



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO
OFFICE OF THE CLERK**

Notice to the Bar and the Public

**RE: SOUTHWESTERN DIVISIONAL OFFICE - NOTICE REGARDING
TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE BRIAN TESTER**

Effective immediately the following procedure shall apply:

I. POLICY GOVERNING TELEPHONIC APPEARANCE

Telephonic appearances are allowed in hearings before Judge Brian Tester with the exception of trials and evidentiary hearings (all counsel and all witnesses must appear in person) and; such other matters that are designated by the Court as requiring a personal appearance. Motions to modify, lift stay or continue the stay and confirmation hearings, are normally evidentiary in nature and will require personal appearance, unless previously excused.

Parties requesting telephonic appearance must comply with PR Local Bankruptcy Rule 9074-1. If the telephonic appearance is granted by this court, it will **only** be allowed through **Court Call**, an independent conference call company, pursuant to the procedure set forth in this notice.

Before the hearing, the parties should check Judge Tester's Calendar on the web PACER system and review any Tentative Ruling concerning the matter on calendar. If the court has issued a Tentative Ruling prior to the hearing, each individual who appears telephonically should have reviewed the Tentative Ruling prior to the hearing.

If an individual schedules a telephonic appearance and then fails to respond to the call of a matter on calendar, the court may pass the matter or consider the failure to respond as a failure to appear. Scheduling simultaneous telephonic appearances in multiple courts does not excuse a failure to appear.

Individuals making use of the conference call service are cautioned that they do so at their own risk. Hearings generally will not be rescheduled due to missed connections.

II. SCHEDULING A TELEPHONIC APPEARANCE

By telephone: Absent an emergency, telephone appearances may be arranged by calling **Court Call** at (866) 582-6878 not later than 3:00 p.m. the court day prior to the hearing date.

III. PROCEDURE FOR TELEPHONIC APPEARANCE USING COURT CALL

Court Call will provide counsel with written confirmation of a telephonic appearance, and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. **Court Call** does not place a call to counsel.

Telephonic appearances are connected directly with the courtroom's public address system and electronic recording equipment so that a normal record is produced. To ensure the quality of the record, the use of car phones, cellular phones, speakerphones, public telephone booths, or phones in other public places is prohibited except in the most extreme emergencies. Participants should be able to hear all parties without difficulty or echo.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear the case before yours just as if you were in the courtroom. After your call is connected to the courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

Telephonic appearances by multiple participants are only possible when there is compliance with every procedural requirement. Sanctions may be imposed when there is any deviation from the required procedures or the Court determines that a person's conduct makes telephonic appearances inappropriate. Sanctions may include dropping a matter from calendar, continuing the hearing, proceeding in the absence of an unavailable participant, a monetary sanction, and/or permanent prohibition against a person appearing telephonically.

In San Juan, Puerto Rico, this 24th day of March, 2009.



Celestino Matta-Méndez, Esq.
Clerk of the Court

09-07