

Rule 1073-1

ASSIGNMENT OF CASES

(a) ***Initial Assignment of Cases – General.*** In a Division with two or more resident judges, the Clerk shall assign cases to an individual judge using a blind draw system to ensure the random assignment of cases or as directed by the Chief Judge. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. This method of assignment is designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(b) ***Initial Assignment of Cases Special Provisions.*** Notwithstanding any provision of section (a) to the contrary,

(1) cases filed only under a certain chapter or chapters of the Bankruptcy Code may be assigned to a particular judge as the Court may from time to time direct;

(2) cases may be assigned to judges under the blind draw system in such proportions as the Court may from time to time direct; and

(3) successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates shall be assigned to the judge assigned the first filed case if the successive cases are filed in the same Division as the first case. If a successive case is filed in a Division other than the Division in which the previous case was filed, any interested party may move to transfer venue to the original Division for assignment to the judge assigned to the first case.

(c) ***Reassignment of Matters Due to Judge's Temporary Unavailability.*** When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be assigned to any other resident judge in the Division, generally to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be assigned to any other available judge in the District.

(d) ***Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** If a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding pending in –

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system;

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division; or

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as designated by the Chief Judge.

(e) ***Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** If a successor judge who is reassigned a case or proceeding cannot preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(f) ***Reassignment of Cases and Proceedings for Other Reasons.***

(1) Nothing in this rule shall limit the authority of the Chief Judge under 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, etc.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

Notes of Advisory Committee

2015 Amendment

This amendment clarifies that a successive case filed by or against a debtor will be assigned to the judge assigned to the previously filed case unless the successive case is filed in a different Division. In that event, the case will not be reassigned to the Division of the previous case, but parties in interest may move for a transfer of venue to the original venue and assigned judge. The amendment also clarifies that the Chief Judge shall designate the judge to whom the Clerk shall assign Fort Myers cases. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment clarifies that the Chief Judge will assign a judge resident in the Tampa Division to Ft. Myers cases and deletes the requirement for a general standing order in the assignment of cases.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment simply makes technical and grammatical changes necessary because of the abolition of the Ocala Division as contained in the amendment to Local Rule 1.03.

These amendments to the rule were effective on February 15, 1995.

1993 Amendment

This rule was substantially modified effective February 1, 1993, in anticipation of the arrival of new judges as a result of the expansion of the membership of the court that was authorized by the Congress.