

Minutes of Lawyers Advisory Committee Meeting

Meeting Date: June 21, 2017

Meeting Location: Forsgate Country Club, Monroe Township, NJ

Members in Attendance: Hon. Kathryn C. Ferguson, Chief Judge U.S. Bankruptcy Court, Hon. Christine M. Gravelle, William Mackin, Chair, Jeanne A. Naughton, Clerk US Bankruptcy Court, Mohung Wong, Deputy Clerk US Bankruptcy Court, Albert Russo, Standing Chapter 13 trustee (Trenton Vicinage), David G. Beslow, Carrie J. Boyle (Newsletter Subcommittee Chair), Ramrajit K. Chawla, E. Richard Dressel, Andrew B. Finberg (Chair, Consumer Bankruptcy Subcommittee Chair), Eamonn O'Hagan, Robert J. Schneider, and Michael J. Viscount.

Call to Order: Meeting called to order at 6:30 p.m.

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

- I. Welcome and Administrative Update** – William Mackin, LAC Chairman noted the passing of former Chief Bankruptcy Judge William H. Gindin on May 24, 2017. Michael Viscount offered fond remembrances of Judge Gindin. There will be a formal memorial service in the fall of this year. The March 29, 2017 LAC meeting minutes had reviewed, approved, and posted on Court website.
- II. Commercial Bankruptcy/Chapter 11 Subcommittee Report** – Morris Bauer, Chair (absent) submitted a written report indicating that the subcommittee had concluded that a local rule addressing a joint disclosure statement and plan hearing in liquidating chapter 11 cases would not be necessary. Such a request could be made on a case by case basis. Judges Ferguson and Gravelle noted that the matter may require further consideration due to the fact that it may be necessary to have a local rule that creates the requirement to make application on case by case basis.
- III. Consumer Bankruptcy Subcommittee Report** – Andrew Finberg, Chair reported that the only matters presently under consideration presently required only monitoring. These included: (a) requiring lenders/servicers to submit/file their signed final loan modification papers when they have actively participated in the loss mitigation program; and (b) Amending D.N.J. LBR 3002.1-1 to allow HELOC lenders to send payment change notices directly to borrowers and counsel, with summary of changes filed on the docket every six months, which is also currently under consideration at the national level.
- IV. Local Rules Subcommittee Report** - Catherine Youngman, Chair (absent) submitted no report. Matters presently under consideration include motions to reinstate cases and the

need for Local Rule fixing the time limit for consent to jury trials in the Bankruptcy Court under F.R.B.P. 9015(b).

- V. **Local Forms Subcommittee Report** – Shoshana Schiff, Chair (absent) submitted no report. Matters presently under consideration include local Forms for use in Reinstatement Motion Practice, standard form of loan modification order, and suggested changes to Local Form 16a (from John Morton).
- VI. **Newsletter Subcommittee Report** – Carrie Boyle, Chair reported that the next 2 editions of the Absolute Priority are underway.
- VII. **Board of Judges Update** – Honorable Christine M. Gravelle, USBJ reported that the National Form Chapter 13 Plan will become effective on December 1, 2017. Our local chapter 13 form plan will become effective as of August 1, 2017 with a notice to e-filers to go out shortly. New local rule 2016-5 (increasing the chapter 13 no-look fee) was approved and will be open for public comment for 30 days. The judges continue to implement consistency initiatives. Consideration is still being given to consent orders for chapter 13 orders affecting plans and comfort orders under section 362(c)(4). The judges are implementing “miscellaneous proceedings” to discuss attorney problems which appear to be consistent. Judge Sherwood has circulated a notice of status conference form for chapter 11 cases that is being considered for use in all chapter 11 cases.
- VIII. **Clerk’s Report** – Jeanne Naughton reported that 26,000 cases had been filed in the district as of April 2017. Chapter 7 filings were down, but chapter 11 and 13 filings were up by about 2%. The office would conduct a system security review. A civics initiative with 20 summer interns would take place this summer. Judge Ferguson is to be honored in February 2018 by the NYIC. The District lost its temporary judgeship at the end of May 2017 so the next judge to retire cannot be replaced.
- XI. **Liaison Reports**
 - A. **District Court** – Shoshana Schiff submitted a written report noting that there will be a passing of the gavel ceremony on June 29, 2017 at 4 pm in the ceremonial courtroom in Newark honoring Judge Simandle and Judge Linares.
 - B. **US Trustee** – Martha Hildebrandt (absent)
 - C. **IRS** – Eamonn O’Hagan – nor report
 - D. **N.J. Attorney General** – Ramanjit Chawla – no report
 - E. **NJ State Bar** – Michael Brown (absent)
 - F. **Federal Bankruptcy Bar Assoc. of New Jersey** – Mark E. Hall (absent)

X. Old Business – The Board of Judges raised questions concerning the continued usefulness of the Loss Mitigation Program. The Consumer Bankruptcy Subcommittee was assigned the task of determining whether the program should be terminated or retained subject to modification.

XI. New Business – Members were asked to consider whether there was any need to inquire about addressing satisfaction of tax liens at the conclusion of chapter 13 cases.

XII. Next Meeting Date – September 13, 2017 - Location TBD

XIII. Motion to Adjourn