

REVISED CHAPTER 13 DAY PROCEDURES, published April 5, 2007

These procedures will be in effect for chapter 13 days in Judge Starzynski's court beginning in April, 2007

1. A preliminary hearing will be set by CM/ECF at the time of filing the petition, regardless of whether the Plan has been filed or not. This procedure appears to effectively abrogate NM LBR 3015-3 (1996).
2. Debtor's counsel is encouraged to set a meeting with the trustee as soon as possible after requesting a hearing.
3. At the hearing debtor's counsel will be expected to outline the issues for the court and report what steps have been taken to resolve the issues. Other counsel will be prepared to discuss their particular issues.
4. All counsel will be prepared to state when the case will be ready for trial and the anticipated length of trial.
5. A scheduling order will be completed at the hearing and subsequently entered. The trustee will bring partially completed orders for each case, and chambers will complete the necessary items. The order will include deadlines for matters such as filing of amendments, filing of tax returns, and the like.
6. On the date scheduled for the final hearing, all counsel shall be prepared to go forward with a trial on the merits, unless all counsel have signed off on an order resolving the matters at issue.
7. Debtor's counsel is expected to arrange to confer, and to then actually confer, with any opposing parties, including particularly the trustee, far enough in advance of the final hearing so that a trial on the merits can be avoided where reasonably possible.
8. Final hearing day will not have the "conferring break" as in the past. The only break will be the brief one (albeit perhaps more than one) ordinarily taken during the course of a trial day to attend to physical needs (e.g., stretching, coffee, etc.). Settlement negotiations and discussions should occur prior to hearing day. The trustee or her attorney will be available at 1:00 in the courtroom on hearing day to review last minute changes to confirmation orders or finalize orders that have been agreed to ahead of time.
9. If the debtor is going to convert or dismiss a chapter 13 case, debtor's counsel should notify the other parties of that intended action as soon as reasonably possible.