

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

Many of you may know Janie Phelps or Tabitha Bauguess, my law clerks. In order to provide them with some manner of comfort and you with some degree of guidance, I have decided to post a policy regarding the “dos and dont's” of calling my law clerks. They are as follows:

1. **Do not** contact Janie or Tabitha regarding scheduling. Neither has anything to do with scheduling. All scheduling matters are handled by Adam Bode, my Courtroom Deputy. He can be reached at (918) 699-4068.
2. **Do not** ask Janie or Tabitha for legal advice. They are my counsel, not yours. Both clerks have been instructed by me not to tell you what you should file or where you should file it or what they think 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 or Tabitha 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 or Tabitha if you think that there is a matter under advisement that does not show up on our under advisement list. That will help us ensure nothing falls through the cracks.
6. **Do** contact Janie or Tabitha 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 or Tabitha 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 that 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 either of my law clerks 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.