



BEHIND THE BENCH

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Hon. Catherine McEwen

The Hon. Catherine McEwen was appointed to the United States Bankruptcy Court for the Middle District of Florida in August, 2005 after 23 years in private practice.

She received her undergraduate degree from the University of South Florida and her J.D. degree cum laude from Stetson University College of Law.

Prior to becoming a lawyer, Judge McEwen was a sports writer for The Tampa Tribune and The Tampa Times.

Your Judge's Bench Warrant Results in a Debtor's Apprehension ... Now What?

By: Catherine Peek McEwen
U.S. Bankruptcy Judge, MD/FL

A real text message I got from my JA on my cell phone while I was at lunch (paraphrased): **Call ASAP. The Marshal has Mr. Smith in the building! What do we need to do?**

Smith (not his real name), a chapter 7 debtor, was the subject of an outstanding bench warrant, issued by me at the request of a chapter 7 trustee for Smith's failure to attend his § 341 meeting of creditors and to file his schedules and statement of financial affairs.

The authority for a bankruptcy judge to issue a bench warrant is Rule 2005(a), Federal Rules of Bankruptcy Procedure, and 28 U.S.C. § 1826. Once a debtor is apprehended, the judge will consider conditions for the debtor's release pursuant to Rule 2005(c).

The text message above is one you will rarely, if ever, need to send to your judge. But if you do, you will want to know how helpful you, as his judicial assistant, can be for what needs to happen next.

The judge needs to conduct a release hearing to set conditions for the debtor's release. The conditions are aimed at assuring that the debtor will perform whatever it is that the debtor failed to do that caused the apprehension.

If possible, the release hearing should happen immediately, for two reasons, both of which are aimed at keeping the debtor from spending a night (or another night, if he or she was apprehended on a weekend or while away from your locale) in confinement. First, if the hearing cannot be held and concluded and the debtor released by the usual close of the court's business, then the debtor will be transported to a local jail facility to spend the night, unless your own courthouse is equipped and staffed for overnight visitors, and be brought back the next day. Second, sometimes the conditions of release require some third party to do something, such as post a bond or collateral or retrieve the debtor's passport to avoid the threat of flight, and that make take hours. If the necessary arrangements cannot be made by the third party before the usual close of the court's business, then the debtor will have to spend the night in the local jail facility or your courthouse. So, any delay in the start of the release hearing can lead to overnight confinement somewhere.

So a release hearing needs to be arranged ASAP. That means calls need to be made to those who are interested in the matter – the creditor or trustee who sought the bench warrant – and to the Federal Public Defender's office. More about that call below. And, of course, you must call the United States Marshal's local Operations Supervisor to let him or her know the time of the hearing. In fact, that should probably be your first call because of the time it takes the court's security officers to process a person who is in custody out of the court's holding cell and into the courtroom using secure elevators and hallways. Shackles and hand cuffs don't permit fast walking, either. Finally, call your division's Pretrial Services office and ask for a Pretrial Services Report on the debtor. This report aids the judge in determining the debtor's ties to the community and other

Inside this issue:

President's Message <i>Cathy Farrell</i>	3
News from the AO <i>James Wannamaker</i>	4
Rising Role of Paralegal - <i>Turea Simpson, CBA</i>	7
Bankruptcy Ops Forum - <i>Alexia Bible, JA</i>	8
Why Do We Forget Things - <i>Ann Virgadamo, JA</i>	9
Circuit Reports	10
CBA Spotlight - <i>Sheyla Ibazeta</i>	12
CBA Spotlight <i>Becky Rolland</i>	17
JA Spotlight - <i>Jannis Medina</i>	20
JA Spotlight - <i>Alexia Bible</i>	21
Lotus Connections - <i>John Leonard</i>	22
Grammar Gremlins - <i>Don Ferguson</i>	23
Committee Reports	24

Your Judge's Bench Warrant (cont'd. from pg. 1)

factors concerning the risk of nonappearance if the debtor is released. The report also includes a recommendation to the judge on conditions of release.

Because the apprehended debtor faces a possibility of loss of liberty (continued confinement) depending on the circumstances that come out at the release hearing, your judge will want to protect the debtor's Sixth Amendment right to counsel by ensuring availability of counsel. If the debtor cannot afford counsel, and many debtors cannot (they are in bankruptcy after all!), the judge has the discretion to appoint the Federal Public Defender's office to represent the debtor during the release hearing. Although the Criminal Justice Act is silent on the issue, Chapter 7 of the Guide to Judiciary Policy provides that "[counsel may be appointed under the CJA for a person charged with civil or criminal contempt who faces loss of liberty." § 210.20.20 (d), Ch. 7, The Guide. When you make the call to the FPD's office, you should have this cite handy because a bankruptcy judge's call for a PD is so rare that the FPD in your area may be hesitant to act. To hasten the assigned PD's ability to be prepared for an immediate hearing, you should also be prepared to fax or email all papers relevant to the apprehension, such as the motion seeking apprehension and contempt, the bench warrant, and the debtor's schedules and statement of financial affairs.

After everyone is notified of the hearing, then your next helpful act will be to discuss with your judge and judge's law clerk the form for the order of release and its attached conditions of release. This assumes, of course, that the facts at the hearing suggest that conditional release is appropriate. Typically, these forms are not in a bankruptcy judge's forms database. But our brethren Article I judges, magistrate judges, deal with these issues frequently, so call up a magistrate's JA and obtain a few samples for your judge to consider.

Last, if there is a possibility that the judge will order a surrender of the debtor's passport, you will want to obtain for your Clerk of the Bankruptcy Court your district court's guidelines for handling surrendered passports. The district court's guidelines will be based on a combination of directives from the Administrative Office of the Courts, the United States Department of Homeland Security, and the United States Department of State.

So, now that you are the resident chambers expert on how to handle a debtor who is arrested based on your judge's bench warrant, keep your fingers crossed that the debtor will simply comply with the judge's orders before he is arrested. Arranging and holding the rarely occurring release hearing in bankruptcy court is stressful for all involved, the judge, other chambers staff, the unfamiliar-to-bankruptcy FPD, and, especially, the debtor. But if it does happen, you are now equipped to make sure it goes quickly and smoothly.

*If you would like a copy of a form the author uses for her Order of Release and attached conditions, please email her JA, **Laura Stevenson**, at Laura_Stevenson@fmb.uscourts.gov or call her at 813-301-5082.*



President's Message

By Cathy Farrell, DE



Where did the time go? I can't believe my year as Madame President is over and in only a few weeks, we'll be marchin' in with the Saints to New Orleans for our 21st Annual Educational Conference!

This has been an amazing experience for me, and I sincerely appreciate all of you who helped answer my questions and kept me on track throughout the year. I especially want to thank my Officers, Committee Chairs, Committee Volunteers, and Circuit Representatives. Your experience, ideas, and insight were invaluable to me during my term, and continue to make this organization what it is and ensure its continued success. I feel blessed to have had this opportunity; it was truly an honor to serve as your President.

The Conference, Continuing Education, and CBA Committees have been tirelessly working to make this year's conference exceptional! Special thanks to the Chairs: **Marleen Young, Cindy Korbol, and Ann Virgadamo** - ladies, you are true professionals in every sense of the word! I now intimately know the details and hard work it takes to put together a successful conference. So much is done behind the scenes, beginning with selection of the city and hotel, the agenda topics, speakers, menu choices, and updating the website and email lists, to name a few. It all starts with intelligent, talented, dedicated Judicial Assistants who are the backbone of the ABA. We have some of the best - just ask our Judges!

This year we are especially fortunate to be sharing New Orleans with the National Conference of Bankruptcy Judges. Not only have we been invited to the NCBJ's opening reception, but so many judges have graciously agreed to be our speakers! We are grateful for the continued support of our Judges and the NCBJ for their contribution in making our conference such an excellent educational experience.

Hopefully you've made your reservations and are thinking about what to pack! If this is your first conference, welcome! If you're a "regular" that can't make it, we hope to see you next year. Congratulations to President-Elect **Beth Towery and Michael**, as they tie the knot on October 10th. We understand why you won't be there Beth! I encourage any judicial assistant who is not yet a member to join the ABA and get involved! This is YOUR organization and we welcome your enthusiasm and fresh ideas.

I am excited to see my ABA friends from across the country, from TrenTon (inside joke) to Texas! And as they say, *Laissez le Bon temp rouler* (Let the good times roll), and I intend to do just that!

Wishing all of you safe travels until I see you in The Big Easy!



IN MEMORIUM

FRANCIS 'FRANK' SZCZEBAK

Chief, Bankruptcy Judges Division (1985—2010)



*The ABA wishes to extend its deepest sympathies
to wife, Sharon, family and colleagues of
Mr. Frank Szczebak, who passed away on September 18, 2010.*



News From the Administrative Office

By Jim Wannamaker, Staff Attorney
Bankruptcy Judges Division



Bankruptcy Filings Up 20 Percent

Bankruptcy filings rose 20 percent in the 12 months ending June 30, 2010, according to statistics released by the Administrative Office. The 1,572,597 bankruptcy filings (up from 1,306,315 filings in the previous 12-months) is the highest number of filings for any period since many of the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) took effect on October 17, 2005.

Filings rose in all chapters of the Bankruptcy Code during the 12-month period. Chapter 7 filings totaled 1,133,320, up 25 percent. Chapter 7 filings rose in all 90 bankruptcy courts. Chapter 13 filings rose 10 percent to 424,242. Chapter 13 filings were up in 69 courts. Chapter 11 filings totaled 14,272, up 2 percent, and chapter 12 filings rose 56 percent to 660. Chapter 11 filings rose in 61 courts, and chapter 12 filings in 57, although 13 of those courts just had one additional chapter 12 filing.

The 1,572,597 filings in the 12-month period included 1,512,989 consumer (non-business) cases, up 21 percent, and 59,608 business cases, up 8 percent. Total filings and consumer filings were up in 89 bankruptcy courts. Business filings were up in 63 courts and unchanged in three.

Third quarter filings, the three-month period ended June 30, 2010, totaled 422,061. Filings for the quarter were the highest for any April - June quarter since the third quarter of 2005 and the highest for any quarter in fiscal year 2010, which began on October 1, 2009.

The Central District of California had the largest number of total filings (129,014), chapter 7 filings (100,208), and chapter 13 filings (27,679) during the 12 months – and the largest numerical increases in each of those categories (41,971, 34,141, and 7,832, respectively). The Central District also had the second highest number of chapter 11 filings (1,111).

The District of Delaware had the most chapter 11 filings (1,131) and the Middle District of Florida had the most chapter 12 filings and the biggest numerical increase (up 25 to a total of 37). The District of Nevada had the biggest numerical increase in chapter 11 filings (up 165 to a total of 481).

Although chapter 11 filings rose 2 percent nationally during the 12 months, they dropped in the three districts with the highest number of these filings. Chapter 11 filings in the District of Delaware dropped 505 to a total of 1,131. Chapter 11 filings dropped 11 to a total of 1,111 in the Central District of California and dropped 792 to a total of 825 in the Southern District of New York.

The District of Arizona had the biggest percentage increases in total filings (up 52 percent to 40,677) and in chapter 7 filings (up 54 percent to 33,517). The Southern District of California had the biggest percentage increase in chapter 13 filings (up 56 percent to 4,206).

More than half of the national increase of 266,282 in total filings came in two of the 12 judicial circuits. Filings were up 105,008 (to a total of 383,683) in the Ninth Circuit, which includes the four judicial districts in California, the District of Arizona, the District of Nevada and six other judicial districts. Filings were up 33,597 (to a total of 220,123) in the Eleventh Circuit, which includes the nine judicial districts in Alabama, Georgia, and Florida.

Additional bankruptcy statistics, including filings by county, can be found on the Judiciary's PACER system, the News Releases page of the Judiciary's website at <http://www.uscourts.gov/News/NewsReleases.aspx> and the Bankruptcy Statistics page at <http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx>.

(cont'd. on pg. 5)

News from the AO ... *(cont'd. from pg. 4)*

The Next Generation of CM/ECF

In 2008, the Administrative Office initiated a project to gather requirements for the Next Generation of the Case Management/Electronic Case File system. One of the goals of the Next Generation project is to more fully integrate all aspects of federal court practice, including chambers, Clerks' offices, and the exchange of data with others in the court community.

The project includes an initiative to engage "additional stakeholders" in order to identify, review, and recommend their functional requirements for the next generation of the CM/ECF system. As part of that initiative, the AO established an Additional Stakeholders Functional Requirements Group (ASFRG), which includes representatives from various outside members of the court community, including Phoenix chapter 13 trustee Russell Brown.

Bankruptcy Judge J. Rich Leonard of the Eastern District of North Carolina is the Chair of the ASFRG, which conducted its inaugural meeting in May of this year.

As part of the effort to identify and document the functional requirements, Judge Leonard's court has created a web page which provides information about the Next Generation Project and the ASFRG initiative. Users can participate in the design of the Next Generation of CM/ECF by going to <http://www.nceb.uscourts.gov/asfrg/> and completing a survey or providing descriptions of improvements they would like to see in the CM/ECF system, including both changes to existing processes and additional features.

Additionally, ASFRG staff members are eliciting information on functional requirements at various conferences and meetings around the country, including a presentations at the NACTT annual seminar in July 2010 and at the National Association of Bankruptcy Trustees meeting in Santa Monica in March 2011. Staff are also working with the NACTT to solicit feedback from members via e-mail and listserves.

ASFRG staff is available to make presentations or conduct focus groups to interested groups, either at organized meetings or in targeted sessions. For more information, contact Brian LeDuc (Brian_LeDuc@NCEB.USCOURTS.GOV, 919 856-4752 ext. 187).

New Requirements for Mortgage Claims

Major changes in the rules and forms which apply to home mortgage claims in chapter 13 cases will take effect on December 1, 2011, if proposed amendments to Bankruptcy Rule 3001, new Rule 3002.1, amendments to Official Form 10, and three proposed new Official Forms are approved.

As amended, Rule 3001(c) specifies supporting information which must be filed with a claim based on the debtor's home mortgage in individual cases in all chapters. In chapter 13 cases, new Rule 3002.1 sets out information which a home mortgage creditor must furnish to the debtor and the trustee during the case, and a new process for determining whether the mortgage arrears have been cured and whether the debtor is current on the mortgage payments after completion of the plan. The two rules also specify the consequences of failing to provide the required information.

The information required in individual debtor cases by new subsection (c)(2) of Rule 3001, includes an itemization of interest, fees, expenses, and other charges incurred prior to the petition and included in any claim; a statement of the amount necessary to cure any prepetition default on a claim secured by a security interest in the debtor's property; and, for a claim secured by a security interest in the debtor's home, an escrow account statement as of the petition date if an escrow account has been established. The required information is set out on new Official Form 10 (Attachment A).

New Rule 3002.1 assists in the implementation of section 1322(b)(5) of the Bankruptcy Code. The new rule applies regardless of whether the trustee or the debtor is the disbursing agent for postpetition mortgage payments.

The new rule requires the holder of a claim secured by a security interest in the debtor's home to provide at least 21 days' notice to the debtor, debtor's counsel, and the chapter 13 trustee of any postpetition changes in the mortgage

(cont'd. on pg. 6)

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

payment amount and prescribes the procedure for giving that notice. The notice is given on new Official Form 10 (Supplement 1). The mortgage holder also is required to give an itemized notice of any postpetition fees, expenses, or charges – on new Official Form 10 (Supplement 2) – within 180 days after they are incurred. The debtor or the trustee may challenge those additional charges within a year after the notice is given.

Within 30 days after the debtor completes the plan payments, the trustee or the debtor gives the Notice of Final Cure Payment and the mortgage holder has 21 days to respond to the notice and indicate whether the mortgage payments are current. The statement must itemize the required cure or postpetition amounts, if any, that the holder contends remain unpaid. The trustee and debtor have 21 days to request that the court determine whether the debtor has cured the default and paid all required postpetition amounts.

The text of amended Rule 3001 and new rule 3002.1, Committee Notes, and explanations of changes since publication for comment in August 2009 are posted on the Federal Rulemaking page of the Judiciary website at <http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/jc09-2010/2010-09-Appendix-B.pdf>.

The proposed amendments to Rule 3001 and new Rule 3002.1 have been approved by the Advisory Committee on Bankruptcy Rules, the Committee on Rules of Practice and Procedure (the Standing Committee), and the Judicial Conference. If approved by the Supreme Court, the amendments and the new rule will be transmitted to Congress, which has until December 1, 2011, to make changes.

Copies of the proposed amendments to the proof of claim (Official Form 10) and the three proposed new forms are posted at <http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/proposed%200810/Proposed%20Rules%20and%20Forms%20Amendments.pdf>. Although the forms are scheduled to take effect at the same time as the rules amendments published in 2009, the forms were published a year later, in August 2010, because they do not require approval by the Supreme Court and review by Congress.

The deadline for comments on the forms is February 16, 2011. Comments will be considered by the Advisory Committee on Bankruptcy Rules at its meeting in April 2011. If approved by the bankruptcy rules committee, the Standing Committee, and the Judicial Conference, the forms will take effect on December 1, 2011, along with amended Rule 3001 and new Rule 3002.1.

Revised Requirements Proposed for Credit Card Claims

As published in 2009, one of the proposed amendments to Rule 3001 would have required that a claim based on an open-end or revolving consumer credit agreement include the last account statement sent to the debtor before the bankruptcy filing.

The proposal was intended to facilitate assessing the timeliness and origin of credit card claims, especially ones that have been transferred. Opponents contended that the statements are frequently unavailable or impracticable to obtain from the original creditors that transferred the claims.

Reasoning that the rule should not insist on documents that are costly or difficult to obtain if there is a less burdensome way for a creditor to provide the needed information, the Advisory Committee revised the proposed amendment to specify the information that must be provided in connection with a claim based on an open-end or revolving consumer credit agreement, rather than requiring that the last statement be attached.

Because credit card agreements are amended frequently, the creditor would not be required to file the writing which constitutes the open-end or revolving consumer credit agreement along with the proof of claim. On written request by a party in interest, the creditor would be required to provide the documentation to that party.

Due to the nature of the change in the required information, the proposed amendments to Rule 3001 have been republished for the submission of further comments until February 16, 2011. The amendments and instructions for submitting a comment are posted at <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PublishedRules.aspx>



The Rising Role of the Bankruptcy Paralegal

By: Turea Simpson, CBA, Houston

Economic Outlook Worsens

The economy of our nation continues to worsen and many consumers are seeking bankruptcy protection. This is due to the increasing unemployment rate, an unstable job market, the declining housing market, increasing energy prices, medical expenses and the costs of daily living. The American Bankruptcy Institute released a statement in July 2010 stating ...*"there will be more than 1.6 million new bankruptcy filings by year end."*

As the financial belt continues to tighten on most consumers, their creditors have returned for repayment. Many of these creditors file lawsuits forcing businesses to close and/or file for Chapter 7 bankruptcy. Businesses seek reorganization through Chapter 11 and for the individual consumer--they seek protection through Chapter 13.

Increase Filing in Bankruptcy

Many publications, including the *American Bankruptcy Institute*, *Wall Street Journal*, *New York Times* and *Washington Post*, have published articles while media stations have aired stories about many consumers finding that the bankruptcy process is their only saving grace from persistent creditors and an opportunity for a "fresh start". The bankruptcy courts have experienced a huge unprecedented increase in the number of small business filings, large corporations and personal bankruptcy filings. The total number of filings increased nationwide by 32% in 2009.

Increasing Need for Bankruptcy Paralegals

As the unfortunate reality of both personal and business bankruptcy filings continues, the growing need for bankruptcy paralegals will increase. The U.S. Department of Labor announced that the paralegal profession as a whole is on the up rise. It has predicted from 2008 to 2018 that the number of paralegals employed will increase by 28%. Although paralegals are employed by governmental entities and corporations, the majority of them are employed by law firms. The correlation of the paralegal profession and the increase in bankruptcy filings will inundate law firms, the courts, corporations and so forth. Therefore, for each bankruptcy filing and hiring of counsel, the need for legal assistants/paralegals to assist with the preparation of schedules, calendaring of hearings, reviewing of documents and pleadings, communicating with creditors, counsels, and court personnel escalates the likelihood of hiring more bankruptcy paralegals.

The Usage of the Bankruptcy Paralegal

This mounting demand affects all facets of bankruptcy--from judicial assistants and trustee assistants, to creditor and debtor paralegals. Judicial assistants will set and prepare for more hearings, review pleadings and contact counsels. The trustees' assistants will review more schedules and plans, dismiss and confirm more cases, and contact counsels for documents and the turnover of non-exempt assets. The creditors' paralegals will prepare more proofs of claims; review schedules and plans, and prepare objections to confirmations. The debtors' paralegals will prepare more schedules and answer calls from debtors, creditors, trustees' offices, outside counsels and court personnel. The bankruptcy courts will also face a need of additional staff to operate document filing systems and the online database PACER.

(cont'd. on pg. 8)

¹ This article was written with the contribution from Charles Lee Baird.

² Gerdano, Samuel. "Consumer Bankruptcy Filings Up 14 Percent Throughout First Half of 2010." American Bankruptcy Institute (July 2, 2010)

³ Hartgen, John. "Total Bankruptcy Filings Increase to Unprecedented Highs." American Bankruptcy Institute (June 3, 2009)

⁴ Murray, Sarah. "Personal Bankruptcy Filings Rising Fast." *Wall Street Journal* (January 7, 2010)

⁵ Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2010-11 Edition*, Paralegals and Legal Assistants, on the internet at <http://www.bls.gov/oco/ocos114.htm>

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Role of Paralegals (cont'd. from pg. 7)

Hiring of Bankruptcy Paralegals

Robert Half Legal released a statement on September 14, 2010, stating that the area of bankruptcy is expected to increase within the 4th quarter of this year. While many other areas of law are decreasing, the hiring of personnel in bankruptcy will continue to grow.

Since paralegals are able to bill at a fraction of the cost of a lawyer, and because routine legal tasks can be performed by paralegals, the growing need for paralegals is here for years to come.

Bankruptcy Operational Practices Forum

By: Alexia Bible, ED/OK



This was my second trip to Washington, D.C. plus my second time to participate in the Operational Forum which was held August 31-September 1, and I would go again in a heartbeat!

The opportunity to visit our nation's capital and see all of the historical sights strengthened the enormous pride I have for our country. To vividly see and read about our founding fathers and their thoughts about God and freedom reminded me of how precious freedom is.

The Forum, held at the beautiful Marriott Wardman Park Hotel, utilizes an 'open space' meeting concept which allows the attendees to nominate topics for discussion and then select which of the nominated sessions they wish to attend. It has evolved from just demonstrations of court developed software applications to include staff from every level of the court, including Chambers. It has grown since the first one was held in 2002 with only 80 attendees to the 625 that attended this year's forum. If you are interested in attending an Ops Forum, **please be aware that funding for one (1) chambers staff (judicial assistant/secretary or law clerk) in addition to the judge is paid out of central funding and is not taken out of the Chambers Training Funds.** We are hopeful that this will continue to be the practice in the future. Next year's Forum will be held in Indianapolis so be sure to watch for the information about it if you're interested in attending.

I appreciate the Administrative Office and the Federal Judicial Center for allowing the Judicial Assistants to attend the Ops Forum. The opportunity to discuss topics such as calendaring programs, E-Orders, the new functions in Release 4, Rule amendments and mobile devices were extremely valuable. Demonstrations of programs developed in other courts were very beneficial and provided guidance in making their programs work to meet each court's specific needs.

Monique Barco provided an overview of the U.S. Trustee office; **Darlyne Thompson** and **Kate Malin** demonstrated changes that will be implemented in CM/ECF Release 4.0; **Barry Lander** used his personal experiences participating in television game shows to present bankruptcy challenges to the 625 participants; **Judge Cecelia Morris, NY-S, Dana McWay, Clerk, MO-E, Barry Lander, Clerk, CA-S and Richard Goodier, AO**, gave us an update of the Next Generation CM/ECF Project. It was a special treat for all of us to have **Director Jim Duff** welcome each of us to our nation's capital and give the bankruptcy court's staff his support.

I want to extend a special thank you to Richard Goodier for facilitating our Judicial Assistant roundtable and **John Leonard** for his input on training. Also a special thank you to **Glen Palman, Kathy Wagner and Stephanie Briscoe** for their time and efforts in developing a great agenda and taking care of all the conference planning and to the U.S. Marshal's service for insuring our safety.

Thirty-seven Judicial Assistants were in attendance this year. One of the most valuable aspects of the Operations Forum is the ability to meet our fellow JA's and brainstorm with them. We can all learn from each other and every opportunity we have to meet and do so strengthens each of us and helps make our court and chambers a better place.

I am looking forward to seeing my colleagues and continuing our many topics of discussion at the annual ABA conference in New Orleans next month.

Why Do We Forget Things?

Submitted by Ann Virgadamo, JA, ED/LA

"Before I forget, let me ask ... is your dinner table talk as snappy as ours? "Remember I asked you to remind me to call someone?" "Yes." "Who was it?" "I forget."

And .. "What did I go to the kitchen for?" "How do I know?" "You asked me to get it." "Get what?"

And ... "I saw Whatsisname today." "Who?" "You know, Whatsisname" "Oh, Where?"

If this sounds familiar, and if you ever complain about your memory, join the crowd. There are millions of us out here, complaining more about remembering less. Memory specialists, of whom I have interviewed a slew, say that forgetfulness is the top health concern of baby boomers. And they're not the only ones. "My memory is awful," says my dental hygienist, Eve, 36, as she tenderly macerates my gums. "Does that mean I'm likelier to get demented?" I shake my head no. "Good," she says, "because I sure worry."

The Worrier Wall, therapists call them. They worry because they do not know that this type of memory loss is normal. *Normal*, friend. *Universal*. So universal that the phrase "it's on the tip of my tongue" is used in more than 40 languages.

With normal aging, what we lose is not memory in general but a particular kind. We have many kinds. One is *procedural* memory, which is how-to-walk, how-to-eat, how-to-tie-a shoe memory. It's what Sinatra never thought about when he sang, Astaire never thought about when he danced, Tiger Woods doesn't think about when he swings a golf club. (If he did, it might ruin his stroke.) It is the memory we use unconsciously, and it is the strongest kind we have.

A second is *semantic* memory, which covers facts. What is a key? What are eyeglasses? What is a movie?

And a third is *episodic* memory, which covers experience. I've lost my keys. Where did I leave my glasses? Who was in that movie? This is the type that starts playing tag with us in the sweet fullness of time. Here's why.

That 3-pound muscle tucked into your skull has 100 billion neurons zapping around wildly, sending each other the electrical and chemical signals that make memories. With time, the signals weaken. Brains shrink by about half a percent a year, starting around age 30 -- though usually we don't notice any change for years. And here's the rub. Episodic memory relies heavily on the front areas of the brain, the frontal lobes -- the very areas that start shrinking first.

The loss isn't that big, really. It feels big because we perceive a huge difference between a brain buzzing along at full strength and one operating at, say, 95%. But it's just a slowing down. That elusive name is probably not gone -- it simply takes longer to pop up. Which raises a question everyone always asks! Is everything that ever went into my brain still there? Answer: Nobody knows. (How would you find out?)

Many researchers do believe it's all there but in altered form. "The disc is full" we say, and, "No room on my hard drive" -- but the computer analogy is not really accurate. As Dr. Barry Gordon, a neurologist at Johns Hopkins points out, computer memory is exact; brain memory is fluid. Whenever you make or retrieve a memory, its pattern of signals is altered. Sort of like writing over writing. Which is why, as time passes, our memories are apt to change and deceive us.

We accept other changes in our bodies. We consider it natural that we won't play tennis at 50 as we did at 20, but we cannot accept that our brains also may slow down. It's simply too threatening.

Scientists who understand the why of memory are not so easily threatened. I asked Dr. Richard E. Powers, Chairman of the Medical Advisory Board of the Alzheimer's Foundation, if he has memory problems. "A group of doctors my age were laughing about the changes we observe," he says. "At 25, we could read a scientific article once and absorb it. Now we have to read it several times. At 57, my ability to hold onto new information is not as good as it used to be -- but we retain the capacity to store and use the information. It's like flypaper that's been lying a long time on the counter. It's still got plenty of stick but not as much as it used to have."

Our brains begin to shrink at around age 30, though we don't notice any change for years.

WHY DO WE FORGET ... (cont'd. from pg. 9)

We actually may be wired to forget. Consider: If everything stuck to that mental flypaper, we would be in big trouble. We'd be overwhelmed by trivia. The longer we live, the more memories we stuff into our brains, and the harder it may become to locate any particular one. So those that we need least, the episodic memories, get stored in the attic first. After all, how important is it (how does it help you survive in the world) to remember the name of that restaurant you ate at last night? What is important to remember is what "eating" means and how to eat.

Think of our kind of memory loss as nature's priority filing system -- often irritating but practical and desirable in the great Darwinian scheme of survival. And normal - a loveable word. It comes with the territory of healthy longevity. And, when you consider the alternatives, as they say, it's the best deal in town. (*Parade*, January 6, 2008; Martha Weinman Lear, Author of "Where Did I Leave My Glasses?" and "Heartsounds")

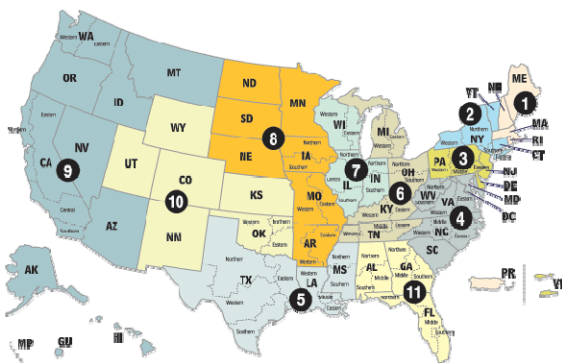
Make Your Memory Better

ASSOCIATE NAMES. Link what you want to remember to what you already know. You meet a Jennifer. Picture her in your mind's eye with other Jennifers -- as in *Anniston* or *Lopez*. Visualize them together which is what makes it work.

GET ORGANIZED. Dr. Margaret Sewell, Director of the Memory Enhancement Program at Mount Sinai Hospital in New York, suggests changing the way you organize your tasks. For example, no calls and no email until the current job is done. "It's amazing," she says, "the difference people see as they cut down on nonessential multi-tasking."

CONCENTRATE MORE. Tests show that in absorbing new facts, we are no less competent than 20 year olds, just slower. "Concentrate a little harder and practice more," says Dr. Sewell. "You want to learn Italian when you're 90? OK! It will take you a little longer but assuming there's no pathology, you can do it."

CIRCUIT REPORTS



1st Circuit

By Kate Kelly, D/ME



Greetings from Maine - Vacationland!

I recently attended the Bankruptcy Operations Forum in Washington, DC. This was my first time at the Ops Forum and I was very impressed! As usual, the FJC and the AO put together a fantastic program. I very much enjoyed the "open" forum format and found both the pre-planned and nominated topics diverse and very informative. It was a full two days of absorbing tons of information, seeing old friends, and making new ones.



Alec Leddy, Cheryl Dubos, Nancy Carter, Sheila Dilos & David LaPaulou

We had our annual off site training in York Harbor, Maine, on June 14 - 16th. As always, the off site committee and management put together an informative and unique training adventure. The annual off site training is often the only time during the year that both our Portland and Bangor offices can get together. The topics this year included

(cont'd. on pg. 6)

1st Circuit ... (cont'd. from pg. 8)

bankruptcy rules and Code training presented by our law clerks, COOP, an open forum with management, and a competitive game of "Bankruptcy Jeopardy" which covered everything bankruptcy-related both locally and nationally. Please phrase your answers in the form of a question!!! The training wrapped up with an engaging seminar titled "It's More Than Rock and Roll" by George Prentice, Clerk of Court, Texas Western Bankruptcy Court. If anyone's court is looking for someone to come in and do some great training, I would definitely recommend George Prentice!



The Margaret Chase Smith Federal Building in Bangor is about to undergo some long overdue and much needed renovations courtesy of the American Recovery and Reinvestment Act (ARRA). Built in 1967, this will be the first major renovation for this building. For many years, our maintenance team has done a wonderful job working with out-dated and deteriorating systems in the building. The construction project will be completed in phases and last for several years. All the building's tenants are going to experience some significant disruption and inconvenience, but everyone is looking forward to the benefits of the renovations. Of particular interest to many of us will be the new HVAC systems which will include a geothermal well and other Green Act enhancements. Air quality and temperature control should be greatly improved!

Retiring: New Hampshire Chief Bankruptcy Judge Mark W. Vaughn will retire on September 30, 2010. Judge Vaughn was appointed to the bench on November 12, 1993. Judge Vaughn also served as an appellate panel judge for the First Circuit. We wish him all the best in his retirement!

Expecting: Kristen Ford, Case Administrator in Bangor, Maine, and her husband, Justin, are expecting their first baby in late January. It's safe to say that *everyone* here is excitedly awaiting the baby's arrival! Who'd have thought we'd be looking forward to January in Maine?!

**2nd Circuit**

Diana Roy, ND/NY

After a brief stint with the District Court for the District of Vermont, **Rosemary Rizzico** has decided to return to the bankruptcy world. She will begin her new position with **The Honorable Alan H. W. Schiff**, United States Bankruptcy Judge, in Bridgeport, Connecticut in September. Rose says that she missed bankruptcy so much that she decided to rejoin the Bankruptcy Court family.

She is thrilled to be working again with **Patricia Killigrew**, Judge Schiff's Law Clerk. Patricia trained Rose in the bankruptcy field when she was with **The Honorable Colleen Brown**, United States Bankruptcy Judge, District of Vermont.

Rose is the grandmother of Olivia who is 4 ½ years old and is happy to announce that her daughter and son-in-law are expecting twin girls in October! Welcome back Rose and congratulations!

3rd Circuit

By Laurie Frick, ED/PA

GREETINGS FROM THE THIRD CIRCUIT!

Cathy Farrell (DE) reports:



On March 17, 2010, the **Hon. Mary Walrath** was invited to New York City to attend the NYC's Third Annual Women in Achievement Awards ceremony where she was the 2010 Recipient of the Judge Cecelia H. Goetz Award honoring the leadership, commitment, service, and achievements of women in the legal profession.



Judge Walrath & husband, Ed Toole (left)

This award, named after Judge Goetz, who, among her many achievements, ultimately became a member of the prosecution team at the Nuremberg Trials after having sought and received a special "exemption" for being a woman. In 1978, she was appointed the first woman bankruptcy judge in the Eastern District of New York and one of the first female federal judges in the Second Circuit. Judge Walrath joins fellow colleagues **Judges Rosemary Gambardella** (2008) and **Cecelia G. Morris** (2009) in receiving this award.

I am proud to say that Judge Walrath exemplifies these qualities in her personal and professional life, both in and out of the Courtroom. Congratulations Judge Walrath!

(cont'd. on pg. 12)

3rd Circuit ... (cont'd. from pg. 11)

Dana Muccie (Trenton, NJ) reports: The **Hon. Donald H. Steckroth** sitting in Newark, NJ is celebrating 10 years on the bench in November. **Ronnie Plasner** is his Judicial Assistant.

Terry O'Brien, (Camden, NJ) reports: *I would like to acknowledge a milestone in the illustrious career of my wonderful judge, the **Hon. Judith H. Wizmur**. On September 5, 2010, Chief Judge Wizmur marked 25 years on the bankruptcy bench. Judge Wizmur has been Chief Judge of the Bankruptcy Court for the District of New Jersey since August 2005. It has been my honor and privilege to work for, and with, Judge Wizmur for the last 23 years since November 1987. Judge Wizmur's incredible work ethic and engaging personality have drawn together a dedicated team in chambers. Her career law clerk, **Bob Cooper** (18 years), her Courtroom Deputy, **Bruce Compton** (24 years), Court Recorder **Norma Sader** (23 years) and Generalist **Bonnie Engle** (9 years) all join in congratulating her on such a remarkable milestone. Without question, we all agree that it is a pleasure to come to work every day for such an intelligent, motivated and compassionate person. Congratulations Judge Wizmur!*



Judge Coleman

Laurie Frick (E.D. of Pa) reports: The Eastern District of Pennsylvania's newest judge, the **Hon. Magdeline Coleman** has brought along her loyal secretary, **Carol Pyle**. Carol started as Judge Coleman's judicial assistant at the end of May 2010. Carol is quite accomplished and very involved in the Philadelphia Legal Secretaries Association. She quickly became a member of the ABA and attended the



Carol Pyle, JA

Jumpstart Workshop in August. We wish Carol much success and the warmest of welcomes.

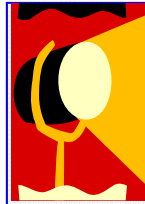
What do all these people have in common?

H. J. Heinz, Melvin Belli, Ulysses S. Grant, John James Audubon, Wally Backman, Donald Trump, Walt Disney, Zsa Zsa Gabor, Lenny Bruce, Kim Basinger, David Crosby, Mike Tyson, Don Johnson, Larry King, Willie Nelson, Abraham Lincoln, Meat Loaf, Wayne Newton, Margot Kidder, Cyndi Lauper, President (25th) William McKinley, Ted Nugent, Thomas Paine, Rembrandt, Mark Twain, Oscar Wilde, Henry Ford and Milton Hershey.

They are people who have successfully survived bankruptcy.

"The worst bankruptcy in the world is the person who has lost his enthusiasm."

H.W. Arnold



SPOTLIGHT ON SHEYLA IBAZETA, CBA NJ



Sheyla has been a bankruptcy paralegal for Zucker, Goldberg and Ackerman in Mountainside, NJ for almost 13 years. She moved to the United States in 1993 in age 15, and didn't speak a word of English and in fact the only phrase she knew was "May I go to the bathroom please?" Sheyla says "Now I think it was pretty funny because I used this phrase quite often in my first year in high school. I learned the language rather quickly and completed my high school and college education in New Jersey."

At age 17, Sheyla started working as a receptionist at a law firm in New Brunswick, NJ and being bilingual, often interpreted for a lot of the Spanish speaking clients. Within a year, she was transferred to the Bankruptcy Department and found bankruptcy law to be very interesting and decided to go back to college to obtain her paralegal degree. "It took me a long time to obtain my degree as I had to keep a full time job to be able to pay my mortgage. I purchased my home at 19, and until this day it has been one of my biggest accomplishments. I never thought [of] having such a big responsibility at such an early age, but it definitely paid off."

Sheyla worked for a debtor law firm for 10 years before crossing over to a creditor law firm. Sheyla never married and has no kids so is able to spend most of her free time with family and friends traveling (mainly road trips), skiing, camping, and white water rafting. She says "You never know, I might end up in your state one day!"





4th Circuit

By Sharon Angel, ED/NC

Welcome September! Where did the summer go? We have had our share of hot summer days here in eastern North Carolina. Before you know it, the holidays will be here and then - 2011!

I would like to welcome **Pearl White**, Judicial Assistant to the **Hon. Stephani W. Humrickhouse** to our court. Pearl graduated Summa Cum Laude from Bluefield State College in West Virginia with a Regents Bachelor of Arts Degree in Business and Criminal Justice. She previously worked for the 4th Circuit Court of Appeals as an Administrative Judicial Secretary for 11 years. We are glad to have you Pearl!

I had the opportunity to attend the 2010 Bankruptcy Operational Practices Forum held in Washington, DC. There were approximately 625 Bankruptcy Court employees in attendance from all over the country. The unique set up for this forum allows the attendees to suggest topics of interest and receive feedback from others courts as to policy and procedures that are effectively used in their own courts. There were a couple of JA breakout sessions where JA's had the opportunity to discuss different calendaring systems and calendar interfaces, division of workload in chambers, e-orders and training opportunities available for Judicial Assistants. Some of the other breakout sessions which proved to be very helpful for chambers included the Chambers Automation Program "CHAP", Courtroom Technology, Chambers E-Signed Orders, Chambers IT Devices and the Courtroom Deputy Breakout session. It was very beneficial to participate in these sessions with other court employees as well as other judges. A plenary session was held to update the attendees on the progress of the "Next Generation of CM/ECF" and all of the hard work and efforts made by the Clerk's Office Functional Requirements Group, Chambers Functional Requirements Group and the Additional Stakeholders Functional Requirements Group.

Pamela J. Barnes (VA/EB), JA to the **Hon. Frank J. Santoro** reports as follows: My Judge recently lost his Passport Book in the process of moving. I made some phone calls and checked some web sites to find out what he needed to do to report his Passport Book lost and to apply for a replacement Passport Book on a non-expedited basis. I thought many others could use this information as well without having to reinvent the wheel. Below is what you can do if you ever need a replacement passport: It is my understanding that in order to replace a Passport Book on an expedited basis, you must be planning to travel in the near future and your Application must be accompanied by a copy of your travel itinerary. There are several online companies who can process an expedited request for you, including rushmypassport.com. If you need to replace a Passport Book on a non-expedited basis (6 weeks), here are some tips:

1. Go to www.travel.state.gov (1-877-487-2778) and download Form DS-11, Application for a U.S. Passport, and a Form DS-64, Statement Regarding Lost of Stolen Passport. Note that once the DS-64 is filed, your old Passport Book is devaluated and if you find it, you must turn it in to the U.S. Department of State. This address is:

U.S. Department of State
Passport Services
Consular Lost/Stolen Passport Section
Attn: CLASP
1111 19th Street, NW, Suite 500
Washington, D.C. 20036

Here's a link to the DS-11 form---->>>> http://travel.state.gov/passport/forms/ds11/ds11_842.html

Here's a link to the DS-64 Form---->>>> http://www.travel.state.gov/passport/forms/ds64/ds64_845.html

2. The person desiring to replace his/her lost Passport Book must then take the completed DS-11 and DS-64 forms to a passport agency or post office in your area and present them, along with the following items. The closest "Passport Offices" to our Court in Norfolk are the Clerk's Office for Norfolk Circuit Court at 100 St. Paul's Blvd. (M-F, 8:45 am - 4:45 pm) and the Post Office at 600 Church Street (M-F, 10:00 am - 3:00 pm) . Both locations also take passport photos.

- a. Evidence of U.S. Citizenship - this can be an original or certified copy of your birth certificate, NOT LAMINATED; You can also use an old, cancelled passport if you have one;

(cont'd. on pg. 14)

Russian Judges Visit Bankruptcy Court

By: Brenna Wallace, Administrative Assistant, ED/NC

RALEIGH--The U.S. Bankruptcy Court – Eastern District of North Carolina hosted a delegation of Russian Judges on July 23 at the Raleigh courthouse.

The group members were: **Judge Allyson Duncan** (Hosting Judge), **Maria Adoskina** (International Affairs Council Representative), **Konstantin Kostin** (Bilingual Facilitator), **Aleksandr Cherkashin** (Visiting Judge), **Alexandr Krivosheyev** (Visiting Judge), **Lyudmila Lebedinskay** (Visiting Judge), **Svetlana Shubuna** (Visiting Judge), **Marina Ryzhova** (Visiting Judge), **Valery Yegorov** (Translator), and **Iryna Illiash** (Translator).



Judge Allyson Duncan, Circuit Judge on the United States Court of Appeals for the Fourth Circuit, **Judge Randy D. Doub**, and **Judge Stephani W. Humrickhouse** greeted the delegation in the conference room of **Judge Rich Leonard**. Judge Doub introduced the judges to the Eastern District and thanked them for visiting our court and staff in order to foster the exchange of ideas and keep open the lines of communication.

He proceeded to explain the structure of our court.

"We are part of the U.S. District Court, but separate and independent for bankruptcy matters," Judge Doub said. "Our district covers 44 counties in Eastern North Carolina. We hold regular sessions of court in Raleigh, Fayetteville, Wilson, Greenville, New Bern, and Wilmington."

Judge Humrickhouse, whose both sets of maternal grandparents were born in Russia, greeted the judges in Russian with "**Доброе утро** (*do-bra-ye oo-tra*)" which means "good morning."

Stephanie J. Edmondson, Clerk of Court, also welcomed the judges and introduced **Jeffrey Elmore**, Director of IT. Elmore presented the court's audio proceedings program, 'CourtSpeak'.

"Our court has a national program that allows us to post audio recordings on the electronic docket. We record what is spoken in the courtroom. The audio is recorded into a computer program that can be accessed at a later date," Elmore said.

He further explained the conversion process.

"We take the original format and convert it to MP3. You can click on the MP3 file and listen anywhere in the United States. You can listen to the hearings with a cell phone, CD or any type of listening device."

After the presentation, the Court provided the visiting judges with headphones to listen to the interpretation of three Chapter 11 hearings. Judge Duncan explained how Chapter 11 cases differentiate from other bankruptcies.

"A Chapter 11 is a business case seeking to reorganize debts," Judge Duncan said. "Please remember that the purpose of this type of bankruptcy is to enable businesses to stay open, not to dissolve and pay creditors."

After the hearings, the judges and **Marjorie Lynch**, Bankruptcy Administrator for the Eastern District, hosted a question and answer session. Judge Doub provided an overview of each type of chapter, and he and Judge Humrickhouse assisted in answering the visiting judges' questions.

One judge inquired about the court's procedure regarding those who file motions and fail to appear for court. Judge Humrickhouse explained that we often consult with the attorney's office for unforeseen conflicts. She further explained the court's handling of *pro se* litigants.

(cont'd. on pg. 12)

Russian Judges ... (cont'd from pg. 14)

"In our legal system, an individual can always represent themselves," said Judge Humrickhouse. "It's not a good idea, and we try to advise the individual to retain counsel because it's in their best interest. We are more lenient if the party is not represented by an attorney and will sometimes hold open the case for a period on the calendar."

One noted difference during the Q & A session is that by law in Russia a judge must read aloud final opinions in front of the parties.

Judge Doub explained why our court sometimes takes a different approach.

"A judge has to use discretion whether or not to announce the ruling," Judge Doub said. "Some matters are hotly contested and the parties are upset. In those cases, it may be better to take the matter under advisement before issuing a ruling."

Another difference is that in Russia only higher courts in criminal cases have jury trials. They also do not use mediation techniques.

"We are not big on specialty courts," said one of the visiting judges. "There is only one court of arbitration." After enjoying a catered lunch, the judges exchanged souvenirs and final farewells.

The delegation spent the week visiting the U. S. District Court and the North Carolina Business Court. They were also able to visit Tryon Palace and Atlantic Beach.

4th Circuit ... (cont'd. from pg. 13)

- b. Picture ID such as your driver license; and
- c. Two copies of a 2" x 2" color photo - post offices in our area also take passport photos

3. If you need to order a copy of your birth certificate, the travel.state.gov people at 1-877-487-2778 can also look up the phone number of Vital Records for you in the appropriate state.

4. Once you have delivered the requisite information, along with a check for the fees (currently \$110 Application Fee and Acceptance Fee of \$25, for a total of \$135 for a Passport Book for someone age 16 or older), you will receive your Passport Book replacement within six (6) weeks.

5. Lastly, during the process, for an additional fee, you can now apply for a Passport "Card" as well, but it's my understanding that the Card can only be used to travel to and from Canada, Mexico and Bermuda, so you will need your actual Passport Book for travel to other areas.



5th Circuit

By Barbara Groves, ND/TX

Greetings from Fort Worth, City of Cowboys and Culture and some really hot weather. The humidity is up, and we are experiencing lots of bad hair days – just practicing for New Orleans.

The judicial assistants for the Northern District of Texas are proud to announce that their Chief Judge, **The Hon. Barbara J. Houser**, will be presiding over the annual meeting of the National Conference of Bankruptcy Judges (NCBJ) in New Orleans. Judge Houser will speak at the ABA conference on Friday morning to welcome us in her capacity as President of the NCBJ, and we look forward to hearing from her. We are very grateful for the continued support given by the NCBJ.

The Northern District of Texas, Fort Worth Division, recently had one of its most interesting and exciting cases ever. **Judge Russell F. Nelms** provides the following synopsis:

In 1971, the Washington Senators moved to Arlington, Texas, where they became the Texas Rangers. From 1971 to 2010, the Rangers did little to distinguish themselves. They made the playoffs twice, each time going quietly into the good night with first-round losses to the Yankees.

So, how did a team with such a pedestrian history become the
(cont'd. on pg. 16)

5th Circuit... (cont'd from pg. 14)

most expensive baseball team of all time? Credit it to the bankruptcy process and a showdown between Texas legend Nolan Ryan, and Dallas' favorite carpetbagger, Mark Cuban.

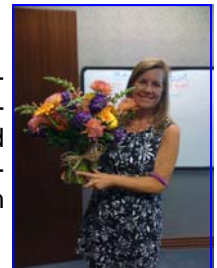
The Rangers filed their Chapter 11 petition in Fort Worth. They were not the first major league baseball team to file for bankruptcy (the Seattle Pilots, Baltimore Orioles, and Chicago Cubs also did so), but they were the first to do it in the middle of the baseball season. On day one, the Rangers filed a plan that called for the team to be sold to a group of investors led by Hall of Famer Nolan Ryan. But, the team's secured creditors argued that the purchase price was too low and insisted that the team be auctioned.

Judge Michael Lynn agreed. Judge Lynn drafted his own auction procedures and ordered his Fort Worth colleague, Judge Nelms, to act as auctioneer. Two weeks before the auction, Pittsburgh native Mark Cuban, owner of the Dallas Mavericks, emerged as a competitive bidder.

The auction was high drama. During the sixteen-hour bidding process, the courtroom became too crowded to accommodate the bidders, parties, media, and fans. Tempers flared as lawyers exchanged profanities in the hallways. Fans throughout the country kept abreast of developments via e-mails and Twitter accounts.

At 12:37 in the morning, the Ryan group was declared the winner of the auction to a chorus of cheers in the courtroom. The announcement coincided with shortstop Michael Young's grand slam, which put the Rangers ahead of the Seattle Mariners. When it was over, Ryan's group paid \$110 million more than called for in the Plan. The next day, Ryan's Plan was confirmed, and his lawyer threw out the first pitch against the Yankees. Since the auction, the Rangers have gone on to win the American League West Division and are looking forward to the playoffs for the first time in 15 years. Needless to say, they have many new fans in the Bankruptcy Court..

As mentioned in the last newsletter, our President-Elect, **Beth Towery**, has been spoiling the attendees of Breakfast in Chambers by cooking wonderful breakfasts like quiches and biscuits and gravy. Recently, Beth awoke to no air conditioning but persevered in cooking the final breakfast, bread pudding, in a miserably hot kitchen. When Beth arrived at work, the tone of her day changed, however, when she was presented with a beautiful bouquet from the participants of Breakfast in Chambers in appreciation for her culinary talents.



Beth's all smiles

Our friend, **Sheryl Cody** (SD/TX), Judicial Assistant to **Judge Karen K. Brown**, retired on September 3. Her position has been filled by **Maureen Bryan**. Maureen began her career with the federal government in August of 1986 in the Bankruptcy Court. After spending five years gaining valuable experience in the Clerk's office as a deputy clerk, Maureen was assigned to Judge Brown's court as a courtroom deputy. After a year in that position, Maureen was promoted to Case Administrator, where she has remained for over 19 years. Maureen has participated in several special projects and served on several committees throughout her career. In her leisure time, she enjoys reading, traveling, and spending time with her husband of thirty-five years and her five grandchildren. We welcome Maureen and wish her many happy years in her new position.

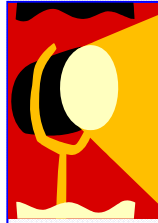
Kimber McDowell (SD/MS) reports that they are scheduled to start moving into their new Federal Courthouse in December of this year. The move will include District Court (Jackson Office), District Court Clerk's Office, Bankruptcy Court (Jackson Office), Bankruptcy Clerk's Office, U.S. Attorney's Office, U.S. Trustee's Office, Library, Probation, Public Defender's Office, Fifth Circuit, and the Marshal's Office. That move sounds like a monumental task, and we wish them the best getting settled in their new offices.

Shelby Wimberly (ND/TX, Lubbock Division) has some good news about her husband, Toby. In September of 2009, Toby was involved in a very serious motorcycle accident and has undergone numerous operations and extensive therapy. Just recently, Toby was released by his doctor. The doctors are amazed at how well he is doing and how much he has recovered. Shelby credits the power of prayer and thanks everyone for their prayers and support. They are extremely grateful! Shelby was scheduled to attend her first conference last year but because of the circumstances, was unable to do so. She is planning on meeting us all in New Orleans, and we are looking so forward to seeing her.

(Cont'd. to pg. 17)

5th Circuit ... (cont'd. from pg. 16)

Shelby says she was fortunate in being able to attend the Jumpstart Workshop in Washington, D.C. in August. Shelby met JAs from all over the country, and it was a great experience. The AO was particularly helpful in answering questions and offering many valuable insights. Shelby took away many useful tips and ideas about how to better assist Judge Jones.

**SPOTLIGHT ON
BECKY ROLLAND, CBA***New Orleans*

Becky Rolland was born and raised in New Orleans, but moved to Massachusetts in 1987 where she began her career as a bankruptcy and litigation paralegal. From 1990 to 1996, she worked for the Chapter 13 Trustees for the Eastern and Western Divisions of Massachusetts, an area that had many foreclosures due to the boom and bust of the real estate market during this time. In 1997, she started her own business, Freelance Paralegal Services, to assist bankruptcy attorneys with document retrieval and proofs of claim reviews. Due to her mother's illness in 2002, she moved back to her native New Orleans. She obtained her ABA certification in 2004 while working as a paralegal for Heller, Draper, Hayden, Patrick & Horn. In 2006, she was asked to submit a chapter on bankruptcy law for Carole Bruno's book, *Lessons From The Top Paralegal Experts: The 15 Most Successful Paralegals and What You Can Learn From Them*. In August, 2010 she completed and passed the Paralegal Advanced Competency test and has earned the designation of Registered Paralegal.

Presently, she is employed at Jones, Walker, Waechter, Poitevent, Carrere & Denegre, as paralegal to R. Patrick Vance. She is a member of the New Orleans Paralegal Association and currently serves as the National Federation of Paralegal Associations' Primary Representative. She has participated in panel discussions regarding the role of paralegals in bankruptcy law and has published numerous articles in trade publications regarding bankruptcy law.

6th Circuit*By Patricia Francis, SD/OH***EASTERN DISTRICT OF KENTUCKY**

Brenda Morgan, JA to **Hon. William S. Howard**, will be retiring from her position as of September 30, 2010. We wish Brenda lots of luck

NORTHERN DISTRICT OF OHIO

Cheryl Kahler (OH/N) had this to report.: On September 2, 2010, **The Honorable Richard L. Speer** marked his 35th year with the United States Bankruptcy Court, Northern District of Ohio, Western Division stationed in Toledo, Ohio.

Judge Speer was originally nominated by the late **United States District Judge Nicholas Walinski**, of Toledo, and appointed by the U.S. District Judges of the Northern District of Ohio. On October 1, 1986 and again in 2000, he was reappointed to a fourteen year term by the United States Sixth Circuit Court of Appeals.

During his tenure, Judge Speer has taken a keen interest in helping students entering the legal profession. He has had 172 legal and paralegal interns from various local colleges as well as colleges from around the country.

To date, Judge Speer has handled over 107,307 cases and counting.

He and his wife, Anita have a daughter, son and 5 & 5/9 grandchildren. It has been my honor and privilege working the past 23 years with Judge Speer.

7th Circuit*By Dorothy Clay, ND/IL*

Hello Everyone from Chi-Town.

Fall is in the air and everyone is pretty busy. Here are a few updates from my fellow 7th Circuit JA's:

*Kathy, Mimi,
Dorothy & Amy*

In Chicago, on August 24 we celebrated multi-decade birthdays with a BYOL and others brought gifts and giant cupcakes for the birthday girls, **Kathy Wachtel**, **Mimi Kuczynski**, **Dorothy Clay** and **Amy Sojka**. **Linda Montano** provided a picture of the occasion.

Rosemary Alexander had her family reunion in New Orleans over Memorial Day Weekend. Took a tour of the area

(Cont'd. to pg. 18)

7th Circuit (cont'd. from pg. 17)

and was pleasantly surprised most of the city has been renovated and 90% back to normalcy. They were not able to tour the lower 9th Ward because the bridge that connects to that area was under repair. They were there right after the Gulf oil spill but they were still trying to cap it and no oil had come on shore in New Orleans at that time. She said she will not be returning for the ABA conference, but enjoy the renewed city. It's beautiful and the weather should be perfect.

The following JA's attended the session on the 2010 Bankruptcy Operational Practices Forum in Washington, D.C., on August 31st and September 1st: **Stephanie Larson (Judge McGarity in Wisconsin), Janell Miller (Judge Dees, Indiana), Cindy Korbol (Judge Utschig, Wisconsin), and Kathy Wachtel (Judge Doyle, Illinois)**. Kathy reports that even though she did not know what to expect at an "Open" Forum with little formal agenda, she was both pleased and surprised. Fellow JAs suggested Judicial Assistant breakout sessions for each day. She participated in both, and was happy to be able to put faces to names seen in e-mails and newsletters! She also reports that in listening to the numerous topics discussed, she was able to bring back information that has already been shared with chambers. An important note learned and Kathy wants to give thanks to the JA who shared the fact that there IS an alternative to the DOS Travel Voucher right on the J-Net! Our Systems Department is looking into whether we can utilize it in our court. Kathy would definitely "recommend that a chamber's representative attend next year . . . you never know what bit of information you'll pick up!"

Cindy Korbol reports that **Marcia Anderson**, the Clerk of the Bankruptcy Court for Wisconsin-Western, has been called for active duty for six months to a year as the Deputy Commanding General for the Army's Human Resources Command located at Ft. Knox, Kentucky. Marcia was the first female from Wisconsin, and the second African American woman ever, to be promoted to the rank of Brigadier General in the U.S. Army Reserve. Her command will be responsible for personnel management and other actions related to Active, Reserve, and National Guard soldiers, as well as retirees, which is over one million personnel. Everyone at the Court in Wisconsin-Western is very proud of Marcia, but she will be missed tremendously.

Congratulations to **Mimi Kuczynski** who is now the courtroom deputy for the Western Division Bankruptcy Court in Rockford, Illinois. Mimi, who is an ABA member, worked with **Judge Barbosa** as his JA for 12 years. Good luck Mimi!! Also, congratulations to **Judge Pamela Pepper** who is now Chief Judge in Milwaukee, succeeding **Judge McGarity**.

As an informational note: I had been out on leave at the beginning of the year and was concerned about how my work would get done while I was out. Well, in talking with several

how to handle this whether to hire a temp, try to get someone from the Clerk's office or what. Well, with the suggestion of a fellow JA and help with our HR Department, we were able to have a retired JA who used to work for **Judge Schmetterer** come back and assist while I was out on extended leave. This was great, because she was at least familiar with the way chambers and Judge Schmetterer worked. It was so much work though, she'll probably never speak to me again.



8th Circuit

By Barb Sutton, ED/MO

It's been a hot summer in the Midwest. With heat indexes reaching 114 degrees here in St. Louis, this fall weather coming on has been a very welcome change. We can play outside again!

The Eighth Circuit Judicial Conference was held August 10-13 in Minneapolis, MN. In recognition of Justice Alito's attendance, the Eighth Circuit Historical Society and the U.S. Courts Library organized an exhibit relating to "Baseball in the Eighth Circuit." This exhibit will be circulated to the branch libraries.

The Eighth Circuit Bankruptcy Appellate Panel (BAP) was appointed by **Chief Judge William Jay Riley** on August 26, 2010. The panel consists of **Chief Judge Robert J. Kressel**, Chief Judge, BAP; **Chief Judge Barry S. Schermer**, **Judge Arthur B. Federman**, **Judge Jerry W. Venters**, **Chief Judge Thomas L. Saladino** and **Chief Judge Charles L. Nail, Jr.** The Members Pro Tem are **Judge Dennis D. O'Brien**, **Judge Gregory F. Kishel**, **Judge Charles E. Rendlen, III** and **Chief Judge Dennis R. Dow**.

9th Circuit

By Rosa Green, CD/CA

9th Circuit greetings to all:

Summer is coming to a close and hopefully everyone had some fun, fun in the sun and enjoyed spending vacations with the family and friends.

For starters, **Connie Ray**, JA to **The Hon. Peter Carroll**, has transitioned to the Los Angeles Division, as her judge assumes the duties of Chief Judge of the

(Cont'd. on pg. 18)



9th Circuit (cont'd. from pg. 18)

Central District Bankruptcy Court. Additionally, Connie has also been nominated to serve again as the 9th Circuit Representative for 2011 - way to go Connie!

On more somber note, in sympathy and support of our sister JA, **Jannis L. Medina**, JA to **The Hon. Eileen W. Hollowell**, District of Arizona, Tucson Division, we send heartfelt condolences to her and her family who recently learned of the loss of her nephew, Martin Lugo, Jr., while serving in the war.

A highlight from our circuit, **Mary Beth Blair**, a Certified Bankruptcy Assistant, wanted to share her very interesting experiences:

"Hi, my name is Mary Beth Blair. I have been a licensed Paralegal for 10 years earning my Paralegal and Legal Secretary degree's from Lewis and Clark State College. I have worked in the legal field in one form or another for over 20 years. Six years ago I attended my first CBA seminar in Portland, Oregon. To my surprise I passed the test at the end of the seminar and have been a proud member of the ABJA with the title of CBA ever since. A little over two years ago the attorney I work for, D. Blair Clark, my husband (our assistant at the time), and I started a new law firm which we call the Law Offices of D. Blair Clark, PLLC here in Boise, Idaho. We started our office with the three of us plus a receptionist, my mom. Since the time of our opening we have expanded and now employ another full time attorney and four more office staff. As I am sure the rest of you know, the current economy has led to very difficult times in the workforce and an enormous increase in the need for our services. Blair concentrates on our most complex cases including Chapter 9's, 11's, and 12's. These types of bankruptcy's include people, businesses, family farmer's and government agencies dealing with both business and personal issues. Our new attorney, Jeffrey Kaufman, has been learning from Blair on the details of the complex cases, but is primarily focusing on the more fundamental Chapter 7 and 13's. Prior to coming over to us, he Interned with the Chapter 13 Trustee for the District of Idaho, which gave him a huge amount of inside knowledge on the inner workings of this type of bankruptcy. This fall, my two attorneys and I have the privilege of speaking in front of other local attorneys and staff regarding our practice. Hopefully providing tips and hints for the best ways to negotiate thru these types of bankruptcies. Blair and I are also doing a two part seminar about the personal Chapter 11's for IPE (Institute for Paralegal Education) with the first part being held on September 24. Over the past 3 years I have also worked hard on teaching the Paralegal Break-out Sessions at the yearly Idaho State Bar's Annual Bankruptcy Seminar. Working with these two attorneys and teaching these seminars has been a great learning experience and privilege for me!"

Thank you Mary Beth....you are doing a stellar job in juggling career, family and self.

On a personal note, during these past two years, my husband and I have been learning to deal with our 6 year old son's medical and emotional problems as well. In December 2009, he was diagnosed with PDD NOS (a form of Autism), ADHD, and Generalized Anxiety Disorder. We have known since before he was born that things were not 100% for him. Having him diagnosed was a HUGE relief to both of us. Aaron is now in the 1st grade and doing great. We could not have asked for a better school for him. He is in year round school where they have encouraged and helped us get him all the help he needs so we could start his therapy/support early. So far he has come a very long way in a very short time. He is the light of our lives and we can't imagine life without him. Thanks to the hard work of the school and his doctors he has been able to get on the IEP (Individualized Education Program) thru his school for extra help and has been accepted on the Katie Beckett Medicaid program. With everyone's continued support we believe he has a bright and happy future ahead of him. On a positive note, I have once again began training for a ½ marathon here in Boise in October. Running has been a passion of mine on and off for many years and now with the help we have received for Aaron, I am able to once again pursue this passion.

Well, ladies, we are just weeks away from the 2010 ABJA conference in exciting New Orleans and I'm sure we are in for an amazing educational program. I look forward to seeing all of you next month in New Orleans! May we all have a joyous and educational experience in the Big Easy!

In closing, I want to especially thank the ladies who have made my duties easier this year, by submitting informative newsletter articles and it has truly been a privilege and my pleasure to serve as your Ninth Circuit Representative for 2010. Thank you.



SPOTLIGHT ON JANNIS MEDINA, JA

AZ



Hello! My name is Jannis Medina, and I've had the pleasure and honor to be a Judicial Assistant to the Honorable Eileen W. Hollowell for the U.S. Bankruptcy Court, District of Arizona, for the past eight years.

Back in 1973 (way back!), while attending college, I worked part-time as a receptionist for a lawyer whose specialty was criminal defense. I recall delivering pleadings to be signed by a district court judge which, ironically, happens to be the **same** building (James A. Walsh Courthouse) where our bankruptcy court presently is located. As I waited for the JA, I was thinking and dreaming "WOW! Some day I would love to work for a judge in a courthouse like this." Since then, and for the next 29 years, I've been a legal secretary and paralegal in law firms that specialized in mining, litigation, probate, taxation, and corporate law.

In early 2002, Judge Hollowell was looking for a judicial assistant. Since I had no bankruptcy experience, I was hesitant to apply, but, nonetheless, I submitted my resumé, and I was thrilled when she called and offered me the position. I believe dreams DO come true. Not only has Judge Hollowell allowed me the opportunity to live the dream I had back in 1973, I am grateful to have her as a friend because she is a friend anyone would be lucky to have. I look forward to coming to work each day and doing the best I can for the best judge ever! Of course, no offense to any other judge.

My husband, Dan, and I have been married for 35 years. We have two children: Anissa (30 yrs) and Danny (28 yrs). We also have three grandchildren, Jacob (4 yrs), Ava (2½ yrs) and Matthew (9 mos), who we absolutely adore and feel very fortunate and blessed that we are able to spend much time with them. When we are not with the kids and grandkids, I enjoy going to the movies, reading, gardening, home projects, spending time with my "yaya" girlfriends and just relaxing.

I look forward to seeing you in New Orleans in October!



10th Circuit

By Thora Searle, D/UT

Hi - I hope everyone is enjoying the changing of the seasons. I love the Fall and Spring and the beauty that goes with those seasons.

Judy Morgan from the Western District of Oklahoma reports: August 11, 2010, **Sarah A. Hall** will be sworn in as our newest bankruptcy judge (this will be the private swearing in with the BIG one to follow later. She is replacing **Judge Luther Bohanon** who retired in February. We want to welcome Judge Hall to our Court.

Mary Anderson from New Mexico writes: I attended the CM/ECF Forum in Washington DC, August 31st and September 1st. As always, I learned a great deal. If you have the chance to attend a forum you should definitely go. There were quite a few Judicial Assistants there. We had several breakout sessions which were well attended and a great deal of information was exchanged. I spent the week with my daughter who lives in Fairfax, Virginia. She had just moved and I spent the week helping her unpack and arrange the apartment. It was wonderful. The weather was perfect. We are very busy here in New Mexico - our filings are up. Not as much as some places but busy for us.

Linda Kimes from Colorado says: Exercising is the only thing which keeps me breathing and in a positive spirit these days, what with our bankruptcy situation becoming more busy and stressful every day.

I am so grateful to those JA's in the 10th Circuit who have been faithful in supporting me with items for the newsletter and I am grateful to **Martie** for being so patient with me during the last several years. I will miss being in New Orleans this year because my husband and I were really looking forward to it. But, maybe next year it will be a little closer and we can make it. Good luck to all and have a great conference!



SPOTLIGHT ON ALEXIA BIBLE, JA.

ED/OK



The bankruptcy law has changed substantially since the beginning of my career in 1979 as a legal secretary for a firm of three attorneys. Between 1981 and 1988, I had the opportunity to work for six other attorneys. The experience gained by working with members of the local bar provided me with the knowledge and skills to pursue a career with the U. S. Bankruptcy Court for the Eastern District of Oklahoma, which began in 1988.

The first position I held was as the Deputy Clerk Records/Reproduction Clerk. In 1989, I was promoted to Electronic Court Recording Operator for Judge James E. Ryan, while continuing my position as Case Administrator. Upon the appointment of Judge Tom R. Cornish as Bankruptcy Judge for the Eastern District, I was promoted to the position of Courtroom Deputy in 1997. I was selected to serve as Judge Cornish's Judicial Assistant in 2004.

Dennis, my husband of 31 years, is a bivocational minister and is the Assistant Manager of the GSA department for the Muscogee Creek Nation. We have two married children. Our daughter, Laura, graduated from Oklahoma State University with a degree in Horticulture in 2006. Laura and her husband, Reggie, are both employed with Greenleaf Nursery in Park Hill, Oklahoma. Our son, Jesse, graduated from Oklahoma State University in 2007 with a degree in General Business with a concentration in pre-law. Jesse, who shares my passion for the legal field, is employed with the U. S. District Court for the Eastern District of Oklahoma. My daughter-in-law Sarah, recently graduated from Rogers State University with a degree in Business Marketing. Sarah is currently employed with the City of Okmulgee.

I feel privileged to have had the opportunity to work in the federal court system and to fulfill my desire to be a part of the legal profession. The challenges that the Court has experienced in the past few years have widened my knowledge of, and appreciation for, the many services provided by our judicial system.



11th Circuit

By Janet Payton, SD/GA

Greetings from the Eleventh Circuit!

Look forward to seeing you in New Orleans.

Cathy Dunlap (MD/GA) sent in the following: The **Honorable James P. Smith**, U.S. Bankruptcy Judge for the Middle District of Georgia was sworn in as a bankruptcy judge for the Middle District of Georgia on February 22, 2010. A formal investiture ceremony was conducted on April 28, 2010 before a capacity crowd in the William Augustus Bootle Federal Courthouse in Macon, Georgia, followed by a reception at Macon's historic Hay House.

Judge Smith is a graduate of Oxford College of Emory University (A.A., 1976) and the University of Georgia (B.B.A., 1978; MBA, 1981; J.D., *Cum Laude* 1981). He is admitted to practice in the State and Appellate Courts of Georgia, U.S. District Courts for the Middle, Northern, and Southern Districts of Georgia, and the Eleventh Circuit Court of Appeals.



Judge Smith

He was a co-author of *Business Associations*, an Annual Survey of Georgia Law, Mercer Law Review, 1983. He is a graduate of the Leadership Macon program and served on the Board of Leadership Macon. He is currently president of the Central Georgia Council of the Boy Scouts of America. Judge Smith was also a member of the University of Georgia Law School Alumni Council previously serving as president, treasurer and secretary. He is an active member of the

(Cont'd. to pg. 22)



Lotus Connections

By: John Leonard, SDDS, AO

Beginning later this Fall, the Administrative Office will make available to all court employees "Lotus Connections." Lotus Connections is a browser-based social software product that enables court staff to communicate, collaborate, and share resources within a unified space. Connections is composed of widgets (mini applications) designed for a specific business purpose, such as collecting important links and bookmarks, setting up and tracking team activities, creating individual profiles and allowing for the development of on-line communities.

A demonstration of the Lotus Connections community will take place at the ABA Conference in New Orleans.

A "draft" version of a community created for the ABA can be found at the following link:

<https://connections.uscourts.gov/communities/service/html/communityview?communityUuid=2595f315-8dc9-429e-929e-837fc933eec0>

To access the community you will need your Lotus Notes Internet Address and Lotus Notes Password.

For additional information on Lotus Connections and to view a variety of training materials please visit the AO/SDDSs Training Branch web page at following link: <http://www.aotx.ao.dcn/training/coursedesc.asp?courseid=803>

For any questions, you may contact John Leonard via email at John_leonard@aotx.uscourts.gov

11th Circuit... (cont'd. from pg. 21)

Macon Bar Association and the State Bar of Georgia, where he held the offices of chairman, secretary, treasurer and legislative liaison of the Bankruptcy Section and also served on its Board of Directors. He was also a member of the State of Georgia Board of Examiners from 2007 to 2010.

Judge Smith was a frequent lecturer on various bankruptcy topics, was named a "Georgia Super Lawyer" by *Atlanta Magazine* for his work in Bankruptcy & Workouts. He has been recognized in the "Best Lawyers in America." He was awarded an "AV" rating from the Martindale-Hubbell Law Directory.

He began his practice with the law firm of Kaplan & Thomason, and has practiced law in the State of Georgia since 1981. Judge Smith was a partner with the law office of Arnall Golden Gregory, L.L.P. in Macon, Georgia for approximately twenty years and then joined the firm of Stone & Baxter in 2005.

Martie Kantor (FL/N) attended the CM/ECF Operational Practices Forum in Washington, DC on August 31—September 1. There were 625 attendees from around the country and said the 11th Circuit was well represented.

In addition to herself, **Patsy Burkhalter**, (GA/S); **Lisa Murrill** (AL/S) and **Monica Tabb** (AL/N) were amongst a group of 37 JA's who attended. Also, from Patsy's court were three CBA's - **Cherish Amerson**, **Lainie Saul** and **Courtney Neibel**.

Others from our circuit were: **Jacqueline Antillon** (FL/S); **Christine Baker** (FL/M); **Leigh Barfield** (GA/M); **Lee Ann Bennett** (FL/M); **Deanna Berrier** (FL/M); **Antoinette Brooks** (AL/S); **Melissa Brown** (AL/N); **Bernice Brown** (GA/N); **Rhetta Cater** (AL/N); **Tammie Clayton** (AL/N); **Kathy Conn** (FL/N); **David Cook** (AL/S); **Tracey Couling** (AL/S); **Kevin Davis** (FL/N); **Lisa Davis** (FL/N); **Gary Drake** (GA/N); **Lisa Drescher** (GA/S); **Lynne Duncan** (GA/M); **Joe Falzone** (FL/S); **Katherine Feldman** (FL/S); **Julie Gibson** (FL/N); **Danielle Greco** (AL/N); **Ellen Haas** (FL/S); **John Halloran** (GA/N); **Melinda Hardwick** (GA/N); **Pauline Heffernan** (AL/S); **Karen Hogan** (AL/N); **Brue Justham** (FL/N); **Rhonda King** (AL/M); **Cynthia Klopp** (FL/S); **Chris LaCoursiere** (FL/S); **Scooter LeMay** (AL/M); **Junying Li** (GA/N); **Melinda Martin** (AL/N); **Melissa McClure** (FL/N); **Shannon Morris** (GA/N); **Amber Nickell** (GA/M); **Ryan Pace** (GA/S); **Craig Raber** (AL/N); **Vicky Rayburn** (GA/S); **Erwin Ruiz** (FL/S); **Michael Schumpert** (FL/M); **Michael Shadburn** (FL/M); **Raymond Waguespack** (FL/M); **Theresa Waite** (GA/M); **Gull Weaver** (FL/M); **Doug Wedge** (AL/N); **Irene Wiggins** (GA/N); **Deanna Williams** (AL/M); and **Dough Young** (AL/M).

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GRAMMAR GREMLINS

By Don Ferguson, ED/TN

The Use of Plus

Much has been written about the word *plus* and whether it is acceptable in certain senses.

It is a handy and popular word in speech, but its use in some written forms can draw criticism.

Sometimes it is used as a conjunction to link two clauses. Example: "He arrived far too late, plus he forgot his report." Here it is a substitute for *and*.

Other times, *plus* is used as an adverb to introduce a sentence. Example: "Plus, every member is planning to attend, so the meeting should be successful."

These uses in formal writing have been criticized, but this criticism doesn't seem to affect their popularity in speech.

Waiting On or For

If you delay a meeting to await someone's arrival, are you *waiting for* or *waiting on* that person?

Although the *on* version is often considered objectionable in standard usage, it is used in a large part of the country, especially in speech.

Standard usage calls for *waiting for* in the sense of waiting for someone or something to arrive.

Waiting on should be used in the sense of serving someone, as in a restaurant. Incidentally, the occupations of those who wait on you are *waitering* and *waitressing*. Example: "She did waitressing to supplement her income."



Don K. Ferguson, Eastern District of Tennessee, welcomes comments and questions via telephone, 865-545-4234, extension 222, or by email at Don.Ferguson@TNED.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.

DO YOU KNOW WHEN YOUR CERTIFICATION EXPIRES?

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

COMMITTEE REPORTS

Conference Committee

By Marleen Young, NJ



Hopefully by now, everyone has received the program for the upcoming 2010 Conference in New Orleans and has made their plans to attend. (See email from Sally Hanson of 8/05/10 with attachment).

Please consult this brochure/program before you leave so that you don't miss anything that we have pointed out of interest for your stay. October is a very popular month for conferences so space is limited at the hotel. If you have any questions, please contact me by email at Marleen_Young@nj.uscourts.gov.

This year's conference promises to be wonderful and is packed with great speakers. If you have never attended a conference before, this would be a good one to attend since we are holding our conference at the same time/location as the judges who are attending the National Conference of Bankruptcy Judges conference. This affords us the opportunity to get more judges to speak since they are already there in New Orleans.



Marleen, JoAnne & Cathy

The city of New Orleans has been through a lot of turmoil over the past couple of years but she always rises to the top to provide a safe, exciting location for visitors. We should show our support for this richly historic city by attending and supporting the local hotels, restaurants and shops.

In an effort to save the association money, we will not be printing out the program to distribute at the conference and ask that everyone print and bring their own copy for reference. The agenda will be posted at the registration table at the hotel.

Registration closed on September 13, 2010.

See everyone in the "Big Easy"!

Certification for Bankruptcy Assistants Committee

By Ann Virgadamo, ED/LA



I can't wait to see ya'll in New Orleans this year! The year is going by so fast, and the Annual Educational Conference and CBA seminar is here already. I was worried about the oil spill, and how it would affect our attendance, but it has not. Our seafood is still excellent and plentiful.

The study guide is now updated and reprinted. As always, **Mary Morrison**, requested West/Thomson to donate copies of the Norton Quick-Reference Pamphlet for use at the CBA seminar, and they have complied once more. It is helpful to receive these pamphlets, because it's useful to have when the Code and Rules are taught at the seminar.

In a coordinating effort for the CBA seminar, the Continuing Education Committee, along with the Circuit Reps and Public Relations Committee, sent letters and registration forms through email covering the states in the surrounding area as well as contacting the various state bar associations and local counsel.

The CBA lists from the different seminars are constantly being updated and is growing – there are active and inactive lists, and the lists have been separated into the city/state in which the seminar was given. We receive CLE/CEUs from the CBAs throughout the year and those lists are constantly updated. The active and inactive lists are then posted on the website.

If anyone needs the CBA forms, they are all on the website.

A new brochure was compiled with all of the JA's, Legal Assistants, and Paralegals who attended and passed the exam. It was emailed to the new applicants to show the accomplishment of the CBA Program, in hopes to get a larger group this year. We will also have copies available at the seminar if you have not seen it. It is a great accomplishment to have your name on this list.

The cities and states that CBA seminars have been held through the past years are Minneapolis, MN; twice in Orlando, FL; Savannah, GA; San Diego, CA; New Orleans, LA; Charleston, S.C.; Atlantic City, NJ; Nashville, TN.; Las Vegas, NV; Portland, OR; San Antonio, TX; Baltimore, MD; and of course back in New Orleans,

Thanks to all of you who have supported this program.



Continuing Education Committee

By: Cindy Korbol, WD/WI

This year's annual educational conference is just around the corner. Right now we have 73 JAs/secretaries registered, and that's a great turnout. Our attendance remains high each year, and that makes all of the hard work in putting the conference together worthwhile. Our Committee hopes that the courses offered will be informative and interesting and that you take something back home with you that you can use in your work or in your personal life.

This year the Committee has spent most of its time lining up speakers and handling the logistics for the various courses that will be offered in New Orleans. We've made some adjustments to the agenda since the conference brochure was sent out. The AO has approved the final agenda as being in accordance with the Director's guidelines for use of the chambers training funds, and it is now posted on the ABA's website at abja.org.

When putting together this year's program, we found that whenever we asked one of our judges to do a presentation, they readily accepted. We are fortunate to have nine judges dropping by the Ritz to speak to us. We'll also have a chance to meet the Judges at the NCBJ reception on Wednesday evening. Without the support of our judges and the NCBJ, our committee would not be able to offer the high quality training that we have experienced over the years.

John Leonard, Chief of the San Antonio Training Center, will be doing an IT update class for us on integrating the use of Lotus Mail, Calendar, Sametime Chat, Sametime Meeting, Quickr, and Connections. He has already started our own private ABA community within Lotus Connections (sort of like Facebook, but a private community just for us). For those of you that aren't able to attend the conference, we will include instructions in the next newsletter as to how to join our new community. **[Editor's Note: Separate article by John Leonard has been included in this issue .. See page 7].**

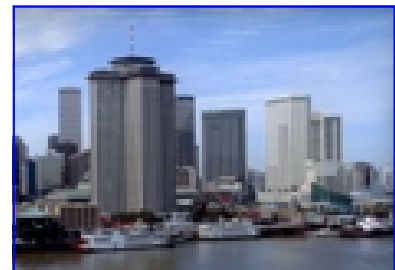
If You Need CEU Credits:

For those JAs/secretaries that are not able to attend this year's conference, don't forget that you can get your CEU credits in other ways: by participating in videoconferencing, online courses (perhaps taking a course offered through the Judiciary Online University (JOU)), or watching a class offered on the FJTN. The J-Net is a good resource for finding FJC online education. This past year the AO introduced an online Chambers Staff Training Room that was developed in collaboration with the Judges' Secretaries Advisory Group. The Training Room contains video presentations by subject-matter experts and reference materials on topics relevant to chambers staff. The Training Room is available on the J-Net under Judge's Corner. If you find a course that interests you, please contact Ann Virgadamo to make sure it meets the necessary criteria for CEU credits.

Legal assistants, paralegals, and all other CBAs can attend a seminar offered by your local Bar association or perhaps find courses offered over the internet. If you find a course that interests you, please contact [Ann Virgadamo \(ann_virgadamo@laeb.uscourts.gov\)](mailto:ann_virgadamo@laeb.uscourts.gov) to find out if a particular course meets the criteria for a credited course.

On a final note, we are already starting to think about next year's program, so if there is any particular training that you would like to see offered, please let us know. We would love your input.

We look forward to seeing you at the ABA Annual Educational Conference next month in New Orleans!





Membership Committee

By Sherie Hitch, ED/MI

I can't believe another year has gone by!! Thank you to the large number of ABA members who renew their memberships from year to year! Thank you everyone for your 2010 recruiting and referral efforts.

Each year the Membership Committee has a membership drive and the Committee awards free and discounted memberships to those who participate in the drive and meet the drive incentive criteria. Early next year, check the ABA website for 2011 membership drive information www.aba.org.

The ABA membership photo directory is available on the ABA website within the password-protected Members Only section.

Thanks to everyone involved who make the Association of Bankruptcy Judicial Assistants a success.



Nominations Committee

By: Cindy Courtney, MD/FL

The ballots have been mailed—each member by now should have received a ballot for the upcoming elections. Thank you so very much to the members listed below who have agreed to place their names on the ballot, thereby indicating their willingness to get involved, or continue their involvement, in our ABA!

President Elect: Barb Sutton (8th Circuit)

Secretary: Susan Miller (5th Circuit)
Laura Stevenson (11th Circuit)

Treasurer: Dana Muccie (3rd Circuit)

Circuit Representatives:

1st Circuit:	Kate Kelly
2nd Circuit:	Vivian Green
3rd Circuit:	Laura Frick Nicole Ramos
4th Circuit:	Pamela Barnes
5th Circuit:	Shelby Wimberley
6th Circuit:	Cindy Odle
7th Circuit:	Kathy Wachtel
8th Circuit:	Kelli Platt
9th Circuit:	Connie Ray
10th Circuit:	Alexia Bible
11th Circuit:	Patsy Burkhalter

(Cont'd. on pg. 26)

Nominations (cont'd. from pg. 25)

Also included with the ballot is the proposed amendment to the ABJA Bylaws regarding the Standing Committee name in Bylaw 7.2 (b), changing the name from "Continuing Legal Education" to "Education and Training." Please be sure to circle YES or NO on the proposed amendment page.

If you are unable to attend this year's Business Meeting at our Conference in New Orleans, please be sure to mail your ballot following the instructions included with your ballot **NO LATER THAN SEPTEMBER 30TH.**



Support & Assistance Committee

By Penny Brellenthin, WD/WI

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

1. In June, a card was sent to **Elaine Coker** (6th Circuit, Tennessee), JA to **Judge George C. Paine, II**, following gallbladder surgery.
2. In June, a card was sent to Judge George C. Paine, II (6th Circuit, Tennessee), following surgery to remove a cancerous mass on his liver, plus removal of a kidney and some lymph nodes.
3. In September, a sympathy card was sent to **Jannis Medina**, JA (9th Circ.) following the loss of her nephew, Martin Lugo, Jr., who was killed in action in the war.



Please don't hesitate to contact me if you know of an ABJA member or their family who could use our thoughts and prayers.



Website Committee

By Sherie Hitch, ED/MI



Please visit www.abja.org for the latest Association of Bankruptcy Judicial Assistants news, membership information, and annual conference updates. If you would like to talk to an ABJA representative start by contacting your Circuit Representative listed on the ABJA Communications list found at www.abja.org/Communication.htm.

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



Check out our website -
www.abja.org

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 all Judicial Assistants, Bankruptcy Judges and active Certified Bankruptcy Assistants.. 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

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850-521-5031



FROM THE EDITOR ...

It's that time of year again and most of the country is finally starting to get a reprieve from the heat. As much as I love living in Florida, the heat and humidity can be unbearable .

We are a little more than three weeks out from our conference in New Orleans and while we had some concerns initially about the Gulf oil spill and whether it would have an impact on attendance, our fears were definitely laid to rest in that we are going to have a record attendance for our Advanced Bankruptcy Seminar. I'm sure that it is not only due to the location and our agenda, but also in large part to the fact that we are once again fortunate to have so many of our judges participate in our program. I understand we have almost 100 registered for Thursday alone. In addition to the excellent training we have to look forward to, there will be the usual 'fun' activities which include door prizes and the ever popular cash raffle. I'm looking forward to seeing all of the familiar faces but hope to also see some new ones.

My thanks goes out to all who have contributed in some way to this issue. Even though getting articles timely continues to be a problem, when it's all said and done, there is always good information to be shared. Special thanks to **The Hon. Catherine McEwen** for once again offering to write our feature article. This is the second time Judge McEwen has stepped up to the plate and I am always appreciative when a judge makes my job just a little easier.

As you will notice, we also have several special articles in this issue. Thanks to **Alexia Bible** for sharing her experience at the Ops Forum; **Ann Virgadamo** about why we forget things; **Brenna Wallace via Sharon Angel** on their visit by several Russian judges; **John Leonard** with the SDSD in San Antonio alerting us on the new "Connections" site that is going to be a wonderful and useful tool for us; and **Turea Simpson**, CBA, on the rising role of the bankruptcy paralegal.

Also, my appreciation to **James Wannamaker** and **Don Ferguson** for their usual contributions

Since the next issue doesn't go out until January of next year, I hope everyone will enjoy the upcoming holidays and will be safe in their travels.

Martie