

MINUTES OF THE
BANKRUPTCY PRACTICE COMMITTEE MEETING
OCTOBER 17, 2019

The meeting commenced at 12:10 p.m. on Thursday, October 17, 2019, in the jury conference room of the United States Bankruptcy Court in Omaha. Committee members in attendance were Judge Saladino, Judge Hastings, Eva Roeber, Joan Kramer, Laurie Wiemann, Jerry Jensen, United States Trustee, Kathy Laughlin Chapter 13 Trustee, James Overcash Chapter 12/7 Trustee, Richard Myers, Chapter 7 Trustee, Don Swanson chair of the Mediation Committee, Jessie Polson chair of the Bankruptcy Section of the NSBA, Greg Frayser, Christopher Gamm, Stacy Bach, Bill Martin for Lea Wroblewski, and guest, Brian Kruse newly selected bankruptcy judge.

Agenda Discussions

1. Minutes. May 2, 2019, meeting minutes were approved.
2. Volunteer Lawyer's Program Brochure. Stacy Bach reported the brochure is completed and has been submitted to the Bankruptcy Section Committee of the NSBA and has since been sent to the Volunteer Lawyer's Program for disbursement. Stacy will send the brochure to members of the Bankruptcy Practice Committee
3. U.S. Trustee's email regarding required documents for Chp. 7 341 hearings. Jessie Polson informed the committee that this item is tabled. Members of the bar, trustees and the U.S. Trustee will meet after this meeting to discuss coordination and consistency of the items and information the trustees require before and during the 341 hearings. A report will be made at the next Bankruptcy Practice Committee meeting.
4. ABI Journal Article "Is it Time to Get Rid of Wet Signatures". Judge Saladino brought to the attention of the committee a recent article in the ABI Journal. The gist of the article: Did we need wet signatures? Judge Saladino wrote to the authors of the article and sent them a copy of Nebraska's local rule and explained the drafting of the rule was a joint effort of the bankruptcy attorneys which was adopted by the court. Don Swanson mentioned he is working on an article relating to electronic signatures.
5. Small Business Reorganization Act. The Small Business Reorganization Act, also referred to as Subchapter 5 Small Business Debtor will go into effect on February 23, 2020. Jerry Jensen provided an overview of the new act. A subcommittee consisting of Jerry Jensen, Don Swanson, James Overcash and Eva Roeber will study the interim proposed rules for the Small Business Reorganization Act and make recommendations for local rule modifications and general orders if needed. The interim federal rules are out for public comment for four weeks beginning on October 16, 2019, which will close on November 13, 2019, after which time the federal rules committee will make adjustments called for by the public comments and will then seek approval by the

judicial conference to distribute the interim rules to the various districts. There will also be national forms created for the new act. A public notice will be posted on the court's website for Solicitation of Applications to Serve as Subchapter V Trustees.

6. Attorney – Staff Training. In follow up to the May 2, 2019, committee meeting discussion regarding the increase in the use of incorrect event by party filers, Eva Roeber and Laurie Wiemann reported the clerk's office will conduct ECF attorney and staff training. Two training dates are scheduled in Omaha and one date in Lincoln. Also, Webex training will be offered for participants. Judge Saladino explained the need for using correct event codes when filing documents. The event codes are linked to statistics which have a direct effect on formulas for determining budgets, workloads and staffing levels.
7. Mediation. Don Swanson expanded on the Small Business Reorganization Act and the role of the trustee. The trustee's role will be similar to that of the trustee role in Chapter 12 and 13 cases. A major difference is that the trustee in a Small Business Reorganization Act case has to facilitate the development of a consensual plan, which puts the trustee in a mediator role.
8. 2020 Eighth Circuit Conference. Judge Saladino reported that the 8th Circuit Judicial Conference will be held in Omaha August 5–7, 2020. The theme is to celebrate the 19th amendment to the Constitution and the schedule is quite full already regarding that theme and women's suffrage. The afternoon of Wednesday, August 5 has been set aside for CLE programs for attorneys and will have sessions on Criminal Law, Civil Law Ethics and Bankruptcy. There will be time for a one-hour session on bankruptcy law issues. Lea Wroblewski has volunteered to assist. As details develop a request may go out to committee members seeking more volunteers to assist in the CLE.
9. New Bankruptcy Judge Selection – Judge Reappointment. Judge Saladino announced that Brian Kruse has been selected by the 8th Circuit to fill the vacancy bankruptcy judge position for the District of Nebraska. A formal announcement has not and will not be made by the 8th Circuit and Chief Judge Gerrard until the FBI background check has been completed. Judge Hastings will finish up the cases assigned to her and will not be assigned any new cases.

Judge Saladino reported he will be completing his 14-year term in 2020 and is up for reappointment. The 8th Circuit will be taking comments on his reappointment. Public notice with a link for comments has been posted on the court's website.

10. December 1, 2019, Rule Changes. Eva reported there is one rule change effective December 1, 2019. Redaction Rule 9037 rule has been changed. Neb. R. Bankr. 9037 allows for personal identifier redactions to be made by filing a notice of redaction. The request for redaction will have to be made by filing a motion and the entry of an order by the court.

11. Bankruptcy Practice Committee Membership 2020. The new member appointment made by Jessie Polson is Christopher Gamm. Nick Buda is the new Bankruptcy Section Chair of the NSBA. Jessie Polson will remain on the committee for 2020 as Past Chair and the two-year terms for Greg Frayser, Stacy Bach and Lea Wroblewski will end. Nick Buda will appoint two attorney positions on the committee for a two-year term.

The meeting adjourned at 1:10 p.m. The next meeting will be scheduled in the spring, however, if issues arise before that meeting, they can be discussed by email.