

BY-LAWS FOR THE
Bankruptcy Lawyers Advisory Committee

ARTICLE I

GENERAL

Section 1. The name of this committee is the United States Bankruptcy Court for the District of New Jersey Lawyers Advisory Committee ("LAC").

Section 2. The purposes of the LAC are:

- (a) To receive requests from the United States Bankruptcy Court for the District of New Jersey and the Clerk of the Bankruptcy Court (collectively, the "Bankruptcy Court") to consider issues relating to, arising from, and/or affecting the practice of bankruptcy law in the District of New Jersey.
- (b) To recommend to the Bankruptcy Court changes in bankruptcy practice and/or procedure throughout the District of New Jersey
- (c) To act as a liaison between the Bankruptcy Court and bankruptcy law practitioners throughout the State of New Jersey.
- (d) To develop, implement, and maintain various bankruptcy related programs in the district of New-Jersey, as requested by the Bankruptcy Court.
- (e) To consider or initiate any bankruptcy related practices it deems appropriate.

ARTICLE II

COMPOSITION

Section 1. This LAC shall consist of twenty (20) members, fifteen (15) of whom shall be appointed from among general members of the Bar of the State of New Jersey.

Section 2. The Chief Judge shall select the members pursuant to Article II herein.

Section 3. One or more candidates for selection shall be recommended by the Bankruptcy Court.

Each year the Chief Judge shall appoint members of the LAC after consultation with the Bankruptcy

Court. In addition to the general members, the LAC shall consist of one (1) representative from each of the following entities who are members not subject to the term limits outlined below:

- (a) The United States Trustee's Office;
- (b) The District Counsel of the Internal Revenue Service, or the U.S. Attorney's Office;
- (c) The Office of the Attorney General of the State of New Jersey;
- (d) The Bankruptcy Law Section of the New Jersey Bar Association; and
- (e) The Lawyers Advisory Committee for the United States District Court for the District of New Jersey.

Section 4. The term of each member's appointment shall be three (3) years.

- (a) At the conclusion of the member's first term, the Chief Judge shall have the discretion to appoint the member for one additional three (3) year term.
- (b) If a member is selected a Chairperson or Vice-Chairperson, the term of their membership shall be extended until the term of Chairperson or Vice-Chairperson has been fulfilled.

Section 5. The appointments shall be staggered so that approximately one-third (1/3) of all appointments will expire at the end of each year unless otherwise directed by the Chief Judge.

Section 6. The Chief Judge shall select the Chairperson and Vice-Chairperson from the members of the LAC.

- (a) At the completion of the Vice-Chairperson's term as Vice-Chairperson, he/she shall become Chairperson and the Chief Judge shall appoint a new Vice-Chairperson.
- (b) The Chairperson and Vice-Chairperson shall each serve for a period of two (2) years beginning from the date of the first LAC meeting of the new year and until their respective successors are duly elected and qualified. No person shall serve as

Chairperson for more than a two (2) year term unless approved by a unanimous vote of full membership.

Section 7. The LAC shall also include *ex officio* members, including:

- (a) All judges of the United States Bankruptcy Court for the District of New Jersey;
- (b) A representative of the Bankruptcy Court Clerk's Office;
- (c) Immediate Past Chair of the LAC; and
- (d) Any other person designated by the Chief Judge.

Section 8. All members who are not *ex officio* members are voting members and shall be entitled to one (1) vote on any issue that may arise which requires a vote by the LAC, at any regular or special meeting. *Ex officio* members shall not be entitled to a vote.

Section 9. A simple majority of the voting members will represent a quorum to conduct the meeting.

Section 10. Resignation will be accepted upon written notice to the Chief Judge and Chairperson and must be made more than thirty (30) days prior to any scheduled meeting.

Section 11. The Chief Judge shall have the power to fill any vacancies that may arise, including the Chairperson and Vice-Chairperson and other officers, which may be caused by death, resignation, or inability to serve. Any member so appointed shall hold office for the unexpired term of the office in whose place they are appointed. A vacated member position shall remain unfilled until the Chief Judge selects a replacement member.

Section 12. The term of the LAC shall be from the dates of September 1 – June 30, with new members joining or departing annually at said dates, but in accordance with appointment provisions defined herein. There shall be four (4) meetings per term.

ARTICLE III

MEETINGS OF MEMBERS

Section 1. Meetings of members shall be held within or without the State of New Jersey, as may from time to time be fixed by the LAC Chairperson.

Section 2. Notice to members.

(a) Written notice of the time and place of every meeting of members shall be given by the Chairperson not less than ten (10) days before the date of the meeting, either personally or by e-mail, to each member.

(b) When a meeting is adjourned to another time or place, it shall not be necessary to give notice of the adjourned meeting if the time and place to which the meeting is adjourned is announced at the meeting at which the adjournment is taken and at the adjourned meeting only business shall be transacted as might have been transacted at the original meeting. When a new date for the adjourned meeting is fixed, the Chairperson shall give notice of the adjourned meeting to each member via email.

Section 3. The Chairperson, after consultation with the Chief Judge, shall determine the regular meeting schedule with the anticipation that no less than four (4) meetings be held each year. Special meetings may be called as deemed necessary by the Chairperson and/or the Bankruptcy Court, with the purpose, time, and place of the meeting sent by email, fax or by telephone call, with such notification by email to each member at least seven (7) calendar days preceding the meeting.

Section 4. At each meeting there shall be an opportunity for the members of the LAC to engage in a free and open discussion of ideas.

ARTICLE IV

DUTIES

Section 1. Chairperson: It shall be the duty of the Chairperson to preside at meetings of the LAC, to send out notices of meetings, and to perform such other duties as ordinarily pertain to this office.

Section 2. Vice-Chairperson: It shall be the duty of the Vice-Chairperson who shall be a member of the LAC , to assist the Chairperson in the performance of any of his/her duties, and to perform such other duties as the Chairperson, the LAC, or the Chief Judge deem necessary. In the event of the absence of the Chairperson, the Vice-Chairperson shall conduct meetings. In the event of the unavailability or disability of the Chairperson, the Vice Chairperson shall become the interim-Chairperson. It shall be the duty of the Vice-Chairperson or his/her nominee to keep the records of membership, record attendance at meetings, record and the minutes of such meetings, and perform such other duties as usually pertain to this office.

Section 3. Secretary: The Clerk of the Court, or his/her designee shall hold this position. and shall act as a liaison between the LAC and the Bankruptcy Court. The Secretary shall retain the records of the LAC, including any minutes and By-Laws.

Section 4. Liaison: The Chief Judge shall designate one Judge to serve as Liaison to the LAC on behalf of the Board of Judges. There shall be no term limit for this designated position, but shall be at the discretion of the Chief Judge and the appointed Liaison Judge.

Section 5. Subcommittees: The Chairperson may, subject to the approval of the LAC, appoint such committees as may from time to time be required. The Chairperson of any such committee shall be responsible to see that the committee performs the duties assigned to it.

ARTICLE V

METHOD OF VOTING

The business of the LAC shall be transacted by voice vote except where vote by ballot is requested by a majority of those entitled to vote at any meeting. All voting determinations shall be made by a simple majority.

ARTICLE VI

ATTENDANCE AT MEETINGS

Section 1. Each member must attend 75% of the regular meetings of this LAC.

Section 2. If any appointed member misses two (2) regular scheduled meetings in one year, or a total of five (5) over their three (3) year term, without good cause shown, the Chief Judge may request the resignation of such member.

Section 3. Appointed Members may send a surrogate to a meeting for the purpose of taking notes or conveying the opinion of the member on the topic for discussion if such member is unable to attend, but such surrogate shall not be entitled to vote. Sending a surrogate will be considered as an absence by that appointed member, unless good cause can be shown by said member why their attendance was not possible.

ARTICLE VII

AMENDMENTS

These By-laws may be amended at any regular meeting of the members, a quorum being present, by a two-thirds (2/3) vote of all members present, provided that notice by email or regular mail of such proposed amendment shall have been provided to each member at least ten (10) days before the meeting.