

**BANKRUPTCY PRACTICE COMMITTEE
MINUTES
SEPTEMBER 19, 2014**

Call to Order:

The meeting was called to order by Judge Saladino on Friday, September 19, 2014, at 12:00 noon, in the jury room of the United States Bankruptcy Court in Omaha, Nebraska. All members were present, including Judge Saladino's judicial assistant, Cheryl Belmont, who served as secretary of the meeting.

Agenda Discussions:

1. Constituency of the Committee; Length of Service. After discussion, the members voted that the 2015 committee would be comprised of the new chairperson of the bankruptcy section (Eric Adams), the outgoing chairperson (Erin McCartney) serving in an advisory position, and the current members all serving for another one-year term. Judge Saladino will contact the Chapter 12 trustee (James Overcash) to see if he has any interest in being a member. Erin McCartney will discuss with Eric Adams whether attorney membership should be expanded to ensure better geographic representation.

For the 2016 committee, the new chairperson of the bankruptcy section (Roxanne Alhejaj) could solicit input from the bankruptcy section for the composition of the committee for the next two-year commitment. As in the case for 2015, the outgoing chairperson (Eric Adams) would serve in an advisory position for another year.

2. Next Meeting; Meeting Frequency. It was determined that twice per year was, in fact, adequate, and the next meeting was set for Friday, March 6, 2015. Although the jury room is always available, members were asked for input on alternative venues.

3. Local Rule Revision. But for a few minor tweaks to be made and comments received from attorneys on fees, the Local Rule process seems to have gone well.

4. New Chapter 13 Procedures; ALC Fees. The committee discussed the issue of the ALC fees, the standard applicable rate fees, flat fees, fees before plan confirmation, fees after plan confirmation, fees for cases going to trial, etc. For members unaware of the current version of Appendix "N" (Certification of ALC Fees), paragraph 18 regarding the fee to file a limited motion to modify the Chapter 13 plan after confirmation was added, and the fee was raised to \$400.00. Subsequently, old paragraph 18 of Appendix "N" became paragraph 19.

5. Limited Notice in Chapter 13 Cases. The idea of limited notices in Chapter 13 cases was discussed. Who should receive notice – parties in interest, secured creditors, priority creditors, unsecured creditors who have filed a proof of claim, etc.? What motions or time frames would be affected – motions to incur, after bar date, post-confirmation, etc.? In an attempt to save money,

members asked whether a one-page summary could be noticed out rather than mailing the entire plan. Judge Saladino asked Erin McCartney if she could draft and distribute to the committee proposed language pertaining to limited notice, and where that language should be inserted – blanket rule, in the plan, in the confirmation order, Local Rule, etc.

6. Chapter 13 to Chapter 7 Conversion. The different requirements from different trustees upon conversion from a Chapter 13 to a Chapter 7 was discussed. It appears that not all of the Chapter 7 trustees require the same information, and it would be helpful if each trustee provided a checklist of what documents they require. Jerry Jensen will look into this and try to come up with a solution. Posting requirements on the court’s website would be helpful for attorneys.

7. Proposed New Rule 9010(c) Regarding Association with Nebraska Counsel. This rule would require attorneys who are admitted pro hac vice to associate with an attorney who is both a resident of the District of Nebraska and a member of the bar of the United States District Court for the District of Nebraska, as authorized by NEGenR 1.7(i). Discussion was had as to the pros and cons of this, the cost effectiveness to the estate, duplication of attorney fees, etc. No decision was reached and this matter was tabled for further discussion.

Adjournment:

There being no further matters for discussion, the meeting adjourned at 1:35 P.M.