

**U.S. Bankruptcy Court for the Middle District of Pennsylvania**  
**Attorney Advisory Committee**  
**September 27, 2018**

**Minutes**

**Attendance:**

Bar: Harrisburg: Anne Fiorenza, Jim Jones, Juliet Moringello, and Tracy Updike  
Wilkes-Barre: Carlo Sabatini and Vincent Rubino  
Telephone: J. Zac Christman, John Fisher, and Marie Reilly

Clerk's Office: Cindy Boyle, Seth Eisenberg, Terry Miller, Jennifer Misceovich, Rick Thompson, and Belinda Wagner

Chambers: Kasey Bolton, Judge John Thomas, Chief Judge Robert Opel, III, and Judge Henry Van Eck

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The meeting was convened at 3:05 p.m. and concluded at 4:15 p.m. Judge Thomas, thanked the members for attending and welcomed Carlo Sabatini as the new MDBBA President.

Judge Thomas will hold a hearing at the PSU Law School on November 2, 2018 in lieu of his October and November dates. He will be available after the hearings to have any discussions or answer questions.

**OLD BUSINESS:**

**1. New Federal and Local Rule Amendments follow up, if any (Judge Van Eck/Jim Jones)**

Judge Van Eck reported that he will address proposed changes to the LR's at the Judges' meeting on October 1, 2018 and then they will be circulated in the next two (2) weeks for the 30-day comment period.

Judge Thomas addressed that the model plan has been submitted and will be reviewed at the upcoming Judges' meeting.

Jim Jones reported on Federal Rule changes for 4001(c). Since 4001(c) is no longer part of the 12/1/18 Federal Rule changes, Judge Thomas would like Jim Jones to review what changes may need to be made to our Local Rules. Jim Jones will review and submit the changes to the Judges.

**2. Model Plan follow up, if any (Jim Jones/Ann Swartz)**

Jim Jones addressed some of the changes to the model plan. Some of the changes that have been made:

- added a few more boxes;
- all on one page;
- vehicle lender wording to track code.

The model plan has been forwarded to the bench and the topic is added to the Judges' meeting on Monday.

**3. Status on PBA referral service fee sharing and 11 U.S.C. § 504(a) (Anne Fiorenza)**

Anne reported that the PBA service does not charge the perspective person, but the attorney who has agreed to participate in this service. She feels there is nothing about this process that causes alarm. To the extent if there is any question a "bona fide public service attorney referral program" fits within the exception of 504(c).

**4. Rules Committee Report re: Form 410 - Mortgage Proof of Claim Attachment and Mortgage Statements with regard to the Model Plan and Local Rules (Tracy Updike)**

Tracy feels this is not an issue since it is a creditor form going to be referred to the rules committee. J. Zac Christman prepared a Microsoft Excel spreadsheet and Judge Thomas suggested that we table this until it becomes an issue.

## **NEW BUSINESS:**

**1. Welcome new incoming MDBBA President, Carlo Sabatini, Esquire, to the Committee and Annual Conference Review/other Comments by outgoing President, J. Zac Christman, Esquire (Judge Thomas/Carlo Sabatini/J. Zac Christman)**

Judge Thomas, congratulated Carlo Sabatini on his new position as President and if he had any comments. Carlo Sabatini did not have any comments at this time, but maybe in December. Judge Thomas, also thanked J. Zac Christman, for his past service as president.

**2. New Public Calendar and Electronic Evidence System-Status of Training (Terry Miller/Rick Thompson)**

Terry Miller, reported information about the new calendar on the web site. He encourages users to use the search feature and welcomes any suggestions.

Rick Thompson, addressed that if the calendar is NOT numbered, then it has not been updated by the Courtroom Deputies. Once the calendar has been numbered, then it is considered complete. Suggestions are encouraged.

Electronic Evidence training has been provided to the Wilkes-Barre staff. Harrisburg will have training at a later date. The functionality is a cloud-based system. A user will upload the evidence into a secure cloud storage and then in court will be able to present it on the screen using the computer. Judge Thomas feels it will be effective and helpful to all.

**3. Discussion re: preferred placement of the Local Rules/Forms on the Court website (Rick Thompson)**

Rick Thompson suggested making the Local Rules as one individual PDF instead having individual Local Rule links. His concern is maintaining two versions of the same rules when changes are made, and the Court has had a reduction IT staff, in which makes this process cumbersome. Tracy Updike mentioned that she likes the functionality of the individual links. There were suggestions made and Rick will be looking into several options.

Rick Thompson, also suggested that the Local Forms page on the court's web site undergo changes. This includes the recommended and mandatory forms and combining all forms into a single PDF. Judge Thomas suggested Rick to provide a demonstration to the Judges on how the forms will appear on the web-site. Also, Carlo Sabatini is to pull the board if they have a preference on accessing Local forms on the web-site. The Judges will make a decision, then discuss it with Carlo Sabatini.

**4. Possibility of Video Appearance at hearings via Court Call (Rick Thompson/Terry Miller/Judges)**

Court Call has an option to appear by video and it is an additional \$15. The Judges' feel it is important to let the bar know that this option is available. On the Court Call web-site, the attorney can test their computer system if it is able to handle using the video appearance. The Wilkes-Barre courtroom is equipped for video appearance. The Harrisburg courtroom is in the process of being updated to provide this service. It is encouraged for an attorney to test this out with the Court by contacting the Court's IT staff.

**FUTURE MEETING DATE(S): December 13, 2018**