

## MINUTES

### **United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting May 18, 2021 – 10:00 a.m.**

**Members Present:** Mr. Hull (Chair), Mr. Wholly, Ms. Economy, Mr. Crosman, Mr. Molleur, Mr. Anderson, Mr. Dudley, and Mr. Morrell.

**Members Absent:** Ms. Doil and Mr. Sleeper.

**Other Participants:** Chief Judge Cary, Ms. Bigley, and Ms. Dye.

1. **Approval of Minutes of Prior Meeting.** With no amendments and all in favor of approval, the minutes from the March 9, 2021 meeting were approved. The minutes will be posted to the Court's website.
2. **Chair Announcements.** Mr. Hull reported that the work amending Maine's exemption statute is nearing completion. There is significant movement on the size of the exemptions, but the overall structure of the statute will remain familiar to the bar.
3. **Clerk's Office Announcements/Updates.** Ms. Bigley announced the following:
  - The April 26, 2021 brown bag lunch was well attended with over 50 attorneys.
  - Courtrooms in both locations are now open to the public. There have been appearances in both locations.
  - Court staff are back in both offices full-time as of May 17, 2021.
4. **Review of Local Rules for Consistency/Cross-References/Updating.** Chief Judge Cary reported that the subcommittee has met three times and will meet again soon. The project is moving along, and the subcommittee has almost made it through the "2000s." Work continues and the item will remain on the agenda.
5. **Conforming Amendment to Local Rule 2002-1.** The December 2020 amendment to Federal Rule of Bankruptcy Procedure 2002(h) narrowed, under certain circumstances, the scope of parties requiring service. The new local rule would track Federal Rule of Bankruptcy Procedure 2002(h) and add a requirement to serve parties in interest who have filed written demands for notice. The proposed adoption of Local Rule 2002-1(h) was approved. The proposed rule will be posted on the website for public comment for the 30-day period.

6. **Standard form for Subchapter V status reports.** This topic was added to the agenda after an attorney contacted Mr. Hull about the use of a standard form similar to forms being used in some other districts. The attorney reported that reports in this District vary widely in content and length. In advance of the meeting input was solicited from the subchapter V trustees. Discussion ensued. The general agreement was that, because subchapter V case filings are limited in this District and the Judges in this District are very familiar with the course of the cases, this item will not be acted on at this time. The Committee also believes the Judges will let the bankruptcy bar know if there is information lacking on the subchapter V status reports and the process will naturally evolve.
7. **Addition to motions for Local Rule 9013-1(d)(1).** This item will remain on the agenda for the next meeting.
8. **New Business/Matters/Issues.**

**Reply Briefs** – Mr. Hull introduced for discussion an issue previously raised at the brown bag lunch. As framed at the brown bag, in a recent case outside counsel had asked local Maine counsel to file a reply brief. Local counsel researched the issue and, not finding a clear answer to whether reply briefs are permitted, filed the reply brief. The reply brief was deemed an unauthorized filing. As the Local Rules are currently silent on reply briefs, the attorney in the matter was looking for some clarity on the issue and, if reply briefs will be permitted, how best to ensure that they get filed in sufficient time to be considered prior to a hearing.

The Committee's discussion noted that reply briefs are helpful in some instances. Chief Judge Cary and Ms. Bigley will discuss the issue to see if the Court is able to develop an agreed-upon procedure for reply briefs. For consideration, members of the Committee raised questions regarding whether a motion would be required and, if a motion is required, would the motion be added to the LR 9013-1(d)(1) list. This item will remain on the agenda.

9. **Scheduling Next Meeting.** July 20, 2021 at 10:00 am