

UNITED STATES BANKRUPTCY COURT

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Jean Rolfs
Clerk of Court

Eastern District Bar Advisory Committee Minutes February 24, 2010 12:30 pm U.S. Bankruptcy Courthouse - Little Rock

In attendance: Charles Tucker, Jack Gooding, Randy Rice, Harry Hurst, Lance Owens, Kyle Havner, Eric Hance, Michelle Huff, Robert Gibson, Joe Barrett, Joel Hargis, Steve Joiner, Danyelle Walker, Kent Pray, Whit Light, Kevin Keech, Jean Rolfs, Phil Principe, and Karen Waldroff. Guest attending: Mark McCarty. Unable to attend: Cindy Scaife, Phyllis McKenzie Jones, and Andre Valley.

1. Judge Taylor greeted the committee and thanked them for their service.
2. Chuck Tucker, Assistant U.S. Trustee, reported on various items. In the past when a Chapter 7 debtor missed a 341(a) meeting a second time, the UST addressed the issue by filing a motion to dismiss the case. Starting this past November, that duty changed to the Chapter 7 Trustees. So if you need to work out an issue on a dismissed Chapter 7 case, please call the Chapter 7 Trustee.

Chuck also reported on problems caused when an attorney tells a debtor not to show at a 341(a) meeting, but does not inform the trustee.

Chuck reported on debtor audits. They were scaled back in 2008 due to budget constraints, but funding is now available, so we will be seeing more debtor audits in 2010. In both Eastern and Western audits, he has had no "Reports of 'No Audit'" which means attorneys are providing enough information to do the audit. So far he has only had four audits with Material Mis-Statements (4 out of 24).

Chuck reported on a mortgage rescue scheme using a Bankruptcy Petition Preparer. The debtor went from pro se to using an attorney. The attorney brought to the AUST's attention that the prior petition preparer had not only helped them with their bankruptcy petition, but had also had the debtor sign over their property with a quit claim deed (to the petition preparer).

3. Jean Rolfs reported on a Clerk's Office proposal to color-code three types of events on the docket: Green for Applications and Motions, Blue for Trustee events, and Light Black for BNC. The committee expressed overwhelming support, and thought these improvements would make the docket easier to read. The committee asked that we keep showing plan modifications in red, and chambers orders in dark blue. In addition, the proposal showed a new way to strike through the words following the word "disregard." All approved except Randy Rice, who felt it was difficult to read.
4. Phil Principe reported on possibly amending the Administrative Procedures for Electronic Filing to require electronic upload of the Creditor Matrix for ECF filers (instead of attaching as a PDF). All members of the committee currently upload through ECF and feel all attorneys should, so they supported this proposal.
5. Eric Hance asked if there was anything we could do for small creditors who attend 341(a) meetings, as they have no particular party present to represent them. Michael Huff mentioned that Jan Thomas handled this well at his 341(a) meetings, and allows them to ask one question at the hearing.
6. Kyle Havner mentioned that BestCase does not allow them to AutoFile if they are choosing to pay in installments. For cases they pay up front, Bestcase allows them to "one-touch" file. Karen will look into this with BestCase.
7. Harry Hurst mentioned that in ECF it is sometimes difficult to find the proper motion in the "pre-ordained" fields. Phil Principe suggested using the search feature to find the appropriate event using a key word search.
8. Randy Rice mentioned that sometimes when he asks for specific additional information from a debtor at a 341(a) meeting, then the information is sent to him at his office before the second (341(a) meeting, it answers his questions and if the attorney contacts him beforehand, it is possible the attorney and debtor won't need to attend the second meeting.

Randy Rice suggested that attorneys call a trustee before a 341(a) meeting to let them know if it is a really large case. Sometimes the trustee will then set that case for a specific time, or let the attorney know if the case will be at the beginning or the end of the 341(a) meeting time. Randy encouraged contact from the attorneys to the Chapter 7 trustees.

Randy requested that the Report of Sale be linked to the Order Approving Sale. He also requested a text box so that a description of the sale item(s) could be entered. On 3/16/2010, Cindy Scaife added a text box allowing the Trustee to enter a description, if desired, and the ability to reference the Order Approving Sale.

9. Danyelle Walker requested we look into improving the acoustics in Judge Mixon's courtroom. Following the meeting, Karen Waldroff tested the audio in the courtroom and made adjustments to the speaker volume in the gallery.
10. Robert Gibson asked about the maximum allowed for size of attachments in ECF. The maximum size for any pdf is 4MB. He also mentioned he liked our podiums/lecterns.
11. Michelle Huff expressed gratitude that in our court we allow a Foreign Creditor's attorney to file a Reaffirmation. She complimented the Clerk's office on their efficiency and helpfulness.
12. Kevin Keech expressed gratitude for the ECF Help Desk, and also complimented the bankruptcy basics video put out by the Administrative Office of the Courts.

<http://www.uscourts.gov/video/bankruptcybasics/bankruptcyBasics.cfm>.

After the meeting it was determined that this link is already available on the Court website under Filing Information > Bankruptcy Basics Video.