

U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Advisory Committee
July 28, 2016

Minutes

Attendance:

Bar: Vince Rubino; Brett Freeman; Dan Rheam; Adam Weaver (by phone); Larry Young (by phone); Henry Van Eck; Ann Swartz (by phone); Lisa Rynard; Tracy Updike; Anne Fiorenza; Jim Jones; and Prof. Marie Reilly (by phone)

Clerk's Office: Seth Eisenberg; Sue Frisch (by phone); Belinda Wagner; and Rick Thompson

Chambers: Judge John Thomas; Judge Mary France; Chief Judge Robert Opel; and Catherine Sisk

The meeting was convened at 3:00 pm and concluded at 4:30 pm. Judge Thomas acknowledged and thanked all members for attending this meeting.

OLD BUSINESS:

1. Mortgage Modification Mediation Program – MDBBA Rule 9019-3 status (Tracy Updike)

Judge Thomas thanked Tracy Updike and Ann Swartz for their work on this Program. The revised Local Bankruptcy Rule 9019-3 became effective on June 1, 2016. It was mentioned that a portal representative attended the MDBBA Conference. Ann indicated there is a link on the Court's website to the Program and connection to the DMM Portal. DMM is not the officially designated portal for our Court. Judge Thomas asked that if we designate a portal, will the fees go down. Seth spoke to Igor, who is the representative to the DMM portal, who wanted the Court's Local Rules to exclusively mention the DMM portal. Fees would then be significantly reduced. Judge Opel indicated that the appropriate language is in the Local Rules. Seth will speak with Igor about this and what exclusivity he wants. Judge France has a problem with saying you can only use the DMM portal. The bottom line is to lower expenses for the bar. DMM is exclusively used in the Western District. Ann indicated that DMM is the main portal used by a majority of the districts. She stressed it was voluntary to use the DMM portal. After much discussion, Seth will contact Igor and report back on this matter at the next meeting.

2. Chapter 13 Breakfast Club update (Lisa Rynard)

Lisa Rynard indicated a survey was done last year with the Bar. Jim Jones has offered to help get this program running with the assistance of perhaps a new law clerk and help with ideas from the Bar. Judge France offered help from her current law clerk, Vera Kanova. Judge Thomas also offered his career law clerk, Rich Rogers, to assist with the program. Lisa thanked the Judges and will contact both law clerks as to their availability.

3. Pro Se Debtor Issues/Self-Help Center update (Seth Eisenberg)

Seth stated the Self-Help Center went live in the beginning of July. Several individuals have utilized the system. Some have started the process and some have had meetings with lawyers. The program is going well. Judge Thomas asked whether the Clerk's office refers individuals to legal services first and then to the self-help program. Seth said that both options are offered and brochures are available. Judge Opel suggested the brochures be given to the Courtroom Deputies and made available in the Courtroom. Judge Thomas expressed his appreciation for the effort put out by the Clerk's staff to implement this program.

NEW BUSINESS:

1. Completion of Judge France's term as Chief and the appointment of Judge Opel as the new Chief Judge of the Bankruptcy Court. (Judge Thomas)

Judge Thomas acknowledged that Judge Opel has been appointed Chief Bankruptcy Judge as of today. Judge Opel recognized Judge France for all the years of service as Chief Judge and her accomplishments during that time. Judge France appreciated all the kind words. Judge Thomas also acknowledged and gave special recognition to the fact that Judges France and Opel have been working hard to have a third bankruptcy judge appointed upon Judge France's retirement. Judges Connor & McKee have been instrumental in getting this much needed appointment so we have continued representation in both districts.

2. Welcome Lisa Rynard back to the Attorney Advisory Committee as the designated representative for the Middle District Bankruptcy Bar Association. (Judge Thomas)

Judge Thomas welcomed Lisa back to the Committee as representative for the MDBBA and acknowledged all her past contributions to the Committee.

3. Staff changes for the Clerk's Office. (Seth Eisenberg for Terry Miller)

Seth Eisenberg identified all the personnel changes in the Clerk's Office, including Rick Thompson, Information Systems Manager; Patrick McGourty, Network/PC Administrator, and Lyndsey Price, Case Administrator. Judge France also indicated her career law clerk, John Kelly, was leaving in September.

4. New Local Rules are in effect as of June 1, 2016. (Judge Thomas)

Judge Thomas reminded the Committee that the new Rules are in effect as of June 1st and to please spread the word to the Bar. Questions and comments are always welcome.

5. Procedures for circulating court decisions - status. (Jim Jones/Sue Frisch)

Sue Frisch reported the IT department implemented a system whereby links to docketed Court decisions are distributed through the MDBBA ListServ. Judge France was pleased this topic was brought up and that sending this information makes it easier to bring members of the Bar

Association and the Court closer. Once an Opinion gets docketed, a link to that Opinion goes out through the MDBBA ListServ. It also gets published on the government publishing website.

6. Proposed Hearing Calendars (Website and Kiosk) (Rick Thompson)

Judge Thomas, for background purposes, explained to members of the Committee that the Court is changing the program used to create hearing calendars from vCal to CHAP. Rick gave an on-screen demonstration regarding websites and kiosk calendars available in other Courts. These calendars also contain a disclaimer as to accuracy. Some calendars are searchable by counsel, date, Judge, etc. There were many questions and discussions as to functionality. Judge Opel inquired as to why the Court was changing from vCal to CHAP. Rick explained that vCal is phasing out due to a change in personnel. Judge France had questions on Chambers' utilization of the calendar. Rick indicated that CHAP will be available in March 2017. Testing and training will be available for staff prior to going live. He will also need to know how much training, if any, is necessary for members of the Bar. After lengthy discussions regarding the customization of the calendar for Chapter 13 hearing dates and whether the Court needs and/or utilizes the kiosks, it was decided that further discussion would need to be done. The matter was tabled until the next meeting.

7. Announcements/Comments:

Anne Fiorenza reported that Michael Oleyar is no longer a Chapter 7 Panel Trustee. He has closed his private practice and is now an Administrative Law Judge with SSA. His Trustee cases will be transferred to Robert Sheils, John Neblett and Larry Frank for now. No new Trustee will be added to the Panel.

MEETING DATES FOR 2016:

Monday, December 5, 2016, @ 3:00 pm