

U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Advisory Committee
July 31, 2014

Minutes

Attendance:

Bar: Brenda Bishop, Bob Chernicoff, Jim Jones, Juliette Moringiello, Lisa Rynard, Tracy Updike, Henry Van Eck, and Elliott Weiss

Clerk's Office: Terry Miller, Seth Eisenberg, Belinda Wagner and Sue Frisch

Chambers: Judge Mary France, Judge John Thomas, Judge Robert Opel and Vera Kanova

The meeting was convened at 3:00 pm and concluded at 4:00 pm. Introductions were made and Judge France welcomed the members of the Committee and Clerk's Office.

I. Old Business

A. Rules Amendments. (Judge France)

Judge France provided the Committee with a copy of the latest redlined version of the proposed amendments to the local rules and forms. The final redlined and clean versions of the rule amendments will be posted on the Court's website late next week with an effective date of September 1, 2014. New Local Rule 2016-2 will be effective for Ch. 13 cases filed October 1, 2014 and after.

Many of the comments offered by the bar and Clerk's staff were incorporated in the rule amendments. Judge France has drafted responses to the major comments received from persons outside the Court and those where changes were made as a result of the comment. These responses will also be posted on the Court's website late next week.

Judge France noted that the Court anticipates revisions may be necessary in the future once there has been an opportunity to evaluate how the rule changes work in practice. She asked for support from the Committee in explaining the changes in the Ch. 13 fee provisions to the bar and solicited input on how to effectively communicate these changes to the bar. Attorney Weiss suggested a brief one page notice be posted on the Court's website and MDBBA listserv identifying the major changes in the rules and forms. Attorney Bishop suggested having Attorney Updike and Judge Opel's session at the PBI Conference be moved to a different time slot on the agenda to allow for a bigger audience. Judge Opel pointed out that the PBI Conference agenda has already been published so we will need to look at other avenues. He suggested this Committee be a sounding board for the bar at large and bring comments from the debtor and creditor representatives to this Committee. Judge Thomas suggested a special committee be created consisting of the heavy Ch. 13 practitioners, Ch. 13 Trustee and the Court as a way to gather feedback on the process. Once the rules have been in effect for a few months, Judge France will convene a brown bag lunch, which all debtors' attorneys and the chapter 13 trustee will be invited to attend.

II. New Business

A. Reconstituting the Attorney Advisory Committee. (Judge France)

Judge France announced Judge Thomas has agreed to take over as chair of the Attorney Advisory Committee in January, 2015. Judge France has been the chair of this Committee since its inception in the Southern Tier and its later expansion to the Northern Tier. Local Rule 9029-1 provides for this Committee and the term lengths of the members. The current members' term runs through December, 2015 so there will be a one year overlap with Judge Thomas as Chair before new members are selected.

The meeting schedule for this Committee will also be changing. This Committee meets quarterly and has been meeting in March, June, September and December. Judge France stated the meeting schedule will be changing to allow for the meetings to start earlier in the calendar year. There will be one more meeting for this calendar year and then the meeting schedule will change to January, April, July and October.

B. *Espinosa*, estimated claims of secured creditors and the Model Plan. (Jim Jones)

Attorney Jones stated lenders are objecting to plans in order to have the plan be amended to conform with the allowed proof of claim. Since this is delaying the confirmation process, he has been speaking with several practitioners on possibly resolving this through a stipulation which would confirm the intention of the plan without changing the terms of the plan. The stipulation would be between the debtor, debtor's attorney, trustee and creditor. It would be filed prior to confirmation and would withdraw the objection.

The Court did not identify any procedural issue with this proposal. Since the stipulation is restating the terms of the plan, it was requested the stipulation be filed without the need of an order from the Court.

C. Proposed next meeting date.

The next meeting is scheduled for Thursday, October 23, 2014 at 3:00 PM.