

BEHIND THE BENCH

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Upgrading the Position of Judicial Assistant, Time for Action is Long Overdue

By Randy D. Doub, Chief Judge, USBC-EDNC

Randy D. Doub, Chief Judge for the ED/NC, practiced law in private practice for almost 26 years. He attended East Carolina University and graduated Magna Cum Laude in 1977. He obtained his law degree from the University of North Carolina at Chapel Hill in 1980. While Judge Doub was in practice, he actively represented debtors, creditors and served as a Chapter 7 Trustee and Attorney for Trustee for 15 years. He was a member of the National Association of Bankruptcy Trustees (NABT) and the National Association of Consumer Bankruptcy Attorneys (NACBA). Judge Doub is a member of the Pitt County Bar Association, the North Carolina Bar Association and the North Carolina State Bar.

While in private practice, Judge Doub served on the Bankruptcy Council of the North Carolina Bar Association. Judge Doub is a Board Certified Specialist in Consumer Bankruptcy Law as certified by the North Carolina State Bar. He is a Board Certified Mediator as certified by the North Carolina Dispute Resolution Commission. In 1985, Mr. Doub was appointed by Governor James G. Martin to serve on the North Carolina Board of Transportation. He served until July, 1990. In July, 2006, Judge Doub was appointed by the Fourth Circuit Court of Appeals to serve as United States Bankruptcy Judge for the Eastern District of North Carolina. On July 28, 2007, Judge Doub became Chief Judge of the United States Bankruptcy Court for the Eastern District of North Carolina. In 2008, Judge Doub was appointed to the Space and Security Advisory Council by the Administrative Office of the U.S. Courts. Judge Doub is also a member of the National Conference of Bankruptcy Judges and serves on Bankruptcy Administrator liaison committee.

When I was appointed United States Bankruptcy Judge on July 28, 2006, I offered the position of Judicial Assistant to my long time executive assistant and certified paralegal. I was in private law practice for nearly 26 years representing both debtors and creditors, while also serving as a Chapter 7 trustee. My paralegal had served in my firm for 22 years preparing petitions, pleadings, motions, complaints, and monitoring cases for both debtors and creditors. She also served as clerk for 341 meetings and managed the administration of many large and complex Chapter 7 cases. In addition, my Judicial Assistant has a Bachelor of Science in Accounting degree from East Carolina University and is a North Carolina State Bar Certified Paralegal with over twenty-five years of legal experience. On top of all that, she had a number of management duties and performed some legal research. Unfortunately, I could only offer her the judicial assistant position at the JSP-11 level, which offers no future pay grade advancement, only step increases.¹

Upon further investigation, I was unable to locate an exact job description for the Judicial Assistant on the J-Net. However, in the description of job duties for chambers staff, the Judicial Assistant should have the following minimum responsibilities:

- Organizing and maintaining the Judge's office calendar;
- Making travel arrangements, preparing travel vouchers;
- Reporting of annual non-case related travel for the judge;
- Coordinating judicial committee activities;
- Maintains office records and files;
- Performs other numerous tasks to keep the chambers running smoothly;
- Handles correspondence and mail;
- Typing and dictation skills;
- Interacting effectively with the public

As you can see, the minimum skills are more akin to a secretarial position, rather than the many and various duties performed by the present day judicial assistant. My experience with my judicial assistant, and what I hear about the duties that other judicial assistants across the country perform, demonstrate to me that bankruptcy court judicial assistants do much more than those duties outlined above. For example, in addition to all of the above, my judicial assistant performs the following responsibilities

- Reviews all applications for attorney's fees and all Chapter 7 closing packets, applications for trustee commissions, and proposed distributions to creditors;
- Appears at all Preliminary Pretrial Conferences and pre-pares scheduling orders in all adversary proceedings;
- Prepares all orders referring cases to mediation;
- Proofreads all Judge's orders and opinions and verifies citations within orders and opinions;
- Uploads all chambers' orders and opinions for docketing on CM/ECF;

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- Serves as substitute courtroom deputy and responds to procedural questions related to court practices and files court minutes on CM/ECF docket and v-Cal for court hearings;
- Serves on various committees as appointed by the Chief Judge;
- Reviews legal documents submitted to chambers for completeness and accuracy and responds to questions related to the status of scheduling cases;
- Conducts minor legal research;
- Composes and prepares routine correspondence, procedural orders, mediation orders, standing orders, travel authorizations, and documents that may require substantial research or analysis;
- Tracks and monitors calendars, filings, hearings and reviews weekly reports to identify new filings;
- Monitors deadlines for orders, prioritizes tasks within chambers among law clerks;
- Maintains statistical data for judge for public presentations

I understand, in addition to all of the above, other bankruptcy judicial assistants across the country, serve as the judge's courtroom deputy and regularly appear in court and calendar all courtroom proceedings. These bankruptcy judicial assistants perform the functions of the courtroom deputy, who normally is an employee of the Clerk. Other judicial assistants perform all final review of all orders and upon the judge's approval, affix the judge's signature and forwards the signed order to the appropriate case administrator for docketing. Another judicial assistant in our court oversees and supervises chambers law school externs and manages our court's Pro Bono Attorney Program. Clearly, nationwide, there are a wide range of important and diverse duties performed by judicial assistants who work for bankruptcy judges. I expect that judicial assistants employed by circuit judges, district judges, and magistrate judges, are required to perform duties and responsibilities above and beyond the basic secretarial and clerical duties described for chambers staff on the J-Net.

The efforts to upgrade the position of Judicial Assistant have been ongoing for many years. These efforts have occurred through the years as the position of judicial assistant has evolved from the position of a judge's secretary to today's judicial assistant with many more duties and responsibilities.¹ Much work remains to be done. The support of Judicial Assistants employed by circuit judges, district judges, and magistrate judges, in addition to those employed by bankruptcy judges would not only be helpful to accomplish an upgrade in the pay and position, but such united support would be critical.

How can we best address the unfairness in compensation and opportunities for advancement of the present judicial assistant position?² How do we compensate a judicial assistant who performs more duties and has more responsibility than the typical clerical and secretarial duties? And how do we encourage judges to hire and maintain high performing and valuable employees as a judicial assistant?

There are three possible solutions. First, create a Judicial Assistant I position which would require performance of mainly secretarial and clerical duties at the JSP-11 level and a Judicial Assistant II position at either the JSP-12/13 level, depending on the experience and qualifications of the judicial assistant and additional required duties and responsibilities above and beyond the secretarial and clerical tasks. Such classifications would be more commensurate with the job description and duties of many bankruptcy judicial assistants, and would be comparable to duties and pay of similar type employees of the Clerk.³ These Clerk employees have the opportunity to advance in pay grades and promotions through the CPS pay grades. Under our present system, the judicial assistant, if he or she stays with the judge, does not have the opportunity for any additional pay grade advancement beyond JSP-11, only raises through steps, through the years of service.⁴

Second, create a separate Bankruptcy Judicial Assistant position with an entry level at JSP-12, and allow promotion to JSP-13, based on qualifications and experience. This Bankruptcy Judicial Assistant would be designed solely for

(cont'd. on pg. 3)

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bankruptcy judges, with many of the duties above and beyond the secretarial and clerical duties heretofore described.

Third, give the bankruptcy judge the opportunity to design the positions for his or her chambers. A bankruptcy judge could choose to have any combination of a law clerk, either career or term; two law clerks, one career and one term; or some combination with a bankruptcy judicial assistant. The bankruptcy judge would assign the duties to each position and set the pay accordingly. Like today, a judge might choose to have one of the positions filled with part-time positions. Each chambers could be allocated a set amount of money for these two positions, which would give each bankruptcy judge the flexibility to design the positions that best serve him or her in chambers. The Clerk of the Bankruptcy Court already has the authority to design positions with varying duties and job descriptions. A bankruptcy judge ought to have the same flexibility for his or her chambers. Such flexibility might also enhance salary cost containment. The trend of many bankruptcy judges is to employ two law clerks rather than a law clerk and judicial assistant. If a bankruptcy judge employs a career law clerk(JSP-14), and a term law clerk(JSP-12 /13), the total salary cost per chambers will be higher when compared with a judge who employs either a term law clerk(JSP-12/13) or a career law clerk(JSP-13/14) and a Judicial Assistant who could be hired at the JSP-12 pay grade.

As a bankruptcy judge, I have focused on the duties and responsibilities of the judicial assistant in the Bankruptcy Judges Chambers. However, many of the same concerns may well be applicable to the judicial assistant employed by a Magistrate Judge, District Judge and Circuit Judge. A combined effort to promote an upgrade in duties, responsibilities, and pay grade on the part of all judicial assistants in the judiciary would be desirable to increase the odds of success.

There may very well be other good proposals or solutions besides the three heretofore mentioned. Under the present system, there is little monetary reward or financial incentive for a judicial assistant to make the judicial assistant position a long term career choice. In spite of the fact that judicial assistants do not have the opportunity for promotion to a higher pay grade, I suspect that many judicial assistants stay in the position out of love for the work and loyalty to the judge, which are all rewarding intangible benefits to the position. But as the duties and responsibilities of the judicial assistant have grown and expanded over the years, it is time to consider whether these positions should be rewarded with higher pay grades which are commensurate with the increased duties and responsibilities.

Any of the above changes would have to be approved by the Committee on Judicial Resources of the Judicial Conference of the United States, and ultimately by the Judicial Conference of the United States. I am told that until there is positive movement on the issue of pay restoration for judges, that pay grade reclassification or creation of new positions has little chance of approval. At a minimum, I hope this article will spur discussion among the members and leadership of the Association of Bankruptcy Judicial Assistants in order to build momentum for positive changes in the job description and pay structure for judicial assistants. The outstanding service and dedication of my judicial assistant and others across the judiciary that serve as a judicial assistant convinces me that those who serve in the Judicial Assistant position for bankruptcy judges, are not being adequately rewarded for the many duties they perform. Let's work for some positive change.

¹ JSP-11 offers step increases during the first three years, but then provides a step increase every two years for three steps and then every three years for the next three steps. Contrast the steps for the CPS positions in the full performance range which are up to 4 steps during each of the first three years, up to two steps over the next nine years and then one step increase over the next six years. See the following table. http://jnet.ao.dcn/Human_Resources/Pay_Tables/2009_Pay_Tables/Judiciary_Salary_Plan_Pay_Tables/Judicial_Salary_Plan_Locality_Rate_Pay_Tables_2009_Table_01.html. CPS step increases are scheduled to be reduced beginning October 1, 2010.

² In a position paper prepared in 2001 on behalf of the ABA Legislative Committee entitled "Judicial Secretarial/Assistant Grade Increase," **Ms. Patsy Burkhalter**, Judicial Assistant in the Southern District of Georgia provides a chronology of grade increase requests since 1958 and concludes as follows: [Secretaries possibly hold the only position in the judiciary which presented grade increase proposals, justified them, garnered support for them, and have come away unanswered for over 20 years now. Judicial secretaries have had only ONE grade increase in 43 years. The morale of judicial secretaries is at an all-time low. More and more court career secretaries are retiring at JSP-11/10, (frozen there for many years) having kept the optimism for 10-plus years that eventually the position would be upgraded. Many secretaries came from the clerks' office staffs years ago when secretaries were on an "even par" with management personnel. At that time they were glad to take the job of judicial secretary because of the advancement potential of eventually becoming a JSP-11/10. However, positions in clerks' offices have been elevated and new/additional positions have been created at salaries higher than the JSP-11 equivalent. Secretaries were consistently told that these clerks' office positions are "manager" or "supervisor" positions and that the higher level of pay is reserved for those within the judiciary who "manage" or "supervise" other employees. Secretaries have been told that they are not managers and supervisors and do not qualify for a higher target grade. However, the personnel specialist, financial specialist, and budget analyst positions are all rated at CPS CL-28 with a salary high of \$67,510. In some instances these same positions can qualify for a CPS CL-29 with a salary high of \$80,279.00. According to the job descriptions, these positions generally "manage" and "supervise" only themselves and their work. Specific words used in their job descriptions are "review, research, develop, recommend, administer, advise, process, maintain, analyze, track, present, monitor, and assist. They do not "manage" or "supervise" other employees yet they have been afforded the rate of pay that secretaries have previously been told was reserved for "management."] *(cont'd. on pg. 4)*

President's Message

By Cathy Farrell,, DE



Happy New Year! I am honored to have the opportunity to serve as your President of the Association of Bankruptcy Judicial Assistants. First I would like to thank everyone who attended our conference in Baltimore for your encouragement, patience, and support during my presidential "baptism by fire". When I ran for this office I was told I wouldn't be doing it alone and that certainly has proven to be true. I am surrounded by intelligent, dedicated, caring individuals to help me.

I am Judicial Assistant to the Honorable Mary F. Walrath, District of Delaware. I became her JA in September of 2003, but we have known each other for over 25 years since working together in a Philadelphia law firm back in the 80's. Apparently big hair bands weren't the only ones who made an impression that decade!

My introduction to the Association of Bankruptcy Judicial Assistants was in May, 2004, when the ABA sponsored a two-day Certified Bankruptcy Assistant (CBA) seminar and exam in Atlantic City. I took and passed the exam and made plans to attend the ABA's Annual Educational Conference the following October in Las Vegas. Looking back, I still can't believe I actually got on that plane by myself to attend a conference where I knew no one. I never regretted that decision, and I have only missed one conference since then!

To me, the highlight of the year is the Annual Educational Conference and I strongly encourage you to attend. It presents a forum for Judicial Assistants from all over the country to connect and share ideas and information with others who also work for bankruptcy judges or in the bankruptcy community. We provide specialized training and educational seminars led by distinguished speakers on topics relevant to our jobs. The Conference, CBA and CLE Committees have already been hard at work preparing another successful program. As we did in Orlando in 2007, we will share the city of New Orleans this October with the Judges who are attending the NCBJ Conference at the same time.

There is strength in numbers and by being a part of the ABA, you will be involved in issues that affect you personally and professionally. It is important that our membership is representative of the majority of Judicial Assistants so if you are not yet a member, I invite you to join. If you are already a member, get involved and make your voice heard. If you have never attended one of our conferences - make this the year! One of America's favorite cities, New Orleans is rich in culture, world famous cuisine, live music and unique entertainment.

Once again, thank you for electing me as your President, and know that my door is always open. I look forward to joining all the very dedicated and talented members who work tirelessly behind the scenes to ensure the ABA's continued growth and success. Here's to a year filled with good health, family and friends (both old and new), and to a fantastic conference in New Orleans!

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4 The JSP-11 position provides ten step increases over a period of 18 years. After the last step increase, there is no further increase except for cost of living allowances. Therefore, a judicial assistant who serves for thirty years, gets no pay grade increase or step increase for the last 12 years of service.

5 JSP-11 is comparable to CPS CL-27; JSP-12 is comparable to CPS CL-28, JSP-13 is comparable to CPS CL-29. Furthermore, my judicial assistant is now at JSP-11, Step 4, but with her experience, duties, responsibilities, and qualifications, she should at least be a JSP-12, Step 4. For comparison purpose, review examples of positions from the benchmarks in the Human Resource Guide, Section 2.6.3. Such CPS CL-27/JSP-11 positions include Procurement Specialist II, Administrative Specialist, Human Resources Specialist, Training Specialist, Financial Specialist II, and Courtroom Deputy II. CPS CL-27 positions have more step increases as described in Note 1 above. Plus, CPS CL-27 positions in the Clerk's office have opportunities for advancement to CPS CL-28/29 positions. Judicial Assistants at JSP-11 have no opportunity for promotion, unless a JSP-12 Judicial Assistant position were created. CPS CL-28 positions include Management Analyst and Programmer Analyst.

6 Compare the step advances described in Note 3 above with the 2009 Pay Rates of the Court Personnel System showing CPS grades and step advances: http://jnet.ao.dcn/Human_Resources/Pay_Tables/2009_Pay_Tables/Court_Personnel_System_Pay_Tables/NonLaw_Enforcement_Officer_Rates/Table_01.html with Table of 2009 Pay Rates of the Judiciary Salary Plan showing JSP grades and step advances (http://jnet.ao.dcn/Human_Resources/Pay_Tables/2009_Pay_Tables/Judiciary_Salary_Plan_Pay_Tables/Judicial_Salary_Plan_Locality_Rate_Pay_Tables_2009/Table_01.html)



News From the Administrative Office

*By Jim Wannamaker, Staff Attorney
Bankruptcy Judges Division*



Bankruptcy Judge Observer at Judicial Conference

Chief Justice John Roberts has selected Bankruptcy Judge Rosemary Gambardella of New Jersey to serve as the non-voting bankruptcy judge observer at the Judicial Conference. Judge Gambardella succeeds Chief Bankruptcy Judge David S. Kennedy of the Western District of Tennessee. Judge Gambardella's two-year term as a Conference observer will expire on October 1, 2011.

Bankruptcy Judges Advisory Group

At its November 2009 meeting, the Administrative Office's Bankruptcy Judges Advisory Group (BJAG), considered the impact of bankruptcy filings by debtors who do not have an attorney (pro se debtors), discussed the value of increased bankruptcy judge participation in Judicial Conference committees, the use of recalled judges, and other issues affecting the bankruptcy system and the judiciary as a whole. Bankruptcy Judge Michael E. Romero of Colorado chaired the meeting.

In response to an inquiry from the Judicial Conference Committee on the Administration of the Bankruptcy System, the BJAG suggested the Bankruptcy Committee consider proceeding with a pro se study, which would include an analysis of the value of pro se law clerks, as well as alternative models for handling pro se cases and proceedings. In connection with the work of its own Pro Se Subcommittee and to assist in the Federal Judicial Center in design of a pro se study, the BJAG endorsed the Bankruptcy Committee's request that the Center survey bankruptcy judges and clerks on pro se issues.

After considering several measures to encourage the recall of bankruptcy judges to meet judicial resource needs, the BJAG endorsed providing retired bankruptcy and magistrate judges access to the DCN and judiciary e-mail and recognized the value of encouraging circuits to communicate with retiring bankruptcy judges about circuit recall needs.

In response to an inquiry from the Advisory Committee on Bankruptcy Rules, the BJAG endorsed extending the one-day and five-day time periods in Bankruptcy Rule 7054(b). The group also resolved to submit comments to the Committee with regard to proper service of objections to claims and negative noticing of the objections.

Amendments to Reaffirmation Form

The bankruptcy reaffirmation forms were revised effective December 1, 2009, in an effort to make it easier for debtors and creditors to understand how the forms should be completed and, as a result, to reduce errors.

The revised forms include Director's Form B240A (called the "Reaffirmation Documents"), Director's Form B240B ("Motion for Approval of Reaffirmation Agreement"), and Director's Form B240C ("Order on Reaffirmation Agreement"). The Reaffirmation Documents, Form B240A, is a package of five form documents, including the reaffirmation agreement itself, the statutory disclosures, and other documents. Although the new reaffirmation agreement itself contains some of the disclosures required by the Bankruptcy Code, most of the required disclosures have been moved to the end of Form B240A.

The Administrative Office has received expressions of concern from several attorneys regarding the revised Form 240A. Their comments focus primarily on the differences in wording of the revised form from the language of § 524(k) of the Bankruptcy Code. The Advisory Committee on Bankruptcy Rules will consider the comments at its meeting on April 29-30, 2010.

Key to the Advisory Committee's approval of the revision in the fall of 2009 was the Committee's conclusion that section 524(k)(2) of the Code allows form drafters flexibility in wording and organization of the mandated disclosures. As a result of that flexibility, revised Form B240A is organized more logically, is streamlined, and uses language that is easier to understand than the previous form.

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Digital Audio Recording Pilot In The United States Bankruptcy Court for Northern District of Alabama

By: *Hon. Tamara O. Mitchell and Scott W. Ford, Esq.*



BACKGROUND

In March 2007, the Judicial Conference endorsed a pilot program (originally created and supported by North Carolina Eastern Bankruptcy Court) regarding digital audio recordings of court proceedings and the docketing of those digital recordings, thus making the audio accessible through the Case Management/Electronic Case Files (CM/ECF) system and available to the public via PACER. The original pilot involved five courts: Nebraska District Court (using Voice IQ); Pennsylvania Eastern District Court (using FTR Gold); Maine Bankruptcy Court (using FTR Gold); North Carolina Eastern Bankruptcy Court (using Voice IQ); and Alabama Northern Bankruptcy (using Digital Court Recorder). The five courts selected for the pilot represented the different recording software programs being used within the Judiciary (FTR Gold, VoiceIQ and Digital Court Recorder), in addition to bringing bankruptcy and non bankruptcy federal cases.

Federal courts vary as to whether court reporters or audio recording software programs are used in creating the official court record. The majority of Bankruptcy courts use audio recording software in lieu of court reporters and the software program is operated by clerk's office staff, ranging from Electronic Court Recorder Operators (ECROs), Courtroom Deputies to Law Clerks. Although the software creates an audio record, it has not been and is not the official record. Likewise, it is important to note that the audio, which is docketed electronically via this digital audio pilot to the public docket sheet, IS NOT the official record and will not be the official record. The official record remains the transcribed record as provided by a Court Reporter from his/her courtroom transcription or from a digital audio record.

Prior to this pilot program, the audio prepared by the courts could not be obtained without a request of the clerk's office and payment of the associated copying fee. The audio is then provided to the requesting party on a compact disc. The pilot program is studying the effects of docketing the audio on the docket within CM/ECF and making it available to the public and all users via PACER. This article will reflect the experiences and views of the Northern District of Alabama Bankruptcy Court and, specifically, the Southern Division and Judge Tamara O. Mitchell.

ALABAMA NORTHERN BANKRUPTCY COURT

Alabama Northern Bankruptcy Court (ANLB) uses Digital Court Recorder as its courtroom audio recording software. Originally, ANLB was the only court in the pilot using this type of software in its courtroom. So, the process by which courts place the audio recording on the docket in CM/ECF will vary between courts depending on software used; however, the end result for the public user is virtually the same. In addition to using different audio recording software programs, the pilot courts and each Judge within those participating pilot courts, chose different ways in which the pilot would be implemented within their courtroom. Some judges choose to docket all matters/hearings and some judges choose to docket certain matters/hearings. Judge Mitchell was the only ANLB judge participating in the original pilot and she chose to select those matters that would be docketed after a hearing based upon the content of the hearing. In short, settlements and continuances may not be docketed because of the short time of the hearing or the lack of opposition to the motion/matter set for hearing. Whereas, a motion for relief from stay or an adversary proceeding may be docketed due to its longer hearing time and the opposition to the motion which likely results in testimony before the court.

One of the primary concerns for all courts involved in the pilot program is privacy. In addition to the mandates concerning privacy contained in the E-Government Act of 2002, Judges and participating courts recognize that attorneys and parties before the court must be reminded of the audio recording being made during court and remind them of the restrictions of disclosing private information, e.g., social security numbers, employee identification numbers, tax identifications, names of minor children, etc. The pilot courts created a warning that can be used on counsel tables and other locations within the courtroom to remind attorneys and parties of the audio. Below is the warning used in ANLB.

WARNING

RECORDED AUDIO FILES AVAILABLE OVER THE INTERNET

(Cont'd. on pg. 7)

Digital Audio Recording ... (cont'd. from pg. 6)

Notice to Attorneys

Beginning October 1, 2007, the United States Bankruptcy Court for the Northern District of Alabama began participation in a twelve (12)-month pilot project to make digital audio files of court proceedings available to the public over the Internet through the Public Access to Court Electronic Records (PACER) system. During the pilot, some of the audio files of matters held before Judge Tamara O. Mitchell will be uploaded to the Case Management Electronic Case Files (CM/ECF) system

Privacy Policy

The judiciary's privacy policy restricts the publication of certain personal data in documents filed with the court. The policy requires limiting the disclosure of Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. However, if such information is elicited during the testimony or other court proceedings, it will become available to the public.





Limiting Personal Information

If information subject to the judiciary's privacy policy is stated on the record, it will be available in the audio files over the Internet. Since counsel and the parties are solely responsible for guaranteeing that pleadings and testimony comply with the court's rule requiring the redaction of personal data identifiers, the better practice is to avoid introducing personal data and other sensitive information into the record, unless necessary to prove an element of the case. Also, be advised that clerk's office staff and chambers' staff cannot redact audio files before they are placed on CM/ECF. Please take this into account when questioning witnesses or making other statements in court. If private information is mentioned during a hearing or trial, you may move the court to seal, restrict, or otherwise prohibit placement of the digital audio file of the hearing or trial on the Internet through the PACER system. Additionally, please make sure that private communications with co-counsel or clients take place away from the microphone so they are not inadvertently recorded.

Responsibility of Counsel: It is the responsibility of counsel to notify the judicial officer during or prior to the hearing of their desire to restrict audio from the Internet.

It has been our experience that attorneys are already cautious of solicited testimony and cognizant of the privacy information. If private information is disclosed, the Judge, the courtroom deputy, the ECRO, and/or the law clerk all make an effort to note the case number or case name so that it will not be uploaded to the docket following the hearings.

When a user accesses the CM/ECF docket report of a specific case, the audio file is identified by a speaker or audio symbol. This shows the user at a quick glance that this specific matter has an audio file associated with it. Below is a screen shot which shows an example of the docket report with a docketed audio file.

08/25/2009	 39	Trustee Objection to Claim 6 of creditor James F. Ballard, DMD in the amount of \$379.31 Filed by Trustee D. Sims Crawford. (Crawfordoffice, ce) (Entered: 08/24/2009)
08/27/2009	 40	Notice of Hearing on (RE: related document(s) 39 Objection to Claim filed by Trustee D. Sims Crawford). Hearing scheduled 9/24/2009 at 09:30 AM at Courtroom 2 (TOM) Birmingham. (kdm) (Entered: 08/25/2009)
09/24/2009	 41	 PDF with attached Audio File - Recording Date/Time [9/24/09 9:30 AM] Run Time [00:00:57] File Size [1.3 MB] RE: Doc #39; Trustee's Objection to Claim #6 of James F. Ballard DMD in the amount of \$379.31 (Entered: 09/24/2009)

One of the purposes of the pilot is to determine the interest of the public in this technical enhancement. The numbers are impressive for the pilot and ALNB. Since our court's live date of participation (October 2007), 3,483 audio files of matters heard before Judge Mitchell have been downloaded into CM/ECF. Of these, 877 audio files have been

(Cont'd. on pg. 8)

Digital Audio Recording ... (cont'd. from pg. 7)

accessed through PACER *in addition to* the free copy given to parties in the case. Docketing these hearings allows the Judge, law clerk, courtroom deputy, attorneys or parties easy, inexpensive access to prior hearings within a case. Thus, if a matter/hearing is re-set, or a trial carries over from one day to another, the hearing can be "reviewed" from a desktop or a laptop to prepare for the subsequent hearing.

The audience of persons reached through these audio files extends beyond the attorneys representing the litigants in the case. Based on our experiences, clients have accessed the files for review when they were located physically outside of the state but had an attorney representing their interest before the court. The press has used the audio files to review and report on the matters heard before the court. And, this access is "lightning speed."

Of course, the ability to access this audio via PACER also creates a cost savings in terms of clients travelling long distances to be present for hearings when they are only there to "monitor" the proceeding, not testify. And, the press does not have to attend a hearing in order to obtain the hearing information and report on it.

Cost of the information via PACER is a matter to be decided upon in the future. As mentioned above, the litigants to the case receive the audio file free of charge one time as they do with all matters filed and docketed within a case in which they have appeared. PACER is currently charging \$.08 per file during the pilot program, since this is similar to the charge per page. However, an audio file is clearly more than "one page" and this amount will likely change after the Judiciary further reviews the pilot program and its findings.

THE FUTURE

The Committee on Court Administration and Case Management (CACM) has extended the pilot beyond the five original courts. ALNB extended its on pilot to additional judges beyond Judge Mitchell. This fall, the pilot courts will meet to finalize their findings and recommendations for CACM to consider at its next meeting in late 2009. Without a doubt, all pilot courts believe the use of digital audio should continue and be further explored.

ALNB supports the expansion of the pilot and the support of this product by the Judiciary on a national basis. Although there are some costs associated with the network requirements, the benefit to the public is outweighed by those costs. This pilot program allows access to more persons and, particularly, to those who may not be physically able to be present due to physical location or physical limitations and to those persons who may be more disadvantaged economically. The affordability of an audio file accessed via PACER instead of an official record will give the public more opportunities to obtain court information.

Attorneys practicing in ALNB comment how the audio digital pilot has allowed them to have important information on a quicker basis and allowed them greater flexibility in using that information for further pleadings on the matter (reply briefs, motions, answers, etc.), communications with clients and/or compiling information for appeal.

In summary, we believe the digital audio pilot program is a technical enhancement that assists the court in the delivery of justice to all persons.

*If you would like further information or would be interested in reviewing video files which show the creation of the bookmarks or audio files from the court side, please contact Scott Ford at Scott_Ford@alnb.uscourts.gov.

Credit Card Loopholes ... information about the new credit card law you need to know!!

<http://www.walletpop.com/blog/2010/01/25/beware-loopholes-in-the-credit-card-act-you-need-to-know-about/?icid=main|main|dl3|link7|http%3A%2F%2Fwww.walletpop.com%2Fblog%2F2010%2F01%2F25%2Fbeware-loopholes-in-the-credit-card-act-you-need-to-know-about%2F>



SPOTLIGHT ON SUSAN RAY, JA

Western District, Oklahoma



Could 41 ½ years possibly have flown by this quickly? It seems so, and what a ride it has been.

At only 24, I began my federal court career as “secretary” to **U. S. District Judge Luther L. Bohanon**. Little did I realize that I was about to play a part in some of the most significant and historical changes to ever take place in Oklahoma City and in our state. As the late 1960's and 70's brought the Viet Nam War, the Civil Rights movement and literally civil unrest everywhere, Judge Bohanon found himself in the midst of it all. Simply put, we dealt with draft dodgers, desegregated the public schools, and reformed the state prison system based on civil rights issues. Looking back, it's hard to imagine how we did all that with the archaic equipment that we had. – regular typewriters, the dreaded carbon paper and shorthand. My how times have changed!

When Judge Luther Bohanon retired in his 90's, ironically and luckily for me his son **U. S. Bankruptcy Judge Richard L. Bohanon** needed a “judicial assistant.” Yes, during those years even our title had changed. I have enjoyed being with the Bankruptcy Court for 11 years and during that time have witnessed the rapid and comprehensive transformation of how the work of the court is done electronically through CMECS. One can only imagine what will be next.

Judge Bohanon and I are both retiring at the end of February. I'm sure there are those who can't imagine being here for 41 years, but honestly I can't imagine a better place to have spent my entire career.

AO News (cont'd. from pg. 5)

Changes to Miscellaneous Fee Schedule

The Judicial Conference approved six technical changes to the Bankruptcy Court Miscellaneous Fee Schedule at its September 2009 meeting. The revisions, which clarify application of certain fees or correct omissions in the language of certain fee items, were effective on January 1, 2010. There was no change to any fee amount.

The Judicial Conference amended the Bankruptcy Court Miscellaneous Fee Schedule in March 2008 to clarify items and make stylistic changes to comport with current editorial standards. As the courts have implemented the new schedule, several additional amendments have been suggested to correct unintentional omissions and to further clarify the schedule.

On recommendation of the Committee on Court Administration and Case Management, the Conference amended the following items:

Item 4, to clarify that the fee only applies to filing amendments to the debtor's schedules of creditors, and not to other schedules;

Items 6 and 14, to conform the language in these sections, both of which provide that these fees should be paid by the estate when a trustee or debtor-in-possession is the filer;

Item 11, to reincorporate an exception to the reopening fee based on administrative error, which had been unintentionally omitted in previous schedules;

Item 14, to clarify that interlocutory appeals are included under this item;

Item 15, to correct a statutory reference which is linked to the filing fee for Chapter 15 cases; and

Item 18, to include the phrase “motion filed at the request of the debtor,” which had been unintentionally omitted.

Links to the Miscellaneous Fee Schedule and to the Director's memo of November 23, 2009, announcing the change are posted on the JNET at <http://jnet.ao.dcn/Bankruptcy/Fees.html>.

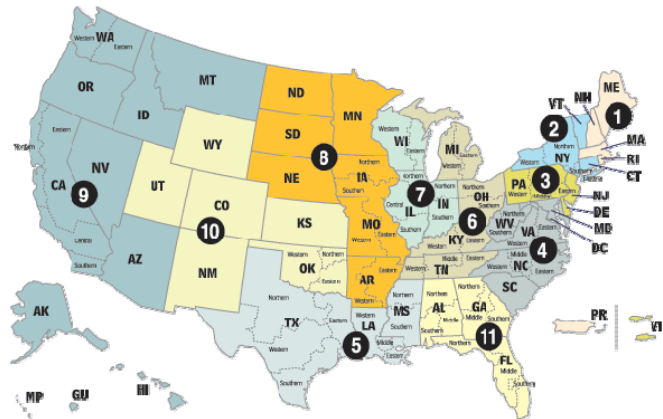
CIRCUIT REPORTS



1st Circuit

By Kate Kelly, D/ME

This circuit has nothing to report.



2nd Circuit

By Rosemary Rizzico, VT

Happy New Year! We had a busy year with increased filings. Chapter 7, 11, 12 and 13 filings totaled 1541, the AP's came in at 43.

We began the year participating in the Bankruptcy Court Case Weighting Study. The study started January 5th and ended March 15th. Our role was to record the time spent on work related items. It reminded me of the old time sheets that the law offices used in the past!

Also in January, the court switched from court reporters to digital audio recording and transcripts. A digital audio recording is taken of all court proceedings. After a few practice runs, our Courtroom Deputy was quite comfortable with our new toy!

Our year also consisted CPR Training, Benefits Training, Time Management Training, Word Training, a Wellness Program, a program on Creating a Life Balance and we topped it off with "Laughter With a Lesson" – which was the perfect ending for a long busy year!

In my personal life, for those that keep up with my family "Christmas Cook-Off" each year (see photo), I did not win the stuffed pepper contest but I'm happy to report that my 80 year old Mom took the trophy! This annual event has become quite popular with the family and the competition is getting tougher. My daughter has met a "chef" and I'm really worried he's going to enter the contest next year! I continue to sing with Maiden Vermont and our concerts this winter kept me busy. We performed at Middlebury Town Theater on a Saturday and Sunday in December and both performances sold out! It's truly an honor to sing with this group!



My big news for the year is that I will be leaving the Bankruptcy Court next month after working for **Judge Brown** for 9 years. A new U.S. District Court Judge was sworn in recently and I have accepted a position as her JA. **Judge Christina Reiss** hails from the Burlington area so I will be commuting for the first 6-8 months but then I'll be back home in Rutland! It's been an exciting ride and I will miss you all but I think that if **Kathi Dempsey** can still visit, I might just tag along with her!! I've met so many wonderful people that it's difficult to let go! Thank you for all the time and effort you have all put into this wonderful organization. I'll be in touch!



**SPOTLIGHT
ON
DIANA ROY, JA**
Northern District, New York



Diana is a paralegal and Judicial Assistant for the **Honorable Diane Davis**, U.S. Bankruptcy Judge for the Northern District of New York. Judge Davis was appointed to the bench in March 2009, and Diana became her Judicial Assistant in April 2009.

Diana has extensive bankruptcy experience after having served for nearly four years as a courtroom paralegal at the Office of Andrea E. Celli, Esq., Chapter 13 Trustee, in Albany, New York. From 2005 through 2009, Diana worked for Judge Davis during the Judge's tenure at the Chapter 13 Trustee's Office prior to her appointment to the federal bench.

In May 2002, Diana received an Associates Degree in Paralegal Studies from Bryant and Stratton College. This past summer, Diana obtained a Bachelor's Degree in Legal Studies from Sage College of Albany.

Diana enjoys spending time with her friends and family and restoring her 150 year old home in historic Jonesville, New York.



3rd Circuit
By Laurie Frick, ED/PA

**GREETINGS FROM THE THIRD
CIRCUIT!**

"We will open the book. Its pages are blank. We are going to put words on them ourselves. The book is called Opportunity and its first chapter is New Year's Day." **Edith Lovejoy Pierce**

The Eastern District of Pennsylvania, Philadelphia, is in the process of getting a new judge. The position became available when the **Hon. Diane Sigmund** retired in April 2009. In September 2009, a merit selection committee was appointed by the Judicial Council to recommend candidates for the vacant bankruptcy judgeship. The Committee submitted a report and recommendations to the Judicial Council for the Third Circuit and after consideration, the U.S. Court of Appeals selected **Magdeline D. Coleman** of Buchanan Ingersoll & Rooney PC, in Philadelphia, PA and is considering appointment to the bankruptcy judgeship. A required notice was posted to solicit written comments concerning the qualifications of Ms. Coleman for the position. We are awaiting final approval. If all goes well, Ms Coleman could be on board by the end March, 2010, bringing the total number of bankruptcy judges for the Eastern District of PA to six.

Dana Muccie (Trenton, NJ) reports: *"The Hon. Rosemary Gambardella, former Chief of the United States Bankruptcy Court for the District of New Jersey, Third Circuit has been selected as the Bankruptcy Representative to the Judicial Conference of the United States. She is only the third bankruptcy judge in the nation to serve in this capacity, and the first woman to do so."*

Pamela Jewell (WD/PA) reports: *"Hello and Happy New Year . I have just a few notes to pass on. In September, 2009, Judge Warren W. Bentz retired from the Erie Division. His JA, Lori Yochim is now employed with the County of Erie and is working for the newly appointed Judge Daniel Brabender."*

We are also excited about hosting the 2010 NCBC Conference in Pittsburgh, PA, "The City of Bridges," on June 29 - July 2. It gives the Western District the great opportunity to show off the City and provides much-deserved recognition for our Court.

Other than dealing with a TON of snow here in Erie (which I enjoy), things are moving along quite well with the transition of handling the Erie docket. "

Here's to a healthy and prosperous new year to all. Cheers.



Authentic Happiness



This is a fascinating website connected with the University of Pennsylvania. It is filled with useful information to develop insights into yourself and the world around you. It provides scientifically tested questionnaires, surveys, and scales for you to use at no charge however, you will need to register. They do not sell or disclose your personal information, but may use the results for research purposes. Test topics include: general happiness, gratitude, grit survey, compassionate love scale, satisfaction with life scale and even a survey for children.

Check it out!

<http://www.authentichappiness.sas.upenn.edu/questionnaires.aspx>



4th Circuit

By Sharon Angel, ED/NC

Happy New Year to all from Eastern North Carolina! Our court started off the New Year with a new bankruptcy judge. We are pleased to announce **Stephani W. Humrickhouse** as the new United States Bankruptcy Judge for the Eastern District of North Carolina. Judge Humrickhouse replaces **Judge A. Thomas Small** and is stationed in the Century Station building in Raleigh, North Carolina. Judge Humrickhouse took the oath of office in a Special Ceremonial Session of Court on January 6, 2010. A formal investiture is scheduled for February 12, 2010.

Judge Humrickhouse was born in Monticello, New York, attended Cornell University and graduated with a Bachelor of Science degree in Industrial and Labor Relations. She received her law degree from the University of North Carolina at Chapel Hill. Prior to her judicial appointment, Judge Humrickhouse worked as an attorney (principal) with the law firm of Nicholls & Crampton, P.A. in Raleigh, North Carolina.

Judge Humrickhouse has vast experience in the areas of civil corporate litigation and debtor/creditor rights. She is certified as a Bankruptcy Law Specialist by the North Carolina State Bar and as a Business Bankruptcy Specialist by the American Board of Specialization. She has been a frequent lecturer on bankruptcy and bankruptcy related topics, served as Chair of the North Carolina Bar Association Bankruptcy Section, and has served as Chair of the Attorney Advisory Group and Local Rules Committee for the United States Bankruptcy Court for the Eastern District of North Carolina.



The Maryland Volunteer Legal Service, a statewide non-profit agency charged with providing free legal representation to the poor, awarded the United States Bankruptcy Court for the District of Maryland with the Special Project of the Year Award for 2009. The Award was made in recognition of the Court's leadership in launching the Debtor Assistance Project (DAP) a new and unique vehicle for rendering aid to consumer debtors who would otherwise be *pro se*. Chief Judge Duncan W. Keir, Judge Robert A. Gordon and Jessica Vollmer, Project Coordinator, attended the October 27, 2009 event to accept the award on behalf of the Court and project participants. The plaque now hangs in the DAP services room where volunteer lawyers regularly meet with debtors in need of expert advice.

5th Circuit

By Barbara Groves, ND/TX



Greetings from Cowtown (Fort Worth) which, amazingly and quite out of character, has in recent weeks become a land of ice, snow and freezing temperatures. Not being used to that, we have been hunkerin' down and eating lots of good ole Texas chili to keep warm. My special thanks to **Anna Saucier & Beth Towery** for their assistance in formulating the following information while I was dealing with flooding issues in my home .

The educational conference in Baltimore in October was superb. Kudos to everyone involved in its planning and execution. The conferences just keep getting better. I give Baltimore my thumbs up for city with the best food. I think I ate my weight (yikes) in crab while I was there.

Anna Saucier, Judicial Assistant to the **Hon. Stacey Jernigan**, reports that the Dallas division has seen a significant increase in Chapter 11 filings over the past year. In 2008, there were 147 Chapter 11 filings. In 2009, there were 347 Chapter 11 filings. This is a 128% increase for the Dallas division. For the entire Northern District of Texas (which includes Fort Worth, Lubbock, Amarillo, Wichita Falls, Abilene, San Angelo and Dallas), there were 252 Chapter 11 filings in 2008, and 456 Chapter 11 filings in 2009, resulting in an 81% increase in Chapter 11 filings in the district for 2009. We are looking forward to an improvement in the economy!

The Fifth Circuit is proud to announce that our own **Beth Towery** was elected the ABA's President-Elect at our Annual Educational Conference in Baltimore in October. Beth will succeed **Cathy Farrell**, and will assume her duties as president at the conclusion of the business meeting in New Orleans this year. Beth is Judicial Assistant to the **Hon. D. Michael Lynn**, Northern District of Texas, Fort Worth Division. Congratulations, Beth!

Kimber McDowell from the Southern District of Mississippi reports that their Clerk of Court, **Danny Miller**, and his wife, Tracy, welcomed twins, Jack and Kate, on December 8, 2009. Danny joined the court family in January 2008. We extend our congratulations and best wishes to the Miller family.



On a very sad note, **Judge Edward R. Gaines**, age 69, (SD/MS) (Gulfport Office) passed away on December 21, 2009. Judge Gaines received his JD from the University of Mississippi and had a very distinguished legal career. Among his many accomplishments and honors, Judge Gaines was an officer in the United States Coast

(Cont'd. on pg. 12)

5th Circuit *(cont'd. from pg. 11)*

Guard Reserve, a partner in the law firm of Palmer, Stewart and Gaines from 1968 through 1986, served as Prosecuting Attorney for the City of Gulfport for twelve years, and was inducted as a Fellow of the Mississippi Bar Foundation in 1996. Judge Gaines was appointed U.S. Bankruptcy Judge for the Southern District of Mississippi in 1986. We extend to his family, staff and friends our sincerest sympathies.

At the ABA conference, **Susan Miller**, JA to the **Hon. Douglas D. Dodd** (MD/LA), mentioned the digital transcription equipment that she and Judge Dodd are now using. The equipment is made by Olympus and has a handheld digital recorder that works like a regular Dictaphone but can be placed in a docking station to automatically upload to your PC so you can transcribe the contents. Susan thinks this equipment would be especially helpful for JAs who work at home and is something to consider for COOP planning. If you are interested in more information, see Olympus' web page of professional dictation equipment: http://www.olympusamerica.com/cpg_section/cpg_vr_transcribers.asp

I am elated to report that **Shelby Wimberley's** husband, **Toby**, is on the mend and now walking with a cane. Shelby is JA to the **Honorable Robert L. Jones**, Northern District of Texas, Lubbock Division. Toby sustained very serious injuries in a motorcycle accident in September 2009 and was hospitalized for an extended period. Shelby reports that he has abdominal reconstruction surgery scheduled for March 2, requiring hospitalization of 6 to 10 days, but that is the last hurdle to recovery. She says that their boys are so happy to be home again with both parents. Shelby wants to tell everyone "how very grateful my family is for all of the judicial assistants across the nation who donated leave. It has been so amazing to see the generosity of people who have never met us and are so willing to give! I can't even begin to imagine how we would have made it through without all of the donated leave. It is truly overwhelming!"

A new year is upon us with all its promise of good things to come and may that promise be fulfilled for each of you in 2010.

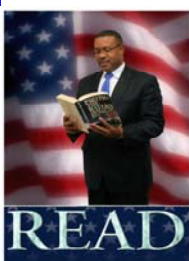
6th Circuit

By Patricia Francis, SD/OH

Hon. R. Thomas Stinnett sitting in Chattanooga has retired. A Chattanooga attorney, **Shelley D. Rucker**, has been appointed to fill that position. Ms. Rucker will come on-board after her investigation has been completed - probably a month or so. **Happy Retirement Judge Stinnett.**



Cindy Odle, JA to the **Hon. Keith M. Lundin** (Nashville) reports that the annual Pancake Breakfast for the Middle District of Tennessee bankruptcy court was held on Friday, Dec. 11. There was good food, door prizes and a band comprised of local bankruptcy attorneys and their very own Chapter 13 trustee, "B. Gail and the Bankruptcy Boys." They take popular songs and write new lyrics containing bankruptcy topics and situations. Very entertaining.



Judge Hopkins Featured in READ Poster (Submitted by **Kathy Welker**, Sixth Circuit Librarian)

Bankruptcy Judge Jeffrey Hopkins, Southern District of Ohio, has recently agreed to participate in a READ poster project sponsored by the Sixth Circuit Library in Cincinnati. He joins previously featured federal courts personnel whose READ posters are being displayed in the library.

Judge Hopkins was asked to choose a favorite book to feature. He chose the Pulitzer Prize-winning *Parting the Waters: America in the King Years 1954-63* by Taylor Branch. This work profiles key players and events before the civil-rights movement of the 1960's reached its climax.

This history of a national movement includes a discussion of the landmark Supreme Court case *Screws v. US*, 325 U.S. 91(1945), that dealt with the beating death of Robert Hall, uncle of Judge Hopkins, while in the custody of Sheriff Screws of Baker County, Georgia, in the early 1940's. The findings in this case led Congress to amend civil rights statutes including a provision that makes it a federal crime to deprive another of Constitutional rights if that deprivation occurs under color of state law. While a tragic event in the history of Judge Hopkins' family, this tragedy did result in new laws providing certain protections of the rights of persecuted African Americans that could be federally enforced.

(cont'd. on pg. 14)

6th Circuit ... (cont'd. from pg. 12)

The Judge Hopkins poster will be displayed in the Circuit Library for one month. The following month it will be displayed in the Bankruptcy Court. Other participants in this project **include Chief Judge Susan Diott** (Southern District of Ohio), Marie Christakos (Administrative Analyst in Sixth Circuit Clerk's Office), Chief **Judge Alice Batchelder** (Sixth Circuit U.S. Court of Appeals), **Victoria Kahle** (Southern District of Ohio Architect), **Michael Babcock** (Sixth Circuit Telecom Coordinator), **Pete Alderucci** (Court Security Officer) and **Teresa Mack** (Sixth Circuit Mediation Administrator). Court libraries serve all federal courts including Circuit, District and Bankruptcy. This READ poster project has served as a valuable outreach vehicle touching many of the individual court units that make up the federal judiciary.

We are very grateful to Judge Hopkins and all of the other READ poster subjects for participating in this project. It has been very enjoyable to learn something new about people that we work with all the time. And, we are all learning about some very good books to add to our personal reading lists.

Janice C. Zielinski replaced **JoAnne Lovannisci** as **Judge Phillip Shefferly's** (E.D. Mich.) Judicial Assistant. JoAnne retired at the end of October, 2009 and moved to Chicago to spend valuable grandparent time with her daughter's new twins. **Welcome aboard Janice. Happy Retirement JoAnne.**

Debbie Kinsey, Judicial Assistant to **Hon. Jeffrey Hughes** (W.D. Mich.) and **Katrina Willis**, Judicial Assistant to **Hon. Scott Dales** (W.D. Mich.) took the **Certified Bankruptcy Assistants** exam in Baltimore and both passed. Word has it that Katrina aced three of the four parts. **Congratulations Debbie and Katrina.**

At the ABA Conference in New Orleans in 2010, **Shelli Combs**, Judicial Assistant to **Hon. James Gregg** (W.D. Mich.) will be the third and final bankruptcy JA from the W.D. of Michigan to take the CBA classes and exam. **Break a leg, Shelli.**

S.D. Ohio District Retreat - The Southern District of Ohio Bankruptcy Court held its first Annual District-wide Retreat on December 4, 2009 at the Great Wolf Lodge Conference Center. **Dr. Michael Siegel** of the Division of Education at the Federal Judicial Center gave a motivational speech on *The Seven Habits of Highly Effective People*. In the afternoon, **Dana McWay** (Clerk, E.D. Miss.) along with **Eva Roeber** (Chief Deputy, Dist. of Neb.) presented a refresher course on the Code of Conduct for Judicial Employees. The day wrapped up with an update on our Local Rules given by **Honorable C. Kathryn Preston** accompanied by a panel of Deputy Clerks.

Honorable Jeffery P. Hopkins was appointed by Chief Justice Roberts as a member of the JCUS Judicial Branch Committee. The Judicial Branch Committee addresses problems affecting the judiciary as an institution and affecting the status of federal judicial officers; advises and makes recommendations to the Judicial Conference on matters relating to judges' salaries, benefits, and other perquisites; reviews and advises the Judicial Conference on appropriate changes to the Travel Regulations for United States Justices and Judges; disseminates information and promotes interest throughout the judiciary regarding the financial status of judges and the viability of the judicial office as a lifetime calling and studies and reports to the Judicial Conference on past, present, and possible future relationships with Congress, the executive branch, media, bar, and the general public. Judge Hopkins was also recently elected as a Fellow of the American College of Bankruptcy. **Congratulations on your appointments, Judge Hopkins!**

Cindy Odle, JA to the **Hon. Keith M. Lundin** (MD/TN) sent this in: "*The U.S. Bankruptcy Court for the Middle District of Tennessee just completed a renovation project to the first floor of its Nashville courthouse to eliminate the file room and to provide a modernized, open workspace for employees. During the 7-week renovation project, 22 case managers and quality control staff teleworked continuously from home. "There were no negative aspects to this decision."* said **Matt Loughney**, Bankruptcy Clerk of Tennessee Middle. "*People tend to be more efficient when they work from home. Teleworking resulted in savings of \$20,000 by shortening the duration of the project, as it eliminated the need for the construction crew to work around the staff. The employees also benefited from the experience by saving money on gas and parking.*"

During the renovation project, the teleworkers' PCs were stored in the server room. Teleworkers were able to access all work applications on their laptops via internet. Through the court's Voice Over IP Phone System, the employees forwarded their work extensions to their home phone numbers.

Congratulations to Tennessee Middle for implementing a successful work solution during its renovation project!"



7th Circuit

By Dorothy Clay, ND/IL

Greetings to everyone from the Seventh Circuit. Special thanks to **Cindy Korbol** who graciously stepped in to write the following on my behalf while I am out .

Penny Brellenthin, JA to the the **Hon. Robert D. Martin**, reports that Judge Martin retired on his 65th birthday, October 7, 2009. However, he is continuing to serve as the Chief Bankruptcy Judge for the Western District of Wisconsin on recall status. His chambers and court operations continue to operate in the same way they did before his retirement.

Rebecca Woodrum, JA to the **Hon. Gerald Fines**, of the Central District of Illinois, has been reappointed to the Judges' Secretaries Advisory Group. She represents the Seventh Circuit. A meeting is scheduled in February in Washington, D.C. If you have any comments or concerns, please let Becky know. Congratulations Becky on your reappointment! I know you are a valuable member of the JSAG.

The Eastern and Western Districts of Wisconsin and the Northern District of Illinois all participated in the FJC's Courtroom Use Study. We received training in D.C. in July and the time period of the study was from September 14 to December 14. While it required some work to keep track of all of the info the FJC wanted, it wasn't too burdensome. The training we received at the AO was excellent, and I found that if I had a question about how to enter something, my contact person (**Carol Krafka**) was extremely helpful. I was a bit relieved when the project ended in mid-December because it did take some time. I hope that someday we'll get a chance to see the outcome of all of the information they gathered from us.

The Northern District of Illinois had AO visitors to its courts regarding the CM/ECF Next Generation. This was a study to illicit suggestions on the use of CM/ECF and its pros and cons. We were able to give input of the things we liked and would like to see more of, specifically as it relates to chambers use. Because so many people are using their own programs to work within chambers, the AO is seeking feedback to determine how best to upgrade CM/ECF to make it more efficient and hopefully to create a more widespread program for all use.

I hope you are all having a good year so far. It's been a tough winter here as far as the number of days of bitter cold weather and icy roads. But it appears that even those of you who are fortunate to live down south haven't escaped the cold weather this year. Fortunately, the days are starting to get longer, and hopefully spring will be early this year. One can always hope, right?

8th Circuit

By Barb Sutton, ED/MO



Happy 2010! Thank you for electing me as Eighth Circuit Representative once again. I look forward to a healthy, happy year and wish all our readers the same.

Our conference in Baltimore was a success and as always it was very rewarding. It was a great learning experience once again. The Eighth Circuit was represented by six participants, Kerry Brown (Kansas City, MO), Sally Hanson (Pierre, SD), Karen Krouch (Minneapolis, MN), Paul Anderson, CBA (Ft. Smith, AR) and Joyce Calhoun, CBA (Fairfield, IA) and myself. I, personally was thrilled with the Bankruptcy Operational Practices Forum. What a wealth of information exchanged between all of us.

Debby Eckl, (AR) tells us of news in the District of Arkansas: "Happy New Year from Arkansas. We are welcoming a *new chief judge with the new year. Judge Richard D. Taylor has been appointed as our new chief judge. Judge Audrey R. Evans completed her term as chief and was honored at a brunch on Monday, January 11th.*

On a personal note -- I became a proud grandmother in November. Morgan Renee was born on November 23rd and made our Thanksgiving this year a very happy one! Many thanks to our 8th Circuit representative, Barb Sutton, for all her work as our circuit rep. I hope you all are having a wonderful 2010!!"

Gail M. Jones, (ND/IA) Judicial Assistant to **Hon. Paul Kilburg** reports that Judge Kilburg, Chief Bankruptcy Judge for the Northern District of Iowa, is retiring as of January 31, 2010 and will be on recall status for three years. Judge Kilburg was appointed on April 23, 1983 and I have been his judicial assistant since he started. I will continue with him through his recall status.

Honorable William L. Edmonds, Bankruptcy Judge for the Northern District of Iowa, retired in February of 2009 and is on recall status for three years also. **Larris Slagle** is his Judicial Assistant and has been with him since he was appointed on August 9, 1987.

The new Bankruptcy Judge for the Northern District of Iowa will be **Thad Collins** who is now going through his FBI background check. They are telling him it could be anywhere from 4 weeks to 4 months before his appointment.

Since Cedar Rapids, Iowa flood last year, our new Courthouse was definitely bumped up on the construction list and has been started. We are looking at a Spring 2012 completion date. The old Federal Courthouse is no

(Cont'd. on pg. 16)

8th Circuit (cont'd. from pg. 15)

longer being used as it sat right next to the river. Everyone is housed in different locations in Cedar Rapids.

Gretchen L. Luessenheide, CBA from Minnesota reports: *"The St. Paul, Minnesota bankruptcy court is handling the bankruptcies of several entities owned by Thomas J. Petters, a Minneapolis businessman who was recently found guilty in civil court on several counts of fraud related to a Ponzi scheme. Petters owned several companies, including Fingerhut, Sun Country and Polaroid. The Polaroid companies originally filed for Chapter 11, but after a tumultuous auction in the spring of 2009, all the cases converted to Chapter 7 on August 31, 2009. Petters awaits his criminal trial."*

The Duluth, Minnesota bankruptcy court is currently sifting through information in the case of Dennis ("Denny") Hecker, a Minnesota auto dealer and business owner. Although his filing claims he owes \$767 million, he is now being accused of concealing sizable assets from the bankruptcy court and lying on his finances.



Judge Federman &
Judicial Assistant, Joan
Brown

The Court marked a milestone as Bankruptcy **Judge Arthur Federman** and his J.A. **Joan Brown** hit their twenty year anniversary on the bench December 18th. Judge Federman and Joan worked together 6 years prior to coming on to the bench. Surrounded by family and court colleagues, Judge Federman and Joan reminisced and enjoyed good food and story telling about their time on the bankruptcy bench.

9th Circuit

By Rosa Green., CD/CA



Happy New You, JA's! "Much to do" is the theme here in the Los Angeles Division(s). With district filings at a record high, an increase of approximately 65% since 2008, we are all hustling to keep abreast of the mounds of paperwork inundating our courts these days!

Relief is on the way with the appointment of two new bankruptcy judges. **Catherine Bauer** (Riverside Division) and **Diane Saltzman** (Los Angeles Div) are expected to join our court within the next few months and are desperately needed to assist with the voluminous caseloads. Both have decided to hire law clerks for their chambers.

Another appointment to our district is our new Clerk of Court, **Kathy Campbell**, who happens to be the first female bankruptcy Clerk of Court in the Central District. Ms. Campbell previously worked at the Court for many years and served as Chief Deputy of Administration until 2006. The court is excited to have Ms Campbell back on board commencing February 1.



Just to update you on our former 9th Circuit Rep., **Connie Ray**, husband, **Tom** and baby **Logan Thomas** are doing well. As you can see from his first Xmas, he is "so cool" in his Santa attire.

Another wonderful and outstanding highlight to note from one of our own CBA's, **Donna Albin**, in Portland, Oregon. She completed her first triathlon in just over 2 hours. What an accomplishment.....she adds *" Empty Nest – I looked around the quiet home seeing that all of my kids were now grown and away in college. I loved being a mom and had such fond memories of my little ones. But, they're grown up now, so, I decided to do something I've wanted to do for a few years. I wanted to participate in a triathlon. So, I began preparing. I was able to squeeze in time during lunch to "run the river" (3 miles) , practice riding my bike 9 miles to and from work. After work, I would swim in the pool or the Columbia River. It was great fun.*



The day of, I was so excited and energetic! I finished in just over 2 hours which, for my first triathlon, I was happy just to finish! The initial energy turned to exhaustion but with a great sense of "completion". I was able to complete the ¾ mile swim, the 12.5 hilly bike ride (with a mountain bike!) and then the 3.1 mile run in 80 degree heat. The best part was, my kids took time out to travel and be there cheering me on. One son who came in from Seattle, Washington, ran the last part next to me with his blackberry, reading words of encouragement to me from his college friends who I don't even know, as I ran (or crawled)! This gave me a huge extra boost in the last ¼ mile of the run as the tears ran down my face from their words." Kudos, Donna, and well done!

10th Circuit

By Thora Searle, D/UT



Hello from the Tenth Circuit! It has certainly been cold here in Utah this winter and as a result, the air has been really bad. I think for several weeks we had the worst air in the nation. We have had a number of employees out with respiratory problems as a result of this bad air.

Funding for our new courthouse has been approved and the President signed the bill so that they can move forward. It will be nice when it is done and the construction mess is cleaned up once and for all. The Bankruptcy Court will stay in the current courthouse however but we will get a cafeteria and not have to go elsewhere to get nourishment.

Judge Mossier's courtroom and chambers are in the throws of remodeling. Hopefully it will be done within the 60 day time period the contractor gave us. We are getting really tired of the dust, etc. that goes along with construction. He and Shannon are looking forward to have it done quickly.

The process for replacing **Judge Boulder** is well underway. She is hoping to be retired by July 1, 2010. She was honored by the Federal Bar Association in November with a Distinguished Service Award and is being honored along with **Judge Bohanon** on the 25th of January for services rendered as Bankruptcy Appellate Panel Judges.

Our court has been extremely busy - our filings are up some 60% and we haven't hired any new employees in forever. Everyone is really working hard to try to keep up with all of the paperwork. I guess it's called "job security" so we can't complain too loudly.

Alexia Bible (ED/OK) reports the following: "**Chief Judge Tom R. Cornish** has been appointed to a 3 year term on the Judicial Conference Committee on Federal State Jurisdiction. He also serves as the Chief Judge for the 10th Circuit Bankruptcy Appellate Panel.

The U.S. Bankruptcy Court for the Eastern District of Oklahoma registered continued monthly increases in the number of cases filed in the 2009 calendar year. Bankruptcy filings for the district increased by almost 30% when compared with last year's filings. Somewhat behind the growth of the rest of the nation, bankruptcy filings in the Eastern District of Oklahoma represent approximately 50% of the number of filings prior to the enactment of BAPCPA.

Additionally, Alexia and her husband are now empty nesters having married off both their son and daughter in the fall. She said it has been really fun gaining another son and daughter in the process.

Also from Oklahoma, **Susan Ray** who works for **Judge Richard L. Bohanon** in the Western District of Oklahoma is retiring at the end of February. She says she is ready for some "down time and new adventures." Susan has worked for the Federal Courts for 41 years - District Court for 30 years and Bankruptcy Court for 11 years. Her Judge is also retiring. **[See Spotlight article on pg. 9]**

We want to wish her the very best and congratulate her for her lengthy service to the Federal Courts. We hope she has a very enjoyable time being retired and will find time to do those things that she enjoys.

Mary Anderson (NM) reports: "*New Mexico is going tech crazy. In November of last year we switched to the CHAP calendar program and to the Liberty Audio Recording System. We are getting a new phone system in February which will be voice over internet. We just started using the HRMIS II leave tracking system in January. To say the least, we are in tech overdrive. Learning all these new programs is quite a challenge for us, but we are excited about all the new programs.*

Hope everyone had a great holiday. I did. It was quiet and relaxing. 2010 looks to be very busy in New Mexico. The attorneys tell us they are swamped with business."

Linda Kimes (CO) has this good news to share: "*I passed my certification examination in October and am now a Certified Pilates Instructor. I'm now teaching private and group Pilates classes at Pilates Reformation Studio in Denver, in addition to my day job with the Courts and loving it.*"

11th Circuit

By Janet Payton, SD/GA



Hello from the Eleventh Circuit and Happy New Year! The New Year rang in with some very cold weather our way. For a very short time I thought it was going to snow. Maybe next year!

Laura Stevenson, MD/FL reports the following: *“The Honorable Thomas E. Baynes, Jr., retired United States Bankruptcy Judge for the Middle District of Florida, Tampa Division, died December 16, 2009, after a lengthy struggle with Lou Gehrig’s disease. He was Chief Bankruptcy Judge for the Middle District from 2000 to 2003.*

In March 2005, after 17 years on the bench, Judge Baynes retired and began a mediation and arbitration practice. He was a former professor of law and public administration at Nova University in Fort Lauderdale. He was also a member of the administrative staff of the Chief Justice Warren Burger and a retired commander in the U.S. Navy Reserve, Judge Advocate Generals Corps. In addition, he authored a number of books and articles in the areas of bankruptcy, mortgages and commercial litigation and is the author of Florida Mortgages.

Speaking at Judge Baynes’ memorial service, current Chief Judge for the Middle District, Hon. Paul M. Glenn, cited Judge Baynes’ decision which was upheld by the Supreme Court (Celotex v. Edwards, 514 U.S. 300, 115 S.Ct. 1493 (1995)):

With the Celotex decision that employs the broad jurisdictional reach of the Bankruptcy Courts, Judge Baynes made a substantial contribution to the great common law of this country.

Judge Baynes had many interests outside the law, as well. He was an avid fisherman who made his own flies. He enjoyed woodcarving and restoring fountain pens. He cared passionately about animals and volunteered as a dog handler at the Iditarod Dogsled Race in Alaska for six years.

On the Monday before his death, Judge Baynes came to the courthouse in Tampa to be honored by his peers. My current Judge, Hon. Catherine Peek McEwen, initiated the idea that her courtroom, which had been Judge Baynes’, should be named after him for his service and dedication. He was thrilled, and we were all glad to see him one last time.

I worked for Judges Baynes from 2000 until he retired in 2005, and he always made a point of keeping in touch with us after he left. Each year since he retired, he has asked me to coordinate lunches with all of his former law clerks, his first J.A., his courtroom deputy, court reporters, and me – one on his birthday in March, and one on the anniversary of his appointment in October. Judge Baynes meant a lot to all of us, as well as the bankruptcy bar, and we will miss him terribly.”

Mary Joyner (SD/FL) reports the following: *“I don’t know the exact numbers but Chapter 11’s are way up. In the Tampa division, Judge K. Rodney May indicated during a hearing that he had 12 chapter 11 filings this week and all judges have seen an increase overall. In addition, Flooring America that has stores in several cities across central Florida filed for bankruptcy on January 14, 2010.”*

Beatrisa Berlovan-Martinez (Hollywood, FL) states that she has been elected as President of the Bankruptcy Legal Assistant Association and was wondering if anyone was interested in joining the association. She says .. *“We are small with about 60 members but looking to grow, and have been around for at least 15 years. We are a networking and support organization for legal (certified or not) assistants in the bankruptcy field. We meet once a month in Broward, Palm Beach and Miami-Dade Counties where you can earn CLE credits. Our membership is \$50.00 a year and our application can be found on our website at www.blaasdfi.org. We have a bi-monthly newsletter with brief updates etc.; help with job placement and take part in mentor programs when available. We also make donations (toy drive and cash) for the holidays to the Children’s Home Societies.*

Sue Martin (SD/GA) announces the following: *“My son Christopher Alan Martin is getting married March 20, 2010 to Caitlin Shea Parker. The wedding will be at St. Augustine Episcopal Church on Wheeler Road in Augusta. Chris is a Nurse in the burn unit at Doctors Hospital and Caitlin teaches 2nd grade at Cedar Ridge Elementary in Grovetown, Ga.”*

(Cont’d. on page. 19)

11th Circuit ... (cont'd. from pg. 18)

Christina Gary Toole (SD/GA) sent in a very nice picture of she and Ron from their wedding ceremony held October 10, 2009 in Aiken, South Carolina at The Victorian Wedding Chapel. The couple, the weather and the ceremony were perfect in every way!



Thanks to **Emily Maza** (SD/FL) who helped round up and turn in the information below.

MEGA COURTS SHARE NEEDS FOR NEXT GENERATION OF CM/ECF SYSTEM: (As reported in the Bankruptcy Court Administration Division (January 2010 Monthly Newsletter.)

How will the CM/ECF system of the future meet the needs of courts with very high case loads? How will it serve those courts with mega cases that literally have thousands of filings? These were topics of discussion at the CM/ECF Next Generation Architecture Mega Court Information Sharing Meeting, which was held on December 8-9, in Atlanta, GA. Over 40 court participants, representing 17 bankruptcy and district courts, participated in this workshop sponsored by the AO and facilitated by the MITRE Corp.

The purpose of the meeting was to encourage participants to articulate their expectations for the new case management system, identify ideas and concerns, and to offer recommendations about their expectations. The group determined that the most important considerations for the design of the architecture of the Next Generation CM/ECF System are (in priority order): (1) User Interface; (2) Engineering; (3) Work Flow; (4) Reporting; (5) Statistics; (6) System Administration; (7) Resource Optimization; and (8) Notification. The participants also identified critical success factors for implementation.

The **Hon. Joyce Bihary**, Chief U.S. Bankruptcy Judge (ND/GA), opened the meeting. While she recognized that the current CM/ECF system has been very successful and has greatly improved court operations, she encouraged participants to contribute ideas on what could be done to make CM/ECF even better in its next iteration. The **Hon. Ronald B. Leighton**, U.S. District Judge for the Western District of Washington and a member of the Architecture Study Working Group, attended the meeting. He said it was "an amazing undertaking" for the group to play a part in the development of the Next Generation CM/ECF System.

This meeting was one in a series of discovery efforts undertaken for the Next Generation Architecture Study. For a complete list of study initiatives and activities, please refer to the information available on the J-Net at: [http://jnet.ao.dcn/Information Technology/National Systems Supported/CMECF Next Generation/Architecture Study.html](http://jnet.ao.dcn/Information%20Technology/National%20Systems%20Supported/CMECF%20Next%20Generation/Architecture%20Study.html). You may also contact **Mary M. Stickney**, (Thank you to **Katherine Gould-Feldman**, Clerk of Court and **Joe Falzone**, Chief Deputy for suggesting this article.)

IMPLEMENTATION OF PDF/A - The courts will soon be requiring a new document format standard called PDF/A. The new form of PDF/A is intended to be suitable for long-term preservation of documents for which PDF is already being used. For more information on PDF/A please visit <http://www.digitalpreservation.gov/formats/fdd/fdd000125.html> (Thank you to **Joe Falzone**, Chief Deputy for suggesting information on PDF/A.)

RENOVATIONS TO UNITED STATES BANKRUPTCY COURTS IN THE SOUTHERN DISTRICT OF FLORIDA - The Miami Clerk's office space is in the process of being reorganized in an effort to consolidate all operations and case management areas into one area of the court. An executive office has been created to house all administrative personnel and a new computer-based training center. Renovations are on schedule and the court anticipates completion by the end of February 2010.

In Ft. Lauderdale, the **Hon. Raymond B. Ray's** 14 year old courtroom and chambers is scheduled for a major renovation. This project includes the replacement of spectator seating, new carpeting, painting, refinishing of the judges bench and removal of the jury box. In addition, a new audio visual system, attorney tables and witness box will also be installed in his courtroom. We anticipate a completion date of August 2010. We'll keep you posted in later issues of the newsletter.

Construction on the Ft. Pierce courthouse began on January 5, 2009. A ground breaking ceremony was conducted on February 20, 2009 and construction is proceeding ahead of schedule. We anticipate completion during the month of September 2011. (Thank you to **Jose Rodriguez**, Director of Administration for providing information for this article.)

11th Circuit ... (cont'd. from pg. 19)

Tammy Branson, CBA (Orlando, FL) had this to add: *"I am a paralegal working for a small debtor law firm in the Orlando Division of the Middle District of Florida which is comprised of three large metropolitan areas, Tampa, Orlando and Jacksonville.*

Here in Orlando, we have seen a great increase in filings. We are the second largest district for filings behind the Central District of California (Los Angeles area). I was surprised to see that in 2005 the year that BACPA was implemented there were 63,778 bankruptcies filed in the Middle District, last year the filings were 61,690! I think we all believed 2005 would be a record we wouldn't come near again but the current recession has proved that wrong. Here in Orlando our numbers were higher in 2009 than 2005 by 2535 cases.

The Clerk's office has been working diligently to improve efficiency and has made approximately 25 changes in the way they handle cases, from printing, routing tasks and stream lining the process of handling cases. They have increased staff size by five additional clerks and they are in the process of hiring three additional clerks.

*We have also seen an influx of attorneys that have recently entered the practice of bankruptcy. This has caused additional work for both the Court and the Clerk's office. Judges **Karen S. Jennemann and Arthur B. Briskman** have implemented a monthly brown bag to help attorneys get up to speed on how to practice bankruptcy. The turnout for the brown bags has been so large that the Court is having to utilize the District Court's facilities to accommodate the amount of attorneys that attend. In addition, our local Orange County Bankruptcy Association has recently held a nuts and bolts seminar.*

Finally, the Court has moved forward with the first step in guiding debtors to seek mental health assistance. Too often we have seen financial problems that lead individuals to suicide or worse the recent shooting in Orlando where a man was shot and five others injured. The man had grappled with unemployment and bankruptcy. The Clerk's office now has brochures that guide individuals to seek mental health assistance through United Way by telephoning 211. They are working on providing the information the Court's website."

JA Networking Sessions - Bankruptcy Operational Practices Forum

The following are the reports of each of the three facilitators:

Many of the ABA educational conference attendees participated in operational practices (OPS) forums on Friday, October 23rd. The sessions I attended were facilitated by **Dr. Michael Siegel**, Senior Training Specialist, FJC Division of Education, and the topics we discussed were retirement issues and social networking.

The sessions began with brainstorming issues to discuss within the topics. Dr. Siegel posted them, and then we went through the list and discussed each issue. Some of the issues that came up during the retirement session were: How do you calculate how much income you will have after retirement? When is the best time to retire? How does part-time employment work in calculating retirement benefits? Severance package vs. retirement benefits – which or both? These questions led to lively discussion and exchange of ideas among the group,

The social networking session focused on Facebook, Twitter and blogs. The discussion was particularly interesting given the diverse experience of the group – those who are regular users of these tools were able to educate those with little or no experience. There was also some discussion of the proper use of Facebook and security issues as they relate to judges.

All in all, the OPS approach is an interesting way to stimulate discussion and ideas within a group, and we all enjoyed participating.

By Laura Stevens

I attended the sessions on retirement and teleworking. There was a great deal of information shared in the retirement session. Many JAs have done their homework and are very knowledgeable about the details involved in planning retirement. It was good to hear their experiences and get contacts if needed. The teleworking session was an eye-opener. Several of us were surprised at how many Chambers' staff telework. Every Chambers seems to have different reasons for doing so, and different approaches to teleworking. For some Chambers teleworking is the best way to manage their time and resources. Others thought that having someone in the office and being able to communicate eye-to-eye was necessary. Teleworking may become critical in cases of emergency, natural disaster, or pandemics. The Ops Forums were beneficial because we were able to share information and experiences with each other. The interaction was truly worthwhile.

By Becky Woodrum

At the Judicial Assistants' Networking Session on Friday, October 23, there were two sessions held on the topic of "Work Distribution Between JAs and Courtroom Deputies." As my court does not have a courtroom deputy, I found the sessions quite informative (and sometimes a bit entertaining). In short, the question was: What is the JA's role and where does the courtroom deputy come in?

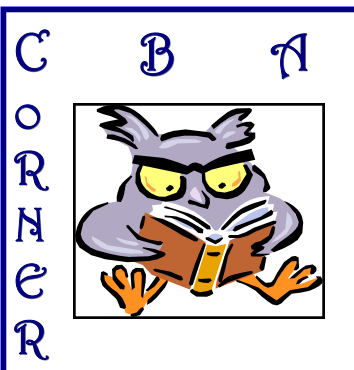
This topic was introduced because there is conflict in some of the courts regarding the division of duties between the JA and the Judge's courtroom deputy. For example, who processes the orders, who prepares scheduling orders, who sets up the bench, who docket opinions, who handles the ECRO duties, who covers for the JA when he/she is out, who backs up the courtroom deputy when he/she is out, etc.?

As you can imagine, there are a multitude of answers to the above questions. We all do things differently. A lot of the differences stem from the Clerk's Office because the courtroom deputy is technically a Clerk's Office employee. Some courtroom deputies are in chambers and some are only in the Clerk's Office. Some courtroom deputies only handle hearing-related matters, and others are involved in order processing as well. In some courts, the JA fills in for the courtroom deputy and the courtroom deputy fills in for the ECRO person. In some courts, the JA is an assistant to the Judge, handles general office duties, and fills in for the courtroom deputy, and in others the JA plays a more active role - uploads orders, proofreads, performs cite checks, and assists the law clerk.

A couple of suggestions for dealing with the conflict were: (i) have a set job description for the courtroom deputy so that everyone knows what his/her responsibilities are, and (ii) have a meeting with the Judge, JA, and courtroom deputy to review the work flow in chambers. It is always up to the Judge as to how he wants to use the JA and courtroom deputy.

Did we reach a conclusion? Yes. Every Judge and chambers is different, but the JA should be proactive, be the "go to" person, and make ourselves indispensable. Also, team work is "key."

By Cindy Korbol



GRAMMAR GREMLINS

By Don Ferguson, ED/TN

Between You and Me

The commonplace phrase **between you and me** doesn't sound right to many people, so they choose to end it with **I**.

The **me** ending is correct. Most grammar and stylebooks are firm on this point, but *Webster's Dictionary of English Usage* is a bit lenient on it. *Webster's Usage* says: "You are probably safe in retaining **between you and I** in your casual speech if it exists there naturally." But

Webster's Usage warns that the **I** version should be avoided in writing.

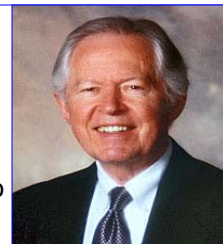
The rule governing this usage is that pronouns that follow prepositions must be in the objective case. **Me** is objective, and **I** is subjective. That is, **me** serves as an object, **I** as a subject. Therefore, it's **between and you and me** since the preposition between must be followed by an object, **me**.

Hopefully

Those who write about grammar and usage have to address at some point the use of **hopefully** and **irregardless**. The use of these two words just does annoy many people. The two words are discussed in practically every usage book that you pick up.

There is mixed comment on **hopefully**. Some books say avoid it. Others say it has gained acceptability and is fully standard in all varieties of speech and writing as a sentence modifier meaning "it is hoped that ..." Generally, you will be safe in using it, but be aware that it is criticized by many.

Irregardless does not fare so well. Most books on usage say to avoid it and use **regardless** in its place. **Irregardless** has two negative elements, **ir** and **less**, making it nonstandard.



Don K. Ferguson, Eastern District of Tennessee, welcomes comments and questions via telephone, 865-545-4234, extension 222, or by email at Don_Ferguson@TN_ED.uscourts.gov. His office address is U.S. District Court, 800 Market Street, Ste. 130, Knoxville, TN 37902. Don writes a weekly newspaper column titled "Grammar Gremlins" and is the author of a book by the same name, published by Glenbridge Publishing Lt., Aurora, CO.



Congratulations to our newest Certified Bankruptcy Assistants!



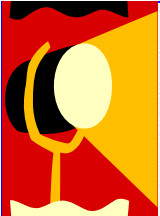
Anderson, Lisa
Brellenthin, Penny (JA, WD/WI)
Bryan, Dana
Coto, Albert
DiGennaro, Marilyn
Frick, Laurie (JA, ED/PA)
Hinson, Natalie
Hughes, Gayna
Ibazeta, Sheyla
Ingles, Beatrice
Kinsey, Debbie (JA, WD/MI)
Korbol, Cindy (JA, WD/WI)
Laskowski, Matthew
Linn, Sheila
Lucarini, Valerie

Mayo, Debra L.
Muller, Sharon
Roddy, Jennie P.
Sanders, Chelsea (USBC, WD/NC)
Schweigman, Leah
Shugart, Tiffany
Simmons, Renee (USBC, SD/GA)
Singleton, Katherine
Sliman, Chantelle (JA, ED/WA)
Smith, Marijo Colleen
Stanley, Kelleen
Varano, Sylvia
Watty, Patricia
Willis, Katrina (JA, WD/MI)
Wingfield, Vonita (USBC, SD/GA)

DO YOU KNOW WHEN YOUR CERTIFICATION EXPIRES?

Check out our website - www.abja.org - and click on the link "CLE Status"

Names are shown under Certification Site and Date



SPOTLIGHT ON DEBRA STEELE, CBA *Tampa, FL*



Debra Michelle Steele, a graduate of Tampa Bay Tech High School in 1988, joined the Marine Corp upon graduation. Upon completion of duty she received her Bachelor Degree in Business at Tampa College.

She started her path into bankruptcy when she was hired in 1998 at Kass, Shuler, Solomon, Spector, Foyle and Singer, P.A. Debra worked with Larry Foyle, Esq. and Brad Hissing, Esq. for over 10 years before accepting a position as the Bankruptcy Manager for Suncoast Schools Federal Credit Union.

Debra has been a member of the ABA since 2000 after receiving her Certified Bankruptcy Assistant Certification. In addition to her membership in the ABA she belongs to the National Notary Association, Marine Corp League Detachment #1226, American Legion and VFW. Debra gives back to her community to include but not limited to organizing the 2009 Poker Run for the Haley House and Toys for Tots Program among which helped her earn the Marine Corp League's 2009 Marine of the Year award.



Debra is married to John Steele and has six children ranging from 19 to 13. Two of which are scheduled to graduate from High School this year.



Conference Committee

By Marleen Young, NJ

COMMITTEE REPORTS

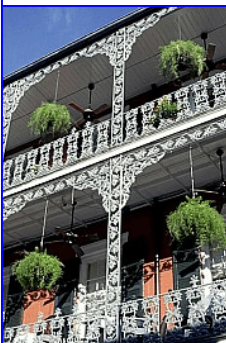
The 2009 ABJA conference in Baltimore was a complete success and we thank those who took the time and effort to attend. We had a great turnout, much higher than expected. I believe that once you attend a conference you get hooked and you take away so much more than you ever expected.

Time to start planning your trip to the 2010 ABJA Educational Conference. New Orleans will be the host for 2010 and they are very excited about us coming to their completely revamped city. They have put so much love and work into rebuilding what was lost in the hurricane and are so eager to bring us to their "Forever New Orleans."

The Ritz-Carlton, New Orleans (http://www.ritzcarlton.com/en/Properties/NewOrleans/Information/Default.htm?om_b=10_information) brings new life to a pair of Crescent City architecture landmarks – the Maison Blanche and Kress buildings on world-famous Canal Street. A \$250 million renovation and restoration effort yielded a five-star caliber, 527-room hotel, which houses a 25,000-square-foot spa, salon and fitness facility, as well as two unique restaurants (casual and fine dining) and two distinct bars. The hotel is situated on the edge of the French Quarter and is within walking distance to most of the city's attractions, including the Aquarium of the Americas, the Ernest N. Morial Convention Center, the Riverwalk (where the NCBJ members will be staying during their conference) and Jackson Square. Our room block rate will be \$133 single/double, \$165 triple, \$190 quad. A fantastic rate for this beautiful hotel!

The dates will coincide with the NCBJ's conference. The CBA portion will be held Tuesday & Wednesday, October 12-13, 2010, Opening reception, Wednesday, October 13, 2010; the ABJA portion will be Thursday, October 14, 2010 (Advanced Bankruptcy Seminar). The program for Friday, October 15, 2010 is still being developed. The closing banquet will be held on Friday instead of Saturday this year and we are trying to plan the business meeting sometime on either Thursday or Friday.

Don't forget to check with your court to see if funding is available to offset some of your costs to attend. (See ABJA Newsletter of June 2008, page 20, for details or contact Cindy_Korbel@wiwb.uscourts.gov via email). A couple web sites to visit prior to arriving are www.foreverneworleans.com, www.neworleansonline.com and www.nola.com. New Orleans looks like no other American city. Strong French and Spanish influences have created a truly European city inside the U.S. The architecture including Creole cottages, shotgun houses, plantation homes, grand residential mansions, cast iron fences, breathtaking balconies, and the cities of aboveground cemeteries will captivate your eyes and spark your imagination. The heart of NOLA is alive in its music. Walk any city street and you will hear some fantastic music of all genres, Zydeco, Cajun, Jazz, R&B, Reggae and good ol' Rock n' Roll. NOLA is America's most delicious city, where you live to eat. It's not just food, it's cuisine. It's not just cooking, it's creating a masterpiece.



Aside from the great architecture and culinary treats, there is so much to do in New Orleans, that you should try to plan an extra day just to experience some great venues. Consider taking a swamp & airboat tour; a walking ghost tour; tour a voodoo center; a trolley tour of the different neighborhoods. The list just goes on and on (so does the shopping and eateries).

Future newsletter articles will cover more information for planning purposes.





Continuing Legal Education and Certification for Bankruptcy Assistants Committee

By Ann Virgadamo, ED/LA

As I write my final article as Chair of the CLE Committee for the last 12+ years, I want to express my heartfelt thanks to the ABA. I am honored to have been Chair of this committee. I have not only enjoyed working with many ABA past presidents, fellow JAs and the other committees, but truly loved developing the educational program to make it what is today. It is an accomplishment that everyone should be proud of, because you are part of it and have made it successful. If I wore a hat, I would tip it off to you!

ABA's 20th Annual Educational Seminar - The 20th year Anniversary Educational Conference was a huge success, including the extra courses we had to add at the last minute on Saturday .

The first day consisted of several judges and Clerks, a U. S. Trustee, Assistant U. S. Trustee, and attorneys from Baltimore and the Delaware Bankruptcy Courts – what a host of wonderful speakers. They were all great, and we thank them for taking the time out to teach us everything from mortgage issues to the pitfalls of mega cases, along with preparing and filing every day motions. Everyone seemed to really enjoy the first day, and some of the comments from the evaluation surveys revealed the following: *“It was excellent, wonderful, all topics were applicable and worthwhile to [their] jobs, knowledge is good, good ideas for changes in chambers’ procedures, very informative, loved the panel of judges and clerks.”* Judicial Assistant’s felt they got to see firsthand how other courts handle cases and motions in mega cases. *“It is good to compare notes with your peers. Interaction keeps it interesting.”* Some JA’s said, they are always appreciative of hearing the judges speak highly of their judicial assistants.

The second day, **Dr. Michael Siegel**, Senior Training Specialist in the Education Division at the FJC delighted the group as a facilitator. His flair is in teaching good leadership training programs that are always different, but this year he was the main facilitator of the first-ever ABA OPS forum. He brought this new method of breakout sessions, a self-organizing process where the participants construct their own agenda, to our group. Along with Dr. Siegel, **Phyllis Drum**, FJC, and **Richard Goodier**, from the Administrative Office, also served as facilitators. This new method was very successful. The three topics picked by the judicial assistants are described in a separate article, written by the scribes. The evaluation survey on OPS was also excellent, and the JA’s definitely want to do this kind of training again. Generally their comments were that they loved the breakout sessions and the topics which they found very helpful and enjoyed hearing from their peers on how each chambers operated and how different each chambers is. They enjoyed brainstorming ideas, how to be more efficient in their jobs, and networking. One of the most important features of this session was that no one felt intimidated and could speak freely among themselves.

One of the topics at the Forum, the next generation of CM/ECF, was facilitated Mr. Goodier along with several members of his staff. The topic was a lot to absorb but was excellent and Mr. Goodier is combining all of the notes taken and will send them to us when finished.

The third day included a much needed stress management course that gave us a break after two full days of learning. We had some good tips to use at work and I hope you gals are doing your exercises at your desk like you learned!

The afternoon brought us ways to economize on judges’ travel by **Steven M. Tevlowitz**, Asst. General Counsel at the Administrative Office. The next course was entertaining but also much needed -- court security taught by the Chief of Court Security Office in D.C., **Mr. Edward M. Templemen**. Kudos to them for taking time out of their weekend to come speak to us on a Saturday afternoon. It was very much appreciated.

All in all it was a wonderful week of good speakers, education, and lots of fun learning. We always appreciate the comments we receive every year, the good as well as any constructive criticism. Fortunately, there wasn’t much to criticize this year. Your positive responses and encouragement are what we strive for as an organization. By applying your concerns and needs is how we improve each year.

Last, but not least, I have appreciated everyone’s help. As I pass the committee hat to **Cindy Korbol**, I hope you will continue to take pride in learning because knowledge is crucial to your jobs and future – whether you are a JA, paralegal or legal assistant. Thanks for everything.

There shouldn’t be anymore excuses to miss these wonderful educational conferences, so we hope to see you in New Orleans in October, 2010 – **GEAUX SAINTS!** (See Conference Committee article for details).



History Committee

By Barb Sutton, ED/MO

As History Committee Chair I anticipate continuing this year with getting the old musty paper documents on CD's and portable flash drives. This process will make the records readily available for reference. Although time consuming, as we have 20 years of records, hopefully this project will be mastered soon.

I have prepared PowerPoint slide shows of the photos from the 2007 Orlando Conference, 2008 San Antonio Conference and the 2009 Baltimore Conference. These photos have been shared with most of the conference attendees and it's a great way to document and more importantly, remember the great times we have shared together. My goal is to do this at each conference and my Judge was gracious enough to buy me a new camera for the holidays, so it will be even easier now.



Support & Assistance Committee

By Penny Brellenthin, WD/WI

This past quarter the Support and Assistance Committee recognized the following individuals:

In September, 2009, we sent a card to **Shelby Wimberley**, (5th Circuit, Texas) JA for **Judge Robert L. Jones**, following her husband's motorcycle accident.

A card and bouquet of flowers were sent to our former President **Elaine Coker** (6th Circuit, Tennessee), JA to **Judge George C. Paine, II**, following the death of her granddaughter. A card was also sent to Elaine's son and daughter-in-law, **Rick & Kelly Kimsey**.

Please contact me if you know of an ABA member or their family who could use our thoughts and prayers.



Membership Committee

By Sherie Hitch, ED/MI



2010 is off to a great start! The ABA has many new members already for 2010! The membership drive kicked off in January. If you have not received an e-mail with the 2010 ABA Membership Application attached please contact your Circuit Representative. The 2010 ABA Communication Sheet can be found on the ABA website under the Officers/Committees link.

The ABA is a national organization. All secretaries/judicial assistants holding appointments by United States Bankruptcy Judges are eligible for membership. Associate membership may be retained after retirement from employment as a secretary/judicial assistant to a bankruptcy judge. Additionally, Certified Bankruptcy Assistants (CBA) (anyone who has taken and passed the CBA exam and maintains their Continuing Legal Education (CLE) credits) are eligible for associate membership in the ABA.

One of the primary objectives of the ABA has been the development of educational programs for our members and the bankruptcy legal community. The ABA Continuing Legal Education Committee developed and modified the Certified Bankruptcy Assistant (CBA) program for non-lawyer persons. Please read the information contained in the ABA website under the CBA Program link.

If you are not already a member, please consider joining the ABA! There are many incentives for free and/or discounted memberships. Please visit the ABA Membership link at www.aba.org.

Website Committee

By Sherie Hitch, ED/MI



Please visit www.aba.org!! The ABA website has been remodeled! I hope you'll find it more user friendly and most importantly, full of answers to all your questions regarding ABA membership.

The ABA photo membership directories have now been posted on the website! This area is under the Members Only section. If you are an ABA member and would like to be added to the Judicial Assistant directory or the Associate directory just send me your photo! If you need access to the Members Only section please send me an e-mail and I'll get you started!

Your comments and suggestions for a professional, user friendly website are always welcome.

Check out our website -
www.aba.org

SNAPSHOT OF BALTIMORE



TO VIEW ALL THE PICTURES FROM BALTIMORE - go to <http://s957.photobucket.com/albums/ae52/>

Congratulations To All Our Prize Winners!

Cash Raffle Winners (from tickets sold throughout the week): **Chelsea Sanders**, CBA (\$75); **Katie Kwok**, CLE (\$125); **Cindy Odle** (\$202 - won twice); **Karen Krouch**, **Sharon Angel** and **Rose Rizzico** (\$101 ea)

Door Prizes: Chelsea Sanders, Dana Bryan, Dania Muniz, Debra Mayo, Katherine Singleton, Katrina Willis, Lisa Anderson, Marilyn DeGennaro, Sheyla Ibazeta, Susan Johnsson, Valerie Lucarini, Vonita Wingfield, Ann Virgadamo, Barbara Groves, Becky Woodrum, Betty Robaina, Cindy Odle, Cindy Korbol, Cindy Courtney, Dana Muccie, Jane Nuttall, Janet Payton, Jannis & Dan Medina, Judith Clarke, Judy Huff, Kathy Lytle, Ken & Thora Searle, Kerry Brown, Laura Strong, Laurie Frick, Matthew Laskowski, Nicole Ramos, Sally Hanson, Sharon Warren, Sheila Linn, Shirley Vaught, Susan Miller and Tureau Simpson.

Thanks to **JoAnn Kelly** for donating the throw which was raffled off and won by **Beth Towery**. Proceeds from the raffle were sent to **Shelby Wimberley, JA**, to help with medical expenses. [See 5th Circuit Article - pg 13].

2010 ASSOCIATE MEMBERSHIP APPLICATION ASSOCIATION OF BANKRUPTCY JUDICIAL ASSISTANTS

Pursuant to Article 2.2 of the Constitution and Bylaws of the Association of Bankruptcy Judicial Assistants associate membership is granted to "any member in good standing upon the member's leaving the employment as a Judicial Assistant/Secretary to a bankruptcy judge, or may be granted to any lay person other than a Judicial Assistant/Secretary who has passed the certification exam administered by the ABJA. Such members shall have no right to vote or hold office and shall pay the same annual dues as other members."

Please note that unauthorized use of the ABJA logo is strictly prohibited.

Name: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Work Telephone: _____ Home Telephone: _____

Cell Phone: _____ Work Fax: _____

E-Mail Address: _____

Current Employer (law office or company name): _____

Name of Supervising Attorney: _____

Month/Year of certification by ABJA as a Certified Bankruptcy Assistant: _____

New Member Renewed Member Restored Member

Retired Judicial Assistant/Secretary Year Retired: _____

Name of ABJA member who recruited you for membership: _____

In making this application for associate membership, I agree to be bound by the Constitution, Bylaws and Standing Rules of the ABJA as promulgated by its members. I understand that my application for membership may be rejected if it does not meet the requirements for membership outlined in the Constitution, Bylaws and Standing Rules. Further, I understand that as an Associate Member I will have no right to vote or hold office.

Signature of Applicant

Please submit completed form, together with dues in the amount of \$30.00,* to:

**Dana Muccie, Treasurer
Association of Bankruptcy Judicial Assistants
Chambers of Honorable Kathryn C. Ferguson
402 East State Street, 3rd Floor
Trenton, New Jersey 08608**

*The membership year runs from January 1 to December 31. Please make checks payable to "ABJA."

2010 MEMBERSHIP APPLICATION
ASSOCIATION OF BANKRUPTCY JUDICIAL ASSISTANTS

Pursuant to Article 2.1 of the Constitution and Bylaws of the Association of Bankruptcy Judicial Assistants "Judicial Assistants/Secretaries holding appointments by United States Bankruptcy Judges" are eligible for full membership.

Name: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Work Telephone: _____ Home Telephone: _____

Cell Phone: _____ Work Fax: _____

E-Mail Address: _____

Judge you are currently employed by: _____

District: _____ Circuit: _____

Number of years working for a federal judge: _____

Are you interested in running for an office? Yes No

If yes, which office? President-Elect Secretary Treasurer Circuit Representative

New Member

Renewed Member

Restored Member

Name of ABJA member who recruited you for membership: _____

Signature of Applicant

Please submit completed form, together with dues in the amount of \$30.00,* to:

Dana Muccie, Treasurer
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The purpose of this Association, shall be to promote the general welfare of its members; to encourage the highest standards of conduct among its members and in the profession at large; to promote the continuing education of its members; and to foster among its members a feeling of camaraderie and mutual confidence."

Behind the Bench is a non-copyrighted, in-house publication of the Association of Bankruptcy Judicial Assistants. Circulation includes members of the ABA and Bankruptcy Judges. Opinions recited in the material are those of the authors and not necessarily those of the ABA.

Comments regarding *Behind the Bench* should be sent to:

Martie Kantor, Editor

Martie_Kantor@flnb.uscourts.gov

Chambers of Hon. Lewis M. Killian, Jr.
United States Bankruptcy Court
Northern District of Florida
110 E. Park Avenue, Ste. 200
Tallahassee, FL 32301
850-521-5031



Happy 2010!

Can you believe we're already into another decade? I can't believe I've been with the Court over 31 years - time is going way too quickly!

Like everyone else who went, I had an awesome time in Baltimore. I always look forward to seeing old friends that I don't get a chance to see any other time of the year and of course look forward to making some new ones. For all you newbies out there that attended for the first time, I hope we will be seeing more of you at future conferences. For all those of you who haven't taken the plunge yet, what are you waiting for?? Aside from the fact that you superb training by some of the best experts in the field of bankruptcy and our fearless leaders in Washington, you also get to visit areas of the country you might not do otherwise and hang out with not only your peers, but some great friends. If you're nervous about coming and not knowing anyone there, put those fears aside because from the moment you arrive until you leave, you will be made to feel very welcome.

As you can see, this issue is jam-packed with lots of great information.

Judge Doub touched on a topic that has been near and dear to many of us, and of course it's always wonderful when our judges recognize and support what we do. Judge **Mitchell and Mr. Ford's** article on Digital Audio Recordings gives us insight into this technical enhancement. As always, **Mr. Jim Wannamaker's** updates from the AO and **Mr. Don Ferguson's** grammar tips are always appreciated. My HUGE thanks to all of you!

I hope you will also check out the links that are included which will give you some helpful information.

To all the Circuit Representatives and Committee Chairs who once again came through ... YOU ROCK! I know it's not easy getting information and sometimes takes a little extra nudging from yours truly, but in the end is well worth it.

LADIES AND GENTLEMEN .. PLEASE ASSIST THE CIRCUIT REPS BY SENDING THEM INFORMATION AS YOU LEARN ABOUT IT OR AT THE VERY LEAST - WHEN THEY ASK. There's nothing more frustrating than to get down to the wire of putting these issues together than to have to stop and beg. Thanks to all of you as well as to **Cindy Korbol, Becky Woodrum** and **Laura Stevenson** for their contributions on the JA OPS Forum in Baltimore.

Last but surely not least, thanks to **BARB SUTTON** for being the 'official' photographer and contributing all the wonderful Baltimore pictures in this issue.

Martie