

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

**Minutes of February 16, 2012 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, February 16, 2012 at 3:30 p.m.

<u>Attendance:</u>	Joseph Dolben	Thomas Carlotto
	Janet Goldman	Ann Marie Macarone
	Lisa Altieri	Sandra Nicholls
	Russell Raskin	

<u>Court Staff:</u>	Susan Thurston	Gail Kelleher
	Amy Seale	

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

***Old Business:***

Upon Motion, the minutes of the meeting of November 10, 2011 were unanimously approved.

- 2. Chapter 13 Post-Confirmation Expenses:** The US Trustee provided copies of a study re Presumptive No-Look Fees. Susan discussed the issue with Judge Votolato who feels comfortable with the current limits set in this court. Lisa Altieri stated that some chapter 13 cases are active over one year. Susan and Sandra Nicholls reminded that the limit is for no-look only, and attorneys may submit fee applications as needed.

**Summary of Plan:** Susan stated that there is a provision in the rules that allows for a plan summary; sample summaries were distributed. The summary could be used when a plan is amended in lieu of serving the entire plan on interested parties. Several attorneys stated that they only serve the amended portion of the plan. The plan summary suggestion is tabled, but if attorneys are interested, they may form a subcommittee and draft a plan summary for consideration.

- 3. RIBA Training Request:** Volunteer Lawyer Program would like a bankruptcy seminar for new attorneys (3 sessions – 1.5 hours each). Sandra Nicholls and Russell Raskin

agreed to participate; Susan will contact one of the trustees for his/her involvement. The seminar will take place in early fall, 2012.

4. **Payment Advices:** Susan stated that in CMECF Version 4.2, restricted events interfered with the US Trustee extractor program. The problem was resolved by modifying CMECF to lift the view restriction on payment advices long enough for the UST extractor program to run, then reset the restriction.
5. **Failure to Prosecute:** Request was made for more time between answer deadline and issuance of Order to Show Cause for Failure to Prosecute. Since the last meeting, time was extended to 120 days. A draft Notice of Contemplation of Dismissal was reviewed. Sandra suggested that the issue of default could be handled by the clerk who could issue a Notice of Contemplated Default rather than Contemplated Dismissal. This would encourage the defendant to answer rather than encourage the plaintiff to default. Additional discussion about the clerk issuing a Notice of Default, then wait for plaintiff to move for Entry of Default. Russell stated that this new procedure might be too automatic, especially against pro se debtors. Susan will research how other courts are handling defaults.

*New Business:*

6. **Limited Filer List on Website:** Susan asked whether this information was valuable to the attorneys, and the group stated it was not. The Limited Filer List will be removed from the external web site; court will consider whether to continue maintaining the Attorney Filer list.
7. **Draft General Order Amending Local Rule 3002-1:** Modifications were reviewed; no changes were suggested. It will be done as a general order until the next update of the Local Rules.
8. **Courtroom Powerpoint and New Electronic Calendar Display:** Susan asked for feedback and suggestions. Powerpoint will be refreshed every month – if there is information or topics that should be displayed, please email Susan.

An electronic monitor will be mounted outside the courtroom and will display the calendar, alternating between Wednesday and Thursday. Attorneys would prefer the current day calendar only, or display both days side by side. Janet Goldman suggested that the single-spaced calendar be reintroduced on the website since it is convenient to print.

- 9. CMA Real Time Deficiency:** Attorneys were asked if they had concerns over real-time quality control. Amy Seale explained that instead of waiting one day before striking a defective pleading, it would happen on the same day (not allowing the attorney a window of opportunity to self-correct the defect). It was agreed that the court would begin real time deficiency practice, and the court will consider any feedback received from the bar.
  
- 10. On-line Chat:** Susan stated that the court planned on introducing on-line chat ability in a month.
  
- 11. Other Business:** None  
.
  
- 12. Next Meeting Date:** This is the last meeting of the Attorney Advisory Committee until a new Bankruptcy Judge is appointed.

Meeting Adjourned at 4:30 p.m.