FLNB Attorney Board of Advisors

Meeting Summary for February 23, 2009

Attendees: Bill Miller, Bill Blevins, Luke Adams, Kevin Davis, Sharon Sperling (via telephone)
Absent: Jim Sorenson, David Abrams, Jason Egan, Sherry Chancellor

1. Follow up from previous meeting

   A. Request for service issue. A question arose during the last meeting as to whether we could require non-attorney users to receive notice electronically. The question centered around the problem area of attorneys sending copies of all pleadings to those entities filing a Request for Notice. This issue was discussed during the ECF Group meeting recently and it was determined that the service requirements under Rule 2002 provides guidance as to what documents require service and the time frame for service. Sharon noted that the rules provide that notice must be given to those on the mailing matrix. Bill Blevins noted that it is up to the attorneys to determine who is "entitled" under the rules to send notice. This issue will be removed from future agendas and dealt with as part of the update to the Local Rules if comments are received during the comment period of the Local Rules process.

   B. Mortgage issues. We received a proposed Standing Order from Ms. Hart regarding post-petition mortgage issues. Bill Blevins discussed the proposed Standing Order with Judge Killian and the Judge indicated he wants to wait on taking action pending action further congressional action on mortgage issues as well as imminent changes in the Federal Rules and Local Rules.

      On a related matter, Bill Miller spoke with Ms. Hart regarding adding a provision to the Chapter 13 Annual Statement advising the trustee of any changes to the mortgage obligation effecting balance, interest rates, payment amounts, etc. It was suggested that a better approach may be to include a provision in the original plan that the pro rata dividend paid to other creditors may be reduced because of changes in the mortgage obligation which go into effect after the case is filed. The debtor or creditor could simply file a notice indicating a change in the mortgage terms. This would avoid the debtor from filing plan modifications each time the mortgage payment changes. Bill Miller will discuss this with Ms. Hart and report back at the next meeting.

   C. 5alpha. The new workload distribution tool for clerk's office staff was implemented on February 2. There have been a few hic-ups along the way, but it doesn't appear to have impacted external users. Sharon stated she hasn't noticed any problems. Bill Miller stated that he likes having the name of the Case Administrator on the docket report.

   D. Objection to claim – order issue. This issue originated from prior discussion regarding creating uniform motions and pleadings. Karin Garvin (Trustee in PNS) suggested a

standardized form for Objection to Claim with negative notice language. Inasmuch as there seems to be no support from the bar for creating standardized pleadings, we decided at the last meeting to treat this as a training issue and not propose a uniform Objection form. Karin Garvin has stated that she will submit the idea of standard negative notice language to the Local Rules Committee for consideration. Additionally, along the same lines, Sherry had previously talked about the problem with getting attorneys to submit orders on Objections to Claims. The next version of *The Bankruptcy Advisor* newsletter will include an article about the requirements. Sharon also suggested at the previous meeting that an alert be added to ECF Central which notifies users when an order is due on Objections to Claims. This alert has been added and is now available for attorneys to use.

2. Local Rules Committee. Bill Blevins has organized a committee to develop a plan for reviewing the Local Rules which includes a timetable for soliciting comments from the bar and implementing any changes. The committee had its first meeting on February 3 and outlined a path for communicating to the bar, establishing a time frame for making suggestions, preparing a package to Judge Killian and initiating a comment period. The next meeting is scheduled for March 4. Sharon suggested having a discussion board or blog and invite comments from attorneys to have back-and-forth discussions as well as comments. Bill Blevins stated he can see that working at the stage in the process where feedback is solicited on the entire package. Bill Miller asked whether such a blog or discussion board could be configured to alert the Local Rules Committee members when a comment has been posted. Luke indicated that it could be configured to notify the committee members.

3. Language on hearing/341 notices. Sharon previously sent an email indicating the notice cancelling the preliminary confirmation hearing is causing confusion among some debtors in that they erroneously think the notice means they do not need to appear at the 341 meeting. This topic was discussed at the ECF Group meeting and it was determined that a new form for the preliminary hearing will include language that the 341 meeting has not been cancelled.

   (UPDATE: Following the meeting, a form was created which states that no other meeting or hearing is affected by the cancellation of the preliminary hearing).

4. Court user survey. The survey was sent on February 4 and approximately 65 responses have been received so far. The deadline to respond is February 24. Initial responses indicate the following:
   a. The web site is a bit cluttered;
   b. Our attorney registration process needs some work;
   c. Several people don't like the speed especially when uploading PDF documents;
   d. About ½ of the people entering info on ECF are non-attorneys (down from 2008).

   Additional information from the survey and responses will be discussed at the next meeting.

5. CM/ECF upgrade to version 3.3. The upgrade is scheduled for the weekend of March 14. Most of the changes in the new version affect the U.S. Trustee and panel trustees. Attorneys will notice a few superficial changes. The changes will be detailed in the next edition of the newsletter which will be distributed on March 12.

6. ECF Central. We received notification that we were awarded a grant to make ECF Central a national application. We'll be working with Bankruptcy and District Courts at AL-S as well as the District Court here at FL-N. A new download page has been created for attorneys to download the existing application. The current application now includes a deadline alert for submitting orders on an Objection to Claim.

7. Order processing. The implementation of 5alpha caused some unexpected consequences with order processing. Specifically, the orders going to a single email inbox are no longer processed efficiently in that Case Administrators no longer have digit assignments. As a temporary solution, we have created a link in ECF which allows attorneys to submit proposed orders using the order submission portal found in ECF Central. Even attorneys who do not use ECF Central will be able to use this portal. Luke provided a demonstration of the system. Sharon noted that it seems inefficient for all of the Case Administrators to pull their orders from a single email inbox. Everyone agreed and it was noted that the entire order submission process is going to be reviewed with the idea of making the process easier on all parties.

   There was a discussion as to whether attachments to the order could be submitted using the ECF Central order submission portal. After discussion, it was determined that Luke would add a browse window for adding attachments.

   Next meeting – May 26, 2009 at 1:30 p.m. in Tallahassee.