

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting May 10, 2023 – 10:00 a.m.

Members Present: Mr. Sleeper, Ms. Doil, Mr. Wholly, Mr. Crosman, Ms. Sambatakos, Mr. Anderson, Mr. Dudley, Mr. Morrell, and Mr. Molleur.

Members Absent: Mr. Hull, Ms. Fisher, and Ms. Economy.

Other Participants: Judge Cary, Ms. Bigley, Ms. Ford, and Mr. Brown.

1. **Approval of Minutes of Prior Meeting.** The minutes from the April 5, 2023 meeting were approved.
2. **Chair Announcements.** Nothing to report.
3. **Clerk's Office Announcements/Updates:**
 - The court will be hosting two Bankruptcy Power Hour Sessions this year. Monday, June 12th in Bangor and Tuesday, June 20th in Portland. Both sessions will be held in person.
 - Judge Fagone's Bangor hearings will be video streamed to the Portland courtroom from May 18, 2023 through June 29, 2023. These initial four hearing dates will be a trial run. If there is a strong showing, it will continue as a regular process. If there is not a strong showing, this process can be continued upon request.
4. **Review of Local Rules for Consistency/Cross-References/Updating.**
 - **Follow-up of updates from previous meeting:**
 - **Video participation in hearings:** Earlier this date, Judge Cary circulated a preliminary proposal for remote participation in hearings; this has yet to be approved by Ms. Bigley and Judge Fagone. When the language is finalized, the committee approved placing the rule in 5001-1. Ms. Bigley and the judges will use the existing Video Participation Guide as a starting template for a more formal video participation procedure. This procedure will be circulated to the committee upon completion for further review.
 - **Judges' loose ends:** Judge Cary and Judge Fagone have several loose ends to tie up, most notably Motions to Expedite and Motions for Emergency Hearing.
 - **General Discussion of the Local Rules:**
 - **Mr. Sleeper's suggested edits:**

- **Local Rule 9006-1(a)(2):** Committee approved the addition of previously denied applications after “granted.”
- **Local Rule 9010-1(b):** Committee approved the modification of the last line to read “...actions to determine dischargeability, to deny a discharge, or to revoke a discharge.”
- **Local Rule 9010-1(e)(3):** Mr. Sleeper will revise and circulate language regarding attorneys withdrawing from a client as opposed to a case.
- **Local Rule 9010-1(e)(5):** Mr. Sleeping will revise and circulate consistent language regarding “either by new counsel, or if an individual, pro se.”
- **Local Rule 9013-1(d)(1):** Judge Cary will revise language to include ex parte motions.
- **Local Rule 9013-1(d)(5):** Committee approved revision of the second sentence to include “or emergency.”
- **Local Rule 9013-1(e):** Judge Cary will revise and circulate changes to the second sentence to include reference to ex parte motions.
- **Local Rule 9014-1(a)(1):** The title will be corrected to reflect “9013-1.”
- **Local Rule 9014-1(a)(4)(b):** The committee approved revising the language to read “all exhibits and witness lists (except those to be used solely for impeachment or rebuttal).”
- **Local Rule 9019-1(d):** In the first sentence, eliminate “or otherwise requiring such dismissal only by court order.” Eliminate the second sentence entirely. The remaining language, along with failure to prosecute language from 7041-1 will be combined to create an updated 7041-1. Judge Cary will circulate this new language.
- **Local Rule 9050-1(b)(2)(ii):** The typo of “interest” will be corrected.
- **Local Rule 9050-1(c):** The “(c)” will be corrected to remove the copyright symbol. The second sentence will be revised to read “The following procedures apply to any such motions.”
- **Additional language:** Mr. Sleeper will send any additional language to Judge Cary. Judge Cary will make any necessary changes and circulate to the committee.

- **Final review of Local Rules:** Judge Cary and Ms. Doil will plan to meet and review all the Local Rules for consistent language throughout. Once they have completed their review, the final product will be circulated to the committee for an additional review at the next meeting.

5. **New Business/Matters/Issues.** None

6. **Scheduling Next Meeting.**

- June 20, 2023 at 9:00 a.m. in person – Final review