

## **VII. BANKRUPTCY OPERATIONS**

**Intake Section** receives and examines all bankruptcy petition, complaints, amendments, pleadings and all other documents pertinent to proceedings in bankruptcy. Accepts those documents that conform to the Federal and Local Rules on this Court and identifies those that do not. Affixes file stamp to the originals and copies of documents and routes to appropriate destinations. Responds to inquiries and requests from member of the Bar and the general public regarding rules and procedures of the Bankruptcy Court, case number information, etc.

**Docket Section** maintains the official records of proceeding in each case, from initial filing to disposition, examines all documents to determine the nature of the action contained therein and to determine appropriate wording for the docket entry, types docket entries reflecting the date of filing and nature of each document filed, pertinent information contained therein, e.g., hearing dates, extensions of time, continuances and orders of court. Docket entries are typed in chronological sequence.

**Courtroom Operations** calendars and regulates the movement of cases, fixes dates and times on motions, pre-trial conferences, trial proceedings, etc. prepares or supervises the preparation of calendars, calls the court calendar, confers with attorney, acts as liaison between the Judge and counsel. Acts as a source of information to attorneys on the special procedures of the Judge, records any action taken by the Judge during in-court proceedings, administer oaths to witness, etc.

**341 Section** coordinates the first meeting of creditors with the U. S. Trustee and provide notice same.

**Appeals Section** facilitates and coordinates the transition of a case adversary proceedings from this Court to the District or 5<sup>th</sup> Circuit Court of Appeals; furnishes information on appellate procedure to the Bar and general public.

**Claim Section** receive all proofs of claim for filing, examines for conformance with the provisions of the Bankruptcy Code and the Local Rules of the court, and when requested, acknowledges to the sender all acceptable proof of claim. If deemed necessary, prepares a claim register.

**File Management Section** collects, sorts and classifies documents and correspondence; places material in the proper case file jacket. Withdraws files as needed by the court. Maintains contact with the Bar and the public who wish to refer to the files; makes files available for inspection, prepared files for transmittal to Federal Records Center, and retrieves closed files and records from the Federal Records Center as required.

**Closing Section examines files to insure that the case is ready for closing, with provisions of any plan confirmed by the Court. The Closing Section also checks all claims docket to insure that all claims have been allowed or disallowed in the proper amount, prepares and maintains monthly data necessary for the preparation of the Clerk's statistical reports to the Administrative office of the U. S Courts.**

**U. S. Trustees are responsible for direct supervision of a panel of private Trustees administering Chapter 7 and 13 bankruptcy estates, to include monitoring value of estate assets to insure the adequacy and sufficiency of bonding by Trustees and collateralization of estate funds by depositors institutions. Monitors the return of canceled dividend checks, audits trustees disbursements and certifies that the case can be closed. Conduct Chapter 11 Meetings of Creditors and review progress of Chapter 11 cases, seeking appropriate sanctions for failure to prosecute a case diligently. Review and make recommendations to the Court on all applications for professional compensation.**

**Attached you will find a case flow synopsis for each of the three (3) principal chapters of Title 11 along with a list of forms routinely used in Bankruptcy.**

- 1. Bankruptcy Adversary Cover Sheet (BC 104)**
- 2. Disclosure of Compensation Under Title 11 USC §329 and Bankruptcy Rule 2016(b) (B203)**
- 3. Summons in an Adversary Proceeding (B250A)**
- 4. Summons in an Involuntary Case (B13/New Form B250E)**
- 5. Subpoena to Witness in a Bankruptcy Case (B256/New Form B252A)**
- 6. Subpoena to Witness in a Adversary Proceeding (B255/New Form B252B)**
- 7. Abstract Judgment**
- 8. Writ of Execution (B264)**
- 9. Bill of Costs (B264)**
- 10. Motion and Order For Admission PRO HAC VICE**
- 11. Proof of Claim (B10)**
- 12. Certification of Judgment for Registration in Another District (B265)**
- 13. Certification of Search**
- 14. Certificate of Retention of Debtor in Possession (B26/New Form B207)**
- 15. Chapter 13 Fact Form and Fee Application**
- 16. Application to Pay Filing Fees in Installments (B3)**
- 17. Notice of Hearing on Relief from Stay and Proof of Service (Local Form 5)**
- 18. Summons and Notice of Pretrial Conference (B250B)**
- 19. Third Party Summons (B250D)**

**\* For additional forms see appendices to attached Local Rules**

## **WRIT OF EXECUTION**

**“A writ directed to the U. S. Marshal requiring him to collect an amount of money or levy on property from a party against whom judgment has been entered.”**

- 1. No execution shall issue upon judgment nor shall proceedings be taken for its execution until the expiration of 10 days after its entry (Rule 62(a) F.R.C.P.)**
- 2. The original and a copy of the writ of execution are forwarded to the U. S. Marshal with a Marshal 285 Service and Receipt Form.**

## **BILL OF COSTS**

- 1. The Clerk of the Court DOES NOT record taxable costs, therefore, it is necessary that the attorney awarded cost fill out this form.**
- 2. No later than 14 days after entry of judgment, counsel shall move for costs by filing a bill of costs with the Clerk.**
- 3. Costs may be taxed by the Clerk with one day's notice.**
- 4. Costs are taxed in accordance with Rule 54 F.R.C.P.**