

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” (the “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, or affecting the practice of bankruptcy law in the District of New Jersey.
- (b) To recommend changes in bankruptcy practice or procedure in the District of New Jersey to the Bankruptcy Court.
- (c) To act as a liaison between the Bankruptcy Court and bankruptcy law practitioners in the District 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 initiate or consider any bankruptcy related practices it deems appropriate.

ARTICLE II

COMPOSITION

Section 1. The LAC shall consist of twenty-one (21) members, fifteen (15) of whom shall be appointed from among the general members of bankruptcy law practioners in the District of New Jersey.

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

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

The Chief Judge shall appoint members of the LAC after consultation with the Bankruptcy Court. In

addition to the fifteen (15) general members, the LAC shall consist of one (1) representative from each of the following entities who are 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 State Bar Association;
- (e) The New Jersey Federal Bankruptcy Bar Association; and
- (f) 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 (1) additional three (3) year term.
- (b) If a member is selected as the Chairperson or Vice-Chairperson, the term of his/her membership shall be extended until his/her term as 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, 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 from the date of the first LAC meeting of the new year until his/her respective successor is 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 the LAC prior to the conclusion of the two (2) year term.

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) Designated representative(s) of the Bankruptcy Court Clerk's Office;
- (c) Immediate Past Chair of the LAC;
- (d) A Chapter 13 Standing Trustee for the District of New Jersey, as designated by the Chief Judge; and
- (e) Any other person designated by the Chief Judge.

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

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

Section 10. An LAC member's resignation can be accepted only by way of written notice to the Chief Judge and Chairperson. Such resignation must be made more than thirty (30) days prior to a 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 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. LAC meetings shall be held within the State of New Jersey, as determined by the LAC Chairperson in conjunction with the Bankruptcy Court.

Section 2. Notice to members.

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

(b) When a meeting is adjourned to another time or place, 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 the Chief Judge, with the purpose, time, and place of the meeting sent by email or telephonically, with such notification 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 transmit 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 to assist the Chairperson in the performance of his/her duties, and to perform such other duties as the Chairperson or the Chief Judge deem necessary. In the event the Chairperson is absent at a meeting, the Vice-Chairperson shall conduct that meeting. In the event of the general 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 the minutes of 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 the By-Laws and all meeting minutes.

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 LAC shall maintain the following permanent subcommittees: (a) Commercial Bankruptcy/Chapter 11 Subcommittee; (b) Consumer Bankruptcy Subcommittee; and (c) Local Rules Subcommittee. The Chairperson may, subject to the approval of the LAC, appoint additional subcommittees. The Chairperson shall designate the Subcommittee-Chairpersons. The Subcommittee-Chairpersons shall be responsible for the subcommittee performing the duties it is assigned. *Ex Officio* members of the LAC may serve on any subcommittee. The Chapter 13 Standing Trustee for the District of

New Jersey designated by the Chief Judge shall serve on the Consumer Bankruptcy Subcommittee, although shall not be the Chairperson of such Subcommittee.

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 voting members. Unless otherwise noted herein, all voting determinations shall be made by a simple majority.

ARTICLE VI

ATTENDANCE AT MEETINGS

Section 1. Each member shall attend 75% of the LAC's regular meetings.

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

Section 3. Members may send a surrogate to a meeting for the purpose of taking notes or conveying the opinion of the member 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 said member can show good cause why he/she could not attend.

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 telephone of such proposed amendment shall have been provided to each member at least ten (10) days before the meeting.