

# THE MARSHALL CHRONICLES

SEPTEMBER/OCTOBER 2004  
VOLUME III, NUMBER 9

## On The Job With Judge Black

Shortly after becoming a bankruptcy judge, while presiding over a hotly contested hearing, Judge Bruce W. Black started to grin. No, he wasn't laughing at the attorneys or at the information being presented, he was thinking about a conversation he had with a friend right before starting his job as a bankruptcy judge. But, he figured that he had better explain his ear-to-ear smile to all the parties in his courtroom so that they didn't think he was laughing at them. He explained that after hearing he had been appointed as a Federal Bankruptcy Judge, a friend had said to him, "Won't you be bored being a bankruptcy judge?" Well, at that moment, listening to the interesting and complex Chapter 11 hearing, he realized that he was far from bored, that every day on the bankruptcy bench would be a challenge and that there is something new to learn every day.

Born May 16, 1944, Bruce Black comes from a long line of lawyers. A third generation attorney, he followed his father and grandfather into the profession. In addition, his brother, two nephews, and two cousins are all lawyers. Not surprisingly, Judge Black's son Colin followed in the family footsteps to become the fourth generation in the Black family to choose the legal profession. When discussing his son, Colin, a prosecutor at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, Judge Black's face lights up with pride.

Judge Black majored in English at Bradley University in Peoria, Illinois, before going on to receive his Juris Doctor from University of Illinois in Champaign, Illinois, where he was the lead article editor of the law review. Immediately upon graduation from law school, he started a clerkship for a U.S. District Court judge in the Central District of Illinois and then spent a year in Australia teaching at the University of Melbourne College of Law. After, he went to work in his family's private law

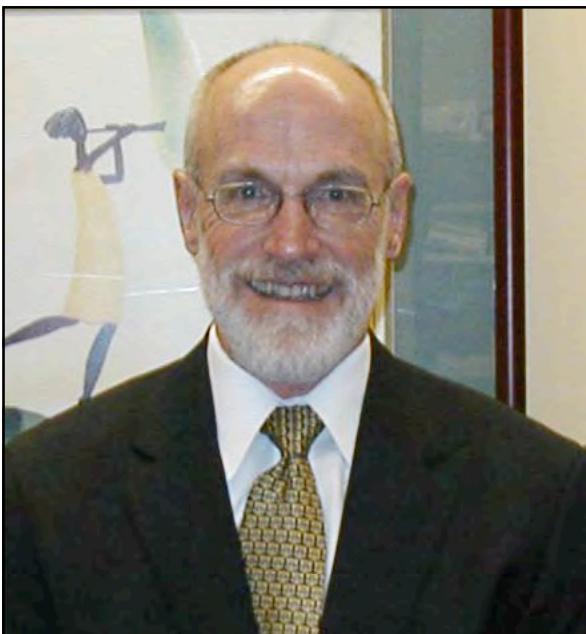
practice for a year. He left to become an Assistant State's Attorney in Tazewell County. Two years later he was elected the Tazewell County State's Attorney and served until 1985. Then the Illinois Supreme Court appointed him as a circuit judge of the Tenth Judicial Circuit of Illinois and he was elected to that position in 1986. He remained in that position until accepting his present appointment in 2001.

His duties as a bankruptcy judge vary from day to day. Mondays, set as a "chamber day" to give him time to get work done, usually end up as trial days for some of his mega cases such as *In Re Comdisco, Inc.* and *In Re Wickes, Inc.*, Tuesdays are his Chapter 13 day which he recently switched to every other Tuesday in order to free up more trial time for his mega cases. Judge Black uses Wednesday and Thursday to hear all of his Chapter 7 and 11 matters. Fridays are reserved for Joliet, which has burgeoned into a huge call. At its smallest, Joliet has around 200 matters on the call and can have up to 400 on a big day.

Handling the Joliet call as well as all of his Cook County cases, has given him the opportunity to work with all of the Chapter 13 Trustees and their attorneys. He knows that he can count on any one of the offices to come to court prepared and to make good recommendations. He also admits that having a good working relationship with the Chapter 13 Trustees and their offices "is essential" to making his high volume calls as easy as possible.

When asked about the proudest moment of his legal career, he recalls two career highlights to date which both involve social activism. As a state court judge, he co-chaired the Illinois Family Violence Coordinating Council "that works to promote a coordinated response to family violence and to improve the institutional and professional response to these issues." He also presided over the Peoria County Drug Treatment

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## On The Job With Judge Black

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Court and expanded the program to incorporate juveniles.

Clearly a well-rounded individual, Judge

Black is able to balance both work and pleasure and enjoys activities outside of the courtroom. He goes auto-crossing on weekends in his 1992 Mazda Miata. He says that this is a recent hobby at which he is not very good but enjoys nonetheless. He also likes to golf and takes a yearly, all-guys golfing trip to Gulf Shores, Alabama.

Judge Black says that working as a bankruptcy judge gives him "the opportunity to help people with their lives" That is why he enjoys the consumer aspect of bankruptcy law as well as the business side. Early on, friends of his told him that he would be a great judge but he would have to work on his patience. He agreed with them and strives to be patient with all who appear before him. If he does find himself getting impatient during court, he reminds himself that "there are no down sides" to being a bankruptcy judge. "It is the best job in the world!"

*Kimberly Grief*



## Information Services ECF: We've Made A Good Start



October 1st marked not only the beginning of our new fiscal year but also a significant start to our office becoming ECF proficient!

It seems that my article is destined to be filled with TLA's (Three-Letter Acronyms). So let me start with some definitions:

**ECF** stands for Electronic Case Filing and is the way we will be handling documents sent to and received from the clerk's office.

**FTP** stands for File Transfer Protocol, a standard Internet protocol, and is a way to exchange files between computers on the Internet.

**PDF** stands for Portable Document Format and is a file format that has captured all the elements of a printed document as an electronic image that you can view, navigate, print, or forward to someone else.

There are two important ways we have started to become an ECF office. One relates to receiving imaged documents from the clerk's office and the other involves filing our documents through the clerk's website.

### Receiving:

We are able to log into the clerk's FTP site daily to download information. Rosalind Lanier performs this download daily and receives a packet of information. Included in this packet are images of all the claims filed with the court on a particular day. Rosalind imports this information into CaseNET. Since October 1st, the CaseNET program then identifies the claims and saves them to our file server Rama in the appropriate case folder with the case number and creditor name as part of the document name. You can see these PDF images on Rama in the folder called "ECF Files." There are sub-folders in this folder that break out the cases based on the last five digits of the case number.

### Sending:

Another big break-through occurred the first week of October when we successfully created PDFs of our Final Reports and filed them electronically through the clerk's website. The Final Reports job in CaseNET now "prints" the documents to individual PDF files instead of sending them to the printer. The job creates a folder of the Final Reports produced for that run on the desktop and also creates an additional copy of the document in the appropriate case folder in the ECF files folder on Rama. (No more filing!) Mark Caffarini and Denise Ashley are the trailblazers for our office. They have each run the Final Reports job once and can tell you all about it.

### Viewing:

For viewing all these images I have been talking about, we have set up several dual-screen workstations throughout the office. These will allow you to have CaseNET showing on one screen and a web browser or Adobe Acrobat Reader open on the other screen for viewing the images. Get up from your desk and try out these workstations. They are the future. I don't want to see anyone printing images out from the website. The future is now!

*Sandra Pillar*

## THE MARSHALL CHRONICLES

### The Editorial Staff:

Kimberly Grief, Cheryl Jones, Joanne Coshonis, Kyle Issleb, Cheri Johnson, HVB and Dave Latz.

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### Newsletter Information:

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 first Wednesday of the month via e-mail, a Word document or an ASCII file.

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

You may also view this edition of **THE MARSHALL CHRONICLES**, as well as all the previously published issues, on the Chapter 13 Trustee website at <http://www.chicago13.com/>.

## Trustee Matters

### State Of The Trusteeship For The Fiscal Year Ending September 30, 2004

Time sure flies when you enjoy what you are doing. It is the end of another fiscal year and time to reflect on the year in review and to prepare for a new beginning.

We ended FY 04 with 7,768 cases and will begin FY 05 with the same. This represents a 2% increase in total caseload from FY 03. New petitions filed totaled 4,758, a 14% decrease from last year's new filings. We received plan payments which totaled \$51,923,047, a 7% increase over last year. Disbursements to creditors were \$50,334,760, a 14% increase over last year. It appears that receipts were up because more debtors included their current mortgage payment in the plan. As of September 30, 2004, there are 33 full-time employees and one part-time employee with the trusteeship.

Salary increases were issued on October 8, 2004, based upon merit. Of our 33 full-time employees, 22% received 7.2% increases, 59% received 3.35% increases, 16% received 1.8% and 3% must improve their performance in order to receive an increase. The recommended performance evaluations from Organizational Diagnostics were used for evaluations. The ability to perform tasks assigned in an effective and efficient manner is an integral part of performance evaluations. We are committed to providing training to our employees so that each are prepared to accept the challenges of the position.

We are moving toward electronic case filing. New processes and procedures must be learned in order to keep pace with a paperless environment. In FY 04, eight employees attended the NACTT Staff Symposium training held in St. Louis. Four managers attended Basic Supervision Training in Chicago and four employees accompanied the Trustee to the NACTT annual meeting in Las Vegas. Since training is an integral part of staff development, we have budgeted 16 employees to attend the Staff Symposium training in Chicago in FY 05. It is my goal to make sure everyone in the office has the opportunity to participate in off-site training. Additionally, the Systems department has scheduled the 2nd Friday of each month as its in-service training program. Our management team has looked at the direction of the trusteeship, assessed the needs of the departments and will focus on developing goals and objectives to meet the office needs. My goal is to keep the staff motivated, challenge and committed to the trusteeship. I appreciated the cooperation I received from the staff.

We appear before Judges Hollis (2454), Doyle (2503), Black (1207) and Squires (1604). Since Judge Black serves several of the outlining counties, he conducts his Chapter 13 call every other Tuesday. From May to August, 2004, Judge Wedoff handled the court call for Judge Doyle while she was on a sabbatical. Following are some of the published opinions issued by the Bankruptcy Judges during FY 04.



### Summary of Opinions Rendered in FY 04

JUDGE	CASE NAME/NUMBER	SUMMARY OF OPINIONS
Hollis	In Re David Vleck 03 B 28311 2/10/04	Pursuant to 11 USC 110(i)(1), if a bankruptcy petition preparer has violated any part of section 110, the bankruptcy court shall certify that violation to the district court.
Black	In Re Robert Golek 00 B 37527 4/14/04	Bankruptcy court overruled Chapter 13 Trustee's objection to a debtor's modification of his confirmed plan.
Doyle	In Re Ronald Becker 03 B 22189	A Chapter 13 plan may not discriminate between payments to cover long-term student loans and payments to other unsecured creditors.
Squires	In Re Donald Lasica 02 B 09026	Because the confirmed plan made no provision for payment of any expenses incurred by the Attorney, the Court will not authorize the reimbursement of expenses out of plan payments made to the trustee. (Glenn Stearns Case)

The office completed training for CM/ECF at the Clerk's office. I advertised in FY 04 for an ECF clerk but that position has not been filled and will remain available in FY 05. We established a pilot ECF team to handle all cases filed electronically. One of the §341 meeting rooms was equipped with the dual screen monitor and the ECF meetings are conducted without any "paper documents." We started to audit all cases filed after 2000 in the office on Pacer, which has eliminated the need for the financial department to go to the courthouse weekly. The financial department will begin filing Final Reports electronically in October. The legal department will continue to work with the systems department so that we can start to send motions to the Clerk electronically. We will continue to monitor and document the electronic process in order to implement written procedures for the office to follow.

The procedures we implemented in FY 03 with Civil Enforcement have proven successful in FY 04. We are able to identify petitions filed by petition preparers on the front-end. Therefore, when we question the debtor at the §341 meeting, we are prepared and know which questions we need to ask the debtor. There is no delay in moving to dismiss these cases if the documents are not filed and the petition preparer was not identified on the petition. The process of having the petition preparer submit a copy of his identification with all petitions filed has helped tremendously in this area. We have aggressively pursued ten separate petition preparers over the past year. Of those pursued, five have been put out of business and the other five have not been heard from again. We have been successful in forcing petition preparers to return over \$2,000 of improper fees charged debtors, collecting over \$4,500 in fines, and have obtained over \$30,000 in damage judgments. We have successfully disgorged improper attorney's fees in three instances and have caused three bench warrants to be issued as enforcement tools. We will not change our strategy and will continue to mirror our Civil Enforcement efforts after the UST's office.

(Continued on page 6.)



**PICNIC WAS A ROUSING SUCCESS!**

VOLUMI



## Trustee Matters (Continued from page 3.)

Working with the UST, we have assisted in the elimination of one petition preparer and will be preparing an agreed order with another. We filed 494 Motions to Dismiss for not filing timely documents: 166 were dismissed with 180-day bars; 144 withdrawn; and 25 denied. We filed 51 motions for bad faith and for violations of §110 (g). Of the 17 motions where we asked for dismissal only: 7 withdrawn; 7 dismissed; 3 denied. Of the 34 where we asked for dismissal with bar provisions: 1 withdrawn; 3 dismissed no-bar; 12 dismissed with 180 day bars; 15 with 1-year bars; and 2 permanent bars. We have verbally objected/responded to attorney fee requests an average of 180 times during FY 04. We have aggressively sought §329 hearings and disgorgement on five cases.

Customer service and communication is key in running a successful trusteeship. This office is committed to providing the highest quality of service to our customers. In an effort to refine and improve our services, we circulated a survey this year. As a result of the survey, we concentrated on what we can do to improve service to the bankruptcy community. We are working to improve some procedures, and other processes we discovered are working and will not change. I still believe that communication helps to foster better relationships.

The chairpersons of the Employee Recognition and Newsletter Committee worked diligently this year to keep the staff informed and entertained. Each sponsored activity was a success and it was just "old-fashioned" fun. We will continue to have work-related social activities to promote a wholesome working environment. Our commitment to remain active and involved with the U. S. Trustee's office, the Judges liaison committee, the Clerk's office, the debtor and creditor bars and to better serve the debtors will continue.

The trusteeship will move forward, accept the challenges ahead and strive toward excellence. Each year it gets better. This, too, was a good year. Am I pleased? "Yes."

### **Summary End of Fiscal Year 2004**

Receipts .....	\$51,923,046.78
Disbursements .....	\$50,334,759.68
Number of Cases Beginning of Year .....	7,582
Number of Cases Filed in FY 04.....	4,758
Number of Cases Completed .....	869
Number of Cases Dismissed.....	3,299
Number of Cases Converted to other Chapter.....	430
Number of Cases Converted from other Chapter.....	36
Number of Hardship Discharges .....	0
Number of Adjustments.....	62
Total Cases at End of Year .....	7,768
Number of Full Time Employees .....	33
Operating Expenses.....	\$2,971,266.57
Trustee Fee at End of Year .....	4%

### **Summary End of Fiscal Year 2003**

Receipts .....	\$48,133,233.78
Disbursements .....	\$44,317,855.43
Number of Cases Beginning of Year .....	7,571
Number of Cases Filed in FY 03.....	5,519
Number of Cases Completed .....	1,044
Number of Cases Dismissed.....	3,893
Number of Cases Converted to other Chapter.....	577
Number of Cases Converted from other Chapter.....	16
Number of Hardship Discharges .....	5
Number of Adjustments.....	27
Total Cases at End of Year .....	7,582
Number of Full Time Employees .....	36
Operating Expenses.....	\$2,986,598.78
Trustee Fee at End of Year .....	.5%

Marilyn O. Marshall, Trustee

## Who You Gonna Call?

Liaison is a French word that is defined as: *one that establishes communication and maintains mutual understanding and cooperation between parties*. Each department in our office has a court liaison that he or she contacts via phone or e-mail when needed to clarify miscellaneous issues or problems. When the court took over the §341 noticing, we were assigned two contacts to channel issues related to the §341 noticing process – Shurray Davis and Linda Montano.

Although I have exchanged numerous e-mails with these ladies, and I'm sure some of you have also talked with them at one time or another, Linda and Shurray have recently been promoted to other posi-

tions within the court and will no longer be our contacts for noticing issues. They were always prompt about resolving issues, and we will miss the personal and professional rapport that we have established with them over the years. We wish them well in their new positions and look forward to working with our new contact, Adrienne Atkins. Below is a list of our contacts for various court matters.

### **§341 noticing:**

Adrienne Atkins/ILNB/07/USCOURTS

### **Court call matters:**

Black – Sue Thoma – 435-6868

Hollis – Linda Austin – 435-5535

Doyle – Tina Devine – 435-5676

Squires – Althea Askew – 435-5762

### **Docketing or data entry discrepancy:**

Team A cases ending with digits 1 and 2  
[team\\_a@ilnb.uscourts.gov](mailto:team_a@ilnb.uscourts.gov)

Team B cases ending with digits 3 and 4  
[team\\_b@ilnb.uscourts.gov](mailto:team_b@ilnb.uscourts.gov)

Team C cases ending with digits 5 and 6  
[team\\_c@ilnb.uscourts.gov](mailto:team_c@ilnb.uscourts.gov)

Team D cases ending with digits 7 and 8  
[team\\_d@ilnb.uscourts.gov](mailto:team_d@ilnb.uscourts.gov)

Team E cases ending with digits 9 and Ø  
[team\\_e@ilnb.uscourts.gov](mailto:team_e@ilnb.uscourts.gov)

Rosalind Lanier



## Protecting Your Family's Health

### Recognizing the Dangers of Carbon Monoxide

As the weather gets cooler, we all start to turn on our heaters. This winter take care to protect your family's health as you start to use heating appliances. Natural gas fuels many furnaces, water heaters, stoves and dryers. The best way to protect your family is to be able to recognize the symptoms of carbon monoxide (CO) poisoning that can result from faulty appliances using natural gas. Your best line of defense is a CO detector. Make sure that your home has a carbon monoxide detector installed and that it is working properly.



The warning signs of CO poisoning are headaches, nausea, drowsiness, ringing in the ears, and flu-like symptoms. If you suspect CO poisoning, get everyone out of your home immediately, including pets. If untreated, CO poisoning can be fatal. Call for help and get medical attention right away. And do not return to your home for any reason until you've been told it is safe to return.



## October and November Birthdays, Anniversaries and Other Notable Events

Happy 5th Anniversary to **Joanne Coshonis** on October 4th!

Happy Birthday to **Denise Ashley** on October 7th!

Happy Birthday to **Mark Caffarini** on October 8th!

Happy 4th Anniversary to **Kyle Issleb** on October 10th!

Happy Birthday to **Dave Latz** on October 13th!

Happy 18th Anniversary to **Rita Saunders** on October 14th!

Happy Birthday to **Shanika Thomas** on October 21st!

Happy Birthday to **Kenya Williams** on October 31st!

**Halloween** on October 31st.

**Daylight Saving Time Ends** on October 31st.

Happy 6th Anniversary to **Lavone Kizer-Merritt** on November 2nd!

**Election Day** on November 2nd.

Happy Birthday to **Laura Mendoza** on November 3rd!

Happy 1st Anniversary to **Dan Lyons** on November 3rd!

**All Staff Meeting** on November 5th.



Happy 4th Anniversary to **Graciela Cardona** on November 6th!

Happy Birthday to **Catherine Mendoza** on November 7th!

Happy 6th Anniversary to **Mark Caffarini** on November 9th!

**Veterans Day** on November 11th.

**Great American Smokeout** on November 18th.

Happy 4th Anniversary to **Cheryl Jones** on November 20th!

**Thanksgiving Day** on November 25th.



## Dear Kyle...

I have a co-worker that drives me nuts. She's incompetent, slow and gossips uncontrollably. I am nice to her out of professional courtesy, but my control is slipping. Last week I found myself gripping my pencil like a samurai, intent on burying it in her forehead. Worse though, she thinks we're friends! How do I disabuse her of the notion without resorting to some ginsu action? Signed: Violently Irate in IL



Dear Violently Irate: First, let me congratulate you on controlling your rage. To slaughter this woman in cold blood would violate *bushido* and bring shame to your family. The loss of face you would endure is not worth the woman's life. Yet there is great merit in your question. Office politics exist on a level akin to open warfare. I once witnessed a great battle between a financial department *daimyo* and a human resources *daimyo* disputing who had rights to the copy machine. Much blood was shed; no quarter was given by either side. Nor should you in your own battle.

You hold a very strong position. Your enemy has brought you close and exposed her soft belly to your blade. Yet you must not sheathe your steel in her until you have gained all advantage. Her secrets are yours for the listening, and therein lies her downfall. Gather what you can of her movements, opinions, actions, words, timing, strengths, weaknesses, arrogance and ignorance. Pull her closer and gain her deepest trust. As the Chinese general Sun Tzu said, "All warfare is based on deception." Become her crutch so that you might cripple her when you choose to strike.

Once her mind and plans are bonded to you, destroy her from within. Guide her attention in one direction while her interests exist in another. Direct her words into the ears of those who wish to destroy her. You must eviscerate her, prepare her for the killing blow. Destroy her last trace of arrogance and fill her eyes with despair. Only then may you reveal the extent of your betrayal and bury your sword in her breast. *Gokouun o inorimasu.*

## ERC Update

From October 1st through October 15th, the ERC Committee opened enrollment and solicited for new members to come aboard. We would like to thank everyone who considered joining and a special thanks to our new members... Eileen Downs, Catherine

Mendoza, and Agueda Orozco. We look forward to new and great ideas to come for the office. The committee would also like to thank the office for its support of the Sweetest Day Fundraiser and Raffle on October 15, 2004. Under the leadership of Ms. Marshall and the cooperation and participation of the office, we will continue to make things happen.

**MARSHALL'S  
ERC  
WE MAKE  
IT HAPPEN!**

Jammal Davis

## NOTHING HALLOW HERE, YOU WEENIES!

What a strange and wonderful holiday Halloween is. Parents get to dress their little kids up in cute costumes and parade them up and down the streets. Children get to collect bags of candy from their neighbors and spend the next week gorging themselves. Trekkies get to wander the streets speaking Klingon without being taunted and stoned. For the rest of us though, Halloween kind of stinks. Between sticky-fingers on my doorbell and cleaning eggs off my car, I really get no enjoyment out of Halloween. If I wanted to deal with kids, I would have had some; maybe that's why I hand out chocolate laxatives.



How did America become obsessed with this creepy little holiday? The origin of the word "Halloween" is actually a squished form of "All Hallows Eve", or the eve of All Souls Day, a Christian holy day celebrated on November 1st. But the tradition really stretches back 2000 years to the Celts who spent November 1st honoring Samhain (pronounced sow-in), the Lord of the Dead. They also believed that the dead were able to return October 31st. By the 17th century, Christianity had usurped this pagan celebration and made it their own.

But where do candy, costumes and carved fruit come into play? All these traditions are linked back to the Celts, particularly the Irish. Some theories state that dressing up in animal skins and dancing around bonfires were part of the Celtic festival celebrating Samhain; others believe the costumes were used to either scare away evil spirits or welcome benevolent ones. The Irish carved turnips and potatoes to scare away the evil spirits as well. The Irish were also said to leave bowls of fruit outside their doors to appease the spirits with gifts. Mischievous children dressed like ghosts would then run around pretending to be spirits and steal the fruit. Another theory lays the tradition at the

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feet of petitioners who would knock on doors and ask for food in exchange for prayers for dead family members. Some even say that Druid priests would go door-to-door demanding money for their rituals and torturing those who refused.

So sometime this weekend, a person wearing a political button and holding a clipboard may show up on your doorstep. Before you open fire, check the calendar; if it's October 31st, put down your Winchester and pick up your bowl of candy because it's Halloween and he is probably your neighbor's 13-year old son who blasts Metallica at 11:00 at night and lets his dog squat in your front yard. No really, don't shoot him. Just give him some mini-Snickers so he'll go away. Or a pack of Pall Malls if you're feeling really generous.

Kyle Issleb