

April 25, 1960
9:40 a.m.
Judge Maris's Chambers
Philadelphia, Pa.

*Memorandum
notes of Forman*

Memorandum of Meeting of Advisory
Committee on General Orders in
Bankruptcy

Present: Judge Albert B. Maris, Professor Frank R. Kennedy,
Edwin L. Covey, C. Aubrey Gasque, Phillip Forman

Judge Maris opened the meeting outlining the duties of reporters of the various advisory committees and at the end of a discussion between him and Professor Kennedy it appears settled that Professor Kennedy would take on the task of reporting for this advisory committee, financial arrangements are to be consummated with Mr. Aubrey Gasque.

Mr. Gasque described what he thought should be the immediate procedure of the reporter and the committee:

1. Bibliography of materials on bankruptcy, a survey of problem areas and an outline of immediate action and long term action should be undertaken.

2. Problems now in the lap of the advisory committee, referred by the Judicial Conference, and noted in the memorandum compiled by Mr. Covey on March 18th should be studied for the purpose of making recommendations to the standing committee. The committee should take up perhaps by mail pro forma problems now existing. Among these would be the National Bankruptcy Conference Report on Rules (written by Prof. Kennedy) and eventually the omnibus bill suggested by the Conference.

3. Some pro forma changes in the general orders should be made forthwith as they arise from legislation that has already passed or is imminent of passage.

4. The local rules should be the subject of study so that conflicts can be ironed out and a more uniform approach by the several districts achieved. (This suggestion was made by Mr. Covey.) Organizations with which the committee should have active contact are:

1. National Conference on Bankruptcy
2. National Referees' Association of *in Bankruptcy*
3. The tax division of the Department of Justice and the General Counsel of I.R.S.
4. ~~Stock~~ Exchange Commission
5. A.B.A. Bankruptcy Section (Mr. Gibson of our committee is chairman of that section)
6. National Committee of Credit Men
7. Retail Credit Association
8. Commercial Law League
9. United States District Court Clerks' Association
10. American Bankers (These two are already represented in
11. American Accountants (the National Conference on Bankruptcy (so hardly need separate representation.)

Judge Maris commented that the committee might well be called the Bankruptcy Rules Committee instead of the General Orders Committee.

A discussion followed Mr. Gasque's suggestion that a meeting of the full committee be held during the American Bar Association meeting at Washington. This was opposed by both Judge Maris and the writer on the theory that a meeting of the full committee should only be held when its members had been adequately briefed on agenda with full opportunity to each to study each item and prepare himself to voice an opinion at the meeting. It was decided not to hold a meeting at that time.

Mr. Gasque commented that the Chief Justice desires that every Advisory Committee should give attention to the subject of costs and time in litigation.

It was the consensus that the current pro forma problems should be circulated to the members of the committee for their vote by mail.

The following are the steps now to be taken by the committee:

1. Mr. Horsky is to be requested to send sufficient copies of Professor Kennedy's representation to the National Conference on Bankruptcy to Mr. Gasque who will circulate them to the members of the committee with a brief memorandum stating to them that they have been sent to the members at my request.

2. The members of the committee are to be advised of the appointment of Professor Kennedy immediately after it has been finally made by the Chief Justice with the indication that a public announcement will be made at an early date.

3. Mr. Covey's memorandum of March 18, 1960 covering matters referred to the committee is to be circulated.

4. A circulation by mail will be made to the members of pro forma matters requiring their consideration in the following steps:

a. Mr. Covey is to list the matters and comment briefly as to the character of each.

b. Professor Kennedy is to cooperate on formulating an appropriate set up of each matter so as to invite the vote of each member.

c. The target day for returns by members should be approximately June 15th.

d. At an appropriate time I should advise Judges Phillips and Sanborn of our intention to circulate the members along this line.

e. The participants in the meeting agreed that communications concerning the subject matter of the committee should be forwarded in quintuple so that each participant will be kept current.

It was noted that the Bankruptcy Committee meeting will be held in Denver July 25 and 26.

The meeting adjourned at 12:15.