

MINUTES

ATTORNEY ADVISORY GROUP

SEPTEMBER 22, 2011 @ MONTGOMERY, AL

Present:

Honorable Dwight Williams, Chief Bankruptcy Judge
JC Guerrero, Clerk of Court
Douglas Young, Chief Deputy Clerk
Teresa Jacobs, Bankruptcy Administrator
Sabrina McKinney, Staff Attorney, Chapter 13 Trustee's Office
Rafael Gil, Member
Marsha Mason, Member
Dan Hamm, Chapter 7 Trustee
Gail Donaldson, Member
Sandra Lewis, Member
Nick Parnell, Member

Absent:

Honorable William Sawyer, Bankruptcy Judge
Paul Spina, Member
George Thomas, Member
Collier Espy, Chapter 7 Trustee

1. Opening

Judge Williams opened the meeting at 10:30 a.m. and welcomed all present.

2. Old Business

JC Guerrero informed the group that minutes from the last meeting were posted on our webpage and will continue to be taken and posted after each meeting of the advisory group, unless an objection is raised. A draft of the minutes will be sent out to everyone in the group before posting.

JC Guerrero mentioned he received positive feedback on the bankruptcy court's new newsletter, *Court News and Views* that came out in May. He asked the group for their opinions of the newsletter. Several members spoke up and offered favorable comments. JC then extended an offer to the members of the group to possibly submit articles that would be featured in the newsletter. Topics suggested were possible practice tips or encouragement to other members of the bankruptcy bar to request to be a member of the advisory group.

JC Guerrero also discussed the renovation plans for the Opelika courthouse. Renovations to the first floor are scheduled to begin soon. Once the renovation begins, the courthouse could be closed for three to four months. Presently, the court is seeking possible alternate locations to hold court proceedings in the Auburn/Opelika area. If that is not possible, Opelika court proceedings may have to be heard in Montgomery during that time. JC said we will send out more information when we have it.

Teresa Jacobs gave an update on the wireless internet connection in the 341 meeting room stating that the connection is working.

Judge Williams mentioned security clearance into the courthouse in Montgomery. A new process was put in place last May prior to the gambling trial, and the process of entering the building has been slow. The district judges are aware of the problem, and they are presently looking into other solutions for quicker access to the building.

3. New Business

JC Guerrero gave a brief update on E-Orders and offered some tips on how to make E-Orders more efficient: a. on all proposed orders, please include the name of the party who drafted the order and include a statement identifying all parties consenting to the order. b. to avoid redundancy, do not use language such as “so ordered” at the end of the proposed order and do not add a signature block to the order because the judge’s signature block and signature will automatically be inserted at the top of the first page of the order after the judge signs the order.

Doug Young brought up several administrative matters. He reported there has been a slight increase in the number of deficiency notice phone calls we make. Our office attempts to do this as a courtesy before dismissing a case. Please be attentive to negative notice deadlines. Doug also pointed out there has been an increase in the number of cases that are being opened in the incorrect division. In addition to requiring several corrections to be made and the case having to be copied over to the correct division, Sabrina McKinney also mentioned that sometimes when cases are copied, credit reporting agencies may incorrectly show a debtor has filed two cases.

Doug Young reminded everyone about rule amendments that will go into effect December 1, 2011 and the location on our website (under Announcements) where a pdf summary of each amendment, associated links, and amended forms can be found. He specifically mentioned two amended rules, Rule 3001 and Rule 3002.1, in more detail.

Doug Young also pointed out that before December 1, 2011, ECF will be upgraded to Version 4.2. The primary change will be to allow creditors to file new forms as supplements to claims as required by the new rule amendments mentioned above.

Sabrina McKinney addressed the dates and locations of upcoming CLE seminars hosted by the Chapter 13 Trustee’s Office. The seminars were scheduled as follows:

Montgomery	October 28, 2011, 9:00 a.m. to 12:00
Dothan	November 4, 2011, 9:00 a.m. to 12:00
Opelika	November 21, 2011, 9:00 a.m. to 12:00

Judge Williams and JC Guerrero discussed dates for the next Attorney Forum and Attorney Advisory Group meetings. Dates will be determined at a later time and will be delivered via mail and also posted on our webpage. Three attorney forums will be held in the spring of 2012 in Montgomery, Dothan and Opelika. The advisory group will meet again next in the fall of 2012. The consensus among the group was to leave future meetings on Thursdays.

4. Around the Room:

Judge Williams then went around the room to see if anyone had anything else they wanted to discuss.

Rafael Gil brought up a question given to him by Attorney Kaz Espy concerning the language in the notice with regard to education courses. Mr. Espy felt like there was a problem with the timing element in the notice and wanted to know if the Court would take a look and see if there was anything that could be done. Judge Williams said he would take a look and see if the notice language needed to be tweaked.

Gail Donaldson mentioned the difficulty she often had in finding debtors after five years. Ms. Donaldson pointed out a change her office has made to help with this issue. They ask the debtor at the beginning of the case to provide contact information for other members of his/her family and or friends. This way, the attorneys have alternative methods of contacting the debtor if the debtor's phone number and/or address change. Ms. McKinney added that their office may have change of address information as well.

Sandra Lewis started a brief discussion regarding claims and mortgage arrearages.

Rafael Gil began a brief discussion about filing fee refunds. Judge Williams explained that generally filing fees are not refundable except in very limited circumstances.

Nick Parnell raised some 522(f) motion issues. A short discussion was held on these issues.

The meeting adjourned at 11:45 a.m.