

**U.S. Bankruptcy Court for the Middle District of Pennsylvania**  
**Attorney Liaison Committee**  
**November 12, 2009**

**Minutes**

Attendance:

Bar: Carol Baltimore, Tim Baker, Brenda Bishop, Steve Bresset, Dawn Cutaia, Anne Fiorenza, Kara Gendron, Steve Gurdin, Jim Jones, Lisa Rynard, Joe Schalk, Bob Sheils, Bob Spielman, Brian Tyler, Tracy Updike, and Richard Wiest.

Clerk's Office: Sue Frisch, Kathi Leon, Ellen Linskey, Mike McHugh, Terry Miller, Belinda Wagner

Chambers: Judge Mary France, Judge Bob Opel, Melanie Sonnenborn

The meeting was convened at 3:p.m. Judge France welcomed the members of the Committee and expressed the appreciation of the Court for the willingness of so many members of the bar to serve on the Committee.

**Bankruptcy Rules Changes** – Judge Opel discussed the responses that had been received to the proposed changes to the Local Bankruptcy Rules. He noted that most of the changes to the local rules were required by the changes to Fed. R. Bank. P. 9006, which will become effective December 1, 2009. Few comments to the proposed changes were received. He explained to the Committee that the judges had decided not to adopt a proposal to require additional information in proofs of claim filed by mortgage lenders at this time, as suggested by Bill Schwab, but that the Court would consider a future requirements if recommended by a bar committee that included both debtor and creditor interests. Ellen Linskey also noted that the Reaffirmation Cover Sheet will be required starting December 1. Members of the Committee were encouraged to contact their software providers to ensure that this form is being added to their packages.

**Inappropriate Use of LBF 3015-2(b)** – Jim Jones informed the Committee that some attorneys were filing LBF 3015-2(b) in situations in which changes to a modified plan altered the treatment of creditor claims, contrary to the representations in the form. Because no notice is required, orders granting these motions were being approved before the trustee had an opportunity to review the proposed modification. The judges have agreed to hold these orders for 7 days to permit the trustee to review the plan before entering the order. In addition, if there is a pattern of abuse by an attorney, he or she may be subject to sanctions by the Court.

**Application of Rule 26** – A suggestion had been made that the Court considered limiting the applicability of required disclosures under Fed. R. Bank. P. 7026(a). The Committee was informed that the Court has determined that it will not issue a generalized exemption from provisions of the rule, but that under the terms of the rule the parties may stipulate to limit the required disclosures. However, the parties may not stipulate to waive the requirements of the

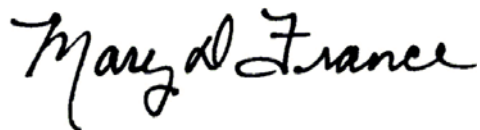
scheduling order or any pre-trial order.

**Form for certification of no tax returns** – One of the attorney’s assistant at the Networking with the Courts session asked whether a form could be developed for certifying that a debtor had no tax returns. Judge France explained that this form could be developed by the Chapter 13 trustee if he thought it would be useful.

**Pro se filers and pro bono services** – There was a lengthy discussion on how bankruptcy legal services are provided to low income persons in the Middle District. At the conclusion of the discussion it was determined that a Pro Bono Task Force will be formed to determine the current status of bankruptcy services to low income persons in the district and to make recommendations for improving the delivery of these services. It was agreed that the task force will need to contact representatives from North Penn and Mid Penn Legal Services to provide input as well as representatives of local bar associations that encourage their members to provide pro bono bankruptcy services. Members of the Liaison Committee that volunteered for the task force are: Lisa Rynard, Brian Tyler, Steve Bresset, and Dawn Cutania. Because of their leadership in providing pro bono services through MDBBA, Larry Young and Vince Rubino also will be asked to serve on the task force. [When he was contacted after the meeting, Judge Thomas agreed to serve as the chair.]

**Mediation training** – Jim Jones informed the Committee that the mediation training will be held in the spring. It will be a three-day session over two week-ends. Nancy Welsh from Dickinson School of Law will be leading the session. At this time there are 16 persons who have expressed an interest in receiving training.

Respectfully submitted:

A handwritten signature in black ink that reads "Mary D. France". The signature is written in a cursive, flowing style.