously allowed counsel to appear by phone for certain matters and that practice worked well. Allowing appearance by video should be considered for the same reasons, as well as reduced travel time/expense, and health concerns.
43. Appearance should be allowed remotely only if a case is on the ready list or an agreed order is going to be circulated. If the court has questions, the questions can still be answered remotely or a post hearing brief or amended pleading.

Question #13:

Please provide additional comments, if any.

17 responses:

1. Overall I think the remote video hearings have gone very well and have appreciated the accommodations made by the Court to permit counsel to continue to practice in this area
2. I have greatly appreciated the extensive and thoughtful steps the Court has taken since March, 2020, to ensure the health and safety of attorneys and parties while continuing to handle cases via Zoom. I would hope that the current procedures will continue until such time as the CDC and other relevant experts advise us it is safe to conduct our monthly dockets in person. Even then I would suggest that Zoom dockets may be an appropriate and more efficient option for the future.
3. Thank you for seeking input.
4. COVID forced all industries to realize that we don't have to do things the way we always did. A return to the way things used to be simply because we are afraid to embrace new technologies and processes will be another loss we suffered from this pandemic.
5. it is difficult to predict what will happen in the coming months as it relates to the end of the moratoria, but the general consensus is that we'll all be substantially busier. I'd

suggest another brown bag lunch which allows everyone to share their experience and perspective on what's coming and how it could or will be different from what we saw in the last recession.

6. I think that Covid has shown we can do a number of things remotely. The Chapter 13 dockets have been remarkably efficient, so that has allowed cases to move pretty well.
7. Thank you for implementing procedures that have kept us all safe over the past difficult year.
8. I appreciate the Court's efficiency and willingness to hear back from the bar. Thank you!
9. COVID-19 has shown us that it is possible to function without the need for in-person appearances. Although there are times when in person appearances are critical (such as evidentiary hearings or other contested matters where argument is difficult over the internet), most times attorneys appear for mundane procedural matters. Some attorneys have to travel over an hour to appear, only to have five to ten minutes of hearings. The time saved, while still accomplishing the same result, is extraordinary. In today's modern world, there is no need to always have in-person hearings. Given that some attorneys prefer in-person hearings and some prefer virtual hearings, the challenge for the court is to determine a hybrid way of conducting business. I think the court is on its way to doing this and I believe, in time, everyone will adopt to any new way of doing business.
10. It is unquestionably more convenient to have remote hearings, but I find value in interacting with colleagues prior to hearings and in appearing before the judges. I would prefer a combination of remote and in-person hearings. Thank you.
11. N/A.
12. The goal - for safety - should be focused on less hearings overall - not necessarily remote v. in person. It is senseless to, for instance, have a Motion to Dismiss, Objection and Show Cause in every single Ch. 13 case that is filed. This makes the dockets longer and facilitates the need for a "hearing in every single case". In the Eastern District, for instance, there are many cases in which no objections or Motions are filed, and the case is simply confirmed without a hearing being "held". But, when they are filed, they are specific and laid out in a way that a lay person would know why their plan is being objected to or why someone is requesting dismissal.
13. My opinion is that we are at a time we can return safely. While many matters can be conducted virtually, virtual is not ideal for certain contested matters. Further, direct interaction with the bankruptcy bar, Judges, Clerks and personnel promotes better relationships among colleagues.
14. The Court has done a very nice job making the transition to remote hearings.
15. This Court has been on the cutting edge of advancing remote hearings and has made registration and hearings easy & efficient. I applaud the efforts and have appreciated the safety concerns for those who appear before it. I hope it is here to stay.
16. I think we can find a way to incorporate remote efficiency to help manage dockets and be more efficient. If we have a surge of cases, we will need the technology. If the current drop in cases continues, we need to be more efficient just to survive. But, the Court should expect counsel who wishes to appear remotely to be technologically proficient. We can all have glitches, but anyone appearing remotely should have the proper infrastructure and understanding of how to use that resource.
17. Appearance should be required at continued confirmation hearings but not the very first confirmation hearing.