JUDGE HALFENGER'S GENERAL PROCEDURES

March 2014

Courtroom Decorum and Electronic Recording of Proceedings

- The Court encourages parties and counsel to have discussions with each other outside the courtroom rather than in the courtroom.

- The Court uses an electronic recording system, rather than court reporters. That system is "on" at all times. Accordingly, if you are in the courtroom and are talking, the court recording system is recording what you say. There is a visual indicator on the bench; when the blue figure on that indicator is lit, the primary recording system is functioning. Even if the blue figure is not lit, however, the backup system is recording. Be mindful that the system may be recording your conversations even if the judge and court personnel are absent from the courtroom. Typically, proceedings conducted telephonically are similarly recorded.

Contact with the Court

- For assistance with a procedural matter (obtaining a hearing date, re-scheduling a hearing, etc.), please contact a member of the Court's staff (chambers) by calling (414) 290-2680 Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m. The staff members are:

    - Sara Hackbarth, Courtroom Deputy
    - Stephanie Webb, Law Clerk
    - Garrett Soberalski, Law Clerk

- The Court staff cannot provide legal advice.

- *Ex parte* communication with Judge Halfenger is prohibited.

Orders Submitted to the Court

- All orders submitted to the Court following a hearing may be held seven days for comments or objections, in accordance with Local Rule 9014.5, unless the Court otherwise orders or directs or the Court determines that the circumstances warrant a more prompt issuing of the order.

Affidavits of Default

- Orders granting relief pursuant to an affidavit of default will be acted upon promptly. Ordinarily they will NOT be held for 7 days.

Chapter 13 Calendar

- The Court hears matters assigned to Chapter 13 Standing Trustee Thomas J. King on Tuesdays from 1:00 p.m. to 2:30 p.m. The Court hears matters assigned to Chapter 13 Standing Trustee Mary B. Grossman on Tuesdays from 2:30 p.m. to 4:00 p.m.
- To request that a hearing be removed from the Court's calendar, parties should, whenever possible, contact chambers before 4:00 p.m. on the day before the hearing.

Motions to Continue or to Impose Stay Under §362(c)(3) or (4)

- Parties should contact chambers to request a hearing date before filing the motion. The motion should be accompanied (at the time of filing) by one or more declarations (see 28 U.S.C. §1746) or affidavits signed by debtors or other persons with knowledge of facts supporting the motion.
- In the event there are no objections to the motion, the Court *may* cancel the hearing if the written testimony and any other available evidence establish that the current case was filed in good faith.
- In the event the court is not satisfied that the debtor has not met his or her burden of showing good faith or the time to object has not passed, the hearing will proceed at the scheduled time.
- If a hearing is held, the presentation of evidence is anticipated. The debtors are expected to attend and testify.

Objections to Claims

- Parties should contact chambers to request a hearing date before filing an objection to claim.
- In the event the objection is based on facts other than those of which the Court may take judicial notice, the objection should be accompanied (at the time of filing) by one or more declarations (see 28 U.S.C. §1746) or affidavits signed by the debtors or others with knowledge supporting the objection.
- In the event there is no response to the objection, the court may cancel the hearing if it is satisfied that there are grounds to sustain the objection. In the event the Court is not satisfied, the hearing will proceed at the scheduled time.

Requests to Adjourn or Change a Hearing Date

- To request that a hearing be adjourned or rescheduled, please contact chambers by telephone *with all interested parties on the line*.

Resolutions of Matters Set for Hearing

- If a matter set for hearing has been resolved, please advise the Court by contacting chambers by telephone *with all interested parties on the line*.
- A written resolution (stipulation, agreed order, withdrawal, etc.) must be filed promptly.
- Orders approving stipulations should include the operative terms of the stipulation.

Motions Requesting Expedited Relief

- Requests to shorten the notice period should be made by motion filed and served before or at the same time as the underlying motion.
- Once the Court has ruled on the request to shorten notice, notice of the underlying motion and any hearing date should be given as directed by the Court's order.
- Parties seeking expedited adjudication are invited to telephone chambers to advise the Court that a motion to shorten time has been filed. Whenever so advised, the Court will endeavor to consider the motion promptly.

Telephone Conferences and Requests to Appear By Telephone

- The Court conducts some hearings telephonically. The hearing notice will indicate whether the hearing will be so conducted. To appear or participate in a telephonic hearing, parties and counsel must, before the hearing, provide chambers with a telephone number at which they can be reached.
- In general, unrepresented parties are not permitted to appear telephonically.
- Counsel unable to attend in person a hearing that is scheduled to proceed in the courtroom should file a letter requesting to appear telephonically. The letter should by electronically filed using the ECF system at least 24 hours before the hearing. The letter must explain the reasons for the request.
- The court will address the request in writing, typically with a docket entry addressing the request.
- Parties who have filed a written request to appear telephonically are invited to follow up with chambers telephonically to ensure that the Court is aware of the request.

Trial/Evidentiary Hearing Procedures in the Absence of a Governing Order

- All exhibits should be numbered before the trial or hearing.
- Generally, moving parties and parties with the ultimate burden of proof should number their exhibits 1-99; objecting and defending parties should number their exhibits 101-199.
- Copies of all exhibits should be provided to the court and all participating parties before the trial or hearing.
- Unless the parties stipulate to the admission of an appraisal, appraisers will be expected to testify.
- Testimony cannot be presented telephonically unless the Court approves a pre-trial or pre-hearing request based on a showing of good cause.