

**MINUTES
OF THE
BANKRUPTCY PRACTICE COMMITTEE**

Call to Order:

The meeting was called to order on Friday, March 7, 2014, at 12:00 noon, in the jury room of the United States Bankruptcy Court in Omaha, Nebraska.

Purpose:

The purpose of the committee is to address local rule changes and provide input and suggestions to improve the administration of bankruptcy cases and proceedings.

Committee Members/Meetings:

The 2014 committee members are: Chief Judge Thomas L. Saladino, Eva Roeber, Donna Soukup, Jerry Jensen, Kathleen Laughlin, Rick Lange, Patrick Turner, Erin McCartney, Tom McGuire, and Matt Eck. All members were present, including Judge Saladino's judicial assistant, Cheryl Belmont, who served as secretary of the meeting.

In future years, the committee will be comprised of Judge Saladino, the chief deputy, a courtroom deputy, Jerry Jensen on behalf of the United States Trustee, the Chapter 13 trustee, a Chapter 7 trustee to be appointed by Jerry Jensen, the Chair of the bankruptcy section of the bar association, and two attorneys appointed by the chair. In addition, the Chapter 12 trustee will be asked to review the Local Rules for his input regarding Chapter 12 procedures.

It is anticipated that this committee will meet twice a year, with email communication as necessary.

Local Rule 3015-2:

Judge Saladino presented proposed revisions to Local Rule 3015-2 regarding Chapter 13 procedures. The pros and cons of revised Local Rule 3015-2 were discussed at length. Ultimately, the committee was asked to review, revise, and give their written input on revised Local Rule 3015-2 to help ease scheduling burdens on the court and to give the parties more flexibility in accomplishing plan confirmation.

Late Proofs of Claim:

The committee discussed the current procedures for handling late proofs of claim in Chapter 13 cases and whether any court rule would be helpful. No changes to existing practice were adopted, but committee members were asked to consider this and any other ideas or suggestions.

11 U.S.C. § 363(f) Sales Fee:

The effect of this section was discussed at length – short sales, sales free and clear of liens, selling back to debtor, auctioning property, and paying the associated fee. Most attorneys appear to be unaware of this section and are, therefore, not paying the fee. This fee will be discussed at the brown bag luncheons.

60-Month Limit of Chapter 13 Plans:

The committee discussed what actions should be taken, if any, when a Chapter 13 plan runs beyond the 60-month limit due to suspension or default, including whether the court should issue a show cause, deny the motion to suspend, increase or readjust plan payments, or require that the plan be amended. No consensus was reached and no proposal has been made to address this issue at this time.

Brown Bag Luncheons:

Brown bag luncheons are scheduled for March 28, 2014, in Omaha, and on May 7, 2014, in Lincoln.

Local Rules:

The bankruptcy court is embarking on its periodic review and update of its Local Rules. By April 1, 2014, the committee members will receive for review and comment a working document containing rule changes proposed by the court.

Adjournment:

The meeting adjourned at 1:30 P.M. The next meeting is scheduled for Friday, September 19, 2014, at 12:00 noon.