

**UNITED STATE BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
(Lafayette and Lake Charles Divisions)**

PLAN FOR CONDUCTING HYBRID HEARINGS

A. Background and Purpose

Since the onset of the COVID-19 pandemic, most hearings before the Lafayette and Lake Charles Divisions of the United States Bankruptcy Court for the Western District of Louisiana (collectively, the “Court”) have been conducted remotely. The Court plans to reopen the Lafayette Bankruptcy Courtroom on April 4, 2022.¹ The purpose of this Court Reopening Plan is to set forth and adopt guidelines for conducting court proceedings using a “hybrid” model.² Through this Plan, the Court intends to (i) ensure due process while minimizing attendance costs, (ii) maximize the Court’s flexibility to address the specific needs of individual cases, and (iii) safeguard the health and safety of Court staff, practitioners and parties.

B. Compliance with Safety Protocols

All individuals attending in-person hearings in this Court must adhere to applicable Orders entered by the United States District Court which set forth requirements for entering the federal building located at 800 Lafayette Street, Lafayette, Louisiana. Those orders may be found at: <https://www.lawd.uscourts.gov/>.

C. Technology

1. Virtual Access

Video and audio will be broadcast utilizing WebEx. The existing WebEx link and dial-in number will remain unchanged, and are as follows:

For video with computer audio:

<https://us-courts.webex.com/meet/kolwe> (no access code is needed)

For audio access only (no video):

Dial-in/US/Canada: 1-650-479-3207
Access Code/Meeting Number: 180 551 9492

¹ The Lake Charles Courthouse remains closed due to damages sustained from Hurricane Laura in August 2020. The Court anticipates reopening the Lake Charles bankruptcy courtroom upon the reopening of the Lake Charles Courthouse, which should occur sometime in the fourth quarter of 2022. Until that time, and unless otherwise ordered by the Court, all hearings in Lake Charles bankruptcy proceedings will continue to be held remotely.

² “Hybrid” hearings are those that simultaneously involve both in-person and remote participants.

2. Courtroom Technology

The courtroom is equipped with video cameras that are focused on the bench, the podiums and the witness stand, thereby ensuring that, for hybrid hearings, those individuals participating remotely can see all participants in the courtroom. The courtroom is also equipped with touchscreen monitors at the bench, podiums, witness stand and counsel tables. For more information regarding courtroom technology and its use, please see Judge Kolwe's Chambers' Procedures found at: <https://www.lawb.uscourts.gov/content/judge-john-w-kolwe>.

3. Eligibility to Participate by Video

It is each attorney participant's responsibility to ensure that both he or she and his or her client/witness have remote access to the Court. To that end, by choosing to attend a hearing remotely, the attorney is representing that he or she has the appropriate equipment and technology to allow for remote attendance. The Court reserves the right to require any participant to attend in person, particularly if such participant routinely encounters problems connecting remotely, including without limitation the lack of enough connection speed to attend hearings by video.

D. Conduct of Hearings

All parties-in-interest are encouraged to attend and participate in routine hearings by remote connection. Subject to the balance of this section, and unless an in-person appearance is ordered, parties-in-interest may choose to attend any hearing in-person or remotely. For remote appearances, the Court prefers participation by WebEx video over telephone appearances.

1. Chapter 13 Hearings

- a) The Court's chapter 13 calendar will continue to be sorted by the last name of the Debtor's attorney. The Court will also continue to provide the estimated time at which a particular debtor's attorney's first case of the day will be called.
- b) In-person attendance is permitted by any party-in-interest, except *pro se* debtors, who must appear in person.
- c) The Court may continue a hearing for cause shown, on the oral motion of the chapter 13 trustee or any other party-in-interest, to

allow all parties to be present for an in-person hearing. Additionally, the Court reserves the right to continue a hearing when, in the Court's discretion, it determines an in-person hearing may be beneficial.

- d) The Court will require in-person, video appearance or an affidavit of fact³ on any matter where the facts are disputed. **Please note:** If appearance by video is planned, *the debtor and any other witnesses must be available at the time the case is called by the Court.*
- e) To maximize court efficiency, parties must notify Chambers ***by noon*** on the Monday before a scheduled Wednesday chapter 13 hearing if they anticipate the hearing may require extensive evidence or argument, or otherwise may take longer than usual. This will allow the Court to schedule the matter at a separate time if necessary.

2. Routine Chapter 7 and 11 Hearings

- a) Unless otherwise ordered, parties, counsel and witnesses may attend regularly scheduled chapter 7/11 non-evidentiary motions either in-person or by remote means.
- b) For applications to reaffirm debts, the Debtor, debtor's counsel and any party-in-interest who intends to cross-examine the debtor must appear in-person. Any other party-in-interest may present legal argument *pro se* or through counsel admitted to practice in this Court via WebEx.⁴

3. Contested Matters (Chapters 7/11) and Adversary Proceedings

- a) Unless otherwise ordered, parties, counsel and witnesses may attend any contested hearing in-person or by remote means.

³ **Please note:** Affidavits which set forth only conclusory statements, or only restate the contents of a motion/opposition, are not acceptable. Rather, affidavits must set forth statements of fact, with references to supporting documentation when appropriate, and supporting documentation should be attached to the affidavit. Otherwise, the witness should attend the hearing in person, or remotely, as allowed under this Plan.

⁴ **Lake Charles cases only:** The Court will conduct all hearings on applications to reaffirm debts via WebEx until the Courthouse reopens; accordingly, the debtor, debtor's counsel and all parties-in-interest must appear through remote means for these hearings.

- b) Unless otherwise ordered, trials must be attended in-person by parties, their counsel and witnesses. However, with consent of all parties and with prior Court approval, individual witnesses and/or litigants intending to present evidence may appear and participate in trials by remote means.

E. Exhibits

If a party-in-interest intends to introduce documentary evidence during a remote, hybrid or in-person hearing, the documents must be filed in CM/ECF prior to the hearing as follows. Each party's exhibit and witness list must be filed in CM/ECF, with each exhibit being filed as a separate attachment to the witness and exhibit list. For example, if there are three exhibits, and the next CM/ECF document sequence is 101, the witness and exhibit list will be ECF #101, exhibit 1 will be ECF #101-1, exhibit 2 will be ECF #101-2, and exhibit 3 will be ECF #101-3. The filing party is required to notify Chambers of the filing of the exhibits by email at kolwechambers@lawb.uscourts.gov at the time of filing of the documents.