**Minutes of MSBA Consumer Bankruptcy Section Council Meeting**

**October 4, 2017**

**Offit Kurman – Maple Lawn, MD**

**OPEN MEETING**

**Call to Order**

The meeting was called to order at 6:45 P.M. pm by the Section Chair, Terri Lowry

The following were present:

Tiffany Franc Phil Anderson Dan Press

Richard Stolker Wayne Clark Gerard Vetter

Nancy Grigsby Fred Nix Keith Blair

Leslie A. Pladna Diana Theologou Michael Wolff

David Mintz Jeff Nesson Jeanne M. Crouse

Tim Sessing Terri Lowry Lindsay Rausch

Hon. Tom Catliota Bud Tayman Scott Robinson

Justin Fasano Robert Thomas Richard London

Rasneek Gujral John Schropp

**Introductions**

Welcome remarks from Section Chair, Terri Lowry.

Names and practice areas of all attendees were announced.

**Remembering Mary Park McLean**

**Guest Speakers**

1. **Gerrard Vetter, Assistant U.S. Trustee**
   1. Ed Goldber retired – will not be replaced due to financial restraints
   2. Ethics: CoA added Comment 12 to Rule 19
      1. Medical Marijuana is legal in MD, but still illegal for Feds
      2. Attorneys may counsel on businesses that are involved in the trade, but must counsel on legal ramifications
      3. UST says that marijuana assets (bi-products, plant, salary, ownership interests, income from lease to a business, etc.) cannot be part of the estate
      4. There is possibly a law that bans DoJ from enforcing federal laws on marijuana on medical marijuana in states where it’s legal – Dan Press to discuss with Gerrard
      5. 10th Circuit says can’t use bky law to break federal laws
   3. Mortgage Services: being monitored by UST
      1. Chase sent incorrect amounts and on the wrong days
      2. Investigations continue
   4. Criminal Cases
      1. Ch 7 debtor convicted in Baltimore, fabricated loan documents to substantiate embezzlement, 36m in prison, restitution of $500k, partner still to be sentenced
      2. SSN fraud – used false SSN in bky case
2. **Judge Thomas Catliota, U.S. Bankruptcy Court, Greenbelt**
   1. National Chapter 13 plan – local plan is OK, but must conform
   2. Committee formed in March to decide if MD will stick to national p-lan or have a local plan
      1. Decided on local plan
   3. New plan was out in April and has been out for comment since April
      1. Different plan format, but substance is mainly the same
         1. Attorney can get paid prior to domestic obligation if on Appendix F fee, otherwise on par
         2. Allow evaluation of assets of plan, new rule for it, motions procedure
      2. Notice & Service
         1. We are evaluating
         2. We are evaluating and we served x, y, z
   4. Comments came back on September 13, 2017
      1. 180 days for deficiencies doesn’t work in PG (foreclosure) amended PoC – need to file MfR to extend
      2. Timing questions – file a case prior to December 1, 2017 and then amend, so which plan to use? – still needs to be figured out and will allow bar/bench to figure out as we go
      3. Will BestCase be updated? - Will try to incorporate all 50 plans into software, software companies have a copy of the plan, but still take a good look at it anyway for glitches
      4. New form will be available on trustees’ website as PDF
      5. Will there be standard language that all trustees will accept? - Should be taken care of
   5. Training will occur after adoption - hopefully at the end of October
3. **Comments from Judge Lori Simpson, U.S. Bankruptcy Court, Greenbelt**
   1. Please get to hearings on time
   2. Remove cases from the docket (if you are going to) 24 hours in advance
   3. Check rules for strip downs
   4. Seeing very well prepared arguments and cases, as a whole

**Prior Minutes**

Prior meeting minutes of the Spring Banquet were unavailable.

**Chair’s Report**

1. **Judge Michelle Harner**
   1. just took the bench
2. **Alan J. Belsky Award**
   1. Mike Wolff announced that this award was given to Richard Stolker at the Spring Banquet
3. **BBA’s Traning Seminar scheduled for October 13, 2017**
   1. 7:30 AM is registration
   2. This is a basic training, not set up for experienced practitioners
   3. Not training on the Ch 13 plan

**Committee Reports**

1. **Brown Bag Lunch Presentations**
   1. Call for volunteers – Jeff Nesson and Lindsay Rausch volunteered to work on this
2. **Newsletter**
   1. Call for volunteers – Tiffany Franc volunteered to work on one for the Fall
3. **Ocean City Presentation**
   1. HoA presentation this year
   2. David Polisheck from the Tax Section requested a joint presentation this year
   3. Bud Tayman and Dan Press volunteered
      1. Dan Press does not wish to be chair
      2. Bud volunteered to be chair
4. **Treasurer’s Report**
   1. John Schropp gave the numbers that he has
5. **Legislative**
   1. Orientation is in January
   2. Will follow developments in foreclosures and consumer protection
   3. Previously tried to push financial literacy
   4. Two years ago took down proposed law to regulate debt consolidators that did away with attorney exemption
   5. Attorneys represent the system as a whole so we are supposed to stay neutral
6. **Board of Governors**
   1. Goal this year is to bring the value of MSBA membership to the members
      1. Richard Montgomery may come out to a program or a meeting
      2. Lawyer assistance
      3. Assisting young lawyers with nuts & bolts programming
   2. What benefits are other sections taking advantage of? What are their issues? – We overlap other areas of law and we should cooperate with them and take more of a leadership role

**New Business**

1. **Mediation Panel** 
   1. Judge Harner wants a discussion on mediation in bky matters
   2. Possibly collaborate with MSBA Business Law Section and Mediation Section
2. **E-mail or address changes**
   1. Rasneek Gujral wants to know if there have been any changes, so we can update the listserve
3. **Next meeting is October 24, 2017**
   1. Open meeting
   2. Locations to be announced by e-mail