

**Haiku from the Zoom Waiting Room
(or, Our Courtroom Deputies Aren't Cephalopods Who
Can Reach Back While Doing Other Things and Rescue You):**

*Technology moves
Do not let it get past you
You'll be left alone*

By: Hon. Catherine Peek McEwen



Our bankruptcy court adopted “new” remote-hearing Zoom scheduling procedures in January 2024, more than a year ago. Not so new anymore, right? Why is it, then, that lawyers still do not follow the procedures? The procedures aren’t a secret; they aren’t hidden. They are posted on each of our judges’ webpages within the Court’s website. They are posted on our website within The Source in the Procedures Manual. And they are referred to in every hearing notice. We even have a how-to CLE posted in The Source’s CLE corner.

The Rules Regulating The Florida Bar require lawyers to be technologically competent. Rule 4-1.1 of the Florida Rules of Professional Conduct requires a lawyer to provide competent representation to a client. The comments address maintaining competence and state the following:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education, including an understanding of the benefits and *risks associated with the use of technology*, including generative artificial

intelligence, and comply with all continuing legal education requirements to which the lawyer is subject.¹

This means you must be proficient with the technological tools necessary to practice law. If you want to appear for hearings in our Court remotely — when a judge's procedures permit such — you must master the technological process of how to get into the remote hearing.

After a full year, lawyers should be registering for Zoom hearings in a timely manner so as not to risk missing an important hearing. Why is registering by the judges' respective deadlines important? Our courtroom deputies (CRDs) print the Zoom registration list at the end of the workday before the hearing day so that the judge will have a roll to call for each hearing. Those who do not register for a remote hearing by the published deadline the day before the hearing will not be on the list. Thus, late registrants will not be expected to appear by Zoom and, consequently, will be left stranded in the Zoom waiting room — at least in my cases. Our CRDs cannot be expected to keep checking the Zoom waiting room during a hearing docket at the same time they are operating the FTR Gold recording system (and monitoring its several frequencies), the backup recorder, and the Zoom audio and video controls, as well as endeavoring to maintain a real-time electronic speaker log by entering voice-identifying data when speakers change during the hearing. And, on top of that, the CRDs must respond to requests by the judge for information during the hearing. Yet our CRDs aren't cephalopods with eight arms!

The procedures mean (and sometimes say outright) that you must appear in person if you don't register on time. We are always happy to see you in person. But you may not be happy to have to come to the courthouse if you blow the deadline for registering for a remote appearance.

Perhaps you should provide a copy of this article to your scheduler. Neither you nor your scheduler should treat the Zoom registration deadline any differently than tickling a statute of limitation. Tell your scheduler that failure to register you on time will mean that he or she may have to drive you over to the courthouse.

For your convenience, below are hot links to all our judges' Zoom limitations and/or procedures pages, as well as the procedures memo in the Procedures Manual. Read them, follow them. And when you get to the actual registration page for each judge, read the instructions and input fields carefully and fill in the registration form correctly, including the hearing time *and* whether it is an a.m. and p.m. hearing.

¹ R. Regulating Fla. Bar 4-1.1 Cmt. (emphasis added).

Court Connection
Volume No. 14 – Issue No. 1
Winter 2025

(Note that the first field where you pick the date is not the place where you find the field to input your hearing time.) The link to the CLE program is also below.

If you do not follow the procedures for remote appearances, you may miss the hearing altogether unless you get to the courtroom in person and on time. Don't let technology leave you behind.

The Source's Procedures Manual Link

[Telephonic Appearances.pdf](#) (don't be fooled by the name of the PDF).

Jacksonville Judges

Judges Brown, Burgess, and Funk: [InPersonTrialNotice.pdf](#) (don't be fooled by the name of the PDF).

Judge Brown: [Judge Brown Remote Access.pdf](#)

Judge Burgess: [Judge Burgess Hearing Procedures.pdf](#)

Judge Funk: Remote access through Zoom is not available for remote appearances. Telephonic appearances before Judge Funk are through CourtCall.

Orlando Judges

Judge Geyer: [Judge Geyer Hearing Procedures.pdf](#)

Judge Robson: [Judge Robson Hearing Procedures.pdf](#)

Judge Vaughan: [Judge Vaughan Hearing Procedures.pdf](#)

Tampa/Fort Myers Judges

Judge Colton: [Judge Colton | U.S. Bankruptcy Court Middle District of Florida
Judge Colton Hearing Procedures.pdf](#)

Judge Delano: [Judge Delano Procedures Governing Court Appearances.pdf](#)

Judge McEwen: [Judge McEwen Hearing Procedures.pdf](#) (my CRD also posts the registration information on any proceeding memo concerning a hearing in which a subsequent hearing is scheduled).

How-to CLE Program

CLE Credits | Middle District of Florida (sign in at upper right-hand corner, then go to the CLE icon shown below, and then fast forward to the second segment in this multi-part CLE — unless you also want to learn about the Department of Education’s student loan discharge program, then start at the beginning).

JUDGE MCEWEN’S MENTORING
PROGRAM FOR NEW BANKRUPTCY LAWYERS

Program Title

HODGE PODGE FOR \$400