



TENTH ANNUAL BENCH BAR CONFERENCE

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On November 10, 2021, the District-Wide Steering Committee hosted its 10th Annual Bench Bar Conference on November 10, 2021. Once again, circumstances dictated that the Committee host the Conference virtually. While the Committee has had to adjust to the new normal of hosting the Conference virtually, one thing has remained constant: how well attended the Conference was. Attendees included judges (including a couple of future judges), courtroom personnel, trustees, and attorneys from each division in the Middle District.

A small change in this year's Conference was that the discussion focused solely on one general topic: adversary proceedings.

The Conference kicked off with a general discussion of where we are and how the Middle District has been working through the pandemic and moving between live and virtual hearings and trials.

The first Conference discussion topic dealt with case management and scheduling issues for adversary proceedings. Adversary proceedings are an interesting hybrid of bankruptcy court and federal litigation. The issues boiled down to how to best balance everyone's desire to move a case forward efficiently while allowing enough time to properly advocate for your client. Some thoughts were that there could be different case "tracks" depending on the complexity of the case. There did seem to be a consensus that anything that could be agreed upon and stipulated to early on should be. This way, the actual issues to be litigated could be narrowed down, potentially saving both the Court and litigants time (and litigants money). Also discussed was the timing of pre-trial conferences and status conferences and whether they should be pre-set by the judge or agreed upon later on.

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The second session focused on more procedural matters. This session prompted significantly more discussion. One topic that always seems to come up during the Conference in one form or another is uniformity between the divisions in the Middle District. Interestingly enough, it appears that the practitioners were not as concerned with total uniformity as they were with being informed of the judges' preferences. While the idea of total procedural uniformity would be wonderful, most attorneys would be satisfied with each judge laying out his or her preferences for how the judge expects the case to run in his or her courtroom. Surprisingly, even after almost two years of practicing in the shadow of COVID, there was still lively discussion about the pros and cons of continuing virtual hearings versus reinstating in-person proceedings. Given technological issues, varying sophistication levels of witnesses, and other issues that go hand in hand with not having all the participants in the same room, there are still those who believe that in-person proceedings have a place in Bankruptcy Court. While technological advancements have allowed us to continue practicing in a time where consideration of everyone's health and safety need to be at the forefront, there is still a need to impart to everyone the significance and importance of what we do here. The key is working together as a district, and the annual Bench Bar Conference is always a great first step.