



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**



NOTICE

Amendments are proposed to the Local Rules for the United States District Court, Southern District of Texas, and the Local Rules for the United States Bankruptcy Court, Southern District of Texas, to be consistent with time-computation changes in the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Federal Rules of Bankruptcy Procedure. The national rules amendments have been approved by the Judicial Conference and by the Supreme Court and are now before Congress. They will become effective on December 1, 2009, unless Congress acts affirmatively to delay or defeat them. Congress has already enacted legislation changing 28 statutory time periods that affect court proceedings to be consistent with the anticipated rules changes, so it is likely that the national rules changes will become law on December 1, 2009. The statutory changes also have an effective date of December 1, 2009. The final step is to make the local rules consistent.

The federal rules changes respond to years of complaints from lawyers that the existing rules are unnecessarily confusing and inconsistent. The existing rules exclude intermediate weekends and holidays for time periods that are less than 11 days under the civil and criminal rules and less than 8 days under the bankruptcy rules, but include weekends and holidays for longer periods. The federal rules amendments adopt a simple “days-are-days” approach to computing deadlines. The deadlines in every federal rule were also reviewed. Virtually all short deadlines were lengthened to offset the shift in the computation method, in most cases retaining the status quo. Deadlines shorter than 30 days were revised to be expressed in multiples of 7 days, to reduce the likelihood of the period ending

on a weekend. Additionally, time periods in a few rules were extended because they were too short and impractical.¹ The review resulted in amendments to 91 federal rules. The legislation made similar adjustments to deadlines in 28 statutory provisions that are similarly affected by the federal rules time-computation amendments. Other changes to the federal time-computation rules include clarifying how to count forward when a deadline falls on a weekend or legal holiday, how to tell when the last day of a period ends, how to compute hourly time periods, and how to calculate a time period when the clerk's office is inaccessible.

The federal time-computation rules amendments are available at <http://www.uscourts.gov/rules>. PowerPoint presentations and a bullet-point summary explaining the amended rules and their operation in court proceedings are available at http://www.txs.uscourts.gov/news/rules_amendments.htm.

Amendments to local rules, effective December 1, 2009, are necessary because the federal rules for calculating time periods also apply to time periods in local rules. In most cases, the time periods in the local rules only require a slight adjustment, extending short deadlines by adding two or four days. For example, assuming no holidays, a 10-day period is effectively 14 days under the current civil or criminal rules (because two weekends are excluded), and should be lengthened to 14 days. Similarly, assuming no holidays, a 5-day period is effectively 7 days under the current civil, criminal, or bankruptcy rules (because one weekend is excluded), and should be lengthened to 7 days. Deadlines less than 30 days should be revised to be a multiple of 7 days, where appropriate.

¹See FED. R. APP. P. 4(a)(4)(A)(vi) (adjusting time to file appeal after entry of certain orders); FED. R. APP. P. 4(a)(6)(B) (adjusting time to reopen time to file appeal); FED. R. CIV. P. 50, 52, and 59 (adjusting time to file certain post-trial motions); FED. R. CIV. P. 54(d)(1) (adjusting time of notice to tax costs); FED. R. CIV. P. 56 (establishing presumptive deadline to file motion); FED. R. CRIM. P. 29, 33, and 34 (adjusting time to file motion for post-verdict acquittal, certain motions for new trial, and motion for arrest of judgment); and FED. R. CRIM. P. 35 (adjusting deadline to correct technical errors in sentencing).

The proposed amendments to the local rules include amendments to:

District Court Rules Amendments

- The Local Rules for the United States District Court, Southern District of Texas:
 - Civil Rules 7, 16, 44, 46, 54, and 79
 - Supplemental Admiralty Rule E
 - Criminal Rules 32 and 55
 - Appendix A, Rule of Discipline 5
 - Appendix B, Joint Pretrial Order
- Rule 2-1 of the Rules of Practice for Patent Cases in the Southern District of Texas
- Patent Form – Order Setting Scheduling Conference, Proposed Scheduling Order, Scope of Permissible Discovery and Directive to Confer
- Patent Form – Protective Order
- The Guidelines for Litigants without Lawyers, Southern District of Texas
- The Guidelines for Coordination of Criminal Procedures, Southern District of Texas, Houston Division
- District Court Form – Notice and Acknowledgment for Service by Mail

Bankruptcy Court Rules Amendments

- The Local Rules for the United States Bankruptcy Court, Southern District of Texas: Rules 1007, 1009, 1017, 1019, 2002, 2004, 2006, 2016, 3007, 3010, 3021, 4001, 5012, and 9013
- Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means in Texas Bankruptcy Courts
- Chapter 13 Trustee Procedures for Administration of Home Mortgage Payments Adopted by the Court on September 29, 2005

- Procedures for Complex Chapter 11 Bankruptcy Cases in the United States Bankruptcy Court for the Southern District of Texas

- Bankruptcy Forms:
 - Bankruptcy Form – Debtors Certification, Motion for Entry of Chapter 13 Discharge and Proposed Discharge Order

 - Bankruptcy Form – Order Authorizing Use of Vehicles Pursuant to § 363 and Providing Adequate Protection to Lien Holders

 - Bankruptcy Form – Uniform Plan and Motion for Valuation of Collateral

 - Bankruptcy Form M-100 – Motion for Entry of Agreed Order Conditioning Automatic Stay [and Co-Debtor Stay] Regarding Exempt Property

 - Bankruptcy Form M-200 – Motion for Relief from the Stay [and Co-Debtor Stay, if Applicable] Regarding Exempt Property

 - Bankruptcy Form M-300 – Motion for Entry of Agreed Order Granting Relief from the Stay Regarding Divorce Proceeding

 - Bankruptcy Form M-400 – Motion for Relief from the Stay Regarding Divorce Proceeding

 - Bankruptcy Form O-300 – Default/Unopposed/Uncontested Order Granting Relief From Automatic Stay [and Co-Debtor Stay, If Applicable]

 - Bankruptcy Form O-400 – Chapter 13, Agreed Order Conditioning Automatic Stay (Home)

 - Bankruptcy Form O-401 – Chapter 13, Agreed Order Conditioning Automatic Stay (Vehicle)

 - Bankruptcy Form O-402 – Chapter 13, Agreed Order Conditioning Automatic Stay (Vehicle Insurance)

 - Bankruptcy Form O-403 – Chapter 13, Agreed Order Conditioning Automatic Stay (Home) (For a Secured Obligation to a Homeowners Association or Similar Organizations)

- Bankruptcy Form 0-404 – Chapter 7, Agreed Order Conditioning Automatic Stay

Documents showing the proposed changes to the local district, patent, and bankruptcy rules and forms are available at http://www.txs.uscourts.gov/news/rules_amendments.htm.

Written comments on the proposed amendments may be addressed to the Court by September 25, 2009. Comments may be made by electronic submission to amendments@txs.uscourts.gov, or by mail to:

Clerk, U.S. District Court
Attn: Local Rules, Room 5401
P.O. Box 61010
Houston, TX 77208

Dated: July 30, 2009