

**INSTRUCTIONS FOR TELEPHONIC APPEARANCES  
FOR THE HONORABLE DIANE DAVIS' UTICA COURTCALL CALENDAR  
(St. Lawrence, Franklin, Montgomery and Fulton Counties Only)  
UPDATED January 20, 2011 (To Reflect New Fees)**

The United States Bankruptcy Court for the Northern District of New York (Utica Division Only) has arranged for parties to participate by telephonic appearance in hearings using CourtCall, an independent conference call company.

- **Under no circumstances may any participant record or broadcast the proceedings conducted by the Bankruptcy Court.**
- **All parties may appear in Utica -OR- appear telephonically through CourtCall.**

**I. POLICY GOVERNING TELEPHONIC APPEARANCES**

Motions and Notices should be filed in accordance with the Local Rules. Hearing place should be U.S Bankruptcy Court, 10 Broad Street, Utica, New York.

Telephonic appearances are allowed in **all matters** before Judge Davis for the CourtCall Calendar, **exception:** Trials, Evidentiary Hearings, Chapter 11 Hearings (all counsel and witnesses must appear in person for those matters) and such other matters as further designated by the Court.

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.

If an individual schedules a telephonic appearance and then fails to respond to the call of the matter on the calendar, the Court may pass on the matter or may treat the failure to respond as a failure to appear and deny the relief requested. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear. (Individuals making use of the CourtCall service are cautioned that they do so at their own risk).

To ensure the quality of the record, the use of speaker phones, car phones cellular phones, or phones in other public places is prohibited. Each time you speak, you must identify yourself for the record. **Do not place the call on hold at any time.** When the Judge informs the participants that the hearing is completed, you may disconnect at that time.

## II. SCHEDULING A TELEPHONIC APPEARANCE

Participants must notify CourtCall, toll free, by phone at (866) 582-6878 or by facsimile (866) 533-2946 **no later than 2:00 P.M. the day prior to the hearing.**

Participants must provide the following information:

- a. Case name and number
- b. Name of Judge
- c. Hearing date and time
- d. Name, address, phone number of participant
- e. Party whom participant represents
- f. If participant wants to be heard “live” or “listen-only” mode.

## 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 no later than 10 minutes prior to the scheduled hearing. CourtCall does not place a call to counsel.**

Telephonic appearances are connected directly with the courtroom’s public address system and electronic recording equipment so that a normal Court record is produced. To ensure the quality of the record, **the use of speaker phones, car phones, cellular phones, public telephones is prohibited**, except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo.

At the time of your hearing, you may initially be in the listening mode. In this case, you will be able to hear the cases before yours, just as if you were in the courtroom. After your call is connected to the courtroom, the Courtroom Deputy will call the case and request appearances. The Judge will 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.

If applicable, when the Judge informs participants that the hearing is completed, you should stay in “listen mode” for your next matter to be called. If you have no other matters on the calendar you may disconnect at this time.

If the Judge holds your matter to the end of the calendar call for argument, you may stay on the line in “listen mode,” or disconnect. The Court will have CourtCall reconnect when it is ready to hear your argument. Parties **MUST** be available when CourtCall is ready to connect.

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.

Any questions about telephonic appearances should be directed to CourtCall at (866) 582-6878.

#### **IV. FEES**

The fee for the telephonic appearance is fixed by CourtCall depending on the length of time the participant is on the call, regardless of whether the participant is actually heard by the Bankruptcy Court or is in "listen-only" mode. Each participant will be charged an initial fee of \$30.00, at the time of reservation.

The Fee for telephonic appearance is as follows:

<u>Call Length</u>	<u>Fee</u>
0 - 45 minutes	\$ 30.00
46 - 60 minutes	\$ 37.00
61 minutes and above	\$ 7.00 per each additional 15 minute increment

There are no subscription fees and no special equipment is required to use this service.