# **2019 Local Rules/Liaison Committee – First Meeting**

## Minutes

December 11, 2019

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| Present: | Hon. G. Michael Halfenger, Chief Judge, Hon. Beth E. Hanan, Hon. Brett H. Ludwig, Hon. Katherine M. Perhach, Janet Medlock, Sean McDermott, Michael Keepman, John Menn, Rebecca Garcia, Andrew Golanowski, Laura Steele, Natalia Kushnir, David Asbach, Ruben Castillo, Alyssa Gemein, Jamie Miller, Todd Esser, Michael Holsen, Shay Agsten, Kyle Knutson, Scott Lieske, Kris Trapp, Emily Breslin, Jay Pitner, Scott Nabke, Ben Payne, Jerry Kerkman, Michael Maloney, Tim Hassell, Meaghan Burnett, Matthew Comella, Bill Nickolai |

1. Introductions.
2. Feedback regarding new Uniform Procedure for Doomsday Order and forms.

Judge Halfenger pointed out that at least one of the form orders denying the trustee’s affidavit of default did not contain a statement withdrawing the trustee’s affidavit. There may be more.

There was a discussion about making the doomsday forms and procedures more accessible on the court’s webpage.

Resolving affidavits of default: Due to the short 7-day period to reach an agreement and file a stipulation and order with the court, there was a suggestion that it may be best to send an email (flag as urgent) to the chapter 13 trustees or creditors with a stipulation containing the terms of a proposed agreement to resolve the default. Calling is ok too, but it is recommended to have a stipulation ready to send to the trustees or creditor.

Trustee Lieske proposed deleting the “10-day” language in doomsday orders. There was general agreement that, as currently written, the language may give some debtors the false impression that there is a 10-day grace period. There was also some discussion about replacing this language with something else (e.g., replace “mail” with “make” or “remit”).

**3. Other forms on court’s website.**

Judge Halfenger discussed the possibility of forming a group that would review the court’s local forms to see if any should be changed or deleted.

**4. Entry of discharge after chapter 13 trustee’s notice of final cure.**

A concern was raised that the clerk’s office was waiting 60 days from the trustee’s notice of final cure before entering a discharge. Sean McDermott reiterated the clerk’s office’s policy that the discharge is entered if no response to the notice of final cure is filed within 30 days. There was a suggestion to add a “check box” to the notice of final cure indicating that there were no mortgage payments in the plan. That way, a discharge could be processed and entered immediately.

**5. Eastern District Bankruptcy procedures handbook.**

There was discussion about putting together a group to create a procedures handbook like the one in the Western District. Several people expressed interest, but this was tabled for now.

**6. General topics to be discussed.**

Chapter 13

- Suggestions about changes to the local plan form should be submitted to the trustees.

- Rule requiring the description and effect of special provisions in chapter 13 plans.

- Address 3002.1/supplemental claim problem.

Chapter 11

- The court welcomes suggestions for changes to the local rules to accommodate the upcoming implementation of subchapter V of chapter 11 (Small Business Reorganization Act of 2019).

General local rules changes/additions

- Creation of local rule for instances when no response to an objection to exemption is filed.

- Change in the local rules to not require an affidavit from mortgage servicer or payment history to be filed with a motion for relief from the stay where the debtor intends to surrender the property.

- Modify the local rules to conform with the new national redaction rule (Bankruptcy Rule 9037).

**7. Subcommittees – first meetings**

**Chapter 11 subcommittee**: January 9, 2020, at noon in Room 190 of the Milwaukee Federal Courthouse.

**Chapter 13 subcommittee:** January 15, 2020, at noon in Room 190 of the Milwaukee Federal Courthouse.

**General Rule revision subcommittee:** January 15, 2020, at 1:00 p.m. in Room 190 of the Milwaukee Federal Courthouse.

**Handbook/wiki subcommittee:** circulate ideas by email for now.

Another general meeting of the Local Rules/Liaison committee will be scheduled and announced sometime after the subcommittees initially meet.