

Even More Advice and Thoughts from Judge Starzynski

prepared for

BANKRUPTCY 2002: The 18th Annual Year in Review

March 7, 2003

The Honorable James S. Starzynski
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District of New Mexico

The following continues my "More than You Probably Wanted to Know" monologues with practitioners at the Annual Year in Review programs, which deal largely with practice and procedures in my courtroom and chambers.

These practice and procedure tips are in addition to those already listed on my chambers website. If you are interested in or need to know about these practice tips, then you need to also review the other practice tips at my chambers website. To get to my chambers website, go to www.nmcourt.fed.us, then click on U.S. Bankruptcy Court, then on Chambers, then on Judge Starzynski's "homepage", and then start clicking on the various topics you want or need to read about. (Note that these decisions are filed chronologically and that there is a "last updated" line at the bottom of this page, which will help you remain current on what is filed on that page.) There is a wealth of other information on the chambers website as well, such as the court calendar for the upcoming six months, which is usually updated once a week and is searchable, so spending some time at that site might be useful.

PART 1: PRACTICE AND PROCEDURES

1. The Creed of Professionalism of the New Mexico Bench and Bar ("Creed") will be incorporated into the next edition of the local bankruptcy rules. A copy is attached. Note that this is the updated version from the "Lawyer's Creed" made applicable to practice in the District of New Mexico by D.N.M.LR-Civ 83.9 (eff. January 1, 1996); the updated version applies to judges as well. Two things are notable about the Creed: first, in effect, it is already being enforced in matters pending before me, and second, the majority of lawyers that appear before me comply with the spirit and letter of the Creed without the necessity of the Creed itself. In particular, one of the governing moral imperatives of the majority of the District of New Mexico bankruptcy bar is problem solving (my shorthand term), and the status of being a problem solver is an honored one among the bar. In consequence, for the majority of lawyers who practice bankruptcy in this district, the addition of the Creed to the local rules will have little effect on their practice. It is the remaining few who actually need to have the Creed incorporated into the

rule; with any luck, those few will actually become aware of the Creed and abide by its tenets.

2. § 523(a)(2) complaints and § 523(d) attorney fees: debtors should seriously consider responding timely to letters of inquiry from credit card companies or other creditors who may pursue relief under § 523(a)(2). Should the creditor send such a letter in order to determine whether to initiate an action under § 523(a)(2), the response (or non-response) of the debtor may figure into the decision about whether to award attorney fees under § 523(d), and if so, how much. Such an inquiry and response is entirely in keeping with the requirements of consultation and negotiation expressed in the Creed.
3. a. For years we have been seeing adversary complaints filed with both § 523 and § 727 counts. The § 727 counts in a majority of the complaints are questionable. That is, they appear in complaints that clearly state a cause of action for § 523 relief but the § 727 count appears to have been included merely to provide leverage to obtain a favorable settlement or because the pleader does not understand what the thrust of § 727 is really about. For example, a complaint that charges that the debtor defrauded the complaining party by knowingly tendering a bad check and that also charges that the debtor does not have the check may well state a cause of action for fraud but does not state a cause of action under § 727(a)(3) for “fail[ing] to keep or preserve any recorded information.” Similarly, a complaint to void a prepetition fraudulent transfer pursuant to § 548 (putting aside that such an action can only be brought by a trustee) should not also claim, based on those same facts, that “the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred...property of the debtor within one year before the date of the filing of the petition....” § 727(a)(2). Section 727 actions go to the heart of the bankruptcy process; they are intended to discourage debtors from, and to prosecute them for, doing things that prevent the full disclosure and distribution that is the goal of the bankruptcy process. A debtor who has lost or otherwise fails to turn over to his creditor a copy of the alleged bad check is not attacking the core values of honesty and transparency and accountability that characterize the bankruptcy process itself, and therefore there is no basis for bringing a § 727 action.
- b. The consequences of filing a § 727 action, including merely adding a § 727 count to a complaint, are several and significant. To begin with, no discharge can be entered until that count is resolved. (If only a § 523 action is filed, the discharge is entered in the normal course of the case administration, subject to an exception for the debt which is the subject of the § 523 action.) That of course is a hardship for the debtor, who needs to be able to get on with his or her life, such as by being able to purchase

a vehicle, etc. It is also a hardship for secured creditors who often hold back on filing stay motions on the assumption that the trustee will issue a no-asset report shortly after the conclusion of the § 341 meeting and the debtor will receive the discharge 61 or 62 days after the § 341 meeting, the two events which occur in the majority of cases and result in the expiration of the stay in the case. See § 362(c). The additional months, or longer, which result from the delay in the entry of the discharge lead to the filing of stay motions, which not only take more court time but also end up costing either the debtor, the secured creditor, or either or both of their attorneys. In addition, the clerk's office must take the case off the usual, mostly automated, administrative track and give it special, time-consuming handling. At a time when, for the last decade, the operations staff workload has been skyrocketing and the number of Clerk's office personnel has been staying level or even shrinking, automated handling of cases is critical to getting the work done that allows all of you to serve your clients well. And of course, pursuant to F.R.B.P. 7041, "a complaint objecting to the debtor's discharge shall not be dismissed at the plaintiff's instance without notice to the trustee, the United States trustee, and such other persons as the court may direct, and only on order of the court containing terms and conditions which the court deems proper." In short, filing a § 727 count is serious business and has consequences that the complainant may find somewhat onerous down the road.

- c. In consequence, I have developed a policy for addressing § 727 counts early on in an adversary proceeding. Particularly when the § 727 count is included in a § 523 complaint, I question plaintiff's counsel (or a self-represented plaintiff) about the basis for the count. And depending on the response, I will require the plaintiff to examine the statute and the case law, and to perform whatever factual investigation is needed on an expedited basis, and then report back to me in a subsequent hearing set for this specific purpose, to lay out both the facts and the case law that support the § 727 count. In most cases so far the § 727 count has been withdrawn; in one case the attorney laid out a good case for going forward with the § 727 action. Counsel should keep in mind that although there is no equivalent of § 523(d) in § 727, filing a § 727 count merely for leverage purposes – that is, when there is no factual or legal basis for it – could result in the assessment of sanctions.
4. When, on an emergency basis, you need an order entered and the bankruptcy judge to whom the case is assigned is out of town or otherwise not available and will not be available before the order must be entered, check with that judge's staff to see what can be done. The remedy often will be to go to the other judge's staff and explain the situation to them, in order to obtain a signature on the order. My staff is available to let you know if I will be available on a given day or at a given time; if my staff is not available to answer your question (for

example, on Sunday at 9.00 pm), you can get some idea of my availability from my calendar posted on my chambers web site. With respect to orders generally, my practice is to sign paper orders the evening of the day they are delivered to our chambers or the intake counter and have them entered the next business day. My practice is to go through email several times during the course of the day (when I am in the office and depending on how heavy the docket is), giving priority to emailed orders for approval and entry at those times. That means that emailed orders are often entered on the same day they are sent to us.

5. The Amended Order on Interim Application for Allowance and Payment of Compensation and Reimbursement of Expenses and Costs filed by Debtors' Counsel (slip op.), docketed January 29, 2003 (doc 72) in In re Anaya, No 13-01-11205 SA contains a reasonably good summary of the rules (as I understand them) about prepetition and postpetition compensation from the estate for work done for the debtor (or the estate, for that matter), including the issue of retainers. A copy of the four-page decision is attached. Note: I am not sure that the Clerk's Practice and Procedure Guide (2nd Ed. October 1, 1996) ("CPPG") (or the UST guidelines?), which seems to say that it is permissible to bill for prepetition work (section 14.2.5.b), overrides what I understand are the requirements of the statute.
6. It appears that the practice of paying another attorney to do part of the work in a bankruptcy case, particularly covering the § 341 meeting in another town, is fairly routine. I have not decided whether such a practice constitutes fee sharing, and thus requires disclosure pursuant to Rule 2016(b), and the issue to date has not officially come to my attention, but you may want to consider that issue next time you file a Rule 2016(b) statement. I certainly have no problem with the practice itself; in this state, such an arrangement may almost be a prerequisite to conducting an economically viable debtor-representation case. The concern, rather, is disclosure. So think about that in connection with any of your pending or future cases.
7. Concerning applications and orders for employing counsel, I do not require a provision which requires filing a fee application every 180 days. I am aware that the forms in Chapter 14 of the CPPG have such a provision in them, but I have passed on to the U.S. Trustee that I do not require such a provision, and in fact prefer that there not be such a provision in any order that I sign. My thinking is that a more accurate device for tracking the fees being charged in a case should be in the monthly operating reports, which require a monthly update on the status of all professional fees. This means, of course, that the operating reports need to be timely filed, and the necessity for being able to track professional fees in the course of a case emphasizes the importance of current operating reports and the adverse consequences of the lack of current operating reports. In addition, the 180-day rule raises knotty questions of enforcement. For example, what if there is an objection in one case and not in another; that is, since it would

be my order that requires the periodic filing, should I enforce the provision even if no one else wants to? And what if a filing comes 270 days later instead of within the 180 days; that is, should the attorney only get to bill for the most recent 180 days, or should there be a monthly reduction for each month outside the 180-day period, such as 10% for the 7th month, 20% for the 8th month, etc.?).

8. Those of you who attend hearings in person may have noticed that I try to accord to self-represented parties (the former Clerk of Court John Greacen has told me that the preferred term is “self represented” rather than “pro se”, since “pro se” is a Latinism that many people do not understand) the same dignity and responsiveness that represented parties and their counsel receive. For reasons that are set out in Part 2 of these notes below, I think it is extraordinarily important for everyone who appears before me to come away feeling that they received a full and fair and courteous hearing – that they had their “day in court”. And this is just as applicable to those who are self represented. This results sometimes in pro se cases being heard in the order they appear on the calendar that morning, which means that sometimes lawyers wait longer than they otherwise would while I explain to a self represented party some of the rules and practices that govern the proceedings they are engaged in. (Of course, this applies as well to some lawyers who do not regularly appear in bankruptcy court.) So I am thinking that there may be a way to “cluster” the self-represented cases at a separate time on the docket in order to lessen the time that everyone else has to spend in court (and having people spend less time in court is one of the overall administrative goals of my chambers).

9. In the course of reviewing files for contested matters, I have noticed a number of agreements reaffirming credit card or other unsecured (or even undersecured) debts. § 524(c) and (d) make it clear that if a debtor is represented, his or her counsel must “approve” (my shorthand term for the Code requirements) the reaffirmation. If the debtor is self represented, then the court has to approve the agreement. (Another option occurred a few months ago in which a very experienced attorney disagreed with his client’s strong desire to reaffirm and he refused to approve the agreement; in that case, the attorney arranged for a hearing at which he and the debtor appeared and I made the decision, on the basis that the attorney could not in good conscience represent the debtor and comply with her wishes on this specific matter.) The problem with reaffirmations, of course, is that they cause the debtor to lose a part of the advantage of filing bankruptcy, and can have very serious consequences if the debtor turns out to be unable to comply with the payment terms of the agreement. (This may be the case particularly in those instances in which schedules I and J show continued deficit spending even after the filing of the petition and the discharge of much of the debt, a surprisingly common occurrence in the chapter 7 cases that I review.) Based on my experience in making these decisions for self represented debtors, and also based on discussions with experienced practitioners who talked about, for example, the dangers of reaffirming of a car loan when the debtor is not

current on payments, I have frequently not approved such agreements. In addition, with respect to secured car loans, I have also frequently relied on Lowry Federal Credit Union v. West, 882 F.2d 1543 (10th Cir. 1989), which permits a debtor to keep a vehicle (that is, the creditor may not repossess it) without reaffirming if on the petition date the debtor was current on payments, there is equity in the vehicle and the debtor otherwise abides by the terms of the sale such as keeping the vehicle insured. In particular, chapter 7 and chapter 13 debtors' counsel should be careful to approve only those (very few) reaffirmation agreements which will genuinely benefit the debtor. Reaffirming a debt merely to stay in the good graces of the credit card company is not in the best interests of the debtor. But because of the provisions of § 524(c) and (d), I have no authority (except perhaps under § 105?) to take any corrective action. And the likelihood of a debtor realizing later that the approval of a reaffirmation agreement was malpractice and then being able to do anything about it is negligible, so that I can only hope that all debtors' counsel will hear or read this discussion and act accordingly.

10. There are times when I communicate one on one, at my request or theirs, with the office of the Chapter 13 Trustee or the Assistant United States Trustee (read: Kelley, Annette, Ron or Leonard). These communications arise from the fact that those two offices perform certain administrative functions and that is what the conversations are about; they do not concern specific cases because if they did, the parties on the other side of those cases would be part of the conversations. But even the administrative conversations are not all limited to contacts with those offices; as was the case with the revised chapter 13 day procedures that I instituted, I try to make sure that anyone with a stake in an issue is heard and has access to any decision making.
11. We need to have parties get orders in to close adversary proceedings reasonably soon after settlements are noticed out, after trials, after dismissals, etc. The reasons are that it helps us keep better control of the cases and adversary proceedings and contested matters on our docket, it helps the Clerk's office keep better control as well, and in particular, when we close adversary proceedings, we get credit on the AO's work measurement reports, which results in turn in receipt of funding for personnel. At this particular time, this control (and the funding to come) is particularly important now that I have received 167 adversaries in the last week of January and the first week of February. (Each judge in this district usually gets about 150 adversaries in one year.)
12. Reiteration: in a motion for stay relief concerning non real estate collateral, if there is an allegation of no insurance, the proof of insurance must be attached to the answer (it is not enough to merely deny the allegation) or provided to the creditor's counsel before or at the preliminary hearing. Otherwise, I modify the stay at the preliminary hearing.

13. Make sure that if you have exhibits, you have three sets (for the witness – the official exhibit –, the judge and the staff attorney [the latter probably more important than the copy for the judge]) plus a set for each opposing counsel, plus a set for yourself.
14. New form of order arising out of final pre-trial conference: It still remains the case that in the Court's discretion, documents which will constitute the party's exhibits at trial that are not timely delivered (usually about ten to eleven days before trial) to the other parties may not be used at trial. The primary differences between the old form and the new form of order are that (a) with respect to the three sets of exhibits delivered to chambers usually one to three days before the final hearing, the party must also deliver a set to each of the opposing parties no later than the same day. In other words, it will not work to deliver the sets to chambers on a Tuesday and then sometime Tuesday afternoon or evening put a set in the mail to opposing counsel; (b) parties do not have to be listed as witnesses, to take into account that an attorney may forget to list his or her own client as a witness, and because people will not ordinarily be surprised if a party testifies. In the event that the non-listing poses a potential hardship, the parties should of course confer with each other to resolve the problem, and then, if worse comes to worse, seek relief beforehand from the court; and (c) I reserve the right to use sanctions as a method of compelling compliance with the order. A "redlined" (actually, "blacklined" and "graylined") copy of the new form order is attached hereto.
15. And concerning these deadlines, make sure you comply. One of the problems with not complying is that you set up your client to lose. It is always my policy to decide things on the merits, but if the rules are not complied with and I need to reinforce the need for compliance with my orders, and especially if there is prejudice to a party as a result of the noncompliance, then your client may get deprived of a hearing on the merits. And if that happens, it may also mean that practically speaking the client has no recourse, since a malpractice action for all practical purposes is just too cumbersome and expensive and otherwise out of reach for the client, assuming the client even realizes that a mistake has been made or that he or she can do anything about it.
16. Making decisions when I have "discretion" is harder than when the decision to be made is rigidly bound by statute, rule or precedent. The standard is not so much avoiding reversal on appeal (although adherence to Tenth Circuit authority is always something I strive for), but rather there is a big difference between making a decision which will not be reversed on appeal and making a decision which is really correct in the facts and circumstances. The latter is a much more demanding standard. In effect the parties may be deprived of a real appeal when the decision is within the range of discretion, so that if I don't get it right, it is likely to go unfixed.

17. If I appear to be missing the point during your argument, or at least not fully understanding the significance of it, don't hesitate to say that and make your point clearly. Examples are a case in which a creditor sought, and debtor's counsel opposed, stay relief applicable to more than the one case at issue, and a chapter 11 case in which the parties were arguing the effect of a cash collateral ruling on a later request for a DIP loan. On the other hand, try to make the argument as succinct as possible; this is not an invitation to say in ten minutes what can be said in two.
18. Do not yell at or be otherwise rude to the clerk's office staff, and make sure the folks on your staff don't do that either. If there is a problem with service, raise that with the Clerk or the Chief Deputy Clerk or a judge or some other supervisor. But yelling at the staff is not productive and, candidly, just plain dumb, since we hear about it. In fact, I find it a bit amazing that I even need to address this issue.
19. And on a related note, when someone from the Clerk's office calls you to ask you to do something like get in an order that resolves a motion (or withdraw a motion you have previously said you would withdraw) so that the case can be closed, you need to respond promptly to the request, either by doing what is requested (that is, what you are already supposed to have done) or by contacting the case manager to tell her or him why you cannot do what is requested right away. A prompt response is both courteous and smart.
20. Repeated from last year at the request of counsel: The Court has also developed a policy to deal with attorneys or parties who fail to appear at hearings, either in person or by telephone. (The policy on telephone participation in hearings is on the website under "Telephone Hearings". One piece of information not stated in that item is that if you are driving when you are called, I will expect you to pull over to the side of the road to take and finish the call -- and I will give you time to do that -- regardless of whether you have a handheld or hands-free telephone system. The danger in cell phones in cars is not so much in having to have one hand free as it is in having to have one brain free to concentrate on the hearing.) Failure to appear can occur when counsel or the party does not ask to be called for a hearing and also does not appear physically in the hearing room or courtroom when the case is called, or when counsel or the party has asked to be called and then does not answer when I call (whether because counsel gave us the wrong telephone number, or forgot to take the telephone off "night mode", or an unexpected call came in to counsel and took up the line just when I was calling, or the cell phone battery gave out, etc., unless the fault was the carrier's, such as the system going down or the phone service being terminated unexpectedly.) The sanction for failing to appear varies with the circumstances, with the goals that (a) an attorney's failure to appear should if possible not prejudice the client, and (b) consistent with numerous Tenth Circuit and United States Supreme Court cases dealing with sanctions, the sanction imposed

should be the minimum needed to accomplish the goal of better attendance in the future. Examples of sanctions typically assessed are as follows:

- a. The usual process for dealing with a failure to appear is the issuance of an order to show cause (OSC), which OSC will set a preliminary hearing for the attorney or party to explain why she or he failed to appear, and giving her or him the option of paying a \$100.00 fine and disposing of the matter without the hearing. If the attorney or party wants to contest or otherwise explain what happened, the fine will still be \$100.00; the reason for keeping the figure the same is to not discourage someone from contesting the imposition of the fine by the threat of a higher fine. (Compare Blackledge v. Perry, 417 U.S. 21 (1974).) In most cases, people have elected to pay the fine before the hearing takes place. And most of the hearings have resulted in the imposition of the fine.
- b. The preliminary hearing may be continued in the absence of the non-appearing party or attorney, as for example is usually the case with a pretrial conference in an adversary proceeding, or a final hearing may be set, as is usually the case with a stay motion.
- c. If the creditor's attorney fails to appear at a preliminary hearing on a motion for stay relief, I may deny the motion, figuring that it is cheaper for the movant's attorney to refile the motion than pay the fine, although that probably results in some delay for the creditor (and the debtor). If the debtor's attorney fails to appear at a preliminary stay hearing after filing an objection, I will issue an OSC for a \$100.00 fine. If the debtor's attorney neither files an objection to the proposed stay relief nor appears at the hearing, I assume that the debtor and the attorney have decided that they are not going to contest the request for stay relief and that they do not want to spend the money (or don't have it to spend) to appear at the hearing to say that, so that there would be no basis for assessing a sanction.
- d. I expect and assume that a fine will be paid by the attorney and that the attorney will not seek reimbursement, directly or indirectly, from the client.
- e. I attempt to apply the sanctions evenly and equally to all counsel or parties, regardless of whether counsel represents debtors, creditors, a governmental entity, third parties or whomever. A review by my chambers has concluded that the attorneys sanctioned represent virtually the entire spectrum of parties that appear before me. The specific treatment may vary somewhat, because not all parties are in the same circumstances (e.g., failure to appear at a preliminary stay hearing). And there are instances in which an attorney or party will not be sanctioned at all for failing to appear; e.g., at a preliminary hearing on the chapter 13 trustee's

objections to payment of unsecured claims, there will usually be no reason for the debtor's attorney to appear, since the outcome of the hearing has no impact on the debtor and neither the debtor nor the attorney are needed for the preliminary hearing. Of course, merely because an attorney or party deems herself or himself superfluous to a hearing, or vice versa, does not mean that is the case; for example, if a hearing is set on a motion to dismiss a complaint, the mere fact that the complainant's attorney has agreed to amend the complaint does not mean the attorney can then ignore the hearing, at least until an order to that effect is entered.

- f. If you are thinking about skipping a hearing, keep in mind the Court's policy about hearings, both preliminary and final, and agreements between counsel and/or settlements, which is roughly summarized as follows: hearings will usually not be put off without an order submitted signed off by all counsel which resolves the matter at issue, or counsel can appear and read a settlement into the record (and if only one counsel appears and announces the terms of the settlement, those terms become the settlement terms and will bind the non-appearing counsel and client), or counsel can ask for a continuance at the time of the scheduled hearing (there is no guarantee it will be granted), or counsel can call ahead of time, show up at chambers or file a motion asking for a continuance (again, there is no guarantee the motion will be granted, but not doing things at the last minute enhances the credibility of the effort). Note that an agreement between counsel to continue a hearing does not constitute a "settlement".
 - g. If an attorney is not present, I will certainly permit another attorney to step in for the missing attorney on the spot. Obviously that would be applicable for attorneys from the same firm; it is equally applicable for attorneys not from the same firm. (So maybe it pays to cultivate good relationships among your colleagues.) The value being addressed by this policy is to avoid delays in moving the caseload along, which ultimately benefits everyone, including the clients who are (hopefully) paying the bills.
21. Also a repeat from last year: If you settle a case (or withdraw your motion for stay relief, or whatever), bless you. You will be doubly and triply blessed, however, please let us know about the settlement, withdrawal, etc. so we can take it off the calendar, not have to pull the file, etc. And even if you don't care about the blessing, tell us anyway.

PART 2: SOME THOUGHTS ABOUT THE JUDGING PROCESS AND POSTERITY¹

Among the paramount concerns I have is the need to get it right at the trial court level, and to help get it right at the appellate level.² The further up the appellate level one goes, the more that appellate court becomes in effect the court of “last resort”. But for many people, who will only be able to afford one hearing (if that), the court of last resort practically speaking is the trial court; that is, the bankruptcy court. If I don’t get it right in these cases when there will be no appeal, justice will not have been done. See paragraph 3(c) in Part 1 above.

Even for those hearings in which there is likely to be an appeal, it is important for me to make the findings of fact and the reasoning, legal and otherwise (including the underlying assumptions and policy considerations) as clear as possible, so that the appellate court (particularly the newly graduated inexperienced law clerk who may be doing much of the work on the appeal) will clearly understand my decision. That way the appellate court can truly make a decision on the merits, rather than on what I did not decide.

I also have a deep concern for the court system itself as an institution. Every society, to survive, needs a means of resolving disputes “peacefully”. As a society, we have evolved the court system as our primary mechanism for resolving disputes that the parties cannot resolve on their own. This is a system that works only because the vast majority of people voluntarily comply with court orders and judgments, and they do so out of respect for the system. If that is ever lost, this society will be in very deep trouble; metaphorically, the foundations of this republic will be endangered or even destroyed. In consequence of that fact, my duty as a judge is to ensure that everyone who comes in front of me walks away believing, indeed convinced, that he or she got a full, fair, careful and courteous hearing, regardless of whether that person won or lost,

¹ This portion of these notes is also repeated from last year’s notes, partly because this portion bears on the discussion in paragraph 8 of Part 1 about self represented parties, and partly, or mostly, because I think this portion is so important that I want you to read this, especially if you missed it last year.

² “Whenever decisions of one court are reviewed by another, a percentage of them are reversed. This reflects a difference in outlook normally found between personnel comprising different courts. However, reversal by a higher court is not proof that justice is thereby better done. There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals of state courts would also be reversed. We are not final because we are infallible, but we are infallible only because we are final.” Brown v. Allen, 344 U.S. 443, 540 (1953) (concurring opinion of Mr. Justice Jackson).

regardless of the quality of the attorneys (or no attorneys), and regardless of my busy schedule. (In this connection, an attorney/mediator related the story of a successful mediation of a case (not one of mine) at the appeal stage. At the end of the process, one of the parties told the mediator, "You are the first person who listened to me." The mediation was clearly successful; the rest of the process appears to have been markedly less so.)

Given the foregoing considerations, a healthy amount of humility on my part and on the part of any judge – all judges – is both useful and becoming.

Related to this and to the concern for the institution of the courts is the injunction not to question the functioning of the system or the honesty of the other professionals unless there is some evidentiary basis for doing so. For example, in the Furrs case, an attorney at a hearing alleged that the way a motion was filed suggested a conspiracy between the debtor and the secured creditors to funnel all the money to the secured creditors and make sure none of the employees or unsecured creditors got paid. (The attorney shortly thereafter retracted the allegation, in open court, when I asked what the evidentiary basis for the statement was.) I was concerned about the statement because Furrs was a case which drew, for this state, a lot of media (particularly newspaper) coverage, and a newspaper reporter was at that hearing. The media has no constitutional or statutory obligation to be fair or accurate in its coverage. And in fact there were instances of less than accurate reporting on the Furrs case. The Furrs case was a major court experience for thousands of employees and other creditors (whether they specifically appeared in court or not), affecting their opinions about the courts in general and the way justice is administered. And for the vast majority of those people and the rest of the public, their source of information and opinions about the Furrs case was the media and little else. So what was said in court, by anyone, was important.

There are several corollaries to this concern about the system and how it is perceived by its users. Clearly one corollary is that we need to work on improving the system constantly. It is not overstatement to say that improving the system is a matter of preservation of the nation and perhaps of the species. And that duty applies to everyone who participates in the system. For that reason, we welcome any comments or suggestions you may have about how we can better manage the court process and increase the parties' satisfaction with and confidence in the system.

Another corollary is that no one ought to be afraid to tell a judge (respectfully) that the judge is wrong about something, whether it is a point of law, or a fact in evidence, or how something is being done in or out of court. I certainly acknowledge that there is a not-so-subtle power imbalance between judge on the one hand and lawyer and/or party (or court staff, for that matter) on the other hand. But unless we judges are willing to listen graciously and openly to disagreement and criticism, even embarrassing criticism, we will leave the perception that the system relies more on the power of the gavel than on the power of reason and compassion.

And in that vein, I recognize how hard it is to be a lawyer, a good lawyer. In fact, as the time that I left being a lawyer and took the bench recedes further into the past, I appreciate more just how hard it is to practice law well. (Another way of saying that is that as each day goes by, I realize how lucky I am to be on the bench.)

Finally, at the risk of getting a bit grandiose (although I firmly believe this), all this stuff about the administration of justice and about the research that shows that the highest indicator of satisfaction with a judicial system is people's sense that they were carefully listened to and treated fairly, is important for another reason, besides the preservation of our republic. This process of fairness and transparency is what a number of us judges in the United States are advocating in other countries around the world, under the aegis of the Rule of Law programs which we participate in. Why do we care about the Rule of Law in United States, Russia and everywhere else? Why should you care?

One reason is the hope that people come to accept this peaceful mechanism as the way to conform behavior and resolve disputes, a model of behavior that is largely accepted in the United States but is not happening in many places throughout the world. And if enough individuals come to accept this process and affirm it, then nations, which are collections of persons, may apply the same methodology to resolving their disputes, both internally and externally.

The veneer of civilization is quite thin. We saw that in spades last century (not to exclude previous centuries, of course), in which there were numerous breakdowns of civilization and massive human rights violations, including, to mention only a few, the genocide in Rwanda; the slaughter of millions in Kampuchea; the expulsion of the Armenians from Turkey; Nazism in Germany (the country of Goethe, Schiller and Beethoven that was considered so civilized that what happened would have been unimaginable had it not actually happened) and the destruction of millions of people that accompanied it, including the holocaust; the Cultural Revolution in the People's Republic of China; and Stalinism in the former Soviet Union in which one man (with a lot of help) was responsible for the murders of tens of millions of people. Indeed in the United States (albeit on a much smaller scale and against a backdrop of steadily improving human rights), we had, among other embarrassments, the Japanese American cases, a signal dereliction by the United States Supreme Court of its duty to those persons, to the nation and to the Constitution.

But if what happens is that people internalize the rule of law (including the recognition of human rights) as the process for resolving conflict as individuals and as nations, that will strengthen this fragile thing we call "civilization" and maybe, with (considerable) luck, we will not repeat in the 21st century what happened in the 20th century.

And that is why it is important for us judges to talk about the rule of law, and about what it is that I and my colleagues around the world do and stand for, and why I very much appreciate the opportunity to communicate with you.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

In re:
GORGONIO ANAYA and
JODEEN ANAYA,
Debtors.

No. 13-01-11205 SA

**AMENDED ORDER¹ ON INTERIM APPLICATION FOR ALLOWANCE
AND PAYMENT OF COMPENSATION AND REIMBURSEMENT
OF EXPENSES AND COSTS FILED BY DEBTORS' COUNSEL**

The Interim Application for Allowance and Payment of Compensation and Reimbursement of Expenses and Costs, filed by Debtors' counsel James M. Nye on January 11, 2002 (doc 52), came before the Court for a hearing on the Court's own setting on Thursday, April 18, 2002. No objections have been filed to the application. The Court has reviewed the application, the employment application and related documents, portions of the file, and the subsequent letter from Mr. Nye. Based on this review and the contents of the hearing conducted by the Court, the Court finds and concludes as follows:

1. The total amount requested for fees, GRT and costs is \$3,454.61, including prepetition services for 1.5 hours for which approval of \$238.08 is sought (\$225.00 fees plus \$13.08 gross receipts tax). The total amount (post petition and prepetition fees, tax and costs) is a reasonable charge for the work done, and the work done appears to have been reasonable and required by the circumstances.

¹This Amended Order replaces the Court's earlier Order filed May 20, 2002.

2. Prior to the filing of the petition, Mr. Nye received a retainer of \$415.00 plus \$185.00 for the filing fee, for a total of \$600.00. Mr. Nye performed services on October 5, 2000 at no charge to the debtors, and on January 16, 2001, consisting of .7 hour, and February 23, 2001 of .8 hour, at \$150.00/hour. The petition was filed on February 23, 2001, before which filing Mr. Nye had drawn down the \$600.00 for payment of the court filing fee, and past and future fees for services to be incurred during the chapter 13. At this point, Mr. Nye was entitled to the \$238.08 fees and a \$185.00 filing fee, for a total of \$423.08, and leaving \$176.92 available for future fees. (Nothing in this order is intended to address the propriety of drawing down on a retainer before the work equal to the amount of the retainer is completed; that was an issue only mentioned in passing during the hearing. Nevertheless, paying oneself for work done on an hourly basis before the work is done raises serious questions.)
3. Prior to the filing of the petition Mr. Nye was entitled to pay himself from the retainer for prepetition services and costs in the amount of \$423.08; the remainder of the retainer continued to be client property and then became estate property upon the filing of the petition, (to be) held in trust by Mr. Nye for the estate.
4. Had Mr. Nye not drawn down the retainer prior to the filing

of the petition, the entire retainer would have become property of the estate, and Mr. Nye would not have been entitled to pay himself out of the retainer for the prepetition services.

5. A fee application can only seek compensation for services rendered post petition. This is particularly the case where debtor's counsel is required to obtain an employment order as a condition of being paid, such as for representing the debtor in possession in a chapter 11 case, but also applies when the debtor's counsel ordinarily is not required to have a court order as a condition of being paid, such as counsel representing a chapter 13 debtor, as here.
6. This application in part effectively seeks approval of compensation billed and paid for prior to the filing of the petition. See 11 U.S.C. § 329(b) (Debtor's transactions with attorneys). As suggested in paragraph 1 above, the review of the prepetition services and fees would show that they were reasonable.

IT IS THEREFORE ORDERED as follows:

1. The application for post petition services is approved in the amount of \$3,031.53, which figure is comprised of \$2,865.00 in fees (19.1 hours postpetition) plus \$166.53 for New Mexico gross receipts tax thereon.
2. Mr. Nye may draw down what is left of the retainer, \$176.92, to pay these sums, if he has not done so already. Nothing

about this order is to be construed as a requirement that, after the filing of a petition, counsel may only draw down on a prepetition retainer with the prior permission of the Court.

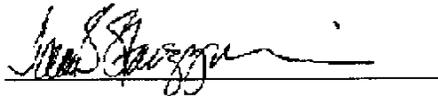
3. The unpaid balance of the postpetition fees, tax and cost, in the amount of \$2,854.61, will be an administrative priority claim for the estate, to be paid as provided by the plan.

Honorable James S. Starzynski
United States Bankruptcy Judge

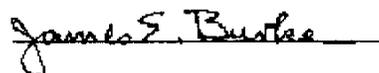
I hereby certify that on February 12, 2003, a true and correct copy of the foregoing was either electronically transmitted, faxed, delivered, or mailed to the listed counsel and parties.

James L. Nye
2501 Yale SE #302
Albuquerque, NM 87106

Kelley L. Skehen
309 Gold Avenue SW
Albuquerque, NM 87102-0608



James S. Starzynski



James S. Starzynski

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

Debtor.

Case No. xx-xx-xxxxx Sx

Plaintiff(s),

v. Adversary No. 02-xxxx S

Defendant(s).

ORDER RESULTING FROM FINAL PRETRIAL CONFERENCE

This matter came before the Court for a final pretrial conference on _____, 2002. Counsel for the parties are listed in the service section below.

Discovery

Discovery is complete. (or, has been extended to _____).

Trial

Trial of this matter has been set for _____ on _____, with _____ days reserved for trial. Trial will be conducted by the Honorable James S. Starzynski in the Bankruptcy Courtroom, Second Floor, Federal Building and United States Courthouse, 421 Gold Avenue SW, Albuquerque, New Mexico.

Exhibits

IT IS ORDERED that the parties exchange the exhibits they intend to use at trial by _____. By 4:30 p.m. on _____, parties shall submit three (3) sets of exhibits to the Court's chambers, for the use of the Court, the Court's staff attorney and the witness. No later than the same date the parties shall have delivered a set of the exhibits to counsel for each party and to any unrepresented party. Parties must also submit a list by _____, signed off on by all parties, of exhibits that the parties stipulate are admissible. By stipulating to the admission of an exhibit, a party is not waiving his or her right to argue relevance, weight, or materiality of the exhibit, including the right to argue that the exhibit in question should be treated as if it had not been

admitted. (The purpose of this ruling is to minimize trial time spent authenticating exhibits for admission.) All exhibits will be offered and received in evidence as the first item of business at the trial. Exhibits not listed will generally not be allowed, except for rebuttal exhibits which could not be anticipated.

Witnesses

IT IS ORDERED that the parties exchange lists of witnesses they intend to or may call by _____. By _____, the parties shall submit this list to the Court's chambers. Witnesses not listed will generally not be allowed, except for rebuttal witnesses the need for whose testimony could not be reasonably anticipated. The failure to list an individual party (as used in 11 U.S.C. § 101 to mean a human being) will not preclude that party from being called as a witness, although neither this order nor listing a witness on a witness list shall be deemed to have compelled the witness to appear for trial.

Honorable James S. Starzynski
United States Bankruptcy Judge

Submitted by:

xxxxxxx
Counsel for xxxx
Address
Phone

Approved by:

xxxxxxx
Counsel for xxxx
Address
Phone

A Creed of Professionalism of the New Mexico Bench and Bar

Judge's Preamble

Preamble: *As a Judge, I will strive to ensure that judicial proceedings are fair, efficient and conducive to the ascertainment of the truth. In order to carry out that responsibility, I will comply with the letter and spirit of the Code of Judicial Conduct, and I will ensure that judicial proceedings are conducted with fitting dignity and decorum.*

A. With respect to parties, lawyers, jurors and witnesses:

- I will be courteous, respectful and civil to parties, lawyers, jurors and witnesses. I will maintain control in the courtroom to ensure that all proceedings are conducted in a civil manner;
- I will not employ hostile, demeaning or humiliating words in opinions or in written or oral communications;
- I will be punctual in convening all hearings, meetings and conferences;
- I will be mindful of time schedules of lawyers, parties and witnesses;
- I will make all reasonable efforts to decide cases promptly;
- I will give all cases deliberate, impartial and studied analysis and consideration;
- I will be considerate of the time constraints and pressures imposed on lawyers by the demands of trial practice;
- Within practical time limits, I will allow lawyers to present proper arguments and to make a complete and accurate record;
- I will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents;
- I will do my best to ensure that court personnel act civilly and professionally;
- I will not adopt procedures that needlessly increase litigation expense;
- I will be open to constructive criticism and make such changes as are consistent with this creed and the Code of Judicial Conduct when appropriate.

B. With respect to other Judges:

- I will be courteous, respectful and civil in my opinions;
- In all written and oral communications, I will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another Judge;
- I will endeavor to work with other Judges to foster a spirit of cooperation and collegiality.

Lawyer's Creed

Preamble: *As a lawyer, I will strive to make our system of justice work fairly and efficiently. In order to carry out that responsibility, I will comply with the letter and spirit of the disciplinary standards applicable to all lawyers, and I will also conduct myself in accordance with the following Creed of Professionalism when dealing with my client, opposing parties, their counsel, the courts, and any other person involved in the legal system, including the general public.*

A. In all matters: "My Word is My Bond."

B. With respect to my clients:

- I will be loyal and committed to my client's cause, and I will provide my client with objective and independent advice;
- I will work to achieve lawful objectives in all other matters, as expeditiously and economically as possible;
- In appropriate cases, I will counsel my client regarding options for mediation, arbitration and other alternative methods of resolving disputes;
- I will advise my client against pursuing matters that have no merit;
- I will advise my client against tactics that will delay resolution or which harass or drain the financial resources of the opposing party;
- I will advise my client that civility and courtesy are not weaknesses;
- I will counsel my client that initiating or engaging in settlement discussions is consistent with zealous and effective representation;
- I will keep my client informed about the progress of the work for which I have been engaged or retained, including the costs and fees;
- I will charge only a reasonable attorney's fee for services rendered;
- I will be courteous to and considerate of my client at all times.

C. With respect to opposing parties and their counsel:

- I will be courteous and civil, both in oral and in written communications;
- I will not make improper statements of fact or of law;
- I will agree to reasonable requests for extensions of time or waivers of formalities when legitimate interests of my client will not be adversely affected;
- I will consult with opposing counsel before scheduling depositions and meetings or before rescheduling hearings;
- I will cooperate with opposing counsel's requests for scheduling changes;
- I will not use litigation, delay tactics, or other courses of conduct to harass the opposing party or their counsel;
- I will refrain from excessive and abusive discovery, and I will comply with reasonable discovery requests;
- In depositions, negotiations and other proceedings, I will conduct myself with dignity, avoiding groundless objections and other actions that are disrupting and disrespectful;
- I will not serve motions and pleadings that will unfairly limit the other party's opportunity to respond;

- In the preparation of documents and in negotiations, I will concentrate on substance and content;
- I will clearly identify, for other counsel or parties, all changes that I have made in all documents.

D. With respect to the courts and other tribunals:

- I will be a vigorous and zealous advocate on behalf of my client, but I will remember that excessive zeal may be detrimental to my client's interests or the proper functioning of our justice system;
- I will communicate with opposing counsel in an effort to avoid litigation or to resolve litigation;
- I will voluntarily withdraw claims or defenses when they are superfluous or do not have merit;
- I will refrain from filing frivolous motions;
- I will voluntarily exchange information and work on a plan for discovery as early as possible;
- I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;
- When hearings or depositions are canceled, I will notify opposing counsel, necessary parties, and the court (or other tribunal) as early as possible;
- Before dates for hearings or trials are set, or immediately after dates have been set, I will verify the availability of participants and witnesses, and I will also notify the court (or other tribunal) and opposing counsel of any problems;
- In civil matters, I will stipulate to facts when there is no genuine dispute;
- I will be punctual to court hearings, conferences and depositions;
- I will be respectful toward and candid with the court;
- I will avoid the appearance of impropriety at all times.

E. With respect to the public and to other persons involved in the legal system:

- I will be mindful of my commitment to the public good;
- I will keep current in my practice areas, and, when necessary, will associate with or refer my client to other more knowledgeable or experienced counsel;
- I will willingly participate in the disciplinary process;
- I will strive to set a high standard of professional conduct for others to follow;
- I will respect and protect the image of the legal profession, and will be respectful of the content of my advertisements or other public communications;
- I will commit to the goals of the legal profession, and to my responsibilities to public service, improvement of administration of justice, civic influence, and my contribution of voluntary and uncompensated time for those persons who cannot afford adequate legal assistance.

**Supplement to
Even More Advice and Thoughts from Judge Starzynski**

prepared for

BANKRUPTCY 2002: The 18th Annual Year in Review
March 7, 2003

The Honorable James S. Starzynski
United States Bankruptcy Judge
District of New Mexico

Following my preparation of materials for this year's Year in Review, some additional serious matters were brought to my attention, as follows:

1. In some cases counsel have sent out documents different than what they have filed. Recent examples include chapter 13 plans and schedules. Filing one thing and serving another, even if done unintentionally (as I assume is the case), runs completely counter to the overarching values of transparency, accountability and integrity that characterize the bankruptcy process. I have instructed the chapter 13 trustee's office and the chapter 7 trustees, through the UST's office, that such incidents in any of my cases are to be brought to my attention in the form of a motion or at least a request for a status conference. (The same would also apply to the UST and the trustee in chapter 11 and 12 cases, of course.)
2. I dealt with the one instance (of filing a different plan than was sent to creditors) that came to my attention during a final confirmation hearing by requiring an affidavit from debtor's counsel explaining the error. The hearing was also continued. In retrospect, I probably responded too mildly. It may be appropriate in some cases, for example, to require that the plan be renoticed, or the correct plan noticed, the confirmation hearing be continued, and the other parties compensated for any harm they have suffered.
3. You should also understand that both judges in this district fully support the Clerk's policy about stricter document acceptance criteria (NTP 03-02, copy attached) – all of them.
4. One way to avoid filing the wrong document when you are electronically filing is to proof what it is you are about to file just before you hit the "submit" button. You can easily do this in ACE; attached to this handout are the instructions for taking this additional, simple but necessary step.
5. Other mistakes being reported include blank schedule "C"s, schedule summaries

that do not match the schedules, and numbers in a schedule that do not add up. I don't understand how software allows some of these mistakes to occur, but whenever a mistake does occur, it needs to be corrected immediately. No one should criticize a trustee for insisting that the mistakes be corrected promptly on pain of the defect being brought to my attention on short notice.

6. It should go without saying that if a mistake is made, don't blame it on your staff. I assume that the attorney proofreads everything that goes out over her or his signature before it goes out, rather than merely after a significant mistake has been caught. Aside from the obvious fact that as the attorney, you are the one responsible for what goes out of your office, trying to deflect the blame to some underling is just gauche.
7. It should also go without saying that neither the debtor nor the estate nor any other party should be billed for mistakes such as these.

**United States Bankruptcy Court
District of New Mexico**

Federal Building and United States Courthouse
421 Gold Avenue SW, Third Floor
Post Office Box 546
Albuquerque, New Mexico 87103-0546
Telephone: 505-348-2500
Toll free: 866-291-6805

NORMAN H. MEYER, JR.
Clerk of Court
505-348-2450

February 28, 2003

Notice to Practitioners #03-02

Stricter Document Acceptance Criteria Adopted

Effective immediately, the document acceptance criteria set forth below will be applied by the Clerk of Court. Although certain criteria represent no change (e.g., required fees must be paid), others are indicative of enhanced scrutiny (e.g., debtors' signatures on amendments required).

A core function of the Clerk of Court is to receive, file, and enter documents into the Court's records. There are a wide variety of documents and many laws, rules, and procedures which control the filing process. With the advent of the Court's new electronic document filing and management system, ACE v.2, the Court has reviewed its filing process and is implementing stricter control over the acceptance of documents. In particular, substantively defective documents will be subject to rejection by the Clerk's Office. This notice outlines the standards that will be applied in deciding whether to accept documents submitted for filing.

1. **Is the document legible?** If the Clerk's Office cannot discern the contents of a document, it will not be accepted for filing.
2. **Is the document's information correctly captioned and entered?** If the data submitted in ACE do not match the associated uploaded PDF document, the document will not be accepted. Examples include: case numbers do not match; debtor(s') names do not match; and the types of documents or pleadings do not match (e.g., the filer entered in ACE that the filing is a new petition, but the document uploaded is a motion to dismiss).
3. **When required, did the debtor(s) sign the document?** For instance, all petitions must be signed by the debtor. In addition, schedules, statements of affairs, statements of intent, non-filing spouse certifications, reaffirmation agreements (please note that the *creditor's signature* is also required), amendments to the

petition, etc., must be signed by the debtor(s). If they are not, the document will not be accepted for filing. If only one debtor on a joint petition signs, the Clerk's Office will only apply the document to the debtor whose signature is present.

4. **Is the appropriate fee paid?** When a document is submitted that requires a filing fee and the Clerk's Office processes a credit card for payment and the payment is rejected (card invalid, credit limit is exceeded, etc.), the associated document will not be accepted for filing.

As much as is practicable, the Court is intent on taking consistent action on both electronic and paper document submissions when applying these criteria.

It is important that all filers consider these criteria when submitting documents to the Court. Careful quality control by filers will avoid the rejection of documents. In addition, adherence to these guidelines will ensure the efficient processing of filings by the Clerk's Office.

Please direct any questions to the Clerk at 505.348.2450.

NORMAN H. MEYER, JR.
Clerk of Court

United States Bankruptcy Court, District of New Mexico
Instructions for Electronic Filing of Petitions
and Documents to Existing Cases

7.7.2 **Enter Path and File Name for Petition (must have .pdf extension)** - enter the path and file name of your petition .pdf file or choose Browse... to find your .pdf file. If you aren't sure you have the correct .pdf file, you can view it from Browse. If you can't view it from Browse for some reason, open Adobe Acrobat and open the .pdf file to make sure it's the correct file. Be careful to upload the correct .pdf file.

a. **How to use Browse.** Click on **Browse**. At the **File Upload** screen, change the **Files of type** entry (which is probably set for HTML Files) to **Acrobat (*.pdf)** files. Do this by clicking on the arrow to display the drop down list of file types. At the top of the **File Upload** screen, enter the directory and folder containing your .pdf file in the **Look in** block. Select the correct .pdf file and click on **Open** to enter the name of the file for ACE to upload.

b. **View the .pdf file before loading it into ACE.** Left click on the file name once to highlight or "select" it. While the cursor is on the highlighted file, double-click the right mouse key and select **Open** from the drop-down menu. Adobe Acrobat will load. After viewing the file, close Adobe Acrobat to return to ACE (click on the x in the top right-hand corner of the Acrobat Exchange screen). If the .pdf file is the one you want, click on **Open** to enter the name of that file into ACE. **If it's not the file you want, DO NOT UPLOAD IT.**

Note re importance of loading the correct .pdf file. Errors in electronic filing can be corrected ~~just as errors in manual filing are corrected. Errors take time, however, and cost money.~~ Please review your documents carefully after you have saved them to .pdf format so that you know they are readable and are the correct documents to load into ACE at each step.

7.7.3 **Enter Path and File Name of Signature Page (must have .pdf extension)**. Follow the instructions in ¶7.7.2 above to upload the signature page (form 100) that you have scanned in and saved as a .pdf file.

7.7.4 **Enter Path and File Name for Creditor Mailing (must have .txt or .scn extension)**. Follow the instructions in ¶7.7.2 above except that you want to upload the file saved as an ASCII DOS Text file. Please review the attached Mailing List Guidelines, local Form 2, to ensure that your mailing list complies with the guidelines. See also ¶ 3.3 (or 4.3) above.

File: Daniel J. Behles (Court Filers - Attorney)
Case Title: Tracee L. Smith
Case Number: 02-13345
Chapter: 7
Judge Code: MIA

Lead Document Description: Chapter 13 Combo Plan (chapter 13 plan combined with optional motions and notice)

Select lead document (required)

(SEE NOTE 1)

Exhibit 1 (SEE NOTE 2)

NOTE: All documents must be in pdf format and each individual document may not exceed 2MB in size.

File Upload

Look in: \training pdf files

- amendlist.pdf
- answer.pdf
- attester.wpd
- avoid lien.pdf
- avoid lien.wpd
- complaint.doc
- complaint.pdf
- complaint.wpd
- cred.txt
- creditor.scr
- electronic filing successful.pdf
- exhibit.pdf
- image printed to PDF writer.pdf
- mccalley.hent.pdf
- mccalley
- mccalley
- mccalley
- Pages fi

File Name: _____

Files of type: All Files (*.*)

Open Cancel

Select lead document (required)

Browse...

(SEE NOTE 1)

Exhibit 1

Browse...

(SEE NOTE 2)

NOTE: All documents must be in pdf format and each individual document may not exceed 2MB in size.

Right click

File Upload

Look in: training pdf files

amerdist.pdf
answr.pdf
answr.wpd
award list
award len
complaint
complaint

Select
Open
Print
New/Save Copy...

File Names
Scan for Viruses
Files of type: WZ
Upload using WS_FTP Upload Wizard

complaint.wpd
cred.txt
creditor.scr
result.pdf
writer.pdf

Open
Cancel

Select lead
Cut
Copy
Create Shortcut
Delete
Rename
Properties

Browse... (SEE NOTE 1)
Browse... (SEE NOTE 1)
Browse... (SEE NOTE 2)

NOTE: All documents must be in pdf format and each individual document may not exceed 2MB in size.

http://www.uscourts.gov/...
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File Edit View Go Communicator Help

Look in: \training pdf files

Adobe Acrobat [avoid lien.pdf]

File Edit Document Tools View Window Help

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:
Gordon R. Graves, SSN 462-761391
and Andrea M. Graves, SSN 576-647930

Debtors: No. 7-00-00000-0000

MOTION TO AVOID LIEN OF HOMEROL BUSINESS

Debtors, Gordon R. Graves and Andrea M. Graves, hereby request that the court set aside the lien of the creditor of record, Jack Attorney, hereby files this motion to avoid lien of Homestead Business and state as follows:

1. Debtors filed for bankruptcy on January 1, 2000, under chapter 7 of title 11, United States Code. Their bankruptcy case number is 7-00-00000-0000, SA 858 S.T.I.N.

87%

Start Document Done

Start Sharon Koelge United States B Seagate Crystal United States B

Exploring - 0% U.S. Bankruptic WordPerfect 9 Adobe Acro.

4:07 PM

nt Submission
January 26, 2003

notice)

Not what the attorney meant to file.