

## BANKRUPTCY DO'S AND DON'T'S

### IN GENERAL:

**Do** be familiar with your client's case.

**Don't** ask for a continuance due to your own failure to do something.

**Don't** miss deadlines.

**Do** talk with opposing counsel prior to court to see if the issues can be resolved or narrowed.

**Don't** call other people by their first names.

**Do** address your remarks to the judge.

**Don't** attack the other lawyer.

**Don't** feel obligated to respond to every little slight or comment.

**Do** review all proposed orders and submit them promptly.

**Don't** wait to file pleadings until the afternoon before the hearing.

**Do** take care of "show cause" orders promptly -- before the hearing.

**Do** be on time and in the courtroom for docket.

**Do** let your client know if he or she doesn't need to attend a hearing.

**Don't** blame your staff for mistakes; the buck stops with you.

**Do** be familiar with the court's local rules.

### AP'S/CONTESTED HEARINGS:

**Don't** put more counts in the complaint than necessary.

**Don't** file a motion to dismiss or motion for summary judgment to "educate the judge."

**Do** think hard before you file a motion to dismiss based on a pleading deficiency that can be easily rectified; if you represent the plaintiff, amend the complaint to fix the problem.

**Do** think strategically about whether to file a motion for summary judgment even if you think one should be granted. Consider cost of briefing versus cost of a nonjury trial before the bankruptcy judge. What is the prospect of an appeal by the other side? A judgment after trial with findings of fact is much less likely to be reversed.

**Do** have sufficient copies of your exhibits and an exhibit notebook if there are more than a few.

**Do** move to admit your exhibits.

**Don't** feel you have to rebut every single piece of negative evidence -- avoid going down non-relevant "rabbit trails."

### MOST IMPORTANTLY:

**Don't** ever do anything to endanger your reputation or integrity.

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