

MEMORANDUM

DATE: March 13, 2020

TO: Members of the Tidewater Bankruptcy Bar Association

FROM: Sara John, President, TBBA

SUBJECT: Conference Call with Chief Judge Santoro Regarding the COVID-19 Coronavirus Outbreak and Court Procedures

Today at 2:00 PM Chief Judge Santoro and Judge St. John convened a conference call to address concerns related to the COVID-19 coronavirus outbreak and procedures that the Court will implement to address those concerns. Below are my notes from the conference call. If you have any questions, please feel free to e-mail me at sara_john@epspc.com or call me at 757-498-9600 ext. 313.

The Court will implement procedures to minimize the impact to the end users of the system and to streamline the processes. These are emergency protocols only and the Court hopes to be back to business as usual as soon as possible. The protocols are a work in progress and can be altered if necessary.

The Court thanked everyone for their participation in the conference call. We have a need to work together within the confines of our ethical responsibilities and the adversary system. The Court encourages continued performance at the highest levels. The Court wants to minimize the impact of these issues.

The Court encourages counsel to settle case when appropriate. Our bar has the opportunity to shine in these adverse circumstances. The Judges and Clerks remain open to suggestions. E-mails can be sent to Chief Judge Santoro's chambers, to his career law clerk Cindy Wiegand, or to Greg Stefan.

The Court advised that once the new protocols are in place, there is plenty of room in our existing courtrooms to maintain the suggested social distancing of 6 feet. Hand sanitizers are already in the courtroom.

All Section 341 Meetings in March will be rescheduled and all deadlines that flow from the 341 Meeting date will be extended. 341 Meetings may be rescheduled for April.

Chief Judge Davis of the United States District Court entered an Order designed to minimize the number of people in the court building. The Order adjourns all criminal and civil jury trials as well as all grand juries for the next 45 days. The goal is to minimize the traffic through the turnstiles as much as possible.

Chief Judge Santoro will have the lecterns in the bankruptcy courtrooms removed for the time being and will allow counsel to sit at the tables and speak into the microphones. Water pitchers will also be removed for the time being. There are hand sanitizers and tissues in the courtroom.

The Court encourages counsel to do everything humanly possible to resolve matters before the Court without compromising the needs and objectives of your client.

All Section 341 Meetings in the Eastern District will be cancelled through March. The federal building will remain open until the GSA closes it, which it has not done. The Order regarding the cancellation of 341 Meetings may be altered or amended for a specific case to make accommodations (for example in a Chapter 11 case). The United States Trustee's office will work with the Court to reschedule all cancelled hearings. The United States Trustee's staff is working and prepared to administer cases.

Mike Cotter or a staff member will be at the 341 Meeting room on Monday, March 16 in case anyone shows up. All attorneys with 341 Meetings on Monday should notify their clients as soon as possible. The Trustee's offices will attempt to notify pro se litigants.

Naturalization hearings are also cancelled through the end of April.

Documents that are required to be provided in advance of the 341 Meetings will be required to be provided in advance of the adjourned meeting date.

If you have a client that is not able to make it to you to provide a wet signature and there is a deadline approaching or an emergency, the requirement for a wet signature can be temporarily waived. The wet signature will have to be provided at a date in the future.

Counsel should notify the courtroom deputy by letter of a request to continue a hearing for a client that is not able to appear in Court due to symptoms of COVID-19 coronavirus.

The Court is considering entering an Order extending deadlines depending on what happens. There is a possibility that all deadlines may be extended (for example the deadlines in §§ 362, 521, 1112, 1327, and the deadline to file a plan and complete schedules). The Court is also considering extending the time for payment under agreed orders on motions for relief from stay. We can't allow the circumstances to deprive litigants of the opportunity for a fresh start.

Please stay tuned. There could be further developments. Counsel is encouraged to be flexible to meet the needs of all end users. The Court needs everyone's perspective.

Tuesday's (March 17) Norfolk docket will go on as planned. Counsel should try to eliminate what can be taken off the docket. When in Court, please maintain sufficient social distancing. Thursday's (March 19) Norfolk docket and Friday's (March 20) Newport News docket will use the new protocols. The jury box in the courtrooms will be open if necessary to maintain social distancing.

The Court would like to thank everyone for their cooperation. This is an opportunity to show what our bar can do. The Court looks forward to hearing from the bar.