

*Policy on Telephonic Appearances*  
at hearings before the  
Honorable Jerry A. Funk  
Last revised – November 2, 2009

**LOCAL COUNSEL MUST APPEAR IN PERSON**

- I. Telephonic appearances are only allowed in the following matters before the Court:
1. Taylor, Bean & Whittaker hearings – no arguments, no cross-examinations;
  2. Bray & Gillespie hearings – no arguments, no cross-examinations;
  3. Scheduling and/or status conferences;

**COUNSEL WISHING TO APPEAR TELEPHONICALLY AT ANY OTHER TYPE OF HEARING BEFORE JUDGE FUNK MUST CONTACT THE COURTROOM ADMINISTRATOR AT (904)301-6566. IF APPROVED TO APPEAR TELEPHONICALLY, COUNSEL WILL BE REFERRED TO COURTCALL TO ARRANGE THE APPEARANCE. TELEPHONIC APPEARANCES ARE NOT PERMITTED IN JUDGE FUNK'S CASES THAT ARE BEING HEARD BY JUDGE GLENN ON A ROTATION BASIS.**

- II. Approved telephonic appearances must be arranged by contacting CourtCall at (866)582-6878 not later than 5:00 p.m. **eastern time** one day prior to the hearing date. Any request for a telephonic appearance made after the 5:00 p.m. **eastern time** deadline must be Court approved. CourtCall will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make the telephonic appearance. It is counsel's responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. CourtCall does not place a call to counsel. The initial charge per participant for a CourtCall appearance is \$30.00 for the first 45 minutes and then \$7.00 for each additional 15 minute increment. If you do not timely call and connect with the CourtCall operator, you will be billed for the call and the hearing will proceed in your absence.

Telephonic appearances via CourtCall are connected directly with the courtroom's public address system. To ensure the quality of the record, the

use of car phones, cellular phones, speakerphones, public telephone booths or phones in other public places is prohibited. Participants should be able to hear all parties without difficulty or echo. Counsel should cover the telephone handset or use the mute option when not talking to minimize background noise that is broadcast over the speaker system in the courtroom. Failure to do so may result in the inability of the court reporter to fully and accurately transcribe the statements of counsel and the call may be terminated.

At the time of your hearing, you may initially be in the listening mode in which case you will be able to hear the case before yours, just as if you were in the courtroom. After your call is connected to the courtroom, the Judge will call the case, request appearances, and direct the manner in which the hearing proceeds. Each time you speak, you should identify yourself for the record. The court's teleconferencing system allows more than one speaker to be heard, so the Judge can interrupt a speaker to ask a question or redirect the discussion. When the Judge informs the participants that the hearing is completed, you may disconnect and the next case will be called.

- III. Participation of counsel appearing by phone will be limited to a short statement or argument in support of or opposition to the relief requested. Counsel may not engage in extended argument or participate in the introduction of evidence or examination of witnesses if the court determines it is appropriate to receive evidence at the scheduled hearing.
- IV. If there is an equipment failure for any reason, the court will continue with the hearing without the participation of counsel appearing telephonically. While the court will not "default" the party because of counsel's inability to participate due to an equipment failure, counsel assumes the risk of the prejudice that may result from not being present in person and able to advance the party's points in favor of or opposition to the relief requested.