

BANKRUPTCY ^{UP}DATE

April 20, 2020

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Tips for Telephonic Hearings and Conferences

Though the Bankruptcy Bar for the District of South Dakota is quite experienced handling hearings and conferences by telephone, they are now, by necessity, prevalent in the legal world. As such, Law Clerk Kay Cee Hodson and Courtroom Deputy Nita Sarvis thought they would share a few tips gleaned from our and other courts' experiences in hopes you find them useful for telephonic hearings and conferences before Judge Nail and other judges. Here is their **Top Ten**:

10. Make sure Courtroom Deputy Nita Sarvis has **three different telephone numbers** for you: (1) your desk number; (2) your office's general number; and (3) your cell phone number. She will treat your desk number as the preferred number to use unless you instruct her otherwise. If you will be working from home for the next few months, please let Nita know and she will treat your cell phone as the preferred number. And please let her know of any changes at least the day before the hearing, not ten minutes before the hearing. Nita's office telephone number is (605) 945-4477 and her e-mail address is Nita_Sarvis@sdb.uscourts.gov.

9. Use a landline telephone when possible. If you have to appear by cell phone, don't drive while attempting to participate in a hearing or conference. Pull over in a safe place.

8. Though they are now common in office settings, **avoid voice-activated telephone systems.** When they are used, counsel often talk over one another and may not hear when the Court has moved on. If you have a voice-activated landline, your cell phone may work better. Let Nita know your preference.

7. Don't use your speaker phone unless someone else in the room also needs to hear. Speaker phones create echoes and whines for others on the call. Wear a headset if you need your hands free. Attorneys from the same firm should, when possible, be on separate phones.

6. Be ready to receive the Court's call a few minutes early. If we are running notably late, we will make every effort to let you know your hearing or conference has not been forgotten.

5. Identify all persons with you before the hearing or conference begins, even if they do not intend to speak. For example, if you have a client or a summer intern in your office, let Nita know when she calls you or, if we are using a conference call-in for a particular hearing or conference, let Judge Nail know when he takes appearances.

4. Identify yourself each time you speak, especially if Judge Nail or Nita may not be familiar with your voice or if there are many participants on the call.

3. Courtroom etiquette is still important. "Good morning, your honor," "Yes, your honor," "Thank you, your honor," and referring to the trustee and other counsel with appropriate deference will ensure each hearing or conference is given the

same respect and attention as if we were all in the courtroom. In a similar vein, we encourage you to laugh just as hard at Judge Nail's "jokes" as you would if we were in the courtroom. Understanding *Star Wars* references, which we do not, seems to help.

2. Mute your telephone when you are not speaking. This cuts down on extraneous sounds, such as the rustling of papers or everyone hearing you holler at your assistant because you just spilled coffee all over your desk.

And, as David Letterman* might say, the Number 1 Telephonic Hearing or Conference Tip is:

1. Don't wait until the morning of the hearing or conference to discuss the scheduled matter with opposing counsel or the trustee or to submit an agreed order.

* For those under 40, David Letterman was a major network, late-night talk show host who often had "top ten lists" intended to elicit humor.

Link

[Previous Bankruptcy ^{UP}dates](#)

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.