

MINUTES OF MEETING OF
STANDING LOCAL BANKRUPTCY RULES REVISION COMMITTEE
DISTRICT OF COLORADO, BANKRUPTCY COURT

November 8, 2022

A regular meeting of the Standing Local Bankruptcy Rules Revision Committee was called to order at 12:01PM on Tuesday, November 8, 2022, by Chair Ted Hartl.

Attendance: The following Members, Ex-Officio Members and Judicial Advisors attended by phone or a Zoom conference call:

Members

Ted Hartl, Chair
Bonnie Bell Bond, Whip
Steven Mulligan
Michael Suchoparek, Secretary
Tara Salinas
Jennifer Cruseturner, Vice-Chair
Morgan Stanley

Ex-Officio Members

Kenneth Gardner
Margaret Muff
Paul Moss
Laura Guice
Jared Walters
Doug Kiel
Adam Goodman

Judicial Advisors

Judge Romero

Items

1. Vote on approval of minutes from last meeting held on July 12, 2022.
 - 1) Judge Romero moves to approve. Ken Gardner seconds. Approved.
2. Report of Committee Chair.
 - 1) Next rules meeting – In person? Continue with virtual meetings?
 - 2) Committee Member list was circulated for review for corrections.
 - 3) Committee probably needs a new member from Colorado Springs Area.
3. Report of Judicial Advisors.

- 1) Judge Romero:
 - (i) Nothing much to report.
 - (ii) Moving to more in-person hearings at the Courthouse.

4. Pending and New Committee Matters:

- 1) Revised committee Member List – suggestions for Colorado Springs counsel.
 - (i) Ted Hartl: Make suggestions to the Chair.
- 2) Rule 9070-1(e)(2) – uniformity of remote evidence and Zoom trial procedures.
 - (i) Discussion on various procedures and orders for potential rules revision.
 - (ii) Various judges have different procedures in each division.
 - (iii) Maybe time is right to address procedures within the rules.
 - (iv) Proposed review of:
 - 1) New Jersey: <https://www.njb.uscourts.gov/content/zoom-trial-guidelines>
 - 2) New Mexico: <https://nmb.uscourts.gov/sites/default/files/generalchambers/zoom#:~:text=To%20request%20Court%20appearances%20and%20For%20testimony%20by%20Zoom%2C,promptly%20rule%20on%20the%20request.%20C.%20Zoom%20Protocol>
 - (v) Judge Romero:
 - 1) Exhibits are different among the judges in the district. The Judges do not have a consensus as of now.
 - a) A rule at this juncture may be premature.
 - (vi) Ken Gardner:
 - a) Evidence presentation will be an issue.
 - (vii) Laura Guice:

- 1) Clerks office is trying to get away from case specific court hearings.
- 2) Equipment is being updated and changed within the Courtrooms.
- 3) There is no WIFI or internet plug in the bankruptcy Courtrooms for security purposes
- 4) Despite this, a rule may be a good idea.

(viii) Ted Hartl:

- 1) Should there be a difference if it is a virtual voluntary appearance or involuntary virtual appearance?

(ix) Ken Gardner:

- 1) National rule on virtual subpoenas are probably several years away.
- 2) All Zoom hearings starting Jan 1, 2023 will begin noticing out this month in our district.

(x) Ted Hartl:

- 1) Rule 9070 tabled until after next meeting so judges can see if they can get some consensuses.

5. Miscellaneous and Potential Committee Matters:

1) Steve Mulligan:

- (i) Rule 4001 does not say you need to provide a list of witness lists for primary stay hearings.
- (ii) Should we make that more specific in that rule?
- (iii) Steve Mulligan will draft initial draft and circulate before next hearing.

2) Tara Salinas:

- (i) Form of witness lists are not referenced in the rule.

6. Scheduling Next Meeting.

- 1) February 7th Meeting –In person with telephonic option at 12:00PM

7. Adjourn. 12:51PM