

HELPFUL HINTS FOR DRAFTING COMPLAINTS, MOTIONS AND ORDERS
(revised July 26, 2012)

1. Any pleading initiating a contested matter or an adversary proceeding should, at a minimum, be organized in the following manner: Section I should be entitled “Jurisdiction, Venue, and Constitutional Authority To Enter A Final Order” and should set forth how the court has jurisdiction, why venue is proper, whether the court has constitutional authority to enter a final order, and whether the party consents to the court entering a final order. Section II should be entitled “Factual Background” and should set forth the factual allegations of the client; and Section III should be entitled “Relief Sought” and should set forth the specific relief requested by the client. Additionally, if appropriate, a Section IV should be added which is entitled “Legal Authorities in Support of the Relief Sought” and which discusses applicable case law and statutory grounds for why the court should grant the relief sought by the client. Counsel should make every effort to cite Fifth Circuit case law before resorting to the case law of other courts.
2. Any pleading responding to a contested matter or an adversary proceeding that has been initiated should admit or deny each of the factual allegations and should specifically state what relief, if any, should be granted. Further, if appropriate, affirmative defenses should be raised and legal authorities may be cited. Counsel should make every effort to cite Fifth Circuit case law before resorting to the case law of other courts.
3. All pleadings filed in this court should be specific in nature. For example, instead of simply styling the motion as “Motion to Lift Stay,” counsel should style the motion as “Motion of [name of client] for Relief from the Automatic Stay as to Certain Real Property Pursuant to 11 U.S.C. §362(d)(2) or, alternatively, Pursuant to 11 U.S.C. §362(d)(1).”
4. For every motion that is filed, a proposed order must also be filed. Failure to file a proposed order will likely result in the motion being dismissed. Further, counsel are strongly urged to bring proposed orders to the courtroom for submission to the Court at the close of any hearing.
5. Add date line and signature line on all orders submitted as follows:

SIGNED this ___ day of _____, 2012.

Jeff Bohm
United States Bankruptcy Judge

6. If counsel wants an expedited hearing on a particular day, then counsel should make this request in the title of the pleading by inserting a parenthetical request in bold type face. Additionally, counsel should estimate the amount of time required for the hearing. For example, counsel should style the motion as “Motion of [name of client] to Dismiss Chapter 11 Case Pursuant to 11 U.S.C. §1112(b)(1) **(hearing requested for Tuesday, June 5, 2012 at 9:00 a.m.; estimated time: 2 hours)**.” If possible, the court will schedule the hearing at the time requested. If this is not possible, then the court will schedule the hearing as close to the requested time as the court’s schedule will allow. Counsel should be judicious in deciding whether and when to ask for an expedited hearing.
7. It is very important that the Certificates of Service be signed and reflect the date that service was accomplished and on whom service was accomplished and what addresses (email or postal) were used. Please be sure to fill in the date on the Certificate of Service for each pleading that is filed. (see examples of a proper certificate of service and improper certificates of service at the end of this document).
8. In any pleading filed by the debtor requesting relief in a Chapter 13 case, counsel for the debtor must set forth whether the debtor is current in payments to the chapter 13 trustee.
9. Please do not send letters to chambers discussing the merits of a contested matter or an adversary proceeding or requesting relief. Rather, file a motion and a proposed order. Please be sure to send copies of the motion and proposed order to opposing counsel. **FAILURE TO DO SO WILL PROBABLY CAUSE THE COURT TO DENY THE MOTION.**
10. Merely because all counsel have agreed to a continuance does not mean that this Court will grant a continuance. The motion for continuance must set out the specific reasons for the requested continuance, and the Court will thereafter issue an order that either grants or denies the continuance.

ONE EXAMPLE OF A PROPER CERTIFICATE OF SERVICE

I hereby certify that on this ____ date of _____, 201__, I sent a true and correct copy of the above and foregoing [**title of pleading**] to the following parties by the following means:

- (1) Counsel for Debtor (via email);

John Doe whose email address is: J.Doe@Bankruptcy.com

- (2) Debtor (by regular first class mail):

Judy Doe
111111 Main Street
Houston, Texas 77002

- (3) Party requesting notice (via telecopy number (713) 777-0000):

Jane Doe
Attorney for Taxing Authorities
555555 Fannin Street
Houston, Texas 77002

- (4) All other creditors and parties in interest (by regular first class mail):

See attached list setting forth the names and addresses

- (5) The United States Trustee (by regular first class mail)

[name of attorney for the U.S. Trustee]
[address of U.S. Trustee's Office]

- (6) The Chapter 13 Trustee or the Chapter 7 Trustee [whichever is applicable, if at all] (by regular first class mail):

[name and address of the Trustee]

Name of Attorney signing the
Certificate of Service

FOUR EXAMPLES OF IMPROPER CERTIFICATES OF SERVICE

- (1) I hereby certify that I sent the above and foregoing pleading to Counsel for the Debtor and the U.S. Trustee on the date that I filed the pleading.
- (2) I hereby certify that I sent the above and foregoing pleading to opposing counsel by email on the 30th day of June, 2005.
- (3) I hereby certify that I sent the above and foregoing pleading to all creditors and parties in interest on the date that I filed the pleading.
- (4) I hereby certify that I sent the above and foregoing pleading on the date of the electronic filing of the pleading.