

COURT PROCEDURES
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE
Effective February 1, 2004

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. 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, Anita Ainsworth, at cmA671@www.txs.uscourts.gov, 713-250-5421. If Ms. Ainsworth is not available, contact the courtroom deputy, Cassandra Sonnier at 713-250-5205.

Contact with Judge Isgur and his law clerks, other than by pleadings, is prohibited. Letters and telephone calls to the Court are prohibited.

3. 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.

4. Obtaining Settings for Hearings.

Hearings will be set in one of the following ways:

First, settings may be obtained through self-calendaring in the electronic filing system. 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.

Second, 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.

Third, if the Court has not ruled on a motion within 45 days, parties should contact the case manager to inquire about the status of the motion.

5. Continuances.

Neither the case manager nor any other member of the Court's staff may grant a continuance. To obtain a continuance, a party must file a motion.

The Court may deny a continuance even if all parties have agreed to the continuance.

6. Telephonic Participation.

Telephonic participation may be arranged through the court's case manager. Persons wishing to participate by telephone should attempt to contact the case manager at least two business days prior to the scheduled hearing. Witnesses may not be presented by telephone and witnesses may not be examined by telephone.

Parties may not participate by cellular phone. Parties participating by speakerphone must assure that no background noise is transmitted. Accordingly, no typing, intercom announcements, or other interruptions should occur. If such interruptions are unavoidable, then speakerphone usage is not permitted.

If a technological problem arises, the hearing will continue without the participation of telephonic participants. Accordingly, persons choosing to attend a hearing by telephone do so at their own risk of a technological failure.

In the event of an emergency hearing, the Court may allow additional leeway with respect to the presentation and examination of witnesses by telephone.

The dial-in telephone number is 713-250-5108. A dial-in participant must dial-in at least five minutes prior to the scheduled hearing. The phone will continue to ring until the another party answers. The Courtroom deputy will connect the call to the courtroom immediately prior to the time that the case is called.

7. Fee Applications in cases under chapter 7.

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

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

Name of applicant		
Applicant's professional role in case (e.g., "Trustee's counsel")		
Indicate whether this an interim or a final application		
Effective date of Order approving professional's retention		
	Beginning of Period	Ending of Period
Time period covered in application		
Time periods covered by any prior applications		
Total amounts awarded in all prior applications		
Amount of retainer received in case		
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		
Total fees applied for in this application (including any retainer amounts to be applied)		
Total professional fees requested in this application		
Total professional hours covered by this application		
Average hourly rate for professionals		
Total paraprofessional fees requested in this application		
Total paraprofessional hours covered by this application		
Average hourly rate for paraprofessionals		
Reimbursable expenses sought in this application		
Expected amount of dividend to be paid to unsecured creditors		
Expected percentage dividend to be paid to unsecured creditors		
Expected amount to be paid to all pre-petition creditors		

B. Attached copies of all fee statements.

C. If total fees and expenses for applicant from this and all prior applications exceed \$5,000, 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 shall contain the following information. If additional information is required, the Court will request a supplement:

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

Name of applicant		
Applicant's professional role in case (e.g., "Debtor's counsel")		
Indicate whether this an interim or a final application		
Effective date of order approving professional's retention		
	Beginning of Period	Ending of Period
Time period covered in application		
Time periods covered by any prior applications		
Total amounts awarded in all prior applications		
Amount of retainer received in case		
Total fees applied for in this application and in all prior applications (including any retainer amounts applied or to be applied)		
Total fees applied for in this application (including any retainer amounts to be applied)		
Total professional fees requested in this application		
Total professional hours covered by this application		
Average hourly rate for professionals		
Total paraprofessional fees requested in this application		
Total paraprofessional hours covered by this application		
Average hourly rate for paraprofessionals		
Reimbursable expenses sought in this application		
If a plan has been proposed, total to be paid to unsecured creditors under the plan		
If a plan has been proposed, percentage dividend to unsecured creditors under the plan		
If a plan has been proposed, total to be paid to all pre-petition creditors under the plan		
Date of confirmation hearing		
Indicate whether plan has been confirmed		

B. Attached copies of all fee statements.

C. If total fees and expenses for applicant from this and all prior applications exceed \$5,000, 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.

Fee Applications under Chapter 13 are governed by the Court's "Order Regarding Chapter 13 Debtors' Counsel's Fees", a copy of which is available on this website.

10. Discovery Disputes.

Discovery disputes 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 during the deposition and request a telephonic hearing with the Court.

The Court intends to enforce Fed. R. Civ. P. 37 as made applicable by the Federal Rules of Bankruptcy Procedure.

11. Settlements.

Settlements are encouraged. If a case is settled, the parties should promptly contact the Court's case manager. 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. Other counsel may attend. If the Court does not approve of the proposed settlement, the hearing will be scheduled for a subsequent date.

If a settlement is in an adversary proceeding and requires approval pursuant to Fed. R. Bankr. P. 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.

13. Courtroom Technology.

The Courtroom is equipped with technology that will allow parties to broadcast exhibits and other documents to opposing parties, witnesses and the court from the display output on most laptop computers. Paper copies of exhibits may also be broadcast from a document projector located in the courtroom. The Court will accept proposed forms of orders on diskettes or on a USB memory storage device.

Parties are strongly encouraged to utilize the technology available in the courtroom.