

**U.S. Bankruptcy Court for the Middle District of Pennsylvania  
Attorney Liaison Committee  
March 3, 2011**

**Minutes**

**Attendance:**

Bar: Brenda Bishop, Bob Chernicoff, 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, Kathi Leon, Sue Frisch, Christina Kovach, Cindy Boyle

Chambers: Judge Mary France, Judge Robert Opel, II, Judge John Thomas and Alex Perez

---

The meeting was convened at 3:00 pm and concluded at 4:15 pm. Judge France welcomed the members of the Committee and Clerk's Office.

**I. Old Business**

**A. Pro bono committee update –**

- 1. Pro bono attorney attendance at 341 for rural debtors**
- 2. Pro bono/pro se assistance page on Court's website**

Judge Thomas advised the pro bono committee has been meeting every three months and attendance at the meetings varies between 5 and 15 participants depending on the member's schedules. Their next meeting is scheduled for Monday, March 7, 2011. The pro bono committee has improved the methodology for how people who need pro bono counsel can find a pro bono lawyer but the process is not completely uniform yet. Once there is more consistency in the process, standardized information will be recommended for the Court's website. Attorney Dawn Cutaia is creating a flow chart of the proposed process. The proposal will be circulated to this committee and the Court.

The need for pro bono assistance in the Middle District has been addressed. Everyone who qualifies and needs a lawyer has been receiving a lawyer. Since January 1, 2011, there have been 38 cases filed and identified as pro bono. Judge Thomas hopes to recognize these pro bono attorneys in the future.

The majority of pro bono assistance is needed in the rural areas. Judge Thomas has requested Anne Fiorenza discuss with Roberta DeAngelis if the panel trustees could allow for lawyers to come in remotely via telephone or possibly allow lawyers at creditor meetings to stand in for other lawyers. Anne Fiorenza advised that there are some technical problems that need to be addressed. Many of the remote meeting locations do not have telephones. So if cell phones are used for telephonic appearance, there is a concern about the quality of representation. Panel Trustees have been handling these on an ad hoc basis. Trustees may exercise their

discretion and conduct a telephonic 341 meeting under appropriate circumstances. If telephone service is not available or appropriate, some reconvene the meeting to another date at their offices.

Attorney Bob Chernicoff stated that in Dauphin County lawyers are required to take 2 or 3 pro bono case assignments a year or opt out via a payment. He inquired if the pro bono committee had a preference as to whether these were assigned through the Middle District Bankruptcy Bar Association or the Dauphin County Bar Association. Judge Thomas stated Sandy from the Dauphin County Bar Association is on the pro bono committee and she has indicated to him that it may be more efficient to go through the Middle District Bankruptcy Bar Association. Since Mollie Oleyar is handling these and being compensated by the Middle District Bankruptcy Bar Association, Judge Thomas is checking with Mike Oleyar to see if Mollie's involvement is taking away from her services in his office. Judge Thomas is flexible and welcomes input on this process.

**B. Revisions to Model Plan –**

- 1. Subcommittee report regarding proposed Local Rule dictating who is responsible for docketing notices of mortgage payment changes.**
- 2. Subcommittee report regarding proposed changes to LBR 4001-1 and LBF 4001-1.**
- 3. Changes to Model Plan language regarding no look fee.**

Judge Opel thanked Attorneys Kara Gendron, Tracy Updike, Jim Jones and Joe Schalk for serving on a subcommittee and their efforts with these proposed amendments. The revisions were discussed with agenda item II.B. Proposed Amendments to Local Rules - comment period ending 3/4/11.

**II. New Business**

**A. Demonstration of Court's new "webcalendar".**

Terry Miller demonstrated the Court's new webcalendar. It is designed to be easily searchable and uses the "live" data from the Court's internal calendar program (i.e., vCal or Visual Calendar). The webcalendar will eventually replace the method presently used for hearing calendars. This program provides users the ability to search a hearing calendar by judge, hearing location, hearing date(s) and/or attorney. There is also an option to obtain a printable calendar. The content of the hearing calendars is the same as the current calendars except for the matter numbers. The Court's programmer is working on adding the matter numbers for the hearings and also enhancing the searchable calendar to allow for same day calendar searches. The link to the webcalendar is: <http://pacer.pamb.uscourts.gov/>. Feedback on the webcalendar and enhancement requests should be sent to Terry Miller ([Terry\\_Miller@pamb.uscourts.gov](mailto:Terry_Miller@pamb.uscourts.gov)).

Attorney Joe Schalk inquired as to how the program will obtain the attorney names for each hearing matter. In the past, he has had matters listed for hearing where his name has not appeared on the hearing list. Terry advised the attorney names are pulled from the Court's internal calendar program and requested specific case numbers be provided to him so that the matter can be looked into. Attorney Schalk stated he does have case numbers from recent hearing lists that he can provide.

Terry added that the implementation of this webcalendar is still being discussed. For example, the frequency at which automatic updates from the Court's internal calendar program are done.

Judge Thomas commented that, for his cases, the vCal calendar is not the official calendar. If a hearing is scheduled and removed from the hearing list but there is nothing on the docket that warrants the hearing be removed, then he will still go forward with the hearing. He suggested warning the attorneys that the calendar is not the official hearing list.

Attorney Joe Schalk suggested a specific date and/or time be established upon which a calendar would be the official calendar and hearings would not be removed after that date and/or time. Terry stated the courtroom deputies try to keep the calendars current up until immediately before the hearing. Matters that are withdrawn or vacated are noted as such on the hearing calendar.

**B. Proposed amendments to Local Rules - comment period ending 3/4/11.**

Judge Opel advised that on February 7, 2011 the proposed amendments to the Local Rules and Local Forms were published on the Court's website. The public comment period for these proposed amendments runs through March 4, 2011 and to date no comments have been submitted.

Judge Opel provided the Committee a summary of the local rule and local form amendments.

- Local Rule 1019-1 is amended to require the filing of the Chapter 13 Trustee's Final Report within sixty (60) days after conversion to Chapter 7.
- Local Rule 3015-3 is a new rule requiring residential mortgage lenders to file a notice when there is a change in the required payment amount.
- Local Rule 5005-5 is a new rule providing for non-ECF filers to file documents by facsimile when the Clerk's Office is closed so that the Clerk's Office is equally open to non-ECF filers as it is to ECF filers.
- Local Rule 9029-1 is a new rule providing for the appointment of an Attorney Advisory Committee by the Chief Judge. This was discussed in depth during agenda item II.D. Proposed LBR 9029-1 to formally establish Advisory Committee.
- Local Form 3015-1 - Model Ch. 13 Plan is amended to provide a reference to the Chapter 13 Trustee's no-look attorney's fees.
- Local Form 4001-1 - Post Petition Payment History is amended to remove the signature line for mortgage company counsel and adding a line for the printed name and title of the person signing for the mortgage company.

**C. Subcommittee to gather and provide feedback to Court regarding further development of Court website.**

Judge France advised the Committee that the Clerk is looking for people who have expertise or an interest in looking at the Court's website and providing a conduit for feedback from an external user's point of view (ex. this is confusing people, wish this could be added, etc.). This subcommittee would meet and discuss the Court's website, as needed, possibly a couple times a year. Interested participants should email the Clerk at

[Terry\\_Miller@pamb.uscourts.gov](mailto:Terry_Miller@pamb.uscourts.gov). If you would like to nominate someone, please email Terry the person's name and contact information. He will get in touch with the nominee and see if they are willing to participate.

Terry Miller explained to the Committee that a circuit-wide committee has been formed and has funding to develop a public website standard for all Courts in the Third Circuit. Our Court's new website uses the software that was selected by this circuit-wide committee. The purpose of this circuit-wide initiative is to have the webpages of all courts in the Third Circuit look and feel the same so that people who access websites in the Third Circuit can easily locate information. Anyone interested in assisting with this project should contact Terry.

**D. Proposed LBR 9029-1 to formally establish Advisory Committee. See attachment.**

Judge France informed the Committee that the content of this proposed local rule came from another court with minor modifications. It is being proposed because there has been trouble over the years maintaining the continuity of the advisory committee. So to help the bar and the Court, a more standardized procedure is being established so that the bar is aware that there is a Committee and minutes of the meetings will be posted on the Court's website to allow for more transparency. The Committee was asked for their comments and concerns regarding this proposed local rule.

Attorney Bob Chernicoff expressed his concerns with having only six attorneys (not including the President of the MDBBA, the AUST and Chapter 13 trustee) on the Committee. He suggested increasing the quantity in the event 1 or 2 of the attorneys are away and not able to attend the meetings. Attorney Joe Schalk agreed with the suggestion of increasing the number of attorneys. Attorney Lisa Rynard added that more members would be helpful when subcommittees are formed off of this Committee. Attorney Jill Spott suggested changing the language to state up to eight, so that it could vary as needed. Judge France preferred that it not be open ended and be a specific number. The Committee agreed that eight attorneys would be sufficient. Judge Opel will change the proposed local rule to state eight instead of six.

Attorney Jill Spott inquired if a Chapter 7 Trustee should be represented on the Committee. Judge France advised that this was in the proposal from the other district and removed since many of the issues before this Committee pertain to Chapter 13 matters. Anne Fiorenza added that she would represent the Chapter 7 Trustees and pass along information to them. Judge France reminded the Committee that it has always been permissible for someone who is in a firm to have another member of the firm stand in for them.

**E. New Advisory Committee meeting date.**

The next Committee meeting is Thursday, June 9, 2011 at 3:00 PM.