

Memo

To: All attorneys that practice in the Lubbock, Amarillo, Abilene, and San Angelo Divisions
From: Judge Robert L. Jones
Date: September 27, 2023
Subject: Hearings in the Lubbock, Amarillo, Abilene, and San Angelo Divisions - for posting on the Court's website, <https://www.txnb.uscourts.gov/>

This Memorandum supersedes the November 19, 2021 Memorandum that addresses court hearings in the Lubbock, Amarillo, Abilene, and San Angelo (L, A, A, and S/A) divisions. The November 19, 2021 Memorandum was issued to direct the manner of hearings in the L, A, A, and S/A divisions and to coincide with the then-Northern District's General Order 2021-06 that governed hearings in the Dallas and Fort Worth Divisions. Given the expiration on September 21, 2023 of the "temporary exception to the Cameras in the Courtroom policy" that was adopted by the judiciary to accommodate the health and safety concerns during the COVID-19 pandemic, Chief Judge Jernigan has issued General Order 2023-05 that addresses hearings going forward in the Dallas and Fort Worth Divisions. General Order 2023-05 supersedes General Order 2021-06. As with new General Order 2023-05 for the metroplex divisions in the Northern District, this Memorandum establishes how hearings will be conducted in the L, A, A, and S/A divisions.

1. Conduct of Hearings.

Hearings in the L, A, A, and S/A divisions will be conducted either (a) remotely (by video and telephone via the Court's WebEx platform¹), (b) in-person (before the Court in the courtroom), or (c) in a hybrid mode (enabling participants to appear in-person or remotely), as set forth below. The below procedures shall apply in all cases and proceedings, subject to the discretion of Judge Jones or other presiding judge.

2. Format for Docket Calls in the L, A, A, and S/A Divisions.

(a) Lubbock Division: The regularly scheduled dockets for cases in the Lubbock Division will be conducted in-person. Attorneys, particularly non-Lubbock attorneys, may, with the Court's permission, appear remotely by video (WebEx) or by phone.

(b) Amarillo and Abilene Divisions: The regularly scheduled dockets for the Amarillo and Abilene Divisions will be conducted remotely—by WebEx or

¹ The WebEx meeting/dial-in-information for hearings will be posted on the Court's website, www.txnb.uscourts.gov, under Judge Jones's Hearing Dates and Calendar tab prior to each hearing.

by telephone.

(c) San Angelo Division: The regularly scheduled dockets for the San Angelo division will be conducted by video with attorneys and other participants appearing in-person in the San Angelo courtroom (as was the case prior to the COVID-19 Pandemic). Non-San Angelo attorneys may, with the Court's permission, appear remotely (by phone only) for the San Angelo docket.

3. Adversary Proceedings and Contested Matters.

Remote attendance is generally *not* permitted for hearings or trials in adversary proceedings and contested matters (raised by motion in the bankruptcy case) where witness testimony is required. The Court may, upon a finding of good cause and compelling circumstances, authorize remote testimony by a witness. *See* Fed. R. Civ. P. 43.

4. Designated Complex Chapter 11 or Chapter 15 Cases.

Under General Order 2023-05, the Court concluded there exists good cause and compelling circumstances to justify permitting remote-only hearings in all "First-Day" hearings in Complex Chapter 11 or Chapter 15 cases.

5. Hybrid Hearings.

All other types of hearings not identified above may be conducted in a hybrid mode, where participants will be authorized to participate either in-person or remotely; **provided that** the Court may, in its discretion, direct that any hearing be conducted in-person.

The Court does not guarantee that computer connectivity or telephonic service will not be interrupted during the course of any hearing. If the hearing is being conducted in a hybrid mode, those who elect to participate remotely do so at their own risk, understanding that except in extremely rare circumstances the Court will not entertain a request for continuance of the hearing based upon technological failure or any disadvantage experienced on account of an election to attend remotely instead of in-person.

6. Exhibits and Demonstrative Aids.

For all hearings, all exhibits must be filed on the docket, by no later than the date that they are required to be exchanged pursuant to the Court's Local Rules or any applicable scheduling order. To comply with such requirement, any party intending to introduce documentary evidence at the hearing must file an exhibit list in the case using the "notice" or "list (witness/exhibit/generic)" event in ECF, with a true and correct copy of each designated exhibit filed as a separate, individual attachment thereto, so that the Court and all participants have ready access to all designated exhibits on an exhibit-by-exhibit basis. For voluminous exhibits, please consult Judge Jones's local exhibit requirements or contact the courtroom deputy, as it may be necessary for you to provide the Court with an exhibit notebook or

electronic file in advance of the hearing. For any witness who is to be called to testify remotely, the party calling the witness is responsible for supplying the witness or counsel, as appropriate, with paper copies of all designated exhibits of all parties prior to the hearing. Demonstrative aids and Power Points should also be filed prior to the hearing, if possible. Participants should contact the courtroom deputy for Judge Jones if they have any questions regarding the format, exhibits, or any other requirements for hearings.

7. Notice to Members of the Public.

While the Judicial Conference of the United States relaxed its broadcasting policies during the COVID-19 Pandemic due to restrictions placed on in-person attendance at hearings and trials, these policies expired on September 21, 2023 and are no longer in effect. As a result, remote video access to Court hearings shall ***only be available for case participants*** (parties-in-interest and their professionals) and non-case participants are not permitted to attend any hearing by remote *video* means. In certain circumstances, non-case participants may be permitted to attend proceedings by remote audio means, but only if no witness testimony is to be provided. The presiding judge may take any action deemed necessary or appropriate to address any unauthorized remote attendance at a hearing or trial. For the avoidance of doubt, members of the public will continue to generally be permitted to attend proceedings in person, in the courtroom.