UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO
Local Rules Advisory Committee Meeting
Friday, February 28, 2003

**Minutes**

**1. Attendees:**

Ronald E. Andazola
Karen Bradley
Margaret Grammer Gay
George Moore
Kelley Skehen
Doug Vadnais
Rebecca Wardlaw

**2. Discussion:**

a. Margaret Gay advised attendees that the judges had entered an order appointing Ron Andazola to the committee; a copy of the order will be provided to all committee members, along with an updated membership list. She will also ensure that Jim Burke has Ron's name on the e-mail list he uses for the committee.

b. Margaret also distributed an advance copy of Notice to Practitioners No. 2003-02, "Stricter Document Acceptance Criteria Adopted."

(1) In a discussion of signature requirements, Rebecca Wardlaw indicated that provisions of the New Mexico Electronic Signatures Act might be of interest.
(2) Discussion of the clerk's approach to record keeping for rejected submissions resulted in the committee's recommendation that the clerk keep such records for at least two weeks (a period greater than the 10-day appeal period).
(3) Discussion of greater scrutiny by the clerk overall resulted in the committee's recommendation that the clerk send out a notice to practitioners reminding them of the annual federal bar dues payment deadline.

c. Back to the rules: reviewing 5000-6000 series

(1) 5001: Our current rule should be updated to include reference to the United States Marshals' security levels, with specific mention that picture identification is likely required to enter the courthouse.
(2) 5005: We should expand on our current rule/order to put in the rule what should be in the rule and to refer to the CPPG and other resources (e.g., website) for other information.
(3) 5005-1 (refusal/return of deficient papers): Incorporate the provisions of NTP 2003-02.
(4) 5005-1 (closed cases): The clerk's office needs to work with the judges to

determine the desirability of having a provision such as this one in the local rules. The matter is currently addressed in internal procedures which the clerk has indicated need revisiting.

(5) 5072-2: No need for rule on decorum.

d. The discussion of item (c)(2) above led the committee to recommend that the clerk review existing general orders and orders entered in administrative miscellaneous proceedings to determine if any of the subjects of those orders would be best presented as local rules. An alternative suggested was to attach such orders to the local rules and another was to have such orders on the web site with a cross-reference in the rule to the web site. In addition, the clerk will ensure that there is an index to the local rules on the web site.

It was further suggested that a local rule, 9029-2, be adopted, essentially:

*The court may issue standing orders. When it does, you will find them (here); practitioners are expected to be aware of the provisions of such orders.*

e. Back to the rules, again:

(1) 5005-4(a) – current NM: Kelley suggested that we take a look at the BAP rule in this regard, with the desire that the rule set out/define receipt time and filing time. Rebecca wondered how such a rule might address filings made in open court.

(2) *[MGG note: No clarification of this entry was forthcoming from attendees.]* The question arose, "Why does the clerk not want faxes?"

(3) *[MGG note: No clarification of this entry was forthcoming from attendees.]* George Moore suggested wording similar to the "per what judge says" given here to get their permission. *Nunc pro tunc/*retroactive permission.

(4) The committee will review the provisions of the Misc. No. 99-359 Electronic Filing general order for further comments and suggestions.

**3. Next Meeting:**

The next meeting will be on Friday, March 28, 2003, at 12:00 noon, in the 2nd floor Satellite Training Room, United States Courthouse, 421 Gold Avenue SW.