

**LOCAL RULES
OF THE
UNITED STATES
BANKRUPTCY COURT
FOR THE
DISTRICT OF KANSAS**

**Dale L. Somers
Chief Judge**

**Robert E. Nugent III
Judge**

**Robert D. Berger
Judge**

EFFECTIVE MARCH 17, 2019

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THE HONORABLE DALE L. SOMERS
 CHIEF JUDGE
 United States Bankruptcy Judge
 225 U.S. Courthouse
 444 Southeast Quincy Street
 Topeka, Kansas 66683

THE HONORABLE ROBERT E. NUGENT III
 United States Bankruptcy Judge
 104 U.S. Courthouse
 401 North Market
 Wichita, Kansas 67202

THE HONORABLE ROBERT D. BERGER
 United States Bankruptcy Judge
 125 Robert J. Dole U.S. Courthouse
 500 State Avenue
 Kansas City, Kansas 66101

* * * * *

BANKRUPTCY CLERK
 David D. Zimmerman

Wichita Clerk's Office
 167 U.S. Courthouse
 401 North Market
 Wichita, Kansas 67202

Kansas City Clerk's Office
 161 Robert J. Dole U.S.
 Courthouse
 500 State Avenue
 Kansas City, Kansas 66101

Topeka Clerk's Office
 240 U.S. Courthouse
 444 Southeast Quincy Street
 Topeka, Kansas 66683

Please see www.ksb.uscourts.gov for
 current telephone contact information.

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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

ORDER OF ADOPTION

Pursuant to the authority vested in this court by rule and statute, and following notice and a public comment period;

IT IS ORDERED that the following attached amendments to the Local Rules of the United States Bankruptcy Court for the District of Kansas are adopted, supersede existing rules bearing the same number, and become effective March 17, 2019: Section 1 of the Preface to the Local Bankruptcy Rules of the District of Kansas (“LBR”); LBR 1007.1(a); LBR 2002.2(c)(2); the Notice of Rule 2004 Examination form appended to LBR 2004.1; LBR 2016.1; LBR 2090.1(b); LBR 3015(b).2(f); LBR 5005.1, Appendix 1-01, Paragraph I.D and Paragraph VIII; LBR 5075.1; LBR 9011.4; LBR 9019.2(b); LBR 9029.3; and LBR 9072.1. Superseded rules or subsections are repealed effective March 17, 2019.

IT IS FURTHER ORDERED that Standing Order 17-2 (Authority to Use Bar Registration and Disciplinary Funds for Bankruptcy Mediation One-Year Pilot Program, effective January 1, 2018, through December 31, 2018) is ABROGATED as moot by the amendments to LBR 9019.2(b).

IT IS FURTHER ORDERED that Standing Order 18-1 (Expanding Bankruptcy Bench Bar Committee Membership, effective February 1, 2018) is ABROGATED as moot by the amendments to LBR 9029.3.

IT IS FURTHER ORDERED that Standing Order 18-2 (Electronically Filing the Declaration Re: Electronic Filing Form, effective September 1, 2018) is ABROGATED as moot by the amendments to LBR 1007.1.

IT IS FURTHER ORDERED that Standing Order 18-3 (Amending Rules to Allow Payment by ACH, effective August 17, 2018) is ABROGATED as moot by the amendments to LBR 5005.1, Appendix 1-01, Paragraph I.D.

IT IS FURTHER ORDERED that Standing Order 18-4 (Governing Procedure to Appear *pro hac vice* in Bankruptcy Court effective October 22, 2018) is ABROGATED as moot by the amendments to LBR 2090.1(b).

IT IS SO ORDERED.

Dated this 28th day of January, 2019.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent III
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
IN THE MATTER OF RULES OF PRACTICE
AND PROCEDURE IN THIS COURT
MEMORANDUM AND ORDER

PREFACE
(As amended 3/17/19)

By means of this Memorandum and Order, the Judges of this court express their appreciation to the members of the Bankruptcy Bench Bar Committee.

The individuals composing the Committee devoted much time to studying the operating procedures of the court, serving as liaisons between the court and its bar and the public, recommending revisions to the Local Rules of the United States Bankruptcy Court for the District of Kansas, and providing reports and other recommendations as the court directed. The Committee members performed their tasks competently, unselfishly, and in the best tradition of the legal profession.

IT IS THEREFORE ORDERED that the Clerk file this Memorandum and Order as a permanent record of the court and that he deliver an attested copy to each member of the Committee, namely:

Chris Borniger	Emily B. Metzger, Chair
William E. Griffin	Christopher Redmond
January Bailey	Carl B. Davis
W. Thomas Gilman	Scottie Kleypas
J. Christopher Allman	Colin N. Gotham
	Wendee Elliott-Clement

IT IS SO ORDERED.

Dated this 28th day of January, 2019.

s/ Dale L. Somers
DALE L. SOMERS
Chief Judge

s/ Robert E. Nugent III
ROBERT E. NUGENT III
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

Attorneys unfamiliar with Kansas bankruptcy practice may find some helpful information in this preface to the *Local Rules of the United States Bankruptcy Court for the District of Kansas*.

1. Background

The Bankruptcy Code consists of amendments to the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, Title I, § 101, 92 Stat. 2549, enacted into law November 6, 1978, effective October 1, 1979. Since its enactment, Congress has amended this law many times, most significantly with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, § 106, 119 Stat. 23.

In 1982, the Supreme Court declared the jurisdictional support for the 1978 Act unconstitutional in *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). It did so because 28 U.S.C. § 1471(c) of the 1978 Act invested non-Article III bankruptcy courts with powers exercisable only by Article III courts.

After *Marathon*, the bankruptcy system operated under an Emergency Rule promulgated by the Judicial Conference of the United States until 1984, when Congress enacted corrective legislation in the form of 28 U.S.C. § 1334, which currently states:

- (a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.
- (b) Except as provided in subsection (e)(2) [dealing with claims that involve construction of the statute governing employment of professionals in a bankruptcy case], and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

Hoping to cure the constitutional infirmity, Congress also declared that bankruptcy judges would "constitute a unit of the district court to be known as the bankruptcy court for that district." 28 U.S.C. § 151.

To transfer the bankruptcy power to the bankruptcy courts, the 1984 amendments provided, through 28 U.S.C. § 157(a) that, "[e]ach district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district."

In Kansas, 28 U.S.C. § 157(a) was implemented by a Standing Order dated August 1, 1984 (effective July 10, 1984), stating:

STANDING ORDER

Pursuant to Sec. 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, 28 U.S.C. Sec. 157, this court refers all cases under Title 11, and any and all proceedings arising under Title 11, or arising in or related to a case under Title 11, to the bankruptcy judges for the District of Kansas, for consideration and resolution consistent with the law. The court recognizes the exception contained in Sec. 157(b)(5).

IT IS HEREBY ORDERED that the Bankruptcy judges for the District of Kansas be and they hereby are directed to exercise the authority and responsibilities conferred upon them by the Bankruptcy Amendments and Federal Judgeship Act of 1984.

IT IS FURTHER ORDERED, effective as of July 10, 1984, that any and all cases under Title 11, and any and all proceedings arising under Title 11, be and hereby are referred to the bankruptcy judges of the District of Kansas for consideration and resolution consistent with the law.

Dated this 1st day of August, 1984.

In 2011, the landscape of bankruptcy court jurisdiction was again considered by the Supreme Court in *Stern v. Marshall*, 131 S. Ct. 2594 (2011). In *Stern*, the Supreme Court reasoned that, although 28 U.S.C. § 157(a) authorizes bankruptcy judges to adjudicate cases that arise under, arise in, or are related to a case under Title 11, Article III of the U.S. Constitution requires final judgments in some types of matters to

be issued by an article III district court judge who has life tenure and salary protection.¹

Specifically, the Court concluded that a counterclaim for tortious interference with a gift asserted by a debtor against a creditor must be resolved by a judge appointed under Article III, and that the "public rights" exception that allows some types of claims to be adjudicated in non-Article III forums did not bring the counter-claim within the bankruptcy court's permissible jurisdiction because the counterclaim did not stem from the bankruptcy itself and would not necessarily be resolved in the course of the claims allowance process of bankruptcy.

On June 24, 2013, to address the Supreme Court's holding in *Stern*, the United States District Court for the District of Kansas issued an amended standing order of reference, which states:

Standing Order No. 13-1

Pursuant to 28 U.S.C. § 157(a), any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district.

If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this Rule, the bankruptcy judge shall, unless otherwise ordered by the district court, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the Constitution.

IT IS SO ORDERED.

Dated this 24th day of June, 2013.

District Court Standing Order 13-1 was incorporated into D. Kan. Rule 83.8.5(c) on March 17, 2014, and related updates were

¹The Supreme Court later concluded, in *Wellness International Network, Ltd. v. Sharif*, ___ U.S. ___, 135 S. Ct. 1932, 1949 (2015), that "Article III permits bankruptcy courts to decide *Stern* claims submitted to them by consent."

contemporaneously made to Rules 83.8.6 through 83.8.9. As a result, in a bankruptcy case where final judgment in a particular matter must be entered by a district court judge, D. Kan. Rule 83.8.5(c) provides that a bankruptcy judge may hear the matter and issue proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. In a case where the bankruptcy court issues a decision in the form of an order but the U.S. Constitution requires final judgment to be entered by the district court, D. Kan. Rule 83.8.5(c) resolves the issue by stating that the bankruptcy court order will be construed as proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. This approach was approved by the Supreme Court in *Executive Benefits Insurance Agency v. Arkison (In re Bellingham Insurance Agency, Inc.)*, 573 U.S. 25 (2014). It was then codified by the addition of Fed. R. Bankr. P. 8018.1 (Dec. 1, 2018.)

...

**LBR 1007.1
INITIAL FILINGS**

(a) Assembly of Petition and Accompanying Documents.

...
(2) The following documents, if applicable, must **not** be attached to the petition. They must be filed separately:

	Name of Document	Official Form
(A) through (C)	[No change]	[No change]

(D)	<u>When Debtor(s) are represented by counsel:</u> Declaration Re: Electronic Filing (required in lieu of Official Form 121). This document must be electronically filed as a sealed document pursuant to the instructions on the form. <u>When Debtors are self-represented:</u> Statement About Social Security Number.	See Forms page of court website. 121
(E) through (I)	[No change]	[No change]

(3) Electronically filed petitions and accompanying documents must be filed in the order listed in paragraph (a)(1).

...

As amended 3/17/19 (formerly S.O. 18-2), 3/17/18, 3/17/16, 3/17/08, 3/17/07, 10/17/05, 3/17/05.

**LBR 2002.2
SCHEDULING, LISTING AND NOTICING THE UNITED STATES AND AGENCIES OF THE STATE OF KANSAS AS A CREDITOR**

...
(c) Addresses for certain Departments, Agencies and Instrumentalities of the United States.

- ...
2. DEPARTMENT OF EDUCATION (DOE)
For noticing on schedules and the matrix:
US Department of Education
PO Box 16448
St Paul MN 55116-0448

US Department of Education
Business Operations/Federal Student Aid
50 United Nations Plaza
Mail Box 1200 Room 1176
San Francisco CA 94102

For service of process, such as adversary proceedings:

Education Department
Office of General Counsel
400 Maryland Ave NW Room 6E353
Washington DC 20202-2110

As amended 3/17/19, 3/17/18, 3/17/16, 3/17/15, 3/17/14, 3/17/13, 3/17/12, 3/17/11, 3/17/08.

**LBR 2004.1
EXAMINATIONS**

[No change to rule text.]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)
)
John Q. Debtor,) Case No. _____
)
)
_____ Debtor.)

NOTICE OF RULE 2004 EXAMINATION

_____, by the undersigned counsel, will examine _____ under oath on _____ at _____ m. at _____. The examination may continue from day to day until completed.

The examination is pursuant to Bankruptcy Rule 2004 and D. Kan. LBR 2004.1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Bankruptcy Rule 2004 [as further described in the attached areas of inquiry]. Pursuant to D. Kan. Local Rule 2004.1, no order shall be necessary. [If the examination is of a witness other than the debtor, Form B2540 "Subpoena for Rule 2004 Examination" is included with this notice.]

[The examinee is further requested to bring to the examination all of the documents described on the attached schedule.]

[Pursuant to D. Kan. LBR 2004.1(e), in addition to stenographic means, the examination will also be recorded by videographic means for use as evidence in the captioned cases.]

Undersigned counsel hereby certifies that he or she [describe efforts taken] attempted to contact the examinee, or if represented, counsel for the examinee prior to filing this Notice in order to obtain a mutually agreeable date and time for the examination.

[SIGNATURE BLOCK OF EXAMINING PARTY]

I CERTIFY that a true copy of this notice was served on the examinee, attorney for examinee, the debtor, the attorney for the debtor, the trustee and [indicate name of party served, manner of service and date of service].

An attorney for [Examining Party]

(rev. 3/17/19)

LBR 2016.1

MONTHLY COMPENSATION OF PROFESSIONALS

(a) Submission and Service. In a Chapter 11 or 12 case, a professional employed or seeking employment under § 327 to provide services in the case may file a separate motion for monthly payment of fees and expenses. The motion must state the filing date of the application to employ and, if applicable, the date an order granting the application to employ was entered of record.

(b) Provisions for Payment of Fees and Expenses. The motion must state the percentage amount of fees and expenses the professional seeks to collect on a monthly basis. The motion may request that up to 100% of the fees and 100% of the expenses be paid monthly. The motion and the proposed order granting the motion must provide that in the event 100% of the fees are paid, the professional will hold no less than 10% of the fees in trust pending the court’s approval of an interim or final fee application, unless the court orders otherwise.

(c) Service. The motion must be served with notice required by the noticing guidelines applicable to the division and judge to whom the case is assigned. Unless the court directs otherwise, the motion must be served on:

- (1) the debtor;
- (2) debtor’s attorney;
- (3) the United States trustee;
- (4) all creditors holding secured claims;
- (5) all parties requesting notice; and
- (6) any operating creditors’ committee, or if none, on the list of creditors with the 20 largest unsecured claims who are not insiders (Official Form 104 or Official Form 204).

(d) Order. The professional must submit a proposed order with the motion in accordance with the court’s guidelines for submission of orders. It must state that the allowance of monthly

payments of fees and expenses does not constitute an interim or final approval of the fees and expenses.

* * *

As amended 3/17/19, 3/17/16, 3/17/10.

LBR 2090.1

ATTORNEYS - ADMISSION TO PRACTICE

...

(b) Appearance Pro Hac Vice. D. Kan. Rule 83.5.4 applies to the attorneys of the court except that, at the time a motion to appear *pro hac vice* is filed, a proposed order granting the motion must be submitted to the court.

* * *

As amended 3/17/19 (formerly S.O. 18-4).

LBR 3015(b).2

**CONDUIT MORTGAGE PAYMENTS IN
CHAPTER 13 CASES**

...

(f) Trustee’s Duties:

(1) The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the percentage Trustee fees then in effect as necessary costs and expenses, together with any fee, charge, or amount required under § 1326.

(2) The Trustee shall allow as an administrative expense an amount equal to 2 full regular monthly payments inclusive of escrow deposits and 2 associated late fees. This allowance shall reimburse Real Property Creditor for post-petition delinquencies that may accrue until the Trustee begins payments to that Creditor. This added amount shall bear interest at 5% unless Debtor’s Plan contains a different rate.

(3) In the event Debtor is granted an abatement of Plan payments, the Trustee is authorized to pay any missed

mortgage payments in a separate administrative claim record that includes late fees. This amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(4) The Trustee will not make payments to the Real Property Creditor on the pre-petition arrearage until such time as a Proof of Claim is filed with the Court and the Plan is confirmed. The Court is deemed to have granted authority to the Trustee to disburse conduit payments, as if the plan had been confirmed, once the Real Property Creditor has filed a Proof of Claim to which a fully executed Official Form 410A and Exhibit D (Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee) has been attached. The Trustee is required to make a full mortgage payment for each full plan payment made. The Trustee is not required to make partial payments to Real Property Creditors.

(5) Any notice filed pursuant to Fed. R. Bankr. P. 3002.1(b) or (c) shall be treated as an amendment to the creditor's claim and Debtor's plan. The Trustee is authorized to disburse the new conduit payment or fees as soon as practicable after resolution of any motion under Fed. R. Bankr. P. 3002.1(b)(2) without seeking formal modification of the plan.

(6) Should the new conduit payment or fees jeopardize the feasibility of the plan, the Trustee may file a motion to amend the plan or seek conversion or dismissal of the case, whichever the Trustee deems appropriate.

...

As amended 3/17/19; adopted 8/22/17 (formerly S.O. 11-3).

LBR 5005.1
FILING BY ELECTRONIC MEANS

...

Appendix 1-01 to LBR 5005.1

Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means

(Rev. 3/17/19)

I. Scope of Electronic Filing

...

D. Filing Fees. For filings that require a fee to be paid, the attorney must promptly pay the fee through Pay.gov. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

...

VIII. Signatures

A. [Reserved]

B. Password Security. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

C. Documents containing the signature of non-Filing Users are to be filed electronically with the authorized signature represented by that person's name on a signature block in the space where a signature would otherwise appear, or as a scanned image.

D. Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) submitting an electronic document upon which the consent of the other parties is represented; or (3) in any other manner approved by the court.

...

As amended 3/17/19 (formerly S.O. 18-3), 3/17/18, 3/17/17, 3/17/16, 3/17/14, 3/17/08.

LBR 5075.1

ORDERS BY BANKRUPTCY CLERK; REVIEW

(a) Orders.

(1) The clerk is authorized to sign and enter the following orders without further direction by the court:

- (A) in adversary proceedings,
 - (i) an order extending once for 14 days, the time to answer, reply or otherwise plead to a complaint, crossclaim or counterclaim if the time originally prescribed to plead has not expired;
 - (ii) a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1; and
 - (iii) entry of default and judgment by default as provided for in Fed. R. Bankr. P. 7055;
- (B) an order for the payment of money on consent of all interested parties;
- (C) an order permitting payment of filing fees in installments;
- (D) an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply;
- (E) an order granting waiver of Chapter 7 filing fees; and
- (F) any other order that is specified by Standing Order as not requiring special direction by the court.

(2) A party or attorney submitting an order under this rule must sign it, and that signature is subject to Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(b) Clerk’s Action Reviewable. For good cause, the court may suspend, alter, or rescind any order entered by the clerk under this rule.

* * *

As amended 3/17/19, 3/17/07, 10/17/05.

LBR 9011.4

SIGNATURES

(a) [Reserved]

(b) Signing of Pleadings by Unrepresented Parties. The original of every pleading, motion or other paper filed by a party not represented by an attorney must bear the genuine signature of the unrepresented party. Stamped or facsimile signatures on conventionally filed original pleadings, motions, orders, or other documents are not permitted.

(c) Contact Information and Bar Registration Numbers.

(1) *Requirements for Unrepresented Parties and Attorneys.* Each party or attorney signing papers submitted for filing must include the signer’s:

- (A) name;
- (B) address;
- (C) telephone number;
- (D) facsimile number; and
- (E) e-mail address.

(2) *Additional Requirements for Attorneys.* Each attorney signing a document must also include the attorney’s state supreme court registration number, or, in cases where the attorney is not admitted to practice in Kansas, its equivalent. Attorneys admitted from the Western District of Missouri by reciprocal admission must include their Kansas District Court registration number.

(3) *Duty to Update Contact Information.* Each attorney or unrepresented party must notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or an unrepresented party is sufficient notice.

* * *

As amended 3/17/19, 3/17/10, 3/17/09, 3/17/05.

LBR 9019.2
ALTERNATIVE DISPUTE RESOLUTION

...

(b) Payment Procedures for Court-Approved Mediation in Bankruptcy Cases.

(1) *Allowable Expenses.* Allowable expenses include the cost of the mediation session at the rate negotiated by counsel and the mediator, plus mileage expenses if the mediator is required to travel, that the party is unable to pay, and that are not otherwise recovered in the action. The mediator's negotiated fee (including mileage) shall be divided equally between the parties unless otherwise agreed to and approved by the court.

(2) *Payment Procedure.* To qualify for payment, the mediation, as well as all expenditures, must be approved in advance by the court. Before incurring any reimbursable expense, the party must:

(A) complete a form, which is available from the clerk; and

(B) secure the requisite prior approval, in writing, by the bankruptcy judge to whom the case is assigned and, when required, by the chief bankruptcy judge.

(3) *Who Must Approve Expenditures.* The presiding judge may approve expenditures that total less than \$750, for the entire mediation. The chief judge of the court must approve expenditures that reach or exceed \$750.

(4) *Amount of Payment.* The District Court Clerk will pay the mediator such amount as the court approves.

(5) *Repayment.* Any payment from the Bar Fund must be repaid if money is recovered in the settlement, unless waived by the court.

* * *

As amended 3/17/19 (formerly S.O. 17-2), 10/17/05, 3/17/05.

LBR 9029.3
BANKRUPTCY BENCH BAR COMMITTEE

There is a Bankruptcy Bench Bar Committee appointed by the court.

(a) Membership. The committee consists of the chief judge, any other judges who may from time to time be appointed by the court, the United States Attorney or a designated assistant, the U.S. Trustee for Region 20 or a designated assistant, six actively practicing members of the bar of the bankruptcy court, a Chapter 13 Trustee, and a Chapter 7 Trustee, selected by the bankruptcy judges. The bankruptcy judges may also appoint a Chapter 12 Trustee as needed.

(b) Terms of Office. The court will appoint the six actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee to serve three year terms to begin on July 1 of each year. Any appointed Chapter 12 trustee will serve a three year term or other lesser term as the court may decide. If a committee member is unable to complete the term of appointment, a replacement member may be appointed to complete the term.

(c) Meetings. The Bench Bar Committee will meet as it determines and as determined by the chief judge.

(d) Duties. The Bench Bar Committee will have general advisory and liaison roles regarding the operation of the court and will, among other things:

(1) provide a forum for the continuous study of the operating procedures of the court;

(2) serve as liaison among the court, its bar and the public;

(3) study, consider, and recommend the adoption, amendment, or rescission of the Rules of Practice of the court; and

(4) make any studies and render any reports and recommendations as the court directs.

* * *

As amended 3/17/19 (formerly S.O. 18-1), 3/17/17, 10/17/05, 3/17/05.

**LBR 9072.1
EXHIBITS**

(a) Exhibits to Pleadings or Documents. Bulky or voluminous materials must not be filed in their entirety or incorporated by reference unless the court finds the materials are essential and grants leave to file them. The court may strike any pleading or document filed in violation of this rule.

(b) Preparation of Trial Exhibits. When practical, all documentary exhibits must be prepared for trial as follows:

(1) Attorneys or unrepresented parties must pre-mark original exhibits with exhibit stickers. Plaintiffs or movants must use numerical symbols, e.g., 1, 2, etc. Defendants must use alphabetical symbols, e.g., A through Z, AA, BB, etc. If there is more than one plaintiff and/or defendant in the case, the surname or corporate name of the offering party must be placed on the exhibit sticker for further identification.

(2) The original exhibits (with exhibit stickers) will be used by the witness and must be delivered to the clerk. Two copies of all exhibits must be delivered to chambers. One copy of all exhibits must be delivered to each party participating in the trial or evidentiary hearing. Unless otherwise directed by the court, all exhibits must be delivered as set forth above at least three (3) full business days prior to the scheduled trial or evidentiary hearing date.

(3) An exhibit cover sheet in substantial compliance with the form "Exhibit Sheet" prescribed by the clerk and available on the court's website must be prepared and included with each set of exhibits submitted to the clerk, chambers, and other parties.

(4) Unless otherwise directed by the court, the exhibit cover sheet and exhibits shall be submitted in three-ring notebooks with each exhibit separated by dividers or tabs corresponding to the exhibit number or letter. All exhibits must be clearly legible and multiple-page exhibits must be paginated or bates numbered.

(5) The court may exclude any exhibit offered in a hearing or trial that is not clearly legible or does not comply with this Rule.

(c) Withdrawal of Exhibits. Exhibits introduced into evidence may be withdrawn from the custody of the clerk with permission of the clerk or upon order of the court. The clerk may destroy or dispose of any exhibit not withdrawn after final disposition of the proceeding.

(d) Electronic Filing. Trial exhibits must not be filed electronically unless the court orders otherwise.

* * *

As amended 3/17/19.