

ATTORNEY ADVISORY COMMITTEE
REPORT OF ANNUAL MEETING – NOVEMBER 7, 2018 – DAYTON

The first, annual, in-person meeting was held on November 7, 2018 at the Dayton court location. A Meet and Greet was held from 10:00am to 10:45am followed by a meeting from 10:45am to noon. An optional lunch was held off site. Both the meeting and the lunch were well attended.

Richard Nelson, the Committee Chairman and head of the Chapter 11 Subcommittee, explained that General Order 30-1 sets forth the definition of a “Complex” Chapter 11 case as well as the anticipated process whereby an eligible debtor may choose to opt in to elect treatment as a Complex Chapter 11 case. Complex cases will be assigned by random draw to one of two designated judges. The Chapter 11 Subcommittee is poised to begin drafting proposed local rules, guidelines and forms for Complex Chapter 11 cases. The Honorable John E. Hoffman and the Honorable Guy R. Humphrey, as the initial designated judges, will serve as advisory members to the Committee in this regard.

Mina Nami Khorrami, the Vice-Chair of the Committee and head of the Chapter 13 Subcommittee, explained that this Subcommittee has held numerous meeting discussing comments solicited from the bar, mostly in the areas of mortgages, car loans, and student loans. The Subcommittee has funneled several suggestions to the Local Bankruptcy Rules Committee. Also, as a result of the meetings, the Chapter 13 Trustees are moving towards uniformity on several issues, including safe harbor, gap payments, and non-standard (paragraph 13) plan language.

Carolyn Buffington, Chief Deputy Clerk, described several potential future projects, including a mediation program, improvements to the court’s public facing website, more fillable forms, and improvements to the CM/ECF filing interface.

It was noted that a balanced membership was desired and that more members from Dayton, as well as continued representation of consumer debtor practitioners from all three court locations, would improve the balance.

The need for transparency was recognized. To this end, “reports” will be posted to the court’s website providing a synopsis of all future Committee and Subcommittee meetings.

Committee members were encouraged to reach out to their attorney constituents to ensure that the bankruptcy bar understands that they may bring their questions/concerns/suggestion to the Committee via any individual Committee members.