

## **JUDGE MICHAEL'S POLICY REGARDING CONTACT WITH HIS LAW CLERKS**

As you may know, Janie Phelps became my new law clerk in August of 2004. Since her arrival, she has had the pleasure of meeting and speaking with many of you. In order to provide her with some manner of comfort and you with some degree of guidance, I have decided to post a policy regarding the “dos and don'ts” of calling my law clerk. They are as follows:

1. **Do not** contact Janie regarding scheduling. She has nothing to do with scheduling. All scheduling matters are handled by Sue Haskins, my Courtroom Deputy. She can be reached at (918) 699-4068.
2. **Do not** ask Janie for legal advice. She is my counsel, not yours. She has been instructed by me not to tell you what you should file or where you should file it or what she thinks I will do in a particular situation.
3. **Do not** call to complain about an adverse ruling. That is what appeals (or sympathetic partners) are for.
4. **Do not** call Janie when you have technical difficulties opening documents in CM/ECF. If you experience any problems with CM/ECF, call the CM/ECF Help Desk at (918) 699-4072.
5. **Do** contact Janie if you think that there is a matter under advisement which does not show up on our under advisement list. That will help us ensure that nothing falls through the cracks.
6. **Do** contact Janie if I have mentioned a specific case during a hearing and did not give you the citation.
7. **Do** read the orders issued from this Court, including the footnotes. Specific details relating to your particular situation are often found in the footnotes. If we deny your request for relief, we do our best to tell you why we did what we did. Don't call (or, worse yet, have your secretary or legal assistant call) Janie and inquire "What did I do wrong?" If you read the order and review the referenced statutes and cases, this will usually clear up any confusion. If you still believe the order was entered in error, file a motion to reconsider.

We all know about Bankruptcy Rule 9003(a), which prohibits *ex parte* contacts between counsel and the Court. It is a rule which must be taken very seriously. In my mind, there is little (if any) difference between asking my law clerk a substantive question, in the hopes that she will ask me what I think and then relay that information back to you, and asking me the question directly. Both inquiries are improper. Before asking my law clerk any manner of substantive question about a particular case, ask yourself “Could I ask the judge this question outside the presence of opposing counsel?” If the answer is no, or even could be no, don't ask the question.