



THE

# MARSHALL CHRONICLES

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## The Plain Language Of BAPCPA

Recently, Judge Squires rendered an opinion which clarifies the implications and significance of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") §1325(b) as it relates to the B22C Form when computing "projected disposable income" for the above median debtor. *In Re Ross* was before the Court on the Chapter 13 Trustee's objection to confirmation based on the above median debtor's failure to commit all "projected disposable income" to the unsecured creditors for the applicable commitment period of five years. As such, the Chapter 13 Trustee argued that debtor should be required to pay the unsecured creditors the value of their claims "as of the effective date of the plan." The Trustee suggests that this language means that interest must be paid to compensate the unsecured creditors for the delay in receiving timely payments.

The issues before the court were twofold: (1) Must interest be provided to the unsecured creditors if an above median income debtor's plan proposes to pay unsecured creditors in full for a period **less than the five year "applicable commitment period"** as provided in §1325(b)(4)(A)(ii); and, (2) In what way is the debtor's "**projected disposable income**" calculated?

Judge Squires first addressed the "projected disposable income" issue. The Judge examined *In Re Nance*, WL 2028579 (Bankr. S.D. Ill. July 10, 2007) and discussed Judge Kenneth Meyers' approach to calculating "projected disposable income" with respect to §1325(b)(1)(B). As the Judge notes, this concept has instigated numerous diverse interpretations. However, simply stated, the strict construction of relevant provisions of BAPCPA, which provide no specific definition for "projected disposable income," precludes the formulation of an artificial meaning. Judge Squires presented a clear and concise summary of the prominent positions regarding "projected disposable income" as set forth in *Nance*.

The first view presented in *Nance* is that the debtor's actual income at the moment of filing and depicted on Schedule I, can be the only accurate starting point from which to calculate "projected disposable income." This method completely abandons what BAPCPA defines in §101(10A) as the debtor's "current monthly income" and ignores any reference to what is inserted on line 20

of Form B22C. Common sense, as the Judge indicates, is the appeal of the second *Nance* analysis of "projected disposable income." This manner of calculation relies on the Form B22C line 20 number to be the "projected disposable income," *unless* there is some demonstration of an existing substantial change in circumstances resulting in extensive disparity between the pre-petition income, as reflected in the B22C Form and the anticipated post-confirmation income and expenses illustrated on the Debtor's Schedule I and J. Such a situation would require that the debtor rebut the presumption that the figures on the

B22C Form are not an accurate reflection projecting the debtor's future financial condition. Any alleged change of circumstances, which would significantly impact the debtor's ability to fashion a feasible Chapter 13 plan or impede the debtor's successful performance under its terms would be set forth at the confirmation hearing. If, by showing a significant change of circumstance, the debtor prevails, Schedules I and J would be utilized to determine projected disposable income "in an understandable effort to avoid seemingly absurd or impractical results" as noted by Judge Squires. Finally, *Nance*, presents the *plain meaning* approach of calculating "projected disposable income." BAPCPA's §1325(b) simply requires an uncomplicated mathematical calculation using the B22C Form to determine "projected disposable income" when the debtor's income is above the median. Therefore, such a debtor's current monthly income is the figure which appears on line 20 of the B22C Form, with no reference to what appears on Schedules I and J.

The court in *Nance* explains the reasons why it adopted the third approach in how to calculate "projected disposable income;" it should be calculated in strict accordance with Form B22C, since §1325(b)(2) "plainly sets for the a new definition and method for calculating disposable income, and Form B22C is the tool for arriving at that disposable income figure." Further, *Nance* clarified that "had Congress intended for 'projected disposable income' to mean something different than 'disposable income' it certainly could have provided a separate definition of the term." Therefore, "projected disposable income" is calculated pursuant to the

(Continued on page 2.)



# The Plain Language Of BAPCPA

(Continued from page 1.)

§1325(b)(1)(B) disposable income calculation and then projected over the plan's term of years. Judge Squires concurs with the Nance decision and further states that "Had Congress intended the term "projected disposable income" to mean something with reference to Schedules I and J it could have so clearly legislated...Thus, it is logical to infer that the B22C Form controls for purposes of the required computations under §1325(b) and §707(b)." Further, the Judge sustained the Trustee's objection to the Debtor's plan with respect to the Debtor's failure to commit all of the projected disposable income as determined by the B22C Form. The debtor must pay the number on line 58 from the B22C to the plan,



Judge Squires rejected the Trustee's assertion that an above median income debtor, proposing to pay unsecured creditors in full must propose a plan for a period of five years. By referencing §1325(b)(4)(B) the Judge clearly adheres to the plain language set forth therein, providing that "applicable commitment period may be less than three or five years...but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period." As such, the above median income debtor is permitted to propose a plan providing a term which is less than the statutory commitment period if all allowed unsecured claims are to be paid in full. Finally, Judge Squires overruled the

Trustee's objection to the debtor's proposed plan on the ground that it failed to pay the unsecured creditors interest on their claims. The Judge noted, "a Chapter 13 plan does not have to provide for the payment of interest on general unsecured claims...If Congress intended for unsecured creditors to receive interest on their claims in a Chapter 13 case, it could have so expressly legislated, but did not."

Judge Squires has provided us with definitive guidance on the issues which have created controversy in our Chapter 13 community. The computation of "projected disposable income" which clearly conforms with the plain language of BAPCPA clarifies the intent of Congress. As the Judge suggests, BAPCPA's deficiency in providing a definition for the term results in diverse approaches generating a problem which "cries out for remedial legislation." Adhering to the provisions of BAPCPA, the Judge explained that an above income debtor may propose a plan with a term which is shorter than the statutory commitment period if the plan pays all allowed unsecured claims in full. Finally, Judge Squires, again strictly construing BAPCPA, stated that since Congress has not expressly legislated that unsecured creditors receive interest on their claims in a Chapter 13 case, such interest is not intended or contemplated.

*Joanne Coshonis*

## Case Administration Duplicate Claims Revisited



On a daily basis we receive approximately 125 to 150 claims, which accounts for a weekly average of 700 claims. A small percentage of these claims turns out to be duplicates. A duplicate claim is basically a claim that was filed subsequent to the original proof of claim for the exact same debt. A duplicate claim is usually the result of one of the following:

1. The creditor is attempting to change the dollar amount, disbursement address or debt treatment and didn't check the amended claim box.
2. The creditor files a proof of claim, and the agent collecting for the creditor files a claim.
3. The account was sold, and the creditor who purchased the account didn't verify that the original lender had already submitted a claim.

The current procedure we have for treatment of a duplicate claim is to turn off the later filed claim and send a claim withdrawal notice to that creditor. Most of the time we receive a response from the creditor indicating which claim is the correct claim for payment, but sometimes we don't receive a response. Each trusteeship has a different procedure in place to deal with duplicates. Some offices file formal objections to all duplicate claims and seek to have the claim disallowed.

We will be modifying our procedure to deal with the creditors who don't respond to the initial duplicate notice. The new procedure will address:

- ★ Who should the initial notice be sent to?
- ★ How long should we wait for a response?
- ★ What follow-up action is necessary; i.e., a second letter or claim objection?

The purpose of the new process is to decrease our liability.

*Rosalind Lanier*

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| <b>THE MARSHALL CHRONICLES</b>  |
| <b>The Editorial Staff:</b> Cheryl Jones, HVB and Dave Latz.  |
| <b>Contents and Contributors:</b>   |
| The Plain Language Of BAPCPA, pg. 1 ..... <i>Joanne Coshonis</i>  |
| Duplicate Claims Revisited, pg. 2 ..... <i>Rosalind Lanier</i>  |
| Trustee Matters, pg. 3 ..... <i>Marilyn O. Marshall</i>   |
| October Events, pg. 4 ..... <i>Dave Latz</i>  |
| Is It Good? Or Is It Bad?, pg. 5 ..... <i>Anthony Olivadoti</i>   |
| Changes In Your Life May Mean Changes In Your Insurance Coverage, pg. 5 ..... <i>Staff Submission</i>   |
| Navigating The Case Navigator, pg. 6 ..... <i>Sandra Pillar</i>   |
| Internet Tidbit, pg. 6 ..... <i>Staff Submission</i>  |
| Let Go Of My Lego! Trivia Answers, pg. 6 ..... <i>Staff Submission</i>  |
| Spamarama, pg. 7 ..... <i>Cliff Tarrance</i>  |
| 20 Questions For: Elise Taylor, pg. 7 ..... <i>Elise Taylor</i>   |
| Trivia Quiz: Let Go Of My Lego!, pg. 8 ..... <i>Staff Submission</i>  |
| Did You Know? Poppin' Good Trivia, pg. 8 ..... <i>Staff Submission</i>  |
| <b>Newsletter Information:</b>  |
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| ✓ type-written and  |
| ✓ submitted by the third 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> . |

## Trustee Matters

### What Is The Role Of The Chapter 13 Trustee?

The United States Trustee is authorized by law to appoint one or more individuals to serve as standing trustee in Chapter 13 cases. The United States Court glossary defines the Chapter 13 Trustee as – A person appointed to administer a Chapter 13 case. A Chapter 13 Trustee’s responsibilities are similar to those of a Chapter 7 Trustee; however, a Chapter 13 Trustee has the additional responsibilities of overseeing the debtor’s plan, receiving payments from debtors, and disbursing plan payments to creditors.



I have reviewed the duties and responsibilities of the Chapter 13 Trustee with the staff and, since we are about to begin the new fiscal year, I wanted to further explain, emphasize, and review the Trustee’s role. The specific duties of the Trustee are listed in the Bankruptcy Code and further delineated in the Handbook for Chapter 13 Standing Trustee.

#### Duties of the Standing Trustee

The standing trustee has a fiduciary responsibility to the debtor and all classes of creditors in each case. The standing trustee is more than a mere disbursing agent. The standing trustee must be personally involved in carrying out the statutory duties and other fiduciary responsibilities of the standing trustee operation. If the standing trustee is or becomes unable to be directly involved in the performance of these duties and responsibilities, the standing trustee must advise the United States Trustee immediately.

The statutory duties of the standing trustee are set forth in part in §1302 which incorporates by reference some of the duties of Chapter 7 Trustees set forth in §704. These duties include, but are not limited to, the requirements that the standing trustee:

1. be accountable for all property received [§704(2)];
2. investigate the financial affairs of the debtor [§704(4)];
3. if a purpose would be served, examine proofs of claim and object to the allowance of any claim that is improper [§704(5)];
4. if advisable, oppose the discharge of the debtor [§704(6)];
4. unless the court orders otherwise, furnish such information concerning the estate and the estate’s administration as is requested by a party in interest [§704(7)];
6. make a final report and file a final account of the administration of the estate with the United States Trustee and the court [§704(9)];
7. appear and be heard at any hearing that concerns the value of property subject to a lien [§1302(b)(2)(A)]; confirmation of a plan [§1302(b)(2)(B)]; or modification of the plan after confirmation [§1302(b)(2)(C)].
8. advise, other than on legal matters, and assist the debtor in performance under the plan [§1302(b)(4)];
9. ensure that the debtor commences making timely payments under §1326 of this title [§1302(b)(5)]; and
10. if the debtor is engaged in business, investigate the acts, conduct, assets, liabilities, and financial condition of the debtor,

the operation of the debtor’s business and the desirability of the continuance of such business, and any other matter relevant to the case or to the formulation of a plan [§1106(a)(3)]. Once the investigation is completed, the standing trustee shall file a statement of the investigation. [§1106(a)(4)(A), §1302(c).]

#### Receiving Payments from Debtors

A primary role of the Chapter 13 Trustee is to serve as a disbursing agent, collecting payments from debtors and making distributions to creditors [U.S.C. §1302]. A debtor may consent to the deduction of the plan payments from the debtor’s paycheck. This is referred to as placing the debtor on payroll control. The employer is sent an order from the court directing the employer to withhold the plan payment and send it to the Trustee. Experience has shown that this practice increases the likelihood that payments will be made on time and that the plan will be completed. In any event, failure to make the payments in accordance with the confirmed plan may result in dismissal of the case.

As an administrator, the Trustee has to conduct a meeting of creditors. A meeting of creditors is held in every case, during which the debtor is examined under oath. It is usually held 20 to 50 days after the petition is filed. The UST has published required statements/questions, which must be asked at the meeting. The Trustee shall ensure the debtor answers the substance of each of the questions on the record. The Trustee may exercise discretion and judgment in varying the wording of the statements/questions, if the substance of the questions is covered. The debtor must attend the meeting, at which creditors may appear and ask questions regarding the debtor’s financial affairs and the proposed forms of the plan [11 U.S.C. §343]. If a husband and wife have filed a joint petition, they both must attend the creditors’ meeting. The Trustee/representative will also attend the meeting and question the debtor on the same matters. This office has Hearing Officers who have been approved by the UST to conduct meetings as a representative of the Trustee. In order to preserve their independent judgment, bankruptcy judges are prohibited from attending [11 U.S.C. §341 (c)]. If there are problems with the plan, they are typically resolved during or shortly after the creditors’ meeting. Generally, problems may be avoided if the petition and plan are complete and accurate and the Trustee has been consulted prior to the meeting. Our office has four attorneys who represent the Trustee and who are willing to work to assist the debtor in the performance of the plan. At the §341 meeting the debtor is usually informed of the amount of the plan payment and must start making payments thirty days after the petition is filed. An information sheet is given to each debtor at the meeting with the mailing address for payments, the confirmation hearing date, and the amount of the plan payment and date the payment is due. Within thirty days after the filing of the plan or the order of relief, even if the court has not yet approved the plan, the debtor must start making payments to the Trustee [11 U.S.C. §1326(a)(1)].

After the meeting of creditors is concluded, the bankruptcy Judge must determine at a confirmation hearing whether the plan is feasible and meets the standards for confirmation set forth in the Bankruptcy Code [11 U.S.C. §1324 and §1325]. Creditors, who will receive 25 days notice of the hearing, may object to confirmation. While a variety of objections may be made, the most

*(Continued on page 4.)*



## Trustee Matters

(Continued from page 3.)

frequent ones are that payments offered under the plan are less than creditors would receive if the debtor's assets were liquidated or that the debtor's plan does not commit all of the debtor's projected disposable income for the applicable commitment period of the plan based upon whether the debtor is below or above the median. Plans, which must be approved by the court, provide for payments of fixed amounts to the Trustee on a regular basis, typically biweekly or monthly. The Trustee then distributes the funds to creditors according to the terms of the confirmed plan on the third Friday of each month. The Northern District of Illinois has adopted the "Model Plans" in order to simplify the plan. However, other states may have a different plan because even though bankruptcy law is primarily federal in origin, plans vary from state to state.

If the Trustee or a creditor with an unsecured claim objects to confirmation of the plan, the debtor is obligated to pay the amount of the claim or commit to the proposed plan all projected "disposable income" during the period in which the plan is in offer [11 U.S.C. § 1325(b)]. The definition of disposable income has changed and there is constant debate as to whether disposable income and projected disposable income are the same. Recently, Judge Squires in the *In Re Ross* decision gave direction and clarification on how projected disposable income is determined for above median debtors. Disposable Income is defined as income not reasonably necessary for the maintenance or support of the debtor or dependents. If the debtor operates a business, disposable income is defined as excluding those amounts, which are necessary for the payment of ordinary operating expenses [11 U.S.C. §1325(b)(2)(A) and (B)].

### Disbursing Plan Payments to Creditors

If the plan is confirmed by the bankruptcy judge, the Chapter 13 Trustee commences distribution of the funds received in accordance with the plan "as soon as practicable" [11 U.S.C. §1326(2)]. If the plan is not confirmed, the debtor has a right to file a modified plan [11 U.S.C. §1323]. The debtor also has a right to convert the case to liquidation under Chapter 7 [11 U.S.C. §1307]. If the plan or modified plan is not confirmed and the case is dismissed, the court may authorize the Trustee to retain a specified amount for costs, but all other funds paid to the Trustee are returned to the debtor [11 U.S.C. §1326(a)(2)].

On occasion, changed circumstances will affect a debtor's ability to make plan payments, a creditor may object or threaten to object to a plan, or a debtor may inadvertently have failed to list all

# OFFICE OF THE CHAPTER 13 TRUSTEE MARILYN O. MARSHALL

creditors. In such instances, the plan may be modified either before or after confirmation [11 U.S.C. §1323 and §1329]. Modification after confirmation is not limited to an initiative by the debtor, but may be at the request of the Trustee or an unsecured creditor [11 U.S.C. §1329(a)].

### Overseeing the Plan

The provisions of a confirmed plan are binding on the debtor and each creditor [11 U.S.C. §1327]. Once the court confirms the plan, it is the responsibility of the debtor to make the plan succeed.

Furthermore, while confirmation of the plan entitles the debtor to retain property as long as payments are made, the debtor may not incur any significant new credit obligations without consulting court approval, as such credit obligations may have an impact upon the execution of the plan [11 U.S.C. §1305I, §1322(a)(1) and §1327].

### Other Responsibilities

The Trustee has to file monthly and annual reports with the United States Trustee office. Also, a budget is submitted annually and may be amended if and when the financial picture of the Trusteeship changes. The Trustee is allowed to charge a fee of not more than 10% on each disbursement to creditors. The money obtained from the percentage fee is used to operated the expenses of the office. Each year, the Trustee has to prepare for an audit conducted by an independent audit firm, which examines the annual report, the internal controls, and segregation of duties of each office.

If asked to compile a job description for a Chapter 13 Trustee, I would have to include duties of an administrator, as well as the skills required of a financial and business manager, accountant, systems administrator, lawyer, human resource manager and benefits administrator. This office definitely likes to emphasize the importance of providing excellent customer service. Our customers are debtors, creditors, attorneys, bankruptcy court judges and anyone else that comes into contact with the office. A Chapter 13 Trustee has the privilege of wearing many hats in the role of an administrator.

*Marilyn O. Marshall, Chapter 13 Trustee*

## October Birthdays, Anniversaries, And Other Notable Events

**All Staff Meeting** on October 5th.

Happy 8th Anniversary to **Joanne Coshonis** on October 4th!

Happy Birthday to **Denise Ashley** on October 7th!

Happy Birthday to **Mark Caffarini** on October 8th!

**Columbus Day** on October 8th.

Happy Birthday to **Dave Latz** on October 13th!

Happy 21st Anniversary to **Rita Saunders** on October 14th!



**National Grouch Day** on October 15th.

Happy 1st Anniversary to **James Leavitt** on October 16th!

**Sweetest Day** on October 20th.

Happy 2nd Anniversary to **Monica Gonzalez** on October 24th!

**Navy Day** on October 27th.

**Halloween** on October 31st.



**Legal  
Is It Good?  
Or Is It Bad?**



Bankruptcy is all about debt relief. That is at least the popular theory behind bankruptcy. We have seen a whole lot of cases pass through this office. Most cases are true to form, where a debtor had suffered from a temporary interruption in income and is now trying to make good on their debts. However, there is no shortage of cases that don't seem, at first blush, to make sense. In some of these odd cases we struggle to see why a debtor would seemingly put themselves in a worse situation by filing bankruptcy. While we always try to keep in mind that bankruptcy is mainly about timing and repayment of debt, there are still some cases where debtors just seem destined to lose out no matter what.

I was before a judge recently (not one of our regular judges) and was listening to a debtor's counsel argue a motion. The debtor in the case was looking to refinance her property and wanted the Court's approval. Normally this type of motion is not all that atypical, but in this case the facts seemed a little more severe. The debtor was retired and on a fixed income. The stay had been lifted in her case as to the mortgage company and they were going to foreclose on her house in the next month or so. The company that "pre-approved" the debtor's re-finance was offering an adjustable rate mortgage with a steep interest rate that would adjust even higher after four years. The judge asked the debtor to consider what she was asking for and if she understood what this all meant. Judges are rightfully concerned lately that many debtors are getting themselves in worse predicaments by re-financing into ARM loans. While I won't be there to see the result of the motion, I believe that the debtor knew exactly what she was getting and that is was not going to solve her woes.

In a general sense the scenario looks wrong for the debtor. She has a mortgage that she is having problems affording. She files for bankruptcy, thus adding thousands in fees to her debts to help her to make a plan to keep a house she cannot afford. She then gets re-financing, incurring more fees, to pay the case and the attorneys fees to get a mortgage that she will likely not be able to afford and will most definitely not be able to afford if the mortgage adjusts even higher. The process as a whole set the debtor back further and in the end just bought some time.

On the flip side, I believe this debtor was, and is, stuck with a no-win situation. She is doing what she can to keep her home. This debtor may lose her home not because of her actions but because she simply cannot afford to maintain payments on this particular home. She has, though, through the bankruptcy process, bought some time and if the re-financing is approved, she will have even more time with the same bleak outlook of losing her home. This result probably was the best course of action she believed she could do. The alternative would have been to give in and let the house go in the beginning.

While many people may say this case was a failed attempt, I would chalk it up as a success. It got the debtor what she wanted – more time – and the hope that something will change so that she can stay in her house. The detrimental costs were that this time caused her to eat up any equity in the property if she had any in the first place.

I'm not sure how the judge is going to ultimately rule as to the refinancing, but I can appreciate the hard position he must face. If the refinancing is approved, the debtor has not solved her debt woes but just prolonged them, probably not a good practical solution. If the judge does not approve the re-financing, the debtor will lose her house sooner than later. Hopefully whichever way the judge rules in this case, the debtor will move forward and try and make some better choices to avoid these debt problems in the future.

*Anthony Olivadoti*

**Changes In Your Life May Mean Changes In Your Insurance Coverage**

As you go through life, you will reach many milestones that can change your needs for insurance. It can be easy to be complacent about reviewing your insurance coverage, but with each life change, you need to examine whether you are adequately covered. Consider these life events that may mean an insurance update is in order.

**Change of Address**

If you are moving into a new apartment or home, you will need enough insurance to cover your possessions in the event of an accident or disaster. If you are moving into an apartment, you will not be responsible for damage to the building itself, but it is up to you to get an insurance policy that will cover your belongings. If you are moving into a house, you will also need to cover the structure itself, as well as provide for coverage in case someone is injured on your property.

**Marriage and Children**

Getting married is a great time to look into whether you need any additional life insurance. Of course, having children also means that you will need to have adequate life insurance to provide for things like paying off your mortgage and providing for future education expenses in the event of your unexpected death. You may also consider an insurance policy for your children. Disability insurance is a good idea as well, in the event an accident or injury prevents you from working.

**Change in Type of Employment**

If you are going into business for yourself, you will need to update your insurance coverage. You may also wish to revisit your insurance plan if you are making more money than when the plan was put in place. If it doesn't adequately provide for a replacement of your present income, it may be time to increase the amount of your life insurance.

**Change in Assets**

If you pay off your mortgage or increase your savings substantially, you may wish to decrease the amount of life insurance you carry. Conversely, if you buy a new home or have little or no savings, you may wish to increase the amount of your policy. It is a good idea to compare your assets versus your coverage amounts every 12 to 18 months.



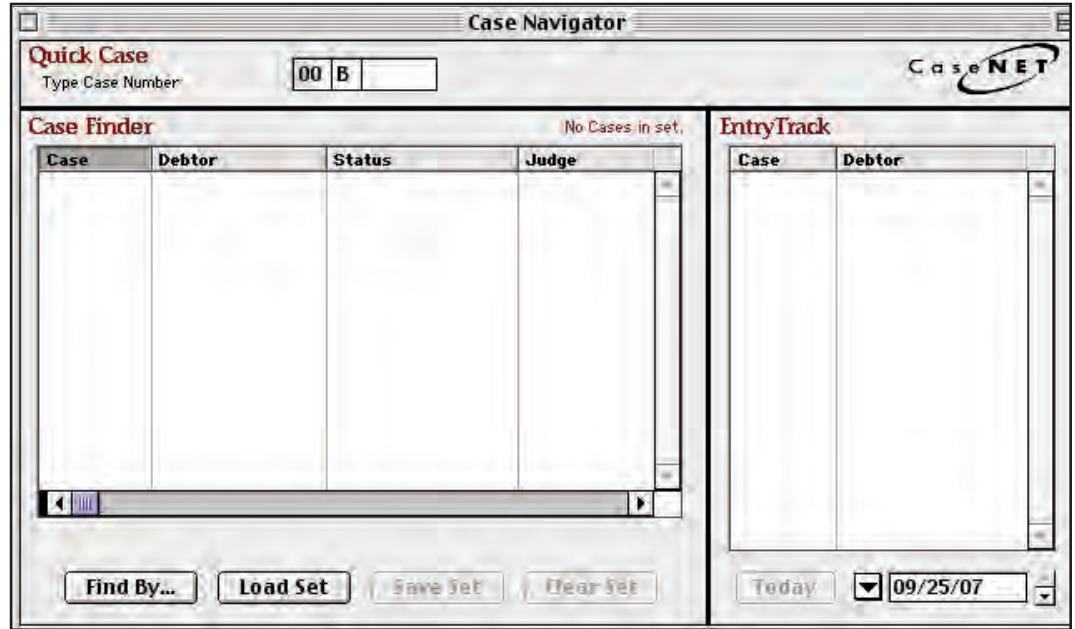
### Information Services Navigating The Case Navigator

The Case Navigator is the first window you see when you log on to CaseNET. You might not have even known it had a name! The purpose of the Case Navigator is to access cases. It is divided into three panes: Quick Case, EntryTrack, and Case Finder.

The Case Finder enables several powerful ways to find and work with lists of cases, and, as you'll see below, the "Load Sets" button could become your new best friend.

But first, starting with the simple:

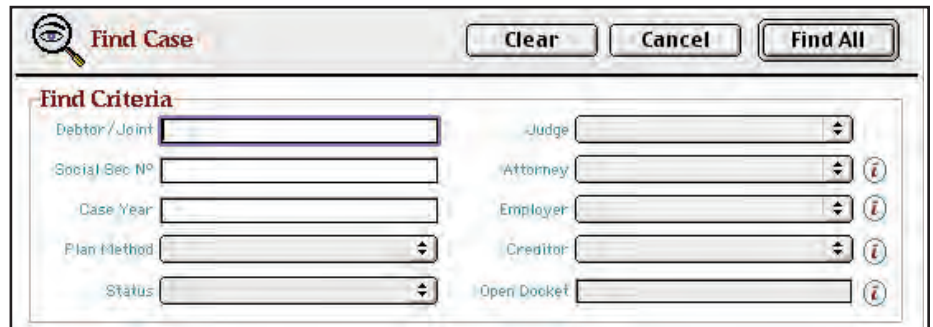
- Use Quick Case when you are entering a single case and you know the case number.



- Use the EntryTrack area on the right to revisit cases you have looked at on any given day. Clicking on the column heading "Case" or "Debtor" sorts the list by that field. Double-clicking on a case in the list opens that case. At the bottom of the EntryTrack pane is a date entry field where you can type in a date to see the cases you may have been reviewing on another day. The scroll buttons next to the date field let you page through the dates, so you can access yesterday's cases, for example, by clicking the down arrow. You can always go back to the list of today's cases by clicking the "Today" button.

- Use the Case Finder pane to work with selections of case records. One way of creating such a selection is by performing a search with the "Find by..." button. When you click the "Find by..." button you will see this dialog:

Enter your search criteria in any of the fields, or multiple fields to combine a search. Click the "Find" button. The case records matching your search criteria will be listed in the "Case Finder" pane. Double-click any of the cases in the list to open that case.



If you want to refer back to this selection of cases in the future, you can save the set by clicking the "Save Set" button. A dialog will appear asking you to name the set and where you want to place it. This is not a report of the cases; it is only a 4D file that stores pointers to those cases. When you want to view those cases again, click on "Load Set" and find the 4D file you had saved.

Those of you who have "Open Table" capabilities in CaseNET can save a set of records you may have been working with through "Open Table." The Load Set button will also work to load that set of cases.

A new way to use the Case Finder and the "Load Set" button will be helpful to the paralegals and attorneys when they are reviewing or docketing cases for a court call. The job "Court Call: Export Items" now creates a set of cases that have docket entries for a specific date and judge. Users can then load this set from their desktop directly into the Case Navigator and open each case from the list instead of entering in each case number individually.

Sandra Pillar

### Internet Tidbit

Do you ever wonder if the water you are drinking is as clean as it could be? While it is possible to send your own tap water to a laboratory for analysis, this is too much trouble for most people. You can, however, purchase a reasonably reliable home test kit for under \$20. Visit [WaterSafeTestKits.com](http://WaterSafeTestKits.com) to find home test kits that will test for bacteria, lead, nitrates, nitrites, chlorine, and hardness. While not a complete analysis, these tests are a good starting point.

### Let Go Of My Lego! - The Answers:

1. Denmark.
2. 1949.
3. Play well.
4. 18.
5. Four - three in Europe and one in California.
6. Over 306 million, more than any other tire manufacturer in the world.
7. 62 Lego bricks each.
8. 99 percent.
9. 7.
10. 5 billion hours.



## Spamarama

I realize that America is waiting breathlessly for me to weigh in on spam, so let me get to it.

But first, this public service message: Readers are advised, if they haven't already come to this realization, that any time they find themselves longing wistfully for my next column, unable to concentrate on their work or properly take care of their day-to-day dietary and grooming needs, it is possible to simulate this column rather easily by reading Wikipedia entries about any stupid, random thing that comes to mind. Follow up with a few minutes of free association. Type up some sentence fragments. And you're done.

Back to today's topic. Spam is on the menu. So to speak. And yes, I've already anticipated your question, Grasshopper. Which kind of spam, you ask: SPAM brand meat-like substance, or annoying email pollution? Let's do both. But we can't overlook the bridge between the two meanings of spam. I refer, of course, to the Monty Python SPAM sketch, first seen way back in December 1970, before you were born.

If you're not familiar with the sketch, and you don't have access to YouTube at the moment, you could hop in the convertible for a quick drive up to Austin, MN, where the Hormel company has its world famous SPAM museum. Yah, up there in Minnesota. You're darned tootin'.

The museum presents daily re-enactments of the SPAM sketch, featuring local actors. Daily. Every single day. It's like Groundhog Day, with SPAM. SPAM, actors, groundhogs, museums and SPAM. SPAM, SPAM, Minnesota, hockey, Vikings and SPAM. SPAM, SPAM, SPAM, sausage, bacon and SPAM. SPAM, SPAM, SPAM, SPAM, SPAM...



Forgive me. I'm just trying to drive up my word count.

So a decades-old decidedly low-tech flood on a British TV show has been enshrined in the popular tech lexicon. And that, my friends, is how the world works.

What I don't understand, at all, is why spam (the email variety) exists. I've seen it explained many times that spamming is a lucrative way to advertise because the cost of spamming is so low. But I still don't get it. It reminds me of an old Woody Allen joke, where he complains about a restaurant because the food is terrible – and the portions are so small! Granted that the spam portions are not small. But spam messages are so bizarre I can't imagine anyone saying, oh yeah, I need to stock up on those lov3 pi1z right away. I'll have no problem whatsoever swal-

lowing pills I bought from some stranger over the Internet. And how soon before the Quality R3p1ica W4tch I ordered last week gets here? And that message I got today with the subject line "I went from being 'mr little' to 'mr big boy'"? Well that has to be a compelling story right there.

If anybody's getting rich off of these kinds of sales messages, well then I'm afraid my already dim view of humanity just may be a bit too sunny.

Now, as far as the canned meat product is concerned, I have little to say. I'm not sure I ever tasted SPAM, and until they come out with a soy version I'm not likely to try it any time soon. So in that regard, no comment. Culturally, however, I must tell you that my exhaustive spam research has revealed that there are SPAM-canned-meat-product-centric festivals in Minnesota, Hawaii, Oregon and Texas. Only one of these apparently is sponsored by Hormel. I'm just going to assume/hope that the others are put on by dedicated fans of Monty Python. On the other hand, any excuse for a party, eh? You're darned tootin'.

Cliff Tarrance

## 20 Questions For: Elise Taylor

Office Title: Case Administrator.

If you could have named yourself, how would your name appear on your birth certificate? The same. I like Elise.

If you could build a house anywhere in the U.S., where would it be? Next to my oldest cousin and her family in Country Club Hills, IL.

When you were a kid, what profession or job did you want to have when you grew up? I wanted to be a fashion designer.

If they made a movie about your life, what current actor/actress would play you? Kimberly Elise.

What is your least favorite household chore? Cleaning my room.

What are your favorite books? Anything that I can read for pleasure and not mandatory for a class.

If you could bring anything back from your childhood, excluding people, what would it be? Just being a kid and having NOOOOO responsibilities.

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

Hair style/haircut? Asymmetrical Bob.

Cartoon? Smurfs.

Cereal? Rice Krispies.

Sport? Track.

Subject in school? Accounting/Computer Education.

Author? Judy Blume.

Singing group? New Edition/Earth, Wind and Fire.

Video game? Pac Man/Centipede.

Family outing? My mom's summer day camps.

Movie? ET.

If you wanted to be cool: I would let my friend dye my hair with Kool Aid.

I always wanted: to own my own business.

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



**Trivia quiz: Let Go Of My Lego!**

October is National Construction Toy Month. Test how much you know about the world's favorite construction toys, Lego, with this trivia quiz. (You can find the answers on page 6.)

1. In which country is the manufacturer of Lego toys located?
2. In what year were Lego's famous interlocking bricks first produced?
3. The company name "Lego" comes from the Danish phrase "leg godt." What does this mean in English?
4. Lego has very exacting standard when manufacturing its bricks. How many bricks out of every million fail to meet its stringent standards?



5. How many Legoland amusement parks are there in the world?
6. How many Lego tires are produced each year?
7. On average, how many Lego bricks are there for every man, woman, and child in the world?
8. What percentage of the plastic waste in Lego factories is recycled?
9. How many Lego sets are sold every second?
10. How many total hours do people spend playing with Lego bricks each year?



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**Did You know? Poppin' Good Trivia**

October is National Popcorn Poppin' Month. The average American eats about 60 quarts of popcorn annually. Ideally, popcorn should be heated to a temperature of 400 to 460 degrees Fahrenheit to properly pop.



- There are about 1,600 popcorn kernels in one cup of unpopped popcorn.
- The world's largest popcorn ball weighed in at 2,000 pounds.
- In 1946, popcorn became the first deliberately microwaved food.
- The oldest ears of popcorn ever discovered were found in a cave in central New Mexico. They were determined to be about 5,600 years old.

Popcorn is the world's number one selling snack food and is also the world's most profitable snack food. Most of the world's popcorn is grown in the U.S. Top corn producing states include Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, and Ohio. To grow popcorn, it takes about 28,000 seeds planted per acre. One cup of air-popped popcorn contains just 31 calories, one gram of protein, six grams of carbohydrate, one gram of fiber, and a trace of fat.

