

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas
ENTERED

In re:

Adoption of Contingency
Plan to Address Possible Public Health
Limitations on Court Operations

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§
§

General Order 2020-4

MAR 09 2020

David J. Bradley, Clerk of Court
By Deputy Clerk A. M. Calip

**ORDER ADOPTING HEARING PROTOCOLS THAT MAY BE IMPLEMENTED
UNDER CERTAIN PUBLIC HEALTH OR SAFETY CONDITIONS**

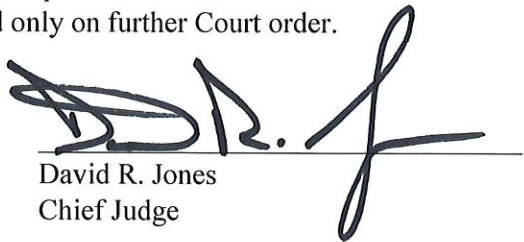
The Court is aware of public concern about a potential outbreak of the Coronavirus. Although no public health emergency has been declared, the Court has determined that the adoption of a protocol for public health emergencies that impact court operations is appropriate. By adopting a protocol in advance of an emergency, parties-in-interest may be better able to comply with exigencies that may arise.

The Court adopts these principles:

1. The due process rights of all parties-in-interest must be protected.
2. During a public health or safety emergency, the number of hearings that are held should be minimized.
3. Required hearings should be conducted in a manner to minimize in-person attendance that could enhance the spread of a contagious disease.
4. If technology is utilized to conduct hearings, the technology should be made widely available, at no or low cost to hearing participants.
5. Statutory hearing deadlines must be respected.
6. The Court should minimize hearings that are mandated only by rules of procedure, local rules, or court orders.
7. Court personnel be allowed to work from remote locations, as appropriate.
8. Hearings must be conducted in a manner to preserve the appellate rights of parties-in-interest.
9. The protocol should be implemented, if ever, only on a division-by-division basis and should be modified as circumstances warrant on the date of adoption.

In furtherance of those principles, the Court adopts the attached Protocol. The Protocol will be available for implementation only if a need arises, and only on further Court order.

March 9, 2020.


David R. Jones
Chief Judge

PROTOCOL FOR EMERGENCY PUBLIC HEALTH OR SAFETY CONDITIONS

Purpose and

- Implementation:**
1. This protocol applies in all bankruptcy cases and proceedings when parties, witnesses, judges or staff are unable to attend scheduled hearings due to a declaration by state, local or federal officials that limit or restrict the Court's ability to hold hearings. The protocol will be invoked on a division-by-division basis when ordered by the Chief Judge of the United States Bankruptcy Court. If the Chief Judge is unavailable, the protocol may be ordered by any bankruptcy judge. The order invoking this protocol will be posted on the Court's website and distributed by the Clerk to all CM/ECF users by email. The order will include appropriate modifications, as circumstances warrant. The invocation of the protocol will be terminated by a termination order, also posted on the Court's website and distributed by email. The period from the invocation through the termination of the protocol is the Protocol Period.
 2. Hearings may be scheduled or rescheduled by the Court to be heard during the Protocol Period:
 - a. The hearings will be conducted electronically.
 - b. Notice of chapter 13 panel hearings will be done by a notice posted by the chapter 13 trustees on the trustee's website, which will be accessible by a link posted on the Court's website. Unless otherwise ordered by the Court, chapter 13 panel hearings will only be heard if there is a statutorily imposed deadline for the conduct of the hearing, such as the deadline imposed by 11 U.S.C. § 1324(b). The chapter 13 trustees will post a hearing calendar that contains only matters with statutorily imposed deadlines.
 - c. Notice of all other hearings will be entered on the docket of the case by the Clerk in each case in which a hearing is scheduled by the Court.
 - d. Parties and counsel are responsible for monitoring the Court's website and the dockets of their cases.
 - e. Electronic attendance at hearings is required on the same basis as would otherwise be required for attendance at hearings in the absence of the invocation of this protocol.
 3. During the Protocol Period, hearings may be held by the judge assigned to the case, or by any other bankruptcy judge.
 4. After the Protocol Period, the Court may reschedule previously canceled hearings to be conducted in the ordinary course.

Electronic Hearings:

Personal attendance at electronic hearings will not be permitted, except as ordered by the Court. The Court will simultaneously use two technology methods to conduct electronic hearings. One method will provide audio communication. The other will provide video communication:

Audio Communication

1. Audio communication will be by use of a dial-in number. Attached to this protocol as Exhibit "A" is a list of each judge's dial in number and conference code. Attorneys, witnesses, and parties-in-interest wishing to participate in the hearing must connect to each hearing by audio communication.
2. The audio portion of the hearings will be recorded using external recording technology associated with the telephone dial-in number. If the Court's digital recording system is inaccessible, these recordings will be made available to the public in accordance with the Clerk's standing policy and will constitute the official Court record.
3. Each person who speaks at an electronic hearing must restate that person's name each time that the person speaks. This information will assist any transcriber of the audio recording.

Video Communication

1. In addition to the requirements of Bankruptcy Local Rule 9013-1, exhibits must be filed on CM/ECF in advance of the hearing. Each exhibit must be filed as a separate attachment to an Exhibit List. The Court will review the exhibits from CM/ECF. Exhibits must be offered into evidence by reference to the CM/ECF docket number of the filed exhibit.
2. Parties may participate in electronic hearings by use of an internet connection. The internet site is www.join.me. Persons connecting by mobile device will be required to download a free application. The download must occur prior to the commencement of the hearing.
3. Once connected to www.join.me, each participant must select to "Join a Meeting". The code for joining meetings for each judge is listed on Exhibit "A". The next screen will have a place for the participant's name in the lower left corner. Please complete the name and click "Notify".

Witness Participation

1. Each witness must appear by both audio and video connection.
2. Witnesses may utilize a phone camera or other video device to appear by video. If the Court directs a witness to appear by video, the witness must authorize the Join.me website to access the camera on the witness's device.

The third widget from the right at the top of the screen is a video camera. Do NOT utilize the video camera unless the Court requests that you do so.

3. The Court will administer the oath over the audio connection.
4. Unless otherwise ordered by the Court, witnesses who are required to appear by subpoena must comply with the subpoena by both audio and video connection.
5. The Court may allow parties-in-interest to utilize the Join.me website to present documents or other presentations. If so, the Court will allow the party-in-interest to become a presenter of a presentation.
6. Attached as Exhibit "B" are screen shots of Join.Me screens to assist in the logon process.

**Requests for
Emergency
Hearings**

During the Protocol Period, emergency hearings must be requested in accordance with the local rules. In addition, you must send an email to the Judge's staff member and to the Emergency Request Hotline. The Emergency Request Hotline will be monitored by the Clerk's office. Exhibit "C" contains email information for each staff member to be contacted and for the Emergency Request Hotline.

**Self
Calendaring and
Hearing Settings**

Except as otherwise ordered or as provided in the "Motions for Relief from the Stay" section of this protocol, no hearings may be self-calendared by any filing or notice that is filed during a Protocol Period. If a hearing is required during the Protocol Period, the person seeking the hearing must file a motion for emergency consideration and request the hearing by contacting the appropriate person on Exhibit "C". If a hearing is required after the Protocol Period, the person seeking the hearing must request the hearing by contacting the appropriate person on Exhibit "C" after the conclusion of the Protocol Period.

**Section 341
Meetings**

Section 341 meetings of creditors will be conducted electronically.

**Motions for
Relief from Stay**

Motions for Relief from the automatic stay must be self-calendared for hearing on the Court's published available dates. Hearings on those motions will be conducted electronically.

**Statutory
Deadlines**

Statutory deadlines remain in effect.

**Court Imposed
Or Rule Imposed
Deadlines**

All Court imposed deadlines, all deadlines imposed by local rule, and all deadlines imposed by the Federal Rules of Bankruptcy Procedure are tolled for the Protocol

Period. The tolled deadline will be computed by adding the number of days in the Protocol Period to the original deadline. For example, if a deadline is June 22, 2020 and the Protocol Period runs from June 19, 2020 through June 24, 2020, the new deadline is June 29, 2020 (accounting for the fact that the new deadline would expire on a weekend, so the deadline is extended through the following Monday).

**Variance from
Protocol**

Each Judge may vary this protocol on a case-by-case basis.

Amendments

As circumstances warrant, this protocol may be amended on an emergency basis by majority vote of the participating judges. Any amendments will be published on the Court's website and distributed by email to all CM/ECF users.

EXHIBIT “A”
Audio and Video Participation Information

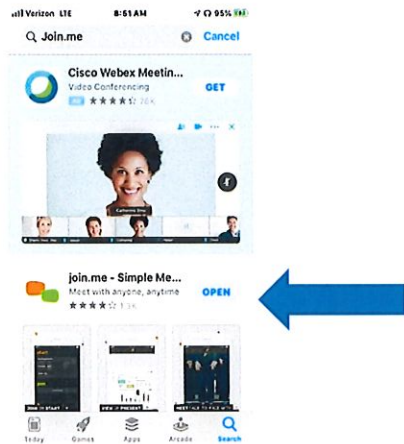
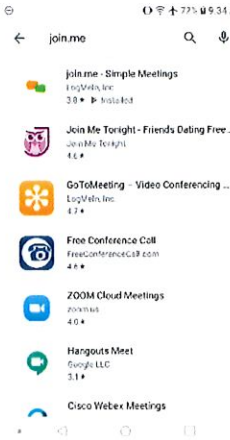
Judge	Dial in Phone Number	Conference Code Number (Phone)	Meeting Code Name (Video) ¹
Judge Isgur	(832) 917-1510	954554	JudgeIsgur
Judge Jones	(832) 917-1510	205691	JudgeJones
Judge Lopez	(857) 232-0158	369427	JudgeLopez
Judge Norman	(712) 770-8095	159497	JudgeNorman
Judge Rodriguez	(712) 775-8972	999276	JudgeRodriguez

¹ One word, with no spaces.


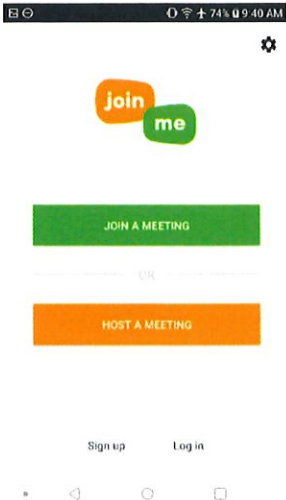

EXHIBIT “B”

Join.Me Screen Assistance

1. Downloading app to a device:

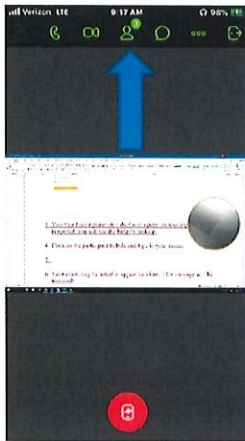
Apple Devices	Android Devices
<p data-bbox="289 520 691 611">Search in App Store for “Join.Me”:</p>  <p data-bbox="289 1157 740 1247">Open and download to the device.</p>	<p data-bbox="873 520 1312 611">Search in Google Play for “Join.Me”:</p>  <p data-bbox="873 1146 1325 1236">Open and download to the device.</p>

2. Joining the Meeting:

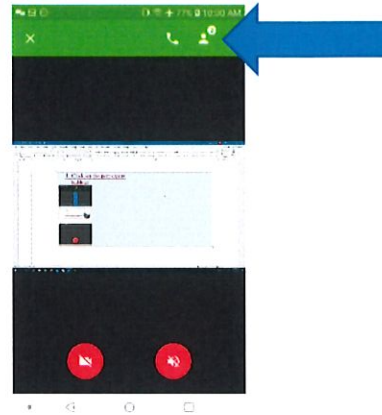
<p>Open the Join.Me app on the device:</p>  <p>Type in the Meeting Code from Exhibit “A”</p>	<p>Open the Join.Me app on the device:</p>  <p>Type in the Meeting Code from Exhibit “A”.</p>
<p>If you receive this screen, please cancel:</p> 	

3. You may have a pause until the Court opens the meeting. When it is opened, you will see the Judge’s desktop.

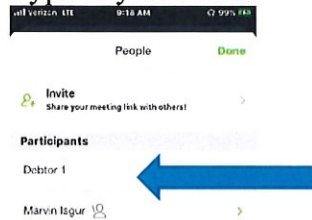
4. Click on the participant bubble:



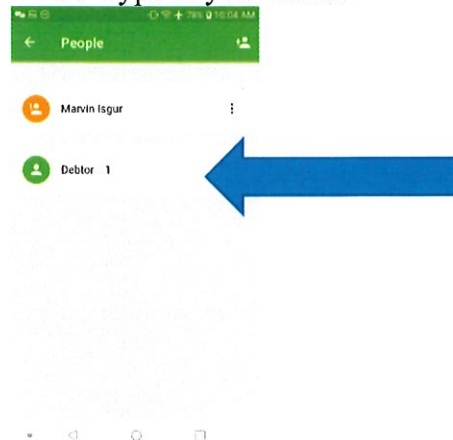
4. Click on the participant bubble:



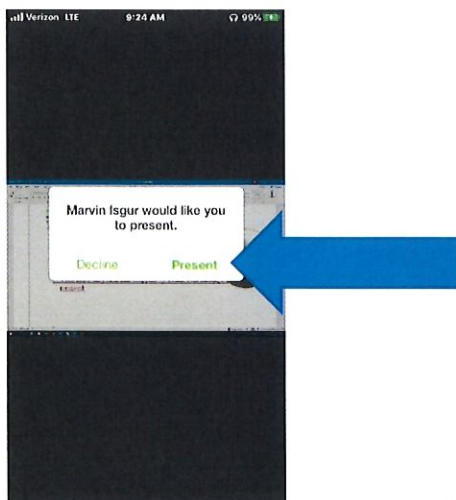
5. Type in your name:



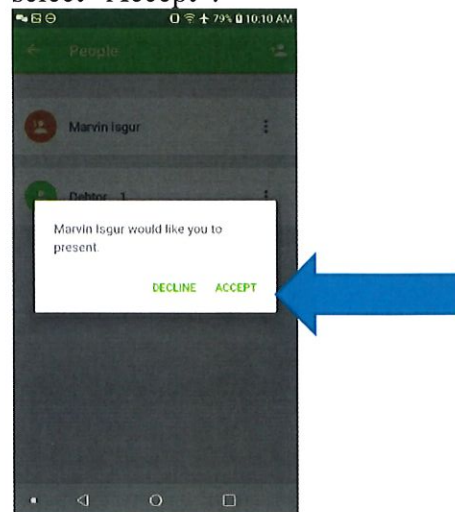
5. Type in your name:



6. Your client may be asked to appear by video. This message will be received and your client should select "Present":



6. Your client may be asked to appear by video. This message will be received and your client should select "Accept":



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If you receive this screen, click “Close”:



<p>7. Click on the camera icon at the top:</p> <p>A screenshot of a document viewer. At the top of the screen, there is a camera icon. A large blue arrow points upwards from the bottom of the screen towards the camera icon. The document content is partially visible, showing text about a hearing.</p>	<p>7. Go to your home page and activate your camera.</p> <p>A screenshot of an Android home screen with various app icons. A large blue arrow points from the right side of the screen towards the camera app icon, which is located in the second row, third column of the app grid.</p>
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EXHIBIT “C”
Emergency Hearing Contact Information

Judge	Primary Contact	Secondary Contact	Emergency Hotline
Judge Isgur	Linhthu_Do@txs.uscourts.gov	Tyler_Laws@txs.uscourts.gov	Emergencyhearings@txs.uscourts.gov
Judge Jones	Albert_Alonzo@txs.uscourts.gov	Vriana_Portillo@txs.uscourts.gov	Emergencyhearings@txs.uscourts.gov
Judge Lopez	Rosario_Saldana@txs.uscourts.gov	Kimberly_Picota@txs.uscourts.gov	Emergencyhearings@txs.uscourts.gov
Judge Norman	Cristina_Camarata@txs.uscourts.gov	Mario_Rios@txs.uscourts.gov	Emergencyhearings@txs.uscourts.gov
Judge Rodriguez	Norma_J_Chavez@txs.uscourts.gov	Ana_Castro@txs.uscourts.gov	Emergencyhearings@txs.uscourts.gov