

# Judge Creswell's Chambers Procedures

## I. Courtroom Etiquette/Expectations

### a) Settlements & Agreed Continuances

- i. All announcements regarding settlements (even if orders are already submitted) and agreed continuances should be sent no later than 12:00 PM the business day prior to the hearing to [settlements4C@almb.uscourts.gov](mailto:settlements4C@almb.uscourts.gov). **Please copy opposing counsel and the trustee but do not copy Ms. Moore or Chambers.** The Court will still allow (and encourages) settlements. However, any settlement not communicated through the above email address prior to the 12:00 PM deadline will need to be put on record at the hearing. If the non-moving party has no defense such that an order can be submitted (or is submitted prior to the hearing), please send those updates to the settlement email prior to the deadline (copying opposing counsel and the Trustee).

### b) Confirmation Hearings

- i. Confirmation hearings are scheduled to begin at 10:00AM. Debtor attorneys should meet with the Chapter 13 Trustee in the courtroom one hour prior to the confirmation hearing (9:00AM) to resolve any outstanding issues. This allows Trustee to determine which cases are ready to be confirmed during the "Confirmation Call," but this does not negate Debtor attorneys' obligations under Administrative Order 2018-18. **See III. Filing Deadlines.**

### c) Telephonic Hearings

- i. **Please remember to do the following:**
  - mute your phone while you are waiting on the conference call;
  - choose a quiet place where you can be heard clearly and background noise won't interfere with the proceedings;
  - announce your appearance when your case is called;
  - let your client know before the hearing whether he or she needs to participate in the telephonic hearing;
  - remember that a telephonic hearing is treated the same as any other hearing - be punctual and treat it the same way you would if you were in the courtroom;
  - advise the judge if at any time during the hearing you cannot hear what is being said by the judge or the other parties;
  - devote your full attention to the call to avoid mistakes and misunderstandings; and
  - be familiar with the court's procedure to reconnect if you are disconnected during a hearing.
- ii. **Please do not:**
  - put your phone on hold;
  - call in while operating a vehicle, grocery shopping, watching TV (or children), or any other distracting activity;
  - participate by speaker phone unless it is absolutely necessary; or
  - be distracted with other tasks and matters.

#### **d) Evidentiary Hearings**

- i. Parties should come to an evidentiary hearing prepared.
- ii. All relevant documents should be exchanged between the parties prior to the hearing.
- iii. Counsel should provide at least **three copies** of any exhibits presented/admitted at the hearing.

### **II. Motions for Relief**

- i. All motions for relief filed should have supporting documents (i.e. affidavits, exhibits, etc.) filed as separate attachments in the same docket entry. This allows the Court to easily assess whether the movant has set forth evidence in support of the motion. If the supporting documents are properly filed and named separately, the matter will be placed on the telephone docket. If the supporting documents are not filed separately or they are not filed at all, the matter will be put on the contested matter docket to allow the movant to present evidence on the record.
- ii. A motion for relief must be accompanied by a properly filed affidavit in order to be scheduled for a telephonic hearing.
- iii. Any affidavit submitted should be sufficient to meet the movant's burden under §§362(d)(1)-(4) and under §362(g).
- iv. Movant should include the specific amount of attorney fees requested in the motion.

### **III. Filing Deadlines**

- i. For confirmation hearings in all Chapter 13 cases, please review Administrative Order 2018-18: "Amended Order Governing Procedures in Cases Under Chapter 13". All filings (i.e. amendments to plans or schedules, responses, objections, etc.) shall be made no later than 5:00PM on the fourth full business day prior to the day such case will be called, not counting the day of the hearing.
- ii. The Court is generally prepared for the docket 3 business days prior to the scheduled hearing. For matters not subject to Administrative Order 2018-18, please notify chambers by e-mail at [almb4C@almb.uscourts.gov](mailto:almb4C@almb.uscourts.gov) when a document pertinent to the hearing is filed within 3 days of the hearing.

### **IV. Orders Submitted to the Judge**

- i. Make sure the proposed order complies with ALMB's e-orders guidelines.
- ii. Order should not contain "Findings of Fact" or "Conclusions of Law" unless otherwise specifically requested by the Judge in open court.
- iii. Do not include language that the order "survives conversion" or otherwise binds a Chapter 7 Trustee to an order that entered before the Chapter 7 Trustee was appointed.
- iv. If the order is being prepared at the request of the Court following a hearing, the order should be uploaded within 14 days of the hearing.