Minutes of the Bankruptcy Bench Bar Committee
Topeka Bankruptcy Clerk's Office
November 4, 2016

Members Present:	Hon. Dale L. Somers, Judges Representative Emily B. Metzger, Chair Jordan Sickman, U.S. Trustee's Office Bill Griffin, Chapter 13 Trustee January Bailey Scottie Kleypas Eric Lomas David Lund Jill A. Michaux Luke Sinclair
Court Staff Present:	David Zimmerman, Clerk of Court (temporary Chair) Stephanie Mickelsen, Chief Deputy Clerk
Members Absent:	Christopher Redmond, Chapter 7 Trustee

Emily Metzger conducted the meeting and all attendees introduced themselves. The Committee had approved the minutes of the previous meeting via e-mail and the minutes are posted on the Court's public website.

Old Business

A. *Proposed Amendment to LBR 9027.1(b): Should LBR 9027.1(b) be amended to clarify the deadline to file and serve a motion to remand a case previously removed to Bankruptcy Court?*

David Zimmerman shared the research provided by Andrew Nazar since the May 2016 meeting:

> Reviewing the timelines for a motion for abstention - local rules do not set a deadline. Some jurisdictions do by local rule (typically 21 days), but we don't. To the extent removal was based on 1441 and not 1452, 28 USC 1447(c) MAY apply a 30 day time limit, but that is greater than the 21 days being proposed, so no danger there.
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> There is no set time limit for a motion to abstain but under 28 USC 1334(c) it must be timely made. In the 10th Circuit, the BAP has addressed this in *In re Midgard Corp.*, 204 B.R. 764, 776 (10th Cir. BAP 1997) stating - "Given this lack of direction in the statute and applicable rules, it has been held that "a party acts in a timely fashion when he or she moves as soon as possible after he or she should have learned the grounds for such a motion." *Novak*, 116 B.R. at 628 (citing cases)."

Given that flexible approach embraced by the BAP, I don't think we need to tie motions to abstain to removal in a local rule and the produced amendment will be fine.

The Committee considered and unanimously recommended that LBR 9027.1(b) be amended to say "A motion to remand under Fed. R. Bankr. P. 9027(d) must be served within 21 days following the filing of the notice of removal."

B. Proposed Amendment to LBR 5005.1, Appendix 1-01, Section VI (Sealed Documents)

David Zimmerman informed the Committee that during the May 2016 meeting, the Committee favored an amendment to the administrative procedures governing sealed documents and asked the Clerk to draft sample administrative procedure language that would generally require motions to seal and sealed documents to be filed and stored electronically rather than in paper (as the current administrative procedures require). In June 2016, the Bankruptcy Judges agreed in principle to change the Local Bankruptcy Administrative Procedures in favor of a procedure in which parties would electronically file motions to seal, electronically submit proposed documents under temporary seal, and electronically store sealed documents in CM/ECF. They directed the Clerk to draft a proposed rule and to invite comment from the Committee. David Zimmerman summarized the procedure by which the Bankruptcy Court adopts rule changes. Time sensitive changes to the local rules can be implemented on a temporary basis in the form of a Standing Order. More formal rule changes are drafted and then published for public comment during a 30-day period in November and December, comments are reviewed by the Judges, the rule may be revised if necessary based on comments received, and if adopted by the Court the rule becomes effective the following March 17. David Zimmerman then provided the following as a discussion draft of a change to Section VI of Appendix 1-01 to LBR 5005.1 (Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means). It was modeled after District Court's D. Kan. Rule 5.4.6.

VI. Sealed Documents

A. *Motion.* Unless the exception in Section I.C of these Administrative Procedures applies, a person filing a motion for leave to file under seal must file the motion electronically, under temporary seal, using the "Seal" event in the Electronic Filing System.

B. *Exhibits.* The motion for leave to file under seal must attach as a separate sealed exhibit each document the movant requests to be filed under seal. If the movant seeks to file a non-document item (e.g., a computer hard drive) under seal, the motion for leave to file under seal must attach as a separate sealed exhibit a document containing a description of the item to be filed under seal.

C. *Order Granting Leave.* If the court grants the motion for leave to file under seal, the assigned judge will electronically enter an order authorizing the document or item to be filed under seal. Unless the law provides otherwise, the assigned judge will also direct the Clerk to grant access to all attorneys who have entered an appearance in that case (if such attorney's appearance has not been terminated) to view the sealed documents or items in that case (unless access was previously granted). If the court

grants the motion for leave to file under seal, the filing party must file a document under seal using the "Seal Approved" event in the electronic filing system and must file a non-document item under seal by delivering it physically to the Clerk's Office.

D. *Provision to Other Parties.* Except to the extent an order limiting notice or an order expanding the scope of notice directs otherwise, the movant must provide the following to all parties who have entered an appearance or filed a request to receive notice in the specific bankruptcy case or the specific adversary proceeding in which the motion was filed:
    a. The motion, and a copy of each document it requests to be filed under seal, at the time the motion is filed, and
    b. A copy of each sealed document, at the time the movant files it after the court granted the motion under seal.
    c. The movant cannot rely upon the court's electronic filing system to serve a copy of the motion or exhibits to any recipients, even if recipients would normally be sent electronic notice automatically.
E. *Originals.* The Clerk will electronically file, under temporary seal, motions for leave to file under seal and exhibits that are received in paper form. The Clerk may then destroy the paper originals unless the movant retrieves the paper originals between 35 and 65 days after the paper originals were filed. The Clerk will retain a non-document item filed under seal until the court orders its release or destruction.

The Committee made a number of suggestions and raised concerns. It was suggested that paragraph A be amended to state that the motion for leave to file under seal must be filed electronically in the Electronic Filing System. It was further recommended that motions to file under seal should be public, and that the materials that the movant seeks to have placed under seal should be filed under temporary seal and made available only to the court until the court rules upon the motion. In response to the concern that attorneys might inadvertently attach sealed documents to the motion for leave to file under seal, it was suggested that paragraph B specifically state that documents that the movant requests to be filed under seal should not be included in the electronic file containing the motion. It was further suggested that the CM/ECF dictionary event include instructions in bold red lettering saying filers should not include in the motion to seal the materials that they seek to file under seal, and further emphasizing that the materials should be filed as a separate exhibit to the motion to seal. It was also suggested that a motion for leave to file under seal should be required to specify and justify who should and should not be permitted to view the sealed documents or items in the case if the motion to seal is granted. There were questions about paragraphs C and D, specifically who should be given access to the sealed material when the motion to seal is granted, who should receive notice of the motion, and whether an objection deadline had to be included with notice of the motion. It was noted that bankruptcy proceedings may have many more interested parties than a civil case in which the plaintiffs and defendants would typically receive copies of the sealed materials that were not available to the public.

One Committee member also recommended that the rule be restructured to provide step-by-step instructions about how to file a motion and sealed documents, similar to the way the rule governing an extension of the automatic stay is structured.

The Committee decided that Scottie Kleypas and David Zimmerman will work together to redraft the proposed rule and will circulate it to the Committee for further review and comment.

C. Review of LBR 1007.1(a)(2) (documents that must not be filed as attachments to the petition) – Report of subcommittee members Jill Michaux and David Zimmerman

David Zimmerman reported that he had reviewed LBR 1007.1(a)(2) with the Bankruptcy Court Clerk's Office Management Team and recommended no further editions.

Jill Michaux will review LBR 1007.1(a)(2) and will raise the topic if she finds any changes that need to be made. Otherwise, this item will be dropped from future agendas.

D. Review of Proposed Changes to LBR 2016.1 (dealing with compensation of professionals) – Report of subcommittee members Bill Griffin, Jill Michaux and Andrew Nazar

The Committee considered expanding the scope of LBR 2016.1 to include Chapter 7 and Chapter 13. The operative question is whether notice must be provided to the entire matrix or to a lesser list. Jill Michaux reported that Andrew Nazar's research suggested that limiting notice by local rule would be difficult, but she explained that at the national level the noticing project includes a pending proposal that notice be limited to claimants.

The Committee decided to table further discussion to see what happens at the national level.

E. Report of the Local Chapter 13 Form Plan Subcommittee

Judge Somers reported that a Chapter 13 Form Plan Committee was formed, and Judge Berger appointed as Chair. Eventually, a revised version of the local Chapter 13 Plan form will be presented to the Bench Bar Committee for review, probably by May 2017 in order to be ready to take effect by December 1, 2017. Jill Michaux reported that the National Rules Committee will meet on November 14 to vote on adoption of national rules governing a national Chapter 13 Form Plan. The draft rules propose that a district can opt out of the national form plan by adopting a local form plan that conforms to the draft rules. Action by the local Chapter 13 Form Plan Committee was delayed until the content of the national rule changes becomes clearer, but it is expected that our court will move fairly quickly after the November 14 meeting results are known. In the first week of January 2017, the draft rules are expected to be reviewed by the Standing Committee, then they will be presented to the Judicial Conference, the Supreme Court, and then to Congress before taking effect on December 1, 2017. The expectation is that our existing local Chapter 13 Plan form already conforms in large part with those requirements but will need some changes to conform to the draft rules.

New Business

F. *LBR 5005.1, Appendix 1-01, Section II.C (Limited Use Eligibility): In addition to unambiguously allowing Limited Users (i.e., non-attorney filers permitted to file certain documents electronically in CM/ECF) to file a Change of Address, should the provisions governing Limited Users also be amended to correct the phrase "notice of transferred claim" to say "transfer of claim"?*

David Zimmerman explained that Limited Users are people to whom the court has granted limited filing rights in CM/ECF to file certain types of documents identified in LBR 5005.1, Appendix 1-01, Section II.C. The Judges have interpreted Appendix 1-01 to be sufficiently broad to allow Limited Users to electronically file a Change of Address. The Judges also indicated that, during the next Local Bankruptcy Rules update, Section II.C of Appendix 1-01 should be amended to explicitly include "changes of address" to remove any ambiguity that a Change of Address falls within its scope. David Zimmerman also recommended changing the phrase "notice of transferred claims" to "transfers of claims" because the Clerk is technically required to give notice of the transferred claim after the party files a transfer of claim per Rule 3001(e)(2) and (e)(3) and (e)(4)).

The Committee unanimously recommended that LBR 5005.1, Appendix 1-01, Section II.C should be amended as follows:

> **C. Limited Use Eligibility. Limited Users without counsel may register as Filing Users of the court's electronic filing system for the sole purpose of filing claims, ~~notice of transferred~~ transfers of claims, reaffirmation agreements, requests to receive notices, withdrawal of claims, changes of address, and notices of completion of an instructional course concerning personal financial management pursuant to Fed. R. Bankr. P. 1007(b)(7).**

G. *Motion for Judgment on the Pleadings: Should LBR 9013.1, 9013.2 or 7056.1 be amended to state whether a motion for judgment on the pleadings may be supported by a brief or memorandum?*

Jordan Sickman questioned whether the Local Bankruptcy Rules should say that a brief should be filed when filing a motion for judgment on the pleadings under Rule 12(c). Local rules generally prohibit briefs related to non-dispositive motions unless required by the court. LBR 9013.2(d). Local rules also indicate that briefs should be filed on a dispositive motion. LBR 7012 might be clarified to say that a brief should be filed if filing a motion for judgment on the pleadings.

It was noted that a motion for judgment on the pleadings is a dispositive motion. There was a discussion that LBR 7012.1 and LBR 7056.1 have specific rules governing briefs on motions to dismiss and motions for summary, but no rule specifically governs a motion for judgment on the pleadings.

Jordan Sickman volunteered to investigate ways to harmonize the rules governing dispositive motions.

H. Proposed Amendment to LBR 1007.1

January Bailey suggested that LBR 1007.1 is hard to read and asked whether it could be shortened or organized in table format. Based on the earlier discussion about this rule (*see* above), all of the documents need to remain in the list. Furthermore, the order of the documents should appear in Form number order, as the rule currently lists the contents.

January Bailey also queried whether the title of LBR 1007.1(b) "Creditors' Schedules" refers to the matrix. She suggested that if so, then the contents of that subsection is fine, but if it refers to actual schedules E and F then the wording should be modified. The title "Creditors Matrix" was suggested as a possible alternative for this section.

January Bailey will draft a table that reformats the contents of LBR 1007.1(a) will review LBR 1007.1(b) and propose some modified language.

I. Proposed Amendment to LBR 1009.1: When a schedule is amended, must the change appear on an official form, or can the change be noted on a document in pleading format?

January Bailey recommended that changes and supplements to previously filed schedules, such as an additional creditor or disclosure of a post-petition inheritance, should be permitted to be filed in pleading-type format rather than on an official form. Judge Somers shared his personal preference that changes be listed in pleading form rather than on the official form, particularly if the supplement or amendment also includes all of the original information. It was noted that there is no official form governing disclosure of post-petition property, but there is litigation pending around the country about that issue. Committee members observed that when amended or supplemental disclosures must be verified, the debtor could add a signature to a pleading-style document to make it a verified document. Judge Somers asked how use of the form versus a supplement or amendment in pleading format would impact the Clerk's Office. David Zimmerman noted that as long as the filer uses the correct dictionary event then collecting the proper fee (if one is applicable) should not be a problem.

David Zimmerman will check to see if there is any adverse impact on the Clerk's Office if amended forms are filed in pleading form rather than using the official form.

J. Proposed Amendment to LBR 2002.2: Should a single address for child support arrearages be listed for the state or should the address fore each county be listed?

January Bailey commented that when child support arrearages are being paid through the Chapter 13 plan, Sedgwick County is the only county that consistently files claims and the State office does not file claims. Judge Somers noted that the addresses listed in LBR 2002.2 indicate where official notice is to be sent. Emily Metzger observed that the address in the rule was

provided by the State indicating where they want notice to go. She also observed that subsection (a) states that notice or service given to an address listed in LBR 2002.2 "will be in addition to any notice required by statute, rule or regulation." LBR 2002.2(a). The rule does not preclude a debtor from providing notice to a local county, and that might be done if attorneys are having difficulty prompting counties to file claims. January Bailey wondered if there is a state-wide address where notices could be sent for child support enforcement. Jill Michaux noted that the U.S. Trustee's website lists an address (that is out of date because it reflects the old name) for the Child Support Enforcement Program and a second address for Bankruptcy Reporting Contact KS Child Support Enforcement—Central Office. Bill Griffin indicated that he puts a reserve on child support payments when a claim has not been filed by the creditor agency.

It was observed that the underlying problem is prompting the creditor to file a claim. It sometimes appears that although notice was given to the State, notice was not forwarded to the county to prompt the county office to file a claim. It was further observed that it is difficult to force someone to file a claim.

Emily Metzger offered to contact the State Attorney General to learn if there is either a statewide contact that debtors' attorneys can contact to prompt action, or other information that would help the bar.

During the discussion, Judge Somers noted that the purpose of the Bankruptcy Bench Bar Committee is broader than simply to address the Local Bankruptcy Rules, but encompasses a review of bankruptcy practices. He applauded the Committee's broader emphasis on practices that benefit the bar.

K. Proposed Amendment to LBR 4001(a).2: Should the rule be abrogated?

January Bailey asked whether this rule should be abrogated if there are no open cases to which it applies. David Zimmerman explained that this was already slated to be abrogated as moot.

No further Committee action is required.

L. Proposed Amendment to LBR 4002.3(a)(1): Should faxed copies of tax returns be permitted in lieu of paper copies? Should the rule cease to require paper copies to be sent to the U.S. Attorney's Office except, perhaps, in consumer cases?

January Bailey suggested changing LBR 4002.3 which requires that tax returns must be mailed to the IRS and to the U.S. Attorney's Office. She said that she had been faxing returns to the IRS and not sending a copy to the U.S. Attorney's Office. Emily Metzger explained that the purpose of the rule was to help debtors because if there were unfiled returns, the U.S. Attorney's Office would ask for original, signed returns and then forward them to the IRS to be filed, expediting the process. The U.S. Attorney's Office does not need original, signed copies for its use. She also explained that the U.S. Attorney's Office does not always move to dismiss a case when there are unfiled returns. Judge Somers explained that years ago, the IRS was less

organized that it is now, so the way to get returns filed was to send them to the U.S. Attorney's Office, but the situation has greatly improved. Attorneys still may send signed returns to the U.S. Attorney's Office to coordinate their filing and getting a claim filed, even if the rule is changed.

The Committee recommended that the following paragraph be deleted from LBR 4002.3(a)(1): "A signed copy of each return must be sent to the United States Attorney's Office located in the city where the bankruptcy case is filed."

Jill Michaux asked that the next meeting agenda include a discussion of eliminating notice to the U.S. Attorney's Office of all other notices except in adversary cases. *See* LBR 2002.2, such as when HUD is a creditor.

M. Proposed Amendment to LBR 4070.1: Should the requirement to provide proof of insurance before the 341 meeting be eliminated? Should this rule be amended to require service by ECF (electronic case filing)?

January Bailey observed that LBR 4070.1 directs a secured creditor with a lien on a motor vehicle to serve its written demand for proof of insurance on the debtor by first-class mail and on debtor's attorney by first-class mail or ECF notification. She asked whether this requirement could be eliminated. Scottie Kleypas strongly opposed eliminating the requirement. She explained that one of the first things she does as a creditor's attorney is request proof of insurance to assure that the collateral of her client is protected.

January Bailey recommended that creditors should be required to serve the written demand for proof of insurance on debtors' attorneys by ECF notification so attorneys would receive the notice a day before debtors receive it. Debtor's attorneys appreciate ECF notification of an insurance lapse, allowing them to contact debtors and resolve the issue right away. Under the rule, the debtor has three business days to provide proof of insurance, and delivery by mail uses some of that time, whereas ECF notification would be almost instantaneous. Judge Somers observed that some creditors without attorneys send letters and do not file them with the court electronically, so ECF notification is not available to them. It was noted that in order for ECF notice to be sent, documents must be filed publicly with the court. Correspondence merely mailed to debtor and debtor's attorney cannot be served by ECF. Some Committee members commented that in their experience creditors are not demanding surrender of a car under this rule when proof of insurance was a few days late.

January Bailey asked whether this rule applied to mobile homes. Scottie Kleypas suggested that this rule does not apply to mobile homes, but creditors have the right to ask for proof of insurance about their collateral.

The Committee decided not to recommend changing the rule.

N. Proposed Amendment to Standing Order 08-4: Should subsection (b)(5) be changed to require notice of a mortgage default by ECF?

January Bailey said that this question is similar to the question about amending LBR 4070.1 (*see* above). Jill Michaux reminded the Committee that she successfully convinced the Committee in prior meetings to extend the time in S.O. 08-4(b)(5) to 14 days (previously 10 days). She also emphasized that it is preferable not to require a notice of mortgage delinquency to be publicly filed. That could require the conduit rule to be applied. It was observed that requiring notice of a mortgage default to be served by ECF has the same limitations as requiring a written demand for proof of insurance to be served by ECF.

The Committee decided not to recommend changing the rule.

O. Proposed Change to D. Kan. Rule 5.4.7: Could the requirement to retain original signatures for 6 years be shortened?

January Bailey suggested shortening the retention period required by D. Kan. 5.4.7. Emily Metzger pointed out that the requirement is found in a D. Kan. Rule, not a Local Bankruptcy Rule, so a change would have to come through a recommendation to the District Court Bench Bar Committee. January Bailey suggested that the rule could be changed to permit a separate rule governing Bankruptcy Court documents, allowing a shorter retention period or allowing retention of scanned images after a period of initial retention. Emily Metzger suggested that the Department of Justice, including the FBI and the U.S. Trustee's Office, might wish to comment about such a suggestion. This issue is closely related to the requirement to obtain wet ink signatures on documents rather than electronic signatures through systems such as Docusign or Echosign, a topic that the Committee has discussed previously.

Emily Metzger and Jordan Sickman will investigate the impact of such a change to the retention period.

P. Summons: Could CM/ECF be changed to allow a plaintiff to issue a summons in an Adversary Proceeding?

Jordan Sickman explained that current practice in an adversary proceeding is to request a summons from the Clerk's Office after filing the complaint, the Clerk issues the summons, and the plaintiff then serves the summons and complaint. In the district where he previously practiced, the plaintiff could file the complaint, generate a summons through CM/ECF without requesting it from the Clerk's Office, and serve the summons and complaint. He asked if this option could be instituted here. David Zimmerman said he would need to research the rules to determine if this was permissible, but suggested that there may be a difference between an attorney issuing a subpoena as an officer of the court vis-à-vis an attorney who issues a summons on behalf of the court. Although the proposed change would reduce the workload of the Clerk's Office, the bar might question whether they want to change to a system where a summons can be issued by an attorney rather than having the Clerk's Office issue the summons with the court's seal that demonstrates the bona fide authenticity of the summons. One Committee member stated that in State court, a court-sealed summons is not required.

David Zimmerman and Emily Metzger offered to research this issue.

Q. Clerk's Entry of Default: In adversary cases, when the time to answer has expired, could the Clerk's Office generate the Clerk's Entry of Default without requiring the plaintiff to request it?

Jordan Sickman explained that he came from a district where the Clerk's Office automatically entered a default if the time to answer expired without an answer being filed. Judge Somers indicated that some Judges in this district would likely have concerns about this proposed approach because of their cautious approach to entering default judgment. One Committee member observed that Judge Karlin has specific default judgment procedures posted on the court's website, and she specifically verifies adequate service before entering default judgment.

January Bailey asked whether a simple text-only entry could be used by attorneys to request Clerk's entry of default. Jill Michaux responded that Judge Karlin would likely not agree with that because she requires a declaration that verifies proper service. Judge Somers observed that someone would need to approach Judge Karlin about this if the proposed change were to be successful.

Emily Metzger said she prefers the formal approach to requesting entry of default, partly because the United States by law is entitled to more time to answer than private defendants, so if the Clerk's Office entered default prematurely, she would have to move to set aside the erroneous entry of default. She also noted that the formal process of requesting entry of default gives the plaintiff a last opportunity to verify that service was proper before requesting entry of default.

Judge Somers observed that in recent years the court has tightened the process of issuing default judgments and that reduced the frequency with which parties have asked for default judgments to be set aside.

David Zimmerman commented that if attorneys submit a request for Clerk's entry of default and represent to the Clerk's Office that all requirements for Clerk's entry of default have been met, then issuing the default is fairly straightforward, but without an attorney's request confirming that those criteria are satisfied, it is harder to determine if entry of default is proper. Consequently, changing the practice could actually complicate the process and might require more time and consultation with chambers than the current practice.

Jordan Sickman volunteered to approach the Chief Judge and discuss the issue with her.

Informational Updates

The following information was provided by the Clerk in written form for the benefit of the Committee and the bar.

A. Amendment to LBR 9023.3(b)

The Judges approved an amendment to LBR 9023.3(b) to avoid turnover of more than approximately one-third of the Bankruptcy Bench Bar Committee membership in a given year. The new language will be included in the next set of amended Local Bankruptcy Rules and will state:

(b) Terms of Office. The court will appoint the six actively practicing members of the bar, the Chapter 13 trustee, and the Chapter 7 trustee to serve three year terms or other lesser terms as the court may decide, to begin on July 1 of each year. If a committee member is unable to complete the term of appointment, a replacement member may be appointed to complete the term.

B. Amended Bankruptcy Fee Schedule

Effective December 1, 2016, a small number of fees will increase slightly to account for inflation.

C. New Standing Order 16-1 Governing the Court Registry Investment System (CRIS)

To conform its procedures governing registry funds to the new fees schedule that will take effect on December 1, 2016, the court issued Standing Order 16-1, "Order Governing Deposit and Investment of Registry Funds," on October 12, 2016. It abrogates Standing Order 15-3.

D. New Bankruptcy Forms

On December 1, 2016, the following new forms will become effective:

Official Form 410S2 Notice of Postpetition Mortgage Fees, Expenses, and Charges

Official Form 420A Notice of Motion or Objection

Official Form 420B Notice of Objection to Claim

E. New Bankruptcy Rules

Absent action by Congress by December 1, 2016, Bankruptcy Rules 1010, 1011, 2002, 3002.1, 7008, 7012, 7016, 9006, 9027, and 9033 will be amended and new Rule 1012 will become effective. These changes include the following:

Retooling of rules relating to Chapter 15 (foreign) proceedings (Rules 1010, 1011, New Rule 1012, 2002).

The scope of 3002.1 is expanded to apply whenever a Chapter 13 plan provides for mortgage payments by debtor or trustee. It also terminates the lender's requirements to give notice of fees, expenses and charges after stay relief is granted regarding the debtor's principal residence—unless the court orders the lender to continue giving notices.

Rule 9006(f) is amended to eliminate the addition of three days to the time to act after service if service is made by electronic means (Fed. R. Civ. P. 5(b)(2)(E)).

The requirement to plead (Rule 7008(a)) or answer (Rule 7012(b)) regarding the nature of an adversary proceeding as core or non-core is eliminated. These rules also require each party to plead whether they will consent to final judgment by a bankruptcy judge, regardless of whether the proceeding is core or non-core. Rule 9027, which governs removal, similarly eliminates the requirement for the removing party and the responding parties to state whether a proceeding is core or non-core; it also requires the parties to state whether or not it consents to the entry of final orders or judgment by the bankruptcy court.

Rule 7016 adds subparagraph (b) authorizing a bankruptcy judge to determine whether to enter final orders and judgment, proposed findings and conclusions, or some other action in a proceeding.

Rule 9033 now requires the clerk to serve copies of proposed findings of fact and conclusions of law regardless of whether a proceeding is core or non-core.

The Clerk's review of the Local Bankruptcy Rules revealed no changes needed to conform to new Rule 9006(f).

F. New Bankruptcy Court Website

The public website of the Bankruptcy Court for the District of Kansas is currently undergoing a major overhaul. Form, feel, and functionality will all improve. Information will be better organized and easier to locate. Content is also being updated. The Clerk's Office may invite some local attorneys to preview and provide pre-release feedback about the site before it goes live.

The meeting concluded at 2:09 pm.