

47th Annual NACTT Meeting New Orleans, Louisiana

The 47th Annual Conference of the NACTT was held July 11th through the 14th in New Orleans, Louisiana, at the Marriott New Orleans on Canal Street. With world-famous music, food, and culture, New Orleans is America's most authentic city. We were in the heart of the French Quarter and within walking distance of every great restaurant, antique shops, retail shops and the best entertainment spots. With so many attractions so near, the NACTT program committee definitely faced a challenge. The Academy had released 910 pages of written materials for all participants. Some I marked: "Must Attend," others I marked "Read." The competition was fierce: Bourbon Street vs. Bankruptcy Seminar.

The release of the Chapter 13 Handbook, effective October 1, 2012, could not have come at a better time. That announcement alone was guaranteed to draw every Trustee to the "Crescent City."

On Wednesday, July 11th, Doreen Solomon, Assistant Director for Oversight, Executive Office for U. S. Trustees, United States Department of Justice (Washington DC), Martha K. Hollowell, Deputy Assistant Director, Executive Office for U.S. Trustees, United States Department of Justice (Washington, DC), and Donald F. Walton, United States Trustee, Region 21 (Atlanta GA), were first, front and center answering questions and reviewing the Summary of Changes that were also released with the handbook. Ms. Solomon made it very clear that the Chapter 13 Handbook was a joint venture between the Executive Office and the Chapter 13 Trustees. "This is an electronic document that can be modified." As a matter

of fact, Mr. Walton discussed the Percentage Fees on Dismissed/Converted pre-confirmed cases, which is a different procedure from what currently appears in the handbook. Effective 10/1/12, Trustees must notify their United States Trustee in writing whether or not they plan to take a percentage fee on dismissed/converted cases pre-confirmation. The fee is taken at the time of disbursement.

The program officially opened Thursday, July 12th, with the welcome address from Debra L. Miller NACTT President (South Bend IN), Margaret M. Burks, NACTT Vice President, Chapter 13 Trustee (Cincinnati, OH), S.J. Beaulieu, Chapter 13 Trustee (New Orleans, LA), Professor Michaela M. White, Editor and Advisor, NACTT Academy for Consumer Bankruptcy Education, Donald F. Walton, United States Trustee, Region 21 (Atlanta, GA), The Honorable Elizabeth W. Magnier, Chief Judge, United States Bankruptcy Court Eastern District of Louisiana (New Orleans, LA), and Amanda Anderson, Chief, Bankruptcy Judges Division, Office of Judges Program, Administrative Office of the United States Courts (Washington DC). Actually, everyone should read Deb Miller's article that appears in the NACTT Quarterly Volume 24, No 4. She describes the many different hats a trustee has to wear in executing the duties of a trustee.

Just like the opening ceremony of the Olympics, you do not miss the sessions on opening day. There was no one parachuting from a helicopter, but listening to Pete Fessenden, Chapter 13 Trustee (Brunswick, ME), and others discussing "Paying the Tab in Consumer Bankruptcy: The Real Cost of Assessing the System" was fascinating. After viewing groundbreaking research, which included graphs and charts, at the end of the discussion, it was concluded that attorneys' fees and other costs have dramatically increased post-BAPCPA with no significant increased returns to unsecured creditors.

House of the Rising Sun: Mortgage Ethics and Mortgage Modifications were up next. The theme of attorney ethics was carried through the panel's discussion of loan modifications including what is required of the debtor; what is expected of the lender; and issues facing the court and trustees.

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New Orleans Marriott, Canal Street

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There were other sessions after lunch, which focused on domestic support obligations, buying a car while in Chapter 13, an IRS panel, procedural fundamentals of class actions, including damages and administrative consideration that affect class actions and a taste of Human Resource issues for the Chapter 13 staff. There were so many sessions and discussions on mortgage issues. It was just like trying to make gumbo using someone else's recipe. Do you put okra in it; do you leave the okra out? I have written down but never ventured to try to make my mother's gumbo recipe. By the way, it is much better than any I ordered in New Orleans. Since she is just 90 miles up the road in Baton Rouge, Louisiana, she delivered her famous care package.

On Friday, July 13th, presidents and past presidents of the nation's leading bankruptcy organization feasted on some of the current issues in consumer bankruptcy including (1) how Chapter 11 and reorganization affect consumer bankruptcy; (2) standards for post-confirmation plan modification; (3) use of post-petition income; (4) the judge's role and much more.



The New Orleans Paddlewheeler Creole Queen

Professor Jean Braucher, Roger C. Henderson, Professor of Law, University of Arizona, James E. Rogers College of Law (Tucson, AZ), and Henry E. Hildebrand III, Chapter 13 Trustee (Nashville, TN), squared off and debated the merits and demerits of the present system and recent calls for reform. The Shape of Things to Come: What is the Recipe for Success in Consumer Bankruptcy? The debate focused on research by Professor Katherine Porter and earlier research by Professor Braucher. The debate was very heated. The things they said are not to be repeated.

Friday afternoon was free time and the Fifth Third Bank hosted a cruise on the New Orleans Creole Queen that was by invitation only. I was accompanied by my father, Ozell D. Marshall, Anthony Olivadoti, Dr. Tony Vancauwelaert and Keisha Hooks. It was the best social event of the conference and a much needed break. Marc Gregory and all of his colleagues respect the fact that most trustees have a different banking arrangement but they still welcome the opportunity to get to know the trustees and have a Mid-West banking presence at our conferences. I applaud Fifth Third for supporting the staff symposium and for spicing up this trip. I love their customer service motto.

Early Saturday morning, it was The Que de Gras of Feasts: Annual Case Law-Update, The Honorable Keith Lundin United States Bankruptcy Court of the Middle District of Tennessee, (Nashville, TN), the Honorable William H. Brown, Retired (Thompson's Station, TN), and Henry E. Hildebrand, III, Chapter 13 Trustee (Nashville, TN), are "always imitated but never duplicated" and never, never a disappointment. You always bring your yellow highlighter to keep track of the decisions reviewed. After this was over, I only had time to grab a Po' Boy from Johnny's on Saint Louis Street and returned for the next "Must Attend" session.

Laissez Les Bonbon Rules...eh? We Have To Do What on Mortgage Claims? Changes to Rules 3001 and 3002.1. The panelist detailed the rules changes as they relate specifically to

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THE MARSHALL CHRONICLES

The Editorial Staff: Cheryl Jones, Aaron Bowles, 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,
- ✓ 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/>.

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mortgages claims. O. Byron Meredith, Chapter 13 Trustee (Savannah, GA), served as the moderator. The Honorable Eugene R. Wedoff, United States Bankruptcy Court (Chicago, IL), Lance E. Olsen, Managing Shareholder, Routh, Crabtree, Olsen, P. S. (Bellevue, WA), John Rao, National Consumer Law Center (Boston, MA), and Henry G. Hobbs, Jr. Acting United States Trustee, Region 5 (New Orleans, LA), and Assistant United States Trustee (Austin, TX), were the panelists.

Judge Wedoff explained that his wife raises Monarch Butterflies, and he compared the changes to the Rules to the life cycle of the Monarch Butterfly. The Monarch butterfly goes through four stages during one life cycle and through four generations in one year. The four stages of the monarch butterfly life cycle are the egg, the larvae (caterpillar), the pupa (chrysalis) and the adult butterfly. The rules changing process has almost as many cycles because Rules can take up to three years to change and, unlike bankruptcy forms, has to go the Supreme Court. Both Congress and the Judiciary want the public to participate in drafting and refining federal court rules. Submitting a rule suggestion to one of the advisory committees triggers this cooperative process. Suggestions come from many sources, including judges, practicing attorneys, government agencies, academia, and bar associations. The judge repeated the website to visit in order to suggest a change to the Rules: www.uscourts.gov/RulesAndPolicies.

I was particularly interested in the exchange between John Rao and Judge Wedoff as it related to whether the rules should still apply when a mortgage company obtains stay relief. While there are compelling reasons to find that the rules should still apply, it seems that the issue is still unresolved.



We will have to continue that discussion back in Chicago. There never is any time to speak with the judge after he speaks. We are so glad that we get real face time with the judge weekly because at this conference everyone lines up to speak with him. Judge Wedoff and the Bankruptcy Rules Committee are planning a seminar/symposium/conference to address the problems with Amended Bankruptcy Rule 3002.1 in Portland, Oregon, on September 19th.

The afternoon continued with breakout sessions with choices for Trustees, Debtor Attorneys, Creditor Attorneys, and Staff Attorneys. The sessions were:

“B-B-B-Beignets and the Debts: Is it all Sweetness and Light for Unsecured Creditors?”

“Business Chapter 13 Plan: The Ultimate Live Cook-Off by the Best Chefs in the Business.”

“What’s in the Pantry? Preparing for the Annual Audit.”

You have probably figured out by now that the name of the sessions related to food, feasts, and chefs that are part of the New Orleans culture. That culture is why the city is such a great place to visit. Overall the conference was good, and hats off to the Academy for great reading material.

At the writing of this article New Orleans is again being threatened by a hurricane. My prayers are with all of the people in New Orleans and around the Gulf.

Marilyn O. Marshall, Trustee

Get An Insurance Checkup

Want to save a little money? Take a hard look at your insurance coverage. Experts recommend getting an insurance checkup once a year. You may find that your situation has changed and you need less, or more, insurance. Laws in your state may have changed or it may be time to get a new insurance company.

To make your insurance checkup easier, gather together the paperwork for all of your insurance coverage, including homeowners or renters insurance, life, auto, and any other type you may carry. This will help you compare costs vs. coverage.

Some important questions to ask:

- Am I eligible to discontinue PMI (private mortgage insurance) on my homeowners policy?
- Have any laws changed in my state requiring more or less coverage?
- Do I qualify for any additional discounts?

- Has my employer begun to offer more or less insurance, including disability, life, or supplemental insurance?
- Can I save money with a higher deductible?
- What is the best deal I can get on this type of coverage?



Once you’ve talked with your current agent and gotten a firm price on the insurance coverage you want, take the time to call around to other companies. You may be surprised at the savings you can find. If you do find a better deal elsewhere, it is easy to switch. Simply start up your coverage at the new company and then send a letter or fax to your original insurance agent stating when you would like your coverage discontinued. If there is remaining time on your policy, you will receive a refund of the amount you’ve already paid.

UNDER CONSTRUCTION

ANNOUNCEMENT:

**THE OFFICE OF THE CHAPTER 13 TRUSTEE,
MARILYN O. MARSHALL, WILL CHANGE
CASE ADMINISTRATION SOFTWARE
FROM CASENET TO BSS-TNG.**

THE OFFICE IS SET TO “GO LIVE” SOON.

**CLASSES FOR DEBTOR AND CREDITOR
ATTORNEYS WILL BE OFFERED
ONCE THE SYSTEM IS “LIVE.”**

PLEASE SEND AN EMAIL TO:

BSS_TNG_LIVE@CHI13.COM

**IF YOU ARE INTERESTED IN ATTENDING A
TRAINING SESSION AT OUR OFFICE.**



**MARILYN O. MARSHALL
CHAPTER 13 TRUSTEE**

Financial Trustee Auditing In Due Diligence

Back in October of 2011 our Trustee made a decision to audit all bankruptcy cases regardless of status. This includes inactive cases that are either dismissed or converted to a Chapter 7. In the past we did not audit cases that were dismissed or converted.



We audit these cases, as we do all other cases. We review the claims for accuracy, checking the names, account numbers, dollar amounts and attachments. We check the filed date, are they timely, are there duplicates filed with the court. We check to make sure we have them loaded into our system correctly as they appear on the court site "PACER," and that all the information on the claim is correctly input into CaseNET. We review all plans filed, but the confirmed plan is very important for a case that was originally confirmed but changed to dismissed or converted to a Chapter 7. In cases that never reach confirmation, all the plans filed are reviewed to make sure we have all the sections of the plan loaded correctly along with section G of the plan that can override or provide information for adequate payments to the plan.

We look at Pacer and review all orders entered by the court which instructs the Trustee how she must continue to administer a case. For example, an order could perhaps modify the term of the plan; instruct us to stop paying a mortgage claim or may disallow a claim, so we would have to turn off the claim. We may have orders that add cost of collection to an arrears mortgage claim and the list is endless. Just the same, we must review them all and make sure that we have adhered to the orders as they apply to each individual case. One can say we perform a compliance audit to verify the accuracy of the case at a precise period in time.

One thing that is for sure: every case may start out similar in nature, but each end up being so different from what was meant to be due to actions by the court or things that may occur in one's life during the course of their bankruptcy.

This new policy has provided the Trustee with a more confident feeling of insuring that all cases, whether active or inactive, are properly administered by her office.

Mark Caffarini, Case Analyst/Auditor

Get It Done

If you have a big project you've been avoiding, try breaking it down into chunks. Instead of trying to find a day to tackle the job, give yourself 15 minutes a day. Use a timer to keep yourself on track. Besides giving you a practical way to manage the job, using a timer also can motivate you. Knowing you only have 15 minutes can make you hustle through the work.



Case Administration Current Mortgages

Our office administrates current mortgages on some Chapter 13 cases. The Trustee starts disbursing on current mortgages once the case is confirmed and post-confirmation is finalized.



Mortgage payments can be changed from time to time because of the escrow, taxes, insurance, and interest. It is very important to the Trustee that our office be aware of these changes so the debtor can remain current.

In previous years our office would receive these changes in writing from the creditor, debtor, or creditor attorney. However, this method created many issues, because if the letter was not received in time, a past due amount would be created and the proper adjustment would not be made.

Effective December of 2011, a new rule was passed stating that every notice of mortgage payment change is to be filed with the U.S. Bankruptcy Court and every party in the case is notified electronically. This change ensures that all parties have the proper information in an efficient and timely manner.

Laura Mendoza, Case Administrator (Mortgage Specialist)

September's Notable Events

Happy 11th Anniversary to **Trustee Marilyn O. Marshall** on September 1st!

Happy Birthday to **Jenna Ball** on September 2nd!

Labor Day on September 3rd (the office will be closed).

NFL Season Opener (Cowboys vs. Giants) on September 5th.

All Staff Meeting on September 7th.

Happy Birthday to **Keisha Hooks** on September 11th!

Patriot Day on September 11th.

International Eat an Apple Day on September 15th.

International Talk Like a Pirate Day on September 19th.

First Day of Fall on September 22nd.

Family Health and Fitness Day on September 29th.

Happy Birthday to **Juliana Dunklin** on September 30th!

Gold Star Mother's Day on September 30th.



Legal**Who's The New Kid On The Block?
Suszie McKinney, Case Analyst**

Born and raised on the West side of Chicago, a person would think that I am a city girl. Shocking to many, I am a Southern girl deep down inside. My dream is to build a home in a southern state where I can vacation during the winter months of Chicago.

In July 2003, I graduated Magna Cum Laude from Commonwealth Business College in Merrillville, IN, with an Associate of Science Degree – Paralegal. I also graduated Summa Cum Laude from Robert Morris University, Chicago, IL, in September 2011 with a Bachelor of Professional Studies Degree, concentration in Law Office Administration. I was featured in the school newspaper (The Eagle) on two occasions; (1) Induction into Sigma Beta Delta International Honor Society and (2) my internship experience at the Social Security Administration, Office of the General Counsel.

My prior work experiences include: Automatic Teller Machine (ATM) Claims Dispute Analyst, Legal Clerk and Litigation Collection Specialist. I am considering going back to school to receive either a Law Degree or an MBA. My friends and family are trying to convince me to get a Law Degree because they say “I am always debating with them about something.”

I am the Proud Mother of two boys, ages 21 and 19, who love to play basketball and sing, and a girl, age 11, (whom I call my big little mini-me) who loves to cheer and act. We love to take family vacations where we can do what we call “Being a Kid at Heart!” Our favorite vacation spot is the Wisconsin Dells. This is because no matter the weather, we get to play in the water (especially the wave pools), which brings the kid out of us all.

These last four months with Trustee Marilyn O. Marshall and staff have been very rewarding. I have learned a lot in a short period of time. The work is plentiful and challenging, which I love. Through all the challenges, I maintain the mind set of “All Possibilities Being Endless,” and know that with an open mind and my eagerness to learn, I can conquer all challenges and remain successful. I truly appreciate Ms. Marshall for giving me the opportunity to be a part of her team. I thank her and the entire staff for your kindness and for welcoming me with open arms. I look forward to working with each of you in the many years to come.

Suszie McKinney, Case Analyst

**Money Tips****College Savings**

If you have kids, you are probably thinking about saving for college. But it may be a better bet to increase your contributions to your retirement accounts. Money you've put in a retirement account can be withdrawn without penalty, but funds in a college savings plan (a 529) cannot be withdrawn without a penalty if they are used for anything but college.

**Flexible Funds**

A flexible savings account (FSA) is offered by many employers. It can help you save money on health care costs by using pretax money. Depending on your tax bracket, this can mean savings of up to 30 percent. You are able to pay any of your out-of-pocket health care expenses with this money, but you do need to approach this carefully. If you don't use all the money in your account within the year, you will lose what is left. Fully fund your FSA if you know that you will spend that much money in a year or if you have an expected medical expense pending, such as a chronic medical condition, elective surgery, braces for your child, or a baby due.

Internet Tidbit

If you've ever wanted to learn a foreign language, you know it can be a challenge to connect with native speakers to try out what you've learned. Livemocha.com is the solution to this problem.

Livemocha is the world's largest online language learning community. You can get online practice using traditional methods of learning a new language, along with interaction with native speakers from around the globe. Community members comment on practice exercises, have practice conversations via text, video or audio chat, and give much needed encouragement.

You can choose to do your learning in a group setting or by getting private tutoring. Best of all, Livemocha is free. You have the option of adding in private lessons or other language lessons for a small fee as well.



Helping Children With Homework



Homework can develop into a daily struggle between children and parents. Unfortunately, in many households, homework time consists of nagging and complaining, with little getting accomplished. To help your child successfully navigate homework time, keep these tips in mind.

Make homework time a priority and keep it consistent each day. It is a good idea for parents and children to decide on a time together, to make this work for everyone in the family. All homework should be completed during this time. If your child finishes homework before the time is up, the rest of the period can be allotted for quiet reading time. By doing this, both you and your child know what is expected and can place the appropriate emphasis on completing all the homework, without the distractions of other activities or television.

If your child says that he or she finds the homework assignments too difficult, you should plan on helping out. But it is not a good idea to do most of the problems or assignment. One or two examples should suffice, along with any additional explanations needed. This will not only provide assistance, but will allow your child to learn to complete the work independently.

Be realistic about how much your child can handle in his or her daily life. If the pressures of outside activities, like sports, dance, or music is too much, homework time will become frustrating and unproductive. A child may be too stressed, tired, or overwhelmed to effectively complete the assignments. Take a good look at how much your child can handle and reduce activities if needed.

Evaluate how you approach homework time as well. If you feel stressed or constantly irritated, you may need some outside help. Hiring a tutor to assist your child a few times a week may be all you need to turn things around. This can reduce negative feelings from both the parent and the child and can lead to improvements in completing assignments.

Finally, don't forget to review your child's work. If you simply allow your child to complete each assignment without looking it over, there may be mistakes or concepts that your child hasn't grasped. If you review the work daily, you will be able to see if your child needs more help in any specific areas. Don't correct any mistakes yourself, but use this as an opportunity to review concepts and emphasize good study habits.

Home Safe Home



We all expect to be safe in our homes. But sometimes that is easier said than done. Take these simple precautions to keep yourself and your loved ones safe.

Childproof Your Home

If you have children, you probably already realize the importance of this. Even if you don't have small children yourself, you should still take some simple steps to make your home safe for any children who may visit you. Use inexpensive outlet covers on all exposed electrical outlets. Keep all medications, cleaning chemicals, and poisonous substances out of the reach of children.

Lock Your Doors and Windows


Although it seems self-evident, always lock your doors and windows when you leave. It can be easy to forget to shut and lock windows and doors, especially during warmer weather. Take this extra step every time you leave. You should also ensure that your outdoor lighting is functional and adequate. If you have darkened areas in the front or back of your home, replace any faulty lighting and upgrade your existing lighting to provide sufficient light for safety.

Check for Hidden Hazards

Do a monthly safety check of your home. Look for electrical cords that are frayed or worn and replace them. Do not allow electrical cords to be placed in areas where they could be tripped over. Make sure any stair railings leading to your home are secure. Use rubber bath mats in your shower or bathtub to prevent falling.

Check Your Smoke Detector

Twice a year, replace the batteries in your smoke and carbon monoxide detectors. A good way to remember this is to change the batteries when Daylight Savings Time begins and ends. If you ever remove the batteries for any reason, remember to replace them as soon as possible. If your detectors are wired to your home's electrical system instead of using batteries, do a manual check of your detectors several times a year.



**Trivia Quiz Answers:
Sweet As Honey**

- 1. Five.
- 2. Mead.
- 3. Six.
- 4. Four.
- 5. Drones.

- 6. Two million.
- 7. Over 55,000 miles.
- 8. True.
- 9. 180 beats a second.
- 10. 30,000 to 60,000.

Did You Know: Piano Trivia

September is National Piano Month.


- ♪ Bartolomeo Cristofori built the first piano in 1709 in Italy and called it a gravicembalo col pian e forte.
- ♪ When a piano key is pushed, it moves a hammer to strike the strings. Most of the hammers will strike three strings at once when activated.
- ♪ There are 88 keys on a common grand piano – 52 white and 36 black.
- ♪ During the past 100 years, there have been around 5,000 brands of pianos introduced to the market.



- ♪ The first note on a standard piano is A, and the last note is C.
- ♪ The typical grand piano has more than 7,500 parts.
- ♪ Only three presidents have not had pianos in the White House: Gerald Ford, George Bush, and Bill Clinton.
- ♪ There are over 200 strings in a piano. They are pulled to an average tension of around 200 pounds, so the total string tension of the average piano is around 20 tons.



Piano Man made of piano parts.


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The Marshall Chronicles is now available in full color,
 both in print and on-line at www.chicago13.com

Trivia Quiz: Sweet As Honey

September is National Honey Month. Test your honey knowledge with this trivia quiz! *(The answers are on page 7.)*

1. How many eyes does a honey bee have?
2. What is another name for honey wine?
3. How many sides does each honeycomb cell have?
4. How many wings does a honey bee have?



5. What are male bees called?
6. How many flowers does it take for honey bees to produce one pound of honey?
7. How far does a hive of honey bees fly to collect enough nectar for that one pound of honey?
8. True or False: Bees don't sleep.
9. How fast do bees' wings beat?
10. What is the average number of bees in a hive?

