

Minutes of Lawyers Advisory Committee Meeting

Meeting Date: June 8, 2016

Meeting Location: Forsgate Country Club, Monroe Township, NJ

Members in Attendance: Hon. Christine M. Gravelle, William Mackin, Chair, Jeanne Naughton, Deputy Clerk US Bankruptcy Court, Robert J. Schneider, US Trustee's Office, Morris Bauer, David G. Beslow, Carrie J. Boyle, Michael E. Brown, Joseph M. Casello, Ramanjit K. Chawla, Andrew Finberg, Louis Modugno, Eamonn O'Hagan, Shoshana Schiff, Robert J. Schneider, and Ross J. Switkes.

Call to Order: Meeting called to order at 6:26 p.m.

Quorum: Chairman William Mackin reported the existence of a quorum to conduct business.

I. Welcome and Administrative Update – William Mackin, LAC Chairman, welcomed Isabel C. Balboa to the LAC as the designated chapter 13 trustee representative and indicated that Ms. Balboa would be primarily working with the Consumer Bankruptcy Subcommittee. Chairman Mackin advised that the March 23, 2016 Meeting Minutes and the LAC's Amended Bylaws had been reviewed, approved, and posted on Court website. Proposed Local Rules 3007-2 (Omnibus Claims Motions) and 2016-6, 2016-7, 2016-8 and 2016-9 (Minimum Duties of Consumer Chapter 7 Debtors' Attorneys and Use of Outside Contract Counsel) had been transmitted to Board of Judges for consideration. The following three regular members will be cycling off the LAC when their terms expire on June 30, 2016: (a) Virginia Fortunato; (b) Brian C. Nicholas; and (c) Joseph M. Casello. Immediate past LAC Chair Mark Hall's one-year *ex-officio* term also expires June 30, 2016. All will be invited to the LAC's September meeting. Shoshana Schiff was appointed as incoming Chair of the Local Forms Subcommittee and Chairman Mackin designated the US Trustee representative, Ms. Balboa, and Clerk's Office representative as members of the Subcommittee. The Social Media/Website Subcommittee was dissolved and its former members will be reassigned as needed to other Subcommittees for the 2016-2017 term. Chairman Mackin will review Subcommittee assignments for the 2016-2017 term when new members come onboard.

II. Commercial Bankruptcy/Chapter 11 Subcommittee Report – Morris Bauer, Chair submitted the Subcommittee's proposed revisions to D.N.J. LBR 3022-1 (Closing and Reopening a Chapter 11 Case) and moved that a vote be taken after discussion to approve transmittal to the Board of Judges. Mr. Bauer and Subcommittee member Robert J. Schneider discussed the purpose of the proposed local rule and answered questions from other members. Discussion was closed and the motion to approve transmittal of the proposed rule to the Board of Judges, in the form submitted, was unanimously approved (with 5 affirmative votes from absent members by proxy). Mr. Bauer finally reported that the Subcommittee continues to review the

proposal for a local rule that would allow a joint disclosure statement and plan hearing in liquidating chapter 11 cases. The Subcommittee wants to explore the experiences under a similar rule that was recently adopted in the District of Delaware.

III. Consumer Bankruptcy Subcommittee Report – Andrew Finberg, Chair reported that the three members who are cycling off the LAC had been members of this Subcommittee and their imminent departure required, with the knowledge and approval of Chairman Mackin, that all pending matters be tabled until new members were appointed to the Subcommittee.

IV. Local Rules Subcommittee Report - Catherine Youngman, Chair was absent. Chairman Mackin reported that the Subcommittee continues to discuss the need for a local rule fixing the time limit for consent to jury trials in the Bankruptcy Court under Fed.R.Bank.P. 9015(b). Judge Gravelle and Jeanne Naughton indicated that the Board of Judges and the Clerk's office had implemented a practical resolution resolving the apparent inconsistency between Fed.R.Bank.P. 2002(a)(3) (requiring 21 days' notice for approval of proposed settlement) and the practice of approving a notice of settlement, without the filing of a motion, when approval becomes effective on the 15th day with the clerk's filing of a certification of no objection. Consequently, the Subcommittee no longer need consider that issue.

V. Local Forms Subcommittee Report – Brian Nicholas, Outgoing Chair was absent. Chairman Mackin reported that Shoshana Schiff had agreed to Chair the Subcommittee and indicated that Ms. Balboa, The US Trustee Representative, and the Clerk's Office Representative would also participate as members on this Subcommittee. Other members will be assigned.

VI. Newsletter Subcommittee Report – Carrie Boyle, Chair reported that the target date for the next edition of The Absolute Priority was September 22, 2016. Judge Ferguson will be contributing material. Ross Switkes is preparing an article and interview with Judge Vincent Papalia. Ms. Boyle noted that additional submissions are always welcome.

VII. Board of Judges Update – Honorable Christine M. Gravelle, USBJ reported that the BOJ had adopted amendments to the local rules eliminating the need for mediators to file fee applications which will become effective on August 1, 2016. The next BOJ meeting is June 17, 2016 at which time the Board will resume consideration of the procedure for requesting and obtaining stay relief comfort orders and proposed local rule 3007-2 and proposed local rules 2016-6, 2016-7, 2016-8 and 2016-9.

VIII. Clerk's Report – Jeanne Naughton, Deputy Clerk reported that while filings are down 4%, the Clerk's Office funding is stable for next year. Ms. Naughton also reminded everyone that Jim Waldron will be retiring in January 2017 and that there will be many official public opportunities between now and then to express our thanks, appreciation, and gratitude for Jim's long tenure of dedicated excellent service to our court.

IX. Liaison Reports

A. District Court – Shoshana Schiff reported that the District Court LAC met on March 30, 2016 and that on June 16, 2016 the Association of the Federal Bankruptcy Bar of New Jersey will be hosting its annual dinner honoring The Honorable Jerome B. Simandle, Chief Judge U.S. District Court for the District of New Jersey and the Honorable Stuart Rabner, Chief Justice of the New Jersey Supreme Court.

B. US Trustee – Robert J. Schneider indicated that there was no report.

C. IRS – Eamonn O’Hagan indicated that there was no report.

D. N.J. Attorney General – Ramanjit Chawla asked members to continue to reach out to the Division with problems and they remain accessible to resolve them promptly.

E. NJ State Bar – Michael Brown reported that planning has commenced for the 2017 Annual Bench Bar Conference. He is responsible for the planning and solicited members who might be interested in presenting or moderating a discussion panel to contact him. All efforts are being made to schedule the event for early April 2017.

X. Old Business – Chairman Mackin asked all Subcommittee Chairs to consider with their members the questions and issues raised in connection with Motions to Reinstate Cases, as outlined in the memo previously provided by Judge Gravelle.

XI. New Business – Chairman Mackin noted that Chief Judge Ferguson is in the process of extending an invitation to the Federal Bankruptcy Bar Association of New Jersey to send a designated representative to join the LAC. He also asked Judge Gravelle to inquire of the BOJ about the possibility of creating an accessible list of questions Judges may have on uncontested matters which practitioners may review prior to the hearing date.

XII. Next Meeting Date – September 14, 2016 - Location TBD

XIII. Motion to Adjourn – motion made, seconded and unanimously approved.