

MEMORANDUM

TO: All Attorneys Who Practice in the United States Bankruptcy Court for the Northern District of Ohio

FROM: Judge Mary Ann Whipple

DATE: April 9, 2013

RE: Procedures in the Western Division as a Result of the Passing of the Honorable Richard L. Speer

We want to thank one and all for the many kind expressions of support and sympathy we have received, as well as the many heart felt tributes to Judge Speer. As we undertake with heavy hearts to move ahead without him, we must make immediate changes to our practices and procedures to facilitate operations as a one judge court in Toledo for as long as necessary.

CASE ASSIGNMENTS

1. Chief Judge Morgenstern-Clarren entered Administrative Order 13-03 on April 4, 2013, regarding the assignment of cases filed in Toledo. The Administrative Order is located on the court's website at, among other places, the Announcements tab.
2. All open cases assigned to Judge Speer before he died will be maintained as a separate docket under the description Successor Judge. All new cases filed in Toledo will continue to be randomly assigned in equal parts to either Judge Whipple or Successor Judge. Judge Whipple's docket will be maintained separately from the Successor Judge docket. However, Judge Whipple will also preside over the Successor Judge docket, with assistance from the other judges of the district as necessary. Judge Price Smith and Judge Woods have already taken on specific assignments to cover existing calendar conflicts between the two dockets. Some matters previously set by Judge Speer will be rescheduled. Over time, it is expected that routine hearing dates for both dockets will be melded into the existing framework for the Whipple docket, with the likely exception being Chapter 13 cases, where there will probably be separate hearing dates for the two dockets.

COMMUNICATIONS

3. On all matters assigned to the Successor Judge docket, all communications will continue to run through Judge Speer's staff: Eric Neuman (Law Clerk); Cheryl Kahler (Judicial Assistant); Susan Roberts (Courtroom Deputy); and the docket clerks assigned to the terminal digits for the Successor Judge docket. On matters assigned to the Judge Whipple docket, all communications will continue to run through Judge Whipple's staff: Karen Declercq (Law Clerk); Andrea Schultz (Judicial Assistant); Barbara Laux (Courtroom Deputy); and the docket clerks assigned to the terminal digits for the Judge Whipple docket. Please take special care in communicating with staff to determine

whether your matter is on the Successor Judge docket or the Judge Whipple docket.

CASE CAPTION

4. The case caption for matters assigned to the Successor Judge docket should appear as follows. It is important on court filings to know and indicate clearly which docket the matter appears on and to proceed accordingly.

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re: John Doe,)	Case No. 13-30000
)	
Debtor.)	Chapter 13
)	
)	Successor Judge
)	

TELEPHONE APPEARANCES

5. Telephone appearances will be permitted on both the Judge Whipple docket and the Successor Judge docket. Judge Whipple generally permits telephone appearances by lawyers on any matter that is not an evidentiary hearing and where the hearing notice or order does not specifically direct that a personal appearance is required. Also, telephone appearances will not be permitted on any matter that will be heard by another judge in the district by video. You must commit to being available and reachable until called, which is sometimes after 5:00 p.m. or over the lunch hour. Twenty four hours advance notice of a telephone appearance is required to be given to the appropriate chambers or courtroom deputy. Among other reasons, we have limited capability as to the number of attorneys who can be on the phone at one time absent advance scheduling of bridge line time. Lately some attorneys and their staffs seem to be waiting until the last minute to request telephone appearances. Certainly emergencies happen, as we now know all too well. But with the more complicated coordination that is now going to be required among staff and Judge Whipple and the higher volume of matters that she will be responsible for handling, it is now even more important that proper advance notice be given and the policy not be abused by unnecessarily waiting until the last minute to contact court staff. If Judge Whipple decides that particular attorneys and their staffs are routinely not cooperating in giving proper advance notice of telephone appearances, she will simply require personal appearances here in Toledo from those lawyers in all matters. Also, it is always unacceptable to appear by telephone while driving a motor vehicle. Pro se parties are not permitted to appear by telephone because they are not officers of the court and the court lacks the ability to know whether it is actually the pro se party who is doing the talking on his or her own behalf. If you have a question about whether a telephone appearance will be permitted in a particular matter, please call the appropriate chambers or courtroom deputy.

ORDER SUBMISSION

6. Effective immediately, all proposed orders on both dockets must be submitted to the court through the CM/ECF E-Orders program. The e-mail box through which orders have previously been submitted to Judge Speer has been shut down. It is acceptable to attach a proposed form of order to your filing, as is required in some situations, such as, for example, certain orders under Rule 4001. But if you do so, you must also still separately lodge the order with the court through the E-orders program. Judge Whipple requires submission of all proposed orders at the time of filing of a motion, application or other document seeking relief from the court as specified in the Electronic Case Filing (ECF) Administrative Procedures Manual. This order submission time will be required on both the Successor Judge docket and the Judge Whipple docket.

HEARINGS

7. All hearings will be held in Courtroom No. 2, Room 103, United States Courthouse, 1716 Spielbusch Avenue, Toledo, Ohio, including those upon which existing hearing orders specify Courtroom No. 1 as the hearing location.

Thank you for your cooperation. If you have any questions about these topics or any other transition issue or matter that we have not addressed here, please feel free to call and discuss it with the appropriate staff contacts. There are undoubtedly some issues from the practitioner's perspective that we have simply overlooked or just not thought about yet.

M.A.W.