

# Let's Talk With the U.S. Trustee: Ira Bodenstein

For those of us who have been around the bankruptcy community for a while, it is common knowledge that our U.S. Trustee, Ira Bodenstein, will always be available to interact with us and respond to our concerns. Since he was appointed United States Trustee for the Northern District of Illinois and the State of Wisconsin by Attorney General Janet Reno on May 27, 1998, Mr. Bodenstein has been committed to serving the bankruptcy community with zeal. To say that he is passionate about his responsibilities as United States Trustee would only begin to characterize the enthusiasm with which he serves. In light of the fact that he not only is responsible for our District, but in September, 2001, was also appointed to serve as the U.S. Trustee for the States of Michigan and Ohio for a one year term. It is remarkable that Mr. Bodenstein so freely makes himself available to the needs and concerns of the bankruptcy community. In order to more fully understand how U.S. Trustee Bodenstein operates, it is essential to be aware of the myriad of duties with which he is charged and to appreciate the method and style with which he performs those duties.

The U.S. Trustee is the Chief Administrator responsible for supervising the administration of all bankruptcies filed in his jurisdiction. There are twenty-two regions across the country; U.S. Trustee Bodenstein serves as U.S. Trustee for Region 11. Although the task seems overwhelming, U.S. Trustee Bodenstein ardently undertakes his challenges with extraordinary ease, competence and proficiency. He confers with employees in

the Chicago, Milwaukee and Madison offices daily. He is charged with the appointment, supervision and monitors the performance of the Chapter 13 Trustees. In the five years he has been serving, he has selected and appointed four Chapter 13 Trustees in our District. Clearly, the selection process demonstrated his keen insight into the role of the Chapter 13 Trustee, the necessity for open communication and the desire to focus on the facilitative aspect of

the Chapter 13 Trusteeship. His interaction with the Bankruptcy judges is limited to administrative matters. However, he has been instrumental in the success of the Chapter 13 liaison committee.

Accessibility and visibility have always been a priority for U.S. Trustee Bodenstein. His objective is to demonstrate to the bar, the bench and the public what his office does and who they are. He is a frequent speaker at national and local bar association and law school programs. He even has served as a monthly legal panelist on a Chicago radio broadcast. As Assistant U.S. Trustee Sandra Rasnak commented, Ira has built on existing programs to enhance and benefit all areas of the U.S. Trustee's functions and duties. Among those, Civil En-

forcement has been a major focus of Bodenstein's administration.

In October 1999, his office piloted the Debtor Identification Project, whereby debtors are required to produce a valid photo ID as well as an authentic social security card prior to the §341 meeting of creditors. The project, initiated

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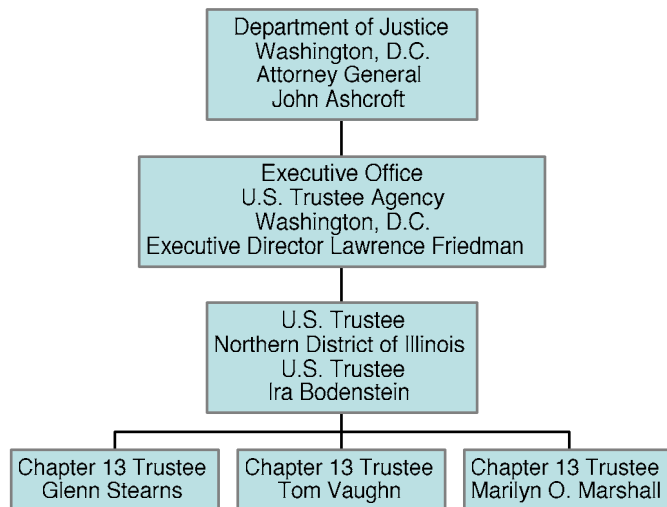


## Let's Talk With The U.S. Trustee: Ira Bodenstein

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in U.S. Trustee Bodenstein's office has been adopted nationwide. In May, 2002, the Office of the Executive U.S. Trustee Lawrence Friedman honored U.S. Trustee Bodenstein's office with the Director's Special Commendation for the Program of Civil Enforcement, demonstrating commitment to the Program's Civil Enforcement Efforts. The Civil Enforcement initiative has been successfully implemented to address the concerns in this District and is continuing to grow by expanding the initiative to the Chapter 13 Trusteeships. The integrity of the Chapter 13 process is a premium, and U.S. Trustee Bodenstein makes every effort to initiate and support any undertaking that will maintain that integrity. Each Chapter 13 Trusteeship maintains an ongoing dialogue with U.S. Trustee Bodenstein and Sandra Rasnak, Assistant United States Trustee, regarding Civil Enforcement concerns. Kathryn Gleason, Attorney for the United States Trustee, provides Marilyn O. Marshall's Chapter 13 Trusteeship with regular and consistent support in all of the areas of the Civil Enforcement Initiative, with attention currently on the activities of petition preparers.

U.S. Trustee Bodenstein has always emphasized continuing education and training. Consequently, he has brought together the Chapter 13 Trustees in several training experiences. The exchange of ideas and experiences resulting from the opportunity to interact has been a valued asset and appreciated by all. The most recent training focused



This chart shows the hierarchy of the U.S.D.O.J. from the top to the local Chapter 13 Trustees and just where U.S. Trustee Bodenstein fits in the picture.

on the Civil Enforcement Efforts being initiated in our District, stressing the importance of identity verification, serial filings and petition preparers. Assembling and communicating affords the groundwork for greater efficiency and productivity throughout the bankruptcy community, and it is clear that U.S. Trustee Bodenstein is committed to promoting and providing a forum for necessary and valuable interaction.

This District is truly honored to possess such commitment and leadership in its United States Trustee. Ira Bodenstein's ability to recognize issues, pilot effective and responsive efforts, recognize the need and opportunity for growth and change, as well as his strong commitment to accessibility and communication are the elements which provide this District with positive goals and direction in the effective administration of bankruptcy matters. So, as the United States Trustee and the bankruptcy community anticipate the potential effects of the forthcoming bankruptcy bill, once enacted we can be confident that U.S. Trustee Bodenstein will skillfully and competently address each challenge in an effort to successfully guide and administer the district in its vital transitional period. More challenges and more opportunity to excel. *Joanne Coshonis*

## On Father's Day

When I was a boy of 14, my father was so ignorant I could hardly stand to have the old man around. But when I got to be 21, I was astonished at how much the old man had learned in seven years.

– Mark Twain

Fatherhood is pretending the present you love most is soap-on-a-rope.

– Bill Cosby

THE MARSHALL CHRONICLES	
<b>The Editorial Staff:</b> Amanu Nwaomah, Cheryl Jones, Shanika Thomas, Joanne Coshonis, Angela Hope-Davis, Kyle Issleb, Robin Dirksen and Dave Latz	
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# Trustee Matters

## HATS OFF TO...

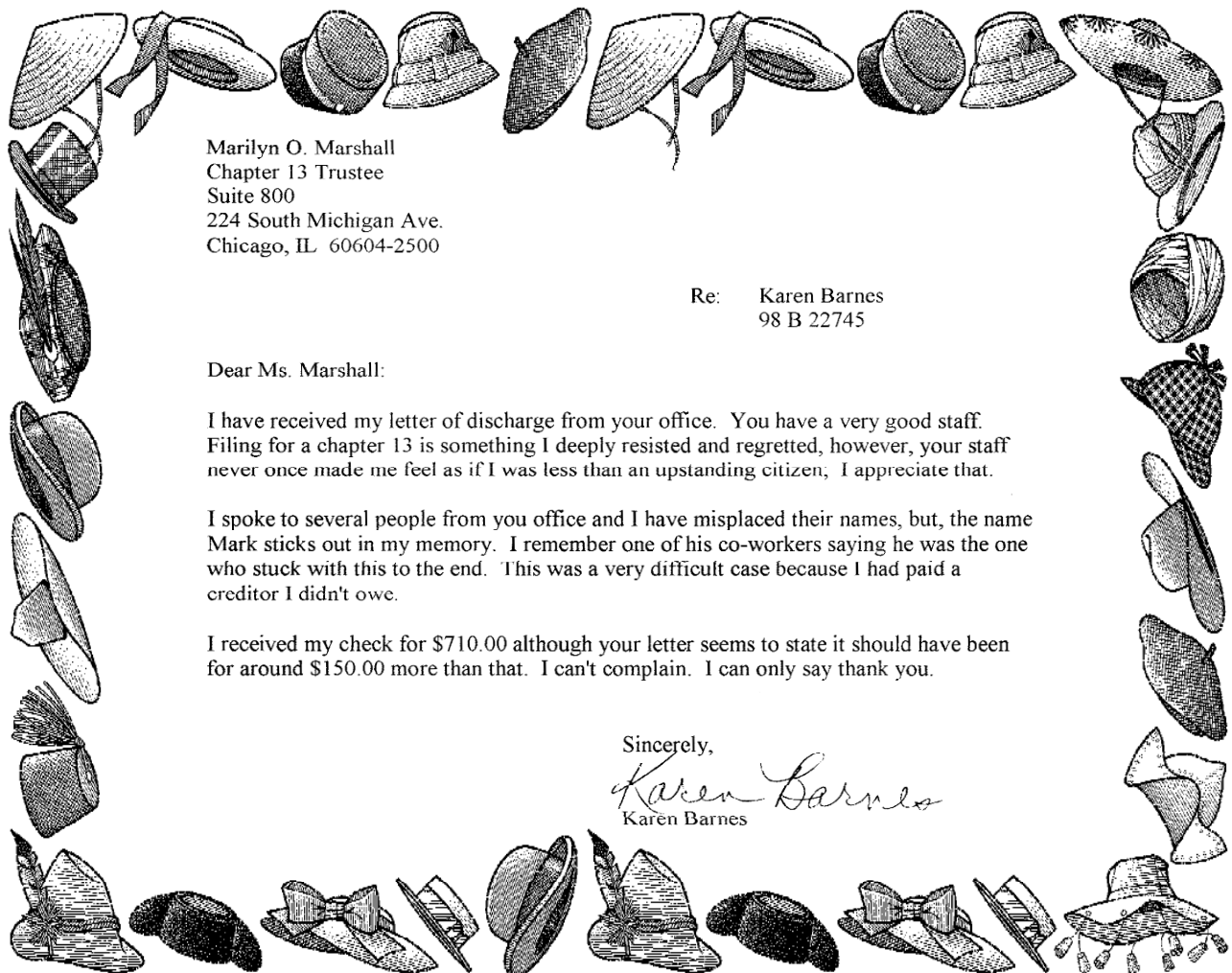
This has been a hectic month. My hat comes off to those of you who stepped up to the plate and accepted the challenges presented in order to satisfy the community we serve. For those of you who think that I don't notice when you stay late or come early, I do. For the extra effort, I say thank you. Yes, I am aware that the "stacks" on the team leaders desk are smaller because the paralegals and post-confirmation review team have stepped it up a couple of "notches." Keep up the good work and know that more is expected. You all know my expectations.

Even though the number of petitions we receive has increased, petition entry is on target and the area is still smiling. Yes, I have noticed the meetings among the Legal department, Case Administration and the Systems area to revise the review forms to work more efficiently. I have witnessed the communication between the paralegals and

the financial specialist on the disbursement exceptions. I've received and responded to e-mails from the financial manager well past "quitting time," letting me know that the cash is being posted daily. I appreciated not receiving any complaint calls on the turn around time for completing the payoff letters.

I have reviewed the statistical data from client services and know which debtor attorneys are requesting a continuance, which attorneys are late and which attorneys don't appear at the §341 meetings. I also know how many hearings each hearing officer is conducting. I am aware that the attorneys are volunteering to hold meeting in Pro Se cases and actively pursuing suspected petition preparers. To all I say...we are a team and every team player is important to the game. Not only have I noticed you, but the people we serve have noticed also. I am sharing this letter from one of our debtors as a reminder to all that you are appreciated.

*Marilyn O. Marshall, Standing Trustee*



Marilyn O. Marshall  
 Chapter 13 Trustee  
 Suite 800  
 224 South Michigan Ave.  
 Chicago, IL 60604-2500

Re: Karen Barnes  
 98 B 22745

Dear Ms. Marshall:

I have received my letter of discharge from your office. You have a very good staff. Filing for a chapter 13 is something I deeply resisted and regretted, however, your staff never once made me feel as if I was less than an upstanding citizen; I appreciate that.

I spoke to several people from your office and I have misplaced their names, but, the name Mark sticks out in my memory. I remember one of his co-workers saying he was the one who stuck with this to the end. This was a very difficult case because I had paid a creditor I didn't owe.

I received my check for \$710.00 although your letter seems to state it should have been for around \$150.00 more than that. I can't complain. I can only say thank you.

Sincerely,

*Karen Barnes*  
 Karen Barnes



## HUMAN RESOURCES Some HR Humor

Here is some HR humor I received through an email.



*I don't doubt there are employers out there who may have policies as rigid as some of these. Doesn't it make you appreciate what you have just a little bit more?*

### Dress Code

It is advised that you come to work dressed according to your salary. If we see you wearing \$350 Prada sneakers and carrying a \$600 Gucci Bag, we will assume you are doing well financially and therefore do not need a raise. If you dress poorly, you need to learn to manage your money better so that you may buy nicer clothes and therefore you do not need a raise. If you dress in-between, you are right where you need to be and therefore you do not need a raise.

### Sick Days

We will no longer accept a doctor's statement as proof of sickness. If you are able to go to the doctor, you are able to come to work.

### Surgery

Operations are now banned. As long as you are an employee here, you need all your organs. You should not consider removing anything. We hired you intact. To have something removed constitutes a breach of employment.

### Personal Days

Each employee will receive 104 personal days a year. They are called Saturday and Sunday.

### Vacation Days

All employees will take their vacation at the same time every year. The vacation days are as follows: January 1, July 4, and December 25.

### Bereavement Leave

This is no excuse for missing work. There is nothing you can do for dead friends, relatives or co-workers. Every effort should be made to have non-employees attend to the arrangements. In rare cases where employee involvement is necessary, the funeral should be scheduled in the late afternoon. We will be glad to allow you to work through your lunch period and subsequently leave early, provided your work is current.

### Absence Due to Your Own Death

This will be acceptable as an excuse. However, we require at least two weeks notice as it is your duty to train your own replacement.

### Restroom Use

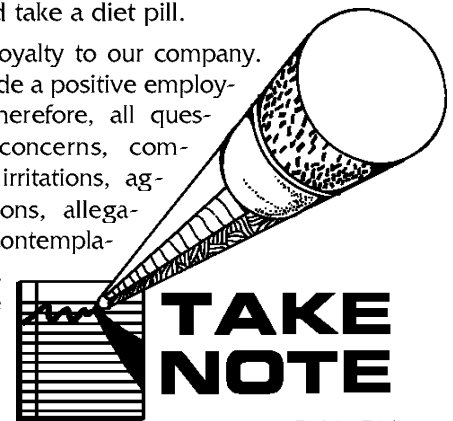
Entirely too much time is being spent in the restroom. In the future, we will follow the practice of going in alphabetical order. For instance, all employees whose names begin with "A" will go from 8:00 to 8:20. Employees whose names begin with "B" will go from 8:20 to 8:40, and so on. If you're unable to go at your allotted time, it will be necessary to wait until the next day when your turn comes again. In extreme emergencies, employees may swap their time with a coworker. Both employees' supervisors must approve this exchange in writing. In addition, there is now a strict three-minute time limit in the stalls. At the end of three minutes, an alarm will sound, the toilet paper roll will retract, the stall door will open, and a picture will be taken. After your second offense, your picture will be posted on the company bulletin board under the "Chronic Offenders" category.

### Lunch Break

Skinny people get 30 minutes for lunch since they need to eat more so that they can look healthy. Normal size people get 15 minutes for lunch to get a balanced meal to maintain their average figure. Overweight people get 5 minutes for lunch, because that's all the time needed to drink a Slim Fast and take a diet pill.

Thank you for your loyalty to our company. We are here to provide a positive employment experience. Therefore, all questions, comments, concerns, complaints, frustrations, irritations, aggravations, insinuations, allegations, accusations, contemplations, consternation, and input should be directed elsewhere.

Have a nice week.  
The Management



Robin Dirksen

## June Birthdays, Anniversaries And Other Notable Events



**National Cancer Survivors Day** on June 1st.

**All Staff Meeting** on June 6th.

**Donut Day** on June 6th.

Happy Birthday to **Marilyn O. Marshall** on June 11th!

Happy Birthday to **Allison Panarese** on June 12th!

**Blame Someone Else Day** on June 13th.

**Flag Day** on June 14th.

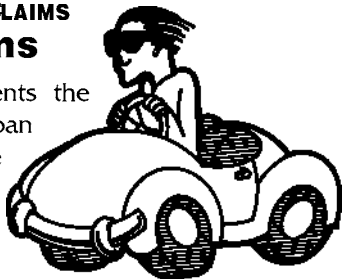
**Father's Day** on June 15th.

Happy Birthday to **Jammal Davis** on June 16th!

**Juneteenth** on June 19th.

**First Day of Summer** on June 21st.

**CASE ADMINISTRATION – CLAIMS**  
**Deficiency Claims**



A deficiency claim represents the balance remaining on a loan after the lender has sold the property. The majority of deficiency claims received are for automobiles. In the model plan, the debtor's attorney will usually add language in Section G stating the debtor's intention to surrender the vehicle and direct the Trustee to not make any payments on the claim. The creditor will then file a motion with the court to have the stay modified, so they can take possession of the vehicle and prepare it for sale.

Prior to the model plan the secured claim of the creditor might still be paid but now, unless the plan provides treatment for the creditor, the secured portion of the debt will not be paid. During claim entry, if we encounter an unsecured deficiency claim for a vehicle, we check the language to determine if the claim can be paid. If the language in Section G states not to pay any claim filed by this creditor, then no disbursement will ever be made on the claim. If the plan states not to pay the secured claim of the creditor, then disbursements will be paid on the claim.

Usually the intention is to not pay the secured claim, so the attorney needs to be very careful and specific with the language in this section.

*Rosalind Lanier*

**INFORMATION SERVICES**  
**Milestone Dates In CaseNET**

CaseNET's Petition tab lists milestone dates for each case. It looks like this:

**Dates** Edit Closing Dates...

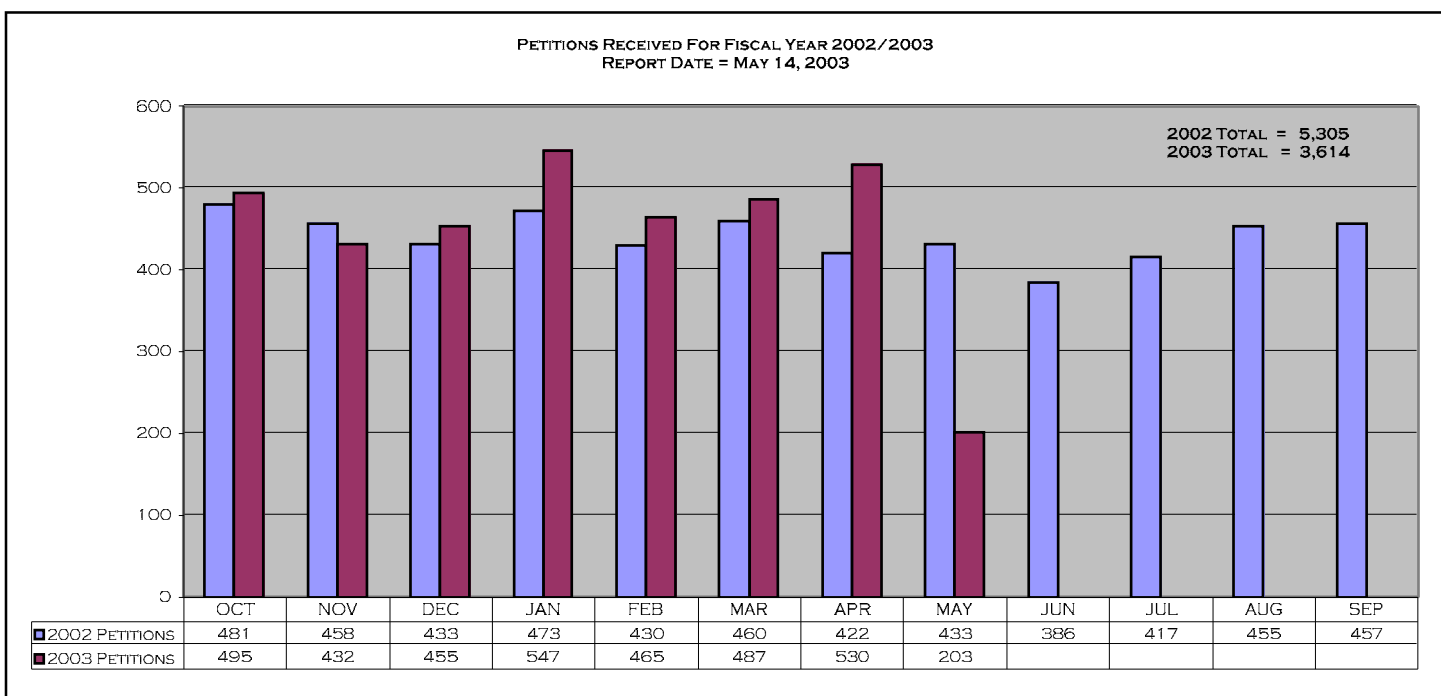
Welcome Ltr	00/00/00	Final Audit	12/05/02
Orig 341	07/18/01	Final Report	02/28/03
Orig Hearing	08/08/01	Dism Notice	00/00/00
Confirmed	09/19/01	Debtor Dschg	01/06/03
Post Cfm Rvw	09/19/01	Dschg Notice	00/00/00
Paid In Full	01/17/03	Trustee Dschg	03/03/03
Last Audit	12/05/02	Months since confirmation	20

The dates are listed chronologically for a case. Here is what they mean:

**Welcome Ltr:** Since March, 2002, every new case receives a Debtor Welcome Letter from our office. It introduces Marilyn O. Marshall as the Trustee on the case, informs of the date and time for the §341 meeting, provides directions to our office and explains the meeting procedure. This date is filled in when the user runs the CaseNET job that creates this letter.

**Orig 341:** This is the first date set for the §341 meeting. Since it is used to calculate claim bar dates for unsecured and government debt, it is never changed even if the

*See Milestone Dates In CaseNET on page 6*



**INFORMATION SERVICES****Milestone Dates In CaseNET**

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meeting is renoticed or rescheduled. This date is entered automatically when we import the noticing information from the Clerk of the Court CD.

**Orig Hearing:** This is the first date set for the confirmation hearing and is entered automatically when we import the noticing information from the Clerk of the Court CD.

**Confirmed:** Date that the case was confirmed. This gets filled in automatically when the paralegals docket the result of the confirmation hearing.

**Post Cfm Rvw:** Stands for Post Confirmation Review. After a case is confirmed, the confirmation team reviews the file to verify that the plan information has been loaded correctly in CaseNET. This is the date that the senior paralegals close out that review.

**Paid in Full:** This date gets filled in when the Closing Department docket the case as "Completed." It indicates that the debtor has paid the case in full.

**Last Audit:** This date gets stamped anytime an audit is performed on a case, be it the Mid Case Audit or the Final Audit.

**Final Audit:** The final audit date indicates that the Closing Staff has performed a closing audit of the court file.

**Final Report:** This is the date that the Final Report was created in our office. The final report is filed with the Court and provides the final accounting for the case as it is closed.

**Dismiss Notice:** Stands for Dismissal Notice. On cases that were filed before January 1, 2000, when a case is docketed as dismissed, it is included in a CaseNET job run by the Closing Department. This job creates data that is sent to a printing company that prints and mails the notice of dismissal to the debtor, debtor attorney and all the creditors on the case. The date you see here is the date the case was included in this job. The actual mailing of the notice by the printing company can be up to three weeks later. The Clerk of the Court handles all noticing on cases filed after January 1, 2000, so you will not see a dismissal notice date on these cases.

**Debtor Dschg:** Is the Debtor Discharge date. The debtor is discharged when all case funds have been paid and a closing audit has been completed. If the case was filed before January 1, 2000, this date will be filled in when the case is included in the debtor discharge job. For cases filed after January 1, 2000, we receive the debtor discharge date from the Clerk of the Court CD.

**Dschg Notice:** Discharge Notice. As in dismissals, the Clerk of the Court handles all noticing on cases filed after January 1, 2000. So if a debtor is discharged, the Clerk sends out the notice and this date will not be filled in. If the case was filed before January 1, 2000, and the debtor is discharged, we will create data that is sent to the print-

**LEGAL****More On The Model Plan**

OK, here we go again. The model plan was developed for uniformity in administering Chapter 13 cases in this district. Accordingly, debtors CANNOT change the model plan by adding their own variations within the body of the plan. If modifications are warranted and desired, those modifications MUST be contained in paragraph G. Any other modifications are flat out impermissible and will be ignored in administering the plan.

Lately, the Trustee has been receiving a new form of the model plan that attempts to address the *In re Till* decision by breaking out interest rates in paragraph E5 of the model plan. This modification, if done properly, conforms with the basic design of the model plan and can be administered.

However, the latest version, which seems to be put out by Best Case, modifies the plan incorrectly. Paragraph E5 sets out interest rates to be paid on secured and non-mortgage claims in the plan. Each subsection calls for a claim to be paid by the language "Amount of secured claim to be paid \$\_\_\_\_\_."

Since Till, the correct modification adds to this statement the following: "Amount of secured claim to be paid \$\_\_\_\_\_ with interest of \_\_\_\_%." This is the binding section of E5.

The incorrect way that we have seen this section modified is to add the interest to the latter statement thusly: "Total estimated payments including interest, plus \_\_\_\_% interest on the claim: \$\_\_\_\_\_."

This latter statement is a non-binding statement for information purposes to add the total interest to the base secured claim portion for feasibility purposes. The Trustee will NOT administer the claim with interest because the interest statement is missing in the earlier portion of E5.

The model plan was designed to get the plan into one document and to take the guess work out of plan administration. The second example adds ambiguity which contradicts the entire purpose of implementing the model plan.

*Anthony Olivadoti*

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ing company that does our noticing. The date you see here is the date the case was included in this job. The actual mailing of the notice by the printing company can be up to three weeks later.

**Trustee Dschg:** Trustee Discharge Date. When the Final Report is entered in Court, the Trustee is discharged from the case. We receive this date from the noticing CD provided to us by the Clerk of the Court.

**Months Since Confirmation:** This is a new display field. It tells you the number of months since this case was confirmed.

*Sandra Pillar*

## To Whom It May Concern:

Our office's answer to "Dear Abby" from the perspective of both female and male employees.

Dear Whomever,

*My spouse keeps on stealing the blankets from me at night. It gets cold at night. What should I do?*

*From: Spouse without any cover*

HER RESPONSE...

Dear Spouse without any cover,

First of all, let me get this straight. You want to know what you are supposed to do when your spouse steals the cover at night? Do you think that this is done on purpose or does it just seem to be unintentional? If it's not on purpose, you can only do one thing that's going to solve both of your problems: get another one!!! Is that so hard? Have one handy if it's that bad. You see that this is an ongoing problem that exists or, better yet, something that's not going to get any better any time soon. What else do you expect to be done? Arguing is not going to solve anything. Snatching it back is going to start a fight. So just slow your roll, and prepare yourself from now on. It could be a whole lot worse.

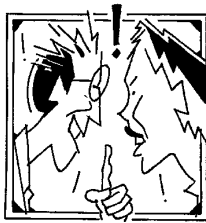
HIS RESPONSE...

Be afraid; be very afraid. Just by writing into this advice column, I can ascertain that you don't recognize the danger you are in. The coverlet steal is a proven method of torture that will break any man, woman or child unfortunate enough to be its victim. By exposing the delicate toes to the brutal bedroom elements, the psyche is slowly worn down to a nub creating a malleable puppet where once thrived a powerful individual. This technique was perfected by ex-shadow president Hillary Clinton.

You are at war. The enemy is your spouse; the battlefield is your home; the objective is full control over all style, comfort and behavioral matters of the household. Though your enemy seems innocuous, do not doubt for a moment that your spouse will not rest until every mannerism and idiosyncrasy they professed to adore is wiped out. You are in peril of losing your very identity. They will control your clothes, your hair, your table manners, and your ability to operate cars, washing machines, and other appliances. Your opinion on anything will cease to matter.

The only way to prevent this is to go on the offensive. Steal the covers yourself. Leave the seat up or your curler on, towels on the floor or hair in the drain. Make life so unbearably irritating they give up all hope of changing you and must focus all their energy on staying sane. With luck, they'll spiral into a complete nervous breakdown and become your willing slave. Or you can try discussion and compromise; I hope you like watching football wearing Mickey Mouse underwear.

DO YOU HAVE A PERSONAL QUESTION THAT YOU'D LIKE TO ASK? SUBMIT ONE TODAY IN OUR ANONYMOUS DROP BOX LOCATED IN THE MAIL ROOM.



## EMPLOYEE BIO: Carlos Lagunas

*Birth date:* December 31st.

*Birthplace:* Mexico.

*Family:* Everyone and anyone that loves me.

*Position:* Any.

*Years with the Office:* Five.

*Favorite Food:* Gracie's sopes.

*Favorite TV program:* Three's Company.

*Favorite Color:* I don't discriminate – I like all colors.

*Favorite expression:* ¡Oy a huevos!

*Favorite Smell:* Baby scent.

*Favorite Childhood memory:* Getting my Nintendo.

*If you could meet one person in the world, either dead or alive, who would it be?* Michael Jordan.

*What's most important in life?* Family, friends and co-workers.

*Is the glass half full or half empty?* Whatever.

*What's guaranteed to make you smile?* Making everyone around me happy.

*First thing you do in the morning when you wake?* Go back to sleep.

*My friends would describe me as:* C☺L.

*A perfect day for me would be:* Going shopping in the morning and clubbing at night with Grace.

*Proudest moment:* I'm proud of all my moments.

*In 5 years I see myself:* Still young and handsome.



## Bowling Party 04/25/2003

Our Trustee has done it again!!

Ms. Marshall allowed the office to participate in a recreational event; we went bowling. The office as a whole bowled a perfect game of 300!! Ok...maybe I embellished the truth slightly, but Patti Brower came close to a perfect game. Her score was 200 – Go Patti Go!

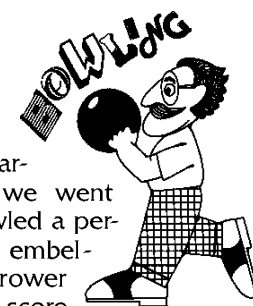
Everyone had a great time in spite of the gutter balls. Thanks to all who attended and I'm glad you were there.

Can you keep a secret? Don't tell anybody I told you this but Ms. Marshall bowled a 196!

Ooops, I mean she bowled a 96. Nevertheless, she enjoyed every point considering she hasn't bowled in a while.

Lavone Kizer-Merritt

(Editor's note: See page 8 for some photos of the event!)





## 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](mailto:newsletter@chi13.com)
- ✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or
- ✓ leaving them with Dave Latz

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

- ✓ type-written and
- ✓ submitted by the 1st 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.

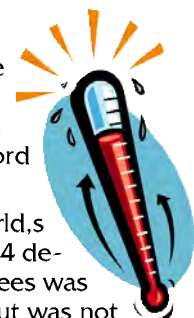
You may also view this edition of the Chronicle and previous issues on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

## Did You Know?

Yuma, AZ, is the hottest city in the U.S., based on normal daily maximum temperatures. Yuma, AZ, is also the city with the highest record temperature, 124 degrees!

Death Valley, CA, holds the world's record for hottest temperature, 134 degrees! A temperature of 136 degrees was measured at Al Aziziyah, Libya, but was not officially recorded, leaving Death Valley with the record.

The summer of 1995 in the United States was one of the hottest on record. By the end of August that year in Missouri, methane emitted within big bales of freshly cut hay began spontaneously combusting.



**OFFICE OF THE  
CHAPTER 13 TRUSTEE  
MARILYN O. MARSHALL**  
224 S MICHIGAN AVE \* STE 800 \* CHICAGO IL 60604-2500



Santricia, Cheryl, Patti, Shanika and Denise mug for the camera between frames.



The peanut gallery pays rapt attention to our athletes in action (yeah... right – could you pass me that piece of pizza , please?).