

CINCINNATI BANKRUPTCY JUDICIAL LIAISON COMMITTEE

MEETING MINUTES – MEETING DATED SEPTEMBER 7, 2012

Present:

Judge Buchanan

Judge Hopkins

Judge Perlman

Cindy Doyle

Gwen O'Shea

Dan Isaacs-Smith

Lynnetta Rollinson

Monica Kindt

Marge Burks

Ed Boll

Stephen Crowe

Eileen Field

Tim Miller

Nick Zingarelli

Chairperson : Ray Pikna

Chairperson Ray Pikna called the meeting to order at 11am.

Housekeeping matters:

- The meeting minutes from the June 15, 2012 meeting were approved for publication and will be posted on the CBA website.
- The Committee continued its discussion regarding a mission statement. Ed Boll drafted a mission statement which was adopted by the Committee.
- Ed Boll will look at drafting by-laws for the committee. M. Kindt will help.
- Succession plan for Committee members approved – the Chair of the Judicial Liaison Committee will be the immediate past chair of CBA Bankruptcy Committee. The Committee will also have ex-officio members including our current ex-officio member (Ed Boll) and the immediate past chair of the JLC. The Committee may choose one or two more ex-officio members as the need warrants.

Substantive matters from Agenda

1. The Committee followed up on the discussion on: whether the lack of property insurance be per se grounds to grant relief from the automatic stay? LBR 4070 was deleted because it was duplicative of LBR 3015-3(e)(6). LBR 3015-3(e)(6) was deleted because 11 U.S.C. § 1326 (a)(4) controls.

2. Should we have a standard fee agreement for consumer bankruptcy cases? This was a follow up of discussions from the prior meeting. The Committee believes this issue is better suited for the CBA Bankruptcy Committee to address.
3. Local Rules Issues: None.
4. Chapter 7 Issues: A submission was received concerning attorneys not being prepared for 341 meetings and whether a local rule could be adopted to address the problem. The Committee discussed matters regarding attorney conduct and the trustee's duties. Options for consideration include (1) suggesting that the CBA compile a list of potential mentors for bankruptcy to whom the UST or Chapter 7 trustees can direct practitioners, or (2) offering a meeting for new practitioners similar to what Judge Morgenstern-Clarren does in the NDOH. The Committee noted that trustees can continue the §341 meetings if parties are not prepared, and that the local rules and Bankruptcy Code also provide for relief in such cases.
5. Chapter 13 Issues: Chapter 13 Trustee mentioned that she is amending the current plan. It has been circulated for suggestions, which were received and will be included. A new plan will be re-circulated. The effective date of the new plan is December 2012. There is a national plan in the works, and new national rules. Brief discussion of rules 3001 and 3002.1. The Chapter 13 Trustee continues to work on handling the new noticing requirements.

Creditors are filing motions for relief from the automatic stay requesting that the services be excused from filing notices if the property is surrendered.

6. Chapter 11 Issues: Tim Miller mentioned the Patriot Coal case out of the SDNY regarding debtors manufacturing venue within days/month prior to filing. The outcome of this case could impact the SDOH.
7. Other Issues: None.

Future meetings will be held quarterly, at 11:00am.
Next meeting will be December 7, 2012 at 11:00am.
The meeting adjourned at approximately 11:50am.