

**MINUTES OF
MARYLAND STATE BAR ASSOCIATION
CONSUMER BANKRUPTCY SECTION COUNCIL MEETING**

February 16, 2011
Shulman Rogers Gandal Pordy & Ecker
12505 Park Potomac Avenue
Potomac, MD

Call to Order

The meeting was called to order at 6:50 p.m. by Jeffrey Nesson, Section Chair.

Members Present

Jeffrey Nesson	David Piekarz
Sari Kurland	David Portney
Tanya Kripetz	Marc Kivitz
Richard Stolker	Antonio Aquia
Bud Tayman	Diana Theologou
R. Martin Caskey	D. Phillip Anderson
Candy Thompson	David Cohen
Wilbur W. Bolton, III	

Members Not Attending:

Douglas Gorius	Stacey Rogan
Christina Hamilton	Richard London
Stan Levinson	Mary Park McLean
Scott C I Borison	Dan Press
Kevin D. Judd	

Other Attending:

Randall Borden

Christopher Fascetta:

At the beginning of the meeting there was a moment of silence in remembrance of Christopher Fascetta. All members present said a word about Mr. Fascetta.

Mr. Nesson recommended that a donation be made to Mr. Fascetta's children's baseball organization. Ms. Kripetz suggested a donation fund towards the children's college education. There was a concern about such a fund not being substantial enough. Ms.

Thompson suggested that a bench be donated in his honor at his children's baseball park. Bill Bolton volunteered to speak to Mr. Fascetta's family regarding the park where the children play baseball. Mr. Stolker requested that an address be posted where sympathy letters could be sent to the family. Mr. Piekarz suggested that someone print the comments, which were made from the listserve and send them to Mr. Fascetta's family. Mr. Bolton suggested that the individual members write letters for Mr. Fascetta's children and Mr. Bolton volunteered to coordinate the deliver these to Mr. Fascetta's family.

Mr. Nesson suggested an annual memorial session of court to remember those who have passed. Mr. Nesson indicated that he had spoken with Judge Schneider regarding the same and it was suggested that a letter should be sent to Chief Judge Keir. Mr. Nesson indicated that he would write a letter to Judge Keir regarding the annual memorial session.

Minutes

The minutes of the Council meeting of January 18, 2011 were approved on motion of D. Phillip Anderson seconded by R. Martin Caskey.

Committee Reports

- A. Update on Consumer Bankruptcy Training Program/DAP. The faculty is complete for this program, which will be held on 3/18/11 in Greenbelt and on 4/15/11 in Baltimore. There is a conference call tomorrow to finalize plans. A survey is being circulated for DAP volunteer information. It is an anonymous survey and members are urged to complete to provide additional information to the Court on what the shortcomings of the program are. Mr. Kivitz expressed a concern over not being able to volunteer to help a debtor as an attorney. It was expressed that Judge Gordon believes that there is an ethics issue with representation of someone assisted by you through the DAP program. Mr. Nesson said that there is precedent for being allowed to self refer with Baltimore County's pro bono program. Mr. Tayman indicated that the Court may have concern over self referral as being overreaching or an appearance of impropriety due the Court's sponsorship of the program. Mr. Anderson and Mr. Cohen reiterated that they will be researching ethics opinions to determine whether there is any ethical prohibition on DAP volunteers offering to represent individuals whom they counsel.
- B. Paperless Transmissions to trustee – Mr. Nesson asked if the section wanted to take a position on this issue. Mr. Caskey suggested that the U.S. Trustee's office be approached regarding uniformity and consistency. Mr. Caskey indicated that this may be an issue of trustees trying to keep costs down. Ms. Theologou and Ms. Thompson volunteered to speak to the trustees about what information they required and in what format and will compile a list. After

which, they will approach the U.S. Trustees Office regarding uniformity on the issue.

- C. Ocean City – Mr. Tayman indicated this year’s program will be dedicated to Mr. Fascetta and a brief memorial will be had at the beginning of the session. Mr. Tayman indicated that we made the deadline to request a timeslot and have requested Friday June 10 from 11:30 to 1:30 as our first choice and 8:00 to 10:30 as our second choice. Mr. Tayman indicated that he will know the time by early next week. Topics being considered are (1) Recent Supreme Court cases and practical application (2) Update on Federal Legislation for which Mr. Tayman indicated that ABI Rep Sam Girdano may be able to speak (3) Foreclosure update for which Mr. Tayman has approached Ken MacFadyen and requested his participation and (4) Update on State Legislation for which Mr. Stolker recommended that we request Richard Montgomery as a speaker and Mr. Cohen recommended that Richard London be asked to speak on the subject. Ms. Thompson asked if David Rice should be asked to speak. There was concern about a sitting judge’s ability to speak and whether it was appropriate. Ms. Kurland expressed that she would like to see a concentration on the Homestead Exemption, it’s constitutionality, as well as its application to condominiums/co-ops and mobile homes.
- D. Budget – Ms. Kurland indicated that there is a young professional’s forum being formed for which she requested funds to be put forth as a down payment towards a function. Said funds would be returned if the function is successful enough to generate the minimum amount necessary. Mr. Stolker suggested changing the name to new professional’s forum as to not exclude persons who are new to the bankruptcy field but not necessarily young. Ms. Theologou made a motion to approve the funds. The motion was seconded by Mr. Stolker and the Motion was approved. There was a general discussion regarding restaurant meetings and King’s Contrivance. It was discussed that any restaurant site chosen must be approved by the MSBA. Mr. Tayman inquired about funds available for the Ocean City function.
- E. Not so Holiday Party – It was suggested and approved that a Not so Holiday Party will be held at Ms. Thompson’s residence on April 9, 2011 after the date was cleared of all religious holidays and conflicts of those presents. Ms. Thompson will forward more details at a later time.

Adjournment

The meeting was adjourned at 8:01 p.m. by the motion of Antonio Aquia 2nd Richard Stolker.