

To: All members of the Idaho Bar and their assistants:

The Bankruptcy Judges of the District of Idaho invite you to join them in a Zoom meeting to discuss the Bankruptcy Court's procedures utilized during the COVID pandemic. The Zoom meeting will occur on **January 6, 2021 from 12:00 p.m. MST to 1:00 p.m. MST**. Please join the meeting by 11:45 a.m. on that date, using the link below, to ensure that all technical issues are resolved before the meeting begins.

Since November 2020, the Bankruptcy Court for the District of Idaho has been conducting most evidentiary hearings and adversary trials using Zoom technology rather than live hearings. Other hearings are being conducted by telephone. Please join us for the Zoom meeting to hear about procedures, best practices, and discussion of things to come.

We also want the opportunity to hear from you about what works and what does not work. All attorneys and their assistants are welcome to attend. For your information, a copy of a sample Zoom order being used by the Bankruptcy Court is attached.

CLE Credit Pending Approval.

Join ZoomGov Meeting:

<https://www.zoomgov.com/j/1613059891?pwd=Y0QzcitsWUIML0JuYlNHNDVjN1FkQT09>

Meeting ID: 161 305 9891

Passcode: 908494

One tap mobile

+16692545252,,1613059891#,,,,,0#,,908494# US (San Jose)

+16468287666,,1613059891#,,,,,0#,,908494# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

Meeting ID: 161 305 9891

Passcode: 908494

UNITED STATES BANKRUPTCY COURT

DISTRICT OF IDAHO

IN RE:

John Q. Public,

Debtor.

Case No. 20-10001-JMM

Chapter 11

NOTICE OF ZOOM VIDEO HEARING AND ORDER

Pursuant to Federal Rule of Civil Procedure 43(a), made applicable by Federal Rules of Bankruptcy Procedure 9017 and 9014, the Court concludes the current COVID-19 pandemic provides good cause and compelling circumstances to take testimony and evidence on the matters identified herein through a Zoom video hearing with the appropriate safeguards as set forth below. Therefore,

YOU ARE HEREBY NOTIFIED that the hearing on Confirmation, Dkt. No. 55, shall be heard via Zoom video hearing on Wednesday, January 6, 2021, at 12:00 p.m. Participants will be placed in the Zoom waiting room until the Court starts the hearing and invites participants into the main hearing session. In order to conduct the video hearing,

IT IS HEREBY ORDERED that:

1. **Prior Notice of Intent to Participate:** Counsel and parties representing themselves who plan to participate in the video hearing and/or call witnesses shall provide notice to the Courtroom Deputy, Deborah Jenson at Deborah_Jenson@id.uscourts.gov, no later than 12:00 p.m. Mountain Time on the business day preceding the date of the hearing. Such communication shall include:
 - a. The names, email addresses, and telephone numbers of all video participants or witnesses. All participants and witnesses shall be available at the identified telephone numbers on the day of the hearing; and
 - b. The participants' intent, or lack thereof, to seek sequestration of witnesses pursuant to Federal Rule of Evidence 615.

The Courtroom Deputy will provide the video Zoom link to the participating parties identified in the email. It is the responsibility of the participating party to provide that link to his/her witnesses as parties designating a witness have

the responsibility, subject to the Bankruptcy Rules, of assuring the presence of the witness at trial. **Such communication does not satisfy nor negate the participants' responsibility to timely provide and exchange witness and exhibit lists and exhibits to the Court and opposing parties as required by Court order or local rule.**

2. **Exhibits:** The parties shall comply with any Court order and local rules regarding the identification and exchange of witness and exhibit lists and exhibits. In addition:
 - a. The parties shall deliver their identified exhibits to the party participants and the Court (an original exhibit set and a judge's copy) in paper format. The parties can elect to deliver the original exhibit set in paper format and the judge's copy in electronic format.
 - b. The parties must also provide the exhibits to participants in electronic format such that the participants may disseminate the exhibits to their identified witnesses. It is the obligation of the party identifying a witness to provide his/her witnesses with all the exhibits, those identified by the party and those identified by all other parties.
 - c. A party shall be prepared to identify an exhibit at issue during questioning and share their screen to allow all parties to identify and address the exhibit.
 - d. If a party intends to utilize rebuttal exhibits, he or she shall be prepared to transmit such exhibits electronically to the Court and other participating parties during the hearing.
3. **Witness Testimony:** The Court will administer the oath to each remote witness during the video hearing and it shall have the same effect as if the witness was sworn in by the Court in person. As additional safeguards:
 - a. No person, including counsel, shall be permitted to be in the same room with any remote witness unless specifically and expressly authorized by the Court before the witness begins testifying.
 - b. No person shall communicate in any manner with a witness during his or her testimony, except by direct examination and cross-examination on the record, unless specifically and expressly authorized by the Court before the communication takes place.
 - c. Remote witnesses shall have before them only the exhibits provided to the Court for consideration in connection with the matter(s) set for hearing and no other documents or data.
 - d. The Court or any party may request that the witness display identification or request that one or more participants verify the identity of the witness if there is any question about the identity of that witness.

4. **Conduct during the Video Hearing:** While conducted through video technology, this is an official Court proceeding and an audio record is being made. In order to preserve the integrity of that record:
 - a. Participants should use a headset, headphones, earbuds, or similar equipment and should not use the microphone and speakers built into their devices unless the device has first been tested and proves not to create feedback in Zoom hearings.
 - b. Participants shall keep their devices on mute when not talking as part of the proceeding.
 - c. Pursuant to Dist. Idaho Loc. Civ. R. 83.1, no person may record the proceedings from any location by any means. The audio recording maintained by the Court shall be the sole basis for creating a transcript that constitutes the official record of the hearing.
 - d. Participants shall strive to conduct themselves in the same manner as they would in open court including identifying themselves before speaking, exercising civility, and dressing appropriately.
5. **Public Hearing and Access:** This is a public hearing. Any person wishing to listen to the hearing via telephone may call 1-669-254-5252, enter the following Meeting ID: XXX XX XXXX; and Password: XXXXXX.