

New Motion Docket Procedures and Protocol for Telephonic Hearings Before Hon. Shelley D. Rucker

Procedure for Participating on Hearing Docket Calls

Dial the AT&T (toll-free) teleconferencing number: **(877) 336-1829**

Enter access code: **4289323**

Fifteen minutes before the 11:00 a.m. or 1:00 p.m. docket, Ms. Tanya English, the courtroom deputy, will open the telephone line and announce that this is the line for the docket for Judge Shelley Rucker for the United States Bankruptcy Court for the Eastern District of Tennessee.

Every five minutes before court begins, Ms. English will make the same announcement.

One minute before court begins, Ms. English will announce, “Ladies and Gentlemen, this is Tanya English, the courtroom deputy for Judge Rucker. Please put your phones on mute so that others will not be distracted by background noises. Recording of the following proceeding is prohibited by Eastern District of Tennessee Local Bankruptcy Rule 5073-1. I will be opening court in just a minute. Please listen for announcements that may affect your case at the beginning and then listen for your case to be called.”

To open court, you will hear the gavel strike three times. Then Ms. English will announce “Hear ye, hear ye, hear ye, the United States Bankruptcy Court for the Eastern District of Tennessee is now in session. Judge Shelley D. Rucker will be presiding. Please put your phones on mute.”

Judge Rucker’s Protocols for Telephonic Hearings

1. **No Recording.** Despite being held telephonically, this is a court proceeding. The proceedings are being recorded. You do not need to make your own record, and, in fact, any other

recording violates a long-standing rule that we have had in this court. E.D. Tenn. LBR 5073-1. If you are recording a hearing, you need to stop immediately.

2. **Rules of Professional Conduct Apply.** Because this is a federal court proceeding, the Rules of Professional Conduct still apply. Even though this proceeding may seem less formal because you are on the phone, it is not. I will expect everyone to behave as though they were in court; and if you are an attorney, you should comply with the Rules of Professional Conduct.

3. **Limitation on Announcements.** To ensure that we proceed in an orderly manner, I will take announcements from the Chapter 13 trustee's office only at the beginning of the call for all settings. In the past, Ms. Weibert has made many of the announcements on the 1:00 docket settings, and I have asked her to make all of the announcements for the afternoon settings at one time. As an alternative, attorneys may give Ms. English announcements in advance of the hearings, but she will make those announcements when we reach that matter on the docket.

Announcements given "in advance" to Ms. English must be submitted to her by 4:30 p.m. on the Wednesday prior to the Chattanooga motion docket and on the Friday before the Winchester motion docket, preferably via email stating how the parties have disposed of the matter. You must include the substance of the announcement, not just that you have one. If you have not received a confirmation from Ms. English that she has received your announcement, you need to plan on calling in.

I will let Ms. Weibert set her own deadline and terms for receiving announcements.

4. **Procedures When Your Matter Is Called.** When your matter is called, I will confirm appearances of parties interested in the matter. Take your phone off mute unless you are concerned about noise. In that case, only take it off mute when you need to speak. Do not talk over one another. I will call on you to make sure I have heard everyone's argument.

I will hear from the movant first and then any opposition. If we need proof, I will set an off the record scheduling call for a later date. On the scheduling call with the parties, I will discuss the issues and the need for witnesses and exhibits, and we will determine how and when to proceed to an evidentiary hearing.

On a regular docket day, I do not intend to take any proof that requires more than five minutes. Generally, proof given on the docket call would be limited to such things as confirming employment or providing reasons meetings were missed or similar short answer responses. Matters like valuation and good faith will be specially set for another date. I hope that most matters can be resolved before the hearing and that unresolved issues will be narrowed at the scheduling call. I want to minimize the amount of contact between the parties in an actual hearing. I hope that a side effect of these new procedures will be that debtors will have fewer interruptions in their work or caregiving responsibilities.

5. COVID-19 Telephonic Hearing Notices. Remember to include the new telephonic hearing paragraph in your notices for matters which are set for hearing. The language can be found in Chief Judge Parson's Notice filed on March 15, 2020 on our website, <http://www.tneb.uscourts.gov/covid-19-notices>

For hearing notices, I have instructed my staff to check these notices and deny without prejudice within 48 hours of filing any motions that lack the required notice language. We are not giving several months of grace as we did with other notice changes. Requiring someone to come to court has become a matter of public safety for them and anyone else with whom they come in contact as they make an unnecessary trip. **Failure to make the necessary changes in your forms may result in sanctions.**

You do not need to include the COVID-19 Telephonic Hearing Notice if you are using passive notice. Continue to use the passive notice legend in E.D.Tenn. LBR 9013-1(h)(2). In the event opposition to the motion is filed,, the court will add the telephonic hearing notice in the order setting the hearing.