



VOLUME 3  
MAY 2012

## CLERK'S CORNER

*JC Guerrero*

Welcome to the third edition of *Court News and Views*. We continue to receive positive feedback on these newsletters. Let me begin by giving a few folks some well-deserved credit. While the newsletter is a team effort, Butch Speed and Henrietta Foster are the two folks leading the charge in producing the newsletters. Butch is in charge of the design and layout and Henrietta is responsible for going out and getting the information. I am proud of their efforts and the efforts of our whole team.

I am fortunate to be finishing up my third year with the Court at the end of May. I have really enjoyed my time here so far and while I am thankful for a lot of things about this Court, three items stick out:

First, our judges are not afraid to try new technology in order to continue to improve how we do business in our Court. This has allowed our office to be on the cutting edge with new programs that come out every year. Additionally, our judges work hard to be as consistent as possible on procedural rules. Please note however, as much as the judges strive to have uniform procedures, sometimes procedural differences can unwittingly arise. If you come across a difference in procedures, please let us know.

Second, our office is loaded with experienced and dedicated folks. These folks care about doing things the right way and strive to provide great customer service. As a quick case-in-point, you will read in this newsletter that we have begun a complete scrub of our Electronic Case Filing (ECF) dictionary events. Our goal is to restructure and reword some of our ECF events so they are easier to find and use and to eliminate those events that are redundant or not helpful. In order to do that, for over a month now, we have had anywhere from 5 to 10 of our staff meet every day for an hour to go through each and every event. This process will continue for several more weeks. While we could probably get away with leaving the ECF events alone and still "get the job done," our folks want to make the process better.

Third, in our Court, we are lucky to work every day with such a professional and dedicated group of trustees and attorneys. Whenever we ask for volunteers to sit on committees, attend attorney forum events, etc., we always receive a positive response. Thank you all for your continued support.

In this edition of *Court News and Views*, we have hopefully provided some useful and hard-hitting information regarding the happenings with the Bankruptcy Court in the Middle District of Alabama. Please give us feedback on the newsletter and anything else we are doing. Our e-mail address is [it@almb.uscourts.gov](mailto:it@almb.uscourts.gov) and our phone number is (334) 954-3800. Please take special note of the dates of our upcoming attorney forums in Montgomery, Dothan, and Opelika. We would love to see you all there and have the chance to talk and get your thoughts and ideas in these informal settings.

[www.almb.uscourts.gov](http://www.almb.uscourts.gov)

# COURT *News & Views*

A BIENNIAL PUBLICATION OF THE  
UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA



It's amazing that ten years ago the federal court family moved to our present location at One Church Street. Here are some interesting facts about our courthouse.

- ◆ The courthouse is over 290,000 square feet, stands 90 feet high, and is situated on a 5.4 acre site.
- ◆ The building is classical in nature with a modernist attitude. To accommodate the property's triangular shape, it was necessary to design the structure into a crescent shape creating a public plaza.
- ◆ The historically significant Greyhound Bus Station is located on the courthouse complex. The station was the site where the 1961 Freedom Riders' journey ended in violence.
- ◆ The exterior is Indiana limestone and is from the same quarries that supplied the stone for the adjacent Frank M. Johnson, Jr. Federal Building.

**Proper  
Service  
to the  
IRS**



**PLEASE BE ATTENTIVE TO  
THE PROPER NOTICING  
ADDRESS FOR THE  
INTERNAL REVENUE  
SERVICE**

**INTERNAL REVENUE SERVICE  
P. O. BOX 7346  
PHILADELPHIA, PA  
19101-7346**



## **JANICE VANCE: Celebrating 30 Years of Service**

Janice Vance, courtroom deputy for Chief Judge Dwight Williams, is celebrating 30 years with the Judiciary this month. We recently held a special luncheon to honor her dedicated service.

Jan's tenure with the court began in 1982 shortly before she graduated from Massey-Draughon Business College. She was hired by the clerk's office as a notice clerk on a temporary basis. After about a year, she received a permanent assignment to the clerk's office. Throughout the early part of her career, Jan held numerous positions in the clerk's office including: docket clerk, closed case clerk, case administrator, asset clerk, and operations specialist. In 1995, Jan and her family moved to Bessemer, Alabama. There, Jan was hired by the clerk's office for the Bankruptcy Court for the Northern District of Alabama. She and her family returned to Montgomery a year later and Jan was hired back by our clerk's office. In 2004, Jan was selected to be the courtroom deputy for Judge Williams.

Jan is well known for her positive attitude and her upbeat personality. Her work product is always top notch and she always strives to go above and beyond her duties. For example, she recently proposed a new and much needed procedure for handling exhibits after a case is closed. The procedure is now in place here in our court.

She is also very involved in charitable endeavors. She is a volunteer for Hospice of Montgomery. Additionally, she has co-lead our court's Combined Federal Campaign (CFC) every year since 2003. During her tenure as co-lead, our court won the CFC's Gold Award every single year for the past nine years and on the average has more than doubled the financial goal set for our court.

Jan is the daughter of Josie Parker and the late Henry Parker. She was born in Bessemer, AL and has two brothers, Henry Parker, Jr. and Errol Johnson and one sister, Barbara Carter. Shortly after graduating from Jesse Lanier High School, Jan married her junior high school sweetheart, Vilgil Vance. They are very proud parents of their son Brian (and his wife, Brittany) and their daughter, LaMiracle. They are also very proud grandparents of TJ and JaLiyah. Jan is also very fond of her grandfather, Sam Johnson.

The Bankruptcy Court for the Middle District of Alabama is a better organization because Janice Vance is part of it. Congratulations on 30 great years!



The purpose of the forums is to provide our customers a way to give us feedback, ask questions, and visit with our judges in an informal setting. We will meet on each of the dates below:

**Thursday, May 31, 2012 OPELIKA**

**10:30 a.m.**

George W. Andrews Federal Building

**Friday, June 1, 2012 MONTGOMERY**

**2:00 p.m.**

Frank M. Johnson Jr. U.S.

Courthouse Complex (341 Hearing Room)

**Thursday, June 14, 2012 DOTHAN**

**10:30 a.m.**

U.S. Courthouse, Dothan

## Change in Procedure for Filing Reaffirmation Agreements

The Bankruptcy Court for the Middle District of Alabama now requires that all Reaffirmation Agreements (Form B-240A) be filed along with the cover sheet (Form B-27) as a single document. The combined form is available in our forms section at <http://www.almb.uscourts.gov/forms/>.

The ECF event allowing for filing of the B-27 form separately has also been removed. Please direct any questions to the Bankruptcy Clerk's Office at (334) 954-3800.



### Mailing Address:

United States Bankruptcy Court  
One Church Street  
Montgomery, AL 36104

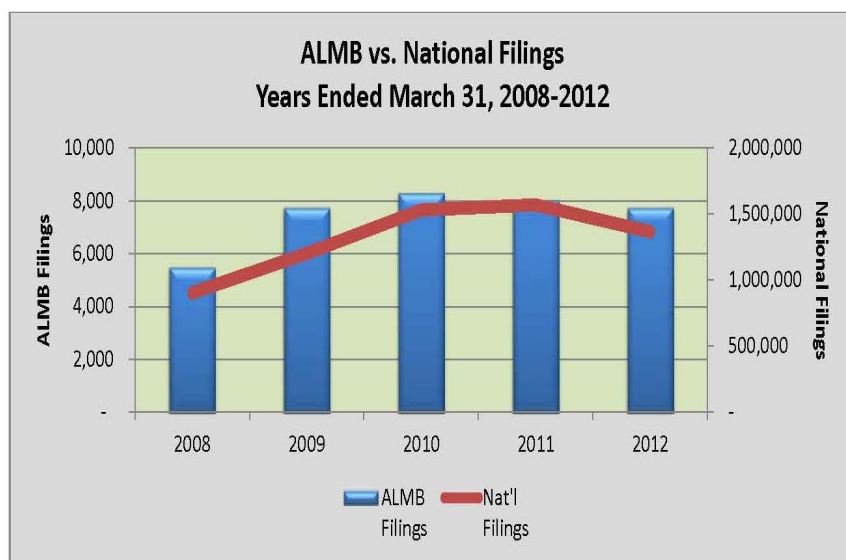
For mailing addresses of trustees,  
please refer to our website.

[www.almb.uscourts.gov](http://www.almb.uscourts.gov)

## It's In The Numbers!

### Bankruptcy Filings Continue Downward Trajectory

According to a recent press release from the Administrative Office of the U.S. Courts, national bankruptcy filings for the 12-month period ending March 31, 2012, fell 13 percent compared to bankruptcy filings for same period ending March 31, 2011. March 2012 bankruptcy filings totaled 1,367,006, compared to 1,571,183 bankruptcy cases filed in the 12-month period ending March 31, 2011. By comparison, filings in the Middle District of Alabama for the same period were down only 3.6 percent with 7,752 cases filed in 2012 and 8,039 cases filed for the period ending March, 2011. To view the full press release as well as detailed statistical data, please visit the U.S. Courts website at [www.uscourts.gov](http://www.uscourts.gov).







Contributed by: Janet Clark  
Financial Administrator

### Something New

Attorneys will soon have another option to electronically settle fees as required by Local Rule 1006-01(b). An Automated Clearing House (ACH) debit option will be available **effective June 11, 2012**. ACH debits transfer funds directly from your bank account to the court for the specific transactions you select. The new payment screen will have 2 options: (1) Pay Via Bank Account (ACH) and (2) Pay Via Plastic Card. You simply enter the required information for the payment option you select and continue to the next screen. ACH debits are securely processed by Pay.Gov.

In addition to providing attorneys with an additional method of payment to suit their particular office, ACH debit processing fees paid by the U.S. Treasury are significantly less than the fees paid for processing credit card transactions, so the taxpayer ultimately benefits from the reduced cost.

### Financial Practice Tip

In order for our office to more efficiently process fee payments, please make sure debtor clients make cashier checks and money orders payable to Clerk, U.S. Bankruptcy Court. Specifically, we occasionally receive checks for Chapter 11 quarterly fees that are made payable to the debtor's attorney. We are not allowed to process these third-party checks.



## Embracing the Past... Building the Future!

Contributed by: Henrietta Foster  
Human Resources Manager



February 23, 2012 marked our fifth annual Black History month celebration. Once again the U.S. Bankruptcy Court hosted this important event for the court family, as well as the community. Numerous court employees worked diligently to provide our guests with a memorable program.

Chief U.S. Bankruptcy Judge Dwight H. Williams, Jr. presided over the celebration themed, "**Embracing the past...building the future**" and offered opening remarks.

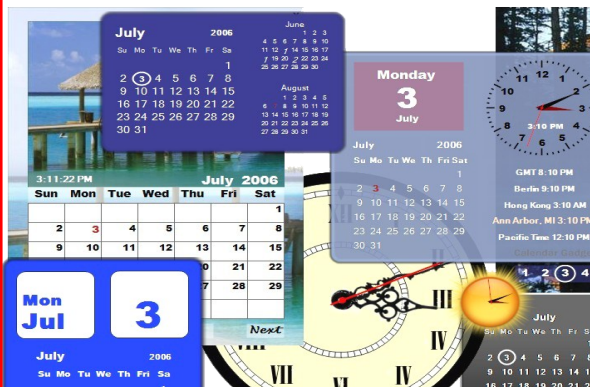
LaKeesa Butler and the Tuskegee University Men's Glee Club provided musical entertainment.

The keynote speaker was Dr. Gilbert L. Rochon, President of Tuskegee University. Dr. Rochon provided an inspiring address. Dr. Rochon has a distinguished career and currently serves Tuskegee University as the sixth president since the institution was founded by Booker T. Washington in 1881.



Following the celebration in the ceremonial courtroom of the courthouse, all attendees were invited to a delicious lunch hosted by the Bankruptcy Court. The Tuskegee University Men's Glee Club entertained guests during the meal. Everyone enjoyed this special occasion.

### IT'S A CALENDAR THING!



The courthouse will be closed for the following upcoming holidays:

### MEMORIAL DAY

Monday, May 28, 2012

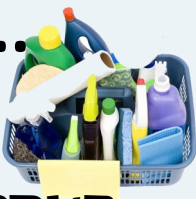
### INDEPENDENCE DAY

Wednesday, July 4, 2012

### LABOR DAY

Monday, September 3, 2012

ECF...



## a SCRUB

Contributed by: Doug Young  
Chief Deputy Clerk

## ECF EVENT REVIEW

*In an effort to make ECF more user friendly, navigable and mistake free, the bankruptcy court is currently engaged in a review of all ECF filing events. This process involves daily meetings in which filing events are reviewed from start to finish, and open discussion is encouraged throughout each step of the process. Events are first analyzed for need, then scrutinized on anything from font size and color to helpful messages that can be added to assist the filer. We encourage any comments you may have regarding any ECF event. Call us at (334) 954-3800.*

## BABITS

Contributed by: Teresa R. Jacobs  
Bankruptcy Administrator

## DISCHARGE ELIGIBILITY IN CHAPTER 7 WITH PRIOR DISCHARGE

11 U.S.C.A. § 727

(a) The court shall grant the debtor a discharge, unless—

(8) the debtor has been granted a discharge under this section, under [section 1141](#) of this title, or under section 14, 371, or 476 of the Bankruptcy Act, in a case commenced within 8 years before the date of the filing of the petition;

(9) the debtor has been granted a discharge under [section 1228](#) or [1328](#) of this title, or under section 660 or 661 of the Bankruptcy Act, in a case commenced within six years before the date of the filing of the petition, unless payments under the plan in such case totaled at least—

(A) 100 percent of the allowed unsecured claims in such case; or

(B)(i) 70 percent of such claims; and

(ii) the plan was proposed by the debtor in good faith, and was the debtor's best effort.

• Pursuant to Fed. R. Bankr. Proc. 4004(a)(1), objections to discharge under either of these subsections may be brought by motion and do not require an adversary proceeding.

• Calculation of time is from filing date to filing date.

• If the prior case was converted, the original filing date is applicable, not the conversion date.

• In a preceding Chapter 13, if 100% was paid to unsecured creditors, or 70% was paid, the plan was proposed in good faith, and was the debtor's best effort, the debtor is eligible for discharge in a subsequent chapter 7. If the debtor paid less than 70% to unsecured creditors in the preceding Chapter 13, the six-year time from filing to filing is applicable.

## USE OF ELECTRONIC DEVICES IN THE FEDERAL COURTHOUSE

This is a friendly reminder that the possession and use of cellular telephones, laptop computers, and similar electronic devices by the general public is prohibited in our courthouses. Attorneys and attorney staff are allowed restricted use of certain devices. Please see the Attorney Resources section of our webpage or [click here](#) for further details. Thank you for your cooperation.





*Hear ye, Hear ye,  
This honorable court is now  
called to order...*

## What Exactly Does a Courtroom Deputy Do Anyway?

Contributed by:

Bill Livingston  
Courtroom Deputy for Judge William R. Sawyer

The primary role of the courtroom deputy (CRD) in the clerk's office is that of an intermediary. The CRD serves as a point of contact between chambers and the clerk's office as well as the bar and public at large. Duties of the CRD include attending all court sessions and conferences with the assigned judge, assisting chambers in maintaining the judge's calendar by monitoring filings and responses and setting dates and times for hearings, trials, and conferences. The CRD assists in keeping the judge and chambers staff informed of case progress by reviewing daily case management reports and taking action on those pleadings with time-sensitive deadlines. In addition to preparing the courtroom for court, the CRD facilitates court conference calls for those attorneys wishing to appear by telephone, takes notes of proceedings and rulings in order to prepare both minute entries and final orders, and manages all trial exhibits admitted into court. The CRD also prepares a monthly statistical report concerning the judge's trials and other court proceedings which is submitted to the Administrative Office of the United States Courts.

Court calendars are coordinated according to the availability of the judge, noticing restraints, and the needs of other parties involved. As such, the CRD is responsible for scheduling not only initial hearings but continuances as well. This process involves the CRD working closely with counsel and staff from other offices such as the United States Attorney, the Bankruptcy Administrator and the Chapter 13 Trustee. Attention to detail plays an integral part in helping to maintain a judge's calendar, but good organizational and interpersonal skills are vital as well.

Individuals with questions concerning court calendars and hearing dates or who need further information regarding general court protocol should feel free to contact the CRDs assigned to our two judges. Janice Vance is the CRD for Judge Williams and Bill Livingston is the CRD for Judge Sawyer. Jackie McLain is also a CRD. She provides back-up support for both judges. Contact information can be found on the court's website ([www.almb.uscourts.gov](http://www.almb.uscourts.gov)) under the heading of "Courtroom Services" located in the clerk's office directory.



The 2005 Amendment to Federal Rules of Bankruptcy Procedure, Rule 9036, Notice by Electronic Transmission, allows the clerk's office to complete notice by electronic means. To ensure you receive proper notice from the court, follow these suggestions:

1. MAINTAIN YOUR EMAIL  
Check it regularly  
Clean it up - stay under your quota
2. UPDATE YOUR EMAIL ADDRESS
3. USE SECONDARY EMAIL ON YOUR ECF  
Adding another account increases the chance of delivery if your primary account is blocked for some reason. If you see notices in one account but not the other, investigate the cause, and if necessary remove this address from your ECF account
4. MAKE SURE THE COURT IS NOT LISTED AS A SPAM AGENT

## Eligibility for Discharge in Chapter 13

Contributed by:

Sabrina McKinney, Staff Attorney  
Chapter 13 Trustee - Middle Alabama

Post BAPCPA, 11 U.S.C. §1328(f) provides:

....the court shall not grant a discharge [under chapter 13] if the debtor has received a discharge –

- (1) In a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or
- (2) In a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.



As the language of §1328(f) is not as precise in its terminology as the language of §707, when BAPCPA was passed, there was a great deal of confusion amongst the bar as to the proper method for calculating the time period for prior filings that would deny a chapter 13 debtor a discharge in a subsequent case. The issue was finally brought before the Court in *In re Lywonda W. Myers*, Chapter 13 case no. 07-80670-WRS-13 (July 17, 2008). The Court held that the proper construction of §1328(f) is the "filing date to filing date" construction.

NOTE: The clerk's office recently developed a spreadsheet for quickly determining discharge eligibility dates of repeat filers. The tool is available for download from the Attorney Resources page of the ALMB website, [www.almb.uscourts.gov/resources/index.html](http://www.almb.uscourts.gov/resources/index.html).

### Procedure for Notice of Ineligibility for Discharge in Chapter 13

If your debtor is not eligible for a discharge in the current chapter 13 filing due to receiving a discharge in a prior case, in order to facilitate the most efficient method for closing the case after the plan payments are completed, the debtor should file a "Notice of Ineligibility for Discharge in Ch. 13." This is a non-pdf, docket text only event in ECF under the "Bankruptcy/Notices" menu.

When the debtor's plan payments are completed, the Trustee will audit the debtor's case to confirm that all claims were properly administered under the terms of the debtor's confirmed plan. When the audit is complete, the Trustee files his "Notice of Completion of Plan Payments." Upon this filing, the Clerk issues his "Notice of Final Requirements Necessary for Discharge." If the debtor will then file a "Notice of Ineligibility for Discharge in Ch. 13," the Trustee can then file the Final Report for a "no discharge" case. This will enable the Court to close the case. If the debtor does not file a "Notice of Ineligibility," this forces the Clerk to give a "Second and Final Notice of Discharge Requirements" before the Trustee can file the "no discharge" Final Report. Bottom line: if the debtor will file a "Notice of Ineligibility" early in the case or immediately upon the filing of the Trustee's "Notice of Completion," it allows for an expedited closure of the case.





## USBC CLERK'S OFFICE

**Intake Counter Hours**

**Monday - Friday**

**8:00 a.m. - 4:00 p.m.**

**Closed on Federal Holidays**

## UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF ALABAMA

### Mission Statement

...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

## Reaching Out



Bankruptcy court employees reach out to the River Region by participating in several charitable causes. For example, through the efforts and generosity of our court staff, the court has had the privilege to assist a family with the purchase of holiday gifts for several years. This annual holiday outreach project is spearheaded by DeAnna Williams.



The Combined Federal Campaign (CFC) is another cause supported by our staff. The CFC selects charitable groups who meet certain standards. Our own Donna Wilcox graciously serves as a member of the selection panel. Our court's annual CFC campaign is led by Cynthia Sanders and Janice Vance. Under their leadership, our court has met and far exceeded our annual goals every year since 2003. They sponsor an annual CFC kick-off luncheon that includes a guest speaker from one of the agencies funded through the contributions of the CFC.

Lastly, several court employees recently participated in a walk and run which raised funds for a local charity. The court employees all finished the race!



*"Real generosity toward the future lies in giving all to the present."*

Albert Camus