



THE

MARSHALL CHRONICLES

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2004: The Year Remembered



What will come to mind when we remember the year 2004? Whether we smirk when recalling reactions to the Janet Jackson Super Bowl antics or sneer at the absurd attention bestowed upon the Paris Hilton travelogue, this year's media exploits cannot obscure the grave occurrences that impacted all of our lives. Forever we will contemplate the somber and grim events that touched our hearts.

Until the day after Christmas, 2004 was already a turbulent year. There was war. There was a presidential election. There was a morality split. Pretty serious concerns or so it seemed. But a catastrophe on the scale of the December 26th tsunami, which devastated coastal areas in southern Asia, put everything into a different perspective. By the time the effects of the earthquake and tsunami are finally realized, far more than 200,000 lives may have been lost. With one uncontrolled spasm of fury, Mother Nature delivered a swift and shocking message that altered our perception of many of the events in 2004.

We experienced indignation with the brutal footage of the dismembered bodies of American contractors ambushed and killed in Iraq. We were outraged at graphic images of our own forces allegedly abusing Iraqi detainees at the Abu Ghraib prison. We were appalled and terrified of the abductions and beheadings of foreigners in Iraq. For the most part, we have become more sensitive to the frailty of humanity and the sanctity of human life.

There were many winners and losers in 2004 – most notably, President Bush and John Kerry. Court cases filled the press. More than a year after he was arrested on charges of felony sexual assault and false imprisonment, the Lakers' Kobe Bryant avoided trial. Not so fortunate was Martha Stewart, who went from her house to the big house for lying to investigators. Five members of the Indiana Pacers were charged for their roles in a brawl at the end of a game. Michael Jackson was charged with child molestation. Finally, a nondescript California fertilizer salesman, Scott Peterson, emerged as a TV star as his trial was chronicled. Debate raged over same-sex marriage, media standards and other moral values issues. We viewed the Passion of the Christ and Fahrenheit 9/11.

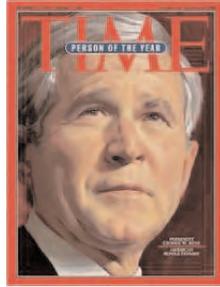
New personalities of 2004 had big shoes to fill. Two leading figures of the second half of the 20th century and three brilliant entertainers departed this life during 2004. Powerful and beloved leaders were laid to rest: the 40th President of the United States, Ronald Reagan, and Yasser Arafat, the leader of the movement for a Palestinian homeland for four decades. And the lives of respected and adored entertainers ended: Ray Charles, who proved that any style

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2004: The Year Remembered

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of music could be grafted into any other style and produce a song. The American theater and cinema bid farewell to Marlon Brando, an actor who introduced naturalness and realism to a century of stagecraft and to the screen. Finally, superman, Christopher Reeve, who was always respected for his performances, but his most important role was as an activist for stem cell research.



The Olympics finally returned to Greece. Athens welcomed the world with a spectacular opening ceremony. Records were broken and the games were a success. Success – the Red Sox won the World Series and that curse has been broken – now what about the Cubs?

When we revisit more personal events which colored our daily lives within the Office of the Chapter 13 Trustee, it is apparent that Ms. Marshall remains steadfast in her commitment to providing quality service and promoting open communication. Throughout 2004, the Office of the Chapter 13 Trustee embarked on addressing matters which impact the entire Chapter 13 Bar.

Petition preparers have been flushed out and their activities quashed. As a result, much of the unauthorized practice of law

has been curtailed. The Office has pursued appeals which provide much desired clarification of Chapter 13 concerns. Finally, preparation for ECF has consistently navigated through the office on various levels. Modifications, upgrades, new equipment, and changes in approach and attitude have been incorporated within the Office. Although groundwork for ECF began long before 2004, anticipation of its implementation has accelerated and intensified the need to be ready.

2004 was also the year of the NACTT Las Vegas meeting with fabulous accommodations at the Mandalay Bay Resort. Certainly, those who attended not only benefited from the various instructional seminars, they also experienced fine food, entertainment and in some cases, winnings. One of the major topics at the convention was the significant impact the Till Decision has on Chapter 13 practice. Again we recognize that the law is in constant motion; that adjustments, modifications and refinement are a continuous process.

2004 has intensified our respect for life, dignity and freedom. We have endured the ravages of natural disasters and human degradation and have acquired a heightened awareness of the value of freedom. Our vision for 2005 rests in our ultimate quest for preserving life and allowing freedom to flourish. *Joanne Coshonis*

The US Trustee vs The Chapter 13 Trustee

This year’s basketball battle was very exciting for me. I had a chance to meet Jason Williams (formally of the Nets). Although the U.S. Trustee Ira Bodenstein was not able to play because of illness, his team performed well. The game was intense from start to finish. I talked to Jason Williams about subbing for our team and he agreed; when I was about to send him in, he started to discuss his salary for this. I talked to Dan who said we could not offer him a salary because he wasn’t included in the budget. I told Jason that we were unable to pay him for his services and maybe he could consider me a charity case. Unfortunately, he told me he has select charities and right now I’m not on his budget. So that was the end of that.

Our team played hard! Kyle got a rebound and a steal. Dan played so hard he had holes in the knees of his pants. Brandon’s crew worked really hard and scored our points. The scores were: first game 21-17 (UST) and second game 21-15 (UST). The score is getting closer and closer each year and all I have to say to the UST’s office is the next game will be ours! *Lavonne Kizer-Merritt*



The “U.S. Trustee’s” team gets a pep talk before the games start.

THE MARSHALL CHRONICLES

The Editorial Staff:

Kimberly Grief, Cheryl Jones, Joanne Coshonis, Kyle Issleb, Cheri Johnson, Eileen Downes, 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
- ✓ 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

Do You Have Any Questions Regarding Debtors Attorney Fees?



On January 11, 2005, the Honorable Bruce W. Black, Attorney Kathryn M. Gleason from the UST’s office, and I addressed the Illinois State Bar Association regarding attorney fee issues in bankruptcy. Judge Black and Kathryn Gleason discussed attorney fee issues in Chapter 7 and Chapter 11 cases. I discussed issues in Chapter 13 cases.

Several questions have arisen regarding attorney fees since all the Judges signed the standing order effective December 1, 2004. Additionally “Procedural Clarification for Filing Chapter 13 Fee Applications” was posted on the court’s website on December 10, 2004.

There have been questions asked regarding procedures. In my presentation, I attempted to answer some of the questions we receive in our office.

Attorney Fees: Issues in Chapter 13

Most of the Debtors Attorneys have asked the following questions regarding compensation.

- ★ *What am I paid?*
- ★ *How do I get paid?*
- ★ *When do I get paid?*
- ★ *How much am I paid?*
- ★ *Why wasn’t I paid?*

What am I paid?

1. Model retention agreement. If counsel and the debtor have entered into the Model Retention Agreement, original compensation may be awarded without itemization of services.
 - Option A: Flat fee through confirmation – \$2,200.00
 - Option B: Flat fee through case closing – \$2,700.00
2. Itemization if no agreement. If counsel and the debtor have not entered into the Model Retention Agreement, the court will only award compensation based on an “Itemization of Services Rendered to Chapter 13 Debtor(s)” which must be attached to the Fee Application.

How do I get paid?

1. Notice and hearing required.
 - a. All applications for compensation, whether original or supplemental, must be noticed for hearing, as any original motion must, unless the following paragraph authorizes limited service of the notice.
 - b. If the Notice of Meeting of Creditors (the §341 Notice) discloses the amount of original compensation requested and has been served on all parties in interest, and if the hearing on compensation is noticed for hearing on the date of the confirmation hearing specified in the §341 Notice (the “original confirmation”), then the debtor’s attor-

ney need only serve the notice of the hearing on original compensation on the debtor and the Standing Trustee, with a copy of the §341 Notice attached.

2. Notice for hearing on the date of, and at the time of, the original confirmation hearing.
 - a. All applications for original compensation must be noticed for hearing on the date of, and at the time of, the original confirmation hearing.
 - b. File application with the clerk using the “Attorney Application for Compensation for Representing Chapter 13 Debtor(s)”.
 - c. “Order Allowing Compensation for Representation of Chapter 13 Debtor” must be attached to the Form Fee Application.
3. Supplemental compensation.
 - a. All requests for awards rendered post-confirmation must be filed with the Clerk using the Form Fee Application.
 - b. Attach the Itemization Form.
 - c. Attach a completed copy of the Fee Order form showing the amount requested.
 - d. Supplemental fees must be filed within one year of when the services were provided.

Remember: There is no need to file a separate motion, but form fee application must be noticed according to the procedures discussed above.

When do I get paid?

The Chapter 13 Trustees disburse fees at different times during the month.

- ★ Marshall – On the third Friday of each month.
- ★ Stearns – On the second Monday of each month.
- ★ Vaughn – On the last business day of the month.

All Trustees must have a filed, stamped copy of the order signed by the judge before the Trustee can disburse attorney fees.

How much do I get paid?

1. If the Trustee is not paying the current mortgage, an initial installment of one half of the funds held by the Standing Trustee upon receipt of the order.
2. If the current mortgage is paid in the plan by the Trustee, the current mortgage payment will be made, then an initial installment of one half of the remaining funds held by the Standing Trustee.

Subsequent monthly installments equal to one half of the regular monthly plan payment of the debtor (not including amounts for current mortgage payments).
3. If the case is dismissed, the Trustee will pay to the extent funds are available.

Why wasn’t I paid?

In our office, objections to attorney fees may be filed if there is consistent failure to follow the rules and if abuse is noted. Additionally, failure to follow procedures may delay the processing of orders.

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Trustee Matters

(Continued from page 3.)

Some of the most common reasons for objections and delays in payment of attorney fees are:

- ★ Logical inconsistency – debtor attorney or firm check wrong box.
- ★ Name, bar number, address and telephone number is not on fee order.
- ★ Charging a higher hourly rate than reasonable for an attorney at that experience level.
- ★ Charging for more time than is reasonable under the circumstance.
- ★ Billing attorney time for clerical work.
- ★ Billing in standardized time increments as opposed to actual time spent.
- ★ Double billing.
- ★ The fee award was for unnecessary work.

- ★ The additional fee award is not timely presented.
- ★ The additional fee award will make the plan unfeasible.
- ★ The request appears on its face to be excessive.
- ★ Duplicate Attorney fees.
- ★ Case has been confirmed, however, the Trustee has not completed Post Confirmation Review.

Judges procedures.

CHECK WITH CHAMBERS TO DETERMINE PROCEDURES IN EACH COURT ROOM.

If the Judge does not call cases, which are recommended for confirmation, attorney’s fees are generally granted in chambers. (For example, Black, Cox, Doyle, Hollis and Sonderby do not call cases recommended by the Trustee for confirmation.)

Some Judges will call attorney fee motions

if there is a problem (Doyle and Hollis).

Some Judges call all cases, and then generally attorney fees are awarded in open court (Squires).

Where do I get forms?

Applications, Orders, Model Retention Agreements, Itemization and other forms relating to attorney fees are published on the court’s website at www.ilnb.uscourts.gov.

Forms can also be found on all of the Trustee’s websites at:

- ★ www.chi13.com – Marilyn O. Marshall
- ★ www.lisle13.com – Glenn Stearns
- ★ www.13network.com/chihome.htm – Tom Vaughn

If you have any questions regarding attorney fees, please read and review Local Rule 5082-2.

Marilyn O. Marshall, Standing Trustee

ERC Update

On December 17, 2004, the ERC hosted its holiday event at Dave & Buster’s, a place with great food and fun. We enjoyed the wonderful food and drinks prepared by Dave & Buster’s very own.

After dinner, a few of our co-workers were able to participate in the hilarious hit game show (and I do mean hilarious) “He Sez... She Sez” which was geared toward co-workers. The team of Cheryl/Jammal (they knew each other a little to well) came in first place. Coming in second were Anthony/Dave (who didn’t know as much as they thought they knew about each other). Karen/Juliana (who knew just enough to get by) came in third place with Patti/Rosalinda (who didn’t know enough about each other at all) came in last place. Oh well, girls, better luck next time. The winners were presented with Dave & Buster’s T-Shirts. Lavone, Ms. Marshall, Anthony and Kyle made their karaoke debut...can you say “I’m a little tea pot”?

Everyone who attended also received a gift from secret Santa. Once again, the office came together for fun and laughs that were enjoyed by all. Thanks to everyone for helping to make our holiday event a success.



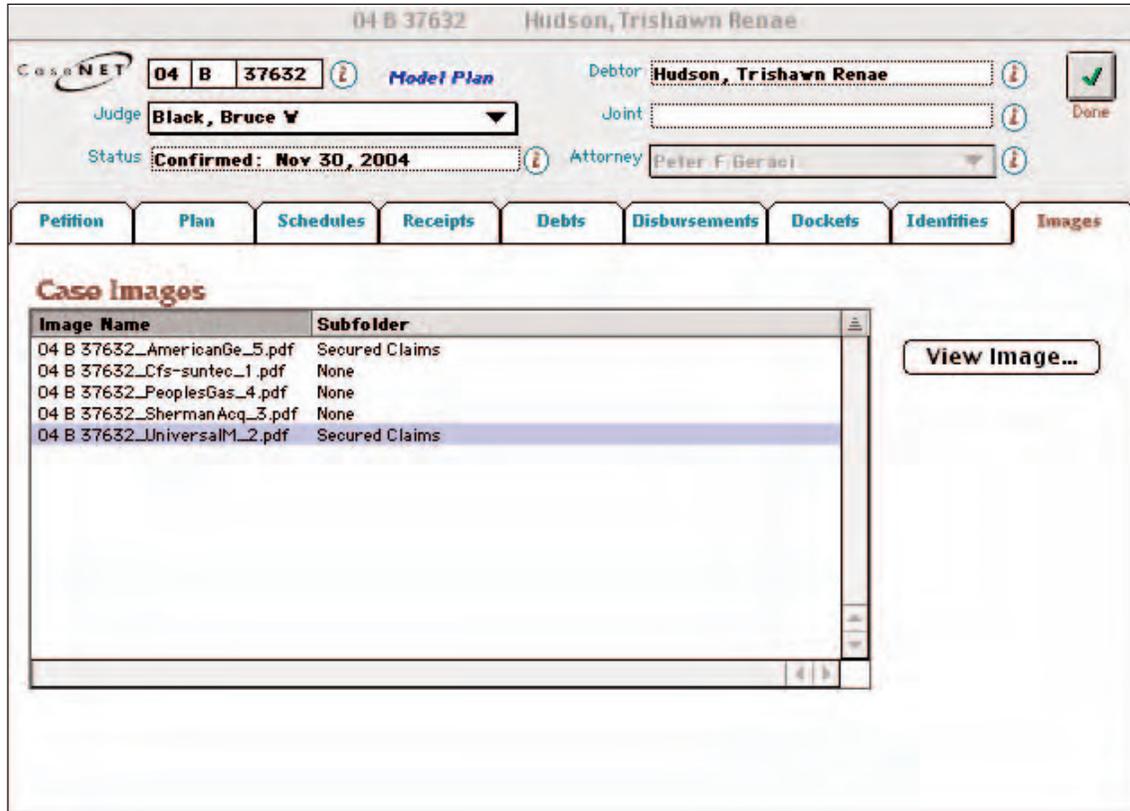
Juliana Dunklin



Information Services

**ECF Update:
A New Tab In CaseNET Will Help You Manage Case Images!**

Here's a sneak preview of a new release of CaseNET to be rolled out on Friday, February 4. At our monthly staff meeting, I will be demonstrating how to use the new Images tab in CaseNET. Take a look:



When you click on the new Images tab (it's the tab farthest to the right) CaseNET will display a list of the documents stored on the ECF server for that case. You can double-click on the document to launch Adobe Acrobat to view the image right from CaseNET.

The scrolling list of documents also displays the name of the subfolder, if any, that the image is stored in. That way, at a quick glance, you can tell if more claims have come in since the original claim processing was complete.

Another improvement we've made in the world of ECF is to move the images to a dedicated server called "ECF Files". Dave Latz outlined how to connect to this server in his January 20th e-mail.

When I give my demo in the monthly staff meeting, I will also allow time for questions and answers so that you can bring up any issues you are experiencing regarding ECF.

Sandra Pillar

Get Your Money Fast

If you are expecting a refund on your federal taxes, you probably want your money as soon as possible. The IRS offers some options for filing your return that can have your refund in your bank account in as soon as two weeks. Last year, 62 million taxpayers used e-file to speed their tax return processing. This year, the IRS expects more than half of all individual returns will be filed electronically.

Using e-file makes sense for taxpayers who have simple returns with the standard deductions. Others may choose to take the time to consult a tax professional to ensure the accuracy of their returns. If you do decide to use the speedier option, take some steps first to make sure you are filing your return properly.

First, be sure that you are actually getting a refund. Then you will need to get your paperwork in order – you'll need your W-2s and any other year-end statements. Once you've chosen to file using e-file, you can cut down your wait time for your refund by at least a week by choosing direct deposit of your refund.

The IRS offers the following time frames for receiving your refund:

- Mail your return and opt for a paper check: six weeks.
- Mail your return and opt for direct deposit: five weeks.
- E-file and opt for a paper check: three weeks.
- E-file and opt for direct deposit: two weeks.

Kid's Korner

A Book Review: "Running Out of Time"

By Margaret Peterson Haddix

Running Out of Time is a story about a girl named Jessie who thinks she is living a normal life, safe and sound right at home in her "hometown" of Clifton during the 1840's. But now almost all the children are getting sick with diphtheria. Which leads Jessie's mother to tell Jessie that they are really living in 2005, in a reconstructed village serving as a tourist site. So now Jessie must get out and get help before time runs out for the children who are sick. Will she make it or not?



When I was reading I felt like I never wanted to stop. I wondered what it would be like going from the 1840's to 2005. This wasn't a book like any other book I've ever read. Every chapter kind of left you hanging. Jessie would be stuck in a strange situation. My favorite part was when Jessie first got into the real world. It was my favorite part because she didn't know what anything was. She didn't know what cars were and she had never seen an electric light. She called cars big metal boxes with wheels.

I would recommend this book. I would recommend this book because it's very suspenseful and exciting.

*Reviewed by Alysia Michelle Donahue. (Age 6)
Ms. Madison's 1st Grade Class
daughter of Carolyn Donahue*

February Birthdays, Anniversaries And Other Notable Events

Groundhog Day on February 2nd.

All Staff Meeting on February 4th.

Happy Birthday to **Santricia Mack** on February 5th!

Super Bowl XXXIX on February 6th.

Pay-A-Compliment Day on February 6th.

Happy Birthday to **Graciela Cardona** on February 8th!

Leadership Success Day on February 8th.

Valentine's Day on February 14th.

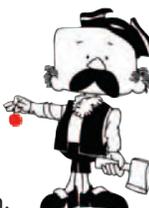
Northern Hemisphere Hoodie-Hoo Day on February 20th.

Presidents' Day on February 21st.

Happy 14th Anniversary to **Patti Brower** on February 25th!

Happy Birthday to **Jay Tribou** on February 27th!

Academy Awards Presentation on February 27th.



Employee Bio Catherine Mendoza

Nickname: Cathy, or lately, Tia.

Birth date: November 7th.

Birthplace: Chicago, IL.

Family: husband, Alex and two wonderful sons Alex (8) and Ben (6).

Position: Paralegal II.

Hobbies: Skeet shooting, bowling, golfing and spending time with my family.

Favorite Food: Watermelon and chocolate covered almonds.

Favorite TV program: CSI.

Favorite Color: Fire engine red.

Favorite expression: Whatever!

Favorite Smell: The boys when they were babies (baby's smell, when they just get out of a bath, I think moms know what I mean).

Favorite Childhood memory: Enjoying family parties in the backyard.

If you could meet one person in the world, either dead or alive, who would it be? My maternal grandparents.

What's most important in life? Mine and my family's health.

Is the glass half full or half empty? Half-full (I'm happy with what I have).

What's guaranteed to make you smile? Just waking up in the morning – knowing that my boys are fine.

First thing you do in the morning when you wake? Thank God for yet another day and then I hit the snooze button.

My friends would describe me as: A person who knows how to have a good time.

A perfect day for me would be: A picnic with my family at the forest preserves (Maple Lake).

Most embarrassing moment: Too many to mention.

Proudest moment: The birth of my sons and the first time they both received their honor roll certificates at school.

In 5 years I see myself: Going to an eighth grader's (Alex) graduation, preparing him for high school and a big blow out of a party.

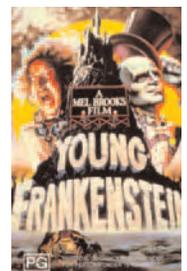
Anything else you'd like to tell us? Enjoy your life and the people in it.



Curing The Cabin Fever Blues

Cabin fever is defined as a feeling of aggravation when confined to an enclosed area for an extended period of time. In other words, "I haven't been out of this place for ages!" Although the best cures for cabin fever are time and better weather, there are some things you can do to make the best of it until spring is finally here!

- Read a book set in an exotic locale.
- Rent old, funny movies.
- Write long letters to old friends.
- Clean out all your closets.
- Visit a museum or art gallery new to you.
- Go to a tanning salon.
- Plan your summer vacation.
- Get (and use) a new exercise video.
- Try out a couple of new recipes.
- Eat lots of fresh fruits.



Skiing In The Midwest

With all the recent snow we have had I cannot pass up this opportunity to encourage you to get outdoors and ski! My experience is in down-hill skiing but, if you enjoy cross-country skiing, then by all means get outside and enjoy!



We are fortunate the Midwest does have plenty of ski resorts to go to for a fun filled day on the snow. If you prefer to snowboard instead of ski, most resorts have terrain parks where half-pipes and jumps are available. For beginners, most resorts have lessons available for skiing and snowboarding. Many of the resorts have special programs for children too.

I have visited most of the Midwest ski areas listed below. The area resorts are all within a 2- to 3-hour drive from Chicago. There are many more resorts in northern Wisconsin and the Upper Peninsula of Michigan, but I am listing some that are easy to get to for a day trip.

Alpine Valley is located approximately 93 miles from Chicago in southeastern Wisconsin. Alpine Valley has 25 runs with 10 chair lifts and 10 towropes. The cost is \$30 for lift tickets and \$21 for rental equipment (skis, boots, poles) if you do not have your own. Visit their website at: www.skialpinevalley.com.

Tyrol Basin is located approximately 168 miles from Chicago in southwestern Wisconsin. Tyrol has 16 runs with 3 chair lifts and 3 towropes. The cost is \$38 for lift tickets and \$22 for rental equipment. Visit their website at: www.tyrolbasin.com.

Chestnut Mountain Resort is located approximately 165 miles from Chicago right outside Galena Illinois. Chestnut has 17 runs with 9 chair lifts. The cost is \$40 for lift tickets and \$25 for rental equipment. Visit their website at: www.chestnutmtn.com.

Sundown Mountain Resort is located approximately 183 miles from Chicago in northeastern Iowa about 5 miles from Dubuque. Sundown has 22 runs with 7 chair lifts. The cost is \$30 for lift tickets and \$31 for rental equipment. Visit their website at: www.sundownmtn.com.

Bittersweet Ski Area is located approximately 157 miles from Chicago in southern Michigan and about 16 miles from Kalamazoo. Bittersweet has 20 runs with 7 chair lifts and 6 towropes. The cost is \$23 for lift tickets and \$15 for rental equipment. Visit their website at: www.skibittersweet.com.

Timber Ridge Ski Area is located approximately 134 miles from Chicago in southern Michigan and 15 miles northwest from Kalamazoo. Timber Ridge has 15 runs with 4 chair lifts and 4 towropes. The cost is \$28 for lift tickets and \$18 for rental equipment. Visit their website at: www.timberidgeski.com.

Swiss Valley Ski and Snowboard Area is located approximately 129 miles from Chicago in southern Michigan. Swiss Valley has 11 runs with 3 chair lifts and 4 towropes. The cost is \$28 for lift tickets and \$18 for rental equipment. Visit their website at: www.skiswissvalley.com.

So when you are trying to decide where to ski this winter, check out any of these local resorts and have fun!

Cheri Johnson

Dear Kyle...

Following the snowfall of the past few weeks, I've noticed that my neighbors have been putting out chairs to claim their parking spots. On Monday, I even found a chair in a parking space that I had dug out myself! Since I had only cleared it for my brother to park in for the weekend I didn't make a fuss, but it still bothered me. What are your thoughts on the matter?



Snowed-Under on Sacramento

Dear Snowed-Under: My thoughts are that you should go into the furniture business. Since no right-thinking Chicagoan would ever expect anything of worth put outside overnight to still be there in the morning, they must be tossing those chairs out. That they happen to be in cleared parking spaces is simply coincidence. I'm sure with a little elbow grease and some Orange Glo, you can turn a tidy profit on a fine collection of chipped, mismatched chairs. Any complaints you get from your neighbors can be chalked up to their jealousy that you could make money off something they were throwing away.

I'm just kidding. Stealing their chairs would cause more trouble than finding another parking space would. But that doesn't mean you should do nothing. The civilized course of action would be to discuss the issue with your neighbors, either one-on-one or in a neighborhood meeting. If everyone worked together, the parking situation could be solved without resorting to guerilla tactics. But sometimes these things can't be solved civilly.

In Chicago, snow is no laughing matter. As a Tribune columnist pointed out recently, we once voted a mayor out of office because he couldn't effectively deal with the snow. In the back of our collective unconsciousness lays the 1979 blizzard and the fear we might come out of our houses and be unable to distinguish our car from a mailbox.

Thus, some people put out chairs like little beacons of optimism that a clear parking space can be reserved indefinitely in the middle of winter. And other people steal those beacons. I'd suggest just moving the chairs onto the grass if you need the space. It's vicious, but necessary. Your neighbors don't own the street, nor can they lay stake to certain sections by planting a flag. Imperialism went out of style with those German helmets with the steak knives poking out the top.



Some Valentine's Day Humor:

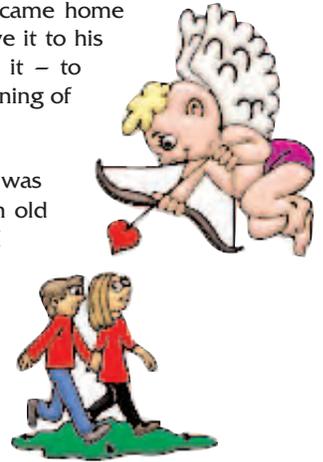
- ♥ A woman walks into a post office and notices a well-dressed man standing at the counter placing "Love" stamps on a huge stack of bright pink envelopes. As he seals each envelope, he sprays it with a puff of perfume. The woman's curiosity gets the better of her, so she goes up to the man and asks what he is doing. The man replies, "I'm sending out 1,000 Valentine cards signed, "Guess Who?"
"But why?" she asks.
"Because I'm a divorce lawyer," the man replies.
- ♥ A woman awoke and told her husband she had dreamed that he had given her a diamond necklace for Valentine's Day. "What do you think it means?" she asked.
"You'll know tonight," he said.

Later that evening, the man came home with a small package and gave it to his wife. Delighted, she opened it – to find a book entitled, "The Meaning of Dreams."

- ♥ At a cocktail party, a woman was having a conversation with an old friend of hers. She said, "It is I who made my husband a millionaire."

"What was he before you married him," asked the friend.

The woman replied, "A multi-millionaire."



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HE SEZ...
...SHE SEZ

