

Designation of the Bankruptcy Judge

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1. General guidance for Bankruptcy Clerks of Court regarding steps to request designation of the judge from the Court of Appeals
2. ECF event codes: Request for Designation, Order of Designation
3. Sample Request for Designation
4. Sample Order of Designation

General Guidance

Pursuant to 11 U.S.C. § 921 (b), the chief judge of the court of appeals designates the bankruptcy judge who is to preside over a chapter 9 case. To prepare for the possible filing of a chapter 9 case, the bankruptcy clerk of court and the circuit need to coordinate and prepare procedures for the designation of a bankruptcy judge. Depending on the circuit, this may involve the bankruptcy clerk of court contacting the clerk for the court of appeals and/or the circuit executive. The circuit may have procedures in place for receiving a request for designation in a chapter 9 case or such procedures may need to be developed. This should be determined prior the filing of a chapter 9 case, if possible.

It is important to establish prior to the filing of the chapter 9 case the best method of communication between the bankruptcy court and the court appeals. If the circuit does not have established procedures for the designation process, the bankruptcy clerk may wish to send the circuit a letter with proposed procedures to be followed. The procedures may include a list of actions to be executed by the bankruptcy clerk and the court of appeals, such as the preparation of a request for designation, the method of sending the request with a proposed order of designation to the court of appeals, the method for the court of appeals to send the order of designation to the bankruptcy clerk, and the filing/docketing of the designation order in the bankruptcy case.

CM/ECF Event Codes

1. Request for Designation

Docket Text: Request for Designation of Bankruptcy Judge

2. Designation of Judge

Docket Text: Order of Designation of Bankruptcy Judge

SAMPLE REQUEST FOR DESIGNATION

UNITED STATES BANKRUPTCY COURT
[XXXX] District of [XXXX]

In re:

[NAME OF DEBTOR]

Case Number:
Chapter 9

DEBTOR
_____ /

REQUEST FOR DESIGNATION OF BANKRUPTCY JUDGE

I, [NAME OF CLERK OF COURT], an appointed and qualified clerk of the United States Bankruptcy Court for the District of [XXXX], hereby certify that the above-named case was filed as a case under Chapter 9 of the Bankruptcy Code, 11 U.S. C. §901, in the United States Bankruptcy Court for the [XXXX] District of [XXXX] on <DATE>.

Pursuant to 11 U.S.C. §921(b), as Clerk of Court, I request that the Honorable [NAME OF CHIEF JUDGE OF THE CIRCUIT], Chief Judge of the United States Court of Appeals for the [DESIGNATED CIRCUIT] Circuit, designate a bankruptcy judge to conduct this case.

Dated: <DATE>

[NAME OF CLERK], Clerk of Court
United States Bankruptcy Court,
[XXXX] District of [XXXX]

SAMPLE DESIGNATION

**UNITED STATES BANKRUPTCY COURT
[XXXX] DISTRICT OF [XXXX]
[XXXX] DIVISION**

In re:

Case No.

Chapter 9

<NAME OF DEBTOR>

Debtor

_____ /

DESIGNATION OF BANKRUPTCY JUDGE

Pursuant to 11 U.S.C. §921 (b), I, [NAME OF CHIEF JUDGE OF THE CIRCUIT], Chief Judge for the United States Court of Appeals for the [NAME OF CIRCUIT] Circuit, do hereby designate the Honorable _____ to preside over the above referenced Chapter 9 case in the [XXXX] District of [XXXX], [XXXX] Division.

Dated: _____

[NAME OF CHIEF JUDGE]
Chief Judge
United States Court of Appeals
[CIRCUIT] Judicial Circuit