

MARYLAND STATE BAR ASSOCIATION  
CONSUMER BANKRUPTCY SECTION  
COUNCIL MEETING  
MINUTES <sup>(v.2)</sup>  
LOCATION: KING'S CONTRIVANCE  
February 12, 2009

ATTENDEES:

Michael Cantrell	Larry Robinson	Gerard Vetter	Nancy Grigsby
Mary Park McLean	Jeff Nesson	Bud Stephen Tayman	Alan Belsky
Sari Kurland	Terri Lowery	Charles Broida	Michael Wolff
Richard Stolker	Christopher Fascetta	Laura Margulies	Harris Ammerman
Brett Weiss			

MINUTES:

I. CALL TO ORDER

The meeting of the Consumer Bankruptcy Section ("Section") was called to order at approximately 6:21 pm by Christopher Fascetta.

II. MINUTES

The Minutes from the November 10, 2008 Council Meeting were discussed. A motion for approval was made by Brett Weiss and seconded by Richard Stolker. The motion passed.

III. COMMITTEE REPORTS

Brown Bag Lunches

Mary Park McLean advised that 15 people attended the most recent Brown Bag Lunch and that Sonja Valentine was one of the presenters.

The next Brown Bag Lunch is scheduled for March 24, 2009 at the offices of Shulman, Rogers in Rockville. The subject to be discussed is tax forgiveness for taxpayers who are in bankruptcy.

Legislative

Sari Kurland reported that she had met with Doyle Neiman, Wayne Norman, Vicki Schultz and Cheryl Hystad regarding an amendment to the Maryland homestead exemption. Senator Raskin is sponsoring legislation that would increase the homestead exemption which should be presented to the Maryland legislature shortly.

Sari reported that the general consensus is that the increased exemption would apply only to the principal residence and could be used only once per household.

General discussion ensued regarding the implication of the amended homestead exemption and its potential impact, if any, on the concept of tenants by the entirety. Sari moved to have the Section Council's permission to represent to the Maryland Legislature that legislation intended to increase the homestead exemption should be drafted such that it does not interfere with the concept of tenants by the entirety. The motion was seconded by Brett Weiss. The motion passed, with three abstentions. The Council instructed Sari to communicate with Richard Montgomery of the MSBA to confirm that said representation to the Maryland legislature could be done without MSBA approval.

Sari moved that she have authority to advise the Maryland legislature, subject to the aforementioned communication with Richard Montgomery, that the Section supports an increase in the homestead exemption. The motion was seconded by Richard Stolker. The motion passed with ten votes in favor, two opposed, four abstentions and one member not voting.

Brett Weiss, as a member of NACBA, advised that he had recently testified in favor of mortgage cramdowns as to principal residences. He reported that David Lynn, Tanya Kripetz, Donna Edwards and others also testified for the legislation.

#### IV. OLD BUSINESS

##### Amendments to Appendix F

Christopher Fascetta reported that he had not yet received a response from Judge Keir regarding the written proposal that had been sent to the bench in November, 2008.

##### Ocean City Program

Bud Tayman reported that the program for the presentation to the MSBA in Ocean City on June 12, 2009 continues to progress. The presentation will address how the three branches of the Maryland government are addressing the current foreclosure and bankruptcy issues. The following people are committed to speaking at the presentation – CH Duncan Keir (tentative), Doyle Nieman, Sam Gerdano, Girard Vetter, Bud Tayman. Bud also advised the Chief Judge Bell has been invited and he will inquire as to whether Steny Hoyer can attend, as well.

##### Pro Se Matters

Mary Park McLean reported that MVLS is supporting the bankruptcy Help Desk. The current roll out date is scheduled for March, 2009 with attorney

volunteering their time one day per week. Both the Court and the Bankruptcy Bar Association are donating equipment for the project.

Gerard Vetter discussed the use of software which had been purchased to coordinate the scheduling of the volunteer attorneys. There was general discussion about the issue of whether volunteer attorneys could ultimately be retained by debtors seeking assistance at the Help Desk.

Nancy Grigsby reported that the court had created a link on its website, albeit non-operational at this time, which will allow volunteer attorneys to insert their data and schedule their volunteer time for the Help Desk.

## V. NEW BUSINESS

Nancy Grigsby advised that the IRS recently attended a 341 Meeting of Creditors and outlined a new IRS policy in those cases where the debtor has a tax liability of \$5000.00 or more. The policy will mandate a zero exemption amount in the new tax year and will be placed in a letter to the debtor's employer.

Bud Tayman reported that he had been contacted by MICPEL regarding suggested continuing legal education suggestions ("CLE"). Brett Weiss advised that he and Dan Press were coordinating a Chapter 13 Plan workshop; details of the workshop will be presented at the March 10, 2009 meeting. There was general discussion concerning the type of CLE programs that could be developed.

Michael Wolff volunteered to develop a CLE for Chapter 7 and 13 matters similar to the one recently presented by the Chapter 13 Trustees.

Sari Kurland suggested that the Section better inform its constituents of its activities. In response, Alan Belsky volunteered to write a news letter and have the same placed on the Listserve.

## VI. UPCOMING MEETING DATES

March 10, 2009

April 7, 2009

May 12, 2009

June 12, 2009 (MSBA convention in Ocean City)

## VII. ADJOURNMENT

A motion was made to adjourn the meeting by Michael Cantrell. The motion was

seconded by Gerard Vetter. The motion passed and the meeting was adjourned at 8:32 pm.

Respectfully submitted,  
/s/ Michael T. Cantrell

Secretary