

MINUTES

United States Bankruptcy Court for the District of Maine Local Rules Committee Meeting January 12, 2023 – 9:00 a.m.

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

Members Absent: Mr. Crosman.

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

1. **Approval of Minutes of Prior Meeting.** The minutes from the December 1, 2022 meeting were approved.
2. **Chair Announcements.** Mr. Hull recognized Mr. Sleeper's recent retirement and thanked him for agreeing to stay on the Committee through the end of the project.

Judge Fagone's term law clerk, Joe Brown, will be observing the meetings. Mr. Brown is a 2022 UMaine Law grad. He plans to pursue his LLM in tax law at Northwestern University after his term ends in August.

3. **Clerk's Office Announcements/Updates.** Ms. Bigley thanked Mr. Hull and Ms. Doil for agreeing to renew their membership on the Committee for another two years.

Ms. Bigley expressed her appreciation to Mr. Sleeper and Mr. Molleur for agreeing to stay on the Committee through the end of the project, despite their retirements. The Court appreciates both of their efforts.

There was a follow-up question regarding Ms. Bigley's recent email to the bar regarding the use of cell phones for telephonic participation in hearings. She clarified that cell phones are still allowed, as long as the party can be heard clearly. Any individual issues regarding call quality will be dealt with individually.

4. **Review of Local Rules for Consistency/Cross-References/Updating.**

- **Follow-up of updates from previous meeting:**

- **Local Rule 4001-1(b)(1):** Ms. Fisher circulated an updated version of the Worksheet on 1/10/23. All revisions made sense to the Committee. This version of the Worksheet will be included in the final draft of the Local Rule revisions as an appendix.

- **December Amendments to Fed. Rules Bankr. P.:** Nate and Judge Cary apologized for not circulating the ABI article highlighting the recent changes. Most of the updates that would impact this Committee have already been dealt with.
- **Local Rule 9013-1:** Judge Cary has not had an opportunity to discuss this with Judge Fagone. There was a general discussion of potentially increasing the Agreed Request for Continuance limit to more than two instances. Judge Cary will bring this additional topic up with Judge Fagone and report back to the Committee.

- **General Discussion of the Local Rules:**

- **Local Rule 9013-1(e):** In-depth discussion regarding whether all objections should be required to admit or deny each allegation included in the motion. Several potential solutions were discussed, but it was decided that this will require a drill-down to find a workable solution. Committee voted to leave as is with the notion that they will circle back at the end of the rewrite. In the meantime, Ms. Economy will investigate what Delaware and New York Southern are doing and report back to the Committee.
- **Local Rule 9013-1(f):** This is fine as is.
- **Local Rule 9013-1(g):** Mr. Sleeper proposed that this section will deal with general requirements and 4001-1(f) will deal with requirements specific to relief from stay. He will draft proposed language (on a train) and circulate to the Committee.
- **Local Rule 9013-1(h) and (j):** Consideration of this section will be deferred until Judge Cary is able to discuss with Judge Fagone. It was suggested that these could be collapsed into one rule. If any member has a suggested model, please send to Judge Cary.
- **Local Rule 9013-1(k):** Our current rule mirrors Massachusetts, but each district seems to handle these differently. Mr. Sleeper had several comments, but they will all be dealt with on the subcommittee reviewing his comments of all of the 9000s. That subcommittee will return with suggestions for clean-up of this section.
- **Mr. Sleeper's Comments on 9000's:** A subcommittee of Mr. Sleeper, Mr. Hull, Ms. Doil, and Judge Cary will convene to review Mr. Sleeper's comments on the 9000's. They will report back to the Committee after their meeting.

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

6. **Scheduling Next Meeting.**

- February 15, 2023 at 10:00 a.m. – 9000s continued