

**HELPFUL HINTS
FROM JUDGE BUFFORD'S CHAMBERS**

Forms:

1. The use of current, court approved forms for reaffirmation agreements, relief from stay motions and orders, is required.

Motions:

2. Notice of Motion. A motion should be filed at the same time as the notice of motion, preferably with a proof of service attached. A notice of motion alone is not sufficient to put a matter on calendar.
3. Exhibit Tabs. All exhibits must be tabbed. NO EXCEPTIONS.
4. Copies. Do not blue-back copies. Only the original needs to be blue-backed. Do not fold the blue-back over the top of the pleading.
5. Declarations. Motions not supported by declarations or persuasive evidence are often denied.
6. Declarants. Unless you are otherwise notified, declarants are not required to be in court, except for trials.
7. Oral Testimony. Oral testimony is never required or permitted unless the judge has given notice in advance that he will hear oral testimony. If live cross examination is essential, be sure to make arrangements for cross examination in advance, with opposing counsel first, and then through the judge's calendar clerk, Elaine Garcia, at (213) 894-0995.
8. Settled/Withdrawn/Continued Matters. If a matter is settled or will be withdrawn, continued or taken off calendar, please inform the judge's law clerk at (213) 894-0994 or the judge's courtroom deputy, Elaine Garcia, at (213) 894-0995 as soon as possible.
9. 9019 Motions Affecting Adversary Proceedings. While a motion for approval of a proposed compromise sometimes must be filed in the main bankruptcy case, please be sure to follow up promptly with a separate motion or application in the adversary to dismiss the adversary once the compromise has been approved by the court.

Appearances:

1. Telephonic Appearances. The judge allows telephonic appearances, within reason. Requests should be made IN WRITING AT LEAST THREE COURT DAYS PRIOR TO THE HEARING. The judge's calendar clerk will notify the conference service who will then contact the attorney to arrange the conference call. Confirmation can be obtained by calling the judge's calendar clerk, Elaine Garcia, at (213) 894-0995.

2. Second Call. Attorneys may request second call by calling the judge's judicial assistant, Kitty Davis, at (213) 894-0993 or by making the request with the court recorder before the calendar call. The judge will normally honor reasonable requests for a limited amount of time after considering the inconvenience to other parties.
3. Priority. Attorneys may request priority when they check in with the judge's court recorder before the calendar is called. Within reason, such requests usually are granted, but only for appearances in other courts.

Ordering a Transcript:

1. You may request a transcript or a tape of a hearing by calling (213) 894-6179.

Common Problems and Suggestions:

2. Motions for Relief from Stay:
 - a. Chapter 13 Cases. Be sure to comply with Local Bankruptcy Rule 3015-1 when bringing a motion for relief from stay in a Chapter 13 case. Generally, motions for relief from stay in a Chapter 13 case will be denied as premature prior to confirmation of the Chapter 13 plan, absent special circumstances.
 - b. Unlawful Detainers. Be sure to provide a copy of an unlawful detainer judgment when bringing a motion for relief from stay based on an unlawful detainer judgment.
 - c. Assignment of the Deed of Trust. In cases where the original note/deed of trust has been assigned, copies of all recorded assignments must be attached to the motion.
3. Proposed Order in an Ex Parte Matter. Be sure to submit a proposed order granting an *ex parte* application for an order shortening time at the time the *ex parte* application is filed.
4. Motion to Reopen Case. Be sure to move to reopen the case under §350 when bringing a motion to avoid a lien discovered after the debtor has been discharged and the case has been closed.
5. Prove Ups and Trials. The judge requires separate binders for the court, the witnesses (the binder will be placed on the witness stand), the plaintiff and the defendant. The binders should contain all exhibits (tabbed) and an exhibit register in the front.