

MINUTES

**United States Bankruptcy Court
for the District of Maine
Local Rules Committee Meeting
February 29, 2024 at 10:00 a.m.**

Members Present: Kevin Crosman, Shawn Doil, Andrew Dudley, Kellie Fisher, Jennifer Hayden, Nathaniel Hull, and James Wholly.

Members Absent: Sam Anderson, Stephen Morrell

Other Participants: Judge Cary, Monica Bigley

1. **Approval of Minutes of Prior Meeting.** The minutes from the December 12, 2023 meeting were approved.
2. **Chair Announcements.** Nathaniel Hull extended his thanks and appreciation to all committee members, past and present, who participated in the Local Rules revision project. Tanya Sambatakos and Allison Economy have stepped down from the Committee. Jennifer Hayden has joined the Committee.
3. **Committee Planning for Upcoming Year & Approach to Revisions.**
 - Nathaniel Hull proposed returning to a model of meeting once every two months, as well as structuring meetings to take a deeper dive into a narrow set of potential rule revisions. It is expected that a significant portion of the work will be delegated to subcommittees for consideration and recommendations followed by discussion from the larger group.
 - Unless the issue needs immediate attention, the Committee will recommend one set of proposed rule changes each year. A “master” red line of all proposed changes will be maintained throughout the year and distributed for public comment in the fall.
 - With the launch of the Local Rules revision project, Judge Cary announced his intention step back from regular Committee meeting attendance. The Judges will remain available to the Committee for questions and comments. This change will return the Committee to its earlier practice of not having a Judge attend regular meetings. The court will continue to be represented at meetings by the Clerk of Court.
4. **Discussion Regarding Launch of Revised Local Rules**
 - a. Proposed Revisions to Discuss for Inclusion in the December 2024 Suggested Changes – The Committee has been asked to review all these proposed edits closely prior to the next meeting to determine whether they warrant subcommittee development. Some of the proposed modifications came from post-effective date

comments from practitioners and some were generated by additional internal review. Rules for consideration are as follows:

1. Local Rule 2002-1(a)(4): Discussion on adding “filed a proof of claim or” after “all creditors that have” in the third sentence.
2. Local Rule 4002-1: Consideration to add “and serve all holders of domestic support obligations” after “The debtor must file.”
3. Local Rule 9010-1 (b): Proposal to change “permitted” to “prohibited.”
4. Local Rule 9013-1 (d): Should we recommend a deadline to file reply briefs?
5. Local Rule 9013-3: Addition of pro hac vice motions to the “Relief Requested without a Hearing” list.
6. Local Rule 9013-3: Review of comment regarding the omission of consented to motions for relief from stay from the “Relief Requested without a Hearing” list.
7. Local Rule 9013-3: Discussion on eliminating subsection (c) due to conflicting language in Local Rule 9013-2.
8. Elimination of lone standing order.

5. Open Matters to Be Considered.

A. Background and Process.

1. Matters will be explored as a Committee, with input will be solicited from the Judges.
2. When Committee members receive comments on the Local Rules from practitioners, those comments should be relayed to Monica Bigley and Nathaniel Hull.
3. Nathaniel Hull will retain a list of proposed changes and work with both the Clerk’s Office and the Judges to maintain a “master” red line.

B. Open Matters:

- a. Local Rules 9013-1(c): Judge Cary will discuss the “admit or deny” requirement with Judge Fagone prior to any further action by the committee. Judge Cary will e-mail the Committee after those discussions.

b. Predictability in Initial Hearings.

c. Local Rule 9014-1 and Sanctions: This was raised by a practitioner. The general concern is that the sanctions motion process does not mesh well with the current motions practice because of some timing quirks involved in moving for sanctions against a party, including the requirement that the party have an opportunity to withdraw the offending motion.

1. Nathaniel Hull will gather more information about these concerns and bring that information back to the Committee.

C. Next Steps

a. Kellie Fisher proposed workshopping some of these matters at a brown bag lunch in late spring/early summer. This would allow practitioners an opportunity to ask questions and for the Committee to solicit feedback.

b. To provide an opportunity for a more thoughtful discussion, Shawn Doil suggested providing the questions to practitioners in advance of the brown bag. The Committee agrees that it is necessary to narrow the questions they want to ask the bar regarding the predictability of initial hearings.

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

7. **Scheduling Next Meeting.** April 25, 2024 at 10:00 a.m. via Teams.