IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

CHAPTER 13 CASES

ORDER REGARDING USE OF COURTCALL CONFERENCE SERVICES
IN CHAPTER 13 CASES

AND NOW, this **4th** day of **January, 2012,**

WHEREAS the Court has elected, on a trial basis from February 2012 through April 2012, to make CourtCall, LLC, available for parties to participate telephonically on *most* Chapter 13 matters (see below) that are scheduled on *published Chapter 13 motions days only.* The Court will determine after the trial period if use of CourtCall will continue;

WHEREAS the Administrative Office of the United States Courts has negotiated an agreement with CourtCall, LLC, for telephonic court appearance services;

WHEREAS the Court has determined that telephonic participation by counsel and parties in interest can be beneficial to attorneys, debtors, creditors and the Court;

WHEREAS the Court has determined that as a courtesy counsel and parties in interest may be permitted to participate in certain hearings via telephone;

It is **ORDERED** that counsel and parties in interest (hereafter , "party" or "parties") may appear telephonically and in order to do so must

1. Pay the current fee charged by CourtCall;

2. Register with CourtCall no later than noon one business day before a scheduled hearing (should counsel's client plan to attend a hearing, both counsel and client must attend together, either in person or via CourtCall);

3. Register with CourtCall dial 888-882-6878 or fax request to 888-883-2946;

4. Registrants must provide CourtCall with the following information:

    a. case name and number;
    b. the name of Judge conducting the hearing;
    c. the hearing date and time(s);
    d. the participant's name, address and telephone number;

e. the party or parties whom the participant represents; and
f. the matter(s) on which the participant wishes to be heard or whether the participant intends to monitor the proceedings in "listen-only" mode, and
g. any other information required by CourtCall.

As of the date of this Order, the agreement between the Administrative Office and CourtCall provides the following fee schedule for each participant:

- $30.00 for the first 45 minutes that the attorney is connected and
- An additional $7.00 for each 15 minute increment thereafter.

If an attorney disconnects during the hearing, the attorney is billed only for the entire number of minutes the attorney is connected for the day (the initial connection fee of $30.00 for the first 45 minutes and $7.00 for each 15 minutes thereafter).

It is **FURTHER ORDERED** that in order to participate by telephone counsel must be in compliance with Local Rule 9010 regarding admission to practice before the Bankruptcy Court for the Western District of Pennsylvania.

It is **FURTHER ORDERED** that counsel may not charge the client for the CourtCall fees. Unless the Court orders otherwise, the election to call into a hearing rather than to appear in person is solely that of counsel. However, if the client dials in to CourtCall on a separate telephone, the client must pay CourtCall's fees inasmuch as telephone participation is offered strictly as a courtesy.

It is **FURTHER ORDERED** that, except as provided below, any party filing a motion, application or other pleading, including without limitation, an objection or response thereto, may participate telephonically on any published Chapter 13 day unless otherwise ordered by the Court.

It is **FURTHER ORDERED** that telephone participation is not permitted in the following matters and all parties in interest must appear in person:

1. Any matter in which a party was ordered or directed to attend in person;
2. Show Cause hearings.

It is **FURTHER ORDERED** that failure to comply with the following by any party appearing via telephone, including those participating in "listen-only" mode, may result in the Court terminating the party's telephonic appearance and disconnecting the party from the call:

1. Use of a speaker phone is prohibited;
2. Car phone, cellular phone, or phones located in public places is prohibited;
3. All parties must use their "mute" buttons when not speaking;

4. Placing the Court on 'hold" during the call is prohibited;
5. Conversations with any party, other than the Court is prohibited;
6. Any interference with the call, including background noise which disturbs the proceedings, is prohibited;

It is **FURTHER ORDERED** that all parties appearing telephonically must dial in to the call ten (10) minutes prior to the scheduled start time for such hearing. Calling in ten minutes prior to the scheduled start time is required even though the Court, based on its docket for that day, may not start the hearing until after the scheduled time. In that event, parties who wish to participate must remain on the line until the case is called. The Court will not call the case a second time. Parties who do not appear when the case is called will be deemed to have waived their appearance and the Court will proceed with the hearing. Likewise, the Court will not vacate an Order entered due to a party's failure to appear when the case is called.

It is **FURTHER ORDERED** that any party who registers to appear telephonically but fails to so appear and also fails to appear in person in court shall be deemed to have defaulted and the Court will proceed with the hearing in the absence of that defaulting party. Likewise, the Court may enter an order adjudicating the matter.

Judith K. Fitzgerald
U.S. Bankruptcy Judge