

# ATTORNEY TRAINING AT THE NACTT STAFF SYMPOSIUM

In April, I was given the opportunity to attend the National Association of Chapter Thirteen Trustees Staff Symposium in New York. I attended a course designed for staff attorneys presented by John Gustafson, a Chapter 13 Trustee from Ohio. It was an overview class, designed to highlight the underlying principles of representing a Trustee. Some of it was very basic, but it is a good idea for all but the most experienced practitioner to review the underlying principles of our area of law. The session also gave me insight to how differently Chapter 13 cases can proceed in different areas of the country, depending on the local practice. The seminar covered topics that were common across the country, and so did not cover some issues, such as expenses and income other than to highlight the areas of extreme variety.

## *Background: Rules, Jurisdiction and Eligibility*

The background session covered topics such as: the hierarchy of codes and rules and the jurisdiction of bankruptcy as part of the District Court. We reviewed the fact that the Bankruptcy Code controls over the Bankruptcy Rules, and the Rules control over the local Bankruptcy Rules. The limitations of local bankruptcy rules were discussed to highlight that the local rules must be consistent with the Bankruptcy Rules and cannot "abridge, enlarge or modify a substantive right." 28 U.S.C. section 2075. District Court local rules do not apply in the Bankruptcy Courts. Administrative Orders are on the lowest rung of the ladder. These

administrative orders can seem like they have the most impact on individual cases because they can provide different results within our local practice.

We also reviewed jurisdiction and how and why to plead it in both motion practice and in adversary proceedings. 28 U.S.C. section 1334, by way of Article I of the Constitution, grants exclusive jurisdiction over bankruptcy cases to the District Courts. 28 U.S.C. s. 157(a) allows the District Court to refer all bankruptcy cases to the Bankruptcy Court of that District Court. District courts retain the ability to revoke the automatic referral of the bankruptcy case to the Bankruptcy Court and hear the case itself. Section 157(b) sets forth what issues the bankruptcy can make a final decision on – the "core proceedings." There is a long list in section 157(b) of what is a core proceeding and in an adversary proceeding, it is important to plead this jurisdiction in the complaint. This limitation on bankruptcy judges' power to issue final orders is one reason why appellate court decisions spend so much time reviewing the jurisdiction (as well as timeliness) of any bankruptcy appeal. If an issue is not on the list contained in section 157(b), the bankruptcy judge can submit to the district court non-binding findings of fact and conclusions of law.

The session had a section on Chapter 13 eligibility. Chapter 13 is available not to persons, which also includes businesses, but to individuals – in other words, real people,

not entities defined as a person. The Debtor must have regular income. There is a surprising amount of variety in what "regular income" can consist of – from unemployment compensation to regularly irregular wages such as commissions or even odd jobs. Loans and wholly speculative business ventures are not regular income.

Chapter 13 upper debt limits were discussed as well. Chapter 13 debtor must have less than \$360,475 in unsecured debt and less than \$1,010,650 in secured debt. Individual with more debt are not foreclosed from filing bankruptcy; they just need to file either a Chapter 7 or 11. Contingent and unliquidated debts do not count towards the debt limits, but disputed debts do. However, simply marking the unliquidated or contingent boxes on Schedule F does not make the debts so. If the debt is reduced to a judgment or if the creditor has sent the debtor a bill, then that debt is liquidated. If the debtor is the defendant in a personal injury lawsuit, then this debt is probably both unliquidated and contingent. Whether the debtors have too much debt to qualify for Chapter 13 is determined from the debtor's schedules at the time of filing.

## *Discharge and Discovery*

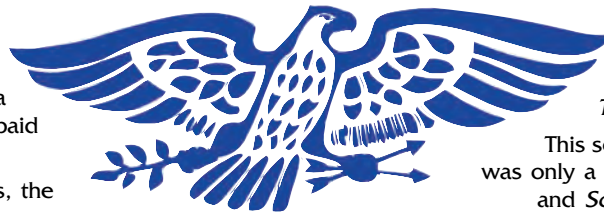
The class reviewed the time allowed between different bankruptcy chapter discharges. This is another surprisingly intricate area. If the case converts, most courts have held that the time allowed for the next

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discharge is determined by the chapter in which the debtor got the first discharge. So if a debtor files a Chapter 13 case, converts the case to a Chapter 7 case, then the debtor will have to wait four years from the filing of the case to receive his next Chapter 13 discharge and eight years from the first filing date to receive the next Chapter 7 discharge. Practitioners should remember the six year ban on receiving a Chapter 7 discharge after obtaining a Chapter 13 discharge in a case that paid less than 70% to unsecured creditors.

In bankruptcy, as in most civil lawsuits, the scope of allowed discovery is broad. In motion practice, creditors are allowed to examine the debtor pursuant to Rule 2004. The Trustee is required to examine the debtor under section 341. The scope of questions allowed in a section 341 meeting is very broad. The Trustee has significant leeway to ask questions and debtors are required to cooperate with the Trustee during the whole pendency of the case under Rule 4002. The only requirement is that the questions be related to the bankruptcy. Since Chapter 13 cases include everything related to all



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the debtor's assets, income, expenses and any changes to those areas that may occur, the allowed scope of inquiry covers most of the debtor's personal affairs. The Trustee may request all of the books and records of the debtor and does not need to make this request in writing. However, the filing of a bankruptcy case does not invalidate the Fifth Amendment's privilege against self-incrimination, so the debtor can refuse to answer on that basis. The

section 341 meeting is not subject to the evidence rules, so no objections based on hearsay, relevance or foundation are allowed.

### Top Bankruptcy Supreme Court Cases

This seminar was in April, so the *Espinosa* case was only a few weeks old at the time. The *Lanning* and *Schwab* cases had yet to be decided. The seminar highlighted several Supreme Court cases that Chapter 13 practitioners should know by name. They are:

*Mullane v. Central Hanover Bank & Trust*, which set forth the requirements of due process and notice. 339 U.S. 306, 70 S.Ct. 652, 94 L.Ed. 865 (1950).

*Butner v. United States*, which stands for the proposition that property rights are creatures of state law. The bankruptcy court must look to the state law to determine what the property rights of the debtor and his creditors are. 440 U.S. 48, 99 S.Ct. 914, 59 L.Ed. 2d. (1979).

*Nobleman v. American Savings Bank*. Section 1322(b)(2) prevents the debtor from stripping down a mortgage to the fair market value under section 506. The protection only extends to the debtor's principle residence with any equity to secure the lien. In allowing the strip off of wholly unsecured junior liens, lower courts distinguish this case based on the fact that there is no equity on which the junior liens can attach. 508 U.S. 324, 113 S.Ct. 2106, 124 L.Ed.2d 228 (1993).

*Till v. SCS Credit Corp.* While BAPCPA changed the way that motor vehicles for personal use with purchase money security interests incurred less than 910 days before the filing (under the hanging paragraph of section 1325) are treated under section 506, the *Till* case as it related to the interest rate allowed was not abrogated. Interest rates on motor vehicles are set at prime rate plus a risk factor of one to three percent. 541 U.S. 465, 124 S.Ct. 1951, 158 L.Ed.2d. 787 (2007).

*Grogan v. Garner* sets the evidence standard to be preponderance of the evidence, unless otherwise stated (as in section 362(c)(3)(C)). 498 U.S. 279, 111 S.Ct. 654, 112 L.Ed.2d 755 (1991).

*Hamilton v. Lanning*, – U.S. –, 130 S.Ct. 2464, 78 USLW 4518, Bankr. L. Rep. P 81,780 (2010). In a case decided June 7, 2010, the Supreme Court stated that changes in income that are known or virtually may be considered when establishing an above median debtor's monthly disposable income. Therefore, the monthly income listed on the B22C or "Means Test" may not determine the required payments to the unsecured creditors. Courts may consider the debtor's "projected," or future, income in determining the debtor's disposable monthly income.

I enjoyed the seminar a lot. The presenter, Trustee John Gustafson, was an excellent and entertaining speaker. It was valuable for me to get and maintain a solid foundation of knowledge to move forward with representing the Trustee Marilyn O. Marshall.

*Stewart Chapman, Staff Attorney*

### THE MARSHALL CHRONICLES

**The Editorial Staff:** Cheryl Jones, HVB and Dave Latz.

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**Newsletter Information:**

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](mailto:newsletter@chi13.com),
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- ✓ leaving them with Dave Latz.

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

- ✓ 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 **THE MARSHALL CHRONICLES**, as well as all the previously published issues, all in full color, on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

## Trustee Matters

### Increase In New Case Filings

The Consumer Bankruptcy News reported that consumer filings were up 14% during the first six months of 2010. I decided to look at our new case filings for Chapter 13 for the last six months to see if the national trend is true in Chapter 13 cases assigned to me in the Northern District of Illinois.



#### New Case Filings 2010 vs. 2009

Month	Cases Filed 2009	New Cases Filed 2010
January	380	401
February	450	405
March	438	448
April	384	423
May	344	423
June	372	450

#### Total Caseload 2010 vs. 2009

Month	Caseload 2009	Caseload 2010
January	7,347	8,653
February	7,505	8,794
March	7,566	8,890
April	7,651	8,949
May	7,708	9,124
June	7,713	9,225

The average new cases filed for the six-month period in 2009 was 384, the average new cases filed in 2010 is 414. We received approximately 20 new cases a day in 2010. The increase in cases filed from 2009 to 2010 is 7.72%.

Our fiscal year will end September 30, 2010. We have completed and submitted the budget for fiscal year 2011. Based upon the increase in new case filings which affect the total caseload, we have requested to increase staff by two full-time employees and redistribute the workflow to account for the input and changes to monitor a case pre-confirmation. The case administration software conversion to BSS-TNG will be an added asset because the documents management and interface with the bankruptcy court should help increase productivity, populate files that previously had to be manually entered into the system, and eliminate some keystrokes. It is our goal to put in place a workflow system that allows us to adjust when the trend is upward or downward without major changes to staffing. We have seen both trends in the past five years.

Marilyn O. Marshall, Chapter 13 Trustee



## Time

“Nothing is a waste of time if you use the experience wisely.” ~ Rodin

“Time is the most valuable thing a man can spend.” ~Theophrastus

## Financial Telephone Services



Now that I have completed my training and have started taking telephone calls on my own effective June 3, 2010, I would like to share my overall experience regarding phone training. Additionally, I will explain how I plan to provide great customer service over the telephone with the additional information I've obtained.

Training consisted of meeting with Rosalind, Santricia, or Catherine, members of the telephone committee. We met on Thursdays and Fridays from March through June. At first, I was introduced to the phone service-training manual. Then I observed and monitored the individual I was training with at the time handling incoming calls. I gained knowledge by viewing, writing notes, and by asking questions. After numerous weeks of note-taking, role-playing, covering/reviewing material in the manual, and observing how incoming calls were handled, I finally answered some calls individually with assistance provided by co-workers if needed. It was not until I felt confident and positive with myself that I knew I was prepared to handle calls independently.

The time spent training on phones allowed me to acquire an enormous amount of information regarding the bankruptcy cases. The information attained helped me understand and comprehend much better the different areas or fields associated within a bankruptcy case.

I certainly will offer callers a warm, helpful, professional and friendly tone over the phone; therefore it assures the caller I am willing to help. In addition, another objective is to treat callers with courtesy, respect, and if it all possible, resolve every caller's issue or concern.

To summarize, taking care of the callers over the phone and making them feel well informed, and appreciated, is essential. Also I want to give special thanks to my colleagues, Rosalind, Santricia, and Catherine for taking their time on training and preparing me for phones.

Enrique Orejel, Receipts Specialist

## July's And August's Notable Events

**Independence Day** on July 4th.

**Independence Day Observed** on July 5th (office was closed).

**Happy Birthday to Enrique Orejel** on July 12th!

**Happy 12th Anniversary to Carlos Lagunas** on July 20th!

**Happy Birthday to Monica Gonzalez** on July 27th!

**National Chili Dog Day** on July 29th.

**National Night Out** on August 3rd.

**Coast Guard Day** on August 4th.

**All Staff Meeting** on August 6th.

**National Mustard Day** on August 7th.

**Happy Birthday to Stewart Chapman** on August 15th!

**National Relaxation Day** on August 15th.

**National Aviation Day** on August 19th.

**Happy Birthday to Dan Lyons** on August 21st!





## Case Administration In Review: Nine Months With The Trusteeship

July marks the 9th month of employment I've had with the Office of the Trustee, Marilyn O. Marshall. Simply put, it has been a learning process, yet there is still so much more to the duties that I provide which ultimately interlocks and interfaces with the entire office team. My name is Percy Davis and I am an Administrative Clerk for the Trustee. Being a team player and functioning in an environment such as the Trustee's office, it is impossible for me not to want to perform my services to the fullest. In Dave Ramsey's book, "More Than Enough: The Ten Keys to Financial Success" he quotes motivational speaker and mentor Zig Ziglar's analogy of Belgian horses. "One horse can pull 8,000 pounds. Hook two together and they immediately pull over 18,000 pounds, more than double. With one week's training the same team can pull over 25,000 pounds, more than triple. The power of being connected to people pulling the same way adds insight, ingenuity, ideas, values, energy and good habits that can mushroom. One plus one no longer equals two."

Therefore, it is clear to see that the interconnectedness of people determine the success of the business in general, but the service of the client, specifically. No other place of employment I've had could exemplify such a concept as this as the office of Trustee, Marilyn O. Marshall. One such duty is that of registering Debtors for the Financial Management Course, a necessity for bankruptcy discharge, and an important part of one of the final roles the Trustee's

office plays in communicating what is required to obtain financial freedom and to leave a positive impression on the clients, as our guest. Since I did not want to be blindly registering clients for the course, I decided to watch it. Dave, (Latz, not Ramsey), gave me a "library loan." The course is entertaining, informative, bitter and sweet. Having viewed it, it stirs a sense of anxiousness to get the client in to see it, as soon as possible. You see, it has helped me. What better feeling can the client have by meeting a warm greeting, a clear understanding of what is required and a thorough knowledge of common questions and concerns that they might have about the class?

Monica Gonzalez is my primary team partner and it is with her that I share two duties that are main arteries in the operation of the office: front entry and mail. Front entry is my main duty, but Ms. Gonzalez provides assistance in its entry and verification. It is how cases are established in the Trustee's office and starts the process of case administration. It is an excellent opportunity to become familiar with the names of the clients for the inevitable financial management course and the process of the Chapter 13 itself. Front entry links me with the legal department and the finance department. Since it often times entails initiating a payroll, when processing a plan, my entry directly affects the Payroll Specialist. The entry of demographic information, fees collected and the satisfaction of required documents all affect the legal

department but the verification process checks and balances the accuracy of the submitted information.

Mail is something that quickly familiarized me with the 'who's who' of the team, bankruptcy court and other Illinois Trustees. Certain mail and faxes provide a slight insight into what each department's responsibilities are. It is a great way to build rapport with those who depend on you to be a team player in communicating what they need to perform their job.

Finally, I cannot properly end this article without acknowledging the opportunity the Trustee's office has provided me through its interaction with the people at the Dirksen Federal Building, the Bankruptcy Court, the office of the bankruptcy Judges Hollis, Squires, Goldgar and Wed-off, and the Office of U.S. Trustee William Neary. All, save the last, I interact with on a daily basis, making deliveries to and from Trustee Marshall's office. It also would not be appropriate to end this article without thanking all the wonderful people who make coming to work pleasurable. Here's to you, for a job well done in providing support, knowledge and understanding of the process and operation of Trustee Marshall's office to a rookie. Here's to Ms. Marshall for the quintessential streamline process in place. It makes for a headliner.

*Percy Davis, Administrative Clerk*



## New Rules for Gift Cards

Gift cards continue to grow in popularity. As usage increases, so have complaints about expiration dates and fees, which can eat into the value of the card. Beginning August 22nd, new Federal Reserve rules provide important protections when you purchase or use gift cards. These rules cover both store gift cards and gift cards with a MasterCard, Visa, American Express, or Discover brand logo.

Under the new rules:

1. Gift cards must provide an expiration date that is at least five years from the date the card is purchased.
2. If there is a fee to purchase the card, it must be clearly marked on the card or its packaging.
3. Fees for inactivity, usage fees, and maintenance fees can only be charged once per month.
4. You can only be charged an inactivity fee if you haven't used your card for at least one year.
5. Consumers must be given clear and conspicuous disclosure about any fees relating to the use of the card.



## Car Tip

Now that cooler weather is just around the corner, take a moment to clean the inside of your car's windshield. During the summer months, the heat in your car causes your dash and upholstery to give off tiny particles that accumulate on the inside of the glass. Giving it a good cleaning will help you see better when you drive, especially at night.



## Financial Anatomy Of A Creditor Disbursement Return

We request Creditor Disbursement Returns from creditors for mis-disbursements, or overpayments on claims. To facilitate the Financial Department when the return is received, these are the steps to follow to process a return.

Once a determination has been made to collect the funds, the letters to creditors are generated. To do this:

- 1) In CaseNET, go to templates, select Disbursements and select General Return.
- 2) Fill in the case number and select the claim you're collecting on.
- 3) In the letter, fill in the amount of money being requested, sign the letter, and mail and fax a copy to the creditor.
- 4) A phone call needs to be made to the creditor to inform them of the request.

A docket is made in CaseNET as follows:

- 1) Under dockets, select Disbursement Returns, and click OK.
- 2) Under claim, select the claim we're getting the money back on.
- 3) Under Current Activity, select 1st Letter.
- 4) Under Comment, state the amount of money being requested.

The return also has to be entered in Filemaker Pro under Creditor Disbursement Returns as follows:

- 1) Creating a new record.
- 2) Enter case number, amount requested, and the reason for the return.
- 3) Update this information until the funds are returned. The form can then be marked as completed.

### Disbursement Return Records

The creditor has seven days from the date of the 1st letter to return the funds. If funds are not received, then the 2nd letter and 3rd letter should be sent out and then eventually turned over to the Legal Department if the return is not received. The creditor has 15 days from receipt of the 2nd and 3rd letters to return the funds to the Trustee.

Once the funds are returned, the Financial Department matches it to the information docketed in CaseNET to properly post it to the case and claim.

*Maude Tetteh, Audit Specialist*

## Legal Following Orders: Ask And You Will Receive.

Motions to lift the stay are usually set by the creditor or creditor attorney. Once the motion is granted, the order allows them to secure or collect their collateral.

When we processed these orders, we looked for the language in the order that specified that the “automatic stay has been modified and the creditor is allowed to foreclose the mortgage on the property and to withdraw their claim.” However, many orders did not include the language to “withdraw” the claim so this resulted in having to make many phone calls and send numerous emails to inquire whether or not the creditor or creditor attorney would be withdrawing their claim.

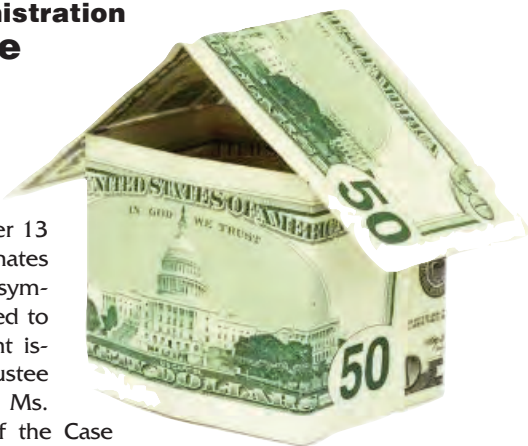
We have found, after unrelenting follow-up and due diligence, many creditors are now responding favorably to our request to include language which states what should be done in regard to the claim or including language that states “That any and all claims of the mortgage company shall be withdrawn upon entry of this order.” And to that, we say thank you!

*Darlene Odom, Paralegal*



## Case Administration Mortgage Training 101

Every year the National Association of Chapter 13 Trustees coordinates a series of staff symposiums designed to deal with current issues faced by Trustee staff. Thanks to Ms. Marshall, five of the Case Administrators and myself had the pleasure of attending the Chicago staff symposium.



We specifically went to the mortgage training workshops, so that we could have a better understanding of the different types of issues that arise with claims secured by real property. The U S Trustee created a set of guidelines for verifying mortgage proof of claims, for which we have implemented procedures.

### There are five basic guidelines that each Trustee must follow at minimum:

1. Verify that the claim has documents supporting a perfected security interest.
2. Verify that the claim has an itemization page of all pre-petition arrears and related cost.
3. Verify that the cost of filing the claim is reasonable.
4. Verify that the creditor has filed a claim for amounts specified with the bankruptcy court.
5. File appropriate legal action for claims that have been filed improperly.

Currently when a mortgage proof of claim is filed that does not meet one or all of the guidelines, we contact the creditor and have been successful at getting the requested items via an amended claim. In the event we don't receive the requested items, then the claim is referred to the staff attorney for possible court action.

Cindy Graber from South Bend, IN, and Marni Latterman from Pittsburgh, PA, facilitated the mortgage training workshops. Their presentation helped us to gain a better understanding of the purpose of the guidelines and provided insight as to different fraudulent acts that can occur. They really emphasized the importance of paying attention to details so you can find the common trends, then do the necessary follow-up to identify the inconsistencies. We also received a packet of information to take with us, a CD with examples and a contact list for each of the major mortgage companies, which is crucial.

The U.S. Trustee has made mortgage fraud one of its new initiatives, so this was a great learning opportunity for all who are directly involved with mortgage claim processing. We thank Ms. Marshall for having the foresight and generosity to send us, along with the facilitators for sharing their experience. Now it's time to put the pedal to the metal!!

*Rosalind Lanier, Case Analyst*



## National Night Out

On Tuesday, August 3rd, communities across the United States celebrate National Night Out. This annual event sponsored by the National Association of Town Watch (NATW) brings together citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local officials from over 15,000 communities in all 50 states, U.S. territories, Canadian cities, and military bases worldwide. Each year over 35 million people participate in the activities.

National Night Out (NNO) generates support and awareness of local anti-crime programs, strengthens neighborhood spirit, and sends a message to criminals letting them know that neighborhoods are organized and alert. NNO started in 1984 with a message to turn on porch lights for one night and included front porch vigils across the country. Today, festivities include block parties, cookouts, parades, police visits, neighborhood walks, safety fairs, contests, rallies, and meetings.

NNO is a great way for you to get involved in your community and to meet more of your neighbors. To organize an event for your neighborhood, visit [NationalNightOut.org](http://NationalNightOut.org). There you can register and receive the NNO Organizational Kit detailing how to get going. There is no cost to register or participate.

## Trivia Quiz: Scrabble Trivia



### The Answers:

- |                               |   |                   |
|-------------------------------|---|-------------------|
| 1. <i>The New York Times.</i> | 4. 121.                                     | 7. JAZY.          |
| 2. True.                      | 5. An aggregate fruit, such as a raspberry. | 8. True.          |
| 3. \$50,000.                  | 6. 1,049.                                   | 9. Richard Nixon. |
|                               |   | 10. Virginia.     |



## The Worst Words To Say At Work

### Nine common words and phrases that will make you sound noncommittal, undependable, and untrustworthy

by Linnda Durre

Some words and phrases are often used to buy time, avoid giving answers, and escape commitment. If you use these words and phrases yourself, take a scalpel and cut them out of your thinking, speaking, and writing.

**“Try”** “Try” is a weasel word. “Well, I’ll try,” some people say. It’s a cop-out. They’re just giving you lip service, when they probably have no real intention of doing what you ask. Remember what Yoda says to Luke Skywalker in “Star Wars”: “Do or do not—there is no try.” Take Yoda’s advice. Give it your all when you do something. And if it doesn’t work, start over.

Put passion into your work, and give it your best effort, so you can know that you did all you could to make it happen. So if the outcome you were expecting didn’t come to fruition, it’s not because you didn’t do everything you could to make it happen. It just wasn’t the right time for it or it wasn’t meant to be.

**“Whatever”** This word is a trusted favorite of people who want to dismiss you, diminish what you say, or get rid of you quickly. “Whatever,” they will say as an all-purpose response to your earnest request. It’s an insult and a verbal slap in the face. It’s a way to respond to a person without actually responding. When you say “whatever” after another person has said his or her piece, you have essentially put up a wall between the two of you and halted any progress in communicating. It’s a word to avoid.

**“Maybe” and “I don’t know”** People will sometimes avoid making a decision—and hide behind words and phrases like “maybe” and “I don’t know.” There’s a difference between legitimately not knowing something and using words like these as excuses. Sometimes during a confrontation, people will claim not to know something or offer the noncommittal response “maybe” just to avoid being put on the spot. If that seems to be the case, ask, “When do you think you will know?” or “How can you find out?” Don’t let the person off the hook so easily.

**“I’ll get back to you”** When people need to buy time or avoid revealing a project’s status, they will say, “I’ll get back to you,” and they usually never do. If people say they will get back to you, always clarify. Ask them when they will get back to you, and make sure they specify the day and time. If they don’t, then pin them down to a day and time and hold them to it. If they won’t give you a day or time, tell them you’ll call in a day or week and follow up. Make sure you call and get the information you need.

**“If”** Projects depend on everyone doing his or her part. People who use “if” are usually playing the blame game and betting against

themselves. They like to set conditions, rather than assuming a successful outcome. People who rely on conditional responses are fortifying themselves against potential failure. They will say, “If Bob finishes his part, then I can do my part.” They’re laying the groundwork for a “no fault” excuse and for not finishing their work.

There are always alternatives, other routes, and ways to get the job done. Excuse makers usually have the energy of a slug and the spine of a jellyfish. You don’t want them on your team when you’re trying to climb Mt. Everest.

**“Yes, but...”** This is another excuse. You might give your team members suggestions or solutions, and they come back to you with “Yes, but...” as a response. They don’t really want answers, help, or solutions. You need to call the “Yes, but...” people out on their avoidance tactic by saying something like “You know, Jackie, every time I offer you a suggestion you say, ‘Yes, but...’ which makes me think you don’t really want to solve this problem. That’s not going to work. If you want to play the victim, go right ahead, but I’m not going to allow you to keep this up.” After a response like that, you can be assured that the next words you hear will not be “Yes, but...”!






**“I guess...”** This is usually said in a weak, soft-spoken, shoulder-shrugging manner. It’s another attempt to shirk responsibility—a phrase that is muttered only when people half agree with you but want to leave enough leeway to say, “Well, I didn’t really know.... I was only guessing.” If you use this phrase, cut it out of your vocabulary.

**“We’ll see...”** How many times did we hear our parents say this? We knew they were buying time, avoiding a fight or confrontation, or really saying no. It’s better to be decisive and honest by saying, “I need more information. Please present your case or send me the data—both pro and con—so I can make an informed decision.” That way, the interested parties will contribute to an in-depth, well-researched “verdict.”

*This column is an excerpt of “Surviving the Toxic Workplace” (McGraw-Hill, 2010), by Linnda Durre, a psychotherapist, business consultant, and columnist, submitted to the Marshall Chronicles by Paulina Garga, Case Administrator.*



## By the Numbers: Cookouts

-  Iowa is home to over 19 million hogs and pigs, representing more than one-fourth of the nation's total. This means there is a one in four chance that your hot dog originated in the Hawkeye State.
-  The six largest producers of broiler chickens are Georgia, Arkansas, North Carolina, Alabama, Mississippi, and Texas. The revenue from the sale of these chickens was over \$1 billion for each of these states.
-  Over 78 million people have taken part in a barbecue in the last year.
-  Love potato salad? Then you should love Idaho and Washington. More than half of the nation's spuds come from these two states.
-  Over 860 million pounds of watermelon come from Florida, making it the first in watermelon production. Following it are California, Texas, and Georgia.



Source: U.S. Census Bureau

### Trivia Quiz: Scrabble Trivia

The National Scrabble Championship will be held on August 7-11 this year in Addison, Texas. Test your Scrabble knowledge with this trivia quiz. (You can find the answers on page 6.)

1. The inventor of Scrabble, Alfred Butts, came up with the frequency and distribution of letters for the game by analyzing the front page of what?
2. True or False: In the 1980s a ballet called "Scrabble" premiered in South Africa.
3. What is the most prize money won in a Scrabble tournament?
4. How many allowable two-letter words are there?



5. ETAERIO is the most likely seven letter word to appear on your rack. What does it mean?
6. What does the Guinness Book of Records list as the highest Scrabble score for one game?
7. What is the highest scoring four-letter word in Scrabble (hint: it means "a worsted wig")?
8. True or False: Over 100 million sets have been sold in 121 countries since its release in 1948.
9. Who was the only American President to have regularly played Scrabble in the White House?
10. There is a town called Scrabble in which U.S. state?



**OFFICE OF THE  
CHAPTER 13 TRUSTEE  
MARILYN O. MARSHALL**  
224 S MICHIGAN AVE ☆ STE 800 ☆ CHICAGO IL 60604-2500

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### Did You Know: Mustard

August 7th is National Mustard Day.

- ◆ George J. French introduced his "French's Mustard" in 1904, the same year that the hot dog was introduced to America at the St. Louis World's Fair.
- ◆ Canada is the world's largest producer of mustard seed, giving the world about 90 percent of its supply.
- ◆ Over 700 million pounds of mustard are consumed worldwide each year.
- ◆ In the 1950's, Plochman was the first company to successfully market squeeze mustard.
- ◆ The word "mustard" comes from the Latin "must" (much) and "ardens" (burning).



- ◆ Mustard plants produce about 1,000 pounds of seeds per acre.
- ◆ It is believed that mustard was first cultivated in India around 3000 B.C. Recipes for mustard paste were recorded as early as 42 A.D.
- ◆ The National Mustard Museum in Middleton, Wisconsin, has over 5,100 varieties of mustard, making it the world's largest mustard collection.
- ◆ In 1901 Captain Robert Falcon Scott set sail on the Discovery with a ton and a half of mustard on his journey to Antarctica.
- ◆ White mustard seeds are used to make yellow mustard, with the yellow coloring coming from turmeric. Spicy mustards are made from brown mustard seeds.

