

Telephone Appearance Guidelines
ALBANY DIVISION ONLY
Effective 8/1/07

Recent experience with telephonic appearances suggests the need for some guidelines regarding these appearances. Our intent is to be reasonable and as accommodating as possible while still preserving the efficiency and productivity of the court. We welcome out-of-town counsel's participation by telephone for certain proceedings, subject to the following guidelines and provisions.

~Under no circumstances may any participant record or broadcast the proceedings conducted by the Bankruptcy Court.

~For non-default motions, absent specific permission, an appearance is required by out of town counsel or through local counsel.

~If the court sets a telephonic hearing, or indicates that an adjourned proceeding may be held telephonically, a request is not required.

~ A party wishing to appear telephonically must make a request to chambers via FAXED letter (518-431-0192) **no less than** 48 hours prior to the scheduled hearing (ie:Monday for a Wednesday hearing; Tuesday for a Thursday hearing). Exceptions will be made in cases of emergency or hearings set on extremely short notice. This request should be by FAX ONLY - do not ECF file this request.

~ The letter requesting a telephone appearance should include the case name, number and date and time of hearing. The letter should also include the name of the party/attorney that wishes to appear and a phone number to contact the requesting party. The letter should also state the reason the telephonic appearance is being requested.

~All requests will be addressed on a case by case basis and chambers staff will contact the requesting party regarding the approval of the request. Should the court be unable to process your request, and you do not receive a response - your appearance will be required personally or through local counsel.

~ The requesting party will need to electronically file **AND** fax a letter **CONFIRMING** the telephone appearance, and within that letter provide their contact number.

~ All phone conferences will be initiated by the court.

~ The court will make every effort to contact the parties at the scheduled time of the hearing, however, the court may not always be on time due to calendar delays. Calendar delays may be excessive on motion days. Parties will be expected to **remain available** regardless of the hour, and should be prepared to adjust their schedules accordingly.

~ To ensure the quality of the record, the use of car phones, cell phones, digital speaker phones or any public phones is prohibited - except in extreme emergency. Participants should be able to hear all parties without difficulty.

~ If you have received permission to appear telephonically, and you fail to respond to the phone call the court may proceed with the matter, or treat the failure to respond as a failure to appear. Individuals appearing telephonically are cautioned that they do so at their own risk.

~ Sanctions may be imposed when there is any deviation from the instant procedures or where the court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include denying the matter for failure to appear; adjourning the hearing; proceeding in the absence of the unavailable participant; a monetary sanction of \$100 or more; or a permanent prohibition against a person appearing telephonically.

~ The court views these procedures as a privilege for the convenience of the parties. Abuses of these procedures will result in the cancellation of these privileges for the offending parties.

Questions regarding telephonic appearances may be directed to:

**Elizabeth Wolf, Courtroom Services Manager
518-257-1615**

**Theresa O'Connell, Courtroom Deputy
518-459-6859**

**Susan Skinner, Judicial Assistant
518-257-1668**