

Attention Attorneys Seeking A Leave of Absence For 20 Days Or Less

Bankruptcy Local Rule 9010-2(c) provides in relevant part:

(c) Leaves of Absence. . . . Absence of less than 21 days requires lead counsel to submit a letter to the judge's courtroom deputy requesting that a case not be calendared during the period of absence.

DO NOT FILE A MOTION FOR A LEAVE OF ABSENCE OR ABSENCES FOR PERIODS OF 20 DAYS OR LESS, IN THE AGGREGATE, IN ANY SIX MONTH PERIOD. Follow these Instructions:

(1) Submit only one (1) letter requesting a leave of absence and reference each case or adversary proceeding by a short name and case or adversary number – one (1) line per case or adversary number – in which counsel seeks leave.

(2) State in the letter that you are not aware of any scheduled hearing during the period or periods of time for which leave is sought. If a hearing or trial is already set, you must move for a continuance unless you have the consent of all parties to a continuance, in which case you may contact the Courtroom Deputy Clerk to request that the matter be rescheduled.

(3) Send a copy of the letter to trustees in the references cases and to any attorney or unrepresented party likely to take action in the case during the leave period and note that action by “cc: All Trustees” and the name of each attorney or party to whom the letter is sent.

(4) Consider whether you need a leave of absence if there is someone else in your office who can cover a hearing for you.

(5) Understand that having a leave of absence does not excuse you from meeting any deadline in the case, regardless of when that deadline is created. Thus, for example, a leave does not extend time to answer a complaint or to respond to discovery. Work with your adversaries to obtain any relief of that nature that you deem essential. In the absence of an agreement, a motion for an extension of time may be necessary.

(6) The leave of absence is GRANTED unless you hear back from the Court within one week of the date on which you delivered or mailed your letter.