

Practice TIPS

Important Points of Interest for Practicing in the **MIDDLE District, Tampa Division**

1. Motions for Relief from Stay in Chapter 13 cases.
 - a. Cases assigned to Chief Judge Paul M. Glenn and Chief Judge Emeritus Alexander L. Paskay are automatically set for hearing.
 - b. Cases assigned to Judge Michael G. Williamson, Judge K. Rodney May, or Judge Catherine Peek McEwen, are automatically set for hearing only if: (1) the debtor is pro se; (2) the relief sought involves property other than the debtor's homestead or personal vehicle; and/or (3) the relief sought is based on non-routine allegations, such as "bad faith" in filing.
 - c. Cases assigned to Judge Michael G. Williamson, Judge K. Rodney May, or Judge Catherine Peek McEwen, in which the debtor is represented by counsel, and the stay pertains to either the debtor's homestead or personal vehicle: the court will enter a preliminary order directing the movant to submit a proposed order either: (1) lifting the stay if the property has been or will be surrendered; (2) granting adequate protection with standard terms and conditions; or (3) an order that was agreed to by the parties. The form of adequate protection order is available on the court's website-www.flmb.uscourts.gov.
2. Motions for relief from stay in Chapter 7 cases should be filed using the negative notice procedure. See M.D. Fla. L.B.R. 2002-4.
3. Judge Paskay insists that counsel of record for the debtor, or a member of the firm, appear at hearings. A non-attorney of record may appear in lieu of counsel of record but only if there is: (1) consent from the Debtor, and (2) a disclosure of any fee arrangement between counsel of record and the attorney appearing.

4. Judge Williamson has published practice guidelines for attorneys on the court's website. The practice guidelines include Judge Williamson's policy on telephonic appearances, procedures for the introduction of exhibits, a sample exhibit identification tag, a sample exhibit list and a memorandum setting forth practice pointers for lawyers appearing before him.
5. Judge May has also published practice guidelines for attorneys on the court's website. These include Judge May's policy on telephonic appearances, the acceptable uses of negative notice, and the proposed form of order granting adequate protection in a Chapter 13 motion for relief from stay (see above).
6. Relief from the ten (10)-day stay imposed by Federal Rule of Bankruptcy Procedure 4001(a)(3) will not be permitted unless the request is made in the motion.