



A Biannual Publication of the
U. S. Bankruptcy Court - Middle District of Alabama

Volume Two | November 2011

COURT News & Views

United States Bankruptcy Court | Middle District of Alabama | One Church Street | Montgomery, AL 36104 | 334-954-3800

CLERK'S COLUMN

JC Guerrero

Welcome to the second edition of our biannual newsletter. We received positive feedback on our first newsletter so we will keep sending out this newsletter until we hear otherwise. Please continue to give us feedback on the newsletter—good or bad. Our goal is for the information in these newsletters to be hard-hitting and useful to all of our customers.

Goal setting

Speaking of goals, every year we sit down as an organization to set goals for the upcoming year. In fact, that is one of the great things about being a part of this organization. We have the luxury of having an absolute wealth of experience in this office. Because of that, most of the folks in this office could set their work on autopilot. However, these fine professionals are always looking for ways to accomplish more each year and to get better as a group.

While the goals we set each year are aimed at all aspects of the office (case processing, human resources, training, IT, etc.), every year we make sure at least one of our major goals pertains to customer service. For example, in 2009 we began holding attorney forums in all three divisions to give our attorneys an opportunity to be heard in an informal setting on how we could improve our service. We have continued holding these forums ever since. In 2010, we initiated an attorney advisory group made up of attorneys from all of our divisions and have been holding meetings with them twice per year. We will continue to hold meetings with them annually. Lastly, in May of this year we began sending out this newsletter. We will send these out twice a year in May and November.

We recently sat down as an office to plan out our goals for 2012. While we came up with a few potential customer service goals, we would love to hear from you. Please feel free to give us your ideas on how we can better serve you in 2012 and give us feedback on our past initiatives. Are they worthwhile? Please e-mail comments to IT@almb.uscourts.gov.

Keeping you apprised of changes

We have been posting messages on our webpage recently regarding several upcoming changes—from filing fee cost increases, to significant rule amendment changes effective December 1st, to PACER fee increases effective next April. Please keep checking our webpage for updates—www.almb.uscourts.gov. Additionally, we try to send e-mail messages pertaining to these types of issues to all of our CM/ECF users. If you have not been receiving these messages and would like to receive them, please e-mail us at IT@almb.uscourts.gov or call us at 334 954-3800 and we will add you to the list.

Let me close by wishing all of you a happy and healthy holiday season. Thank you for all you do to help make the bankruptcy process in the Middle District of Alabama as smooth and as efficient as possible.

Financial Facts

Filing Fees

Filing fees increased on November 1. Please visit our website (www.almb.uscourts.gov) for a complete listing of the new fees.

Motion to Reopen Fee

We have recently had some questions regarding the fee to reopen a case. In general, a fee payment is required for a motion to reopen **except** in the following situations:

- ◆ When the reopening is to correct an administrative error made by the clerk of the court;
- ◆ When a debtor files a motion to reopen a case based upon an alleged violation of the terms of the discharge under 11 U.S.C. §524; or
- ◆ To permit a party to file a complaint to obtain a determination under Rule 4007(b).

The most common question concerns cases closed without a discharge entered because a financial management course certificate was not timely filed. In these cases, a fee is required.

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Janet Clark
Financial Administrator

BENCH NOTES

DEATH AND BANKRUPTCY

When a debtor dies during the pendency of a bankruptcy case, the debtor's attorney should look to Fed. R. Bankr. Proc. 1016 for procedural direction. If the debtor's case is one under chapter 7, the debtor's death or incompetency has no effect upon the continuation of the administration of the estate. Therefore, the debtor's attorney should do nothing more than file a suggestion of death under the "notice" category of CM/ECF rather than the "motion" category. The deceased chapter 7 debtor may still receive a discharge in bankruptcy, but counsel, in most cases, should file a motion to excuse the filing of certifications that are otherwise a prerequisite to the entry of an order of discharge.

If the deceased debtor's case is one under chapters 11, 12, or 13, the rules and procedures are quite different. Under Fed. R. Bankr. Proc. 1016, the case is due to be dismissed unless further administration is possible and it is in the best interest of the estate and creditors. Bear in mind that a discharge in bankruptcy may be more preferable to the debtor's heirs than the probate administration of the deceased's estate in State court.

As in the chapter 7 setting, the attorney for a deceased debtor in a chapter 11, 12, or 13 case should file a suggestion of death under the court's CM/ECF system using the "notice" rather than the "motion" event. What differs, however, is that some indication should be made in the suggestion of death regarding whether further administration of the bankruptcy estate is possible and in the best interest of the parties. If further administration is possible and it is in the best interest of the parties, the court will take no further action regarding the notice of debtor's death, and the case will continue unabated. On the other hand, if further administration is not possible nor in the best interest of the parties, the court will enter an order dismissing the case prospectively unless a timely objection to the dismissal is filed.

DEANNA WILLIAMS

The Spotlight's on you...

DeAnna Williams is our Data Quality Analyst. In that position, her main responsibility is keeping our Case Management/Electronic Case Filing (CM/ECF) system up-to-date and running efficiently and effectively. DeAnna is celebrating her 20-year anniversary with the Bankruptcy Court.

DeAnna was born in Houston, Texas and grew up mainly in Alexandria, Louisiana. Her stepfather spent his career in the Air Force and so DeAnna also had an opportunity to live in Germany for a short time. His last assignment was at Maxwell Air Force Base in Montgomery where he retired.

She graduated from Prattville High School in 1985 and attended Auburn University at Montgomery. She began her career in the insurance industry. Luckily for us, in 1991, she heard about a position opening up here in the court. She applied and was selected.

DeAnna began working as a Chapter 13 Claims Clerk. When that position moved to the Chapter 13 Trustee's Office, she became a Chapter 7 Case Administrator and eventually became a Case Administrator as we know them today (covering all chapters). In 2004, the Data Quality Analyst position opened up. DeAnna applied and was selected. Her experience and personality made her a perfect fit.

Her important position continues to grow as the years go on. In addition to handling the ECF dictionary and the ECF events, she is responsible for tracking and reporting all of our statistics. She also handles our ECF customer service line where she fields daily questions from attorneys and other ECF users. She is also a member of our attorney training team, primary author of our ECF manual revision, and leads all of our ECF revision testing.

DeAnna is a super employee with a fantastic attitude providing excellent service to all of our customers. We are fortunate to have her. Congratulations on 20 great years, DeAnna!

Continuity of Operations (COOP) Planning in the Middle District of Alabama

Henrietta Foster

HR Manager

The terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001 were tragic events that will forever be etched in the memory of our nation. We learned we should always be prepared for the unexpected. One of the ways we do that in the Federal Courts is to make sure we have a continuity of operations plan (COOP). COOP ensures essential business functions are conducted without interruption, and allows for resumption of normal services as quickly and safely as possible in times of natural disaster or terrorist attacks. Recently, Alabama Middle District Court, Bankruptcy Court, and the Bankruptcy Administrator's office completed two COOP drills. Drills were held at alternate sites located in Opelika, AL and Dothan, AL. Members of the Emergency Relocation Group (ERG) from each office reported to alternate sites equipped with their laptops. In an actual emergency the remainder of the staff would telework from home. Bottom line, the Middle District of Alabama is committed to providing continuous service to our customers no matter the circumstances.



Observations: A Case Administrator's Point of View

Linda Overton and Donna Wilcox



The bankruptcy attorneys who file regularly in our court are some of the best attorneys around. For the most part, the case administrators find very few errors. However, there are a few deficiencies we seem to run across more frequently than others. We thought it might be helpful to the attorneys who file bankruptcy cases in our court to know about some of these, so they can cut down on the deficiency notices or notice of submission errors they receive.

1. Filing fees are due when the new case or pleading is being filed - not the next day. Attorneys should make it a habit to pay these at the time the document is being filed. This will save you from having to receive a deficiency notice for the filing fee.
2. It is important for attorneys to cure deficiencies during the time frame allowed. As you all well know, when a Clerk's Notice of Dismissal has to be sent out, it keeps the Chapter 7 cases from being automatically discharged. This could result in a debtor not getting his or her discharge as soon as possible.
3. It is also a good practice to encourage the debtors to take their financial management class as soon as possible. The discharge in chapter 7 as well as chapter 13 cases are held up until the class certificate is filed. It is always a shame, especially in a chapter 13, when we have to close a case without the discharge just because the financial management course has not been taken.
4. Chapter 7 case attorneys who file an "Application to Pay Filing Fees in Installments" need to be aware of the dischargability date for their cases. In most instances, the deadline for the last payment in installments is later than the discharge date. The full filing fee must be paid in order for the discharge to enter.
5. When converting a case to a different chapter, please be mindful of the different requirements for the new chapter you are converting to, and include these with your conversion notice. This, too, will keep deficiency notices from having to be sent out.
6. A suggestion for new attorneys is to come by and visit the court before you file your first case. You will get a chance to look on the public terminal and see how a new case should look. We can also provide you individual training on our electronic case filing (ECF) system. New attorneys also need to register for a PACER account and to become an ECF filer. Once you do register, we have a wonderful IT staff that is available to help you with any problems you might encounter.
7. Last, but not least, when in doubt about filing something, please call us. It is so much easier for us to explain how to do something, than to correct a mistake that could have been avoided. It will save you time in the long run. We are happy to assist you in any way we can.

Amended Rules Effective Dec. 1, 2011



Doug Young
Chief Deputy Clerk

Amended Rule 3001 and New Rule 3002.1

Unless Congress enacts legislation to the contrary, new rule amendments and forms approved by the Judicial Conference at its September 2010

session will take effect on December 1, 2011. Of notable interest are amended Rule 3001 and new Rule 3002.1, which impose additional requirements on creditors, particularly to holders of claims secured by an interest in the debtor's principal residence.

Amended Rule 3001 prescribes additional information that must be filed with a proof of claim. For claims secured by an interest in the debtor's primary residence, the information must be provided using new [Official Form B10 Attachment A](#).

New Rule 3002.1 requires creditors to provide notice regarding any changes in post-petition mortgage payment amounts using new [Official Form B10 Supplement 1](#), as well as an itemized notice of any post petition fees, expenses, or charges using new [Official Form B10 Supplement 2](#). The new forms must also be filed on the claims register (rather than the court docket) as a supplement to the claim. Please see the Rule 3002.1 [quick reference table](#) listing particular subsections and related deadlines, service requirements, forms and ECF events.

For an in-depth look at all amended rules becoming effective December 1, please visit the court's Attorney Resources page at www.almb.uscourts.gov/resources/index.html or click [here](#).

(FINANCIAL FACTS, CONTINUED FROM PAGE 1)

Refunds

The Judicial Conference of the United States generally prohibits refunding filing fees, even if the party filed the case or pleading in error and even if the court dismisses the case or pleading. Possible exceptions are:

1. When the same pleading was filed twice. The most common reasons a pleading is filed twice are:
 - A. the clerk's office notifies the attorney that they need to resubmit a pleading
 - B. a pleading originally filed in the wrong case number is filed again in the correct case number, or
2. When an error was made by the clerk's office.

If you find yourself in one of the above situations, you have two options, depending on the timing:

- If possible, contact the Clerk's office financial department **before** you enter your credit card information. Janet Clark (334-954-3872) or Linda Bodden (334-954-3839) can then remove the second charge so that no overpayment occurs. In the event you cannot reach one of them immediately, do not enter your credit card information, even if you have to wait until the next day.
- If you have already entered your credit card information, you must then file a motion asking for the refund. If the motion is granted, the financial department will work to get the refund processed. Several signatures are required to process a refund, so it will take time to receive a refund.

PACER Fee Increase Effective April 1, 2012

In September 2011, the Judicial Conference of the United States (the Conference) authorized an increase in the Judiciary's electronic public access fee in response to increasing costs for maintaining and enhancing the electronic public access system. The increase in the electronic public access (EPA) fee, from \$.08 to \$.10 per page, will take effect on April 1, 2012. The change is needed to continue to support and improve the Public Access to Court Electronic Records (PACER) system, and to develop and implement the next generation of the Judiciary's Case Management/Electronic Case Filing system. The EPA fee has not been increased since 2005. As mandated by Congress, the EPA program is funded entirely through user fees set by the Conference.

The Conference was mindful of the impact such an increase could have on other public entities and on public users accessing the system to obtain information on a particular case. For this reason, local, state, and federal government agencies will be exempted from the increase for three years. Moreover, PACER users who do not accrue charges of more than \$15 in a quarterly billing cycle will not be charged a fee. (The current exemption is \$10 per quarter). The expanded exemption means that 75 to 80 percent of all users will still not pay fees.

Teresa R. Jacobs
Bankruptcy
Administrator
Middle District of
Alabama



ALM BANKRUPTCY SEMINARS

The Chapter 13 Trustee's Office and Bankruptcy Administrator's Office recently held CLE seminars in Montgomery, Dothan and Opelika entitled "Six Years Under BAPCPA - B22, Disposable Income, IFP Status, Discharge and FRBP Changes Effective 12/1/11". The seminars were approved by the Alabama State Bar for 3 hours of Continuing Legal Education credit and all ALM attorneys were invited. If you were unable to attend you may request the materials from Sabrina McKinney at mckinneys@ch13mdal.com

Montgomery §341 Meetings of Creditors

We anticipate that Montgomery §341 meetings of creditors will be held in Room 105 of the Frank M. Johnson, Jr. Federal Courthouse through January 2012. Please check §341 notices for the correct location for dates after that.

UNITED STATES
BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA



OUR MISSION
**TO UPHOLD THE INTEGRITY OF THE
BANKRUPTCY PROCESS AND INSPIRE PUBLIC
CONFIDENCE BY PROVIDING PROFESSIONAL,
COURTEOUS, AND EFFICIENT SERVICE.**

OUR GUIDING PRINCIPLES

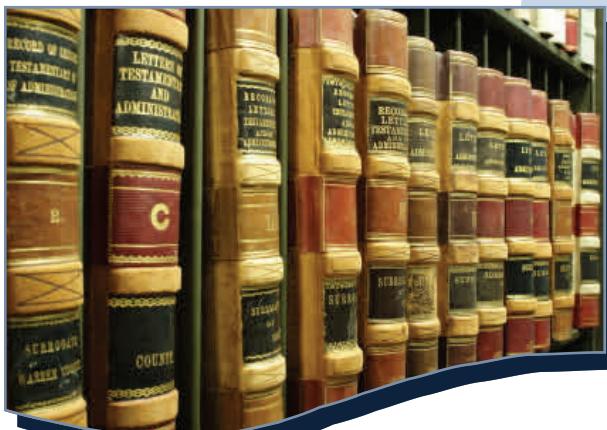
**INTEGRITY
SERVICE
INNOVATION
TEAMWORK
EXCELLENCE**

Practice Tips From The Local Bar

One problem in our practice is finding our debtors at the end of their Chapter 13 to have them sign the Motion to Discharge and have them complete the personal financial management course. One change we have made is having them complete the personal financial management course by their 341 hearing date to help with this issue. The other step we have taken is to have the debtor

provide contact information for other members of their family and/or friends. This way, we have alternate methods of contacting the debtor if the phone number or address provided is no longer valid. At a recent advisory committee meeting, one attorney offered that LexisNexis has a service that will provide current information with the history of address changes for a monthly fee. In addition, always check with the Chapter 13 trustee's office for any change of address information they may have in your attempts to reach your debtors.

Gail Donaldson
Bond, Botes, Shinn & Donaldson, P.C.





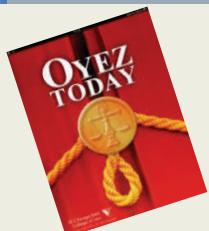
The Middle District of Alabama held festivities earlier this year celebrating the 100th birthday of the United States Courthouse located in Dothan, AL. The celebration and festivities included a ceremony honoring the facility and its service to the Middle District.

This courthouse is located in Dothan at 100 W. Troy Street and services the following counties: Coffee, Dale, Geneva, Henry and Houston.



TECH talk

LEGAL RESEARCH USING YOUR MOBILE DEVICE



OyezTodayHD is an easy to use, free app produced by Oyez at Chicago Kent College of Law. The app includes summaries of United States Supreme Court decisions, profiles of the justices, searchable audio of oral arguments and transcripts, ideology assessments of the justices based on Martin-Quinn scores, and more. Cases covered include the 2010 and 2011 terms. You can also mark favorite cases, save clips of oral arguments, and share citations.

Fastcase is a free app which includes access to primary law from all 50 states, as well as deep federal coverage going back to 1 U.S. 1, 1 F.2d 1, 1 F.Supp. 1, and 1 B.R. 1. The **Fastcase** collection includes cases, statutes, regulations, court rules, and constitutions. **Fastcase** also provides access to a newspaper archive, legal forms, and a one-stop PACER search of federal filings.



Many problems regarding the use of **Westlaw.com** on mobile devices have recently surfaced. The best option at this time is to utilize the **Westlaw Wireless** site <http://wl-w.com>. Enter your **Westlaw.com** login information so it can recognize you as a person authorized to use it under the AO contract. This mobile version of the site is optimized for use on mobile devices.

Information compiled by the librarians of the Eleventh Circuit United States Court of Appeals Libraries.



Ring...Ring!

Below is an updated telephone directory for the Clerk's Office.

MAIN LINE: (334) 954-3800

FACSIMILE TRANSCRIPTS	Main	954-3819	
	Desma Russell	954-3847	desma_russell@almb.uscourts.gov
	Rhonda King	954-3855	rhonda_king@almb.uscourts.gov
	Ramona Walker	954-3838	ramona_walker@almb.uscourts.gov
	Donna Wilcox	954-3854	donna_wilcox@almb.uscourts.gov
Juan-Carlos (JC) Guerrero	Clerk of Court	954-3800	jc_guerrero@almb.uscourts.gov
Doug Young	Chief Deputy Clerk	954-3811	doug_young@almb.uscourts.gov

HONORABLE DWIGHT H. WILLIAMS, JR.

Main Line

Faye Gregg	Judicial Assistant
Anna Williams	Law Clerk

Chief United States Bankruptcy Judge

954-3890

954-3891	faye_gregg@almb.uscourts.gov
954-3892	anna_williams@almb.uscourts.gov

HONORABLE WILLIAM R. SAWYER

Main Line

Julia Caro	Judicial Assistant
Marguerite DeVoll	Law Clerk

United States Bankruptcy Judge

954-3880

954-3881	julia_caro@almb.uscourts.gov
954-3882	marguerite_devoll@almb.uscourts.gov

Janice Vance	Courtroom Deputy for Judge Williams
Bill Livingston	Courtroom Deputy for Judge Sawyer
Jackie Canada	Courtroom Deputy

954-3845	janice_vance@almb.uscourts.gov
954-3846	bill_livingston@almb.uscourts.gov
954-3844	jacqueline_canada@almb.uscourts.gov

Linda Bodden	Financial Specialist	954-3839	linda_bodden@almb.uscourts.gov
Janet Clark	Financial Administrator	954-3872	janet_clark@almb.uscourts.gov
Henrietta Foster	Human Resources Manager	954-3850	henrietta_foster@almb.uscourts.gov
Butch Speed	Procurement/Project Manager	954-3815	butch_speed@almb.uscourts.gov
Scooter LeMay	Director, Information Technology	954-3848	scooter_lemay@almb.uscourts.gov
Tony Nolen	Network Specialist	954-3821	tony_nolen@almb.uscourts.gov
Kerwin Washington	Automation Support Specialist	954-3849	kerwin_washington@almb.uscourts.gov
DeAnna Williams	Data Quality Analyst	954-3853	deanna_williams@almb.uscourts.gov

Yvonne Pelham	Case Administration Supervisor	954-3859	yvonne_pelham@almb.uscourts.gov
Dianne Segrest	Sr. Case Administrator/Team Leader	954-3856	dianne_segrest@almb.uscourts.gov
Ramona Walker	Digit 0 Case Administrator	954-3838	ramona_walker@almb.uscourts.gov
Cynthia Sanders	Digit 1 Case Administrator	954-3858	cynthia_sanders@almb.uscourts.gov
Desma Russell	Digit 2 Case Administrator	954-3847	desma_russell@almb.uscourts.gov
Carrie Moore	Digit 3 Case Administrator	954-3842	carrie_moore@almb.uscourts.gov
Donna Wilcox	Digit 4 Case Administrator	954-3854	donna_wilcox@almb.uscourts.gov
Joyce Thorn	Digit 5 Case Administrator	954-3851	joyce_thorn@almb.uscourts.gov
Claudia Osborne	Digit 6 Case Administrator	954-3857	claudia_osborne@almb.uscourts.gov
Rhonda King	Digit 7 Case Administrator	954-3855	rhonda_king@almb.uscourts.gov
Elizabeth Walker	Digit 8 Case Administrator	954-3843	elizabeth_walker@almb.uscourts.gov
Janet Ingram	Digit 9 Case Administrator	954-3814	janet_ingram@almb.uscourts.gov
Linda Overton	Case Administrator	954-3852	linda_overton@almb.uscourts.gov