**Bankruptcy Court Liaison and Local Rules Committee Meeting**

December 11, 2019

1. Liaison Committee: meetings and members
2. Feedback from attorneys regarding the new Uniform Procedure for Doomsday Order and forms
3. The court invites any considered suggestion on reforming its procedures no matter how long-standing an existing procedure may seem
4. Rules: initial areas of focus:
   1. Revisions to the chapter 13 plan form
   2. “Supplemental claims” and payment through a chapter 13 plan
   3. Subchapter 5 of chapter 11
   4. Proposals for revisions to Local Rules from bar
   5. Forms: court is reviewing forms on its website. Ideas for revisions or additional forms invited
5. Create subcommittees for review
   1. Handbook / Wiki Committee
   2. Chapter 13 subcommittee
      1. Changes to plan form
      2. Potential rule requiring for all special provisions a description of the purpose and effect of the provision as related to the debtor’s individual circumstances.
      3. Address Rule 3002.1/supplemental claim problem
      4. L.R. 4001.1
         1. L.R. 4001.1(4) requires an affidavit from the mortgage servicer in support of a motion for relief. The rule requires the affidavit even if the debtor is surrendering the property.
            1. Perhaps that rule could begin “Unless the debtor has indicated the intent to surrender the real property in question, the moving party also must file with the motion …”
         2. L.R. 4001.1(4)(C)requires a complete payment history attached to/incorporated in the mortgage servicer’s affidavit “unless the motion is based on a plan-payment default”. But what if the motion for relief is based on the debtor’s failure to pay taxes and/or insurance or something other than the failure to make monthly mortgage payments? There is no exception for that.
            1. Proposal: change the current exception to “… unless the motion is based only on grounds other than the debtor’s failure to make one or more periodic post-petition payments to the moving party.”
      5. Potential changes to confirmation procedures:
         1. Proposal 1: debtor required to file a response to an objection to confirmation within 7 days and, if no response, objection will be sustained. If there is a response, then the debtors would self-schedule hearings on Trustee objections. The court would schedule hearings on creditor objections.
         2. Proposal 2: if a plan amendment follows an objection to confirmation, then the amended plan is deemed to supersede the previous plan, the objection to confirmation will be deemed moot, and the hearing canceled.
         3. Proposal 3: set confirmation hearing deadline from close of meeting of creditors?
         4. Other?
      6. Revise Local Rule 1007.2 to account for the situation where the debtor files her case early in the year and the tax returns for the preceding year are not yet due.
      7. Require explanation when plan contains special provision.
      8. Set a deadline to file objections to proofs of claims.
   3. Chapter 11 subcommittee
      1. Revisions to rules to accommodate subchapter 5 cases.
      2. Rule setting a proof of claim deadline in Chapter 11 cases.
      3. Draft a local form for notice of proof of claim deadline in chapter 11 cases.
      4. Rule requiring consolidated matrices in jointly administered cases.
      5. Other ideas?
   4. General Rule revision subcommittee
      1. Revise Local Rule 9013 to require objections (as well as motions) to state a legal basis.
      2. Local Rule to implement a procedure under Rule 1004.1 to demonstrate proof that a debtor is incapacitated or a minor when seeking to file bankruptcy.
      3. Local Rule requiring 14-day notice period for motions for relief and prohibiting a creditor from providing a longer notice period (address requests for relief from the co-debtor stay, which require longer objection periods).
      4. Redaction:
         1. Ensure consistency w/ amended Rule 9037.
         2. Create a rule that states that a filer gets one chance to correct their error, pay the fee, file a proposed order and file the redacted document. If the filer fails to comply within 30 days after the court issues a notice to the filer, then the court will strike the document and the document will be treated as if it had never been filed. This would apply to all documents, even proofs of claim or other documents which have strict deadlines.
      5. Create a new rule governing the timing of pre-confirmation amendments in Chapter 12 cases.
      6. Incorporate the recent revision to Section II.F of the Administrative Procedures into Local Rule 1007.
         1. Section II.F of the Administrative Procedures states as follows: **Creditor Matrix.** Whether filed conventionally or electronically, the creditor matrix must be prepared and filed in accordance with LR 1007 and the Appendix to the Local Rules - Requirements for Filing a Master List (Matrix). A debtor who amends Schedules D or E/F to add or change creditors or creditor addresses must also file a supplemental matrix, listing only the new creditors and addresses. Paper matrices are only accepted in extenuating circumstances in accordance with the Appendix to the Local Rules.
      7. New Local Rule limiting audio and video recording. The new Rule would be broader than District Court Local Rule 83(a)(1).
      8. LR 5005.1 requires a party that e-files a document that requires an original signature to keep the wet ink original for five years. In the age of mandatory e-filing and electronically signed notes, mortgages and other documents, is this rule necessary or even relevant?
         1. Proposal: remove this rule entirely. There doesn’t appear to be a similar requirement in the Federal Rules, the Western District or Wisconsin statutes.
            1. However, see section 801.18(9)(L), Wis. Stats: “… Copies of documentary exhibits so imaged may be discarded as provided in SCR 72.03 (3). If inspection of the original document is necessary to the court proceeding, the court may order that the original document be produced.” Not sure how to reconcile those two sentences.