

# South Carolina On My Mind

No one likes to travel in December. But, I was invited to the National Bankruptcy Training Institute (NBTI), the training component of the Executive Office for United States Trustees to attend a Chapter 13 Standing Trustee Seminar December 6-8, 2006. The seminar was held at the Ernest F. Holling National Advocacy Center, hereafter called "the NAC" on the campus of the University of South Carolina in Columbia, South Carolina. My reluctance to travel was immediately quieted because I found I had nothing to worry about regarding the travel, because Julia Russell, Administrative Assistant to the United States Trustee, Bill Neary, did everything for me. Julia adopted the attitude of the old Greyhound slogan and Allstate, instead of "just leave the driving to us," I just left the travel arrangements to Julia. I was in good hands with Julia. I want to let my colleagues know that I have already received my reimbursement check.

I can't talk about the training just yet because I like to save the best for last. I have to brag on the food and housing accommodations at the NAC. The Inn at USC is located directly across the street from the NAC. All non-government and some government guests are lodged at this facility. The rooms were excellent. I would rate them far superior to the accommodations I had at the Adams Mark Hotel in Denver at our annual NACTT meeting. Breakfast and lunch were provided on-site. I am accustomed to

eating instant oatmeal at the office. When I awoke to the smell of bacon, I thought I was back home in Louisiana. When I actually went into the breakfast room, I couldn't believe the choices. Bacon, sausages, grits, hash brown potatoes, eggs, waffles, biscuits, and more. My mom used to say, "don't make your eyes bigger than your belly." I did, but the good thing was there wasn't anyone there to make me eat everything I had put on my plate. Then, at lunch, there were even more choices. The buffet was better than Piccadilly, Lubys, or even Lawry's. I can't believe I had roasted lamb, Cajun stuffed chicken breast, stuffed catfish and southern fried chicken as lunch choices. Not to mention the Caesar salad made to order. You must try the pecan pie. The NAC has its own "famous chef" who was available to sign his cookbook. The airplane weight was much heavier on the return trip to Chicago, and it wasn't because of my luggage.

The National Advocacy Center contains 262,000 square feet of classroom, conference and hotel space. The facilities include ten full-size courtrooms equipped with state-of-the-art audio technology for training. Nikki Calvano, Chief, NBTI, Executive Office of the United States Trustee, was there to meet our every need and request. Our meetings were held in Room A032 in the lower level of the center. Presentations were made by experienced standing trustees and representatives of the U.S.T. Program. Along with Nikki, we were welcomed at 8:30 on Wednesday morning with opening remarks from W. Clarkson McDow, Jr., Region 4, and Paul Chael, President of the NACTT. Since Paul and I shared the plane trip back home, I took the opportunity to tell him that the NACTT needs to pattern our seminars and meetings after this seminar because I felt that I had really benefited from the training. Most importantly, topics were covered that were of interest to Chapter 13 Trustees. I knew and expected the agenda would include the impact of BAPCPA on Chapter 13 matters, office administration, issues in employment law, and civil and criminal enforcement. But, in addition, the final agenda included disposable income issues, other current issues, legal ethics and professionalism, benefits, using data to monitor case administration, computer security, and debtor audits. Following are excerpts, highlights and summaries of some of the topics covered and case information.

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*The National Advocacy Center in Columbia, South Carolina.*

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## Disposable Income Issues

We reviewed eight hypotheticals concerning disposable income issues under BAPCPA. Time and space won't permit me to list them all. Jake Miller, Acting Assistant Director of Review and Oversight served as moderator and Paul Chael, Devin Derham-Burk, Chapter 13 Standing Trustee, San Jose, California, and Brian Lynch, Chapter 13 Trustee, Portland, Oregon, served as panelists. As the moderator posed the hypothetical, the panelists discussed and provided answers to the questions. One was: if the debtor must pay \$6,000 in projected disposable income to unsecured creditors, is the trustee's disbursement to the debtor's attorney for bankruptcy fees part of or in addition to the \$6,000? The opinions were split. But the majority of us thought that the attorney fees would be "in addition to" since §1325 (b)(1)(B) the plan provides that all debtors projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

The discussion of whether or not the dividend to unsecured is temporal or a multiplier drew a lot of discussion, and it was pointed out that the case law is divided.

The word projected modifies both income and expenses such that "projected disposable income is calculated based on anticipated (future looking) income and expenses."

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Please remember when making a submission to the newsletter, it must be:	
✓ type-written and	
✓ submitted by the first Wednesday of the month via e-mail, a Word document or an ASCII file.	
We also ask that anyone who attends a seminar please be prepared to furnish the committee with a detailed article on its subject.	
You may also view this edition of <b>THE MARSHALL CHRONICLES</b> , as well as all the previously published issues, on the Chapter 13 Trustee website at <a href="http://www.chicago13.com/">http://www.chicago13.com/</a> .	

## BAPCPA: Other Current Issues

William Neary, United States Trustee, Region 6 & 11, served as moderator and Margaret Burks, Chapter 13 Trustee, Cincinnati Ohio, Lydia, Myer, Chapter 13 Trustee, Rockford, Illinois, and Jimmy Wyman, Chapter 13 Trustee, Charleston, South Carolina, were the panelists. Bill raised issues that affected the implementation of the requirements under §521, §1328, and §109. Debtor's duties under §521 were fully explored. Each panelist had helpful hints on how to obtain payment advices and the requirements of submitting tax returns. The discussion expanded to the Trustee duties with regard to the DSO and noticing. Eligibility issues were raised with regard to credit counseling, and most agreed that the Judges were dismissing, as opposed to striking, cases when credit counseling was not obtained at least 180 days prior to filing the petition. The panelists noted that most trustees were not raising objections to motions to extend the stay when debtors were only eligible for a 30-day stay or not at all because of previous filings. The audience agreed that the creditor should fight this battle if they have opposition. Discharge issues were centered on discussions about who was monitoring §1328(f) to determine if a debtor had a prior discharge in a Chapter 7 in the last four years or a discharge in a Chapter 13 in the last two years. It is the Clerk or the Trustee? It was noted that some courts look from the date of filing and some were looking at date of discharge to determine discharge eligibility. We touched on the 910 claims and interest rates, but no one belabored this point since there was only one more session before lunch. And the audience would not touch modifications of Chapter 13 plans under §1329 "with a ten-foot pole." I was looking for some answers on this topic since this is my Achilles heel.



## Impact of BAPCPA on Chapter 13 Matters

This was the seminar's version of "Breaking News" as we experience it on Channel 5 News in Chicago. Jack Miller distributed to the audience the Statement of USTP Position on Means Testing Issues As Applied to the Chapter 13 Disposable Income Test. The documents contained a line by line summary of Form B22C and various recurring disposable income issues likely to arise in Chapter 13 under BAPCPA provisions of 11 USC §1325(b), which cross references the Chapter 7 means testing provision at §707(b)(2). The summary gives the United States Trustee Program's position on these means testing issues. Don't you fret, Jake Miller said this same information would be available on the UST's website.

## The Role of Chapter 13 Trustees in Criminal and Civil Enforcement

Richard Byrne, Chief Criminal Enforcement Unit, served as moderator of the criminal section of the discussion and Paul Randolph Assistant UST, St. Louis, Missouri, served as moderator of Civil Enforcement. Richard presented an overview of the FY 2006 Criminal Referrals, discussed operation Truth or Consequences, the Bankruptcy Fraud hotline, and BAPCPA and Criminal Enforcement. Martha Holloway, Deputy Assistant Director Standing Trustee Oversight, and Howard "Chip" Wilkes, Coordinator, Chicago, Illinois, drafted me to serve on this panel as a replacement for Joyce Babin, Chapter 13 Trustee, Little Rock, Arkansas. Chip felt that I should have had something to contribute about Civil Enforcement because the press conference announcing Operation Truth or Consequences had been held in Chicago only a month before. Not only did I have something to say about Civil Enforcement, but David Burchard, Jr., Chapter 13 Trustee, San Fran-

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cisco, California, wanted to know what I had to say about the Bears quarterback, Rex Grossman. At the time, I wanted Rex canned. I was so wrong. Rex led the Bears to a 39-14 win over the New Orleans Saints. Rex and I are going to the Super Bowl! Isabel Balboa, Chapter 13 Trustee, Cherry Hill, New Jersey, and Robert Drummond, Chapter 13 Trustee, Great Falls, Montana, added the substance to the discussion. Paul had compiled and provided the panelists with sample materials and forms. The materials provided directions on Civil Enforcement and Post BAPCPA issues. As an outline or guide, remember the following:

### Coordination between Standing Trustees and OUST

- A. Communicate with OUST regarding unique or topical issues, especially those raised concerning means testing and other BAPCPA provision.
  1. Copy OUST on pleading and briefs.
  2. Alert OUST about challenges to means testing (e.g., household size, calculation of CMI, unusual expense items; apportion to IRS standards; determination of secured obligations allocation).
  3. Encourage participation meetings with OUST on means test determination.
  4. Charitable contribution (inform OUST of litigation).
- B. Communicate with OUST on serial filer cases.
- C. Notify OUST about egregious false or inaccurate SSN instances.
- D. Notify OUST about identification issues or cases of questionable uses of power of attorney.
- E. Clarify parameters of OUST involvement to ensure issues are addressed (priorities may differ).

### Legal Ethics and Professionalism for Chapter 13 Standing Trustees

W. Clarkson McDow, Jr., United States Trustee, Region 4, and William Neary, United States Trustee, Region 6 & 11, directed this session. The two together have more than 40 years of experience with the United States Trustee Program. Imagine, between the two of them, they have seen and heard it all. As a part of the presentation, we discussed Statutes and Rules. Particularly, Rules of ABA Model Rule 4.2. It states:

*In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.*

It is important to ask yourself the questions: "Who are you?" and "What hat do you wear?" Since an attorney represents most of the debtors, the question is, should the trustee talk directly to the debtor other than answering general questions. Sometimes it is the debtor's attorney that encourages the debtor to call the trustee. Remember the trustee does not give legal advice.

Also, the two USTs provided thought provoking questions and scenarios on what you should do if confronted with ethics problems, conflicts of interest, and professionalism. We should always be responsive to complaints. This discussion was directed at trustees, staff and customers. Professionalism does not only start with the Trustee but it extends to everyone on the Trustee's staff. The trustee and everyone on the trustee's staff who comes into contact with our clients/customer should be aware of their

actions, attitudes, and demeanor. There is no question that we must mirror our conduct after the UST's in being professional at all times and in all situations. Zealous representation does not include unprofessional conduct.

### Case Law Update

Kevin Anderson, Chapter 13 Trustee, Salt Lake City, Utah, and Jake Miller did an excellent job in reviewing cases interpreting the "Plain Meaning" of BAPCPA. The 27-page case law update discusses several issues. I will highlight those cases, that the presenters reviewed that were decided in the Northern District of Illinois. I would advise everyone to get a copy of this update and read the other cases.

### Projected Disposable Income and Return to Unsecured Creditors

*In re Nevitt*, 2006 WL 2433491 (Bankr. N. D. Ill. 8/18/06) Below-the-median debtors argued that it was unfair to calculate their projected disposable income using Schedules I and J, because if they were above-the-median, they would pay less under their plan because they could take the greater deductions allowed by Form B22C. The court held that the Code clearly limit B22C deduction to above-the median debtors and that the appropriate approach for below-the median debtors is to deduct court-allowed expenses on

Schedule J and then deduct the plan payments on administrative and secured claim to arrive at projected income to be paid to unsecured creditors (see *In Re Quarterman*). This result is fair because below-the median debtors only have a three-year applicable commitment period. Which is a temporal requirement.

*In Re Demonica*, 345 B. R. 895 (Bankr. N. D. Ill. 7/31/06). "Projected disposable income" must mean something different than "disposable income" and projected disposable income to be paid to unsecured creditors is reflected on Schedule I rather than the historical average on B22C.

### Projected Disposable Income is the Same as Disposable Income (Form B22C Controls)

*In re Farrar-Johnson*, WL 2662709 (Bankr. N. D. Ill. 9/15/06). "When a Chapter 13 debtor is above the median income, section 1325(b)(3) accordingly makes clear that Schedule J has no role in calculating disposable income,

### Form B22C

*In re Farrar-Johnson*, WL 2662709 (Bankr. N. D. Ill. 9/15/06). Above-the median debtors entitled to IRS deduction for housing "even though the debtors live in military housing and so have no such expense." The court also declined to consider comments in the IRS manuals, noting that BAPCPA "nowhere incorporates wholesale all IRS criteria for tax collection matters."

*In re Wiggs*, 2006 WL 2246432 (Bankr. N. D. Ill. 8/04/06). Debtor who does not make a note or lease payment cannot take the ownership/lease deduction on Lines 28-29 of Form B22C. Finding §707(b)(2)(A)(ii)(I) "clear and unambiguous," the court reasoned that the term "applicable" modifies the amounts specified to limit the expenses to only those that apply" (Citing *In re McGuire*, 342 B. R. 608 (Bankr. W. D. Mo. 2006)). The court also determined that it should look to the statute rather than the "Internal Revenue Manual for guidance."



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### Applicable Commitment Period

*In re Nevitt*, 2006 WL 2433491 (Bankr. N. D. Ill. 8/18/06). Applicable commitment period is a temporal measurement of the required plan length; thus, "the imposition of a base amount is inappropriate."

### Office Administration: The Trustee as Manager and Fiduciary

Debera Conlon, Assistant U. S. Trustee, Norfolk, Virginia, served as moderator and Jason Ashley, Finance and Administrative Manager, Austin, Texas, David Burchard, Jr., Chapter 13 Trustee, San Francisco, California, A. L. Nickerson, Chapter 13 Trustee Coordinator, Dallas, Texas, and Mary Ida Townson, Chapter 13 Trustee, Atlanta, Georgia, served as panelists. A change in office organization and workflow as a result of BAPCPA was the focus of this discussion. Questions regarding declining caseload, evaluating each employee to determine whether he/she has the skills to perform all the new duties associated with the new law, and training and cross-training in a post BAPCPA world were thoroughly examined. Each panelist provided their views on the pros and cons of a paperless office. Can you have a paperless office in this new environment with all of the documents required to be collected or reviewed under §521? What safeguards are in place to make sure we will be ready for an audit under BAPCPA? Don't forget customer service in a time of change. Know who are your constituents and how does your office interact with each group. Sample employee handbooks and disaster recovery plans were shared.

### Benefits

Paula Phillips Carson, PhD, Associate Dean, College of Business Administration, University of Louisiana, Lafayette, provided statistical data and research on how the wages are determined in a Chapter 13 office. Where does your labor dollar go? It goes to wages/salary, mandated benefits, insurances, paid leave and retirement. Because of rising health care costs, very few trustees are able to continue to provide 100% coverage to employees.

Since most of the duties of the employees have changed under BAPCPA, a current wage study may not be a bad idea. I can't say enough about Paula's presentation. I knew that it was time for a current wage study to be conducted in my office. As a matter of fact, the Chapter 13 Trustees in Region 11 will all undergo a wage study in February.

### Issues in Employment Law

Malissa Burnette Esq., Burnette & Rothstein, Columbia, South Carolina, informed the audience of different issues in employment law. We discussed At-Will Employment, most Frequently-Used Discrimination Laws, Americans with Disabilities Act, Age Discrimination, Equal Pay Act, Fair Labor Standards Act, Family and Medical Leave which covers 50 or more employees, hiring issues, managing employees, and termination of employees. Most of us have a handbook, which informs everyone of the relationship between the employer and the employees. All of us were doing background checks and requesting criminal and credit checks.

### Using Data to Monitor Case Administration

Gale Bridgeman, Systems Manager, Corpus Christi, Texas, Peter Gullicks, Chapter 13 Coordinator, Cheyenne Wyoming, Brook Nelson, Operations/Systems Manager, Salt Lake City, Utah, and Michael Sorgaard, Chapter 13 Coordinator San Francisco, California were the panelists for this session. This is one of the sessions that

I feel should be duplicated at one of our NACTT meetings. Moreover, since I am now a member of the NACTT Staff Symposium Committee, I will be asking these panelists to provide a presentation on the staff level.



The use of data to find problems, to monitor system status, to generate reports, to archive the data for easier retrieval and to verify controls was simplified. The presenters were so good and made everything seem so simple. This session could have been called "Monitoring Data for Dummies." Trustees should be reviewing the activity of their systems managers and tracking staff productivity. Most of the data can be downloaded from your software to an Excel document. Using the pivot table function, tracking reports is as easy as ABC.

### Computer Security

Tom O'Hern, Program Manager, STACS Support Center, Baltimore, MD, gave an update on the number of trustees participating in the STACS program. In 2006-2007 there are 118 participants. The program seeks to understand the Trustee operation, protect against outside threats, secure remote access and due diligence for the insider threat. Today, more than ever, the trustees have to be aware of Information Technology threats and risks. In addition to employee fraud and embezzlement, there is the threat of computer break-in, and all data needs to be secure. More people are using wireless networking and this increases the risk. Tom explained the best practices for WIFI users and best practices for AP (Access Point).

### Debtor Audits

Paul Randolph, Assistant U.S. Trustee, St. Louis Missouri, answered all of our questions regarding debtor audits. Audits of bankruptcy papers by independent public accountants started October 20, 2006. The trustees wanted to know if we had any responsibility with regards to the audits. Paul, with his PowerPoint presentation explained: Who could be audited; What cases would be audited; What the audit firm will do; How it all works; What happens when a debtor has been selected for audit; What is in the letter to debtor counsel, or pro se debtor; What happens if audit firms identify a material misstatement; Report of no audit; USTP action; USTP duty to make criminal referrals and public reporting. After this presentation there were no unanswered questions.

This article by no means covers all of the topics, but hopefully gives some idea of the extensiveness of the training and shows some of the camaraderie established among the groups attending.

I will be attending the NACTT Mid-Year Meeting in Washington, D.C., January 24-27. I am looking forward to the meeting, but I can't forget the training I received at the NAC. South Carolina is on my mind.

Marilyn O. Marshall, Standing Trustee

## On Hard Work:

*"Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."*

– Sam Ewing

*"I'm a great believer in luck and I find the harder I work, the more I have of it."*

– Thomas Jefferson

## Case Confirmation What's New In Paralegal Land?



When an upcoming Motion to Reinstate the Automatic Stay to a mortgage debt or a Motion to Object/Disallow a Claim is received, the paralegals now process these differently.

Normally, a motion is not docketed in our computer system until the Judge in court has heard it. However above mentioned motions will now be docketed by the paralegal in the computer as "set" with the upcoming date and time that the motion will be heard in court.

Motion to Reinstate will be docketed under "Motion to Reinstate Automatic Stay" and Motion to Object or Disallow will be docketed under "Motion to Allow Claim."

A Motion to Reinstate the stay happens because, at some point in the case, the mortgage company petitioned the court to have the stay modified or, in lay terms, asked permission to pull out of the bankruptcy. An order was entered, the stay was modified on the mortgage debt and our office turned off the claim.

Now a request is before the court to have the mortgage debt put back into the bankruptcy.

Since there's a possibility that the stay could be reinstated, the mortgage claim is adjusted to allow money to allocate to the claim. The "ok to allocate" button is turned on. Money will now start to allocate to the claim but will not be disbursed since the motion has not been ruled on.

Once the motion has been heard and resolved in court, the paralegal will docket the results accordingly. If the motion was granted, then stay was reinstated. The paralegal will turn on the "ok to disburse" button and any allocated funds in the claim will be sent to the mortgage company.

If the motion was denied/withdrawn, then the stay was not reinstated. The "ok to allocate" button will be turned off and any allocated funds in the claim will be removed.

On a Motion to Object or Disallow a claim, the disbursements on the claim are held until the motion is resolved in court.

The "ok to disburse" button in the claim is turned off. Money will continue to allocate but will not be disbursed.

Once the motion has been heard and resolved in court, the paralegal will docket the results accordingly. If the motion was granted, then the claim was disallowed. The "ok to allocate" button is turned off and any allocated funds to the claim will be removed.

If the motion is denied/withdrawn, then the "ok to disburse" button is turned back on and disbursements on the claim will resume.

These processes reflect an ongoing effort to service the bankruptcy community effectively and efficiently.

*Karen Barron*

## Walk & Roll 2007

Save this date: Sunday, May 20, 2007. Come join the Chapter 13 Trustee team at the lakefront to walk, rollerblade, or bike in the American Cancer Society's 35th Annual Walk & Roll.

*Rita M. Saunders*



## The Perks Of Your Job



Many people go to work each day just to get a paycheck at the end of each pay period and overlook the other benefits given to them by their employers. According to the 2003 Census Bureau report, only 84.4% of Americans have health insurance coverage. Look more closely at that figure; one in six Americans have no health insurance at all, and many of the 84.4% that have insurance have inadequate coverage or coverage that is expensive to them. Only 60% of workers have insurance through their employer, and the percentage of the cost to the employee continues to grow. So, if you have affordable health insurance coverage, you should feel privileged.

What about dental insurance? Less than 50% of working Americans are covered by employer-sponsored dental insurance. Not divulged in these numbers is how much the employee has to pay for this coverage. So, if you have affordable (or free) employer-sponsored dental insurance, you are in the minority. The numbers for vision insurance are very close to those for dental insurance. So, if you have affordable (or free) employer-sponsored vision insurance, you are also in the minority.

As for disability insurance, the numbers are much more bleak. Only 22% of employees have short-term coverage and 13% have long-term disability coverage. Furthermore, it is estimated that one in seven people will become disabled for five years or more before they reach 65. So, if you have employer-sponsored disability coverage, you should feel very special indeed.

And finally, what about a 401(k) plan? Only 55% of Americans working full time have a job with a retirement savings plan. Some of these plans have a small employer match or no match at all. If you work for a small employer, the odds are even greater that you do not have a 401(k) plan. Only 14% of small employers offer their employees a 401(k) plan. With the increasing life spans for Americans and the continuous talk of the demise of the Social Security system, what will retired Americans live on if they don't have an adequate retirement plan? So, if you have a well funded 401(k) account with a healthy employer match, you should feel among the selected few.

Having some or most of the above perks puts you with the majority of working Americans, but having all of them should definitely make you feel among the elite of working Americans.

*Dan Lyons*

## February Birthdays, Anniversaries, And Other Notable Events



**Ground Hog Day** on February 2nd.

**All Staff Meeting** on February 2nd.

**Super Bowl XLI (GO BEARS!)** on February 4th.

Happy Birthday to **Santricia Mack** on February 5th!

**Valentine's Day** on February 14th.

**President's Day** on February 19th.

**Mardi Gras** on February 20th.

**Ash Wednesday** on February 21st.

**Academy Awards Night** on February 25th.

Happy Birthday to **Jay Tribou** on February 27th!

**National Tooth Fairy Day** on February 28th.



**Legal Stat!**



Now that we have ECF up and in full swing, we can gather more statistical data than ever before.

This office sets a variety of motions to dismiss cases for non-compliance with the law. The clerk of the court has updated their software so that it now splits out motions into various sub categories for the motions to dismiss. The sub categories now include:

- ☐ Motion to Dismiss case for failure to file required documents under §521(a)(1).
- ☐ Motion to Dismiss case for failure to file taxes under §521(j)(1).
- ☐ Motion to Dismiss case for failure to make plan payments.
- ☐ Motion to Dismiss case for other reasons.

By providing these different categories, the clerk of the court will be able to track statistical data better. These categories also are clearer in that the basis for the motion can be readily determined from the docket event alone. The result of the future statistical analyses will provide the bankruptcy community with insight into what causes cases to fail. More data is always better.

*Anthony Olivadoti*

**Telephonic §341 Hearings**



The process for holding a §341 meeting via telephone recently came up, so this article is being reprinted for your reference.

In order to have a §341 meeting held by telephone, the debtor must prove that they are physically unable to appear at §341 due to health reasons, incarceration or military duty.

Once the debtor’s attorney finds out that a client will require a telephone meeting, our office should be notified immediately. Documentation must be provided, such as a doctor’s note as to why the debtor cannot physically appear. A copy of the debtor’s ID and social security card must be tendered prior to the meeting being heard. Our office will fax the debtor’s attorney a Declaration Regarding Administration of Oath and Identification Form. The notary must be with the debtor to physically verify the debtor’s original identification and social security card at the time of the meeting.

On the day of meeting, §341 hearing officer will call the phone number provided to our office by the debtor attorney at the scheduled meeting time. The hearing officer will explain the meeting process and review the schedules as we do for debtors who physically appear at the §341 meeting. At the conclusion of the meeting, the notary will be instructed to return a notarized copy of Declaration Form to our office within three business days of the hearing. The trustee does not pay for the cost of the notary. Normally the debtor’s attorney has someone who is a notary on staff and that individual will go to the debtor’s home, or they have contracted with a notary service at their own expense.

*Rosalind Lanier*

**20 Questions For: Darlene Odom**



*Office Title:* Identity Maintenance Specialist.

*If you could have named yourself, how would your name appear on your birth certificate?* My first name would be Delores.

*If you could build a house anywhere in the U.S., where would it be?* San Diego, CA.

*When you were a kid, what profession or job did you want to have when you grew up?* A Teacher.

*If they made a movie about your life, what current actor/actress would play you?* Alfre Woodard.

*What is your least favorite household chore?* Cleaning the Oven.

*What are your favorite books?* Anything by Iyanla Vanzant or Les Brown.

*If you could bring anything back from your childhood, excluding people, what would it be?* My German Shepherd “Champ.”

*When you were growing up what was your favorite...*

*Hair style/haircut?* French Braids.

*Cartoon?* H.R. Pufnstuf, UnderDog, Wacky Races.

*Cereal?* Corn Pops and Sugar Smacks.

*Sport?* Soft Ball.

*Subject in school?* Drama Class and Reading.

*Author?* Carolyn Keene (Nancy Drew).

*Singing group?* Jackson Five and the Osmonds.

*Family outing?* Car trips to visit family living in the South.

*Movie?* Anything with Bruce Lee in it.

*If you wanted to be cool:* You had to have Red Roadmaster bike.

*I always wanted:* A little sister or brother.

*Now that I’m older I wish:* I could be a kid again.

**Don’t Quit Your Day Job!**

**Chapter 13 Employees Rock the Western Suburbs**

Mild-mannered systems director by day, budding rock star by night. Who knew? I sing and play the violin in a band with lead guitarist and attorney Jerry Mylander of Glenn Stearns’ Chapter 13 Trustee office. We had a gig at Mullen’s in Lisle last Thursday which was well-attended by many in the bankruptcy community, past and present, and ran late into the night! (Did anybody notice I wasn’t at work on Friday?) Thanks for all the support. Look for a Spanktones gig coming to a location near you!

*Sandra Pillar*

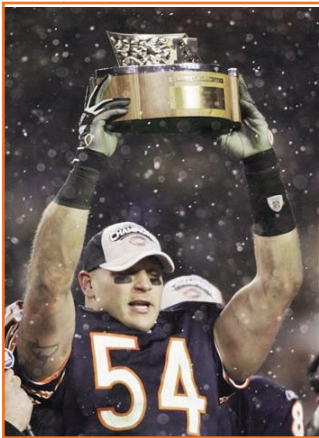


*Jerry Mylander, guitar, far left. Sandra Pillar, violin, far right.*



## Da BEARS!

Unless you are Rip Van Winkle and have been asleep for the last 20 years, you know already that the CHICAGO BEARS are in the Big Game this year. (The NFL does not allow people to use the term Super Bowl without paying a licensing fee, so we will refer to it as the Big Game.) If you are Rip, you think the Bears are always in the Big Game, because when you fell asleep, they had just demolished the New England Patriots in Big Game XX. Da BEARS are going to play some semi-pro team from Indiana called the Colts to decide which team gets to wear large rings with the letters XLI engraved on them.



Anyway, the reason for this article is to review the NFL predictions of Carlos and myself. There are 12 playoff slots. I correctly picked seven of them and Carlos got nine of them right. So, I guess that makes Carlos a genius and me, not a genius. We didn't predict who would win the playoff games, but, if we did, we both would have picked the BEARS and Colts to make it into the Big Game. (You skeptics are saying to yourself that this is just hindsight, and I say to you "so what, you write

the article.") For the record, Carlos had all four of the final four teams, and I had three of the four (I felt the Patriots would finally struggle to make the playoffs this year).

As for predictions for the Big Game, you know our picks: Da BEARS and Da BEARS respectively. I, for one, hope that Peyton Manning's thumb is not broken so it doesn't taint our win. (Really I hope it is broken. A win is a win, and over several decades time, everybody will forget that their star quarterback didn't play.) So to make it more sporting, Carlos and I will pick the final score. Carlos says BEARS 27, Colts 17, and I'm going with BEARS 77, Colts -2, a new NFL record (that's right, a negative two for the Colts).

*Dan Lyons and Carlos Lagunas*

## Organizing Tip

By early February, you should have received all of the necessary paperwork to complete your taxes. If you use a tax preparation service, take a few moments to organize this paperwork into some basic categories like salary, real estate, medical, childcare, and investments. Throw away the envelopes your statements came in and organize your categorized statements using folders or paper clips. Then be sure to schedule your appointment with your tax preparer now in order to beat the last minute rush.

## What's In A Name?

While it may be true that a rose by any other name would still make me sneeze violently, the opinion of Shakespeare's Juliet that names should not form the basis of personal judgments is an idea whose time is yet to come.



Love could not conquer the forces that fate wielded against Juliet and her star-crossed lover Romeo. As Juliet correctly observed, a mere name ought not to be powerful enough to cause the misery she and Romeo endured. What she couldn't see is that the name represents so much more than meets the ear. Montague, Schmontague, you might say, but Romeo was a Jet, and Juliet's brother was the leader of the Sharks. You didn't have to be Officer Krupke to see how it would end.

This business about the power behind names did not come to my mind after brushing up on my Shakespeare. No, the present meditation originated from reading in the paper about another pair whose fate will likely be lost in time. I speak not of Romeo and Juliet, but of Binney and Smith.

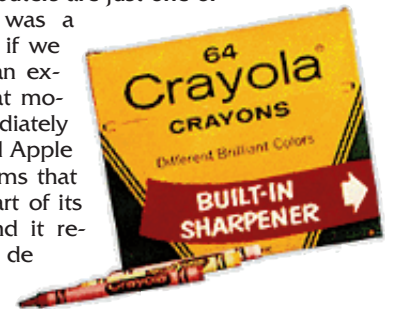


Even if you are of a certain age, as I admit to be, you may not be able to place those names, which is the whole point, really. In 1903 Mr. Edwin Binney and Mr. C. Harold Smith, having been in business together for more than 15 years, opened a colorful new chapter for their company and for generations of children with the introduction of a new product, named by Edwin's wife, Alice – the "Crayola" crayon.

A century later, the current owners of the company have determined that their future would surely be better if people, upon hearing the company's name, could be counted on to beam with pleasant childhood memories, instead of quizzically cocking their heads and saying, "Who? Eh?"

So that company henceforth is to be known as Crayola LLC. Personally, the mention of Binney & Smith has always made me think of Beany and Cecil, a cartoon we used to watch on our black and white Motorola TV during the Pleistocene epoch, and so it always carried pleasant connotations for me anyway. For that matter, because of my color-blindness, the Crayola name brings up some rather unpleasant feelings of stress and inadequacy. Such is the power of names, my dear Juliet.

Certainly Crayola is not the only company tinkering with its name these days, hoping to manage people's perceptions. After Apple Computer recently unveiled its already much-hyped (but not yet shipping) iPhone, that company announced it is now to be called Apple Inc., given that computers are just one of several product lines. It was a proud moment for Apple, if we pretend that companies can experience emotions, but that moment passed almost immediately when the Sharks challenged Apple to a rumble. The gang claims that the iPhone trademark is part of its turf. Tensions are high, and it remains to be seen if this pas de deux will lead to romance or heartbreak.



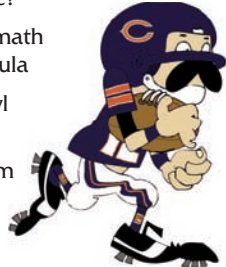
Perhaps Officer Krupke can guess how it will turn out.

*Cliff Tarrance*

### Trivia quiz: The Super Bowl

Super Bowl XLI will be played on February 4th. Test how much you know about the history of this annual duel between the NFC and The AFC champions with this trivia quiz.

- Which NFL player guaranteed his team would win Super Bowl III the week before the big game?
  - A. Don Shula
  - B. Joe Namath
  - C. Earl Morrall
  - D. Don Shula
- What stadium was the first Super Bowl played in?
  - A. Los Angeles Memorial Coliseum
  - B. Louisiana Superdome
  - C. The Orange Bowl
  - D. Lambeau Field



- Who was the losing head coach in the first Super Bowl?
  - A. Vince Lombardi
  - B. George Allen
  - C. Don Shula
  - D. Hank Stram
- Which city has hosted the most Super Bowls?
  - A. Los Angeles
  - B. San Diego
  - C. Miami
  - D. New Orleans
- Which team holds the record for the most penalties in one Super Bowl?
  - A. Los Angeles Rams
  - B. Dallas Cowboys
  - C. Miami Dolphins
  - D. San Francisco 49ers
- Who was MVP of Super Bowl XXVII?
  - A. Troy Aikman
  - B. Emmitt Smith
  - C. Michael Irvin
  - D. Steve Young



(Continued below.)

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- Who has played in the most Super Bowls?
  - A. Charles Haley
  - B. John Elway
  - C. Mike Lodish
  - D. Preston Pearson
- Which head coach has taken his team to the Super Bowl the most times?
  - A. Bud Grant
  - B. Marv Levy
  - C. Don Shula
  - D. Tom Landry
- What is the longest field goal ever kicked in a Super Bowl?
  - A. 52 yards
  - B. 53 yards
  - C. 54 yards
  - D. 55 yards
- Which quarterback has thrown the most pass attempts without an interception in a Super Bowl?
  - A. John Elway
  - B. Steve Young
  - C. Joe Montana
  - D. Kurt Warner



### The Answers:

1. Joe Namath guaranteed his jets would beat the heavily favored Colts.
2. Los Angeles Memorial Coliseum.
3. Hank Stram was head coach of the Kansas City Chiefs when they lost to the Green Bay Packers in Super Bowl I.
4. New Orleans has played host to eight Super Bowls.
5. The Dallas Cowboys committed 12 penalties against Denver in 1978.
6. Troy Aikman of the Dallas Cowboys.
7. Mike Lodish has played in six Super Bowls, four with the Buffalo Bills and two with the Denver Broncos.
8. Don Shula has been to the Super Bowl six times as a head coach, once with the Baltimore Colts and five times with the Miami Dolphins.
9. Steve Christie kicked a 54-yard field goal for the Buffalo Bills in 1993.
10. Kurt Warner threw 45 pass attempts without an interception in Super Bowl XXXIV against the Tennessee Titans.