



Court News and Views

THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

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Clerk's Corner

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Welcome to the 13th edition of our Court News and Views. This past year has been a busy but good one!

New Judge Status: Bankruptcy Judge Dwight Williams retired on January 3, 2018, and the 11th Circuit is in the process of appointing his replacement. We will pass that information on as soon as the official announcement comes out. In the meantime, we have been fortunate to have Bankruptcy Judge Sims Crawford from the Northern District of Alabama (ALNB) help with many of our Monday dockets. We greatly appreciate his support and ALNB's willingness to allow him to help.

New Forms and Rules: You all know by now that a new chapter 13 plan, a number of new bankruptcy rules, and updated local rules went into effect on December 1, 2017. We had a few, minor bumps as it all rolled out, but things seem to be clicking now. As always, if you have questions, please don't hesitate to call our office at 334-954-3800.

Attorney Advisory Group: We are planning our next attorney advisory group meeting for early May (exact date to be determined). If you have feedback or issues you would like for us to discuss at the meeting, please contact one of the advisory group members (America Cross, Kristen Abbott, Bo Brown, Chuck Grainger, Paul Esco, and Cam Metcalf) and let them know. They will be happy to bring your comments to the group.

In this issue, although she's been the Chapter 13 Trustee for some time now, we have a biographical article on Sabrina McKinney and an article from her with chapter 13 trustee tips. We also have a number of tips from our office to help you make your practice easier and cleaner, a farewell and a welcome, and an article about the courthouse's recent Black History Month celebration.

As always, please let us know if there is anything we could be doing better. We want to hear from you! Until next time...

Appointment of Sabrina McKinney as Chapter 13 Trustee

Teresa Jacobs, Bankruptcy Administrator



Sabrina McKinney was appointed as the standing Chapter 13 Trustee for the Middle District of Alabama on April 4, 2017. Ms. McKinney had served as the acting trustee since August 2016 and is well-known to most practitioners from her nineteen years as a staff attorney in the chapter 13 trustee's office. Her appointment has brought familiarity and continuity to the chapter 13 trustee's office and the bankruptcy bench and bar.

A position of significant responsibility and trust, the Middle District chapter 13 trusteeship, with only one trustee, has one of the largest caseloads in the nation. Last year, the office disbursed approximately \$63,000,000 to creditors and \$14,000,000 to attorneys. Chapter 13 cases account for around 78% of the cases filed in this district. Ms. McKinney is exploring ways to ensure that the operations are as efficient as possible through using the latest technology.

Ms. McKinney holds a Bachelor of Arts in English and a minor in Political Science from Auburn University Montgomery. She obtained her Juris Doctor from Jones School of Law. When she is not evaluating chapter 13 plans, conducting 341 meetings of creditors, appearing on behalf of the chapter 13 trustee in court, participating in CLE seminars, and managing the staff of over 30 employees, Ms. McKinney is involved in a number of volunteer organizations. She presently serves on the board of directors for the Autauga County Cattleman's Association as the immediate past president and has held various offices in that organization. She also serves on the state board of directors as a Regional Vice President for the Alabama Cattlemen Association and is a member of the Alabama Angus Association, National Beef Association, and Alabama Farmers Federation.

Ms. McKinney is also active in numerous professional associations including the National Association of Chapter 13 Trustees. She served as Chair of the Bankruptcy and Commercial Law Section of the Alabama State Bar in 2013 and has held other offices with that organization in prior years. She chaired the Local Rules Committee for the Bankruptcy Court for the Middle District of Alabama, and is currently on the Alabama State Bar's Unauthorized Practice of Law committee.

Ms. McKinney has been married to Kirk McKinney for 31 years. Both are natives of Autauga County where they now live. Mr. McKinney works for Jones Brothers Farms, a diversified farming operation in Autauga County with cow, cotton, peanut, and hay operations. Together, they raised angus cattle for many years.

Attorney Contributions

Trustee's Tips

Sabrina McKinney, Chapter 13 Trustee

This past year has seen many changes in the trustee's office, and we appreciate your continued patience during this time of transition. We are all busy at the trustee's office exploring new options to improve our office automation and to provide additional services to you all to allow us to administer the chapter 13 cases in the most efficient manner possible.

One new option we have just implemented is a new service to the bar called "13documents." 13documents is a secure web portal used to quickly and securely send documents and messages to the trustee's office for upload directly to the trustee's case management system for processing and review. Instead of emailing documents such as tax values, broker's opinions, and other information for confirmation which in turn has to be forwarded to the proper person handling the docket, the information can be uploaded to 13documents for processing. Once the document is received by 13documents it is encrypted and then uploaded directly to the trustee's system. It is quick, efficient, and secure and the service is available at no cost to the bar. Please go to our website and follow the link to register for 13documents. It has been tested and is now available for your use.

We also have a new ePay service available to debtors through www.tfsbillpay.com. This new service has many additional options for debtors that were not available through our Suntrust service. We continue to use the Suntrust ePay service, so we now have two options for debtors to use for making their payments electronically.

At your request, we have begun uploading our court calendar to the website for your use and review. You will find the schedule for which attorney is covering which docket by clicking the link for chapter 13 court calendars and then clicking on the Dockets tab.

In an effort to make the judges' dockets run more smoothly, we are asking you all to step up the timing of any amendments or documents that need to be submitted for consideration. Judge Sawyer recently signed an administrative order requiring all filings or documents for the Monday Montgomery docket to be submitted or filed before 5:00 p.m. on the preceding Wednesday. (Please see Judge Sawyer's Administrative Order dated 1/19/2018 governing procedures in Northern Division cases.) For the Wednesday dockets in Opelika and Dothan, we would appreciate your filings or document submissions be sent before 5:00 p.m. on the preceding Friday. We think that if the filings are submitted in a timely fashion by these deadlines it may assist the Court in preventing unwanted continuances.

Section 521(e)(2)(A) requires debtors to provide the trustee with a copy of their most recent tax returns no later than 7 days prior to the first setting of the meeting of creditors. We continue to have issues with the receipt of tax returns. This is such a simple issue, but it seems to be our office's most frequent objection to confirmation. If your client doesn't provide you with their tax returns by the date they sign the petition, we recommend that you order a tax transcript from the IRS at that time. If the transcript is requested at the time of filing, it will be received in time for the meeting of creditors. Please email the debtor's tax returns to our tax return email box at taxreturns@ch13mdal.org.

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As you may already know, we upgraded our email servers in February. As part of the server migration project we changed all of our email addresses. Our new email addresses are formatted as follows: lastnamefirstinitial@ch13mdal.org. Please update your address books to reflect our new email addresses.

We would like to welcome our two new staff attorneys Audrey Willis and Jessica Trotman to the trustee's office. We are excited to have them here, and we hope you all will welcome them as you see them in court over the coming months.

In closing, I would like to thank you all again for your patience during this time of transition. As I said earlier, we are working diligently to make this office more efficient for the bench and bar. If there is anything I can do for you or if you have any suggestions or comments for us, please do not hesitate to contact me. Please keep an eye on our website www.ch13mdal.com for additional updates and announcements regarding changes and additional services to be offered to the bar over the coming months.

From the Clerk's Office

IT Tips

Brian Suckman, IT Manager

Electronic Bankruptcy Noticing (EBN) - Tired of receiving physical mail notices for court events? Wish there was a better way to go digital for court notices? Then EBN is for you. By signing up for electronic notices, you will have centralized routing for all of your notices, the ability to store notices in a convenient electronic format, and 24/7 access to your notices, and you will receive notices the same day they are sent.

When you sign up with EBN (<http://ebn.uscourts.gov/>), you will enter the digital age of court noticing. For smaller firms, the **email option** may be the best way to go. However, if you are a creditor who receives many notices, you might want to consider the **electronic data interchange option**. Visit the EBN website to learn more about these options for electronic delivery of notices.

Updating Your CM/ECF Contact Information - Please take a minute to review your contact information in CM/ECF. Anytime your contact information changes, you need to update it. The information is displayed to other parties and is used for the court and the BNC to communicate with you. To review your information, go to the Utilities menu, click on Maintain Your ECF Account, and make any changes necessary.

PRACTICE TIPS FROM THE CLERK'S OFFICE

Redactions - Rule 9037 governs what must be redacted from court filings.

The first thing to understand about a redacted document is what it is not: it is not a new document completed without the privacy information that was in the original document. A redacted document is a complete copy of the original document with the privacy information blacked out in such a way that the underlying information is no longer visible.

When you realize you have filed a document containing privacy information, please follow these steps:

1. File a motion to redact. The filing fee for a motion to redact is \$25.00, and it must be paid for each case in which you need to make redactions. If you have multiple redactions in the same case, the filing fee is just \$25.00 for the case.

2. When the judge grants your motion, he will do two things. First, he will direct the clerk's office to restrict public access to the document containing the privacy information, then he will direct you to file a properly redacted document within seven days of the date of his order.

3. To file your redacted document, go to the Miscellaneous events in CM/ECF, and scroll down to Redacted Replacement Document. Use that event to file your redacted replacement.

If you have questions, please don't hesitate to call Tonya at 334-954-3811. She is always happy to help.

Want to save \$\$ on Rule 1019 conversions? Follow this practice tip!

If you file your schedules within 14 days of filing your petition, you won't have to pay a fee. But if you file any schedule after 14 days, you have to use the amended schedule event in CM/ECF and pay whatever fees are due. Remember: pay on time and save \$\$!

2nd Notice: Payee on Remittances - Please remind your clients to make money orders and cashier's checks payable to the U.S. Bankruptcy Court, not to Juan-Carlos Guerrero. We continue to receive numerous money orders and cashier's checks made payable to him, and we have begun returning those checks to the senders.

After the clerk's office enters the 341 meeting of creditors, all pleadings and other documents filed thereafter must have the case number on the documents.

In chapter 13 cases that have paid out their plans, please wait until the trustee's office files the trustee's notice of completion of plan payments before you file the motion for chapter 13 discharge and the financial management certificate. The clerk's office will then file the notice of final requirements necessary for discharge.

Before you file a certificate of credit counseling, please make sure the name on the certificate is correct.

When you file anything amended, you must relate it to the docket number it amends.

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When you file a document, make sure it is legible. Some people are copying forms over and over, and after a while the images get distorted. Please visit our web site at <http://www.almb.uscourts.gov/> and click on the Forms tab to get (and use) clean copies.

When you file a new case, please show the debtor's full name: first, middle, and last (and any additional names they have used). This will keep you from having to file an amended petition later.



FAREWELL YVONNE

by Henrietta Foster, HR Manager



After 30 years with the court Yvonne Pelham, case administrator supervisor, retired on July 31, 2017. We wish her well in her retirement and in all of her future endeavors.

HELLO DEANNA

The new case administrator supervisor for our office is DeAnna Williams. DeAnna has been with the court for 27 years, and she brings a vast amount of knowledge and experience to the position. We are pleased to welcome her to the position.





Henrietta Foster; U.S. Attorney, Louis V. Franklin, Sr.; and Chief U.S. District Judge, W. Keith Watkins (3rd, 4th, and 5th in line) surrounded by members of Tuskegee University's Men's Glee Club

A Celebration of Black History Month by Henrietta Foster, HR Manager

February 22, 2018, marked our eleventh annual black history month celebration. Chief U.S. District Judge W. Keith Watkins presided over the celebration, themed “The Strength In Our Past Gives Us Faith In Our Future.”

The keynote speaker, U.S. Attorney Louis V. Franklin, Sr., gave a thought-provoking and challenging speech on exercising Constitutional rights.

The Tuskegee University Men's Glee Club provided the entertainment for the program, performing excellent renditions of “Down by the Riverside” and “I Couldn't Hear Nobody Pray.”