

Bankruptcy Reform Legislation

Bankruptcy reform legislation, stuck in Congress for four years, had been languishing since the economic downturn last spring and especially after September 11th while Congress attended to other more pressing legislation, but now appears to be back on track. On April 23, 2002, members of the bankruptcy reform conference committee met and resolved all of the outstanding conference issues, except for the abortion clinic violence provision. That provision would ban people convicted of an attack on or of blocking access to abortion clinics from declaring bankruptcy to avoid paying court ordered judgements and fines. Advocates of free choice want that provision added while anti-abortionists do not. A number of important issues had been hotly debated and continued to hold up chances of compromise.

Much of that remaining debate had centered on limiting the ability of "wealthy debtors" (an apparent oxymoron if ever there were one) to claim homestead exemptions, in those states with unlimited homestead exemptions (Texas, Florida, Iowa, Kansas, and South Dakota), in order to shield homes sometimes worth millions from the reach of creditors. The possibility that executives of the failed energy t
er Enron Corp., for example, could take advantage of these exemptions spurred compromise of that issue.

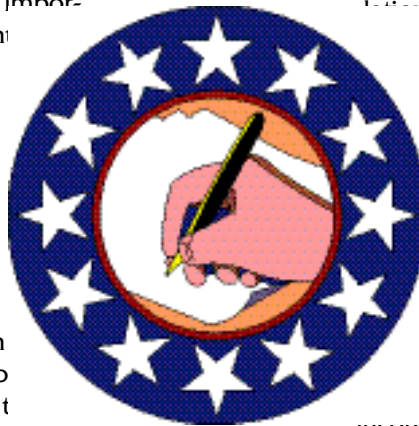
Under the proposed conference committee compromise, "good faith" debtors could still retain such homes in these states but "bad faith" debtors could not. For instance, debtors having committed a crime causing serious injury or death or who owe a debt due to committing fraud-like crimes or acts would be limited to a \$125,000 homestead exemption cap. Also, those debtors who would attempt to gain the benefit of a state's higher or unlimited exemption by moving to that state would be limited to a \$125,000

homestead exemption cap until establishing residency in that state for a period of 40 months.

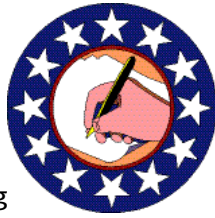
This issue, while interesting and of significant importance in other parts of the country, is purely academic in Illinois. Here, unless the state changes its "opt out" of the federal exemption scheme or amends its exemption statute, the maximum homestead exemption per debtor is \$7,500 or a total of \$15,000 for joint debtors (or a debtor claiming a surviving spouse exemption).

As of this writing, specific details of what the compromise bill will do have not been released. However, the legislation will contain provisions applying new standards for determining whether an individual or couple will be allowed to file Chapter 7 seeking to discharge their debts or will be required to file Chapter 13 to repay at least part of their debts. Those debtors who have at least the median income for their state would be subject to a means test. In applying this test to determine disposable income, monthly living expenses would be limited pursuant to guidelines established in the IRS Code. Debtors found to have sufficient disposable income to repay at least 25% of the debt owed over 5 years, would be required to repay their debts through a Chapter 13 reorganization plan rather than discharge them through a Chapter 7 liquidation case. The debtor attorney bar strongly opposed this seemingly inflexible provision arguing that it leaves little discretion with the courts to consider unusual or exceptional circumstances of the debtors. However, there are exceptions to the means test for people who experience job loss, divorce, serious illness or can otherwise prove circumstances for which exception should be made. The credit card companies hailed the provision as a step in the right

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Bankruptcy Reform Legislation
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direction. They see this as a preventive measure towards perceived debtor abuses, where in the past debtors would have been able to fully discharge debts even in situations where there was an ability to repay some portion of unsecured debt.

Another issue previously hindering passage had been the prohibition on the ability of debtors to “cram-down” vehicle creditors’ claims when the vehicle had been purchased within a certain time period prior to the debtors filing Chapter 13. The compromise consists of shortening the period to 2 1/2 years. This provision is a boon for new vehicle finance creditors but has a significant adverse impact on unsecured creditors by allowing the secured auto creditors to eat up a greater portion of the pie available for payment of unsecured claims.

In short, some of the other agreements were: adjusting the means test for future inflation, excluding victims of terrorism from the means test provisions, adopting the Senate’s definition of “immediate family” to include grandchildren of the debtor for the needs-based expense formula, providing Trustees with greater flexibility to administer the means test, adopting a \$500 limitation on luxury goods and replacing §1234 on expedited appeals with a Judicial Conference/ABA compromise.

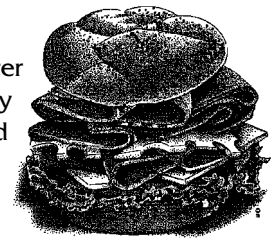
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| THE MARSHALL CHRONICLES | |
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The bankruptcy reform legislation was designed in large part to address concerns about apparent abuses of the system by unscrupulous debtors. Supporters of the legislation always contended that the modifications seek only to limit manipulation of the bankruptcy system and to close loopholes so that debtors who can afford to pay off some or all of their debts do so. However, those opposed to the reform questioned its need, suggesting the existing code contains adequate available safeguards that the courts just seemed unwilling to utilize. Critics also suggest that the added burdens imposed on debtors and their counsel are so cumbersome that many debtors will no longer see bankruptcy as a practical and reasonable option and will, therefore, be left to fend for themselves when dealing with their creditors outside of bankruptcy protection. They argue this will only allow creditors to gain the advantage and cause abusive collection and lending practices to worsen. The impact of bankruptcy reform legislation on Chapter 13 trustees, debtors, creditors and their attorneys remains to be seen. Regardless, the passage of such reform is sure to prove an interesting time for all parties involved.

Jay Tribou

Guess Who’s Going To Lunch?



Periodically, names of three Chapter 13 employees will be randomly selected. Those names selected will be required to set a “lunch date” that is suitable to all those involved. Why?

Well in an effort to further facilitate and foster office camaraderie, these small outings will provide an alternate and more intensive environment for interaction.

How does this work? Each group will have a month to set and complete the lunch. Where the individuals go and/or do for lunch is for them to decide. Likewise, any expenses incurred will be up to them. However, Ms. Marshall has agreed to allot each “lunch date” a time of one hour and 15 minutes. So for example, those who have 30-minute lunches regularly will have an additional 45 minutes on this day. In addition, each group will furnish the newsletter with an account of their experience to be published in afterward. A questionnaire will be provided to each group to assist.

Our very first “lunch date” group is: Allison Blum, Laura Mendoza, and Shanika Thomas.

Once a date has been set, please inform Amanu Nwaomah. Similarly if you have any questions, please feel free to contact her.

Trustee Matters Announcements

THE MODEL PACKET COMMITTEE – MAY 15, 2002

The Trustee has assumed responsibility for preparing “judges’ packets” for each case. These packets, once compiled, are delivered to the assigned judge prior to each confirmation hearing. Each judge requires different documents to be assembled in their respective packets. Such requests include “clean” copies of the debtor’s petition, schedules, plan, amendments, confirmation order, fee applications and notices. This process requires a considerable amount of staff time and, correspondingly, a considerable expense to the trustee operation. The goal of the committee is to provide the judges with what they require in each packet, but, to review less time consuming and less costly alternatives on how and who should provide the packets to the judges.

CIVIL ENFORCEMENT INITIATIVE TRAINING – JUNE 5TH

The UST will be providing training to the Chapter 13 Trustees and their attorneys. Our office will host the training. The date will be June 5th at 12:00pm. Each Chapter 13 Trustee has been assigned an attorney from the U. S. Trustee’s office to provide guidance and coordination. The trial attorneys assigned are:

| | |
|---------------------|------------------|
| TRUSTEE | TRIAL ATTORNEY |
| Lydia Meyer | Tom Walz |
| Glenn Stearns | Roman Sulley |
| Marilyn O. Marshall | Katy Gleason |
| Tom Vaughn | Richard Friedman |

The abuses targeted are petition preparers, poor attorney representation by debtor counsel, bad faith conversions between Chapter 7 and Chapter 13, bad faith filing, credit card bust outs, identity theft and serial filers.



US TRUSTEE SEMINAR FOR CHAPTER 13 – TBA

The U. S. Trustee is planning a seminar for our region. Representatives from the UST’s office, the standing Chapter 13 Trustees in our region, along with our staff will be attending. I will provide the staff with additional information as Trustee Lydia Meyer in Rockford makes it available.

NACTT ANNUAL MEETING – JULY 11-16

The Chapter 13 Trustees will be in San Juan, Puerto Rico, on the above dates. A new program “2002 Trustee Staff Symposium” has been added for the Trustee non-legal staff only. Two members of our non-legal staff will accompany me to the meeting. The topics to be covered are:

- Part I Keeping your UST Happy and Surviving your Audit
- Part II Tackling Those Tough Case Administration Problems
- Part III Maintaining a Powerful Team – Strategies to Build Morale
- Part IV Staff Question and Answer Period.

Updates and reports will be featured in the August edition of the Chronicle. Marilyn O. Marshall

Employee Of The Month For April

On a daily basis I oversee case administrators and administrative clerks in their daily tasks. I verify petition and claims, document office procedures, generate motions, review claim discrepancies, and much more.

Do you know who this person is? What another hint?

Well, she recently celebrated 15 years of employment with the Office of the Chapter 13 Trustee.



Give up? Okay I’ll tell you...

Rosalind Lanier is the March Employee of the Month.

In her 15 years at our office, she has serviced tirelessly. As a manager, many say that her door is always open to field questions, frustrations, and whatever else someone may deem necessary. As a co-worker, many say she is always willing to lend her assistance in any way. And as an employee, many of our clients say her level of professionalism is one all should desire to attain. It is with attributes like this that her award was well deserved. Congratulations!

The first duty of leaders is to make themselves loved without courting love. To be loved without 'playing up' to anyone - even to themselves. – Andre Malraux

CASE ADMINISTRATION – CLAIMS

Amended/Supplemental Claims

Amended/Supplemental claims are filed to update information that was submitted on the original proof of claim. While supplemental claims are filed to increase the total amount due, amended claims are filed to increase or decrease the original amount that is owed.

Here are some examples of the reasons for amended/supplemental filing:

- ☆ The amount owed has increased or decreased due to miscellaneous fees or accrued interest on the claim.
- ☆ The debt treatment has changed the claim from secured to unsecured or vice versa.
- ☆ The address or account number has changed due to reassignment of the claim.

Cases filed with the model plan are usually not impacted by amended or supplemental claims unless the secured amount is filed for a lesser amount.

Lavone Kizer-Merritt

INFORMATION SYSTEMS

A Very Funny Website...NOT!

Recently many in our office have been receiving some very odd e-mails, with subject lines like "A very funny website", "Hello honey", "SOS", "Some questions", and almost all of them appear to include an attachment or attachments that make no sense. Many of them even appear to have originated from our co-workers.

Well, what we're dealing with is a computer virus named "W32/Klez.e" or "W32/Klez.h" or just "Klez" for short and otherwise identified as a "worm".

The good news is we're not infected. That's one of the very nice things about having Macintoshes! The bad news is that those others who are infected are sending us a large volume of unwanted e-mails.

Here's how it works: The worm on an infected machine has the ability to parody the "From:" field in a new e-mail message. It is often set to an address found on the victim machine, such as anyone@chi13.com. It will attempt to propagate itself over the victims' network, thus infecting other local users.

Then, the worm mails itself to e-mail addresses in the Windows Address Book, plus addresses extracted from files on the victim machine. It arrives in an e-mail message whose subject and

See A Very Funny Website...Not!, page 7



CASE ADMINISTRATION – CONFIRMATION

Se Habla Español

Communication is very important and the Trustee's office wants our Spanish speaking debtors to fully understand the workings of their case. So, we are very fortunate to currently have two Spanish speaking hearing officers and four Spanish speaking phone representatives.

It is important that Spanish speaking debtors understand the bankruptcy information they are receiving in order for them to complete their case successfully. Therefore, we would appreciate advance notice from debtor attorneys of the need for a Spanish speaking hearing officer. Please note, that in addition, debtors attending their §341 meetings will receive the names of our Spanish speaking phone representatives to further assist them with any future inquiries.

Elva Valdivia-Lynch

FINANCIAL – RECEIPTS

Bank Communications

Have you ever noticed me in mornings at the computer at the back door? Have you wondered what I was doing? For the first time ever someone (Estela) asked me "What are you doing?"

The computer at the back door is equipped with a special software, called CashPro+. This software allows our office to communicate directly with LaSalle National Bank. Every day the computer provides information such as account balances and the prior day's activity for the Trusteeship's nine bank accounts.

A data file is downloaded from LaSalle Bank that identifies what disbursement checks have cleared the bank account overnight. This is then imported into CaseNET which in return updates the check's status and cleared date. This procedure provides our office with up to date information about which disbursement checks have cleared and those checks which are still outstanding.

Finally, one of the most important items that LaSalle Bank provides our office with is the Positive Pay Exceptions report. Positive Pay is a service provided to our office by LaSalle Bank that enables our office to monitor which checks are clearing our bank account. Every time the office sends a creditor disbursement or debtor refund, we transmit a data file to the bank. This list contains the dollar amount and check number of each check. When the bank clears a check, they verify our list to make sure the check number matches the dollar amount that was written. If there is a mismatch, LaSalle notifies the office immediately. Through this report, we can make sure that all the checks being cashed really are our checks.

Nicole Robertson

**HUMAN RESOURCES
Stress Management**

HR

Medical studies linking many illnesses to stress have been conducted over the years. Some of the illnesses are high blood pressure, heart attacks, strokes, indigestion, ulcers, colitis, menstrual disorders, depression, backaches, drug and alcohol dependence, sexual dysfunctions and susceptibility to colds and flu. Some researchers even suggest a link between stress and cancer. It is estimated that 50 percent or more of all people who consult a doctor are there for an illness related, at least in part, to stress. Stress weakens our immune system. It can make you sick, make you think you're sick, or make you worse if you are already sick.

Situations that have a high potential for causing stress include the following:

- ☛ death of a spouse
- ☛ divorce or marital separation
- ☛ a jail term
- ☛ a death of a close family member or a serious personal injury or illness

But maybe you didn't know that these situations should also be considered:

- ☛ getting married
- ☛ buying a home
- ☛ experiencing an outstanding personal achievement
- ☛ getting promoted at work

You may have experienced one or more of the above situations and can remember how you felt while you were going through it. People have different personalities and can have very different reactions to the same type of stress. To find out if you're a likely candidate for the harmful effects of stress, the following questionnaire can help.

Stress Test

Answer each statement "true" or "false" by marking a "T" or "F" as it applies to you.

- ___ I feel too tired to really work effectively or enjoy my hobbies a good deal of the time.
- ___ I am late for work or for appointments at least once a week.
- ___ I often feel sad, depressed, or bored.
- ___ I used to be more interested in intimacy.
- ___ I am working longer and harder and not making any headway.
- ___ I am frequently irritable, impatient, grumpy, or short-tempered.

- ___ I wish I could return to the happier days that used to be.
- ___ I have frequent headaches, muscle spasms, stomach or intestinal trouble, high blood pressure, or have gained or lost weight without wanting to.
- ___ It is hard to find time for personal and social activities.
- ___ I have a relationship that is troubling me.
- ___ I have to force myself to go to work...or to go home.
- ___ I am hanging on to a job or relationship because I feel I have no other alternative.
- ___ I am drinking more than I used to (or smoking or using legal/illegal drugs more).
- ___ I often wish I were somewhere else.
- ___ There have been too many changes in my life lately.
- ___ I am under pressure to succeed all the time.
- ___ I am unable to relax without drugs or alcohol.
- ___ I have lost sight of my life's dream.
- ___ I take myself and the way others see me very seriously.
- ___ I must push on and keep my nose to the grindstone.

Give yourself one point for each "true" answer and then compare your score to the analysis below.

0-5 Cool Under Fire – You report handling stress well and staying calm. Check your answers to make sure you were not minimizing some difficulties in your life.

6-10 In the Frying Pan – you are feeling stressed, and could become a candidate for a stress-related illness.

11-15 In the Fire – The flames of burnout have begun. Stress is already taking its toll.

16-20 Burnt – You are approaching the "flame-out" stage. Stress threatens your career, health, and relationships.

Regardless of how you scored, you've taken the first step in controlling your stress by completing this quiz and gaining some insight into yourself. Now you can work on developing ways to bring yourself more happiness and peace of mind into your life. We don't have a formal employee assistance program, but we do have a comprehensive directory of physicians and specialists that may be able to help you with your health issues.

SkillPath® Seminars and Robin Dirksen

Dear...

Have you ever had questions but no answers? Have you ever just wanted to know someone else's opinion? Well your Marshall Chronicles is here to assist! Look in our next issue for this new section and get those questions ready.



Cinco De Mayo

The holiday of Cinco De Mayo, The Fifth Of May, commemorates the victory of the Mexicans over the French army at The Battle Of Puebla in 1862. Some unfamiliar with Mexican history think that Cinco de Mayo is Mexico's Independence Day. However, Mexico's Independence Day is actually September 16.



Cinco de Mayo's history has its roots in the French Occupation of Mexico. The French occupation took shape in the aftermath of the Mexican-American War of 1846-48. With this war, Mexico entered a period of national crisis during the 1850's. Years of not only fighting the Americans but also a Civil War that left Mexico devastated and bankrupt.

France then invaded the Gulf coast of Mexico and began to march toward Mexico City. Marching on toward Mexico City from the coast, the French army encountered strong resistance at the Mexican forts of Loreto and Guadalupe. Led by Mexican General Ignacio Zaragoza Seguín, a small, poorly armed militia of about 4,500 were able to stop and defeat a well outfitted French army of 6,500 soldiers, which halted the invasion of the country. This victory was a glorious moment for Mexican patriots and is the cause for the historical date's celebration which later began known as Cinco de Mayo.

Unfortunately, the victory was short lived. Upon hearing the bad news, Napoleon had found an excuse to send more troops overseas to try and invade Mexico again. Thirty thousand more troops and a full year later, the French were eventually able to depose the Mexican army, take over Mexico City and install Maximilian as the ruler of Mexico. Maximilian's rule of Mexico was also short lived, from 1864 to 1867, ending as the U.S. began to provide more political and military assistance to Mexico to expel the French. Despite the eventual French invasion of Mexico City, Cinco de Mayo honors the bravery and victory of General Zaragoza's small, outnumbered militia at the Battle of Puebla in 1862.

For the most part, the holiday of Cinco de Mayo is more of a regional holiday in Mexico, celebrated most vigorously in the state of Puebla. Though there is recognition of the holiday throughout the whole country, it's nothing like that found in Puebla. Celebrating Cinco de Mayo has become increasingly popular along the U.S.-Mexico border and in parts of the U.S. that have a high population of people with a Mexican heritage. In these areas the holiday is a celebration of Mexican culture, of food, music, beverage and customs unique to Mexico.

Agueda Orozco

Employee Bio: Denise Giddings

Nickname: Dee or Niecy.

Birthdate: October 7th.

Birthplace: Park Forest, IL.

Family: Parents, older brother Dennis, Pet poodle, Mitzi, and my fiancé David.

Position: Closing Specialist

Years w/Office: 3years.

Favorite Food: Patti's sloppy joe.

Favorite Movie/TV Program: Car Wash-the movie, Martin, Good-Times and Three's Company.

Favorite color: Pink.

Favorite expression: I'm Listening.

Favorite smell: Men's cologne.

Favorite childhood memory: Going to Disney World when I was eight.

If you could meet one person in the world dead or alive who would it be? LL Cool J, he is just too fine to me!

What's most important in life? Peace of mind.

Is the glass half full or half empty? Always half full.

What's guaranteed to make you smile? A good joke.

First thing you do in the morning when you wake? Thank God for another day.

My friends would describe me as: Bourgeois, but down to earth.

A perfect day for me would be: A nice sunny day at the beach with that special someone.

Most embarrassing moment: I slipped and fell on the ice in front of the whole school when I was in Jr. High.

Proudest moment: Graduating from college in 1996.

In 5 years I see myself: Happily married with at least one child and enjoying life.



Guess Who?



Who's that cutie in the middle?

Do you need a hint?

How about looking around the office for a big ol' grin?

(Find the answer on pg. 7.)

A Very Funny Website...NOT! (continued from page 4)

body are composed of strings of text carried within the virus (such as "A very funny website" or one of the others mentioned above) or other strings it has obtained from the victim machine. Simply opening or previewing the message in a vulnerable mail client (ie: Microsoft Outlook Express on a PC computer) can result in the infection of a new victim machine.

What all this means to us is that if you ever sent an e-mail message to a Microsoft Windows machine, there is a possibility that, if that machine were to become infected, it may use your e-mail address to make it look as though you were sending out garbage e-mails or it may just return some garbage e-mails to you.

Not only that, it may forward your address to some other e-mail spamming service (spam is pretty much any e-mail advertising you haven't requested). All of a sudden you're on a mailing list you don't want to be on. For instance, some of you have reported that you're receiving pornographic solicitation e-mails. It really stinks, but this is caused by your address having been on a victim's machine. The virus found it and then sent your address, along with everything else it sends, to another address it found, and that address just happened to be a service that sends out e-mail advertisements. Since they now have your address, the service starts sending you unwanted e-mails. Whew!

And the worst thing is, we can't do anything about it. Those junk e-mails are just going to continue to arrive until the infected PC users out there try to clean up their machines using one of the virus detection programs available for the PC, such as Norton Anti-Virus or McAfee VirusScan. All we can do is to delete these e-mail messages as they arrive.

We're not infected and we're not infecting others. We can only try to get the word out and hope that those infected users become aware of what's occurring.

If you use a personal computer (PC) other than a Macintosh at home, please be careful. Update your virus protection software as soon as possible!

Other precautions you should always take include:

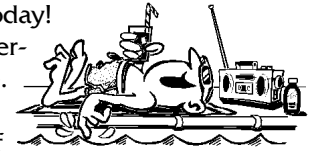
- ☒ Don't open attachments unless you know they're legitimate.
- ☒ Don't assume that, just because a message looks like it came from someone you know, it's legitimate. If you don't know what it is or why it was sent, contact the sender before opening it.

If you have any questions on what to do or how to do it, please contact Dave in the IS department. Dave Latz

Chicago Summer Events for 2002

Start setting your calendar today!

Our city has always had wonderful things to offer its people. Summertime, though, is the most jam-packed season of



events. Here is just a quick list of some of the great summer events for 2002. For more information, go to www.ci.chi.il.us/SpecialEvents.

19th Annual Chicago Blues Festival
May 30th – June 2nd

18th Annual Chicago Gospel Festival
June 7th – June 9th

22nd Annual Taste of Chicago
June 28th – July 7th

12th Annual Chicago Country Music Festival
June 29th – June 30th

Independence Eve Fireworks
July 3rd

3rd Annual Chicago Outdoor Film Festival
July 16th – August 27th

45th Annual Venetian Night
July 27th

14th Annual "Viva! Chicago" Latin Music Festival
August 24th – August 25th

24th Annual Chicago Jazz Festival
August 29th – September 1

June Birthdays, and Other Notable Dates

Civil Enforcement Initiative Training
on June 5th.

All Staff Meeting on June 7th.

Happy Birthday to **Marilyn O. Marshall** on June 11th!

Happy Birthday to **Allison Blum** on June 12th!

Flag Day on June 14th.

Father's Day on June 16th.

Summer Begins on June 21st.

Well, that beautiful little girl sitting between her sister Sheree and cousin Nikki is Santirial! Do you have a baby picture of yourself? Drop it off with a newsletter staffer, and we'll publish it as soon as possible.

Guess Who? Answer:

Walk & Roll On May 19th!

The 30th Anniversary American Cancer Society Walk & Roll will be Sunday, May 19th, 2002. Mark your calendar and join the Chapter 13 Trustee Team.

Our team coordinator is Juliana Jones, and assisting her is Shanika Thomas.

If you'd like information or need any sign-up or pledge forms, please contact one of them. T-Shirts will once again be distributed to those who have accumulated pledges of \$40 or more.



Newsletter F Y I s

If you would like to contact us or submit ideas or articles for the newsletter, you can do so by:

- ✓ e-mailing us at newsletter@chi13.com
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- ✓ leaving them with Amanu

Please remember when making a submission to the newsletter, it must be:

- ✓ type-written and
- ✓ submitted by the 3rd Wednesday of the month via e-mail, a Word document or an ASCII file.

We also ask that anyone who goes to a seminar please be prepared to furnish the committee with a detailed article on its subject.

You may also view this edition of the Chronicle and previous issues on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

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Six Steps to a Good Night's Sleep

It's easy to see how difficulty sleeping at night can trigger a whole series of problems. Sleep specialists often recommend the following:

- ① Go to bed only when you are sleepy and don't lie in bed if you can't sleep. It's actually better to stay up later if you're not tired than force yourself to get into bed at a prescribed hour.
- ② Avoid alcohol and smoking for at least two hours before bedtime. Alcohol may cause you to become drowsy, but it has a strong "rebound" effect that could cause you to wake up again in the middle of the night. And smoking impairs your normal restful breathing.
- ③ Avoid caffeinated beverages for at least six hours before bedtime. Although some individuals can drink caffeinated coffee with near impunity, most are sensitive to this stimulant.
- ④ Exercise regularly in the late afternoon, but not too close to bedtime. Exercise heightens both physical and mental awareness, exactly what you want to avoid at bedtime.
- ⑤ Get up at about the same time every day regardless of when you went to sleep. A healthy person will adjust by retiring somewhat earlier—and feel better when arising at a fixed time.
- ⑥ Limit napping to no more than 30 minutes. Long, frequent naps just serve to reduce nighttime sleep.