

U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Liaison Committee
June 3, 2010

Minutes

Attendance:

Bar: Brenda Bishop, Steve Bressett, Marc Crum, Anne Fiorenza, Chris Gibson, Steve Gurdin, Jim Jones, Brian Manning, Lisa Rynard, Bob Sheils, Tracy Updike and Richard Wiest.

Clerk's Office: Ellen Linskey, Sue Frisch, Mike McHugh, Belinda Wagner, Kathi Leon and Don Lindemuth

Chambers: Judge Mary France and Judge Bob Opel

The meeting was convened at 3:00 pm and concluded at 3:45 pm. Judge France started the meeting by apologizing for the incorrect month being listed on the agenda and welcomed the members of the Committee and Clerk's Office.

I. Old Business

A. Mediation training update – Jim Jones informed the Committee that the mediation training has been scheduled for Thursday, July 8th through Saturday, July 10th. The training will be conducted by Nancy Welsh from Dickinson School of Law at the Holiday Inn, Grantville, PA. All members who participate in the training will be provided with training, materials, lunches and accommodations at no cost to the member. Non-members are also invited for a fee.

B. Pro bono committee update – On Judge Thomas' behalf Judge France informed the Committee that the task force meets on a quarterly basis. North Penn Legal Services and MidPenn Legal Services are screening candidates and referring those who are eligible to Mollie Oleyar for assignment. Mollie is paid, on an interim basis, by the MDBBA and expenses are monitored to assess future demands. The task force is working on making sure the screening by both entities is consistent. Tracy Updike noted that some of the referrals she had received from MidPenn had failed to include the income for non-debtor members of the household, which is required in order to accurately determine eligibility for chapter 7 relief. She requested that the screeners insure that all sources of income are reviewed to determine eligibility. North Penn Legal Services and MidPenn Legal Services are only screening for Ch. 7 eligibility. It is hoped that the task force will work on how debtors requiring chapter 13 relief can be assisted. Attorney Tim Baker recently emailed Judge France regarding an email listserv that is available for York county lawyers which he feels is underutilized. His concerns were forwarded to Judge Thomas

as chair of the Pro Bono Committee. The Pro Bono Committee's next meeting is scheduled for mid-July.

II. New Business

A. Suggestions for issues to be addressed at Conversation with Bench seminar – Judge France asked the Committee for suggested issues the judges should address at the upcoming Conversation with Bench seminar. This seminar is part of the PBI Conference scheduled for July 16 in Mechanicsburg. Dan Rheam will be the moderator of the seminar. Anyone who has an issue or concern they would like addressed should send it to the judges or Dan Rheam. Judge France has asked Dan Rheam to notify the judges of issues submitted prior to the seminar that may need to be investigated ahead of time since sometimes issues are Clerk's Office issues and not necessarily judge issues. The judges were asked to identify their preferences and these will be part of this seminar and also posted on Judge's Corner of the US Bankruptcy Court's new website.

B. Revisions to Model Chapter 13 Plan – Tracy Updike informed the Committee that the model plan committee is working on the revisions. The model plan committee met recently and divided the plan into separate sections. Aggie is planning on asking Judge Opel for an extension to the deadline to submit revisions to the model plan. The model plan committee is making inquiries with the IRS and PA Department of Revenue to find out what is working and not working in the model plan and make adjustments accordingly. They are trying to have something finalized by the end of the month.

Judge Opel informed the Committee that he recently asked Aggie and the model plan committee to revise the model plan in light of *In re: Espinosa* and also a few other provisions to address areas that are being used incorrectly (*i.e.*, lien avoidance section and vesting of property). The model plan committee was asked to respond by Monday, June 7th.

C. Pending amendments to Local Rules – Judge Opel informed the Committee that a amendments to the Local Rules were recently sent to Henry Van Eck, Chair of the Rules Committee and asked for a response by Monday, June 7th. The changes are minor and were primarily procedural matters which had been adopted in a Miscellaneous Order but since they are very difficult to locate, several Miscellaneous Orders were converted into Local Rules. The amendments also include changes to the telephonic hearing rule to have the same process for all of the judges. Once the model plan and rules committees reply with their changes, the revised local rules and forms will be put out for a 30-day comment period generally. These amendments will be implemented at the same time as the new US Bankruptcy Court's website in early Fall 2010.

D. New MDBC website – Judge France informed the Committee that the Court has been working with New Jersey and other jurisdictions to create a brand new website. The layout and placement of documents will be similar among the jurisdictions so that users who access various courts will be more easily able to locate items of interest. Terry Miller is conducting a

session at the upcoming MDBBA Conference to demo and discuss the new website. The Clerk will be creating focus groups of various user types so that various user's perspectives regarding layout and content can be incorporated in the final product and have it be more user friendly. The new website is slated for implementation early Fall 2010.

Don Lindemuth of the Clerk's Office provided a demo of the new website for the Committee. He explained that the current website will be converted into a content management software program named Drupal. The goal is to have the new website be more streamlined with an easier to use home screen. The home screen will have a designated announcement section and a search feature. A request was made to have the new website be sized such that users are not required to scroll left-right or up-down in order to locate items on the home page.

E. Other issues?

1. Emergency Hearing Judge for Ch. 11 Cases – On behalf of Bob Chernicoff, Tracy Updike inquired as to the status of an emergency hearing judge process for Ch. 11 cases when the assigned judge is out of town.

Judge Opel advised that since the last meeting the problem with the timeliness of judge assignment has been corrected in CM/ECF and is now being done hourly rather than daily. If an attorney requests an emergency hearing, the judges have procedures in place to handle these requests and are willing to work with each other to share courtrooms to accommodate these situations. If a Wilkes-Barre judge needs to preside over an emergency hearing for a Harrisburg case, the witnesses could be brought into the Harrisburg courtroom and the hearing conducted using video conferencing or telephonically. For these situations, someone would be available to swear in the witnesses and keep the record. There are several Clerk's Office staff trained on the various courtroom responsibilities so that coverage is available for emergency situations. Another option is for the emergency hearing to be conducted in Wilkes-Barre or depending on courtroom availability the hearing could be on another day in Harrisburg that is not one of the pre-scheduled Harrisburg hearing dates for Judge Opel.

Judge France added for these reasons, the Court has decided not to establish an emergency hearing judge process for Ch. 11 cases. If a problem arises, attorneys should inform the Court via email or a letter advising what happened so that the situation and emergency hearing process can be reviewed and adjusted as needed.

Next Meeting: Thursday, September 2, 2010 at 3:00 pm.