

**U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Liaison Committee
June 9, 2011**

Minutes

Attendance:

Bar: Brenda Bishop, Anne Fiorenza, Kara Gendron, Steve Gurdin, David Harris, Jim Jones, Dan Rheam, Lisa Rynard, Joe Schalk, Ann Swartz, Jill Spott, Tracy Updike, Adam Weaver and Elliott Weiss

Clerk's Office: Terry Miller, Sheila Booth, Sue Frisch, Belinda Wagner, Cindy Boyle

Chambers: Judge Mary France, Judge Robert Opel, II, Judge John Thomas

The meeting was convened at 3:00 pm and concluded at 3:55 pm. Judge France welcomed the members of the Committee and Clerk's Office.

I. Old Business

A. Court's new "webcalendar"

Attorney Jim Jones proposed this topic and inquired as to the status of the Court's new webcalendar. The hearing lists for all of the judges are getting longer and longer so it would be helpful to have this finalized soon. The Trustee's office is having difficulty preparing a calendar for circulation to the bar and Court since some hearing lists are published close to the hearing date and constantly changing. Terry Miller stated the beta version is available on the Court's website, feedback is being received and it will eventually replace the calendars presently published by the courtroom deputies. Attorney Jones requested once again for the hearing matter numbers to not change when matters are removed. Last month he and other attorneys noticed this is still occurring with Judge France and Judge Thomas' hearing lists. Judge Thomas advised this issue was addressed six months ago with the courtroom deputies and requested that anyone encountering problems with his hearing list notify his courtroom deputy so that it can be resolved. The preference of the bar is for the hearing numbers not to change when a matter is removed. Judge France reassured that she and Terry Miller will look into this issue.

II. New Business

A. Expansion of docket events that may be self-scheduled.

Sheila Booth, Chief Deputy Clerk, announced that self-scheduling of hearings will be expanded in conjunction with the Court's upgrade to CM/ECF Release 4.1 this Fall. The expansion will include a majority of the motions that are presently set for hearing, except motions for expedited hearings and TRO. This topic is part of the Clerk's Office session at the

Middle District Bankruptcy Bar Association conference next week. It will also be demonstrated this Fall at the Court's Networking with the Courts.

B. New filing procedures for outside filers to be published coinciding with the 4.1 roll out.

Sheila Booth, Chief Deputy Clerk, advised that the filing procedures for outside filers are being reviewed and revised. They will be published this Fall when the Court upgrades to CM/ECF Release 4.1. An example of the new filing procedures is that the bar will no longer need to wait for the Clerk's Office to review a notice if the movant is required to provide service. Attorneys will be able to prepare the notice of motion, certificate of service and file it all at once. Attorney Jill Spott asked how this would work for the Trustee notices that are mailed by the Clerk's Office. Sheila responded if the Court generates service, then that will continue to be done.

C. Lockout from RAMAPO for Chapter 13 debtors and attorneys; problems with National Data Center.

Attorney Steve Gurdin suggested this topic and stated that although it is not a Court issue, he proposed it since the Trustee and US Trustee would be in attendance and perhaps the Court would want to be familiar with it too. On Wednesday the Trustee's office notified the bar by email that as of September 30, 2011 their Chapter 13 data will no longer be available at Ramapo. After that date, attorneys and debtors will need to use the National Data Center in order to access their chapter 13 case information. Attorney Gurdin contacted the National Data Center and learned that each office needs to manually enter each file by completing prompts on multiple screens. This is a very cumbersome process to manually enter every client and going forward will need to continually enter data after filing the case. With Ramapo it was automatic. He added that there is a problem with the system which the Trustee's office is aware of and working on, but the system does not allow counsel to register clients. Is there a reason why the Trustee is making this switch?

Attorney Jim Jones explained that the Trustee subscribes to the Ramapo system and at the end of their fiscal year in September, they will terminate their subscription. For years their data has been uploaded nightly to Ramapo and also to the National Data Center. Across the country a majority of trustees are covered by the National Data Center and only 6 trustees use Ramapo. The switch is being made because the owner of Ramapo is retiring and entering into negotiations to merge with another company so at some point Ramapo will no longer exist. The National Data Center has informed the Trustee's Office that for some reason there is a problem with accessing our data. They are actively working on it and hope to have the problem fixed by next week. The National Data Center information is free for debtors and attorneys and paid for by the large creditors. In order to obtain the information, you need to register and answer a series of questions specific to the case so that the system can verify that you should have access to the information. The creditor names that appear during the registration prompts reflect creditors who have filed claims, not necessarily creditors listed on the schedules. Attorneys can start next week to input all of their clients or enter them when you need them. This is a service that is no extra charge to debtors and their attorney, debtor's attorney's nationwide have been

following this process for years, we have just been spoiled by Ramapo. Ramapo will be available through the end of September, but after that data will only be available in the National Data Center's system.

Attorney Gurdin stated that he is considering hiring a college student to assist with this transition.

D. Chapter 13 Trustee motions to compel Debtor to amend plan.

This topic was proposed by Judge France for the purpose of making the bar aware that the Ch. 13 Trustee has started to file motions to compel the debtor to modify the Ch. 13 plan post confirmation. Debtors routinely file motions to modify confirmed Ch. 13 plans and the procedure is straight-forward. The same provision allows a trustee to also request the plan to be modified. The difference is the debtor files a copy of the modified plan and the trustee has decided to use the provision to request the Court to direct the debtor to modify the plan. The trustee has not been filing a copy of the proposed modified plan with the motion. The Court had difficulty coming up with appropriate procedures and wanted to find out if there is confusion about the process.

Attorney Jim Jones explained the trustee is not filing a proposed modified plan for two reasons: (1) a Ch. 13 provides that the debtor should file a plan; and (2) once a modified plan is filed, that is the plan, and the debtor is required to make payments under the modified plan. In a case before Judge Opel, Attorneys Agatha McHale and Jim Jones stated they will file an exhibit that will set forth any changes the Trustee is proposing the debtor make to their confirmed plan. Prior to filing a motion, the Trustee sends correspondence but never receives a response.

Debtor attorney representatives stated that a majority of the time their clients will not be accepting the modified plan proposed by the Trustee. Questions were raised with regards to resolving these motions. Is an answer sufficient with a modified plan or is a motion to modify plan needed? If there are two motions to modify pending will they be heard on the same date? Concerns were also raised about the service of the modified plan. The Trustee's modified plan is being noticed to all creditors through the BNC but the answer is not served on all creditors.

Judge Opel reminded the attendees that this was not to be a substantive discussion on the process. The discussion was concluded by Judge France stating it is a problematic area that covers new ground. Each attorney can try these matters in front of each of the judges and possibly receive three different answers or the attorneys can work together with the Trustee's office to come up with a process that all parties are comfortable with.

E. Rule Changes Effective December 1, 2011

This topic was added to the agenda at the meeting by Judge France. On December 1, 2011 Bankruptcy Rule and Form changes will take effect (<http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules.aspx>). Several of the changes will have minimal effect in our District since they pertain to Ch. 15 filings but there are some changes to proofs of claims, Rules 3001 and 3002.1. These rules pertain to supporting

information and new forms that are to be exhibits to proofs of claims. Some of the exhibits pertain to post petition detailing of information that currently include in our Local Bankruptcy Form 4001-1. Local Rule 3001-1 also may be affected.

Judge France requested a sub-committee be created to see how these changes under Rules 3001 and 3002.1 might impact our local bankruptcy rules and forms. The changes will primarily affect the Ch. 13 cases and creditors in Ch. 13 cases. Judge Opel volunteered to chair the sub-committee. The following attendees volunteered to participate on this sub-committee: Ann Swartz; Kara Gendron; David Harris; Jim Jones (or a designee from the Trustee's office); and Sue Frisch will represent the Clerk's Office.

Judge Opel thanked the volunteers and stated he will be sending out an email to the group to arrange for a conference call.

F. Next meeting date: September 1, 2011.

The next Committee meeting is Thursday, September 1, 2011 at 3:00 PM.