

## MINUTES

### **United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting March 10, 2020 – 10:00 a.m.**

Present: Mr. Hull (Chair), Mr. Leddy, Mr. Crosman, Ms. Doil, Mr. Morrell, Mr. Sleeper, Ms. Economy, Mr. Dudley, Mr. Wholly, Ms. Dilios, and Chief Judge Cary.

Absent: Ms. Dye (on behalf of Judge Fagone), Mr. Anderson, and Mr. Molleur.

1. **Approval of Minutes of Prior Meeting.** With no comments and all in favor of approval, the minutes of January 7, 2020 were approved. The minutes will be posted to the Court's website.
2. **Chair Announcements.** Mr. Hull acknowledged the hard work surrounding the adoption of the SBRA rules and that several SBRA cases have already been filed. He also stated that if the COVID-19 situation worsened, the Committee would be flexible as to scheduling future meetings.
3. **Clerk's Office Announcements/Updates.** Mr. Leddy announced the following.
  - Chief Judge Cary and he met at the District Court with Chief Judge Levy, Christa Berry, Kim Reiger, members of the USMS and others regarding the various court units' reactions to COVID-19. He also reported that the Bankruptcy Court's Continuity of Operations Plan ("COOP") was recently updated and the Court has taken steps to alter its operations in response to COVID-19, including telework by the Clerk's office and remote hearings by the Judges. Announcements or closings that affect the Court's operations will be posted on the Court's website and distributed by mass email broadcasts.
  - The first two weeks of May has been set for the installation of the video equipment in the Bangor Courtroom.
  - The comment period for the Chapter 13 plan ended last week. Three comments were received, all of them from members of the Committee. The Judges have the comments and will proceed accordingly.
  - NEXTGEN. The anticipated July start date may change because of travel restrictions as a result of COVID-19.
4. **Review of Local Rules for Consistency/Cross-References/Updating.** Chief Judge Cary reported that this project is progressing nicely.
5. **Changes to D. Me. LBR 9037-1 and D. Me. LBR 9013-1(d)(1)** (First discussion). The Court promulgated two local rule changes pursuant to its authority under 28 U.S.C. § 2071(e).

Consistent with that statute, both rules were posted for public comments for later review by the Committee and the Court. D. Me. LBR 9037-1 was changed to be consistent with the 2019 amendments to Fed. R. Bankr. P. 9037(h). Parties seeking to redact personal identifiers listed in Fed. R. Bankr. P. 9037(a) from a Court filing are now required to use the Court's standardized form - Maine Bankruptcy Form 3. No proposed form of order needs to be filed. *See* D. Me. LBR 9013-1(c) & 9072-1(a). These changes to D. Me. LBR 9037-1 also warranted adding motions for the redaction of personal identifiers (Maine Bankruptcy Form 3) to the list of motions which can be filed without obtaining a hearing date under D. Me. LBR 9013-1(d)(1).

6. **Motions to Reopen/D. Me. LBR 9013-1(d)(1).** (First discussion). Under the current Local Rules, motions to reopen do not need to be set for hearing provided there are no known objections. The Committee explored whether these motions should be removed from the D. Me. LBR 9013-1(d)(1) list. Following discussion, a motion that was seconded and approved providing that D. Me. LBR 9013-1(d)(1) be revised to add the following bold language:

motions to reopen a case **filed within a year of the date that the case was closed;**

7. **D. Me. LBR 2081-1(a)-(c)/Fed. R. Bankr. P. 2007.1(b)(1)-(3).** (First discussion). Currently, D. Me. LBR 2081-1(a)-(c) looks similar to Fed. R. Bankr. P. 2007.1(b)(1)-(3). Mr. Leddy suggested that D. Me. LBR 2081-1(a)-(c) be stricken from our Local Rules. After discussion, Mr. Hull entertained a motion to abrogate 2081-1 and 2007-1. Motion was brought forward, seconded and unanimously approved.
8. **New Business/Matters/Issues.** The Committee discussed compliance with the administrative order concerning electronic signatures and obtaining and preserving the original wet signatures. *See* Administrative Procedures for Filing, Signing, Maintaining, and Verifying Pleadings and Other Documents in the Electronic Case Filing System attached to the Standing Order Regarding Administrative Procedures for Electronically Filed Cases entered on 11/07/03 (Part II(D)) providing that:

Original, executed documents that contain the signature of a party other than the registered filer must be maintained by the filer until two (2) years following the closing of the case or until the expiration of all appeal periods, whichever is later. Upon request of the Court or any interested party, the filer must provide original documents for review.

The Committee discussed general issues concerning “wet” signatures, including whether the Local Rules should be amended to incorporate the pertinent requirements of the 11/07/03 Standing Order.

Mr. Hull volunteered to circulate recent *ABI Journal* article on the subject.

9. **Scheduling Next Meeting.** May 12, 2020 at 10:00 a.m.