

Bankruptcy Court Liaison and Local Rules

Chapter 11 Subcommittee Committee Meeting

January 9, 2020

1. Call to order, introduction of Chapter 11 subcommittee members
2. Revisions to rules to accommodate subchapter V cases.
 - a. Need a local rule or general order to adopt the interim rules.
 - b. Need to establish a procedure for holding the status conference required under 11 U.S.C. sec. 1188(a). Should we create a local rule for this or have each individual judge handle it?
 - i. Perhaps a local rule requiring the debtor's attorney, upon filing a subchapter V case, to call the court with the subchapter V trustee within one business day after the appointment of the subchapter V trustee to schedule the status conference?
 - a) The subchapter V trustee is required to appear and be heard at this status conference. See §1183(b)(3).
 - b) In addition, senior management personnel of the debtor must also appear. See §1187(b) and §1116(2).
 - c) Consider whether to draft a Local Form for the report required by §1188(c).
 - ii. Who else should be required to attend? Should this be in-person? Telephone?
 - c. Draft a rule requiring the debtor's attorney and the subchapter V trustee to call together and obtain a hearing date on confirmation of the subchapter V plan right before the plan is filed?
 - i. Should the local rule also state that the court will set the Interim Rule 3017.2 deadlines at that same time? Perhaps the debtor's attorney and the trustee should call to get the hearing date and then

the debtor would file an order setting the hearing on confirmation, the deadline to object, the deadlines to vote, etc.

- d. Draft a Local Rule setting a deadline to make a §1111(b) election in a subchapter V case? (Rule 3014 doesn't apply here because it sets the deadline as the date for the approval of the disclosure statement).
 - i. Create a rule to govern the timing of periodic reports required by 11 U.S.C. §308?
 - ii. Consider whether to draft a Local Form for the notice of substantial consummation required by §1183(c).
 - iii. Need to review all current local rules governing chapter 11 cases to see whether they need to be further revised to accommodate subchapter V.
 - iv. Consider whether to set a deadline for filing proofs of claim/proofs of interest in subchapter V cases. This deadline would likely be shorter than one set in a regular chapter 11 case.
3. Rule setting a proof of claim/proof of interest deadline in non-subchapter V/non-small business Chapter 11 cases.
4. Draft a local form for notice of proof of claim/proof of interest deadline in chapter 11 cases.
5. Rule requiring consolidated matrices in jointly administered cases.
6. Other business?