

BANKRUPTCY PRACTICE COMMITTEE
SEPTEMBER 24, 2015
MINUTES

The meeting was held on Thursday, September 24, 2015, at the offices of Koley Jessen. After a luncheon provided by Don Swanson, the meeting commenced at 12:15 P.M. Committee members in attendance were Judge Saladino (with his judicial assistant, Cheryl Belmont), Donna Soukup, and Lisa Smith (sitting in for Eva Roeber); Trish Fahey (sitting in for Jerry Jensen) from the United States Trustee's office; Rick Lange, a Chapter 7 trustee, Kathleen Laughlin the Chapter 13 trustee, Eric Adams, Roxanne Alhejaj, Matt Eck, Erin McCartney, Tom McGuire, and Jim Overcash. Also in attendance was Don Swanson, chair of the Mediation Committee. Patrick Turner and Judge Hastings were absent.

Agenda Discussions

1. Committee Membership. Roxanne Alhejaj, the incoming chair of the Bankruptcy Section of the Nebraska Bar Association, has joined the committee. She will solicit input from that section for the composition of the committee for the next two-year commitment. Eric Adams, who is leaving private practice to become counsel for PayPal, will unfortunately not be remaining on the committee in an advisory position. Don Swanson, chair of the Mediation Committee, will be a permanent member.

2. Bankruptcy Section Seminars. Other than in connection with the Eighth Circuit conference that was held last year, there are no larger bankruptcy seminars planned for the immediate future. There are, however, some CLE courses available, and Roxanne would like to get some seminars/webinars in the works.

3. Rule and Form Changes. In an effort to simplify the bankruptcy process for debtors, effective December 1, 2015, there will be some rule and form changes – the form numbers will change and the petition will be expanded. The court will send out an email advising attorneys to look at and use the new forms. The link to the new forms is: go.cingroup.com/ezfilingtransition. Use of the national plan, however, does not seem to be well received, and Judge Saladino is not certain whether it will be implemented.

4. Mediation. Don Swanson gave an update on the recommendations and progress of the Mediation Committee. A vote by the Bankruptcy Practice Committee to adopt the recommendations was unanimously approved. A discussion was had regarding the mediation process and the binding effect of mediation. As chair of the Mediation Committee, Don was appointed as an official, permanent member of the Bankruptcy Practice Committee.

5. Open Forum, Other Matters.

A. Judge Saladino explained to the committee Judge Hastings' caseload and her presence in Nebraska.

B. There has been no news from the United States Trustee, however, there is a push to close old cases and to crack down on § 727 violations.

C. Recent B.A.P. opinions were discussed, as well as the use of sanctions in bankruptcy.

D. As discussed at a previous meeting, Judge Saladino stated that Legal Aid is doing an excellent job of helping pro se debtors fill out bankruptcy forms and educating them on the bankruptcy process.

E. A question was raised regarding the procedure for noticing motions for relief with post-petition arrearages and stipulations. For the most part, double noticing is required, but Judge Saladino discussed a few scenarios that could be used to streamline that requirement.

F. Another question was raised whether all motions to reconsider were set for hearing. Judge Saladino and Donna explained the process/circumstances as to why some motions to reconsider were set for hearing.

6. Next Meeting. No specific date or location was given for the next meeting, except that it will be held in March, 2016.

The meeting adjourned at 1:20 P.M. Special thanks go out to Don Swanson and the firm of Koley Jessen for hosting the meeting and providing lunch.