

**Attorney Advisory Committee  
Annual Meeting Report  
November 1, 2023 – Dayton, Ohio**

The annual Attorney Advisory Committee meeting was held on November 1, 2023 at the Dayton Courthouse.

Chief Judge Hoffman provided opening remarks.

Chapter 11 Subcommittee Update (Committee Vice Chair, John Cannizzaro, Subcommittee Chair, Phil Stovall, and Committee Member, Jim Coutinho)

After introducing the subcommittee members, the group discussed whether updates to the judge designation provision of the Complex Chapter 11 Procedures are necessary in light of changes in other jurisdictions and Judge Preston's upcoming retirement. Three options were presented:

1. Retain the current procedure of two designated judges, one in each division;
2. Suspend the rule and assign complex cases like other cases (judge assignment determined by location);
3. Modify the procedure to assign cases by division (cases filed in the Western Division are assigned to any judge sitting in the Western Division, and cases filed in the Eastern Division are assigned to any judge sitting in the Eastern Division).

The group discussed these options, as well as the importance of judge predictability and case handling predictability. It was agreed that the current judge designation provision will be suspended. Complex case judge assignment will be determined by filing location. The Chapter 11 Subcommittee will draft updated procedures for the Judges' review and approval. The Subcommittee's next project involves increasing attorney accessibility to Subchapter V cases.

Consumer/Small Business Subcommittee Update (Committee Chair, Sondra Bryson)

Ms. Bryson introduced the subcommittee members. The group discussed whether the district should consider creating a local rule regarding bifurcated fee agreements in chapter 7 cases. While recognizing that paying legal fees upfront can be challenging, the group expressed concerns regarding bifurcated fee agreements. The agreements can create disputes between the attorney and the client, raise ethical considerations surrounding the level of service the attorney is required to provide, and can be time consuming to draft and/or enforce. The Subcommittee will circulate a survey to determine the Bar's interest in bifurcated fee agreements. The Subcommittee will determine the appropriate next steps based on the survey results.

The meeting was adjourned.