

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

Minutes of the March 8, 2007 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, March 7, 2007 at 3:30 p.m.

| | | |
|----------------------------|------------------|----------------------|
| <u>Attendance:</u> | Robert Huseby | Peter Furness |
| | John Simonian | Christopher Lefebvre |
| | Lisa Geremia | Leonard DePasquale |
| | Charles Pisaturo | Steven Boyajian |
| | Richard Gemma | Patricia Antonelli |
| <u>Court Staff:</u> | Susan Thurston | Jonathan Calianos |
| | Jennifer Watts | |

Absent: Tom Quinn

Introduction:

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

Update on Financial Literacy Program: All of the modules have been completed, with the exception of Consequences, which is to be held next Tuesday, March 13, 2007 from 9:30 to 12:00. The West Warwick program has worked out great; the volunteers all felt it was beneficial and the students learned from the class taught. Unfortunately, East Greenwich had to be canceled because there was not an organized class for the volunteers to teach. Susan and Patricia felt it was not fair to those volunteering, given the experience of those that already participated. In the future, there will need to be a better understanding from the school of the expectations of the program. Both Jon Calianos and Charlie Pisaturo had a good class and felt the material was effective to those in attendance. For the Consequences session next week, Patricia will send out materials and a script for the mock 341 hearing and Relief from Stay matter. Janet Bostwisch worked with the Massachusetts program and will be giving support and guidance to Susan and Patricia. There was also a request from a non-profit organization in Providence to bring the program to Providence schools. The Elmwood Housing Network has trainers, but would like guidance from the Rhode Island program. Lisa Geremia and Peter Furness both taught at the East Greenwich class and, despite their experience, would like to participate again.

Recent Adopted Local Rule Changes recommended by AAC:

1. In response to Leonard DePasquale's comment concerning proposed amendment to LBR 1007-1 regarding the non-filing of payment advices, the Court did not adopt this change but instead is limited electronic access to this information to case participants only.

2. Other suggestions that were adopted include: (1) Attorneys including their email address on documents filed with the court, *see* LBR 1005-1; (2) relief from stay matters in Chapter 13 cases authorizing creditors to contact debtors in writing about insurance, taxes and municipal charges; and (3) amending LBR 5004 to clarify the description and process for system failure.

3. Another procedure which has been modified is the required attendance of attorneys at confirmation hearings if no objection is anticipated by the trustee. During the pre-confirmation conference, the standing Chapter 13 Trustee, John Boyajian, advises counsel whether they need appear.

Alleged Abusive Practices of Home Mortgage Lenders: Jonathan Calianos addressed a potential concern in Chapter 13 cases over post confirmation disputes with mortgage lenders. The AAC reviewed the new local rule in Massachusetts of requiring debtors to file motions for discharge, which would be noticed to all creditors, and any issues concerning secured debts could be addressed at the time. Judge Votolato is in favor of the practice to reduce any post confirmation disputes. The US Trustee raised concerns that the language in the confirmation order may need to be revised. The Court will look at the issue further with the Massachusetts judges and report back at the next meeting.

Attorney Compensation Caps: A lengthy discussion took place concerning the no look fee in chapter 7 and 13 cases and how to improve the process so that if an attorney has to file a fee application it is less burdensome and expensive to do. A suggestion was made to limit notice to just the case trustee and US Trustee and to enlarge the time when these applications must be filed to occur later on in the case when the attorney is in a better position to itemize the additional work involved. The US Trustee raised a concern about the rules of professional responsibility concerning whether the fee is taken as a flat fee or is based on an hourly rate, if contemporaneous time records are maintained, and if a portion of these funds are being held pending approval when earned. Jon will discuss the matter with Judge Votolato and report back at the next meeting. A related issue was raised about the Chapter 13 fee and the annual update of information that is required by counsel post confirmation and how to forecast that additional work and fee.

Redesign of Courts Website: The court is in the process of updating its website to be more user friendly and easier to navigate. The AAC reviewed the current site and a mock design of the new site. Suggestions were made to include a search feature on the ECF Registered Users page and email addresses. The Opinions page is complicated for some because even when putting in a key word, like discharge, attorneys still have to go searching for a case. Also, several additional forms were identified as needing to be pdf writable. The US Trustee requested that the fraud hotline be added to the Trustee Corner page.

Attorney Referrals: Discussion about how to assist the court with providing legal services to pro se debtors. The AAC did not endorse the court having a list of available attorneys but did suggest that we utilize the RI Bar Association Lawyer Referral Program.

ECF Errors A discussion took place concerning the difficulty experienced by the ecf filers in using new form 6, New Statistical Reporting Requirements, particularly for late filed or amended schedules. Chris Lefebvre recommended that the clerk's office conduct quarterly conference calls with attorney staff to update any recent changes in the system and to respond to questions in one forum. This idea was strongly endorsed and the clerk's office will begin planning for this initiative.

The next scheduled meeting will be held on Thursday June 7, 2007 at 3:30.