

Maryland State Bar Association
Consumer Bankruptcy Section
Executive Council Open Meeting
Elkridge Furnace Inn
Elkridge, Maryland
Minutes
November 14, 2006

Attendees:

J. Nesson	D. Gorius	L. Jenkins	M. Wolff
M. McLean	M. Cantrell	C. Fascetta	P. Anderson
M. Caskey	C. Krohn	D. Peikarz	R. Rogers
M. Scurti	A. Gordon		

MINUTES:

I. Call to Order

The meeting was called to order at 6:22 p.m. D. Gorius, Section President and Executive Council Chair, presided and thanked everyone for coming.

II. Review Of October 2006 Meeting Minutes

The minutes of the October 16, 2006 council meeting were reviewed by the council. Upon the motion of C. Fascetta as seconded by P. Anderson, the October 2006 meeting minutes were accepted.

III. Chair's Report

A. Maryland Bar Journal

Articles by members of our section will be as follows: A. Gordon; R. Stolker on consumer's view of bankruptcy; D. Gorius on 341 preparation; M. Kivitz; M. Scurti on how family law and bankruptcy intersect. Deadline is 1/15/07.

B. Local Rules Committee

Judge Keir has invited the BBA and our section to comment on the proposed Local Rules. The BBA contacted D. Gorius to form a joint committee. Comment period is through the end of January, 2007. B. Tayman and P. Anderson will participate. M. Cantrell already had reviewed the proposed Local Rules prior and

would be willing to start with that. M. McLean thinks Adrian VanSickle would be a good addition. J. Nesson led a discussion as to whether we are limited to proposed rules or whether additional rules can be submitted or suggested. M. Cantrell questioned whether Stephen Metz is chair of the BBA portion of the committee or the entire committee.

C. Consumer Litigation Committee

R. Grossbart suggested a possible public service announcement that it is still ok to file bankruptcy, just call an attorney!

D. MSBA CBS Website content

M. McLean voiced her concern over posting cases from other jurisdictions because no one would be keeping track of any cases being overturned, etc. We do not want to make readers think we are guaranteeing the currentness of those cases.

M. Cantrell reported that most items submitted get posted. He continued that a disclaimer was one of the first things posted on the website advising that we do not guarantee cases are current.

III. New Business

A. Future Meeting Dates/Holiday Party

There was a discussion of postponing the holiday party.

IV. Old Business

A. Fee Committee

A copy of the fee proposal summary was distributed. M. Wolff reported that at the last minute the bench required a proposal or would decide for itself. The proposal was sent to Judges Alquist and Lipp. M. Wolff summarized the proposal advising that for a Chapter 13 case, debtor's counsel fee would be \$3000 up to confirmation with no need for a fee application. Services will be disclosed on form 2016(b). The fee can be increased to up to \$4500 with an approved fee application, as long as only \$3000 is paid as an administrative expense.

D. Piekarcz advised that in today's meeting with Judge Keir, Keir hopes to have the judges and counsel on the same track for fee issues by the end of the year. The

judges are meeting at the end of November. Judge Keir's concern was the duration of the debtor's counsel's representation of the debtor. Judge Keir had a problem with the \$3000 deemed "earned." For example, what if debtor's counsel doesn't show up at 341 or confirmation hearing? Judge Keir was also concerned with the court's ability to review fees. D. Peikarz surmised that the judges will use what they have been working on in conjunction with our fees proposals and come up with final fee issues.

M. Scurti advised that we are bound by Maryland Rules of Ethics that we can only charge a "reasonable" fee. The fees will be what the market can bear, and the court can always purge a fee it deems unearned or unreasonable. A problem exists in that, although they don't, the clerks should reject pro se pleadings being filed if there is a counsel of record in the case. If the court does not want to reject the pro se pleadings, it could issue a deficiency notice to determine whether counsel is going to withdraw or represent the debtor.

A. Gordon suggested a cost of living adjustment for the set fees, so debtor's counsel are not stuck with \$4500 forever.

R. Rogers thanked the fee committee for all its hard work. N. Wolff advised he enjoyed serving on the committee.

B. Membership

M. Scurti advised we have 322 members. We have no members in the following counties: Calvert, Caroline, Dorchester, Somerset, and Worcester. The highest concentration of members is in Baltimore County, Montgomery County, and Prince George's County, and Baltimore City. We also have 34 out-of-state members from Hawaii, D.C., and Delaware.

C. CLE

There was no report from the CLE committee.

V. Adjournment

Upon the motion of D. Gorius, as seconded by R. Rogers, the meeting was adjourned at 7:45 p.m.