

FEDERAL BANKRUPTCY COURT QUESTIONNAIRE

1. Is it appropriate to telephone Chambers regarding questions of procedure on pending matters?

The Honorable Thomas E. Baynes, Jr.: No, we provide no legal services to the Bar.

The Honorable Paul M. Glenn: Yes, to the law clerk on non-substantive (procedural) matters.

The Honorable Alexander L. Paskay: Yes, to the law clerk on non-substantive (procedural) matters.

The Honorable Michael G. Williamson: Yes, to the law clerk on non-substantive (procedural) matters.

The Honorable Karen S. Jennemann: Yes, if the question truly is procedural, not substantive.

2. Is it appropriate to telephone Chambers regarding the status of pending matters?

The Honorable Thomas E. Baynes, Jr.: Yes, to law clerk or calendar clerk.

The Honorable Paul M. Glenn: Yes, to the law clerk.

The Honorable Alexander L. Paskay: Yes, to the law clerk.

The Honorable Michael G. Williamson: First, review the case docket on-line. Then, if necessary, call the case manager in the Clerk's office.

The Honorable Karen S. Jennemann: Yes, particularly if substantial and unexpected time has passed since a matter was taken under advisement.

3. Should courtesy copies of pleadings and motions be forwarded to Chambers?

The Honorable Thomas E. Baynes, Jr.: No, (no room).

The Honorable Paul M. Glenn: No, except for unusual matters.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: No, except for unusual matters.

The Honorable Karen S. Jennemann: Never. Staff is instructed to throw away all courtesy copies.

4. When should legal memorandum be filed in support of, or in opposition to, motions?

The Honorable Thomas E. Baynes, Jr.: No, with 22,000 cases in the division, we do not need more paper, unless asked.

The Honorable Paul M. Glenn: Only if requested by the Judge.

The Honorable Alexander L. Paskay: Only if requested by the Judge.

The Honorable Michael G. Williamson: Big hearings. Non-standard issues. If you file one, do so a day or two before the hearing.

The Honorable Karen S. Jennemann: Legal memorandums are appreciated on unique or complex legal issues. Memorandums are not requested for routine or simple legal issues, although parties are invited to submit a simple list of cases for the Court to review.

5a. Should copies of cases cited in motions and memorandum be forwarded to Chambers?

The Honorable Thomas E. Baynes, Jr.: No, except in post hearing briefs dealing with out-of-state decisions.

The Honorable Paul M. Glenn: No.

The Honorable Alexander L. Paskay: Yes.

The Honorable Michael G. Williamson: Yes, but only if supplied to interested parties.

The Honorable Karen S. Jennemann: Never. However, copies of cases can be helpful during a court hearing. Always bring enough copies for all parties.

5b. If so, do you object to cases printed in Westlaw or CD-Rom format, rather than copies from a reporter?

The Honorable Thomas E. Baynes, Jr.: No.

The Honorable Paul M. Glenn: N/A.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: No.

The Honorable Karen S. Jennemann: No.

5c. If copies of cases are submitted, is it appropriate to highlight portions of cases?

The Honorable Thomas E. Baynes, Jr.: No, although it does not make much difference.

The Honorable Paul M. Glenn: Yes.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: Yes, but only if highlighted cases are also supplied to interested parties.

The Honorable Karen S. Jennemann: Yes, highlighting is encouraged.

6a. Is it appropriate to cite unpublished opinions in motions or memoranda:

The Honorable Thomas E. Baynes, Jr.: Yes, if you give me a copy (only with post hearing briefs).

The Honorable Paul M. Glenn: Yes.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: Yes, if you give me a copy

The Honorable Karen S. Jennemann: Yes.

6b. If so, should they be attached to the motions or memoranda?

The Honorable Thomas E. Baynes, Jr.: No, only with post hearing briefs.

The Honorable Paul M. Glenn: Yes.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: Yes

The Honorable Karen S. Jennemann: Yes.

7. Do you allow telephonic hearings?

The Honorable Thomas E. Baynes, Jr.: No. No. No.

The Honorable Paul M. Glenn: Yes, if there is a good reason.

The Honorable Alexander L. Paskay: No.

The Honorable Michael G. Williamson: Yes, if there is a good reason (e.g., out-of-town counsel).

The Honorable Karen S. Jennemann: Yes. The following procedures shall apply:

a. Telephonic hearings are considered a privilege, not a right.

b. Telephonic hearings are granted at the discretion of the assigned judge.

c. Any party may request to appear by telephone; however, unless special circumstances are demonstrated, generally only those parties or their counsel who are not located in the Orlando Division of the United States Bankruptcy Court for the Middle District of Florida will be allowed to appear by telephone.

d. Unless an emergency arises, all requests for telephonic hearings must be made **at least seven days** prior to the scheduled

hearing date.

e. All requests shall be made to the Courtroom Administrator, Kathy Deetz, at 407-648-6906. The requesting party must supply an appropriate telephone number to Ms. Deetz at the time the initial request for the telephonic hearing is made.

f. If a request for a telephonic hearing is granted, the requesting party must be available at least five minutes prior to the scheduled hearing and for one hour following the scheduled hearing time, unless the hearing concludes earlier. If the requesting party is not immediately available at the designated time, the hearing will proceed without the requesting party. If an attorney cannot be located by a receptionist or if the Courtroom Administrator accesses an attorney's voicemail, the requesting party will lose the right to participate in future telephonic hearings.

g. Telephonic hearings are not permitted by preliminary hearings on motions for relief from stay, evidentiary hearings, or hearings conducted in connection with a Chapter 13 case. As such, telephonic hearings generally only will be held in connection with Chapter 7 hearings, Chapter 11 hearings, and adversary proceeding hearings. **No evidentiary hearing will be conducted by telephone.**

8. What can an attorney do to call attention to a pending motion of particular importance to expedite rulings?

The Honorable Thomas E. Baynes, Jr.: 98% of all motions are pre-trialed, so the process moves quick-faster equals emergency motions. As to awaiting court decisions, most are ruled on in open court. Those under advisement must await the judge having time off the bench to make a final determination.

The Honorable Paul M. Glenn: Advise judge or hearing, or call law clerk.

The Honorable Alexander L. Paskay: Call the law clerk or courtroom deputy (Dedra).

The Honorable Michael G. Williamson: Call the law clerk

The Honorable Karen S. Jennemann: If a motion is an emergency, attorneys should follow Local Rule 9004-2. Otherwise, the court will schedule motions in ordinary course.

9. What do you consider to be an "emergency matter" and how would you suggest emergency matters to be handled?

The Honorable Thomas E. Baynes, Jr.: Certificate of Emergency with Motion - then I decide to set it in due course or expedite.

The Honorable Paul M. Glenn: Submit motion and certificate of emergency, and judge will review.

The Honorable Alexander L. Paskay: An emergency matter is one where the requested relief requires immediate action with respect to the Debtor or its property or a motion to use cash collateral or to request approval of post-petition financing.

The Honorable Michael G. Williamson: Should be handled in accordance with the local rules. Submit motion and certificate of necessity, and judge will review.

The Honorable Karen S. Jennemann: Few true emergencies exist, and all emergency motions are evaluated on a case-by-case basis. The one exception is that "first day" hearings in Chapter 11 cases involving and operating debtor automatically are scheduled within three days of the petition date.

10a. Will you entertain motions in limine prior to trial?

The Honorable Thomas E. Baynes, Jr.: Yes.

The Honorable Paul M. Glenn: Yes.

The Honorable Alexander L. Paskay: Yes.

The Honorable Michael G. Williamson: Yes.

The Honorable Karen S. Jennemann: Only in truly exceptional cases.

10b. If you will consider motions in limine prior to trial, how far in advance should they be filed?

The Honorable Thomas E. Baynes, Jr.: Before discovery cutoff.

The Honorable Paul M. Glenn: As far in advance as possible and appropriate.

The Honorable Alexander L. Paskay: Before discovery cutoff.

The Honorable Michael G. Williamson: As far in advance as possible and appropriate.

The Honorable Karen S. Jennemann: As early as possible.

11. Please indicate any "pet peeves" of which you would like the federal bar to be aware?

The Honorable Thomas E. Baynes, Jr.: Be prepared - or else. It is surprising how many attorneys are unaware of the FRCP - much less, the bankruptcy rules of procedure.

The Honorable Paul M. Glenn: Do not string cite cases in motions and memoranda - only cite relevant cases. If quoting a case

during a hearing, bring a copy of case so judge can put quote in context.

The Honorable Alexander L. Paskay: Do not submit brief unless briefs are requested.

The Honorable Michael G. Williamson: Not following proper procedures regarding preparation of exhibit lists and exhibit tabs; not providing sufficient copies for opposing counsel, the court, and the witness.

The Honorable Karen S. Jennemann: Court time is very precious. If you know you will need more time or if a matter settles and you need no time, please call my courtroom administrator as soon as possible. Pre-mark exhibits before evidentiary hearings, and make sure you bring sufficient copies.

Miscellaneous Notes:

The Honorable Thomas E. Baynes, Jr.: Keep in mind that the Bankruptcy Court process is to set motions or hold hearings as soon as possible. Further, most of the judge pretry any matter that has the potential for an evidentiary hearing.

The Honorable Paul M. Glenn: Be prepared with legal arguments and case law at hearings. Argue issues as if you are the judge and must decide the issue.

The Honorable Alexander L. Paskay: Motions to continue should state a persuasive basis. Papers which affect interested parties should be served with the motion.

The Honorable Michael G. Williamson: When there are significant legal arguments and cases you want considered, file them in advance with a notice of filing. You can plan that I will rule at hearing; if you want cases taken into account, I need them before hearing.