

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

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

**Attendance:** Steven Boyajian      Russell Raskin  
                         Lisa Geremia              Robert Huseby  
                         Charles Pisaturo          Catherine Eastwood  
                         Joseph Dolben             Gary Donahue

**Court Staff:** Susan Thurston  
                         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 May 5, 2009, were unanimously approved.
2. **Proposed Amendments to LBR 2004-1 re consultation requirement:**

Attorney Steve Boyajian recommended removing paragraph (a) of the rule to eliminate the requirement that parties consult prior to the filing of a motion for examination, which often causes delay. The committee members supported this suggested rule modification.

***New Business:***

3. **Proposed Amendment to LBR 4001-1 to enlarge permitted communications:**

The Committee reviewed and discussed the proposed rule changes to allow parties to negotiate local modifications while in bankruptcy without violating the automatic stay. Additional language changes were suggested to improve the rule change.

4. **Review of NYS Loss Mitigation Program and possible implementation in Rhode Island:**

The Committee reviewed the program in place at the U.S. Bankruptcy Court for the Southern District of New York and provided feedback, questions and concerns to the Court as to how such a program might work in Rhode Island. Judge Votolato and the Clerk, Susan Thurston, will be attending a workshop in New York on September 25 to learn more about how the program is working in that district. Susan did advise the committee that Judge Votolato is very interested in adopting a similar program in Rhode Island and would report back to the

committee on the status.

**5. Review of upcoming (12/1/2009) Federal Rule Changes re: Time Computation:**

The Committee reviewed a Power-point presentation on the upcoming federal rule changes concerning time computation. These changes will also result in changes to our local rule deadlines. Discussion about what training should be provided to the Bar – notice of the changes and posting of the Power-point were deemed to be sufficient. Time will be measured in 7 day increments and it will be straight days NOT business days.

**6. Other Business:**

Susan asked the committee to comment on how the new on-line CMECF training was going and also any feedback on the use of the revised Chapter 13 plan. The committee did not have much feedback on the on-line training but several members did express concern with the revised Chapter 13 plan, particularly with the lack of information/specificity included with the motions to modify secured claim, and the possible re-litigation of these issues when confirmation is denied and a new amended plan is filed. The Court will look further into these issues and consider what additional changes might be needed to the Plan to address these concerns.

**Next Meeting Date:** Thursday, December 17, 2009 at 3:30 PM.