

Minutes of Lawyers Advisory Committee
October 16, 2012

Location: Due Mari, New Brunswick, New Jersey

Members in Attendance: Brian Nicholas, Chris Gravelle, Bill Mackin, Andy Finberg, Jeanne Naughton, Judge Burns, Shoshanna Schiff, Mark Hall, David Beslow, Stacey L. Meisel, Warren Martin, Jr., Jim Waldron, Michael Viscount, Ellen McDowell, Wendy Gardner, Al Russo, Bruce C. Truesdale, Virginia Fortunato, Harry Karwowski, Judge Ferguson, Judge Steckroth, Jerry Poslusny, Martha Hildebrandt

- I. Call to Order and Introduction.** Chris Gravelle, as Chair of the Lawyers Advisory Committee (“LAC”), called the meeting to order and asked for approval of the minutes of the February 27, 2012 meeting. Ellen McDowell moved for the approval of the minutes and Brian Nicholas seconded the motion. The minutes were approved.

The group agreed that future meetings of the LAC will be held in New Brunswick on Tuesday evenings whenever possible. The initial meeting focused on organizational items. We expect to have reports from each of the Subcommittees for review and discussion at our next meeting in January. Judge Burns, Judge Ferguson, Jim Waldron, Warren Martin, and Chris Gravelle all emphasized the important role of the LAC. All of our members are encouraged to actively solicit comments from members of the Bar to assist the Bench and the Clerk’s Office with making our Court even more responsive and efficient. We discussed the need to advertise our role and suggestions were made to send email blasts to affiliated organizations such as IWIRC, the Bankruptcy Section of the Bar, and County Bar Debtor-Creditor Sections. Shoshanna Schiff volunteered to contact IWIRC and the Essex County Bar. Chris Gravelle will contact the Mercer County Bar.

- II. Recognition of Warren Martin, Mariah Murphy, Herb Raymond and Mark Politan.**

Judge Burns thanked the retiring members of the LAC. She presented Warren Martin with a plaque to commemorate his service as past chair. Plaques will be delivered to the other retiring members who could not attend.

- III. Formation of Committees.** After discussion, the following chairs were confirmed:

Michael Viscount, Chapter 11 Subcommittee
Al Russo, Chapter 13 Subcommittee
Henry Karwowski, Local Rules Subcommittee

The Subcommittee members are as follows:

<u>Chapter 11</u>	<u>Chapter 13</u>	<u>Local Rules</u>
Warren Martin	Brian Nicholas	Bill Macken
Jerry Poslusny	David Beslow	Jeanne Naughton
Alan McDowell	Bruce Truesdale	Shoshanna Schiff
Mark Hall	Ginny Fortunato	
	Andy Finberg	

- IV. **Local Rules Subcommittee, Henry Karwowski, Chair.** Henry reported on the work done to date by the Subcommittee and asked that we submit ideas for local rule changes to him. Henry and Judge Ferguson explained the role of the Local Rules Committee formed by Judge Wizmur, which is chaired by Judge Ferguson. Judge Ferguson's committee has been charged with completing a global update of our local rules. Her Committee will be examining every Rule and noting omissions. They have already spent many hours on the project and expect their work to continue over the next year or so. The Local Rules Subcommittee of the LAC will continue to address problems with the local rules that need immediate attention.
- V. **Chapter 11 Subcommittee, Michael Viscount, Chair.** Mark Hall, the retiring chair of this Committee and the newly appointed Vice-Chair of the LAC, reported that the Subcommittee had prepared a draft combined individual plan and disclosure statement for review and revision by the new Subcommittee. Mark noted that the Southern District of Texas is the only other jurisdiction that uses a combined plan and disclosure statement in individual Chapter 11 cases. Only two other districts in the country have made form individual Chapter 11 plans and disclosure statements available to practitioners, but neither have a form combined statement.
- VI. **Chapter 13 Subcommittee, Al Russo, Chair.** Al noted the number of projects leftover from last year that this Subcommittee will address. He intends to take a look at the transmittal letter used to address confirmation issues and will circulate all proposals to Subcommittee members for ultimate submission to the LAC.
- VII. **Clerk's Report – Jim Waldron.** Jim informed the LAC of budget cutbacks in the Courts. He explained that the Clerk's Office is losing employees as a result of the cutbacks. Employee numbers have dropped from 137 to 97 this month. The loss in personnel will mean a change in the quality control function of the Clerk's Office. They will no longer be able to review 100 percent of the filings for compliance with local rules.

Jim discussed the upcoming releases for CMECF explaining that NEXTGEN will replace the Case Management System currently used. It will allow more statistical data collection and will include a revision of bankruptcy forms. Trustees will feel the biggest impact because the new form petitions will contain more information than the

existing forms. The software currently used by practitioners can still be used with the new forms. New Jersey is one of only three Courts to implement the NEXTGEN system. Jim is chair of its implementation and expects to initiate the program in early December.

Jim noted that New Jersey has been chosen to test the Pro Se Pathfinder Initiative, which is a data test collection program. There is no resolution at this point as to how much of the statistical information collected will be released to case Trustees. Concerns of privacy must be addressed by the Judicial Conference Committee. Jim explained that the Judicial Conference Committee is the legislative arm of the judiciary. The Judicial Conference Committee has a Committee on Case Management which will address these privacy concerns.

There is also a concern about websites that compete with NJ PACER by publishing the same information as PACER provides. The competing websites threaten income levels generated by PACER and threaten the ability of the Clerk Office to provide information.

Jim reminded us all to review any national initiatives and provide feedback through the LAC and asked whether the E-filing notices issued by his office are helpful to practitioners. Comments regarding this service (good and bad) are welcomed.

Jeanne Naughton noted that there will be program on loss mitigation in Judge Lyons Courtroom on November 1, 2012 at 4:00 p.m. The Clerk's Office is looking for feedback on the loss mitigation program and Jeanne encouraged the members to assist in this process.

VIII. Liaison Reports.

- a. District Court: Mike Sirota - No report
- b. U.S. Trustee: Roberta DeAngelis, Martha Hildebrandt appearing, reported that the UST is preparing for a trustee training session to take place on November 2nd in Harrisburg, Pennsylvania. Bob Schneider and Roberta DeAngelis are working on the Local Rules Committee with Judge Ferguson. Martha also noted that New Jersey has been chosen as a pilot program, along with 2 other regions, to address the core duties of the U.S. Trustee's Office.
- c. IRS, Wendy Gardiner – No report
- d. New Jersey Attorney General, Ramanjit Chawla – No report
- e. New Jersey State Bar, Jerry Poslusny – Jerry reported that the Bankruptcy Section of the State Bar will be holding its annual dinner meeting at the New Brunswick Hilton on November 14, 2012. The date for the Bench Bar has been set for April 5, 2013.

The Bankruptcy Section is looking for suggestions for topics, moderators, and speakers. Jerry asked that we share any ideas for the Bench Bar with him. Jerry will be co-chairing the Bench Bar this year with Mary Ellen Tully.

IX. Next Meeting Dates:

January 8, 2013

March 5, 2013

June 4, 2013

All meetings will be held at Due Mari, New Brunswick, at 6:00PM