

Memo

To: All attorneys that practice in the Lubbock, Amarillo, Abilene, and San Angelo Divisions
From: Judge Robert L. Jones
Date: June 16, 2021
Subject: Hearings in the Lubbock, Amarillo, Abilene, and San Angelo Divisions

General Order 2021-06, issued June 14, 2021 and made effective July 1, 2021, addresses court hearings going forward in light of improved conditions of the COVID-19 Pandemic. The order applies to hearings in the Dallas and Fort Worth Divisions. It does not address hearings in the Lubbock, Amarillo, Abilene, and San Angelo (L, A, A, S/A) divisions. This memorandum governs dockets and hearings going forward in these four divisions, beginning July 1, 2021.

1. Format of docket calls and hearings in the L, A, A, and S/A Divisions.

As set forth in General Order 2021-06, hearings may be conducted remotely (by video and telephone), in-person (before the Court in the courtroom), or in a hybrid mode (participants appear in-person or remotely), as set forth below. **Subject to the discretion of the presiding judge, who may supplement or amend the following requirements for any docket call, case, or proceeding at any time, hearings for the L, A, A, and S/A divisions will be conducted as follows:**

a. Lubbock Division

The regularly scheduled dockets for cases in the Lubbock Division will be conducted in-person. Non-Lubbock attorneys who wish to appear remotely for the Lubbock docket will be permitted to participate by video (WebEx) or by telephone with Judge Jones's permission.

b. Amarillo and Abilene Divisions

The regularly scheduled dockets for the Amarillo and Abilene Divisions will be conducted remotely—by WebEx or 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.

d. In-Person Hearings

The Court will hold in-person hearings where all participants will appear in the courtroom for all trials, motions, and other matters set in adversary proceedings, and in all contested matters in main bankruptcy cases requiring multiple witnesses or time estimates of over one hour, other than in Complex Chapter 11 Cases described below.

Consistent with the requirement for each courthouse in each division, people who have been fully vaccinated for COVID-19 are no longer required to wear masks or other face coverings or physically distance themselves from others while in the courtroom. A person who has not been fully vaccinated is required to wear a mask or face covering and to maintain distance from other persons.

e. Hybrid Hearings

The Court will allow hybrid hearings, where participants will be allowed to participate either in-person or via WebEx, for all other matters not addressed above, or when parties who are unable to appear in-person request permission and obtain approval to appear via WebEx. Any hearing set as a hybrid hearing may be converted to a remote hearing with consent of all parties and approval of the Court.

The Court does not guarantee that telephonic service or computer connectivity will not be interrupted during the course of a hearing. If the hearing is being conducted in hybrid format, those who elect to participate in a hearing by WebEx 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.

f. Designated Complex Cases

For any chapter 11 case designated as a complex case under Appendix E of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas, all hearings will, consistent with General Order 2021-06, be conducted remotely with no in-person attendance permitted; provided that upon timely request made to the Court, the Court may, in its discretion, authorize a hearing in a complex chapter 11 case to be conducted in an in-person or hybrid mode instead of remotely if all affected parties have consented to the alternative mode (in which case all participants at the hearing must comply with all of the requirements applicable to the alternative mode so authorized).

2. Exhibits and Demonstrative Aids

For all hearings conducted remotely or in a hybrid mode, all exhibits must be filed on the docket of the case or adversary proceeding, as applicable, by no later than the date that they are required to be exchanged under 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. For voluminous exhibits, please consult the 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 prior to the hearing. Demonstrative aids and Power Points should also be filed prior to the hearing, if possible.

Participants should contact Christi Graham, Courtroom Deputy for Judge Jones, if they have any questions regarding the format, exhibits, or any other requirements for hearings.