

Local Rule of Bankruptcy Procedure 1001. GENERAL SCOPE; APPLICABILITY OF DISTRICT COURT LOCAL RULES; ATTORNEY ADMISSIONS AND DUTIES; JUDGE'S REGULATIONS AND CLERK'S INTERNAL OPERATING PROCEDURES.

(a) Title

These Local Rules of Bankruptcy Procedure and Forms govern procedure in the United States Bankruptcy Court for the Eastern District of Texas. These rules may be abbreviated in citations as “LBR,” and the forms may be abbreviated as a “TXEB Local Form.” These rules must be construed consistently with the Federal Rules of Bankruptcy Procedure (“Fed. R. Bankr. P.”) to secure the just, speedy, and inexpensive determination of every case and proceeding.

(b) Scope and Effective Date

1. These Local Rules of Bankruptcy Procedure, as amended and restated, become effective December 1, 2009. They supersede all Local Rules of Bankruptcy Procedure issued prior to December 1, 2009, and they govern a case, contested matter, or proceeding pending or commenced after such date with the following exceptions:
 - (A) the provisions of LBR 2016(h)(1) as revised in 2008, pertaining to Chapter 13 compensation issues, shall apply only to cases filed on or after January 1, 2008. Chapter 13 cases filed on or after October 17, 2005, but prior to January 1, 2008, shall continue to be governed by previous confirmation procedures and compensation rules;
 - (B) the provisions of LBR 4004(c)(2), as revised in 2008, which authorizes a 60-day period in which to object to the discharge of a Chapter 13 debtor shall apply only to cases filed on or after October 17, 2005, and the discharge process in cases filed prior to that date shall continue to be governed by a 30-day objection period since the discharge in those pre-BAPCPA cases is not dependent upon the submission of further debtor documentation;
 - (D) any LBR which pertains to statutory authority applicable only to cases filed on or after October 17, 2005, shall apply only to cases filed on or after October 17, 2005.
2. Any appendix or local form to these Local Rules may be modified by the Court without the necessity of a formal amendment to the Local Rules.
3. On motion of a party in interest, the Court may -- for the convenience of the

parties or other good cause -- suspend or modify any Local Rule of Bankruptcy Procedure in a particular case.

4. These Local Rules of Bankruptcy Procedure may be superseded or modified with respect to documents filed, signed or verified by electronic means in compliance with the *Administrative Procedures for the Filing, Signing, and Verifying of Documents by Electronic Means* as set forth in *TXEB Appendix 5005* and such Appendix controls in the event of a conflict between its procedures and these Local Rules. The procedures for electronic filing set forth in *TXEB Appendix 5005* may be modified by the Court from time to time without the necessity of a formal amendment to these Local Rules.

(c) **Incorporated Local Court Rules of the United States District Court (the “District Court Rules”)**

1. The District Court Rules governing attorney admission, suspension, and disbarment apply in the Bankruptcy Court; provided, however, “Court” or “Clerk” in the District Court Rules means the Bankruptcy Court or Bankruptcy Clerk when an attorney appears in Bankruptcy Court. No decision by the Bankruptcy Court shall affect the ability of an attorney to appear before the District Court.
2. Other Local Court Rules of the United States District Court for the Eastern District of Texas do not apply in the Bankruptcy Court, except as specified in these Local Rules of Bankruptcy Procedure or in a separate order of the Court.

(d) **Admission Pro Hac Vice**

A request for temporary admittance when an attorney is not admitted to practice in the Eastern District of Texas is generally governed by the Eastern District Court Rule AT-1(d) except that:

- (1) the Court will rule upon the application and the applicant must attach a separate proposed order to the request;
- (2) the prescribed admission fee is waived if the attorney has not previously asked for temporary admittance within one year of the request;
- (3) the applicant must list, by case style, case number and application filing date, all other *pro hac vice* applications granted in the Bankruptcy Court within the year preceding the application.

Attorneys frequently appearing before the Bankruptcy Court must seek admission to

practice in the Eastern District of Texas pursuant to Eastern District Court Rule AT-1. Unless otherwise authorized by the Court, an attorney may not be admitted to practice before the Bankruptcy Court on a *pro hac vice* basis on more than three (3) occasions in any given 12-month period.

(e) **Attorney Obligation to Court**

An attorney must promptly notify the Court of a formal grievance proceeding, disbarment, suspension, or other status change which impacts such person's eligibility to practice law.

(f) **[Reserved for Future Use]**

(g) **Judges' Regulations**

Each bankruptcy judge may adopt regulations in accordance with Fed. R. Bankr. P. 9029(b). *TXEB Appendix 1001-g* contains the current regulations and must be carefully reviewed as the regulations may make important additions or modifications to these Rules.

(h) **Clerk's Internal Operating Procedures**

TXEB Appendix 1001-h contains the Clerk's internal operating procedures..

(i) **Standards of Litigation Conduct**

The standards for attorney conduct set forth in the Local District Court Rule AT-3 and the Texas Lawyers Creed apply in the Bankruptcy Court.