

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

AMENDED Minutes of September 29, 2015 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, September 29, 2015 at 3:30 p.m.

Attendance: John Boyajian
Gary Donahue
Lisa Geremia
Janet Goldman
Christopher Lefebvre
Elizabeth Lonardo
Charles Pisaturo
Patricia Antonelli
Stacy Ferrara
Kevin Heitke
Tatyana Tabachnik

Guest Speakers Eliza Vorenberg
Suzy Harrington-Steppen

Court Staff: Hon. Diane Finkle Susan Thurston
Louisa Gibbs Amy Seale

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

Old Business:

Development of legal Training and Mentoring Programs for Bankruptcy Bar
Due to unforeseen circumstances, implementation of the training program was put on hold. Susan checked with the original members [Lisa Geremia and John Boyajian] to determine if they still had an interest in participating in the training and they indicated that they do.

ACTION DUE: Susan will contact Lisa and John in January to revive this effort.

New Business:

1. Roger Williams Law School Pro Bono Collaborative Project Proposal-

Guests Eliza Vorenberg and Suzy Harrington-Steppen, Pro Bono & Community Partnerships, Feinstein Center for Pro Bono and Experiential Education, Roger Williams University School of Law – Eliza and Suzy gave background

information on the proposed project. The school would like to develop a pro bono program to assist pro se debtors in bankruptcy court using students, ideally partnered with a bankruptcy attorney. Students would be trained by the school. The law students need to complete 50 plus hours of pro bono work to graduate [no academic credit] and this would be a way for them to fulfil this requirement. Students could be at the court on a given day and at a specific time or day of the week and provide basic information [no legal advice] to filers. The members were receptive to the partnership, but raised some concerns regarding law students and legal advice, trying to catch the people before they file for BK, etc. The group thought that the project would need to be well thought out. Eliza and Suzy will draft a survey for the bar and draft an outline of the project and send to the bar to gauge interest.

2. Pro Bono Recognition – see Steve Boyajian email suggestion –
Susan reviewed Steve Boyajian’s email with the group which outlined an awards program for attorneys who perform pro bono work. There was discussion about the difficulties in determining who has performed work on a pro bono basis. The decision was made to table this proposal until we know whether the RWLS program will be created.
3. Procedural Questions:
 - a. **Appeal Exhibits** – The committee reviewed Florida Southern’s draft rule 9070-1 on exhibits. Attorneys could submit exhibits on a CD or thumb-drive, but then questions would arise over what was entered into evidence vs. listed as an exhibit. There was some concern regarding the passing of computer viruses via USB or CD. A suggestion was made that the attorneys could certify to the court that what they provided to the opposing party is what is on the USB via email. The court will take the groups comments into consideration in drafting the rule change.
 - b. **Expedited Treatment** – Susan discussed the fact that we currently have two procedures for parties to request expedited or emergency treatment of a pleading. The committee was asked if there was a need to continue the practice of filing a separate motion to shorten time as well as the underlying pleading, which often causes confusion with differing response deadlines. All agreed that the best practice was to discontinue the two step process and to file one motion with the shortened deadline. One concern, having the word “relief” in the title for the expedited motion; it could be confused with relief from stay. The Court will amend the rule to clarify the one motion requirement and will also amend 1005-1(d) to reflect the proper name of the motion(s).
4. December 1, 2015 Official Forms Amendments and Local Impact.
 - Proposed Local Rule and Form Amendments to incorporate these changes - Most of the changes are form numbers or title changes, with the following to pay closer attention to:

- 1005-1 – Filing Papers – Requirement – A committee member suggested that the court add “Applications for Compensation” under the list of filings which require a 21 day response deadline.
- 1009 – Amendments of Petitions, Lists, Schedules, and Statements – The proposed rule amendment was made due to numerous complaints from e-filers that their petition software would not allow them to mark amended pleadings per the local rule requirement [underlined, italicized, etc...]. The committee indicated that they did not see this as a problem and thought that the filers might not know how to manipulate the program. Some argued that simply printing, underlining and placing asterisk next to the change, then scanning back in was not an issue. But, from the courts perspective the quality is sometimes compromised. It was decided that the rule would be further amended to allow filers the option of (1) filing a new amended document with the new information accompanied by an addendum specifically stating the changes; or (2) debtor can identify by underline, bold, italics and/or asterisk what the change is on the amended document.
- Attorney Substitution -Clarifying language
- Statement of Exigent Circumstances - As the new form requires the debtor to state why they are filing for exigent circumstances, the court created a document for the debtor to use.
- Training – National training materials will be provided about the new forms, and the court will also provide in-person training.
UPDATE: The in person training will be held on Thursday, November 19 at 2:00 PM.

5. Advice on How to Promote DeBN Program – committee members were reminded to make information about this email noticing program available to their clients.
6. Redesigned Website and Updated Content – Susan discussed the new website which will be launched in October, including a new video series covering visiting the court and credit counseling. Members were encouraged to share this information with their clients.
7. Other Business
None

Meeting Adjourned at 5:05 p.m.