

Circle of Love Notes

11/15/18

Theodore J Piteo

Judge David Hercher started the meeting with a few announcements about changes to the local rules:

- 1) While filing Motions to Dismiss in Chapter 12 or 13 cases, the filing party must request expedited relief otherwise the court will process it on their own schedule.
- 2) The LBF 1307 fee increased from \$35 to \$100.
- 3) New LBR 9011-4 has relaxed consent rules for electronic signatures on non-1008 court documents.
- 4) Notices must now be included as the first page of Motions filed with the Court unless the Motions are on an LBF.

Charlene Hiss had a few announcements about court procedures as well:

- 1) A reminder to bankruptcy attorneys to please make sure you upload your Creditors before you request a Judge/Trustee assignment when filing new cases. Otherwise, the 341 notice may go out without any recipients.
- 2) Make sure to check the court website as a few new forms were published with the last rule change, such as the Chapter 13 Plan.
- 3) She wanted to remind everyone that the address for the Court is going to change and that the LBFs are slowly being updated with the correct address. Target date for the new 6th Ave address going live is February 2019.

Rich Parker made an announcement that Carla McClurg is leaving the United States Trustee's Office for the US Attorney's Office (Asset Recovery Division) on November 21, 2018. There is no replacement for Carla yet.

Jonas Anderson wanted the attendees to be aware that anyone using the BK Billing factoring system should expect to have their fees scrutinized. His suggestion was that an increase in fees to Debtors to cover the costs imposed by BK Billing might cause the UST to take enforcement steps.

Rich Parker raised the issue of whether Debtor attorneys should be signing reaffirmation agreements for debate. There is considerable variance between the judges on the proper method of undertaking this duty. Many Debtor attorneys raised the issue that they never "negotiate" reaffirmation agreements because the Creditors are not willing to do so and therefore there is no requirement they sign the agreements. The Judges have varying opinions on whether the reaffirmation process, specifically negotiation and executing the document, is a mandatory duty for Debtor's Counsel. Judge Peter McKittrick is currently reviewing the reaffirmation process and would love to hear from Debtor and Creditor attorneys about their concerns and comments. The judges did suggest that they would like to start seeing Debtor counsel appearing at the reaffirmation hearings.

Jeffrey Wurstler with the IRS had a few reminders for Debtor's Counsel:

- 1) The IRS is hiring many positions and jobs. The hiring freeze has lifted at least temporarily. If you know people who are looking for work, the IRS wants you.
- 2) He reminded Debtors counsel that clients should consider waiting to file chapter 13 until January so their 2018 tax burdens can be treated in their plans.
- 3) The IRS has an informal collection moratorium around Christmas and the holidays.
- 4) The 2018 tax law change is going to affect everyone. Mr. Wurstler urged attorneys to advise their clients to log on the IRS webpage and utilize their paycheck checkup program to make sure adequate funds are being withheld.

Judge Brown closed the meeting by asking all Debtor's counsel if they were asking their clients about possession of Cryptocurrencies and to make sure their bankruptcy schedules reflect those items.

The next meeting will be held on January 10, 2019. Thanks to Kelly Jones for bringing food to the meeting!