

MINUTES
ATTORNEY ADVISORY GROUP
MAY 26, 2016 @ 10:30 AM
MONTGOMERY, ALABAMA

Present:

Honorable Bill Sawyer, Chief Bankruptcy Judge
Honorable Dwight Williams, Bankruptcy Judge
JC Guerrero, Clerk of Court
Tonya Hagmaier, Chief Deputy Clerk
Brian Suckman, IT Systems Manager
Teresa Jacobs, Bankruptcy Administrator
Sabrina McKinney, Staff Attorney, Chapter 13 Trustee's Office
Carly Wilkins
Bo Brown
America Cross
Chuck Grainger
Paul Esco
Jennifer Stanley
Kristen Abbott
Jennifer Ward
Sam Willoughby

Absent:

Cam Metcalf

1. Opening

Judge Sawyer opened the meeting and welcomed everyone.

2. Old Business

- a. *Communication—newsletters and emails:* JC Guerrero noted the positive feedback that the court newsletter has received. He reminded people we have had attorneys contribute to articles for the newsletter in the past and encouraged members of the group to consider writing articles and to encourage their colleagues to write.

- b. *Courtroom update:* JC said money was well spent on technology updates in the Montgomery courtrooms, though technology problems still exist in Opelika and Dothan. To save money, the court transferred Montgomery's old technology to Dothan and Opelika, and this has proved to cause more problems than expected. JC said the court is working on funding for new VTC equipment for Opelika and Dothan.

Our IT team is aware of the issues with the bad wireless connection in Dothan, and we are working on a solution with District Court because the funds must come from their attorney admissions fund.

Also, Dothan's and Opelika's courtrooms now have new, more comfortable chairs.

Tonya Hagmaier said we are writing procedures on how to hold fully electronic hearings and trials. All evidence will be submitted electronically. These procedures should be ready by the end of the summer.

- c. *Local Rules:* Judge Sawyer said the court is working on tweaking our local rules. He asked the attorneys to submit ideas and said the local rules should be completed within the next few months.

3. New Business

- a. *Personnel:* JC said our office has had a number of personnel changes recently. Our former IT director moved to a new job, and Brian Suckman has joined the team to take over the position.

We hired Mai Kha as our ECF programmer, and we are sharing her with ALNB. Additionally, we will soon post a vacancy announcement for another ECF programmer which we will also share with ALNB.

We have two summer interns that have been working on various court procedures, and we are in the process of hiring a new CA to take over digit 6.

The AO has selected our court to be a pilot for a diversity internship program with Alabama State University. The ASU student selected will be a full-time summer intern and part-time intern during the school year. We are focusing on hiring a student majoring in an IT area. JC said this internship will serve as a community outreach program between the court and Montgomery.

- b. *CM/ECF NextGen:* JC said the court is still at least one year away from implementing NextGen. Brian Suckman is working on refining our current ECF

program in preparation of implementing NextGen. Judge Sawyer noted that ECF can get overwhelming when too many menu options are added, so he asked the attorneys to give us feedback about the menu options they really want to see in ECF.

- c. *Electronic Proofs of Claim (ePOC)*: Brian said he is finalizing the process to allow electronic filings of proofs of claim. No ECF account is needed to file proofs of claim with ePOC, so creditors should find it easier to submit their proofs of claim.
- d. *Plaintiff dismissals and joint stipulations*: Tonya said some attorneys are still filing motions for dismissals when Rule 7041 dismissals and joint stipulations for dismissal are the appropriate vehicle. She gave the group copies of Anthony Bush's newsletter article on Rule 7041 dismissals and requests for entry of default under Rule 7055 and asked them to share it with their colleagues. She also said an electronic copy is available online in the January 2016 newsletter.
- e. *Security committee follow-up*: Teresa Jacobs reminded everyone that the CSOs are no longer holding items for people who come into the building. Phones and computers are not allowed inside the court, and attorneys should remind their clients to leave these items at home. Carly Wilkins said Apple watches are another technology item prohibited from being used in the courthouse.

Teresa also asked the attorneys to inform their clients to go to the Lee Street entrance of the courthouse for section 341 meetings. Chuck Grainger said that giving clients directions to the courthouse with a picture of the Lee Street entrance may help people more easily find the correct building.

- f. *Filing numbers*: JC noted that for the twelve-month period ending in March, 2016, national bankruptcy filings were down 8.5%, but ALMB bankruptcy filings were up 2.4%. He said Alabama bankruptcy districts are the only ones in the 11th Circuit whose filings increased this year. ALMB is ranked #2 out of 94 districts for per capita bankruptcy filings.

4. Around the Room

- Judge Williams remarked that some attorneys are not working out problems before court, causing confirmation hearings to be pushed back, wasting both time and money. Unless the issue is one in a dispute, coming to court is inefficient. One member of the group said that a reduction of attorney's fees for repeat offenders may help reduce the problem.

Sabrina McKinney said this is seen more in Montgomery than in Dothan and Opelika because filings for the two branches are not done every week like they are in Montgomery. In Dothan and Opelika, if the attorneys have not worked it out, they will have to wait another month for a hearing in order to be paid. In Montgomery, attorneys have the opinion that if they have to push the hearing back, they can just do it the next week, so there is nothing motivating them to prepare for confirmation hearings.

- Teresa Jacobs said the Alabama exemption statute has changed, but the trends have not changed. She speculated that is because debtors are now realistically valuing their property. Some attorneys, she said, do not respond for the means test, so she must move to extend complaint deadlines. Judge Sawyer said local rules from other districts deal with this issue, and he will look into it.
- Chuck Grainger noted that debtors' attorneys have issues with the way 341 meetings are docketed. He said it is inefficient because attorneys frequently have to return to the courthouse multiple times a day. Sabrina said the Chapter 13 Trustee's office can docket the meetings to ensure attorneys with multiple cases in that meeting can do their cases in one batch, but she cannot affect other hearings spread throughout the day. She will start batching attorney's cases.

America Cross said a district in Georgia also batches attorneys' cases.

- Kristen Abbott asked if she could get a paper acknowledgement of dismissal rather than just the entry on the docket. She said her clients like to see papers with their names on them instead of the generic docket entries. Tonya will look into creating a PDF document to acknowledge Rule 7041 dismissals. [UPDATE: We have implemented this suggestion, and all acknowledgements in the future will have a corresponding document on the docket.]
- JC reminded the attorneys that the minutes from all of the Advisory Group meetings are on our website.

5. Adjournment

Judge Sawyer adjourned the meeting at 11:50 pm.