

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting July 20, 2021 – 10:00 a.m.

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

Other Participants: Chief Judge Cary, Ms. Bigley

1. **Approval of Minutes of Prior Meeting.** With minor, non-substantive changes, the minutes from the May 18, 2021 meeting were approved.
2. **Chair Announcements.** Mr. Hull reported that the exemption changes have been approved and believes the effective date of those changes will be in October of 2021.
3. **Clerk's Office Announcements/Updates.** Ms. Bigley reported that NextGen is live. Judge Fagone has been appointed to the Judicial Conference Committee on Federal/State Jurisdiction.
4. **Review of Local Rules for Consistency/Cross-References/Updating.** Mr. Hull thanked the subcommittee for their work. Judge Cary reported on the subcommittee's progress and the item will stay on the agenda.
5. **New Chapter 11 MORs and Post-Confirmation Quarterly Reports.** Mr. Morrell reported that the goal of the changes is to make reporting uniform across the nation so that when data is collected and the information is being compared, it is an "apples to apples" comparison across jurisdictions. Mr. Morrell emphasized that his office is available to anyone who wants training or review of these new rules and the easiest way to learn about these changes are remembering 2, 5, 7—there are 2 new rule changes, 5 areas of concentration and 7 data elements. The 2 new rules are Form 11-MOR (Monthly Operating Report) and 11-PCR (Post-Confirmation Report). The 5 areas of concern are the following: scope of inquires; aspects unique to individual cases; uniformity of accounting methods; public access to the data; and reporting of professional fees. The 7 data elements are: debtor should indicate official business classification with department of commerce; time elapsed from the date of the petition; number of employees at the beginning and end of reporting period; cash receipts and disbursements and profitability; professional fees approved and accrual of fees by the estate; if plan has been filed and confirmed and if confirmed, what percentage of recovery to each class of creditors; and streamlined questions designed to focus on whether the debtor is in compliance with administrative requirements of title 11.

The U.S. Trustee's Program is prepared to do one-on-one training and/or group training and is hopeful the committee will be a conduit between the Program and the general bar on these issues. This item will stay on the agenda for a discussion about the best way to communicate these changes to the bar.

6. **Addition of Motions to D. Me. LBR 9013-1(d)(1).** Ms. Doil previously raised this item

with the committee. Additionally, Mr. Hull indicated that he was contacted by a member of the bar with a request that the committee explore adding additional types of relief that may be requested without a hearing so long as there a no objection.

There was general agreement in the committee that this rule provides a benefit to practitioners and that it is worth further exploring whether new types of relief may be added (*e.g.*, extending time for entry of discharge) or subtracted (*e.g.*, motions to require tax filings; motions to establish a commission in chapter 12 cases) from the existing list.

This item will stay on the agenda. Committee members may send ideas for additions and subtractions to Mr. Hull and Mr. Hull will draft a communication to the bar soliciting additional input.

7. **Reply Briefs.** Judge Cary reported that he and Judge Fagone are still working on this item, and the Judges anticipate delivering a proposed rule to the committee for review.
8. **New Business/Matters/Issues.** Any new items you can call or email Mr. Hull.
9. **Scheduling Next Meeting.** September 21, 2021 at 10:00 a.m. It was proposed that the next meeting be held in person and via Zoom.