

Motion to Allow Witness to Testify by Video

Docketing Event

Motions/Applications/Objections > Motion to Allow

Negative Notice: N/A

Accompanying Orders: Yes. The Court prepares order.

Code and Rule References:

[Fed. R. Civ. P. 43\(a\)](#)

[Fed. R. Bankr. P. 9017](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/28/2017

Last Revision: 1/23/2018 9:46:51 AM

Description

Under Fed. R. Civ. P. 43(a) and Fed. R. Bankr. P. 9017, the Bankruptcy Court may permit a witness to testify from a different location via video “[f]or good cause in compelling circumstances and with appropriate safeguards.” Parties who can demonstrate such good cause should follow these procedures to request permission for a witness to testify by video.

Parties who wish a witness to testify by video must file a “Motion to Allow Witness to Testify by Video” at least 30 days prior to the scheduled trial, absent emergency circumstances.

The Motion must include: (1) the date and time of the trial; (2) the preferred date and time the party wants a witness to testify; (3) the name, location, and contact information for the proposed witness; and (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.

The Bankruptcy Judge will determine if the movant has established good cause to allow a witness to provide testimony by video.

If allowed, the Courtroom Deputy and the designated IT staff person together will arrange a video room and test connections with a sister court, if one is available, or another video facility.

If a sister court or another video facility can host the video testimony, the Courtroom Deputy will prepare an order granting the Motion, including time, date, place, and other details that the Bankruptcy Judge will consider.

If no video facilities are available, the Courtroom Deputy will prepare an order denying the Motion that the Bankruptcy Judge will consider.

Filing Checklist

Review the motion to determine if:

- The motion is signed;

- The motion has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- The motion is properly served and includes a proper certificate of service;
- The motion includes:
 - (1) the date and time of the trial;
 - (2) the preferred date and time the party wants a witness to testify;
 - (3) the name, location, and contact information for the proposed witness; and
 - (4) federal courthouses or other video facilities if there are no federal courthouses near the witness.