

Chapter 13 Plan Confirmation Calendar Procedures for Judge Martin R. Barash

Beginning with the hearings scheduled for October 4, 2018, Judge Barash will utilize the following procedures in connection with chapter 13 plan confirmation hearings in cases over which he presides. These procedures are intended to increase the efficiency of chapter 13 plan confirmation hearings, reduce the amount of court time attorneys spend at these hearings, and discourage counsel from filing chapter 13 plans and delivering documents requested by the chapter 13 trustee shortly before the confirmation hearing. Although Judge Barash intends to adhere to these procedures generally, he reserves the right, in his discretion, to alter these procedures at any time and without prior notice.

1. The plan confirmation calendar will begin promptly at 10:00 a.m. In order to be heard on the 10:00 a.m. calendar, **debtor's counsel must check in with counsel for the chapter 13 trustee well before 9:55 a.m.** There frequently is a long line. There frequently is traffic. Debtor's counsel should plan accordingly. Debtor's counsel who do not check in before 9:55 a.m. will have their matters placed on "second call."
2. **The court generally will call matters in the same order that debtor's counsel have checked in.** If debtor's counsel is appearing on multiple matters, all such matters will be heard together. In other words, the earlier a debtor's counsel checks in with counsel for the chapter 13 trustee, the earlier debtor's counsel will be able to leave.
3. If debtor's counsel is appearing on a matter in which (i) a plan has been filed within seven days of the hearing, or (ii) documents requested by the trustee purportedly have been delivered to the chapter 13 trustee within seven days of the hearing, **the matter will drop to the bottom of the calendar.**
 - a. This procedure should not be construed to suggest that filing and service of a plan more than seven days but less than the required number of days under the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules is acceptable.
 - b. Nor should this procedure be construed to suggest that delivering requested documents to the chapter 13 trustee less than 14 days before the hearing is acceptable.
 - c. This procedure, however, is intended to discourage the filing of plans and the delivery of requested documents to the chapter 13 trustee within days of a scheduled hearing. This practice, which has become increasingly common, is

particularly inconsiderate to the chapter 13 trustee and wasteful of the court's resources.

4. The second call will not begin until after (i) the court calls all matters on which counsel have timely checked in, and (ii) the court holds a recess during which debtor's counsel who have not previously checked in may have an opportunity to check in with counsel for the chapter 13 trustee.
5. Unless otherwise ordered, **the court will not permit debtor's counsel to present documents, payments or proof of payment to counsel for the chapter 13 trustee during the hearing.** Debtor's counsel must present any such documents and information to counsel for the chapter 13 trustee prior to commencement of the hearing, or during the recess preceding second call.
 - a. In accordance with the foregoing, any matter for which counsel has checked in before 9:55 a.m., but as to which counsel advises that a payment or documentation will be delivered after the hearing commences, **will be placed on second call.** Counsel may present such payment or documentation to counsel for the trustee during the recess preceding second call.