



Make Me Smile About Your Orders (and Your Professionalism and Competence)

By: Hon. Catherine Peek McEwen

The look and content of your proposed orders are a reflection of your professionalism and even your competence. Ten tips on how you can polish up that reflection:

1. Proof your orders carefully, including the title and proper punctuation (e.g., no commas before a dependent clause, please); do not delegate that last look to a paralegal.
2. Don't know whether it's an order granting or sustaining or approving (or their opposites) your request for relief? Check the Court's Style Guide! It's available here (and includes sample order formatting): [Style Guide | U.S. Bankruptcy Court Middle District of Florida \(uscourts.gov\)](#).
3. If our Court has an approved form of order, use it (and don't embellish it)! Check the Court's Procedure Manual for our approved forms of order. It's available here: [Procedure Manual Guide \(uscourts.gov\)](#).
4. Want to get an agreed order entered? Check out Local Rule 9072-1(d) for the five permissible methods. (You can't simply recite in the order that the parties agree—or title it an agreed order—because how in the world would I know that? I shouldn't have to confirm that with opposing counsel.)
5. Speaking of agreed orders, if you include the parties' verification at the end of the order to signify consent, the signatures may not be electronic ("/s"); you must file a scanned signature page that contains the necessary signatures or use the signature block and attestation by the submitting attorney that includes the declaration set out in Local Rule 1001-2(g)(3).

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6. Want to get an amended order entered? Check out Local Rule 9072-1(e) for that how-to.
7. If the proposed order resolves a dispute that is currently set for hearing, be sure to include in the order: “The hearing set for [fill in the date and time] is canceled.”
8. For chapter 13 cases filed on or after August 1, 2020, or that are being administered using the most recent version of our Model Chapter 13 Plan: When preparing an order that confirms termination of the automatic stay based on the debtor’s failure to provide treatment for the movant in the debtor’s chapter 13 plan (e.g., secured creditor’s collateral being surrendered or debtor paying the creditor outside the plan), do not include a decretal paragraph that requires the debtor to move to reimpose the stay if the plan is modified to treat the movant. Per Administrative Order Prescribing Procedures for Chapter 13 Cases Filed on or After August 1, 2020, Admin. Order FLMB 2020-7, such motion is no longer necessary.
9. Do not include in the proposed order rulings that the Court never made. That is a credibility killer.
10. If a paralegal drafts your proposed orders, please hand this column to the paralegal and make sure he or she reads it—and agrees to make you handle the final proofing.

Now I’m smiling!