[Warning: The following General Practice Tips for Consumer Attorneys was prepared in January, 2017, and references many Local Bankruptcy Rules in effect at that time. Subsequently, effective December 1, 2017, the Local Bankruptcy Rules were substantially modified and some procedures changed. Thus, counsel and pro se litigants must carefully consider the **current** Local Bankruptcy Rules.]

~~**ABI Rocky Mountain Conference**~~

~~**Consumer Workshop III:**~~ General Practice Tips for Consumer Attorneys

United States Bankruptcy Judge Thomas B. McNamara

ABI Rocky Mountain Conference
January 2017

I. General Guidance.

The Court appreciates and commends both the professionalism and high quality practice demonstrated by most Colorado consumer bankruptcy lawyers who appear before the Court. Further, the Court recognizes some of the unique challenges faced by consumer bankruptcy counsel, including time and cost pressures, difficulties in contacting and communicating with clients, and the complexity of consumer bankruptcy cases. The Court offers these Practice Tips, not as criticism, but rather as constructive suggestions to encourage a high level of practice which will benefit debtors and other parties in interest. Practitioners should be aware that each Colorado Bankruptcy Judge carries an active load of over 4,000 – 5,000 consumer bankruptcy cases. Accordingly, attention to the Practice Tips also will assist the Court in efficiently and economically advancing consumer cases.

The proffered Practice Tips are specific to consumer bankruptcy cases. However, counsel would be well-advised to follow the more universal attorney norms such as: be professional; be courteous; be prepared; be timely (for Court and filings); be honest; be a strong advocate; and be a lawyer with integrity. If a lawyer follows such common-sense maxims, then that lawyer will develop a strong and positive reputation in the eyes of the Court, its staff, and professional colleagues.

II. Consumer Case Filing: Petition and Required Documents.

Section 521(a)(1) requires, unless the Court orders otherwise, that the debtor file: (1) a list of creditors; (2) a schedule of assets and liabilities; (3) a schedule of current income and current expenditures; (4) a statement of financial affairs; (5) payments advices received within 60 days before the petition date; and (6) other information. Under Section 521(i), all of the foregoing information must be filed no later than 45 days after the petition date. Section 521(i) further provides that if the Section 521(a)(1) information is not timely filed, "the case shall be automatically dismissed effective on the 46th day after the date of filing of the petition."

Section 521(e)(2)(A) requires that the debtor provide the trustee with a copy of the debtor's most recent Federal income tax return "not later than 7 days" before the Section 341 meeting of creditors. Under Section 521(e)(2)(B), if the debtor fails to meet the deadline, "the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor." Dismissal for failure to comply with the requirements of 11 U.S.C. § 521(a) is not discretionary with the Court and is not subject to reconsideration. *In re Daniel*, 407 B.R. 443, *2 (10th Cir. BAP Feb. 17, 2009) (unpublished opin.).

The Bankruptcy Code is replete with numerous other strict deadlines.

> **Practice Pointer 1: Initial Documents.** The filing deadlines are strict. Some of the deadlines require automatic dismissal for failure to comply. Both the debtor and counsel should be extremely diligent (and double-check) to ensure compliance with all applicable deadlines. The Court frequently is presented with after-the-fact justifications for failure to comply with initial case filing requirements (such as, debtor's counsel "made a mistake" or "mis-calendared the deadline"). For the most part, failure to comply with initial case filing requirements will result in dismissal. And, the Court has little or no discretion to change the result.

III. Consumer Case Motions Practice for Chapter 7 and Chapter 13.

A. General Motions Practice.

Motions in Colorado consumer bankruptcy cases come in all shapes and sizes. Many are fairly routine and most are not contested. Following the Practice Tips and complying with the Local Bankruptcy Rules will assist the Court in promptly adjudicating all types motions filed in consumer bankruptcy cases.

> **Practice Pointer 2: Citations to Authority.** Fed. R. Bankr. P. 9013 requires that all motions "shall state with particularity the grounds therefor . . ." But many motions do not provide any citation to legal support. As a consequence, the Court struggles to ascertain the basis for such motions. At a minimum, counsel always should make reference to the applicable supporting law including specific sections of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure and/or the Local Rules of Bankruptcy Procedure. Case law citations also are encouraged strongly. The Court tries to review all cited precedent before any decision or hearing.

Practice Pointer 3: Relief Requested and Order. Fed. R. Bankr. P. 9013 requires that all motions "set forth the relief or order sought." Practitioners should be specific in what they want and always include a proposed form of order that is consistent with the relief requested in the body of the motion.

Practice Pointer 4: Facts and Evidence. If the motion requires the Court to make findings of fact or to assess evidence, the motion should include a statement of facts and evidence. Evidence may be provided along with the motion through an affidavit or appropriate verification.

Practice Pointer 5: Non-Prosecution of Motion. Sometimes a motion is filed and set for a hearing but movant's counsel decides not to continue to prosecute the motion. If the movant does not intend to pursue the motion, counsel should promptly withdraw the motion, file a stipulation, or otherwise take appropriate action to notify the Court and adverse parties of the status. It is not appropriate for counsel simply not to show up at the scheduled hearing and assume the motion will be denied. Since both the Court and opposing counsel likely will have prepared for the motion before the scheduled hearing, movant's counsel's failure to prosecute, withdraw, or appear at the hearing likely will result in the Court issuing an Order to Show Cause why movant's counsel should not be sanctioned.

Practice Pointer 6: Settlement. Motions often are resolved by settlement. The Court appreciates the efforts of counsel in reaching resolution and encourages settlement. However, if a motion is settled, the parties should promptly notify the Court. A phone call to Chambers is helpful to alert the Court that the parties have reached a resolution. However, the parties should file a motion to approve settlement, a settlement stipulation, a motion to continue hearing to facilitate settlement, a status report, or take other appropriate action to formally notify the Court. Any such document filed should include a corresponding form of order. The Court understands that settlements sometimes are achieved at the "last minute" or "on the courthouse steps." But, to the extent possible, advance notice to the Court is preferable.

Practice Pointer 7: Notice. Notice and due process are key requirements for obtaining judicial relief. Counsel should always ensure (and double-check) that proper service has been provided for all motions. The Court frequently denies motions or issues

compliance orders because of service or notice problems. If a motion is subject to the notice procedures in Colo. L.B.R. 9013-1, counsel should ensure that descriptions of motions or requested relief in the notice are sufficiently detailed so that interested parties can read only the notice and know what the movant has requested. For example, in the context of a Section 554 motion, it is insufficient to state only that: "[t]he Debtor has filed a motion for abandonment of property." At a minimum, the notice must advise: "The Debtor has filed a motion for the Court to order the Chapter 7 trustee to abandon the Debtor's interest in the real property located at 1234 Park Street, Denver, Colorado, pursuant to 11 U.S.C. § 554."

Practice Pointer 8: Certificates of Contested and Non-Contested Matters. With respect to all motions governed by Colo. L.B.R. 9013-1, counsel should carefully comply with the procedural requirements. Counsel should be aware that the Court takes no action on such motions unless the appropriate certificate of contested matter or certificate of non-contested matter is filed. In general, unless a certificate of contested matter or certificate of non-contested matter is filed, the matter is not considered ripe and never reaches Chambers. Certificates should be filed no sooner than three (3) court days after the response date set forth in the notice, consistent with Colo. L.B.R. 9013-1(c).

Practice Pointer 9: Certificates of Contested Matter and Request for Hearing. In the event that counsel files a Certificate of Contested Matter under Colo. L.B.R. 9013-1 and requests a hearing, the Certificate should specify in detail the nature of the hearing requested and the specific issues in dispute. Such information is key for the Court in determining how much time to allocate for an initial hearing.

Practice Pointer 10: Motions for Reconsideration. As noted by the Tenth Circuit Court of Appeals, "[g]rounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice." *Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)(citation omitted). Thus, a motion for reconsideration is proper only when the court has "made a mistake not of reasoning but of apprehension . . . [or] if there has been a significant change or development in the law or facts since submission." *In re Zamora*, 251 B.R. 591, 595 (D. Colo. 2000)(citing *Federal Deposit Ins. Corp. v. Hildenbrand*, 892 F. Supp. 1317, 1319-20 (D.

Colo.1995)). A motion for reconsideration is not a license for a losing party to get a "second bite at the apple." *Zamora*, 251 B.R. at 595 (citing *Shields v. Shetler,* 120 F.R.D. 123, 126 (D. Colo.1988)). The Court grants exceptionally few motions for reconsideration. If a motion for reconsideration is pursued, counsel should ensure that the motion for reconsideration has merit and addresses the prevailing standards for reconsideration. If a party is aggrieved by a ruling, appellate remedies are available.

B. Common Types of Consumer Bankruptcy Motions.

1. Section 362(c)(3) Motions for Extension of Stay.

Section 362(c)(3)(A) provides that if a debtor files a consumer bankruptcy case "and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed," then the Section 362(a) automatic stay "with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case . . . ."

While Section 362(c)(3)(A) is self-executing and the automatic stay automatically terminates on the 30th day after the petition date, there is an exception. The debtor may file a motion for continuation of the Section 362(a) automatic stay under Section 362(c)(3)(B) upon notice and a hearing. But, any hearing on the Section 362(c)(3)(B) motion must be "completed before the expiration of the 30-day period" and "only if the debtor "demonstrates that the filing of the later case is in good faith as to the creditors stayed." Further, under Section 362(c)(3)(C) the second bankruptcy case is "presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary) . . . . " Note that the prior case must have been ***dismissed*** within the prior year. If a debtor has another pending case or a prior closed case which was not dismissed, Section 362(c)(3) does not apply.

Practice Pointer 11: Timeliness. Because the Section 362(a) stay automatically terminates 30 days after the commencement of the bankruptcy case, it is imperative that any motion for continuance of the automatic stay be filed with the petition or shortly thereafter so that the Court may "complete[]" the hearing "before the expiration of the 30-day period." Colo. L.B.R. 4001-2(c)(3). Further, Colo. L.B.R. 4001-2(c)(1) requires a 14-day period of time to respond to such a motion. Thus, prompt filing of such a motion is critical. The Court frequently receives Section 362(c)(3) motions for continuance of the automatic stay just a few days before the expiration of the 30-day period. In such circumstances, it is impossible for the debtor to provide timely and adequate notice. And, it is impossible for the Court to act, or conduct a hearing (if necessary) within the required timeframe.

Thus, the Section 362(a) stay will expire and the Court will deny late motions for continuance of the automatic stay.

Practice Pointer 12: Evidence. Motions for continuance of the automatic stay often are filed with inadequate and completely cursory factual allegations. Practitioners should be reminded that it is the debtor's burden to prove good faith by "clear and convincing evidence." Thus, best practice suggests that the debtor should submit a detailed motion for continuance of the automatic stay along with a supporting affidavit and evidence. In any event, if there is an objection, the debtor must be prepared at the initial hearing date to present clear and convincing evidence to support the debtor's position. Otherwise, the motion for continuance of automatic stay may be denied.

2. Section 362(c)(4) Motions for the Stay to Take Effect.

Section 362(c)(4)(A) provides that if a debtor files a consumer bankruptcy case "and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed," then the Section 362(a) automatic stay "shall not go into effect upon the filing of the later case."

While Section 362(c)(4)(A) is self-executing and the automatic stay generally does not become effective in such circumstances, there is an exception. Under Section 362(c)(4)(B), the debtor may file a motion for "the stay to take effect in the case as to any or all creditors" after notice and a hearing. For the stay to take effect, the motion must be filed no later than 30 days after the petition date. And, the debtor must "demonstrate[] that the filing of the later case is in good faith as to the creditors stayed." Further, under Section 362(c)(4)(D) the later case is "presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary) . . . ."

Practice Pointer 13: Timeliness. Unlike Section 362(c)(3) which permits the Section 362(a) stay to go into effect for a period of 30 days from the filing of the petition, the Section 362(a) stay does not go into effect at all with respect to circumstances involving multiple prior cases that have been dismissed. Section 362(c)(4)(B) requires that any motion for the stay to take effect be filed "within 30 days after the filing of the later case. . . ." Colo. L.B.R. 4001-2(c)(4) parrots that requirement. However, there is no requirement that the hearing be held and completed within that 30-day period. Practitioners should be aware that the stay will not go into effect until an order enters. 11 U.S.C. § 362(c)(4)(C). Thus, the sooner a motion to have the stay take effect is filed within that 30-day period, the sooner the motion can be considered and the stay imposed, if appropriate.

Practice Pointer 14: Evidence. Motions for the stay to take effect often are filed with inadequate and completely cursory factual allegations. Practitioners should be reminded that it is the debtor's burden to prove good faith by "clear and convincing evidence." Thus, best practice suggests that the debtor should submit a detailed motion for the stay to take effect along with a supporting affidavit and evidence. In any event, if there is an objection, the debtor must be prepared at the initial hearing date to present clear and convincing evidence. Otherwise, the motion for the stay to take effect may be denied.

Practice Pointer 15: Motions for Determination that the Stay is Not in Effect. Where a debtor had a single or joint case pending within the preceding 1-year period which was dismissed, and that debtor has not taken action to continue the stay within the appropriate time frame under 11 U.S.C. § 362(c)(3), the stay automatically terminates after 30 days by operation of law. With respect to a debtor who has had 2 or more single or joint cases pending within the previous year that were dismissed, the stay does not go into effect unless the debtor takes action under 11 U.S.C. § 362(c)(4). In both of these cases, creditors need not file motions for relief from stay; however, in order to expedite proceedings in state court or foreclosure proceedings, some creditors might wish to obtain a "comfort order" from the Court confirming the absence of the stay pursuant to 11 U.S.C. § 362(c)(4)(A)(ii). Notice of such motions is pursuant to Colo. L.B.R 4001-1 is not required, as they do not require notice and a hearing and can be determined as a matter of law.

3. Motions to Reinstate.

Many Chapter 7 cases are dismissed for failure to timely pay Court filing fees (typically pursuant to a payment schedule). Such dismissals frequently are followed by a motion to reinstate along with an offer to pay the delinquent fees.

Chapter 13 cases frequently are dismissed for failure to timely make plan payments either before or after confirmation. Typically, the Chapter 13 Trustee files a motion to dismiss. Often, the debtor and counsel fail to respond to the motion to dismiss and the Court dismisses the case. Often, such dismissals are followed by a motion to reinstate along with an offer to pay the delinquent plan payments. Debtors use motions to reinstate in an attempt to remedy other types of errors and problems.

Practice Pointer 16: Reinstatement. Neither the Bankruptcy Code, nor the Federal Rules of Bankruptcy Procedure specifically address "reinstatement." Nevertheless, motions to reinstate somehow have become almost ubiquitous in Colorado. As best as the Court has been able to ascertain, motions to reinstate might be predicated on Fed. R. Civ. P. 59 or 60, as incorporated by Fed. R. Bankr. P. 9023 or 9024. However, very few motions to reinstate appear to comply with any of the procedural rules. The Court strongly discourages the seemingly routine practice of attempting to "reinstate" dismissed cases and denies most motions to reinstate. Many motions to reinstate could have been avoided by initial compliance with Court deadlines and plan terms, as well as, adequate responses to motions to dismiss. And, granting a motion to reinstate raises a myriad of thorny legal issues such as: Does the debtor need to file a new Chapter 13 plan? What happens if a creditor foreclosed on property after dismissal but before reinstatement? Does reinstatement somehow re-impose the automatic stay? Many jurisdictions simply do not allow for reinstatement in the way presented in Colorado.
While strongly discouraging motions to reinstate, if a motion to reinstate is filed, it should at the very least: (a) be filed very promptly after dismissal; (b) provide the legal basis including citation to statutes, procedural rules, and case law justifying reinstatement; (c) contain a fulsome factual recitation explaining the basis for reinstatement and showing how the facts meet the legal standards; (d) state the position of the Chapter 7 or 13 Trustee; and (e) explain what, if anything, has happened since the case was dismissed (*i.e.*, whether creditors have taken action against the debtor or the debtor's property after dismissal). Although most motions for reinstatement are denied, be prepared to present evidence and argument in support of any motion for reinstatement.

4. Motions Served on Insured Depository Institutions.

Many common consumer bankruptcy motions (such as a motion to avoid a judicial lien under 11 U.S.C. § 522(f)) require service of process on an insured depository institution (typically, a bank). Insured depository institutions are protected by special service provisions in Fed. R. Bankr. P. 7004(h). The Court frequently is presented with motions failing to establish proper service under Fed. R. Bankr. P. 7004(h). Such motions may be denied or a notice of non-compliance may be issued.

Practice Pointer 17: Special Service for Banks. Counsel should carefully comply with Fed. R. Bankr. P. 7004(h) when serving insured depository institutions. Generally, unless counsel has entered an appearance for the bank or the Court orders otherwise, service must be by "certified mail addressed to an officer of the institution."

IV. Chapter 13 Cases.

Chapter 13 cases present many special issues and tend to be much more time-consuming for counsel and the Court. Furthermore, not all Divisions of the United States Bankruptcy Court for the District of Colorado follow the same case processing procedures. Accordingly, until such time as more uniformity is achieved, counsel should be aware of the differences in procedures between Chambers. Nevertheless, at least some Practice Tips should apply across all Divisions.

Practice Pointer 18: Communication with Chapter 13 Trustee. The Chapter 13 Trustee plays a critical and central role in administration of all Chapter 13 cases. The Court believes that many, many issues that result in hearings (whether contested motions to dismiss or plan objections) could be resolved by more timely and fulsome communication with the Chapter 13 Trustee in advance of any hearing. Counsel are well-advised not to wait until the day of the hearing --- or even during the hearing --- to have initial communications of disputed issues.

Practice Pointer 19: Multiple Amendments to Proposed Plans. Relatively few Colorado Chapter 13 initial plans reach confirmation. Instead, debtors and their counsel frequently submit amended Chapter 13 plans --- sometimes as many as 5, 6, 7 or 8 amended Chapter 13 plans. In some cases, there are real and legitimate reasons why amendments are necessary to achieve confirmation. However, in the Court's view, many of the amendments are required only because of the lack of diligence and attention to detail in the initial plan or follow-up plans. The Court discourages repeated amendments as a matter of standard practice. Although the Court is amenable to a few amendments if the case is progressing and if the amendments resolve objections, the Court views the third or fourth amendment with a jaundiced eye. At that stage, counsel should expect to justify the need for further amendments and why the case should not be dismissed under 11 U.S.C. § 1307(c)(1).

Practice Pointer 20: No Objections to Plan. Colo. L.B.R. 3015-1(f)(1) governs when no objections are timely filed to a Chapter 13 plan. If the debtor wishes to pursue confirmation of the Chapter 13 plan, counsel must file a Verification of Confirmable Plan "no later than four (4) court days prior to the original hearing on confirmation." Many practitioners fail to timely file a Verification of Confirmable Plan. Such failure causes confusion for the Court and may lead to an order to show cause, sanctions, or delay in confirmation. Counsel are advised to timely file a Verification of Confirmable Plan if there are no objections.

Practice Pointer 21: Objections to Plan. Colo. L.B.R. 3015-1(g) governs if objections are timely filed to a Chapter 13 plan. Counsel must "meet and confer" with the objector – usually the Chapter 13 Trustee – to try and "resolve or narrow the issues." The Court strongly encourages meaningful communications on such issues. If no resolution is possible and the debtor intends to proceed to the hearing on confirmation of the pending Chapter 13 plan (or file an amended plan in the future after the scheduled confirmation hearing), then counsel must file a Certificate and Motion to Determine Notice "no later than four (4) court days prior to the hearing on confirmation." The Court carefully reviews all Certificates and Motions to Determine Notice the day after they are due to determine the status and how to proceed. This is debtor's counsel's chance to propose the path forward. Therefore, it is imperative for counsel to submit meaningful and informative Certificates and Motions to Determine Notice and to do so in a timely manner. (Unfortunately, not all counsel comply.) If counsel fails to timely submit a Certificate and Motion to Determine Notice, the Court may require counsel to appear in person, issue an order to show cause, impose sanctions, or dismiss the case. Such adverse actions can be avoided by timely submitting the Certificate and Motion to Determine Notice.

Practice Pointer 22: Be Proactive and Communicate with Debtors Post-Confirmation. Confirmation is not the end of the Chapter 13 case. The Court recognizes that many events may occur during the 3 or 5-year term of a Chapter 13 plan. Some of the events (such as job loss or catastrophic injury) may negatively impact a debtor's ability to comply with plan terms. Counsel should try to communicate with their clients to the extent feasible. If a modification of a Chapter 13 plan is necessary, it should be pursued in a timely fashion. Counsel should not wait until after a case has been dismissed to propose a modification, and should not

fail to respond to a motion to dismiss only by means of modification (counsel should still respond to the motion to dismiss). Motions to modify should be informative and fully disclose the reasons for the modification and the impact the modification will have on each class of creditors. Motions to modify should also be accompanied by the filing of amended Schedules I and J so that the Court and parties in interest have the information necessary to assess the validity of the debtor's reasons for the proposed modification.

Practice Pointer 23: Discharge Issues. The real end of a successful Chapter 13 case is discharge. However, all Divisions of the United States Bankruptcy Court for the District of Colorado have determined that debtors cannot receive a discharge under 11 U.S.C. § 1328(a) unless they have completed *all payments* under their confirmed Chapter 13 plans (including "direct payments" to secured lenders detailed in plans). Debtors should be counseled concerning this requirement from the beginning of their cases and periodically thereafter. Waiting to month 59 to discover a large delinquency may be too late.

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V. Some Additional Thoughts from Chambers Staff.

Bankruptcy Judges do not work alone. Instead, they rely extensively on very capable staff. In the United States Bankruptcy Court for the District of Colorado, each Bankruptcy Judge has a team composed of 2 experienced law clerks, a judicial assistant or courtroom deputy, and 4-5 case managers or case administrators. All parts of the team serve important functions in bankruptcy cases.

Practice Pointer 24: Careful Communications. The Bankruptcy Court exists to assist debtors, creditors, other parties in interest, and their lawyers in resolving legal issues under the ambit of the Bankruptcy Code and applicable law. It is a public service organization. Although counsel may wish to communicate directly with Chambers on some issues from time to time, lawyers should be aware of that such contact may raise special *ex parte* communications concerns for opposing counsel. The Court and staff are sensitive that the integrity of the judicial process --- including transparency and fairness --- must be preserved. Accordingly, it is not appropriate for counsel to try to secure advantage by communications with Chambers staff. Counsel should not attempt to argue the merits of their respective positions with Chambers or Court staff. Instead, communications with Chambers personnel should be limited and focused on questions concerning such things as: scheduling; the receipt of pleadings;

the delivery of voluminous materials; arrangements for electronic evidence presentation; and the like. Neither Chambers staff nor the Clerk's staff can explain or change compliance orders. If counsel does not understand an order, after carefully reviewing the order, the motion to which the order is directed and applicable rules, counsel should file a motion or response to the order within the time set be the order.

Practice Pointer 25: Status of Decisions. As noted previously, each Bankruptcy Judge in the District of Colorado has more than 4,000 consumer cases. Accordingly, the Court simply cannot act on all motions instantaneously. The Court strives to adjudicate matters expeditiously but must balance competing needs and priorities among the cases before it. Generally, it is not good practice to call the Court --- or to call the Court again and again --- to demand a ruling. However, in some circumstances, such as an emergency or if a particular motion seems to have "fallen-through-the-cracks," a call to Chambers may be appropriate. Counsel should simply advise Chambers of the pendency of the matter, how long it has been pending, and any special circumstances. The matter will be brought to the attention of the Judge who ultimately will decide. Chambers staff are not authorized to make decisions on the merits of any judicial matters and cannot provide legal advice.

Practice Pointer 26: Consideration for Chambers Personnel. Chambers personnel, like consumer bankruptcy counsel, work under substantial pressures and time constraints in their jobs. There are times when counsel in a highly charged environment, may call Chambers staff to complain or vent about judicial decisions, scheduling, or other matters. Such calls are not appropriate and counter-productive. Chambers staff are not responsible for the merits of a decision. The Judge is. And, being disrespectful to Chambers personnel does not serve anyone's interest. Chambers staff are trained to be respectful and courteous to lawyers and *pro se* litigants. So, counsel should extend courtesy and respect to Chambers staff. Counsel may contact the Clerk or Deputy Clerk of the United States Bankruptcy Court if special circumstances warrant.

Practice Pointer 27: Rules and Practices. Most procedural questions raised by consumer bankruptcy counsel can be answered by careful review of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Bankruptcy Rules. Furthermore, all Colorado

Bankruptcy Judges maintain detailed information about their respective practices and requirements under the "Judge's Info" Tab on the website for the United States Bankruptcy Court for the District of Colorado: www.cob.uscourts.gov.

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