

## **Appearance at Hearings by Telephone**

### 1. When Appearance by Telephone are Permitted

*Preliminary Hearings.* Generally, counsel or parties may appear telephonically at preliminary hearings where no evidence is presented, pretrial conferences, and presentment hearings.

*Final Hearings.* Counsel or parties may appear telephonically at final hearings only with the consent of the Court. If you wish to appear at a final hearing by telephone, you should begin by contacting opposing counsel to see if there are any objections, and report the results of that check when you make your request to the Court at least one business day before the hearing. Generally, at a final hearing testimony will not be taken by telephone and persons appearing by telephone will not be permitted to present evidence.

### 2. How to Request Appearance by Telephone

To appear by telephone, send an e-mail message to the Court's staff using the e-mail address: **[jacobvitzstaff@nmcourt.fed.us](mailto:jacobvitzstaff@nmcourt.fed.us)**, at least one business day prior to the date of the preliminary hearing. The e-mail message must be sent to that e-mail address, and have a subject heading that includes the word "telephone" correctly spelled. The e-mail message also should include the name of who wishes to appear by telephone and who that person represents, the matter to be heard, the date and time of the hearing, the name of the debtor and case number, and the telephone number at which you wish to be called.

This is a sample message:

[jacobvitzstaff@nmcourt.fed.us](mailto:jacobvitzstaff@nmcourt.fed.us)

Re: [Debtor], Case [number], Request to Appear by Telephone

[Name] requests to appear by telephone at a hearing

[Name] represents [name of client] [or, as applicable, Name will appear pro se]

Hearing on: [name of matter to be heard]

Hearing set for: [date and time of hearing]

Case name: [Debtor], Case [number],

Telephone number to call: [insert telephone number]

### 3. Importance of Being Available at the Scheduled Time and Until You are Called

Preliminary hearings generally are scheduled on a trailing docket. If you have requested to appear by telephone, please ensure that you are available at the scheduled time and until you are called, and that your telephone line is free until you are called. If you are not available when called, for example if your telephone line is busy or if we are directed to voice mail, the Court may deny your motion or overrule your objection by default.