

STANDING ORDER REGARDING TELEPHONIC STATUS HEARINGS

Dogs bark. Toddlers whine. Toilets flush. The Court has heard all of these during telephonic status hearings. The Court has also heard Metra conductors announcing the next stop, Starbucks' baristas calling out orders, and Daley Center clerks shouting out case numbers. This is a problem.

Federal Rule of Civil Procedure 1 instructs the Court to employ the rules, in part, to secure an inexpensive determination of every action. As a result, after the parties' initial appearance at the scheduling conference under Rule 16, the Court often allows most subsequent status hearings to occur telephonically. The Court recognizes that many counsel who have matters pending in the Stanley J. Roszkowski United States Courthouse are located in Chicago, Illinois, and other distant locations. Indeed, the Western Division alone spans ten counties, ranging from the Fox River to the Mississippi River. Accordingly, the Court has attempted to accommodate counsel by allowing telephonic status hearings to save them travel time and their clients' money.

The Court holds telephonic status hearings in Courtroom 5200, where the calls are recorded. The Court treats these status hearings as though counsel were physically appearing before the Court, and presumes that counsel would treat the status hearings in the same manner.

But having conducted telephonic status hearings for nearly three years, it is painfully apparent that some – certainly not all – counsel view telephonic status hearings as an opportunity to multi-task. A telephonic status hearing should not be viewed as an opportunity to pick up dry-cleaning or play Tetris. Oftentimes, counsel will call into status hearings while driving. On those occasions, the Court wonders about the safety of those around counsel, counsels' ability to focus on both tasks, and the quality of legal representation counsel is providing to their clients.

In addition to multi-tasking, it has become painfully apparent that some counsel have forgotten that telephonic status hearings are an accommodation to them and an additional burden on the Court. As a result, the Court's operations specialist is often required to speak with a bureaucratic blockade of administrative staff and be forced to listen to Muzak while counsel is located, or worse yet, be placed into voice mail. Additionally, some counsel call in from locations with cellular reception equivalent to a submarine or have cellular providers that have a penchant for dropping calls. Some counsel simply do not answer the Court's call at all – the equivalent of not appearing. Some counsel provide the wrong telephone number.

These behaviors must stop. Accordingly, the Court requires the following for all telephonic status hearings.

- Counsel must provide the correct, *direct* telephone number where they can be reached.
- Counsel must be in a quiet location, free from noise and distractions. A prime example of a good location would be counsel's desk.

- Counsel's telephone must provide clear reception. A landline would help in this regard.
- Counsel must answer the Court's telephone call.

If the Court determines that any of these requirements has not been met, it will bar counsel from appearing telephonically and thereafter require counsel to personally appear. Barred counsel will only be allowed to appear telephonically after a motion seeking leave to appear telephonically has been filed, presented, heard and granted.

Counsel who are unwilling to abide by this standing order have three options: (1) obtain local counsel, (2) stop taking cases in the Western Division or (3) physically appear in court.