

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting September 25, 2018

Present: Mr. Creswell, Mr. Leddy, Mr. Dudley, Mr. Morrell, Mr. Cope, Mr. Molleur, Ms. Beaudin, Ms. Economy, Mr. Sleeper, Mr. Hull, Judge Fagone

Absent: Ms. Bopp-Stark

1. Approval of Minutes of Prior Meeting

Minutes from the previous meeting were discussed for approval. If anyone has any changes, they should please send them to Mr. Creswell within 7 days. Mr. Leddy noted issues with Item #4 relating to Modified Plans. Please review and be sure that the minutes accurately reflect what was discussed. Should no comments be received, the minutes will posted.

Going forward any comments to the previous minutes will be accepted within 7 days and the minutes will posted within 10-14 days of the Meeting.

2. Chair Announcements

Mr. Creswell noted that Committee members shall receive 3 CLE ethics credits for their participation on the Committee in any given year. If you have any address or informational changes, then please get them to Mr. Creswell who will relay any changes to Ms. Keith.

3. Clerk's Office Announcements/Updates

- The District Court offsite is on the 26th and 27th of September. The Bankruptcy Court is sending several staff members and the Clerk's Office will be short staffed. Please be patient.
- Reminder for those times when the CM/ECF system is down, there is an administrative procedure posted on the website that contains provisions for how to get documents filed. There is an email box for filings. You also can call Mr. Leddy directanytime.
- You may have noticed that the Clerk's Office is checking Schedules and comparing them to the Matrix and CM/ECF electronic listings more closely. Because the Clerk's Office is required to notice certain events, it is attempting to ensure the CM/ECF mailing list is accurate from the start.
- Reminder that there are federal rule changes coming December 1, 2018. The Local Rules will need to be reviewed to update for any changes that correspond to the federal rule changes. Mr. Leddy inquired whether it would be useful to post the proposed changes or red-lined versions on the website, which is likely the case.

4. Procedure Regarding Application/Motion to Modify Confirmed Plans Under § 1329 of the Code, FRBP, and Local Rules

Mr. Dudley was going to revise further Local Rule 3015-1(b) to clarify the differences between amended and modified Chapter 13 plans. It was suggested to break out sub-sections (b) and (c) of Local Rule 3015-1(b) so that they would specifically relate to either §§ 1323 or 1329 of the Code.

5. Integration/Revision/Reformulation of Current MAD Procedure and Forms regarding same for Compliance with Current Form Chapter 13 Plan and Applicable Local Rules

Ms. Beaudin has joined the working sub-group comprised of Judge Fagone, Mr. Dudley, and Mr. Molleur to formulate a procedure for potentially eliminating the MAD. The consensus of the Committee was that the MAD no longer served the purpose for which it was initially constructed, given some of the federal rule changes and the new Chapter 13 confirmation process. It was further observed that Maine may be the only District that employs the MAD process. Mr. Dudley noted that it would still be useful and appropriate to have a final understanding and accounting of claims and their treatment. He was looking into software that would enable him to gather that information in a way that could replicate the purpose once served by the MAD. Mr. Leddy was to determine whether the Clerk's Office could manage the ECF system such that orders and objections could be linked to the Claims Register. Brief discussion was had concerning possible separate treatment of the claims objection process in Chapter 11 cases from other Chapters, but that was abandoned as unnecessary and ill advised. Other discussion was had concerning omnibus objections to claims and the potential use or impact of that process.

6. Local Rule 2016-2 – Proper Application of Prepetition Retainers

Mr. Morrell updated the Committee on certain interpretation and implementation issues associated with this Local Rule. This topic will be moved down the agenda and brought back once it is ready for either a change or to be deleted altogether.

7. Potential Revision and/or Practice Concerning Agreed Continuances Under Local Rule 9045-1

Mr. Dudley agreed to review the current procedure for obtaining a continuance without judicial intervention and whether the Local Rule and practice could be improved/revised.

8. Local Rule 3002-2 – Administrative Expenses in Chapter 13 [Mr. Hull]

Held over for next meeting.

9. Election for Small Business Case – Update Local Rules Regarding Same. [Mr. Creswell]

Held over for next meeting.

10. Status of New Chapter 13 Procedures/Forms/Practice – General Issues and Discussion

Held over for next meeting.

11. Review of Local Rules for Consistency/Cross-References/Updating [Mr. Creswell]

Held over for next meeting.

12. New Business/Matters/Issues

None.

13. Scheduling Next Meeting

November 13, 2018 at 10:00 a.m.