

Judge Colton Chapter 13 Hearing Procedures

(Effective April 19, 2023)

Confirmation Hearings

The Court's Expectations Regarding Confirmation

The following expectations should guide counsel and *pro se* Debtors in managing their cases.

1. Except for the most complex cases or where the mortgage modification mediation process is prolonged, a Chapter 13 case should be confirmed no later than 6–9 months after the petition date or date of conversion to Chapter 13.
2. All parties should work to minimize the number of confirmation hearings in a case. Unnecessary confirmation hearings tax the resources of all parties and the Court.
3. Counsel and *pro se* Debtors must work diligently toward confirmation from the outset of their cases. This includes the filing of a realistic plan from the onset of the case.

Confirmation Calendar – What Each Hearing Timeslot Represents

If you have any hearing on the Court's Chapter 13 docket, including motions to extend or impose the stay (9:55 a.m.) or a miscellaneous matter (10:00 a.m.), it is important to appear at 9:30 a.m. when the read through begins. The timeslots set forth in these Procedures are simply a way to group similar matters for consideration. We will proceed through the calendar in docket order.

- **9:30 a.m.** – Initial Confirmation Hearings.

Initial Confirmation Hearings generally will be continued for approximately three months to the date announced by the Chapter 13 Trustee at the start of the read through. In cases where the Debtors are represented by counsel, the time for the continued hearing will be 9:35 a.m. Where Debtors are *pro se*, the time for the continued hearing will be 11:00 a.m.

As a general matter, cases will not be called individually, but rather continued as indicated above. However, the Trustee may call any case and make appropriate recommendations including confirmation or denial of confirmation and dismissal of the case.

- **9:35 a.m.** – First Continued Confirmation Hearings (Represented Debtors).

The First Continued Confirmation Hearing is set based upon the continuance of the Initial Confirmation Hearing. Cases should be ready for confirmation at the First Continued Confirmation Hearing unless the case presents unique facts, raises difficult legal issues, or involves mortgage modification mediation.

If a case is not confirmed at the First Continued Confirmation Hearing, the hearing will be continued to 9:40 a.m. on a date announced by the Trustee during the read through. Debtors' counsel should consult with the Trustee to select an appropriate continuance date.

- **9:40 a.m.** – Second and Further Continued Confirmation Hearings (Represented Debtors).

At a Second Continued Confirmation Hearing, the Court expects that cases will be ready for confirmation absent unforeseen circumstances or a confirmation-related dispute requiring trial. Further continuances will be permitted only with leave of the Court or prior consent of the Trustee.

If the need for a further continuance is not due to the failure of Debtors or Debtors' counsel to prepare the case for confirmation, the hearing will be continued to an appropriate date at 9:40 a.m. However, when a continuance is due to the failure of Debtors or Debtors' counsel to properly prepare the case for confirmation, the hearing will be continued by Order for a Final Confirmation Hearing at 9:45 a.m.

- **9:45 a.m.** – Final Confirmation Hearings (Represented Debtors).

At a Final Confirmation Hearing, the case must be ready for confirmation without exception. Failure of Debtors or Debtors' counsel to have the case ready for confirmation will result in the imposition of an appropriate sanction. Sanctions may include dismissal, conversion, or as to counsel, a fee sanction or disgorgement in an amount to be determined by the Court up to \$1,500.

Hearings on Miscellaneous Matters

Motions to Extend, Impose, or Reimpose the Stay will be heard at 9:55 a.m. All other miscellaneous matters (*i.e.*, motions, applications, objections) will be set at 10:00 a.m. Nevertheless, the Court may, in its discretion, set a miscellaneous motion for hearing at 11:30 a.m. if a matter is complex or may require additional time.

As with confirmation hearings, not all cases will be called to be heard by Judge Colton following the read through. Parties should confer in advance of the hearing to determine if the matter is ready to be called for Judge Colton or should be continued.

Hearings Involving *Pro Se* Parties (including Continued Confirmation Hearings)

Continued confirmation hearings for *Pro Se* Debtors and hearings on matters other than confirmation involving *pro se* parties will be set, respectively, at 11:00 a.m. and 11:05 a.m. To minimize the time that *pro se* Debtors must take away from work, the Court intends to call these cases as close to the 11 o'clock hour as is possible.

- **11:00 a.m.** – Confirmation Hearings other than an Initial Confirmation Hearing for *Pro Se* Debtors

Pro Se Debtors should make every effort to be ready to confirm at the first continued confirmation hearing. Additional continuances will be allowed only in the Court's discretion or with consent of the Trustee.

If the Court finds that the case is not progressing towards confirmation, an Order for a Final Confirmation Hearing will be entered. If the case is still not ready to be confirmed at the Final Confirmation Hearing, the Court will consider appropriate sanctions, including dismissal or conversion of the case.

- **11:05 a.m.** – Hearings on Miscellaneous Matters involving *Pro Se* Parties

Hearings on matters other than confirmation (*i.e.*, motions, applications, objections) that involve parties proceeding *pro se* will be set at 11:05 a.m., including motions to extend, impose, or reimpose the stay filed by *pro se* Debtors.

Generally, once a hearing is set on another of the Court's calendars, the filing of a paper by a *pro se* party will not cause the hearing to be rescheduled to the 11:05 a.m. calendar. However, the Court reserves the right to reschedule any hearing on a miscellaneous matter to the 11:05 a.m. calendar if a *pro se* party files a relevant paper.