

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

Local Rules Advisory Committee Meeting
Friday, February 22, 2002

Minutes

1. Attendees:

Karla K. Poe
Jim Askew
Doug Vadnais
James E. Burke
Margaret Grammer Gay
Rebecca Wardlaw
Karen Bradley
(Gerald Velarde told Jim Burke he would be unable to attend)

2. Reviewed various suggestions:

- A. Elimination of local rules now adopted as Federal Rules of Bankruptcy Procedure, e.g., NM LBR 1020-1 (Chapter 11 Small Business Cases – General), NM LBR 2007.1-1 (Trustees and Examiners [Ch. 11])
- B. Change NM LBR 1002-1 (Petition – Disclosure of Non-filing Spouse) to require the disclosure of a non-filing spouse at the time of entry of an order granting an involuntary petition, in addition to the current requirement upon filing of a voluntary petition
- C. Need to refine NM LBR 7054-1 (Costs – Taxation/Payment). It was suggested that we check with the Administrative Office of the United States Courts (AO) to see if they might be able to provide some examples of workable rules on this topic.
- D. Margaret Gay will present some draft proposals from the Clerk's Office
 - (i) Eliminate reference to December 1, 1993, amendments in NMLBR 7026-1 (Discovery – General)
 - (ii) Replace general orders related to electronic filing and service with rules or procedure if /as appropriate
 - (iii) Add heading/titles to subparts 1-3 of NM LBR 9013-1 (c) for clarity and ease of reading
- E. Remember that we need to use the Uniform Numbering guidelines
- F. We need to review the procedural requirements of FED. R. BANKR. P. 9029, the local rules of the United States District Court (NM), and 28 U.S.C. § 2071
- G. The need for NM LBR 9021-1 (c) (Final Judgment Based Upon a Negotiable Instrument) was discussed. Various state statutes apparently require this approach.

- H. References to the Federal Rules of Bankruptcy Procedure need to be consistent throughout.
- I. The rules should contain cross-references to sections in the Clerk's Practice and Procedure Guide.
- J. We should review past Notices to Practitioners to see if any call for changes to rules.
- K.. Jim Burke will review the Court's miscellaneous docket sheet to see what general orders exist (in addition to those regarding electronic filing and service); they need to be reviewed to determine if any suggest changes to the rules.

3. Additional thoughts:

- A. The committee should seek input from the Court's Chapter 13 Committee.
- B. We should set up subcommittees as needed.
- C. We should poll the Bankruptcy Law Section to solicit suggestions. Doug Vadnais will prepare the document; Jim Askew will be the recipient of comments.
- D. The rules should also include cross-references to the Federal Rules of Bankruptcy Procedure and to statutes.
- E. Current procedures and practice should be reviewed to determine that there is no inconsistency between them and the rules
- F. The committee should seek a charge from the judges – are there particular issues about which they may be concerned? Jim Burke will do this.
- G. Margaret Gay will make arrangements to put committee information (members, addresses, etc.) on the Court's website.
- H. Jim Burke provided each person with a CD which contains a compendium of local rules from across the country. We will review them to see if anything appeals.

4. Next Meeting:

The next meeting will be on Friday, March 22, at 12:00 noon, in the 2nd floor Satellite Training Room, 421 Gold Avenue SW.

A regular meeting time was established as the 4th Friday of the month at 12:00 noon.

Margaret Gay will distribute the minutes and notice of the next meeting.

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