

NOTICE REGARDING “NOTICES OF UNAVAILABILITY”

I expect all attorneys who practice in this court, as a matter of civility and common decency, to work with each other to accommodate each other’s calendars. It should go without saying that intentionally setting a hearing or discovery when counsel knows opposing counsel will be on vacation or undergoing a medical procedure is unethical.

However, it has come to my attention that some counsel are taking this principle too far by sending unsolicited “notices of unavailability” to opposing counsel. There is no basis in the law for such notices. I will not honor them, and may consider their use sanctionable or grounds for continuances and extensions to recipients of such notices.

In the rare instance where an attorney has declined to change a date in order to accommodate an opposing counsel, I am happy to entertain an ex parte motion. To the best of my knowledge, no attorney in this court has ever had to reschedule a vacation or a medical procedure or missed a child’s graduation ceremony due to a calendaring issue brought to my attention. However, the prerogative to decide if a date is not convenient remains with me. Counsel are not free to circumvent my discretion by sending “notices of unavailability.”

Dated: October 19, 2015



Alan Jaroslovsky
U.S. Bankruptcy Judge