

**COURT PROCEDURES
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE**

1. Applicable Rules.

Practice in this Court will be governed by the Federal Rules of Bankruptcy Procedure, the Local Rules of the United States Bankruptcy Court for the Southern District of Texas, and these Court Procedures.

All parties appearing before the Court are charged with responsibility for compliance with applicable rules.

2. Telephonic Participation/Live Viewing of Court Documents During Hearings.

Summary

Telephonic Participation

Dial-in Telephone No.: **832-917-1510**

Conference Code No.: **954554**

Video Participation

GoToMeeting: www.gotomeeting.com

Select 'Join.'

Enter the Meeting Code: JudgeIsgur

Instructions

- a.** Dial in at least 5 minutes before your hearing is scheduled to begin.
- b.** Parties are always permitted to participate by dial-in without any permission or notification to the Court except:
 - i.** Witnesses may not be presented by dial-in and witnesses may not be examined by telephone, except in emergency situations if the Court determines to waive this prohibition for good cause.
 - ii.** Parties may not participate by cell phone but may listen to hearings from their cell phone.
- c.** Parties may not participate by speakerphone.

- d. Do not place your telephone on hold. You may mute your phone. If you dial in to a hearing, you are participating in a court proceeding and are bound by the normal rules of courtesy and attention.
- e. If a technological problem arises, the hearing will continue without the participation of dial-in participants. The Court will not delay hearings for signal problems or interference. Accordingly, persons choosing to attend a hearing by dial-in do so at their own risk of a technological failure.
- f. The following procedures must be used for dial-in participation.
 - i. The dial-in number is **832-917-1510**.
 - ii. You will be responsible for your own long-distance charges. The dial-in number should be used regardless of the location of the hearing (Houston, Brownsville, Corpus Christi, or McAllen).
 - iii. You will be asked to key in the conference room number. The conference room number is **954554**. Once this number is entered, you will be connected live to the courtroom.
 - iv. Once you are connected, you will be able to hear persons speaking in the courtroom and other persons on the call addressing the Court. You will not be able to address the Court until the Court addresses you or your request to speak and the Court grants the request.
 - v. If you wish to address the Court, you must press 5*. Do not press 5* until you need to address the Court. Within 5 seconds, the Court will receive a signal that you wish to speak. When the Court calls on you, you will hear a recorded message that your line has been unmuted. At that time, you can be heard.
 - vi. When you are done, the Court will ordinarily leave your line active. If your line is muted, you will hear a recorded message that your line has been muted. You may press 5* if an additional issue arises that you wish to address with the Court.
 - vii. GoToMeeting is available for the viewing of documents via video connection.

You may view video via GoToMeeting. To use GoToMeeting, the Court recommends that you download the free GoToMeeting application. To connect, you should enter the meeting code “JudgeIsgur” in the GoToMeeting app or click the link on Judge Isgur’s home page on the Southern District of Texas website.

3. Contact with Court and Court Personnel.

Communications with the Court should be in the form of pleadings filed with the clerk of the Court. Attorneys and parties who are not represented by counsel may contact the Court's case manager: **Linhthu Do** at linhthu_do@txs.uscourts.gov or (713) 250-5421. If Ms. Do is out of the office and you have an emergency, please contact the relief case manager, **Tyler Laws** at tyler_laws@txs.uscourts.gov or (713) 250-5395. Directing routine questions to the relief case manager may result in further delay as these are usually forwarded to the case manager.

Contact with Judge Isgur and his law clerks, other than by pleadings, is strictly prohibited. Letters and telephone calls to chambers concerning cases are prohibited.

CM/ECF filing questions. Please contact the Helpdesk at (866) 358-6201 for technical assistance, including login problems, blank screens, attachments, errors in document filings, etc.

Transcript requests. Transcripts may be requested from the Clerk's Office. Please visit the Court's website regarding 'Ordering Transcripts.' Chambers staff cannot take transcript orders.

4. Attendance at Hearings.

Unless otherwise set forth in the local rules, these procedures, or an order by this Court, a person with authority to bind the client must attend each hearing. For parties represented by an attorney, this will generally be an attorney with full authority to act on the matter before the Court. If a client represented by counsel does not give full authority to the counsel who will appear, a representative of the client with full authority on the matter to be considered should accompany the counsel to the hearing.

5. Obtaining Settings for Hearings.

Hearings will be set in one of the following ways:

a. Hearings may be set by self-calendaring in the electronic filing system (CM/ECF). When a motion is filed in the Court's electronic filing system, the system will prompt the selection of a date for a hearing. Only a date that is listed as an available date on the Court's website should be selected. Except for motions for relief from the stay, you must select a date that is at least 23 days from the date that you file a motion. *If you do not need a hearing, this step may be skipped.* Routinely, only opposed motions need to be set for a hearing. All motions for relief from stay (§ 362), however, must be set for a hearing and must be set on a date shown on the Court's website for motions for relief from the stay.

YOU MAY NOT SELF-CALENDAR A HEARING ON A DATE THAT IS NOT LISTED AS AN AVAILABLE DATE. AVAILABLE DATES CHANGE FREQUENTLY. EVEN IF A PRIOR MOTION WAS SELF-CALENDARED FOR A PARTICULAR DATE, YOU MAY NOT SELF-CALENDAR A HEARING UNLESS THE DATE IS SHOWN AS AN AVAILABLE DATE AT THE TIME THAT YOU FILE THE MOTION.

b. Notice of the date of a hearing must be provided by the movant and a certificate of service must be filed. If a motion is self-calendared, notice of the hearing date must be provided when the motion is served and a certificate of service must be included with the motion. If the date is set by the Court, notice must be given within 2 business days and a certificate of service must be filed.

c. If the Court schedules an emergency hearing, the party requesting the hearing must immediately give actual notice to opposing parties. Actual notice may be by telephone, e-mail, or facsimile. Mailed notice is not adequate.

d. If a date is not selected through the self-calendaring system and the Court is unable to rule without a hearing, the Court will direct the clerk to set a hearing.

e. If the Court has not ruled on a motion within 35 days, parties should contact the Court’s case manager at linhthu_do@txs.uscourts.gov or (713) 250-5421 to inquire about the status of the motion. Absent emergency consideration and with few exceptions, e.g., motion for continuance, motion to use cash collateral, etc., motions are not considered until at least 22 days after submission and are frequently not ruled on for another 10 days.

6. Continuances.

A continuance can only be requested by motion. The Court may deny a continuance even if all parties have agreed to the continuance. If a motion for continuance is pending, attendance is not excused. If a proposed agreed order has been filed, paragraph 11 of these procedures controls.

7. Fee Applications in cases under chapter 7.

Applications for compensation and reimbursement in cases under chapter 7 must contain the following information. If additional information is required, the Court will request a supplement:

- A. A table containing the following information, which shall begin on the first page of the application:

Fee Application Summary

Name of Applicant:		
Applicant’s Role in Case:		
Date Order of Appointment Signed:	__/__/__ (Docket No. __)	
	Beginning of Period	End of Period
Time period covered by this Application:	__/__/__	__/__/__
Time period(s) covered by prior Applications:	__/__/__	__/__/__

Total amounts awarded in all prior Applications:	
Total fees requested in this Application and in all prior Applications:	
Total fees requested in this Application:	
Total professional fees requested in this Application:	
Total actual professional hours covered by this Application:	
Average hourly rate for professionals:	
Total paraprofessional fees requested in this Application:	
Total actual paraprofessional hours covered by this Application:	
Average hourly rate for paraprofessionals:	
Reimbursable expenses sought in this application:	
Application cost:	
Total of other payments paid to secured claimants	
Total of other payments paid to administrative claimants	
Estimated total for distribution to priority unsecured creditors:	
Estimate percentage dividend to priority unsecured creditors	
Estimated total for distribution to general unsecured creditors:	
Estimate percentage dividend to general unsecured creditors	
Receipts to date:	
Disbursements to date:	
Current balance in the Trustee's accounts:	

- B. Attached copies of all fee statements.
- C. If total fees and expenses for applicant from this and all prior applications exceed \$2,000, a narrative description of the services performed and the benefits of those services.
- D. A proposed form of order.

8. Fee Applications in cases under chapters 11 or 12.

Applications for compensation and reimbursement in cases under chapters 11 or 12 must contain the following information. If additional information is required, the Court will request a supplement:

- A. A table containing the following information, which shall begin on the first page of the application:

Fee Application Summary

Name of Applicant:		
Applicant's Role in Case:		
Date Order of Employment Signed:	mm/dd/yy [Docket No. __]	
	Beginning of Period	End of Period
Time period covered by this Application:	mm/dd/yy	mm/dd/yy
Time period(s) covered by prior Applications:	mm/dd/yy	mm/dd/yy
Total amounts awarded in all prior Applications:		\$
Total fees requested in this Application:		\$
Total professional fees requested in this Application:		\$
Total actual professional hours covered by this Application:		
Average hourly rate for professionals:		\$
Total paraprofessional fees requested in this Application:		\$
Total actual paraprofessional hours covered by this Application:		
Average hourly rate for paraprofessionals:		\$
Reimbursable expenses sought in this application:		\$
Total to be Paid to Priority Unsecured Creditors:		\$
Anticipated % Dividend to Priority Unsecured Creditors:		%
Total to be Paid to General Unsecured Creditors:		\$
Anticipated % Dividend to General Unsecured Creditors:		
Date of Confirmation Hearing:		
Indicate whether plan has been confirmed:	Y/N (Docket No. __)	

B. Attached copies of all fee statements.

C. If total fees and expenses for applicant from this and all prior applications exceed \$2,000, a narrative description of the services performed and the benefits of those services.

D. A proposed form of order.

9. Fee Applications in cases under chapter 13.

Pursuant to the local rules on fee applications, approved *fixed fee applications* do not require the filing of subsequent applications. Otherwise, applications for compensation and reimbursement

in cases under chapter 13 must contain the following information. If additional information is required, the Court will request a supplement:

- A. A table containing the following information, which shall begin on the first page of the application:

Fee Application Summary

Name of Applicant:		
Applicant's Role in Case:		
Pre-Confirmation Services [____]	Post-Confirmation Services [____]	
	Beginning of Period	End of Period
Time period covered by this Application:	mm/dd/yy	mm/dd/yy
Time period(s) covered by prior Applications:	mm/dd/yy	mm/dd/yy
Total amounts awarded in all prior Applications:		\$
Amount of retainer received in this case:		\$
Total fees requested in this Application:		\$
Total professional fees requested in this Application:		\$
Total actual professional hours covered by this Application:		
Average hourly rate for professionals:		\$
Total paraprofessional fees requested in this Application:		\$
Total actual paraprofessional hours covered by this Application:		
Average hourly rate for paraprofessionals:		\$
Reimbursable expenses sought in this application:		\$
Amount of Attorney Fees provided in Plan:		\$
Total to be Paid to General Unsecured Creditors:		\$
Anticipated % Dividend to General Unsecured Creditors:		%
Total to be paid to all pre-petition creditors under the Plan		\$
Date of any scheduled dismissal hearing:		mm/dd/yy
Date of Confirmation Hearing:		mm/dd/yy
Indicate whether plan has been confirmed:		Y/N (Docket No. __)

- B. Attached copies of all fee statements.
- C. A narrative description of the services performed and the benefits of those services.
This narrative is required regardless of the amount of fees sought.

D. A proposed order containing the following decretal paragraph:

“It is ordered that [name of applicant], is awarded fees and costs as an administrative expense for the period _____ through _____ as follows:

Fees:	\$ _____
Expenses:	\$ _____
Total:	\$ _____”

10. Discovery Disputes.

Discovery disputes that cannot be resolved between the parties should ordinarily be submitted by written motion. However, if a dispute arises during an oral deposition, a party may contact the Court's case manager at (713) 250-5421 during the deposition and request a telephonic hearing with the Court.

The Court intends to enforce Federal Rule of Civil Procedure 37 as made applicable to proceedings in this Court by Federal Rule of Bankruptcy Procedure 7037.

11. Settlements.

Settlements are always encouraged. If a case is settled, the parties should promptly contact the Court's case manager at (713) 250-5421. The proposed settlement should be presented in the form of a written order at the scheduled hearing. If the proposed settlement has been approved in writing by all parties, then only one counsel is required to attend the hearing, though all interested parties are invited to attend. If the Court does not approve of the proposed settlement, the hearing will be reset for a subsequent date.

However, if a settlement is signed by the Court prior to the hearing, the hearing will be canceled. Only when an order is signed and docketed should it be assumed that the hearing will be canceled.

If a settlement is in an adversary proceeding and requires approval pursuant to Federal Rule of Bankruptcy Procedure 9019, the 9019 motion should be filed in the main case only. A proposed form of order in the main case and a proposed form of judgment or order in the adversary proceeding should be attached to the 9019 motion.

12. Proposed Orders.

Proposed forms of orders must be submitted along with all motions and with all oppositions to motions. Please submit proposed forms of orders by filing on CM/ECF.

Please consult the local rules in the Southern District of Texas regarding the treatment of proposed agreed orders.

Parties may only request that a signed order be amended through filing a *motion to amend*. Merely submitting a proposed amended order is insufficient. The motion to amend should be filed with the proposed amended order. These will then be submitted to chambers following the 22-day submission period.

13. Exhibits.

In addition to the requirements of Bankruptcy Local Rule 9013-1, exhibits must be filed on CM/ECF in advance of the hearing. Each exhibit must be filed as a separate attachment to the Exhibit List. The Court will review the exhibits from CM/ECF. Exhibits must be offered into evidence by reference to the CM/ECF docket number of the filed exhibit.