

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

NEW OPTIONS FOR HEARINGS

The Court will continue to use primarily the telephonic hearing process that has been in place since mid-March. However, the Court will begin using two additional options for conducting hearings – video and in-person.

Background

Because we had hoped that the Court's inability to conduct in-person hearings would be short term, we did not change some of our hearing notices to state that hearings are telephonic, and those notices provide for in-person hearings. Instead we relied on the separate notices each Judge has posted on our Website, in the Communications section at the bottom of their specific page – found at the Judges' Info tab of www.insb.uscourts.gov. Those notices announce the change to telephonic.

Many hearing notices in Chapter 13 cases are generated automatically and still state that the hearing is being conducted in Court. This noticing is part of the "block scheduling" process used to populate the calendar for each Judge's omnibus Chapter 13 hearing time block.

We originally opted not to change the programming of those notices – again, relying on each Judge's separate instructions. However, since the Courthouses reopened on July 6th, a few debtors – including some represented by counsel – have appeared at the Courthouse for a hearing.

As soon as possible, we are changing all hearing notices to show that the hearings will be telephonic. If the Court later decides to hear the matter using one of the new methods, a separate notice will be issued as discussed further below.

Your matter may already have a hearing notice telling you to appear in court, rather than by phone, as some matters are already set out into September and October. You should presume that those hearings will be conducted telephonically. If any of those matters are changed from telephonic to video or in-person you will receive a new notice of hearing.

For the foreseeable future, all matters set in each Judge's traditional Chapter 13 hearing block will be telephonic only, regardless of the information in the notice.
Attorneys: please ensure your clients understand.

Video Hearings

The Court may select certain matters for video hearing. The Court will be using an application called BlueJeans, which our District Court has used successfully for years. More information about BlueJeans can be found at <https://www.insb.uscourts.gov/sites/insb/files/BLUEJEANS-FAQ.pdf>

And

<https://www.insb.uscourts.gov/sites/insb/files/INSB-BLUEJEANS-PARTICIPANT-GUIDE.pdf>

Both documents are posted in the COVID-19 section of the Court's website.

A matter selected for video hearing may already have a different notice setting the hearing as telephonic or, if the notice was issued some time ago, setting the hearing for in-person. Again, watch for the most recent notice in your matter. The video hearing notice will include specific instructions for participating. As part of the video hearing process, you may also receive other communication from the Judge's Courtroom Deputy.

In-Person Hearings

On and after September 1st, the Court may set matters for in-person hearing. However, use of this option will be quite limited. The challenges of maintaining social distancing and cleaning the courtrooms between hearings severely restrict the number of hearings that can be scheduled in-person.

Again, a matter may be set for in-person hearing after you have received a different notice about the hearing. Always check for the most recent hearing notice in the case.

Participating by Video or In-Person

The Judges may have provided updated information about their practices for video and in-person hearings in the Communications section at the bottom of their specific Web page.

For video hearings, note that only those specifically invited to participate by video may do so. Others can participate by phone. Do not share video link information unless specifically authorized to do so by the Court.

For in person hearings, remember that facial coverings are required in every federal courthouse in the District. Visitors will also be asked a short set of health screening questions by security personnel – mostly as a reminder of the symptoms which should prompt you to refrain from entering. Each judge has the discretion to allow

removal of face covering while in the hearing, but do not do so unless the Judge has authorized.

Expect to see the following changes in each courtroom:

- Plexiglass guards around the bench and court staff stations
- Reconfiguration, removal, or blocking of furniture, particularly chairs
- Additional instructions or signage about social distancing

Please be respectful of court staff and seek their guidance before approaching them.

Conclusion

We recognize that the Court's processes have changed frequently since mid-March and appreciate your patience and understanding. If you ever have any questions about what method the Court will be using to conduct your hearing, feel free to call the Judge's Courtroom Deputy.

July 30, 2020

/s/ Kevin Dempsey
Bankruptcy Clerk