

**MINUTES**  
**ATTORNEY ADVISORY GROUP**  
**APRIL 21, 2011 @ MONTGOMERY, AL**

**Present :**

Honorable Dwight Williams, Chief Bankruptcy Judge  
Honorable William Sawyer, Bankruptcy Judge  
Juan-Carlos (JC) Guerrero, Clerk of Court  
Douglas Young, Chief Deputy Clerk  
Teresa Jacobs, Bankruptcy Administrator  
Sabrina McKinney, Staff Attorney Chapter 13 Trustee's Office  
Dan Hamm, Chapter 7 Trustee  
Gail Donaldson, Member  
Rafael Gil, Member  
Marsha Mason, Member  
George Thomas, Member

**Absent:**

Collier Espy, Chapter 7 Trustee  
Sandra Lewis, Member  
Charles Parnell, Member  
Paul Spina, Member

**1. Opening**

Judge Williams opened the meeting at 10:30 and welcomed all present.

**2. Old Business**

- Judge Williams gave a brief recap of the prior meeting of the Attorney Advisory Group held October 22, 2010 and discussed some changes made as a result of that meeting: e.g., an increase in Chapter 13 attorney fees, the addition of more telephone dockets to Judge Sawyer's schedule, and the rearranging of Judge Williams' telephone dockets in order to make the calls more efficient.
- Judge Williams also gave an update on our request for an additional judgeship and where our court stood in that process. Our court has been put on the Judicial Conference's list of courts approved for additional judgeships. The list still has to go through Congress.
- JC Guerrero discussed the future of our Attorney Forums and Attorney Advisory Group meetings. The decision was made to hold all of the forums in the spring of each year and to hold the Attorney Advisory group meeting only once per year in the fall. The next Attorney Advisory Group meeting is scheduled for September 22, 2011 at 10:30.
- JC Guerrero also brought up the wireless Internet connection in Dothan and Opelika. In response to Marsha Mason's e-mail reporting that the wireless connection in Opelika was down, he sent an IT staff member to fix it. He asked that attorneys continue to keep him apprised of any connectivity or other issues in the Dothan and Opelika courthouses.

- Doug Young gave an update on the CM/ECF 4.1 upgrade and reported very few minor problems with the transition.
- Doug Young also reported receiving several calls from attorneys regarding the new notice requirement for the Clerk's Office for filing a statement of completion of a course in personal financial management. This new notice requirement is a result of amendments to the Bankruptcy Rules that became effective December 1st, 2010. It is meant merely to serve as a reminder that the case will be closed without discharge unless the statement is filed within the applicable time periods.

### **3. New Business**

- JC Guerrero announced the Clerk's Office will soon send out its first semi-annual newsletter electronically. He asked the attorneys to please provide feedback on the newsletter so we can be sure it is useful.
- JC Guerrero also reminded everyone that hearing-impaired headsets are available in the Montgomery courtrooms.
- Teresa Jacobs reported that beginning on June 2<sup>nd</sup> all 341 Creditor Meetings will be temporarily moved to a new location, Courtroom 4-E, until further notice.

### **4. Questions and Topics Submitted Prior to Meeting**

- Before the meeting, an attorney asked that Judge Williams speak to the difference in procedures for stay extensions requested in Montgomery versus those requested in Dothan. Specifically, in Montgomery, the attorneys must have the debtors present to testify whereas in Dothan, the attorneys are allowed to speak for the debtors through telephone conferences. Judge Williams explained the reason for the difference in procedure is the fact that he is only in Dothan once per month. He said he would consider whether any changes need to be made in order to make the procedures consistent.
- Marsha Mason sent four topics for discussion she received from attorneys before the meeting:

Question 1: When paralegals use their own login information on ECF, they are not permitted to check case history (under query) or to pay filing fees. This results in them logging out and having to login under an attorney's name. Is it possible for paralegals to have access to either of these features?

Answer 1: Regarding queries, ECF is designed to prevent query or report generation by filing agents that result in fees being incurred. However, paralegals can have access to queries by inputting the attorney's PACER login and password. Regarding filing fees, in order for a paralegal to pay fees on behalf of an attorney, the attorney must contact the Clerk's Office IT staff at (334) 954-3870 and specifically request a change to his/her ECF settings.

Question 2: A certain creditor often files secured claims, which causes the Trustee's office to generate no provision letters and requires debtors' attorneys to file objections to those claims. Many feel that this particular creditor's action of filing a secured (baseless) claim is a waste of everyone's time and overly burdensome when the majority of their claims are clearly unsecured.

Answer 2: Sabrina McKinney reported that in the past Judge Sawyer has stopped such practices by denying the claims. Judge Sawyer commented that they could file the claim as priority and it could possibly slip by, but they should not file the claim as priority as a matter of course. He said looks for a pattern of bad behavior and then comes up with a sanction to correct it.

Question 3: Is there a way to generate a list showing all the cases an attorney has filed over a period of time? An example of when such a report is needed is when the rules were amended in December there was a need to track which clients had completed their financial management course. The attorney wanted to review all the cases he had filed over a three-month period, but could only go back 30 days from the date he entered the search. Is it possible to track an attorney's clients for longer periods such as the last three months, six months or the last year?

Answer 3: Sabrina McKinney proposed the use of the Query option in CM/ECF but warned by using that option, querying by an attorney's name would bring up all cases with that attorney's name without allowing a narrower search. Also, only the case names would be provided by this query.

JC Guerrero advised that the 30 day limitation on the cases report is by design. ECF has this feature built into the system so that a user does not accidentally generate a long report that could result in excess fees. However, an attorney can generate a list going back further than 30 days by making the request for 30 days at a time as far back as the attorney wants to go.

Question 4: Where is the attorney manual found on ALMB's website?

Answer 4: JC Guerrero explained that the manual is called the ECF User Manual on the website and it is found in two places on the website: under ECF and under Attorney Resources. He further explained that while the ECF User Manual is a great tool for attorneys and their staff (especially for newer practitioners), the Manual needs updating and is currently being revised in the Clerk's Office.

## **5. General Discussion**

- Judge Sawyer spoke regarding pro hac vice motions for out-of-district attorneys. He reminded everyone that a CM/ECF login and password does not mean a person is admitted to practice in our district. A pro hac vice motion is necessary for attorneys not admitted to practice in our district except in certain circumstances, such as special counsel. Judge Williams reminded everyone that pro hac vice motions are forwarded to our District Court

where the jurisdiction is reviewed to see if the attorney is admitted to practice and in good standing.

- Gail Donaldson asked about wireless Internet access in Room 105, where 341 Creditors Meetings are held. Wireless access is currently available in that room but the signal is weak. Teresa Jacobs said she would report it to the IT Department to see if they could produce a stronger signal.

The meeting adjourned at 11:40.