

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

Minutes of the May 5, 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 Tuesday, May 5, 2009 at 3:30p.m.

Attendance: Steven Boyajian Thomas Quinn
 Lisa Geremia Sandra Nicholls
 Peter Furness John Simonian
 Charles Pisaturo Russell Raskin
 Catherine Eastwood Joseph Dolben

Court Staff: Susan Thurston Jeffrey Dana
 Alex Strom Amy Seale
 Katie Flaherty

Guest Speakers: Molly Sharon, Clerk of BAP
 Ann Williams, BAP Case Manager

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

Old Business:

1. Upon motion, the minutes of the meeting of January 13, 2009, were unanimously accepted and approved.
2. **Bankruptcy VLP Training Class:**

A training class was held on 4/30/2009 at the Bar Association. The training went well and approximately 70 attorneys attended, who will each take at least one pro bono case. There are also two Food for Thought training classes scheduled in May (21st and 27th) to address the recent changes in the Chapter 13 process.

3. **Request to Amend Local rule 9010-1 regarding Pro Hac Vice:**

Attorney Peter Berman made a suggestion to the court to amend this local rule to restrict an out of state attorney from appearing pro hac vice to no more than once in a twelve month period. In his letter, Attorney Berman raises his concern that pro hac vice admission not be used as a substitute for not gaining admission to the Rhode Island Bar. Because this local rule is based on the District Court local rule, in order to amend it, we would need the permission of the US District Court. The committee discussed the concern and made the following suggestions. (1) get more information from Mr. Berman as to how extensive he believes this problem is; (2) have the attorney certifications on the pro hac vice applications be reviewed by chambers with

attention paid to the number of cases filed during the 12 month period; and (3) enforce the local counsel signature requirement on pleadings.

4. **Motions to Modify Secured Claims and Debtor Dismissals**

The Chapter 13 Trustee has raised a concern about debtors filing motions to modify secured claims and later having their cases dismissed. The trustee recommends adding language to the confirmation order that a stripped off lien is not effective until the discharge enters in the case. The committee discussed whether this is a legal determination and felt it was more prudent to wait until this issue is raised in a case for judicial determination.

New Business:

5. **Bankruptcy Appellate Panel:**

The Clerk of the BAP, Molly Sharon and case manager Ann Williams visited the RI bankruptcy court and the attorney advisory committee to educate the committee on the BAP's jurisdiction, its appellate process, how the court operates and their new local rules. One of the areas discussed was the BAP's new local rule permitting the parties to request to conduct oral arguments in their local districts, *see* BAP LBR 8012-1(f). It was recommended that the bankruptcy court highlight this rule change for practitioners in Rhode Island to get the word out.

6. **Request to Remove Consultation Requirement from LBR 2004-1(a) before sending out subpoena:**

Member Steve Boyajian recommended that the language contained in local rule 2004-1(a) be modified to remove the consultation requirement for obtaining an agreed time and date before sending out a subpoena request. The reason for the request is that promises are often made to send documents and then not followed through on. A lot of time is then wasted trying to obtain a date and time before a subpoena gets issued. The committee suggested various language changes (certify that you asked for the documents but haven't gotten them) but no final decision was made. The bankruptcy court staff will work with Steve to come up with some proposed language and present at our next meeting.

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