

## MEMORANDUM

TO: All Counsel and Self-Represented Parties

FROM: Hon. Bonnie M. Wheaton

RE: Telephone Appearances through CourtCall, LLC ("CourtCall")

DATE: Effective August 15, 2014

In an effort to increase efficiency and reduce costs to litigants, telephone appearances will be allowed in cases heard by me in Courtroom 2007 in a pilot program commencing on September 15, 2014.

### SCHEDULING AND NOTICE

1. Except as provided through a specific order of Court, no telephone appearance will be allowed unless it is made through CourtCall, an independent audio and video conference servicing company.
2. CourtCall facilitates the telephone appearance of persons at hearings which have already been scheduled by regular means with the Court. CourtCall does not set or calendar hearings for the Court.
3. Telephone appearances must be arranged by contacting CourtCall by phone at (888)882-6878 or online at [www.courtcall.com](http://www.courtcall.com), no later than 10 AM on the court day preceding a hearing date, or with leave of Court. CourtCall will provide participants with a written confirmation of their telephone appearance and a number to call to make the telephone appearance.
4. Persons electing to make a telephone appearance shall notify all parties of the same either contemporaneously with any written notice of motion or via fax or e-mail (or, if the former are unavailable, by telephone) no later than Noon on the court day preceding a hearing date, or as directed by the Court.
5. Nothing in these procedures shall be construed as modifying the notice of motion requirements set forth in Supreme Court Rules or in the Rules of the 18<sup>th</sup> Circuit.

### Appearance Procedure

1. Only counsel of record and self-represented litigants may appear by telephone conference unless otherwise ordered by the Court.
2. It is the responsibility of the person making a telephone appearance to access the conference no later than five (5) minutes prior to any scheduled hearing, and to check in with the CourtCall clerk. Participants may be placed on "hold" until the case is called by the court clerk and shall be immediately available when the case is called.
3. Persons appearing by telephone shall state their name for the record each time they speak and shall participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearances.
4. To insure the quality of the record, persons appearing by telephone shall be in a quiet, private location. "Smart" phones are allowed, but the use of car phones, speakerphones, BlueTooth devices, and phones in public places is not permitted.
5. **No recording of court proceedings may be made by any person or by any means.**
6. Telephone appearances are limited to agreed orders, uncontested matters, routine status hearings, case management conferences unless otherwise ordered by the Court.
7. Agreed and uncontested matters involving persons physically appearing in court may be entertained first. Otherwise, the call will be heard in the order listed by the court call.
8. Existing Supreme Court Rules and Rules of the 18<sup>th</sup> Circuit regarding the making of a record by a court reporter or obtaining a transcript after a hearing shall apply to any hearing at which telephone appearances are made.

9. If a person schedules a telephone appearance and fails to respond when the matter is called, the Court may pass the matter or may treat the failure to respond as a failure to appear. Scheduling simultaneous telephone appearances in multiple jurisdictions does not excuse a failure to appear.
10. After an appearance, whether in person or by telephone, an order must be submitted in conformity with the direction of the Court by 10:30 AM of the same day as the appearance. Orders may be submitted in person, by fax to (630) 407-8815 or by e-mail to [Bonnie.Wheaton@18thjudicial.org](mailto:Bonnie.Wheaton@18thjudicial.org)

## COSTS

CourtCall is an independent service provider. By using the services of CourtCall, individuals are knowingly entering into a service agreement and are subject to any additional terms and conditions imposed by CourtCall and shall be solely responsible for any costs or other expenses incurred for those services. Under no circumstance shall the Court bear any costs for any remote appearance.

## REJECTIONS, REFUNDS AND SUSPENSION OF PRIVILEGES

1. The fact that a telephone appearance is scheduled with CourtCall shall not be construed as a determination that the telephone appearance is permitted by the Court. Parties and counsel are solely responsible for compliance with the Court's rules and procedures for telephone appearances. The Court reserves the right, at any time, to reject any telephone appearance in violation of these protocols or as otherwise necessary for the administration of justice. When the Court rejects a telephone appearance in advance of the telephone appearance commencing, the Court may order a refund of the deposited telephone appearance fee upon request of the affected person for good cause shown, accompanied by a proposed order, which if granted, may be forwarded to CourtCall by the affected person.
2. The Court reserves the right to halt any telephone appearance in progress on any matter and order the attorneys to personally appear at a later date and time. In such a case, no refund is permitted.
3. The Court reserves the right and sole discretion to suspend any person's permission to appear telephonically using CourtCall's services, to bar any telephone appearance in any case and to revoke the use of CourtCall service in its entirety at any time.
4. The rules contained herein may be modified at any time.