

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

**Minutes of the December 17, 2009 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, December 17, 2009 at 3:30p.m.

**Attendance:** Steven Boyajian      Russell Raskin  
                         Robert Huseby      Sandra Nicholls  
                         Charles Pisaturo      Catherine Eastwood  
                         Joseph Dolben

**Court Staff:** Susan Thurston  
                         Abigail Sneed  
                         Amy Seale  
                         Katie Flaherty

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

***Old Business:***

1. Upon motion, the minutes of the meeting of the September 17, 2009, were unanimously approved.

**2. Review of Loss Mitigation Program**

(a) The Committee discussed a suggested form change to the notice requesting loss mitigation to indicate whether the debtor intends to continue to make scheduled mortgage payments. In addition to the two proposed selections, the committee suggested adding a third selection for the debtor to indicate what payment he/she intends to make based on a projected loan modification. The Court will modify the form and resend to the committee for final review before implementation.

(b) Proposed Order Preparation: The order form will be modified to state the number of days for each action to be taken from the entry of the order, rather than an actual day to avoid confusion and later correction.

(c) New FAQs and Best Practices posted online. The suggestion was made to include a best practice of the debtor's counsel contacting the creditor's attorney to advise them of the loan and property situation at the outset of requesting loan modification to facilitate a smoother process.

(d) Statistics on LM Requests: As of the date of the meeting, 185 loan modification

requests had been filed with the court, with 538 new case filings, representing approximately 34% of the caseload (although many requests were filed in already pending cases, thus somewhat reducing that percentage).

(e) Feedback on the program so far: Too early to tell.

### **3. Chapter 13 Plan and Order:**

The issue of amended plans and previously filed objections was discussed and how best to preserve the previously filed objections or responses. To avoid duplication of effort and additional legal expense, a new text only event will be created, entitled “Renewed Objection”, which can be used by creditors when an amended plan is filed and the creditor continues to object on the same grounds. The renewed objection event will link to the originally filed objection as well as to the amended plan, and the renewed objection will be scheduled for hearing with the amended plan.

#### ***New Business:***

#### **1. New procedure for scheduling motions for relief due to time computation changes:**

As a result of the recent federal rule time computation changes that extended the objection deadline from 10 to 14 days on motions, the court has changed its procedure for scheduling motions for relief from stay due to the short time frame to hold the hearing (30 days). All motions for relief from stay are now automatically set for hearing upon filing. If no objection is timely filed, the matter will be removed from the calendar and the motion will be granted by rule of court. So far there have been no reported problems or complaints.

#### **2. New Local Rule book due out in January 2010:**

A suggestion was made to include the General Order and related forms on the new Loss Mitigation program in the Appendix.

#### **3. CARE (Credit Abuse Resistance Education) program update:**

Linda Spaight was introduced as the new court program coordinator for the CARE financial literacy program. The structure of the CARE program was discussed and an outline of the anticipated program was distributed. Interested members were invited to participate in the 2010 program commencement (anticipating a March 2010 rollout). Further solicitation of interested facilitators will begin in early 2010, and it is anticipated that a draft of the presentation and materials will be distributed in late January or early February. For questions about the CARE program and interest in participating, please contact Linda Spaight at 401-626-3121 or [Linda\\_Spaight@rib.uscourts.gov](mailto:Linda_Spaight@rib.uscourts.gov)

**4. Renewal of Membership on AAC:**

Members were requested to renew their interest in continuing on the Attorney Advisory Committee for 2010 by sending an email to the Clerk at [Susan\\_Thurston@rib.uscourts.gov](mailto:Susan_Thurston@rib.uscourts.gov)

**Next Meeting Date:** Thursday, March 18, 2010 at 3:30 PM.

## **C.A.R.E. Program**

### **Rhode Island Bankruptcy Court**

<u>Length of Program:</u>	50-60 mins.
<u>No. of Presenters:</u>	1 or 2
<u>Directed toward:</u>	teens ages 15-18
<u>Content:</u>	<p>Powerpoint slide presentation (with personal experiences/stories interjected)</p> <ul style="list-style-type: none"><li>• why CARE? What is it?</li><li>• why have a credit card</li><li>• types of cards</li><li>• what is credit</li><li>• choosing a card</li><li>• quick True or False for audience participation</li><li>• demonstrate poor spending on credit and consequences (accrued interest, etc.)</li><li>• How to avoid getting into trouble w/credit cards</li><li>• Budget – what it is, how to follow</li></ul>
<u>Handouts:</u>	with general and specific information and resources, including links
<u>Time frame:</u>	
2 <sup>nd</sup> week of Jan:	1 <sup>st</sup> draft of PPT & materials ready & meet with Jim Hedemark from RI Jumpstart
end of January:	send to AAC members/participants for feedback
February:	<p>schedule trial run of presentation with teachers, maybe a couple of students, any other participants</p> <p>modify for final program</p> <p>Market and promote the program with the help of RI Jumpstart for March rollout (possibly one presentation per week for 8 -10 weeks, through the end of the school year)</p>