

**BANKRUPTCY PRACTICE COMMITTEE**  
**OCTOBER 5, 2017**  
**MINUTES**

The meeting commenced at 3:30 P.M. on Thursday, October 5, 2017. Don Swanson and the law firm of Koley Jessen graciously hosted the meeting.

Committee members in attendance from the court were Judge Saladino, Joan Kramer, Donna Soukup, Eva Roeber, Lisa Smith, Cheryl Belmont, and MaryBeth Hegstad from Judge Hastings' chambers; Jerry Jensen from the United States Trustee's office; Kathleen Laughlin, the Chapter 13 trustee; Rick Myers, a Chapter 7 trustee; Don Swanson, chair of the Mediation Committee; John Lentz, current chair of the bankruptcy section of the NSBA; Roxanne Alhejaj, past chair of the bankruptcy section; Brandon Tomjack, Patrick Turner, and Dave Pederson. Judge Hastings, Katherine Owen, and James Overcash were not in attendance. John advised that Kate Owen is now working for the Social Security Administration and not Legal Aid Society and is no longer a member of the committee. He will appoint a replacement for Kate Owen's position.

*Agenda Discussions*

1. General Order 17-01. Also in attendance were Justin Valencia, Nick Kucirek, and Rhonda Waller from the Nebraska Department of Revenue. Because the Department of Revenue files approximately 600 claims per year, General Order 17-01 regarding retention of proof of claim forms signed by non-attorneys agents has become burdensome. The members discussed the various ways to file proofs of claim, *i.e.*, through ecf, epoc, or with a limited user log-in and password, and whether the proofs of claim required a wet-signature. A vote was taken to exclude from our local rule all proofs of claim from the wet-signature retention requirements. But for one vote, the committee voted in favor of this recommendation. Eva will research the matter before any change will be made.

2. New Chapter 13 Plan and Webinar. Kathy Laughlin advised that her office is conducting a webinar on October 31, 2017, at noon, to go over each section of the new Chapter 13 plan and the new federal rules. She is also looking at a date in November to do a second webinar. The webinars will be posted to her website, [13law.com](http://13law.com), for attorneys to view. The committee also discussed the new Chapter 13 plan versus the national plan with respect to motions to avoid and valuation of collateral.

3. Event Codes. Rick Myers inquired whether a list of event codes could be placed on emails to help identify, sort, and prioritize emails sent from the court. Rick will check with Sue Bylinski from the United States Trustee's office, and Eva and Lisa will provide additional assistance if needed.

4. Chapter 11 Procedures. The issue regarding changing our rules on combined disclosure statement and plans in Chapter 11 was briefly discussed. Absent a call for action on that issue, it will not be pursued further.

5. Mediation Committee Update. Don Swanson updated the committee on the status of mediation. After discussion, Judge Saladino suggested that Don propose some parameters for when mediation would be effective, i.e., either mandatory or when the court should consider ordering mediation. The members also discussed the possible use of judges as mediators.

6. Other Business. Much like the new Chapter 13 plan, Patrick Turner inquired whether the use of a standard Chapter 11 plan for small businesses who cannot afford a protracted bankruptcy would be feasible. Jerry thought there was a Chapter 11 standard plan that came out after BAPCPA in 2005 that was done by the Administrative Office. On [uscourts.gov](http://uscourts.gov), Eva found a national plan and disclosure statement for small business cases in Chapter 11. Those forms are B25A and B25B, respectively. Patrick will look further into this and report back to the committee.

The meeting adjourned at 4:55 P.M. Special thanks go out to Don and his firm for hosting the meeting and providing snacks and beverages. The next meeting will likely be held in March 2018.