

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

Minutes of January 13, 2011 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 13, 2011 at 3:30 p.m.

<u>Attendance:</u>	Charles Pisaturo	Sandra Nicholls
	Joseph Dolben	Catherine Eastwood
	Steven Boyajian	

<u>Court Staff:</u>	Susan Thurston	Stacie McHale
	Amy Seale	Jennifer Watts

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

Old Business:

Upon motion, the minutes of the meeting of March 18, 2010, were unanimously approved.

2. **Review of RI Loss Mitigation Program:**

- (a) **Loss Mitigation Training conducted on November 16, 2010:** The training, conducted by local and national presenters, was well attended at the RI Bar Association. The consensus is that no additional training is needed at this time.
- (b) **Statistics (December 2010):** 116 people saved their homes through the Loss Mitigation Program in 2010. There was a substantive challenge to the program; a hearing was conducted and the matter is Under Advisement with Judge Votolato.
- (c) **Joint Status Reports** – A discussion was held about the practice of drafting and filing joint status reports and that the burden is often falling on the creditor to initiate and prepare these. This issue will be raised with Judge Votolato and amendments to the procedures will be considered for addressing the problem, and improving the program.

3. **CARE Program – Status Update:** A Status Report from CARE Coordinator Janet Tessier was reviewed by the Committee. The program is going well and more schools are getting involved each month.

4. **Training on Preparation of Bankruptcy Petition and Schedules, Statements – completed by Lisa Geremia and Sandra Nicholls:** In order to address the problem of schedules being filed long after they are completed, two separate trainings were offered covering best practices for preparation of these documents. One session was held in Providence and the other in Middletown, by Trustee Lisa Geremia and Assistant U.S. Trustee Sandra Nicholls. Sandra reported that the attendees were a mix of new and experienced attorneys.

New Business:

5. Proposed Local Rule and Form Amendments:

- (a) **1005-1 – Filing Paper: Required Response time language must be included on all papers filed with the Court.** Re: Motions to Extend Time and Motions to Continue Hearing.

Motions to extend time are being filed the day of or before a deadline expires, thus not allowing for the normal 17 day objection period to run before the court needs to take action. The proposed change will remove the standard 17 day objection language and instead replace it with the language “left to discretion of court”. Since most of these motions relate to either the filing of schedules or loss mitigation status reports, the extension primarily concerns the court’s administration of the cases. Interested parties may file a motion to vacate an order granting an extension of time if entered improvidently.

For motions to continue, the proposed amendment is to provide a three calendar day period to file objections to a one-sided request, and no language to be used on a joint request.

- (b) **5005-4 – Electronic Filing & 5071-1 - Continuances:** Both rules are proposed to be modified for uniformity and to reduce the deadline for filing joint motions to continue hearing to 3:00 pm the day before hearing (rather than current 4:30 time period). The Committee discussed a range of time cut offs from 12:00 pm to 3:30 pm; the later being preferred.

- (c) **Local for Y – Motion to be Excused from Court:** Slight modifications to the form for clarity.

NOTE: The proposed amendments to the local rules and forms will be issued shortly with the customary comment period for the public before going into effect.

- 6. Attorney User Manual:** The committee members reviewed the on-line manual and were supportive of the new resource.

- 7. District Court rule LR Gen 11 regarding tweeting and blogging in courtroom:** The Bankruptcy Court currently does not have a local rule regarding this subject, however, the Federal District Court rule is applicable where one is lacking. *See* LBR 1001-1(b). The Committee supported the recommendation to send a notice to the Bar about the rule’s applicability in Bankruptcy Court.

NOTE: Following this meeting, when creating a notice to send out, we realized that the District Court rule is not applicable to this Court because it specifically references only the two buildings occupied by that court -- the Pastore and Federal Courthouse buildings. Accordingly, the Bankruptcy Court is proposing a new amendment to include the substantive provisions of LR

Gen 11 into existing LBR 5072-1, Courtroom Decorum, as subsection (f) (current (f) will be renamed (g)).

8. Other Business: None

9. Next Meeting Date: April 14, 2011 at 3:30 PM.