

## CINCINNATI BANKRUPTCY JUDICIAL LIAISON COMMITTEE

MEETING MINUTES – MEETING DATED FEBRUARY 3, 2012

Present:

Judge Buchanan  
Judge Hopkins  
Judge Perlman  
Casey Cantrell-Swartz  
Cindy Doyle  
Patricia Francis  
Rick Jones  
Lynnetta Rollinson  
Monica Kindt  
Marge Burks  
Stephen Crowe  
Eileen Field  
Cara Hurak  
Tim Miller  
Nick Zingarelli  
Chairperson : Ray Pikna

Chairperson Ray Pikna called the meeting to order a little after 1pm.

Housekeeping matters:

- Ray Pikna opened the meeting by requesting a volunteer to act as secretary and record the meeting minutes. Monica Kindt volunteered.
- The next order of business involved the Judge's preferred addresses for e-mail communications regarding the Judicial Liaison Committee. Judge Buchanan and Judge Perlman indicated they would prefer that the e-mails be sent directly to them; Judge Hopkins requested that they be sent to him with a copy to Patricia Francis.
- The Committee discussed how to best disseminate the e-mail address for comments and ideas to be submitted by the bar to the Liaison Committee. The e-mail address will be included on the Cincinnati Bar Association website and circulated at the monthly Bankruptcy Committee Meetings.
- The Committee then discussed how to best disseminate copies of the Judicial Liaison Committee meeting minutes. MVK will circulate the minutes for review; afterwards they will be available on the CBA website and the Bankruptcy Court website. Lynnetta will contact the Court's IT department to create a link on the Bankruptcy Court website that will redirect users to the meeting minutes.
- The Chairman asked whether the Committee needed a mission statement and by-laws. Casey indicated that she had some sample documents from the Columbus Judicial Liaison Committee. She will forward to Marge who will draft and circulate a mission statement and by-laws.

Substantive matters from Agenda

1. The Committee discussed whether the lack of property insurance be per se grounds to grant relief from the automatic stay? Cara indicated that the local rules previously used to say that failure to maintain insurance was grounds for relief from stay. Marge and MVK could not recall the history behind the removal of that particular passage. Nick opined that he was leery of the "per

se” language. Judge Hopkins suggested that this item be referred back to the Local Rules Committee. Judge Buchanan pointed out that in Chapter 11, the guidelines require debtors to maintain insurance; therefore the requirements should be the same for chapter 13 and 7 as for chapter 11. Marge will check her notes and discuss with Carolyn Buffington, and refer to the Local Rules Committee.

2. Should we have a standard fee agreement for consumer bankruptcy cases? The Committee reviewed Local Form 14 from the E.D. Ky. Bankruptcy Court, together with the recent decision *In re Woods* from the Northern District of Ohio. After much discussion it was decided that this should be referred to the Local Rules Committee to determine if the Rule is clear enough or if a standardized fee agreement for Chapter 13s is necessary. The consensus was that both debtors and attorneys need to be held responsible and be aware of their duties. Ray indicated that the Bankruptcy Committee will circulate the NDOH general order and Local Form 14.
3. Increase in disciplinary cases: this item was discussed in combination with item 2 above.
4. Successor representation of debtors: Marge indicated that it doesn’t happen too often, but that if a debtor appears who does not have representation due to death, disability, or discipline of the attorney, she sends them to the CBA Attorney referral service. She also mentioned that she used to have a list of people who had offered to help debtors in this situation.
5. Local Rules Issues: all local rules issues were addressed above.
6. Chapter 7 Issues: none
7. Chapter 13 Issues: \_ new mortgage proof of claim forms are being used. Marge and the Judges and their chambers discussed the results of their meeting regarding the Notice of Cure and responses thereto. No resolution was obtained. Marge discussed the Notice of Change of Address to Update Matrix, and explained that the notice only changes the matrix, but it does not affect the payment address. Debtor’s counsel should include these terms in the notice.
8. Chapter 11 Issues: none

Future meetings will be held quarterly, at 11:00am.

The meeting adjourned at approximately 2:15.