

**United States Bankruptcy Court  
District of Rhode Island**

**Minutes of the June 21, 2007 Meeting of the Attorney Advisory Committee**

The meeting of the Bankruptcy Court's Attorney Advisory Committee was held at the Clerk's Office on Thursday, June 21, 2007 at 3:30 p.m.

|                           |                  |                    |
|---------------------------|------------------|--------------------|
| <b><u>Attendance:</u></b> | Thomas Quinn     | Steven Boyajian    |
|                           | Sandra Nicholls  | Robert Huseby      |
|                           | Charles Pisaturo | Peter Furness      |
|                           | John Simonian    | Patricia Antonelli |

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| <b><u>Court Staff:</u></b> | Judge Votolato    | Susan Thurston |
|                            | Jonathan Calianos | Jennifer Watts |

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| <b><u>Absent:</u></b> | Christopher Lefebvre | Leonard DePasquale |
|                       | Richard Gemma        | Lisa Geremia       |

**Introduction:** The meeting was called to order by Susan Thurston, Clerk of Court

**Old Business**

**1. Update on Financial Literacy Program:**

The Program will continue in the fall, although no schools have been selected yet. It is recommended that a memorandum of agreement be entered into with each school to ensure that responsibilities and expectations of the program are clearly defined, understood and agreed on. The next round will likely begin in October, with training to take place in September. Eventually, it is desired that the program be administered by the Bar Association or a similar group, but we would like to continue to improve it before seeking outside assistance. Massachusetts was successful in turning over the administrative functions to the Boston Bar, which has been a highly successful partnership arrangement.

**2. New Local Rule Book:**

The Court has just recently published an updated local rules and forms book for 2007. It contains all the post BAPCPA changes. In addition, the book is now being published directly by the court, making it significantly less expensive and easier to update in the future. The books are on sale now.

**3. Attorney Compensation in Chapter 13 cases:**

John Simonian raised an agenda item concerning attorney compensation in chapter 13 cases and the difficulty of determining the fee at the outset without knowing the amount

of work that will be required in a five year plan. The committee discussed the current 'no look' fee, which is one of the highest in the country, and that any change would become the new minimum. As an alternative, the committee recommended streamlining the procedure for filing fee applications under a certain dollar amount, making them less burdensome to file. It was suggested that several of the local forms could be eliminated and that notice be given to the case trustee and US Trustee only. The court will still require time records to be maintained. The court will review the rule and forms and recommend changes at the next meeting.

## **New Business**

### **4. Change in Procedure for Trustee's Notice of Possible Assets:**

The court recently modified its procedure for soliciting claims in possible asset cases to improve distribution to creditors where a case is pending for a significant time. The Clerk's office will send out the notice to file claims 30 days after the trustee files a notice of possible assets, unless the trustee determines there are no assets within that time period. The Clerk's office is also sending out retroactive notices for 90 cases that have been pending for many years without a notice to file claims issued.

### **5. Letter from American College of Bankruptcy *re* Grants for Pro Bono Programs:**

The court shared a copy of the American College of Bankruptcy letter that explained a grant program available for delivering pro bono programs. The committee agreed that such a program would be useful given the high number of pro se filers and that due to the monetary thresholds for the Rhode Island Legal Services and the RI Bar Association volunteer lawyer program, many needy persons do not qualify. Susan will look further into the materials referenced in the letter and report back to the committee

### **6. Results and Feedback from first Attorney/Clerk's office Conference Call:**

The clerk's office held its first conference call for attorneys and staff on June 1, 2007. The majority of the issues discussed were CM/ECF related. Those that participated were happy with the content and discussions that occurred. There was an agenda and an open forum for answering questions. A sign up process is available on the Court's website to join in future calls. The next scheduled call will be held on September 7, 2007. A notice was sent out to all CM/ECF registered users and those that have signed up for email alerts.

### **7. Advice on Emergency Notification Procedures:**

The Court held its first exercise for its Continuity of Operations Plan (COOP) in case of an emergency in May 2007. One of the issues that came up during the test of the plan was determining the best means for communicating with the bankruptcy bar and the public in the event the court needs to relocate or change its hours. The committee was asked for feedback on communication methods. Overall, the committee felt that email

was the best method, followed by public announcement systems such as television and radio.

**8. Credit Counseling/Financial Management Companies unilaterally soliciting clients:**

Tom Quinn raised a concern about an issue one of his clients recently encountered involving a company in California unilaterally soliciting them to take the financial management course. The company was on the list of approved agencies, but solicited his client without the attorney's knowledge or involvement, and caused confusion to his client. The UST office said it would look into this issue further.

The next meeting is scheduled for Tuesday, September 18 at 3:30.