

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

Minutes of January 9, 2014 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, January 9 at 3:30 p.m.

Attendance: John Boyajian
Thomas Carlotto
Gary Donahue
Wayne George
Lisa Geremia
Janet Goldman
Christopher Lefebvre
Elizabeth Lonardo
Charles Pisaturo
Russell Raskin

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| <u>Court Staff:</u> | Hon. Diane Finkle | Susan Thurston |
| | Jonathan Pincince | Gail Kelleher |
| | Julianne Fitzpatrick | Amy Seale |

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

Old Business:

None

New Business:

- 1. Review of Proposed Local Rule and Form Amendments** – A review of the new proposed local rule changes was conducted as well as some additional rule questions from the committee, The following discussion took place:
 - Rule 1005 – Discussion clarifying that expedited motions have a seven (7) day objection period, while no objection period should be included in an emergency motion. If a 14 day objection period is added to an expedited motion, the 14 day period will be honored.
 - Rule 2017 – A concern was raised that it can be burdensome to have to draft and file a fee application to seek an additional \$500 or so fee in Chapter 13 cases for additional work performed. The court staff explained that steps have been taken

to make this easier -- a one-time post confirmation \$500 no look fee is available; the total no look fees in Chapter 13 cases are very generous overall; and the fee application process for debtor's counsel was streamlined.

- Rule 2090 – Judge Finkle discussed background of this change. U. S. District Court wants notification when the US Trustee files a disciplinary motion in the Bankruptcy Court, along with attorney responses and final disposition. Federal Court licensing is managed by the U.S. District Court, so whatever is entered in the Bankruptcy Court has reciprocity there.
- Rule 3015-1 – Most service references have been moved to 9013-3. Rule 3015-1 also includes reference to new Supplemental I & J. See agenda item 2 below for additional information.
- Rule 9013-3 – This will become the primary rule for service. Detailed instructions on how to obtain mailing lists in ECF will be moved to a new Appendix XII.

ACTION DUE: The proposed rule and form changes will be noticed out in the coming weeks. Once final, the Court will prepare a pocket part to incorporate these changes for distribution to those who have ordered local rule books.

2. Proposed Use of Schedules I and J as supplemental filings in Chapter 13 cases –

Judge Finkle asked whether the Chapter 13 trustee would like to mandate the use of Supplemental I & J. John responded that any savings due to a change in income/expenses should go into the chapter 13 plan, but the supplement should be required *ad hoc* as it would generate a lot of work for the attorneys. Chris Lefebvre noted that most modifications are anticipated and included in the original I & J Schedules, but it makes sense to file a supplemental if the changes happen later in the case. The proposed rules will require the supplemental forms whenever a loan modification, refinance or amended plan results in a change in income/expenses.

ACTION DUE: Court will modify 3015-1(c)(3) by adding, “unless already proposed as such in the original schedules.”

3. Development of Legal Training Program for Bankruptcy Bar

- a. Potential Topics:
 - i. Recent federal and local rule form and rule changes
 - ii. Service issues
 - iii. Loss mitigation changes – use of Form F (signature and date lines)
 - iv. Consent orders – signature lines
 - v. Others? Case management and deadline checklist

- b. Volunteer attorney trainers – Lisa Geremia and John Boyajian will assist Susan with developing the program and in suggesting additional topics. Suggestion made to develop an attorney mentoring program for attorneys (new and established). Attorney could request a mentor on the court’s website.
- c. Date and location for training – Training will take place in the courtroom at the Bankruptcy Court. Date of training will be decided after topics are developed.
- d. Length of training & CLE credit – not decided

ACTION DUE: Susan will schedule meeting with Lisa and John.

- 4. Demonstration of ePOC – electronic proof of claim program** – Questions by U. S. Trustee re ability to prosecute electronic filer for fraud if they are not registered users (Rule 5005-4 defines Electronic Filer as a registered user). Also, unsecured creditors must upload an attachment to comply with five data elements as required by Rule 3001(c)(3). These elements are not included on the proof of claim form, however the program allows for multiple attachments to be filed with the proof of claim form.

ACTION DUE: The Clerk’s office will conduct further research on the rules implemented in other bankruptcy courts for the use of the ePOC program, including MA, and will review our existing rules to see if further changes should be made to address above concerns.

5. Other Business
None

- 6. Next Meeting Date:** Not scheduled at this time; committee members may contact Susan with agenda items.

Meeting Adjourned at 4:55 p.m.