QUESTIONS & ANSWERS FROM THE BAR/BENCH PROGRAM
Los Angeles Division
February 5, 2003

At the recent Los Angeles Bar/Bench Program, the Los Angeles Division judges invited the audience to ask questions and provide feedback regarding the judges' policies and procedures, as well as those of the Clerk's Office. The answers to the questions raised are as follows:

Q1. When an attorney or runner has to file an emergency document to prevent the foreclosure of property, can there be a special consideration or procedure in place for them to get in the Federal Building quickly without having to go through the long line?

A1. Security for the Federal Building at 300 N. Los Angeles is regulated by the Federal Protective Service and the U.S. Marshals Service. As with most high profile public buildings since 9/11, all building patrons <u>must</u> go through the security check point. Attorneys should plan accordingly and allow ample time to pass through security.

Q2. If the line for the Attorney Window in Intake is long, can the attorney go to another window for assistance? Can there be more than one Attorney Window?

A2. Although the Court has been forced to reduce staff as a result of budget cuts, we strive to minimize adverse impact to the public. There are two windows (primary and backup) designated for service to attorneys. Should traffic at these windows become heavy, the supervisor will take all necessary measures to ensure the waiting time for attorneys is kept to a minimum.

Q3. Does the Clerk's Office have a time frame for the implementation of the electronic filing of petitions?

A3. Currently, the electronic filing module for chapter 7 petitions is scheduled to be operational by late summer of this year.

Q4. Should fees for the debtor's counsel be limited - even if the debtor has complied with all requirements of Code and Rules - simply because the case is a "*Small Chapter 11 Case*?"

A4. These instances are handled by the assigned judge on a case-by-case basis.

Q5. Can all judges permit fee application hearings at 30 day intervals on "*notice and opportunity for hearing*" basis?

A5. These issues are handled by the assigned judge on a case-by-case basis. General Order 02-02 permits attorneys to request this procedure.

Q6. Can the Court image claims? If the cost of doing so would be prohibitive, could the Court impose a charge on debtors (at least in large cases) to pay for necessary staff time to do so?

A6. Imaging claims is labor-intensive. Unlike petitions and schedules, which are submitted ordinarily on a standard size paper and without any attachments, many claims are submitted with attachments that come on different paper types and sizes. These conditions require claims to be imaged individually. Ultimately, this issue will be resolved as we move into electronic filing of claims. This is probably a year or two away as the Clerk's Office is working diligently towards implementing the electronic filing of petitions.

Judges do not have the authority to assess unilaterally a charge against the debtor to pay for staff to image claims.

Q7. What can be done to improve the accuracy of the claims register? Frequently, the claims register appears to be inaccurate and does not reflect/match the information contained on the actual claim itself.

A7. The Court has a quality control program to inspect claims entries. Nonetheless, do not hesitate to refer any errors to the Clerk's Office for immediate resolution.

Q8. Why will the claims register not provide a total for all claims if there are more than 100 claims? It will only provide subtotals for groups of 100 or fewer claims.

A8. Depending on how the claims register is viewed on webPACER, the total amount will appear differently.

1. To obtain the **total** for the entire claims register:

   A. Access webPACER.

   B. After selecting the case, from the webPACER cover page, click on the box next to *Claims Register* in the lower left-hand portion of the screen.

   C. From the pull down menu to the right of the *Claims Register* selection, select either Numeric Order (the default) or Alpha Order.

D. Click on the *Print Case* button. The entire register will display with total of all the claims at the end.

2. To obtain just the **sub-total** of each one hundred claims:

A. Access webPACER.

B. After selecting the case, from the webPACER cover page, click on the *Claims* button in the middle of the left hand side of the screen.

C. The claims register will appear. Scroll down to the bottom of the page and you will see a subtotal at the bottom of the page.

D. To view the sub-total for the next 100 claims click *More*, highlighted in blue, at the middle bottom of the page.

Q9. What can be done to encourage expanded usage of self-calendaring by judges who use self-calendaring only for relief from stay motions?

A9. Eight of the nine judges are or will soon be using self-calendaring for matters other than relief from stay matters.

Q10. Can we do anything to encourage more judges to issue tentative rulings?

A10. Encouragement is noted. The issuance and posting of tentative rulings, however, is a decision made by each individual judge.

Q11. How can the practice of some judges to routinely set status conferences in chapter 7 cases, which is a significant waste of time, be discouraged?

A11. Parties may urge the assigned trustee to monitor closely for expeditious closing of cases. As long as older cases remain open, judges may elect to hold status conferences to facilitate the expeditious closure of cases.

Q12. Can more judges be encouraged to waive appearances on trustees' final reports in chapter 7 cases?

A12. Judges do not approve the final reports. Assuming the party was referring to the final fee application hearing, if appropriate, some judges waive appearances. The judges will do this on a case-by-case basis.

Q13. Some judges have rules of thumb (e.g., a cap on the amount that may be charged per page for photocopies) that differ from the Local Bankruptcy Rules or UST Guidelines and are not posted on the web page as a practice of the judge. What can we do to encourage judges to publicize any such rules or guidelines that they may have?

A13. For the most part, the judges already have special instructions posted on the Court's web site at www.cacb.uscourts.gov, under Procedures/Rules/Forms, Judges Forms & Instructions. Also, the Courtroom Deputies for each judge are available to answer procedural questions.

Q14. At a recent bar program, two judges expressed diametrically opposed views on the desirability of getting an "agenda letter" in advance of a hearing in large chapter 11 cases where there are several matters on calendar, letting the judge know which matters have been resolved, which the parties will be asking to continue, etc. What can be done to encourage uniformity in this area?

A14. The judges do not oppose the submission of an agenda letter noting the resolution or status of certain matters within a case, as long as the document is submitted in pleading format and noticed to all parties. Otherwise, the letters directly addressed to the judge could be considered *ex parte* communication.

Q15. Would the Court consider adding certification by the state bar or ABI or other appropriate certification agency to LBR 2016-1 as a factor that the Court may/will consider when it determines an appropriate hourly rate for a professional?

A15. This issue is handled by the assigned judge on a case-by-case basis.

Q16. Some judges automatically sign orders converting chapter 7 cases to chapter 13 when requested by the debtor. Occasionally, trustees would like an opportunity to oppose these motions on the ground that the debtor is acting in bad faith, in an effort to escape appropriate investigative activity on the trustee's part. Would judges consider holding these motions for a brief period (5 days?) to give trustees an opportunity to interpose an objection?

A16. The law provides no authority to object under the statutes on a first request to convert. Aggrieved parties may seek other remedies, such as a motion to reconvert.

Q17. Can information or direction regarding telephonic hearings be posted on the Court's web site?

A17. Some of the judges already have their telephonic conferencing instructions posted on the Court's web site at www.cacb.uscourts.gov, under Procedures/Rules/Forms, Judges Forms & Instructions. For those judges without posted instructions, contact the Courtroom Deputy to see if and when a telephone hearing is permitted. Telephonic appearances are covered in Local Bankruptcy Rule 9013-1(a)(15).

Q18. For convenience, is it possible to place the telephone number for the Office of the U. S. Trustee on the Court's web site?

A18. The Court's web site provides a link to the Office of the U.S. Trustee's web site, where the most current phone numbers are available. To obtain this information:

1. Log on to the Court's web site at www.cacb.uscourts.gov
2. Click on ***Links***.
3. Click on ***Other Government***.
4. Click on ***Office of the U.S. Trustee***.
5. Click on the division for which you would like the telephone number.

Comment on Level of Service Provided by Clerk's Office:

Customer Service by phone is very good in the Los Angeles Division. An attorney had an issue with a document found in her office at 5:00 p.m. that should have been filed that same day. It was of a time sensitive nature so she called the main number (213) 894-3118. The person who assisted was very helpful and able to provide answers to the attorney's questions.

Thank you. We take pride in providing excellent service and appreciate the feedback.