

Maryland State Bar Association
Consumer Bankruptcy Section
Executive Council Open Meeting
King's Contrivance
Columbia, Maryland
Minutes
October 2, 2007

Attendees:

J. Nesson	D. Gorius	M. Wolff	L. Jenkins
M. McLean	P. Anderson	M. Caskey	D. Piekarz
M. Cantrell	H. Ammerman	T. Aquia	R. Stolker
L. Robinson	B. Tayman	L. Margulies	C. Krohn
R. Rogers			

MINUTES:

I. Call to Order

The meeting was called to order at 6:10. M. Wolff, Section President and Executive Council Chair, presided and thanked everyone for coming.

II. Review of September 4, 2007 Baltimore, Maryland Meeting Minutes

The minutes of the September 4, 2007 council meeting were reviewed by the council. Upon motion by R. Stolker, seconded by C. Krohn, the September 4, 2007 minutes were accepted.

III. Chair's Report

A. Consumer Bankruptcy Section Committees

M. Wolff introduced the leaders of each of the Section's Committee's. He noted that the purpose of appointing a Section leadership is purely to ensure that certain individuals have primary responsibility of reporting to the Council on the Sections progress and goals. Otherwise, M. Wolff's view is that the Council as a whole may participate where-ever interested.

B. Section Appointments:

- Membership: D. Gorius
- CLE-S. Levinson, B. Weiss, M. McLean, P. Anderson
- Social- T. Kripetz; D. Gorius; C. Krohn.
- Pro Bono-M. Scurti
- Nominating – R. Rogers; L. Jenkins; S. Robinson
- List serve and Website- M. Cantrell
- Annual Convention/CLE-B. Tayman; L. Jenkins
- Liaison – C. Fascetta; M. Cantrell; L. Margulies
- Local Rules – M. Cantrell; L. Margulies
- Legislative – R. Stolker

IV. Bar Bulletin:

Deadline of September 25, 2007 had passed. M. Wolff noted that a notice requesting applications for appointments to the Consumer Bankruptcy Section Council had been placed in time for the October Bulletin.

V. Bench Initiatives

M. Wolff indicated that he had communicated the Sections concerns regarding fees and liability with Judge Catliota in discussion on the Pro Se initiative. Judge Catliota and M. Wolff agreed to discuss matters further in the future.

VI. Web Site Issues

M. Cantrell proposed that he use a “negative notice” system for approval in adding materials to the web site. In other words, he would notify council members of any possible “uploads” with a response deadline. If no objections were noted by the response deadline, he would assume that the proposed “upload” had been approved. All present concurred with M. Cantrell’s proposal.

VII. New Business

a. Expiration of 50% of Existing Council Member Terms

R. Rogers expressed concern about the fact that ½ of existing section member terms were due to expire at the conclusion of the fiscal year in July. The Council decided to send a Section-wide solicitation for new members. Key in the decision was the desire that the Council be viewed as democratic, open to all Section members and avoid the appearance of voting itself on and on.

b. Form Plan effective November 1, 2007

B. Weiss introduced the new Form Plan and described highlighted changes:

New Local Rule 3007-2 provides that:

In cases under chapter 13, the holder or servicer of any secured claim must notify forthwith the Debtor, the Debtor's attorney, if any, and the Chapter 13 Trustee of changes in the amounts of future payments caused by changes in the interest rate, taxes, insurance or other sums required to be placed in escrow, and the effective date of the change.

The Plan itself has been changed in three principal respects (new language appears in italics):

1. (Paragraph 2b) Administrative claims under 11 U.S.C. §507(a)(2), including attorney's fee balance of \$_____ (unless allowed for a different amount by an order of court).
2. (Paragraph 4--New) *Payments made by the Chapter 13 trustee on account of arrearages on pre-petition secured claims may be applied only to the portion of the claim pertaining to pre-petition arrears, so that upon completion of all payments due under the Plan, the loan will be deemed current through the date of the filing of this case. For the purposes of the imposition of default interest and post-petition charges, the loan shall be deemed current as of the filing of this case.*
3. (Paragraph 5 [formerly Paragraph 4]) Secured Creditors *who are holding claims subject to cramdown* will retain their liens until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or discharge under § 1328; and if the case is dismissed or converted without completion of the plan, the lien shall also be retained by such holders to the extent recognized under applicable nonbankruptcy law.

This fixes the problem with some secured creditors objecting to Plans due to a conflict between the former language and the Code.”

c. Attorney Fees and Appendix F to the Local Rules:

General discussions regarding the problems presented by the Local Rule and interpretations regarding the Local Rule. The Liaison Committee was charged with generating ideas on how to address bar/section concerns about attorneys' fees and the resulting impact on the consumer bankruptcy practice.

d. Brown Bag Lunches – Greenbelt division.

Open discussion. M. McLean solicited some topics and volunteers from the Council.

e. Christmas In April:

B. Taymen presented that idea of Council/Section participation in the Christmas in April program but declined the lead the initiatives. General

consensus was that individuals could and were pursuing such interests on their own.

VIII. Adjournment

Upon motion by C. Krohn, seconded by L. Robinson, the meeting was adjourned at 8:10pm.