

ELIGIBILITY CRITERIA AND PROCESS FOR REMOTE HEARINGS¹

I. CRITERIA FOR APPEARING AT REMOTE HEARINGS

- (A) Appearance at a remote hearing is limited to instances in which:
- (i) a party seeks only to observe; or
 - (ii) a party's appearance is necessary only to place on the record a consent or a scheduling agreement; or
 - (iii) the total length of the hearing is not reasonably expected to exceed 15 minutes; or
 - (iv) the hearing is a status hearing in a chapter 7, 12 or 13 case; or
 - (v) the hearing is a status hearing in a chapter 11 case, and the Court has granted the party permission to participate remotely; and
 - (vi) the hearing meets one of the above criteria for remote participation, is properly noticed, and the Court has not directed that the parties must appear in person in the courtroom; or
 - (vii) though it might not appear to meet the above eligibility criteria, the Court has specified at a prior hearing that the parties may appear at this particular hearing remotely.
- (B) Unless specifically authorized by the Court, remote hearings may not be used for participation in:
- (i) chapter 11, 12 or 13 confirmation hearings;
 - (ii) trial or evidentiary hearings, or other hearings at which testimony is to be presented; or
 - (iii) hearings the parties reasonably expect to exceed 15 minutes.
- (C) Special Circumstances - remote hearings may also be used for:
- (i) emergency weather conditions, with permission of the Court;
 - (ii) appearance by trial witnesses, upon Order of the Court; or
 - (iii) extraordinary or other emergency circumstances, (i.e. health or safety concerns), with permission of the Court.

II. PROCESS FOR REMOTE HEARINGS

- (A) Appearance modalities in Court - Zoomgov video conferencing participation will be the sole modality for remote appearances. It replaces telephonic participation in courtroom hearings. (*There will be no participation in any hearings by telephone unless the participant gets special permission from the Court, in advance, based on exigent circumstances.*) No party will be required to appear remotely; in person appearance is always an option.
- (B) Participants appearing via Zoomgov must participate with both audio and video during their hearings, and have their video and audio turned off when they are not involved in the hearing taking place. (*The only exception will be if participant obtains permission to appear by audio only, which is essentially the same as appearing by telephone and thus will require advance permission, based on a showing of exigent circumstances.*)

¹ This appendix was created by Standing Order # 21-05 and shall be updated as needed herein.

- (C) Observers may not participate during hearings. They must disclose their presence as an observer at the commencement of the hearing using audio only, and otherwise must have their video and audio turned off during the hearing.²
- (D) Courtroom decorum must be maintained at all times. Whether one is in the courtroom or appearing via Zoomgov, the level of decorum expected is the same.
- (E) Hearing Notices: When noticing a motion (whether under the default or conventional procedure), the movant shall include the Zoomgov option in the notice of motion, see revised Vt. LB Forms U-1 and U-2. Each attorney or *pro se* party shall determine whether to appear via Zoomgov or in person based on:
- (i) whether it will serve their / their client's best interest to be in the courtroom, or to participate via Zoomgov; and
 - (ii) whether the presentation they intend to make falls within the eligibility criteria for Zoomgov participation.
- (F) If the hearing does not meet the Zoomgov criteria, either as filed, or as the result of an objection having been filed, and a party nonetheless appears at the hearing via Zoomgov, the scope of their participation will be limited, as set out above in the eligibility criteria, *e.g.*, the Court may limit or prohibit further argument at the hearing.
- (G) Notice of Motion language must specify the option and instructions for appearing via Zoomgov. See attached forms notices of motion for conventional procedure and default procedure (Vt. LB Forms U-1 and U-2).
- (H) Judge Determination. If the Court determines all parties presenting arguments must appear in person at a particular hearing, the Clerk's Office may make a notation on the case docket, no later than three (3) business days prior to the hearing indicating that all parties who wish to be heard at the hearing must appear in person. (*Others who wish only to observe may do so via Zoomgov, as long as they make arrangements with the courtroom deputy in advance.*)
- (I) Notice to Courtroom Deputy. Anyone who wishes to appear at a hearing via Zoomgov must notify the courtroom deputy by email, at Jody_Kennedy@vtb.uscourts.gov, not later than 10 a.m. the day before the hearing, specifying at which hearing(s) they intend to appear and by what screen name. All participants must have a clear and accurate screen name for ease of identification during hearings.

² To analogize to being physically present in the courtroom, attorneys who are "participating" remotely would be sitting at the counsel table, and those who are "observing" remotely would be sitting in the gallery area and thus not permitted to speak during the hearing.