

Hon. Douglas Tice and Hon. Kevin Huennekens
United States Bankruptcy Judges
Eastern District of Virginia, Richmond Division

Committee members met with Judges Tice and Huennekens in a joint meeting. Overall, the Judges were both very complimentary of the bar, stating that the lawyers do a good job of making the difficult cases easy.

The scheduling of hearings and docket days were discussed. Right now, the Judges normally both hold hearings on the same days in an attempt to accommodate attorneys' schedules, allowing them to avoid multiple trips to Court in a given week. The Judges are open to adjusting the scheduling of hearings if the bar would prefer not to have hearings in both courtrooms on the same day, but so far, the schedule they've worked out seems to be working well for the Court.

Regarding the issue of cell phones in the Courthouse, both Judge Tice and Judge Huennekens have entered orders allowing attorneys to bring cell phones and other electronic devices into the Courthouse for certain cases, particularly in the larger bankruptcies, such as Circuit City and LandAmerica. However, the general rule regarding allowance of cell phones in the Courthouse is determined by the District Court, of which the Bankruptcy Court is a part. With regard to allowance of cell phones in section 341 meetings of creditors, the Judges recommended talking with the U.S. Trustee's Office, as they are in charge of 341 meetings. In general, the Judges do not have a problem with attorneys having their cell phones in the courtroom, so long as they are mindful of keeping them silenced, particularly during hearings. For now, if attorneys wish to bring cell phones, laptops or other electronic devices into the Courthouse they will need to file a motion and contact chambers so that an order can be entered and provided to the Marshals.

The Judges want to remind all attorneys to be sure that they comply with deadlines. They have seen several attorneys get caught missing deadlines, particularly related to filing a certification that a debtor has completed the required financial management course. If more time is needed, the Judges recommend filing a motion to extend the deadline before the deadline passes. The Judges also pointed out that they have begun sanctioning attorneys who repeatedly miss deadlines and have to file motions with the Court to address a dismissal or other problem resulting from the missed deadline.

The Judges also want to remind the bar that there are several local rules that will be changing as of December 1, 2009, particularly related to time computation. The changes are designed to bring the Bankruptcy Court's time computation rules into alignment with the District Court's local rules and the Federal Rules of Civil Procedure. The Judges recommend that everyone review these rule changes carefully to make sure that they fully understand their impact.

The Judges would also like to see attorneys make more use of the technology available in the Courtroom for presentation of evidence at hearings and trials. For those attorneys who would

like to have all exhibits submitted to the Court in electronic format rather than on paper, the Judges suggest that the attorney make a motion to the Court to submit exhibits only electronically. For those attorneys who would like some instruction on how to make use of the technology available in the courtrooms, the Judges indicated that an attorney may contact chambers to request an appointment with the Courthouse IT personnel for an individual training session.

The Judges' Courtroom Deputies had a few comments and recommendations. There is no longer a live court reporter in the courtroom. All testimony and arguments are recorded and forwarded to an outside company for transcription. The Courtroom Deputies also take notes during the hearings. Because there is no longer a live court reporter in the courtroom, it is important that attorneys and witnesses speak clearly into a microphone so that the tape recorder can pick up everything that is spoken. It is also important that only one person speak at a time to avoid confusion in the transcription. The Courtroom Deputies also want to remind all attorneys that they should avoid talking during the calling of the docket if possible, as it is sometimes difficult for them to hear the responses from the attorneys in the courtroom. Overall the Courtroom Deputies agreed with the Judges that the bar does a very good job of following the procedural requirements of the Court and assisting the Court in making cases and hearings move along smoothly.