

Minutes of the Lawyers Advisory Committee (LAC) Meeting – June 3rd – 2010

1. Small Business Chapter 11 cases – The Chapter 11 Subcommittee of the LAC continues to work on a combined small business disclosure statement and plan to supplement the work of Judge Burns and the Court to date with respect to the proposed small business scheduling order and order conditionally approving a disclosure statement, both of which have been approved by the Board of Judges for use within the District as of September 1, 2010. The Court continues to seek through the work of the LAC, a combined disclosure statement and plan in order to aid small business debtors through the post BAPCPA process and to advise attorneys and debtors of the importance of abiding deadlines.

2. The Local Rules Sub-Committee - The Standing Orders Project under the direction of the LAC Subcommittee chaired by attorney Henry Karwowski, is continuing its work in conjunction with Judges Wizmur, Winfield and Ferguson, Clerk, Jim Waldron and Staff Attorney, Jeanne Naughton. The goal of the Standing Orders Project is to have recommendations for local rules in place during the 2011 Annual Rules Cycle. As a result of this project, a majority of the Court's current Standing Orders will be phased out.

3. LAC New Business – The concept of *pro se* litigants filing petitions electronically is being discussed in conjunction with work to be undertaken by the Clerk's Office. In addition, an issue was raised by debtors' attorneys with respect to creditors' motions being withdrawn without the consent of the debtor. The LAC discussed the potential for assessing costs as well as a requirement that would mandate the consent of an adversary before a motion is withdrawn. The LAC will continue to look into this question.

4. Pro Bono Program - The LAC was made aware of the continuing desire to engage senior attorneys in *pro bono* bankruptcy work.

5. Chapter 13 Issues –

A. Proposed Comment to D.N.J. LBR 2016-1(j)(1), Special Requirements in Chapter 13 Cases. Debtor's Attorney, Generally, regarding 'Standard Fees.'- The LAC proposed Guidelines regarding the utilization of the "Standard Fee" Chapter 13 attorney fees and compensation structure was approved for release to the Board of Judges' for both substantive importance as well as its proposed (stylistic) inclusion into the rule format as a "2010 Comment" to DNJ LBR 2016-1(j) (with modifications as discussed and approved at the March 18, 2010 Board of Judges Meeting). The Minutes of the March 18, 2010 Board of Judges' meeting reflect the changes from the original LAC proposal, which had included (a now eliminated) section II.

B. Proposed Modification to the General Order Adopting Supplemental Chapter 13 Plan Provisions Requiring (1) Supporting Information Concerning Proof of Claim and (2) Disclosure and Adjudication of Postpetition Mortgage Charges Pending Amendment of the Federal Rules of Bankruptcy Procedure and the following related proposed Local Forms: Notice of Final Cure Payment and Statement in Response to Notice of Final Cure Payment.

The LAC was made aware of the latest amendments of the Chapter 13 Plan along with related forms. Judge Wizmur explained that the purpose of the most recent revisions is to conform to the latest version of the national rules proposals for Fed. R. Bankr.P. 3001 and 3002.1.

Substantive changes from previous versions of the process include the following: (1) the trigger for filing the notice of final cure payment is now 30 days after completion by the debtor of all payments under the plan (as opposed to the previous requirement of 30 days after completion of the final cure payment); and (2) official forms referenced in the national rule proposals cannot yet be incorporated into the local plan until officially adopted.

Reformatting of the Model Plan and related local forms has been done consistent with the stylizing of the national forms modernization project.