



Court News and Views

THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA

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A Biannual Publication

Clerk's Corner JC Guerrero

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Hello everyone! Thank you for reading the 23rd edition of our newsletter!

Local rules: the hot topic in our court right now is the major revision to our local rules. Please see Chief Judge Bess Creswell's article on page 2. She talks generally about the revisions and explains what the main goals were in revising the local rules. They will be published for public comment soon. Once they are published, the judges will set dates to meet with the local bar at all three of our divisions to discuss the revisions and to answer questions.

Attorney forums: speaking of meeting with the local bar, we will hold our annual attorney forums at each of the divisions again this fall. We will send out the dates for each location as soon as we have them.

CM/ECF shutdown: we will take down our CM/ECF system for an upgrade from Jul 28-30. We will start at 5:00 p.m. on the 28th and will be back up late on the 30th. Please call us with any questions or concerns.

Janet Clark retires: our amazing financial administrator, Janet Clark, is retiring effective June 30th. She has been with our court for more than 20 years. During that time, she led our court through 5 cyclical audits with an incredible zero findings. The auditors ran out of accolades to describe the work Janet did for our court. While we are really going to miss Janet, we are so happy for her as she begins her well-deserved retirement!

Filing numbers: our filing numbers continue to be higher than last year's numbers (up about 14% for the 12-month period ending March 31st), but we are still down significantly from the same time period ending March 31, 2020 (down about 31%). Across the country, bankruptcy filings are up 2% since last year for the same period and down 47% from the same period ending March 31, 2020.

Feedback: please continue to reach out to us with any questions or feedback you have. You can call us directly at 334 954-3800 or email us at feedback@almb.uscourts.gov.

Have a fantastic summer!

Local Rules Update from Chambers

Bess Creswell, Chief U.S. Bankruptcy Judge

The local rules, local forms, and chapter 13 form plan are under revision. Minor and technical changes have been made the last few years, but the Court is currently undertaking the most extensive local rules revision since 2018. The Court's task has greatly benefited from the help of the Local Rules Committee – a group of your peers that worked hard to provide updates and insights.

After review and suggestions from the committee, the Court is working to make sure that everything conforms with not only changes in the Federal Rules of Bankruptcy Procedures, but also with changes and expectations with technology. The updated local rules aim to incorporate many of the Administrative Orders on the website with the goal that consolidation will increase ease and efficiency in finding the procedures you need. Other goals include updating the local form plan to remove the lien avoidance provisions and add more detail and clarity about executory contracts. There will be substantial changes to the negative notice procedures. There are more motions added to the 9007 list, but the Court will propose that orders on those motions be submitted to the Court as opposed to the standard template orders that enter now. Local forms are also being reviewed and added to streamline the submission of motions and orders.

While there is not yet a date certain, we are working to circulate a draft for review prior to Bankruptcy at the Beach this summer.

News from the Chapter 13 Trustee

Sabrina L. McKinney, Chapter 13 and Chapter 12 Trustee

It is with a sad heart that the Trustee's office announces the passing of one of its long-time employees, Vivian Douglas. Ms. Douglas is survived by two loving children and 36 coworkers at the Trustee's Office who considered her to be their family by choice, not birth.

Ms. Douglas was a graduate of Prattville High School and Alabama State University. She began her professional career at the Trustee's office 36 years ago when the Trustee's office was located at the Whitley Hotel in downtown Montgomery. She began in the Posting Department, then moved to the Case Administration Department where she worked her way up to the position of Supervisor of that department. She was also backup and assistant to the Systems Administrator.

Ms. Douglas was a valued and devout member of the New Life Missionary Baptist Church on Rosa L. Parks Avenue in Montgomery where her church family was a large part of her full and productive life. She always greeted each day and everyone with a smile and kind words of encouragement and faith. Ms. Douglas is mourned and will be missed by all that knew her.

Helpful Tips from the Clerk's Office

From the Case Administrators

- ♦ When opening a new case, make sure all previous cases are listed correctly in part 9 of the petition. Make sure to enter the case number and the date the case was filed.
- ♦ Please remember to follow LBR Rule 1009-1, *Amendments of Voluntary Petitions, Lists, Schedules, and Statements*, when amending schedules D or E/F. LBR 1009-1 states, "If schedules D or E/F are amended only to add a creditor, the amended schedule should list only the added creditor. If schedules D or E/F are amended to remove a creditor, the amended schedule must show all creditors minus the creditor that was removed." When you redact a document, do not use a sharpie; it does not always completely cover the information.
- ♦ Be sure the debtor's name is included on the employee records and pay stubs. A submission error will be entered if the debtor's name is not included on the attached document.
- ♦ When you file an amended plan, make sure it is related to the most current, correctly filed, plan or amended plan.
- ♦ On the petition, Part 3, Number 12, do not list LLCs or Corporations. Part 3, Number 12 is only for sole proprietors.
- ♦ When you file a motion, be sure to include a signature block on the motion and the certificate of service.
- ♦ When you file a new petition, please do not put the debtor/joint debtor's name(s) and address in all capital letters.
- ♦ When you file a motion to redact, everything that was originally filed must be filed with the motion – with the identifiers redacted. The certificate of service must include that it was served on the debtor, debtor's attorney, trustee, and BA. It must also state the motion and the redacted documents were served.
- ♦ When attorneys receive the employee income records from the debtor, they should verify that the name on the income records is listed on the petition correctly. If a different name is showing on the employee income records than given to the attorney at the time of filing, this name should be included at Part 1, Number 2, of the petition to show all other names the debtor/joint debtor has used in the past eight years.

From the Courtroom Deputies

- ♦ When you file a motion to sell property or to incur debt with a request for hearing, please be sure to docket the motion as a generic motion and not as a 9007-1 motion. In addition, please make sure all creditors are served and listed in the certificate of service. Correctly docketing your motion will ensure that the motion is set for hearing in a timely manner without any unnecessary delays
- ♦ When you prepare a proposed order, make sure to identify all parties who have reviewed, consented to, or have no objection to the proposed order. Identify the attorney drafting the order, and for the drafting attorney and all parties consenting to the order, include names, addresses, telephone numbers, and email addresses. Also, when you upload the proposed order in CM/ECF order upload, ensure you are selecting the correct matter to which your order relates. Please review the E-order Guidelines for further instructions: <https://www.almb.uscourts.gov/sites/almb/files/E-Orders%20-%20ALMB%20eOrder%20GuidelinesDec2018.pdf>.

Welcome to our New Law Clerk

Connor Lunney is a Louisiana native who, despite planning to go to Tulane Law School, decided at the last minute to go to law school at the University of Alabama. He graduated in 2021 with his J.D. After spending a year clerking at the Lee County Circuit Court, he migrated over to our court where he enjoys his work and learning about bankruptcy. His free time is spent with his girlfriend, their two cats, and keeping up with friends, old and new. He hopes to use what he is learning in bankruptcy law to make a difference in the community.



Updated Chapter 7 Trustee Contact Information

Carly Wilkins has a new office address and phone number. Below is the new information:

P.O. Box 251
Mt. Meigs, Alabama 360657
Tel: 334-590-2124
Fax: 334-323-5666

Black History Month

Sixteenth Annual Black History Celebration

February 23, 2023, marked our sixteenth annual Black History Celebration. Chief Bankruptcy Judge Bess Creswell presided over the program.

The keynote speaker for the event was Mr. Rodney Bullard, Chief Executive Officer of The Same House. Mr. Bullard gave an inspirational talk about how we can all make a positive difference in the world. We just need to start by focusing on the three feet around us.

Entertainment for the program was provided by Jazmun McCoy, Mr. Muhammad Ali, and Justice Murphy, students from Alabama State University.

