

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

Minutes of July 24, 2013 Meeting of the Attorney Advisory Committee

The meeting of the Bankruptcy Court’s Attorney Advisory Committee was held at the Clerk’s office on Wednesday, July 24, 2013 at 3:00 p.m.

Attendance: Patricia Antonelli
John Boyajian
Gary Donahue
Stacey Ferrara
Wayne George
Janet Goldman
Kevin Heitke
Christopher Lefebvre
Elizabeth Lonardo
Charles Pisaturo
Russell Raskin

Court Staff: Hon. Diane Finkle Susan Thurston
Jordan Baumer Gail Kelleher
Ryan Marcus Amy Seale

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

Old Business:

1. Review of Loss Mitigation Sub-Committee Draft Amendments

The Committee reviewed all changes and held a general discussion. Clarification was requested regarding Rule 1002-1(e)(4) relevant to corporations with revoked charters; Christopher Lefebvre discussed the necessity for the requirements of Rule 3015-1(c)(1)(A) i-ii; and Gary Donahue discussed Rule 5005-4(j) and the issue of original signatures on electronically filed proofs of claim. There was extensive discussion among the committee members concerning whether subsection (d) of Rule 4001-2 is needed (specific agreed provisions for cash collateral orders). Ultimately it was decided not to include them in the rules but that the Judge would issue an order to such effect on a case by case basis where warranted. Susan clarified that the recent change regarding the noticing responsibility for continued chapter 13 confirmation hearings at a party’s request was a procedural, not a rule change.

The Modifications to the draft amendments are listed below:

- Form L1 – Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor: Include “If Confirmed”, the plan is a legally binding arrangement and should be read in its entirety.
- Rule 4001-2 – Use of Cash Collateral, Obtaining Credit and Stipulations Relating to Same: Remove subsection (d) in its entirety.

It is noted that Russell Raskin requested that this subsection remain.

ACTION DUE: The Court will display a message on the ECF login screen notifying external users that parties in a bankruptcy case do not get automatic electronic notification of activity in a related adversary proceeding (AP). If non-AP parties wish to follow the AP, they should either file a notice of appearance or sign up to receive notices in the case through ECF/Utilities/Maintain User Account/Email Information/send notices in these additional cases.

ACTION DUE: In anticipation of implementing ePOC (electronic proof of claim program), the Court will research how other court’s handle the signature issue.

New Business:

- 2. Affidavit of Non-Existence of Pay Advices or Non-Existence of Benefit Documents –** All members agreed that a form affidavit for pro se debtors would be helpful to both the trustees and the clerk’s office staff.

ACTION DUE: Susan will draft a form and share with the AAC.

- 3. Feedback on new deficiency process –** All members agreed that the process worked well.
- 4. Other Business –** Russell Raskin requested guidance on how to proceed when debtors are involved in a loan modification program that does not require 31%. Judge Finkle suggested that a request to be exempt should be filed. There was discussion about the upcoming change to state foreclosure practice requiring discussion between the parties before initiating foreclosure and the potential impact on the relief from stay practice. The consensus was that it would not impact the court’s relief from stay process. Finally, the question was raised as to whether the dates stated in the loss mitigation order could be extended by the parties by agreement. In order to do so, a motion must be filed or a new status report submitted explaining the progress to date and requesting new dates. The

group agreed the loss mitigation was proceeding more smoothly since implementation of the recent program changes.

5. Next Meeting Date: October 23, 2013 @ 3:30 PM.

Meeting Adjourned at 4:30 p.m.