# THE MARSHALL Volume I, Number 4 CHRONICLES

## A New Game Plan

"Wait a minute – am I in the right court room?" "What day is it?" These remarks might be heard on the 6th floor of the Dirksen Building as attorneys dash into a Chapter 13 court-room seeking the regularly assigned Chapter 13 staff attorney seated at the front desk. Surprise! The Office of the Chapter 13 Trustee Marilyn O. Marshall has a new look for each courtroom.

For years, each Judge's courtroom has had its own designated Chapter 13 Trustee staff attorney. Most of the

Chapter 13 bar could predict the treatment of a case just by knowing to which Judge the case was assigned, and who was the Chapter 13 reviewing attorney. Has the debtor purchased a new car or does the debtor drive a luxury vehicle? Has the debtor included the purchase of cigarettes on schedule "J"? Are the debtor's tenants relatives with no leases? Do the debtor's children attend private school? Why is the amount budgeted for food so high? Why is a cell phone or pager necessary for an effective reorganization? Until now, these issues were resolved in different ways by the former Judge/staff attorney combinations. As a result, each Judge's courtroom inadvertently took on its own character and atmosphere. Some would perceive this as good and others might not. Good or not, it is time for a change. Variety, it has been said, is

the spice.

The attorney rotation scheme designed by Chapter 13 Trustee Marilyn O. Marshall has been developed with thoughtful consideration for the debtors, their attorneys, the creditors, their attorneys, the Judges, and staff attorneys, as well as with attention to the effective administration of the cases. Within the calendar year, each courtroom will benefit from contributions of each of the four staff attorneys for three months. A new challenge is presented for all concerned. Judges and staff attorneys will have the opportunity to observe issues with fresh eyes and deal

with courtroom situations in novel ways. Preconceived notions and anticipated outcomes will no longer be the standard in administering a Chapter 13 case. The Chapter 13 bankruptcy community as a whole will be enriched. As far as predicting the treatment of a case – those days are over.

In understanding what motivated Trustee Marshall's rotation scheme, it is necessary to recognize certain goals of

the United States Trustee. The United States Trustee seeks to establish a sys-

tem which provides complete, economical, equitable and expeditious administration of Chapter 13 cases, while allowing the Standing Trustee to exercise appropriate business and professional judgment in performing her fiduciary duties. Early in her appointment as Chapter 13 Trustee, Ms. Marshall observed the courtrooms assigned to her attorneys. In her effort to establish open communication with the Judges, Ms. Marshall sought their input regarding the effective disposition of the bankruptcy docket. She took a step further by reaching out to the Chapter 13 legal community in general and received insight into existing concerns. Because of her commitment to foster positive relationships and open communication with

the Chapter 13 community, Ms. Marshall decided to initiate changes that might ameliorate deficiencies in the confirmation process. She recognized that cases might be facilitated more economically, equitably and expeditiously if each of her attorneys had the opportunity to spend some time with each of the four Judges. In the past, issues could have arisen before a certain Judge and the formerly assigned staff attorney, familiar with the probability of the Judge's ruling, might have been less inclined to contest

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#### **Trustee Matters**

#### "The Auditors Have Spoken"

The question most frequently asked since I have been conducting §341 meetings and while in court with the staff attorneys to assist with the smooth transition of the rotation process is: "Why don't you accept payments in court?" In fact, when a payment wasn't recorded as having been received by my office, one of the Judges commented "This is what happens when you mail payments instead of accepting payments in court." We do not accept payments in court based upon the recommendation of the auditors.

I, as well as each of the other 187 Chapter 13 Trustees, am audited by an independent audit firm annually. Audits are the starting point for determining the adequacy of the Standing Trustee's financial management, internal control procedures, and organizational support and are part of the annual evaluation process.

During the last two audits, in a management letter addressed to the Standing Trustee and the United States Trustee, the auditors noted that receiving payments at court hearings was a "reportable condition". Under the standards established by the AICPA (American Institute of Certified Public Accountants) reportable conditions

#### THE MARSHALL CHRONICLES

#### The Editorial Staff:

Amanu Nwaomah, Cheryl Jones, Shanika Thomas, Santricia Teat, Karen Barron, Nicole Robertson, Joanne Coshonis, Robin Dirksen and Dave Latz

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involve matters which come to the attention of the auditors related to significant deficiencies in the design or operation of the internal control structures which could

adversely affect the organization's ability to record, process, summarize, and report financial data consistent with the assertions of the Chapter 13 Standing Trustee in the Annual Report. The auditors have recommended that the Standing Trustee inform debtors at their §341 hearings that payments can only be accepted at the bank lockbox. We have accepted the recommendations of the auditors.

Receiving payments in the bank lockbox provides the greatest assurance that all debtor payments are handled appropriately. Remember, if you are on telephone duty, conducting a §341 meeting or at a court hearing, and you are asked, the answer to the most frequently asked question is: "We do not accept payments in court based upon the recommendation of the auditors."

We do provide self-addressed envelopes, which are in each courtroom and can be picked up at our office. We are striving toward excellence and appreciate the cooperation, support and understanding of all parties involved in the bankruptcy process.

Marilyn O. Marshall

#### A New Game Plan (continued from page 1)

or argue for a different result. The rotation of each staff attorney with each Judge for a three-month session will ensure that the system is operating as intended, protecting and preserving the integrity of the Chapter 13 process.

The ability to adapt to change, respond to different personalities and be flexible are attributes necessary in practicing law effectively. Each Judge has a unique method of administering Chapter 13 matters. Therefore, each of the Chapter 13 staff attorneys will acquire greater skill in facilitating each case. In order for the Chapter 13 process to work efficiently, it is essential that all charged with the administration of cases are given the opportunity to experience not only the legal aspects but the human attitudes and dynamics which generate ultimate decisions. By the way, you're in the right place, so enjoy the variety.

Joanne Coshonis

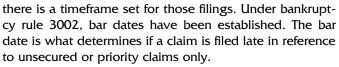
#### **Tech Tip**

It is usually not necessary to type the "http://" part of a website's address. You can leave that off and simply use the "www" at the beginning of the address.

## Case Administration - Claims What Is A Bar Date?

Well no, it's not a couple meeting at a tavern for drinks.

In order to receive payments, a credit must have a claim on file with our office. Depending on the type of claim,



Unsecured creditors have ninety days from the date of the §341 meeting to file their claim. On the other hand, governmental entities have 180 days from the date of the case filing or the same 90 days as the general unsecured creditors, whichever is later.

If a creditor files a claim past the bar date, our office will still process the claim, however, it will not be paid. After late filed claims are processed by the Case Administration team, a late claim report is generated and those claims are reviewed. If an order is on file to allow the claim, disbursements will be made. If no order is on file to allow the claim, a docket entry is created reflecting its late filing status and no disbursements are made on that particular claim.

So the bar date is a definition that the bankruptcy community should know, especially general unsecured creditors and governmental entities since it affects them the most.

Estella Garcia

## Information Systems IS Team Welcomes New Member

There's a new face on the Information Systems team! Darlene, the Identity Maintenance Specialist joined our group on March 1, 2002. Darlene will continue to perform her role as Identity Maintenance Specialist. However, moving to our department will allow her to concentrate full-time on cleaning up CaseNET's Name and Address file.

Some of the clean-up process includes:

- Periodically auditing claims to determine if the correct address was entered
- ★ Reporting any unusual or suspicious claims to the Trustee
- ★ Encouraging creditors to receive their payments electronically via Electronic Funds Transfers (EFT's)
- ★ Training and supporting staff members on correct address entry rules and conventions.

Darlene, we're very happy to have you with the Information Systems team! Sandra Pillar

## Case Administration – Confirmation Current Mortgages

The Trustee pays the current mortgage payments on some Chapter 13 cases. These cases were previously known as SMO's or special mortgage orders. As you know, mortgage payments can change from time to time because of escrow or interest rate changes. Because of this, it is important that the Trustee is made aware of these payment



changes so adjustments can be made and the debtor can remain current. Our office can be notified of any such changes in writing from the debtor's attorney, creditor's attorney, or the mortgage company. And if the debtor's attorney has not already been notified, we will send them a letter advising the changes. Our office's confirmation team handles these changes when they are received. Most commonly in these situations, we'd create a past due amount on the current mortgage for retroactive changes to bring the payments up to date. This would happen, for example, if the payment amount increased in November, but we did not receive the new payment information until April.

## FINANCIAL - RECEIPTS We're Not Taking It Personally

For years we've said that the Trustee's office doesn't accept personal checks. In the past we've always been a little lenient on that rule because the lockbox has allowed personal checks to be processed as acceptable payments. Our lack of enforcement of that rule has not been without cost. Returned checks cost our Trusteeship an estimated \$500 to \$600 each year in additional bank fees, not to mention the time spent processing the adjustments, paperwork, and correspondence associated with each returned check.

That's all going to change. As of the beginning of April, when a debtor sends in a personal check, they will receive a letter explaining our policy. "Payments must be in the form of a money order or cashier's check." In the not too distant future, we will have tighter controls, and all personal checks will be refused by our bank and subsequently returned to the debtor.

Please remember, when you're on phones or holding a creditor's meeting, to remind debtors of our pol-

icy. Please encourage debtors to participate in payroll withholding. They won't need to worry about purchasing money orders each month if the plan payment comes right out of their paycheck.

Nicole Robertson

#### FINANCIAL - DISBURSEMENTS The Closing Process

This overview lists the steps to prepare a Chapter 13 Bankruptcy case for closing.

Final audit - The Closing Specialist runs a CaseNET job which selects cases for final audit when the debtors are one plan payment or less away from completion. Once the audit is complete, the following information is entered into CaseNET.

Successful Audit - Audit date is entered in Final Audit field in CaseNET under the Petition tab. Docket entry shows Case Closing - Final Audit. No other comments are added.

Unsuccessful Audit - Docket entry shows Case Closing - Final Audit. We list all issues found and issues which need resolution.

Closing Criteria - Once a case meets the criteria listed below, we will authorize the employer to cease payroll deductions, if applicable, and proceed with the discharge process.

There must be a Final Audit Date entered in CaseNET under the petition tab.

Payoff Balance under the CaseNET Receipts tab is zero or negative. Example: 0.00 or (100.00).

Payroll – The Payroll Specialist runs a CaseNET job four times each week which selects cases where the debtors are on payroll and the case meets the criteria listed above.

We send a letter to the employer authorizing them to stop payroll deductions and to turn over to the employee any money they are holding on behalf of the employee.

Debtor Discharge - case years 1999 and below: The Closing Specialist runs a CaseNET job each week which selects cases that meets the closing criteria listed above. The Closing Specialist reviews each case and creates a debtor discharge order and discharge notice. The discharge order is sent to Bankruptcy Court at this time and the notice is grouped for noticing. The Bankruptcy Court dockets and files the discharge order within one week. We are currently noticing every three weeks. From the time of the final audit, it may take four to five weeks for debtors to receive the discharge notice.

Debtor Discharge - case years 2000 and above: The Closing Specialist runs a CaseNET job each week which selects cases that meet the closing criteria listed above. The Closing Specialist reviews each case and notifies the Bankruptcy Court to discharge them and then creates a

docket entry. The Bankruptcy Court dockets and files the discharge order within one week and sends the notice of discharge within two weeks.

Final Creditor Disbursements – The debtor is discharged when the case payoff balance is zero or negative. We may need to make final creditor disbursements. Using the guide below, you can review payoff, case reserve and case balance detail information in CaseNET under the Receipts tab to determine if we will make further creditor disbursements.

If payoff balance is zero and disbursment and fee reserves are zero, no creditor disbursements will be made.

If disbursment and fee reserves are equal to payoff balance, no creditor disbursements will be made.

If disbursment and fee reserves are greater than payoff balance, creditor disbursements will be made.

Case Completion – The Closing Specialist runs a CaseNET job the Monday following creditor disbursements which selects cases to review for change of case status

> ned to completed. In order to change the status, all claims and orders must be paid in full and no court matters or s may be pending on

> fund - The Disburseialist runs a CaseNET and fourth week of

each month which selects cases in which the debtors are entitled to a debtor refund. Case payoff balance field will show a negative balance if a refund is due. Case status must be completed, dismissed or converted.

Note: We delay debtor refunds on dismissed and converted cases for 40 days after status date change to monitor the case for final orders, such as, attorney fees.

Final Report and Trustee Discharge - The Closing Specialist runs a CaseNET job weekly which selects cases for Final Report and Trustee Discharge. The following criteria must be met before we create a Final Report and Trustee Discharge:

Case status must be completed, dismissed, Chapter 7 conversion, Chapter 11 conversion or transferred.

All disbursements and/or debtor refund checks must have cleared through our bank. Rita M. Saunders

## HUMAN RESOURCES Benefit Changes

#### Sam's Club Membership

For those of you unfamiliar with Sam's Club, it is a division of Wal-Mart and a leading members-only warehouse chain of clubs that offers good value on brand-name merchandise at members-only prices. They sell merchandise for both business and personal use, such as office and auto supplies, appliances, food, clothing and electronics at a low profit margin and

make most of their profit from membership sales.

There are two membership eligibility levels with Sam's Club – Business and Advantage. Business members include anyone who holds a valid city/state business or tax permit or anyone who holds a professional license. All others are eligible for an Advantage membership. The trusteeship is currently a Business member and we have exercised our option to add "secondary" members to our account at a slightly reduced fee than if you were to become a member on your own. The annual membership fee used to be \$15 for an individual membership plus an additional fee of \$10 for a card issued to your spouse. Effective April 1, 2002, the annual fee increased to \$30 for



each member, which includes a spouse card. If you don't have a spouse, the card can be issued to any member of your household who is 18 years of age or older.

If you are a current Sam's Club member and would like to continue your membership, your \$30 renewal fee is due no later than Friday, May 24, 2002. Cash is acceptable, or you can make your personal check payable to the Chapter 13 Trustee. If you'd like to become a new member or want to cancel your membership, notify the Human Resources Administrator as soon as possible.

#### **Mail Order Pharmacy Benefits**

If you or your eligible family members are currently under a doctor's care for maintenance medications, you may want to take advan-



tage of the convenience of home delivery. Mail order service not only saves you money, but also provides you with 24-hour access to a pharmacy.

Precision Rx formerly administered Blue Cross Blue Shield's mail order benefits and benefits are currently administered by Walgreens. Log on to <a href="http://mailrefills.whphi.com/">http://mailrefills.whphi.com/</a> and register to receive your prescriptions by mail. Just click on Online Mail Service Registration Form, fill in the required member information and submit the form to get started.

Claims for our plan group are processed through the Orlando office. If you have any questions, contact the Human Resources Administrator or the Blue Cross Blue Shield Prescription Drug Department at (800) 423-1973 for more information.

Robin Dirksen



#### **Employee Of The Month For March**

Congratulations are in order to Robin, our Human Resource Administrator, for being nominated as March's Employee of the Month. Robin has been employed with the Trustee's Office since May, 1985. Robin has done an exceptional job as Human Resource Administrator. Her vast knowledge of procedures, policies and job information has been a great asset to this office.

Robin is the epitome of professionalism and dedication. She is genuinely interested in making this office a success. Whatever duties or tasks Robin takes on or is assigned, she accomplishes them with great attention to detail and sees them through to the end.

Robin is a wonderful co-worker and friend. She has cultivated and mastered the art of listening. Many of us here have gone to Robin on numerous occasions with work related or personal problems. Robin always has a "smile and a listening ear." Her tactfulness and calm personality have diffused many potentially explosive situations.

Robin's nomination as Employee of the Month is truly well deserving. We congratulate Robin for a job well done. Karen Barron



It really does pay to be a dedicated, professional and nice employee.

#### **INFORMATION SYSTEMS**

#### And The Number One Address Is...

Creditor

No, it's not David Letterman's Top Ten List. I'm talking about CaseNET's pop-up lists of most frequently used addresses. A pop-up list is a data entry shortcut that you will recognize in CaseNET by the black triangle next to the entry field. It looks like this:

We have separate pop-ups for creditors, debtor attorneys and employers that can be used to enter the creditor on a claim, load a debtor attorney or select the debtor's employer for payroll deduction. Select the name from the pop-up and a window containing the appropriate addresses for that name will appear.

After doing some research to determine the address records most often used, I reconfigured the data in the lists. Each list stores the top 20 addresses in its category and is shown below.

**DEBTOR ATTORNEY LIST:** 

Adams, Robert J Benjamin Legal Services PC Dennis G Knipp Erik A Martin & Associates Ernesto D Borges Jr Esq Feld & Korrub LLC Fernandez, Bennie ¥ Hitchcock & Associates Kaplan, Melvin J Lehman & Fox Linde & Schottler Lorraine Greenberg & Associates Macey Chern & Diab Peter F Geraci Philip A Igoe Stefans Stefans & Stefans Thomas Holstein & Associates Timothy K Liou **Yrobel**, Joseph Zalutsky & Pinski Ltd NONE OTHER.

**CREDITOR LIST:** 

American General Finance

Ameritech Bank One Capital One Citibank City Of Chicago Commonwealth Edison Erik A Martin & Associates **Ford Motor Credit Corporation** Illinois Dept of Revenue Internal Revenue Service J C Penney Co Inc Max Recovery Inc Montgomery Ward & Co Inc Nationwide Acceptance Corporat **Nicor Gas** Peoples Gas **Providian National Bank Resurgent Capital Services** Sears Roebuck & Co OTHER

EMPLOYER LIST:

American Stores Ameritech of Illinois **Blue Cross Blue Shield** Chicago Board Of Education Chicago Housing Authority Chicago Transit Authority City Of Chicago City Of Chicago Dept Of Sewer **Cook County Comptroller** Federal Express Ford Motor Company Hines VA Hospital Illinois Dept Of Public Aid Northwestern Memorial Hospital Rush Presbyterian St. Luke's United Airlines United Parcel Service United States Postal Service 1 University of Chicago Hospital University Of Illinois At Chicago NONE OTHER

I encourage you to use this handy CaseNET feature not only to save time searching for addresses, but also to insure that you are using the correct address instead of loading a new one.

If you find a creditor, attorney or employer that you use frequently and is not on the list, contact Darlene and she will add it for you.

Sandra Pillar

### Guess Who? (Find the answer on page 8.)



Show me the legs!

#### May Birthdays, Service Anniversaries and Other Notable Dates

May Day (Attorney Swearing in Day) and Baskin-Robbins Free Scoop Night on May 1st. Happy 2nd Anniversary to Amanu Nwaomah and to Kenya Williams, also on May 1st. Happy Birthday to Rita Saunders on May 2nd!

All Staff Meeting on May 3rd.

Cinco De Mayo on May 5th.

Happy 17th Anniversary to Robin Dirksen on May 6th.

Happy Birthday to Lisa Purnick on May 10th!

Mother's Day on May 12th.

Happy Birthday to **Robin Dirksen** and to **Anthony Olivadoti** on May 13th!

Happy 15th Anniversary to Sandra Pillar on May 18th.

Happy 3rd Anniversary to **Allison Blum** on May 20th.

Happy 7th Anniversary to Anthony Olivadoti on May 22nd.

Memorial Day on May 27th.

Happy Birthday to **Kyle Issleb** on May 30th!

Happy 3rd Anniversary to **Cliff Tarrance** on May 31st.



#### Earth Day, 2002

During the late 1960s Americans drove some of the most fuel inefficient vehicles ever creat-

ed. Factories emitted smoke and contaminants without regard for the well being of fel-

low citizens, the purity of our air, the health of future generations, or the preservation our environment. Legal ramifications and bad press were never considerations. High speed limits were country-wide and chemical waste dumping was pervasive. Air pollution was tolerated as a necessary consequence of owning a high-octane vehicle, and murky lakes were perceived as unavoidable and essential repositories for industrial refuse.

Earth

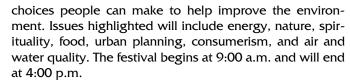
On the first Earth Day, April 22, 1970, environmental awareness was heightened and the environment was celebrated. Twenty million Americans proclaimed their commitment to preserving our natural resources. Participants met in parks and auditoriums to advocate saving and conserving the planet. Thousands of colleges and universities organized rallies opposing the degeneration of our environment. The first Earth Day sparked enough awareness within the government to form the United States Environmental Protection Agency and to pass the Clean Air, Clean Water, and Endangered Species Acts.

Thirty years later, in the wake of the millennium, Earth Day organizers focused on global warming and clean energy. Earth Day 2000 was impressive. Five thousand environmental groups from around the world participated – reaching out to hundreds of millions of people in a record 184 countries.

Earth Day is now celebrated around the world as an expression of the public's desire to create a better environment. Earth Day events and programs revive the public's commitment to environmental goals. Local governments, businesses, neighborhoods, schools, universities, and faith-based groups foster extensive educational efforts to stimulate environmental awareness. Earth Day inspires projects, which provide long-lasting benefits to society, as

well as promotes the development and expansion of community networks.

You have an opportunity to observe the celebration of our planet and join Earth Day festivities. Chicago's largest Earth Day Festival will occur in Lincoln Park, at Fullerton Avenue and Canon Drive, on Sunday, April 21st. It will feature family-oriented activities which demonstrate



Additionally, on Monday, April 22nd, the 13th annual "Earth Day In Illinois" celebration will be at the James Thompson Center, at Randolph & Clark, at 10:00 a.m.

## Employee Bio: Mark Caffarini

Nickname: Caff/Marky Mark.

Birth date: 10-8-55.

Birthplace: Chicago Heights, IL. Family: Parents, 2 brothers and

their families.

Position: Closing Specialist. Years with Office: 3 years 4 months.

Favorite Food: Ice Cream.

Favorite movie/t.v. Program: CSI and It's a Wonderful Life.

Favorite color: Blue.

Favorite expression: WOW!!

Favorite smell: Lilacs and Ocean breezes.

Favorite childhood memory: New Years Eve at Disney

World in 1975.

If you could meet one person in the world dead or alive who would it be? Mother Teresa: She represents faith, hope & charity. She is a strong woman with absolute devotion to Christ.

What's most important in life? Peace of mind.

Is the glass half full or half empty? Sometimes half full but then again it can be half empty; Life is static.

What's guaranteed to make you smile? Usually any kind gesture will get me to smile.

First thing you do in the morning when you wake? Sit on the edge of the bed and think about my day ahead for a moment or two.

My friends would describe me as: LOYAL.

A perfect day for me would be: Winning the lottery and moving to Florida to live near the beach (South Florida/Ft. Myers Beach).

Most embarrassing moment: None that I want to share.

Proudest moment: The day my brother got married. He asked me to read the scripture in front of the church. I practiced for days and pulled it off without a mistake.

In 5 years I see myself: I believe that God has a divine plan. Life has many bumps in the road, so I make small plans. I hope to still be employed at the Trustee's office.





#### **Newsletter F Y I s**

If you would like to contact us or submit ideas or articles for the newsletter, you can do so by:

- ✓ e-mailing us at newsletter@chi13.com
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- √ leaving them with Amanu

Please remember when making a submission to the newsletter, it must be:

- √ type-written and
- ✓ submitted by the 3rd Wednesday of the month via e-mail, a Word document or an ASCII file.

We also ask that anyone who goes to a seminar please be prepared to furnish the committee with a detailed article on its subject.

You may also view this edition of the Chronicle and previous issues on the Chapter 13 Trustee website at http://www.chicago13.com/.

#### Walk & Roll On May 19th!

The 30th Anniversary American Cancer Society Walk & Roll will be Sunday, May 19th, 2002. Mark your calendar and join the Chapter 13 Trustee Team.

Our team coordinator is Juliana Jones, and assisting her is Shanika Thomas.

If you'd like information or need any sign-up or pledge forms, please contact one of



them. T-Shirts will once again be distributed to those who have accumulated pledges of \$40 or more.





#### **Speak Your Mind!**

Calling all those who are willing to take the challenge. Is there something that you think our readers could benefit from? Or is there just something you want to say? Well, here's your opportunity to let us know. Starting with next month's issue, we will be running an editorial section. Voice your opinion...we'll be waiting.

That adorable baby is Joanne Coshonis! Do you have a baby picture of yourself? Drop it off with a newsletter staffer, and we'll publish it as soon as possible.

Guess Who? Answers:

#### Free Ice Cream!

Baskin-Robbins is celebrating Free Scoop Night for the third year in a row. Stop by your local store on May 1st from 6:00 to 10:00 pm and you will receive a free 2.5 oz scoop of ice cream. You get to choose from any flavor available in the store. To find out if the

store nearest you is participating, visit Baskin-Robbins' online website at www.baskinrobbins.com. Also, for every scoop given away, Baskin-Robbins will make a donation to First Book, providing new books for low-income children. So head out, eat some ice cream, and make a difference!

