



Memorandum

To: Bankruptcy Bar, Middle District of Georgia
From: William E. Tanner, Clerk
Subject: LOCAL RULE REVISIONS

December 20, 2011

Several rule changes have been proposed and are now being published for comment. The rules are either attached to this memorandum or are available on the court's web page located at:

www.gamb.uscourts.gov

A summary of the rule changes are as follows:

LBR 2016-1

The change in this rule is found in sub-paragraph (c) and allows for applications for compensation to be served on a limited basis. Previously, the rule required applications for compensation to be served only on the debtor and any trustee appointed in the case and also upon the U.S. Trustee **if** the amount of compensation was \$1,000 or less. Applications in excess of that amount were required to be served on all creditors in the case in addition to the debtor, trustee, and U.S. Trustee. The change affects those applications that exceed \$1,000. Such applications shall be served on the debtor, any case trustee, and U.S. Trustee. However, creditors in the case may be served only a **notice** that an application has been filed eliminating a need of mailing large applications on all of the entities listed in a particular case.

LBR 3001-1

This rule was changed in sub-paragraph (b) merely to arrange the wording for better readability of this rule. The content and the effect of the rule have not been changed.

LBR 3012-1

This rule has been changed in sub-paragraph (b) concerning expert witnesses. The rule has now been labeled as "Expert Witnesses on Valuation" and is intended to better clarify the information required to be filed prior to the use of such testimony in any hearing. Basically, the rule requires

a written report as defined in Federal Rule of Civil Procedure 26(a)(2).

LBR 3015-3

This rule was changed to add to sub-paragraph (a) 1. The provision is that any objection to a plan or modification that is not filed timely in accordance with the court's local rule may be overruled by the court at the time of the confirmation hearing.

LBR 4071-1

This rule has a minor wording change with some significance attached to the change. Previously, the rule stated that the court would direct entities holding garnished funds to release those funds and directing that garnishments be terminated. The rule has now been changed to merely state that the court may authorize the termination of garnishments and authorize the return of funds but will not issue orders directing outside entities to take those actions. The intent of this is to eliminate the presentation of orders that would require judges to order entities such as clerks of state courts to take action.

LBR 5005-4

This rule has been changed regarding the retention period of signed documents by attorneys. Previously, any documents that contained a wet signature were to be retained by the attorney for four years after the closing of the bankruptcy case. That time period has now been reduced only one year after the closing of the bankruptcy case.

LBR 9004-1

The change in this rule appears minor but has significant impact especially on larger cases. Previously, any response to a motion or to an objection to claim was required to be served on all entities that were served with the original motion or objection to claim. The rule now has been changed to say that any response to a motion or response to an objection to claim need only be served on the movant or the objecting party. **IT IS VERY IMPORTANT FOR THE COURT TO RECEIVE COMMENTS ON THIS RULE, AND YOU ARE URGED TO PLEASE CONSIDER THE IMPACT THAT THIS MAY HAVE IN THE ADMINISTRATION OF CASES.** The court expects the attorney for a movant or the attorney for an objecting party to receive notice of any response by way of electronic notification that is an automatic part of ECF. Therefore, the respondent is not required to serve the attorney. Also, even if a movant serves a motion on all parties to a case, the respondent is not required to serve any other parties except for the movant. Any comments regarding issues that this may present would be appreciated and will certainly be given thoughtful consideration by the court before the final adoption of this or any other rule.

LBR 9011-1

This rule has been modified to designate the information that all attorneys should be placing on all pleadings and suggested orders that are tendered to the court. The information is nearly identical to that which is required in state court. We have eliminated the need of listing a fax number, but it is very important that attorneys adhere to this rule, especially the requirement of including the email address of the attorney who is submitting the pleading or suggested order.

These rules will be out for comment and we request that all comments be received prior to March 1, 2012. After that point, the court will consider these rules and any comments received prior to the formal adoption. Comments may be forwarded by formal letter or can also be sent to the clerk of court by email. All comments will be given due consideration.