

What's Left Of The Means Test?

Last year, the Supreme Court's ruling in *Hamilton v Lanning* (In re Lanning), 130 S.Ct. 2464 (U.S. 2010) changed the way many jurisdictions define "projected disposable income." According to the plain language of the Code, the disposable income calculation begins with the debtor's average income during the six months prior to filing. See 11 U.S.C. 1325(b)(2) and §101(10A). In instances where the pre-filing and post-petition income is the same, this provision presents no problem. However, more troubling results occur when the income differs in any way. For example, if the debtor's actual income is greater than the "current monthly income," the debtor may not be committing all of his available income to the plan. As a result, creditors will receive less than what the debtor can afford to pay. Conversely, relying on the six-month pre-petition average income could render a debtor's reorganization impossible if the debtor began earning less once the case was filed.

The *Lanning* opinion resolved these sorts of problems by finding that courts "may account for changes in the debtor's income or expenses that are known or virtually certain at the time of confirmation." *Id.* at 2478. This opinion gives practitioners the permission to depart from the debtor's historical income figures in favor of the income reported in the petition.

This year, the Supreme Court in *Ransom v. FIA Card Services, N.A. fka MBNA America Bank N.A.*, — S.Ct. —, 2011 WL 66438 (2011) provided direction on another ubiquitous problem with the means test. This time, the Court addressed the expense side of the disposable income calculation.

The debtor in *Ransom*, whose income was above the median income for Nevada residents, deducted a vehicle ownership expense for an unencumbered vehicle he owned. An unsecured creditor, FIA objected to confirmation of the debtor's plan asserting that the debtor was not entitled to

the deduction. According to FIA, the debtor miscalculated his disposable income and actually had more to commit to his unsecured claims. Ransom owned his car free and clear of any liens, and therefore, had no ownership expense. As a result, MBNA contended that the expense was not available to the debtor. Conversely, the debtor argued that §707(b)(2)(A)(ii)(I)¹ of the Code permits the deduction since he owned a car, and therefore, the deduction is an "applicable monthly expense." Both the bankruptcy court and Ninth Circuit Court of Appeal disagreed with the debtor, and denied the confirmation of his plan.



On January 11, 2011, the Supreme Court affirmed the lower courts' rulings. In Justice Kagan's opinion, the Supreme Court focused on the relationship between the debtor's actual expenses and the meaning of "applicable monthly expense" as found in §707(b)(2)(A)(ii)(I). The Court reasoned that an expense is applicable "only if the debtor has costs corresponding to the category." *Id.* at *6. The Court also mentioned that its interpretation is consistent with the policy behind the 2005 amendments to the Bankruptcy Code which was "to ensure

that [they] repay creditors the maximum they can afford." *Id.* at *6 [citing H. R. Rep. No. 109-31, pt. 1, p. 2 (2005)].

From shortly after BAPCPA became effective to January 11, 2011, many courts have tried to interpret BAPCPA's many provisions. The "means test" and what deductions are allowed in which circumstances have been a source of contention since 2005. Early on, there were a number of cases that strictly interpreted the provisions of the Means Test. In the case of *In re Farrar-Johnson*, the issue was whether the Debtors could deduct a housing expense when they, in fact, did not pay for their housing. *Farrar-Johnson*, 353 B.R. 224 (Bankr. N.D. Ill. 2006). In *Farrar-Johnson*, the Court stated that "debtors were entitled to claim that expense whether

(Continued on page 2.)

What's Left Of The Means Test?

(Continued from page 1.)

they had it or not,” and allowed the deduction. *Farrar-Johnson* at 230. Some courts held that the means test was meant to be “rigidly applied rather than a standard to be applied according to the facts and circumstances of each case.” *In re Barr*, 341 B.R. 181, 185 (Bankr. M.D.N.C. 2006).

However, contrast this line of cases with the Seventh Circuit’s decision in *In re Turner*, decided in 2009. *In re Turner*, 574 F.3d 349 (7th Cir. 2009). The debtor in *Turner* was not allowed to take a deduction on the means test for a mortgage payment that he was not going to make, since the plan provided for the surrender of the property on which the mortgage was based. As the Court in *Turner* stated:

“Since the object of a Chapter 13 bankruptcy is to balance the need of the debtor to cover his living expenses against the interest of the unsecured creditors in recovering as much of what the debtor owes them as possible, we cannot see the merit in throwing out undisputed information, bearing on how much the debtor can afford to pay, that comes to light between the submission and approval of a plan of reorganization.”

Turner at 355.

| THE MARSHALL CHRONICLES | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| The Editorial Staff: Cheryl Jones, HVB and Dave Latz. | |
| Contents and Contributors: | |
| What's Left Of The Means Test?, pg. 1, and 2 | Keisha Hooks and A. Stewart Chapman |
| Trustee Matters, pg. 3 | Marilyn O. Marshall |
| Practical Tax Strategies For Procrastinators, pg. 3 | Financial Information |
| Organizing Tip, pg. 3 | General Information |
| Case Completion: The End Is Here, pg. 4 | Maude Tetteh |
| Money Tip, pg. 4 | Financial Information |
| Paperless §341 Noticing, pg. 4 | Sandra Pillar |
| February's Notable Events, pg. 4 | Dave Latz |
| Hey, Sleepy Head, pg. 5 | Health Information |
| The Case Admin Team Expands, pg. 5 | Rosalind Lanier, Kimberly Harris and Stephen Klimczak |
| By The Numbers: Valentine's Day, pg. 5 | U.S. Census Bureau |
| Good Driving Is Not Enough, pg. 6 | Safety Information |
| A Healthy Lunchbox, pg. 6 | Health Information |
| Internet Tidbit, pg. 6 | General Information |
| Sandy Completes A Big Step!, pg. 7 | Santricia Fields |
| Citizenship In A Republic, pg. 7 | Theodore Roosevelt |
| So, What's The Deal With The Big Game?, pg. 7 | Wikipedia |
| Trivia Quiz: Hearty Trivia, pg. 8 | Trivia Quiz |
| Did You Know: Cherries, pg. 8 | Trivia |
| 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 third 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, all in full color, on the Chapter 13 Trustee website at http://www.chicago13.com/ . | |

The Supreme Court determined that changes in income affect the means test in its *Lanning* decision and determined that debtors may only take deductions for expenses they have in the *Ransom* case. There are still questions of interpretation of the means test that the *Ransom* case leaves open to debate. One relates to whether debtors who have an expense, such as public transportation, can take the full deduction or the amount that he actually pays. For example, can a debtor who takes public transportation take the full deduction of \$182 even if his actual public transportation expense is \$86 (the price of a monthly CTA pass)?



Another lingering issue is whether the IRS deductions are floors or ceilings. Currently, most jurisdictions allow debtors to deduct the full mortgage expense, even if it exceeds the IRS housing allowance. However, dicta in *Ransom*² suggests that the IRS guidelines are caps, the most debtors are permitted to allocate for a particular expense.

One of the criticisms that has been lodged against BAPCPA is that it failed in this balancing act between the needs of the debtor and the rights of his creditors and tried to make all bankruptcy cases fit into a pre-determinable result. Practitioners know that each case is different and needs to reflect the needs and abilities of each filer. With the decisions in *Turner*, *Lanning* and now *Ransom*, the trend in the higher courts is towards making each case a reflection of the particular circumstances presented by each debtor and not to use a mechanical approach that may try to shoehorn all cases into the same box.

In many ways, *Ransom* and *Lanning* have altered the way we practice in this jurisdiction. We now know that strict adherence to the means test results is not a requirement. We also know that a debtor’s actual expenses are still relevant, to some degree, when calculating disposable income. Clearly, we have moved closer toward relying on actual income and expenses for many aspects of the means test. Admittedly, the recent trend in the still-developing case law is to recognize flexibility in the disposable income calculation. Note, however, that the Supreme Court in *Ransom* reiterated that the means test is the “heart” of BAPCPA, so even with this flexibility, the means test is still an important facet of Chapter 13.

Keisha Hooks, Staff Attorney
A. Stewart Chapman, Staff Attorney

¹ Section 707(b)(2)(A)(ii)(I) of the Bankruptcy Code states that “[t]he debtor’s monthly expenses shall be the debtor’s applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor’s actual monthly expenses for the categories specified as Other Necessary Expenses issued by the [IRS] for the area in which the debtor resides.”

² “If a debtor’s actual expenses exceed the amounts listed in the tables, for example, the debtor may claim an allowance only for the specified sum, rather than for his real expenditures.” *Id.* at *8

Trustee Matters

Training Chapter 13 Staff

The Staff Symposia will be offering training to trustees' staff in February, March, and April, 2011. The training will be held in Las Vegas, Atlanta and San Francisco, respectively.



Mark Caffarini, Closing Auditor, Laura Mendoza, Case Administrator, Catherine Mendoza, Paralegal, and Monica Frausto, Client Services, elected to attend the training in Las Vegas. I said "elected" because each was chosen to attend based upon their attendance record during 2010. Each month, at the monthly staff meeting, Dan Lyons, presents a chart to the staff, giving them their odds as it relates to their chances of being selected to attend the training. The more you come to work without using "unanticipated leave" the greater your chances of being chosen to select which training you want to attend. It is more like a "reward program." Each time your name appears on the chart, it increases your chances of being selected to go to either one of the training sessions you choose. Mark and Laura were tied for first place, and Catherine and Monica followed in second and third.

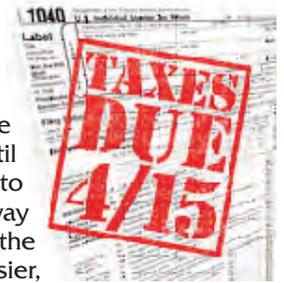
In a time when bankruptcy filings are increasing, it is very important to have staff at work processing documents daily. When one person from the claims administration area is absent, the distribution of claims is affected. It only takes a day to accumulate a backlog. This incentive program has helped to increase attendance in addition to serving as a moral booster. Congratulations to all four for their accomplishment. All are looking forward to the training in Las Vegas.

Joyce Babin, Chapter 13 Trustee (Arkansas), is the new co-chair along with Mary Ida Townsend (Georgia). The theme this year is Blueprint for Office Success. The facilitators have designed great and constructive sessions for staff and for Trustees; the training is targeted for employees – new employees, employees with a little experience and employees with considerable experience. Employees can learn all about the life of a bankruptcy case, from the foundation up. Experienced employees can build on their current skills and learn to be a value-added employee. All employees can learn what it takes to be a leader. Office managers and controllers will have an opportunity to interact with their counterparts from other offices. In Atlanta, office managers and controllers will have the opportunity to consider employment law and benefit issues with a labor attorney. A program and detailed description of training can be found at www.nacct.com under seminars.

One of the requirements once you attend a training session is to write a report for the newsletter. We will have a follow-up story next month. I hope the pending blizzard does not spoil their trip.

Marilyn O. Marshall, Standing Trustee

Practical Tax Strategies For Procrastinators



Tax season is upon us. If you're one of those filers who usually waits until the last minute, you may decide to try to get this chore out of the way sooner this year. In order to make the process of filing your taxes easier, keep these simple steps in mind.

- ★ The first step you should take is to get organized. Gather all of the forms required to complete your filing, along with W-2s, 1099s, receipts, and all other information you'll need.
- ★ Next, decide if you will be completing the forms yourself or whether you will be using a tax professional. Don't wait until the last minute to call for an appointment. In this case, it truly is the sooner the better or you may face having to use a harried and rushed accountant.
- ★ Get educated about all the deductions pertaining to your situation, including those available even if you don't itemize. These include IRA and Qualified Pension Contributions, moving expenses, student loan interest, higher education expenses, adoption, alimony, Medical Savings Account deductions, child credits, and some deductions for the self-employed.
- ★ Forms can be downloaded from the IRS's website at irs.gov. You can also call 1-800-TAX-FORM and can find forms at local IRS offices, many banks, post offices, and public libraries.
- ★ You'll also need to decide how you are going to file your return. In order to receive your refund more quickly, you may choose to e-file. You can also use direct deposit, even if you file a paper return. If you owe money instead of expecting a refund, remember that you still need to estimate and pay your taxes even if you are requesting an extension. There are penalties and interest for not filing, as well as for not paying. So if your return is completed, but you still haven't mailed it in, get it off your desk before those deadlines.
- ★ Experts do recommend, however, to not send in your tax return if you've completed it in a hurry and haven't had time to double-check your information.

Organizing Tip

If you are chronically disorganized, one of the best ways to overcome this is to have a place for everything. This may sound simple, but it does take practice to get this habit down. If you can't remember where something goes, place a label on its designated spot. Try to always put things back where they belong and you will find that much of your disorganization disappears.



Financial Case Completion: The End Is Here

It's a great milestone to reach. Just like the feeling you get when you write the last check to your car company. Debtor's usually breathe a sigh of relief and say "I cannot believe it."



Here in the Chapter 13 Trustee's office, it's also a big deal. This is when the auditors get a final look at the case before the completion button is hit. Before a case is completed, these things are reviewed:

- ❖ The case must have received a discharge from the bankruptcy court after the trustee's office informs the court the debtor has completed their plan payments.
- ❖ There must be no pending motions coming up for hearing on the case. All issues must have been resolved at court and the trustee's office. This is vital since a completed status on a case will eventually trigger a final report to be generated and filed at court, which closes the case and discharges the trustee.
- ❖ There must have been a recent final audit on the case and any and all issues resolved.
- ❖ All claims and debtor attorney fees must have been paid according to the plan confirmed in the case and all creditor checks must have cleared.
- ❖ If the debtor was on payroll control, an order must have gone to the employer to stop taking deductions and the employer deductions must have stopped.
- ❖ The debtor must have taken over their current mortgage payments, if it was being paid through the Chapter 13 Plan.
- ❖ All payments made into the plan are verified to certify they belong to the case.

If the scrutinizing auditor certifies that all these conditions have been met, the case can then be completed. Any excess funds in the case are issued to the debtor as a refund.

Maude Tetteh, Closing/Audit Specialist

Money Tip

If you have debt you need to pay off, make a commitment to use at least half of any tax refunds or any other sources of additional income to pay down your debt. Don't try to use all of these funds, as you need to have some fun with your extra money. But a firm commitment to use most of it will help you tackle your debt, while still giving yourself a reward for a job well done.



Information Services Paperless §341 Noticing

While it may seem like more work to Monica, our Client Services Representative, receiving our §341 notices electronically is one more step in the goal to become a paperless office.



Beginning with cases whose §341 meeting was scheduled for the week of December 27, 2010, we have been receiving the notice of the meeting of creditors electronically from the Bankruptcy Noticing Center.

When Monica receives the e-mail containing the notice, she clicks on the link which brings up the image of the §341 notice and saves it to a folder on her desktop, naming the PDF with the case number and the date of meeting. She then moves the saved images to the folder on the ECF server for "341 Notices to be Filed." I am able to run a maintenance program in CaseNET that files these documents in the appropriate case folder on the ECF server.

The image is then available for viewing during the §341 meeting and "voila!" it's already filed in the case folder.

Currently the paralegals are scanning paper §341 notices from previously-held meetings and naming them as images to be filed in the case folders on the ECF server.

So, depending on which staff member you talk to, we're either making progress or we're not!

Sandra Pillar, Director of Office Systems

February's Notable Events

Ground Hog Day on February 2nd.

Chinese New Year on February 3rd.

All Staff Meeting on February 4th.

National Wear Red Day on February 4th.

Happy Birthday to Santricia Fields on February 5th!

Super Bowl XLV on February 6th.

Valentine's Day on February 14th.

Susan B. Anthony Day on February 15th.

Do a Grouch a Favor Day on February 16th.

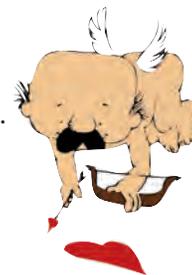
National Chocolate Mint Day on February 19th.

Presidents' Day on February 21st (the office will be closed).

National Chili Day on February 24th.

Happy Birthday to Jay Tribou on February 27th!

National Tooth Fairy Day on February 28th.



Hey, Sleepy Head



For some people, getting to sleep at night is hard and stressful work. Rather than drifting into a peaceful slumber, they will toss and turn, lying awake unable to fall asleep. If you are one of these people, you realize that the more you do to try to fall asleep, the harder it is to actually do it. There are some strategies that can help. Keep these tips in mind next time you are headed for bed.

If you like to exercise before hitting the sack, you may need to rethink your fitness routine. Working out late in the day can put your body into overdrive, making it hard to fall asleep. Experts recommend finishing your workout before 7:00 p.m. If you don't exercise at all, consider adding some additional activity to your day. Exercising earlier in the day has been proven to aid in getting a good night's sleep.

While lying in bed trying to force yourself to fall asleep usually has the opposite effect, there are some mental techniques you can use that are quite effective. Try imagining a time when you had to stay awake, but didn't want to. This might be a time when you were studying late at night, driving in the dark, or up with a baby. As you lie in bed, imagine the weariness of that moment as you struggled to keep your eyes open. Eventually, you will feel the urge to give in to that tired feeling. With practice, you will be able to stimulate this response using these mental images.

Combine this strategy with another technique called progressive relaxation. This involves tightening or flexing each individual muscle set in your body for about ten seconds, and then releasing the tension immediately. It is as if you are turning a switch on and off, causing and then releasing tension in your body. After a short set of these exercises, you will feel a loosening of your muscles. Moving from your feet to the top of your head, you will allow your body to calm and relax, helping you to fall asleep.

Finally, if you find that you have difficulty with insomnia, try pampering yourself before retiring for the night. Take a hot bath, fragranced with some essential oils like lavender, marjoram, chamomile, or ylang-ylang. These oils have a calming effect and can help relax your muscles and your mind. By getting into a routine before bedtime, you will condition your body to prepare for sleep by training it to relax.

Case Administration The Case Admin Team Expands

The Case Administration team is primarily responsible for petition processing, claim entry/verification, post-confirmation review and host of other tasks. The team currently consist of six individuals and two of those are new to the office. We would like to take a moment to introduce our new members and thank all Chapter 13 employees that have or will spend time providing training.

Kimberly Harris

My name is Kim and I am excited to be one of the newest members of the team. I have a legal, administrative, and financial employment background. My experience has helped to facilitate a smooth transition for me in the Chapter 13 office.



Currently, I am a senior working towards a Bachelor's degree in Business Administration with a concentration in Human Resource Management. I have 10-year-old identical twin girls and a 6-year-old in kindergarten. I am an avid reader and enjoy traveling with my daughters.

I have enjoyed my first few weeks, and look forward to growing with the Marilyn O. Marshall Chapter 13 team. Thank you for your warm reception.

Stephen Klimczak

My name is Stephen Klimczak. I grew up on the Southwest Side of Chicago (Asburn district). I attended Charles Gates Dawes Elementary school in Chicago. I attended Saint Laurence High School in Burbank, Illinois. I received a Bachelor's degree in Business Administration with a concentration in Management from Robert Morris College in Chicago. My hobbies and interest include biking, volleyball, softball, running and working out. I also enjoy attending church services on Sunday. I have two sisters and currently reside in Alsip, Illinois. I have learned quite a bit about the bankruptcy process and look forward to working with the team at the Trustee's office for many years to come.



Rosalind Lanier, Case Analyst-Claims, with Kimberly Harris, and Stephen Klimczak, Case Administrators.

By the Numbers: Valentine's Day

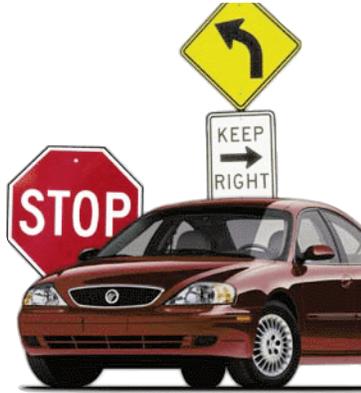
- ♥ There are over 1,300 manufacturing facilities in the United States that produce chocolate and cocoa products.
- ♥ Jewelry stores sell more than \$2.5 billion in merchandise each year in the United States.
- ♥ There are, on average, about 5,800 marriages that take place each day.
- ♥ Over 110 million roses are sold and delivered within the three days before and including Valentine's Day.
- ♥ Sixty-four percent of men do not make plans in advance for a romantic Valentine's Day with their sweetheart.

Source: U.S. Census Bureau



Good Driving Is Not Enough

It makes sense – you make sure that you follow all the traffic safety rules, obey the speed limit, and you can avoid an accident. But, unfortunately, that is not enough. The best driver will still encounter the very bad driver, sometimes with terrible consequences. Many times it is the “good” drivers, those who are not at fault in an accident, who are killed. How do you protect yourself from the other drivers on the road?



Head-on collisions are the most dangerous of all accidents. Surprisingly, the vast majority of head-on collisions do not occur at night or in bad weather, and about 63 percent of head-on accidents occur, not on curves or when passing, but when the driver is steering straight. Often these drivers are distracted by others in the car, talking on a cell phone, texting, or tuning the radio. And in good weather, drivers let down their guard, not driving as carefully as they do when the roads are wet or icy. Your best bet to avoid these types of drivers is to avoid the types of roads that make them so dangerous. If you have a choice, a highway or a large road with medians is always safer than one without. Only 14 percent of all fatalities occur on major highways, making them the safest way to travel.

You may stop at every stop sign, but you know from experience that not everyone else does. Want to protect yourself from those stop sign runners? Then take it slow. Approach all intersections with caution. Watch other cars to make sure that they are slowing and coming to a stop. And most importantly, watch the other driver. If he or she is not looking your way, wait until they do, so that you can know that you have been seen.

Red light running is an even deadlier problem. At a busy intersection, drivers will run a red light every five minutes on average. Red-light running is on the rise, with fatal accidents at red lights increasing three times the rate of all other types of deadly crashes. Your best bet here is to again take it slow. Even if your light has turned green, take a moment to look left and right before proceeding through the intersection. Don't consider that yellow light a reason to speed up. Brake on yellows to avoid becoming a red light runner yourself.

Teaming these strategies with the basic precautions of looking far ahead and staying alert when you drive can help you from becoming a victim of the bad drivers on the road. But no matter how good a driver you are, don't forget to use your seat belt every time you drive.

A Healthy Lunchbox

Packing your lunch can save you lots of money in the long run. It also allows you to eat healthier during the week, but only if you pay attention to what goes into your lunchbox. It is easy to throw in processed food or chips and candy to fill out your lunch. There is a better way, however. With these easy ideas, you can boost your nutrition during the week without a lot of extra work.



First, think about increasing veggies. Spend a few minutes on the weekend to cut up some fresh vegetables into bite-sized portions for the entire week. Carrot sticks, broccoli, and peppers are great with a small container of dip. You can also add shredded veggies to tuna or chicken salad. Top your sandwiches with a lettuce leaf and a tomato slice for an easy addition.

Next, think about your beverage choice. Instead of throwing in a can of high-calorie soda, bring a bottle full of water or flavored tea. Even juice is a better choice. If you want some fizz in your drink, pack a can of sparkling water and some fruit juice. Mix them together for a healthier lunch drink.

A small bag of chips is easy to grab, but really isn't a healthy choice. Instead pack whole-wheat pretzels or crackers. You can also eat some string cheese or a hard-boiled egg instead of high fat chips.

Finally, don't give up dessert. Instead of a candy bar, pack some fruit for a sweet ending. Strawberries, oranges, and grapes are great lunchbox treats. Try some dried fruit like apples or apricots if you don't have the time to wash and cut up your fruit. You can also pack a container of yogurt for a convenient healthy option.

Internet Tidbit

Ever wish you had an easy way to find out what was on TV? Well, now you can find any information you need at LocateTV.com. This website shows you when your favorite show is on television, whether it is available on DVD, and will tell you if you can watch it online. You can search channels, shows, and actors. Search results give you summaries, cast members, channels, dates, and credits. You'll also get recommendations for other shows you might like. Best of all, it's free!



Sandy Completes A Big Step!

On December 17, 2010, I graduated from Roosevelt University. My class day was favored with sunny skies and my day was filled with happiness. Twenty years from now I didn't want to be disappointed by the things I didn't do than by the ones I did. It took six years, but I did it.



I chose to return to school for:

- Personal growth – an active mind is a healthy one.
- Set an example to my children – education is important and possible.
- Career – adding to my current skill set.

I know I can come up with 10 reasons to go to college and another can come up with 10 reasons not to. I do believe education can open doors of brilliant opportunities. Every employer of today requires his prospective employees to be educated.

People may debate over the subject of whether education is the only thing that gives knowledge and they may also be repelled by the rising cost of tuition. The truth is, the importance of an education has become quite evident in terms of earning potential within today's economy.

I believe my future will be as successful as have been my school days.

Heartiest congratulations to me!

Santricia Fields, Closing/Audit Specialist

Citizenship In A Republic

"It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at the best, knows, in the end, the triumph of high achievement, and who, at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat."

~ Theodore Roosevelt



So, What's The Deal With The Big Game?

Have you ever wondered why you keep hearing the Super Bowl referred to as "The Big Game" rather than the Super Bowl?

Well, it turns out that the NFL is ever vigilant on stopping what it says is unauthorized commercial use of its trademarked terms "NFL," "Super Bowl," and "Super Sunday." As a result, many events and promotions tied to the game, but not sanctioned by the NFL, are forced to refer to it with colloquialisms such as "The Big Game," or other generic descriptions. (A radio spot for Planters nuts parodied this, by saying "it would be super...to have a bowl...of Planters nuts while watching the big game!")



The NFL claims that the use of the phrase "Super Bowl" implies an NFL affiliation, and on this basis the league asserts broad rights to restrict how the game may be shown publicly; for example, the league says Super Bowl showings are prohibited in churches or at other events that "promote a message," while venues that do not regularly show sporting events cannot show the Super Bowl on any television screen larger than 55 inches. Some critics say the NFL is exaggerating its ownership rights by stating that "any use is prohibited," as this contradicts the broad doctrine of fair use in the United States.

In 2006, the NFL made an attempt to trademark "The Big Game" as well; however, it withdrew the application in 2007 due to growing commercial opposition to the move, mostly from fans of Stanford and California, who compete in The Big Game, which concludes their Pac-10 season. Legislation was proposed by Utah Senator Orrin Hatch in 2008 "to provide an exemption from exclusive rights in copyright for certain nonprofit organizations to display live football games," and "for other purposes."

So, what are your plans for "The Big Game" on Sunday?

Source: Wikipedia

Trivia Quiz: Hearty Trivia – The Answers:

1. 8,000.
2. 8 million.
3. True.
4. Four – the left and right atrium, and the left and right ventricle.
5. 20 minutes.
6. It is just slightly larger than the size of your fist.
7. 44 million times.
8. 10 times per minute.
9. Type O.
10. 7 percent.

Trivia Quiz: Hearty Trivia

Test your trivial trivia knowledge with this little quiz. *(The answers can be found on page 7.)*

1. How many gallons of blood does your heart pump every day: 500, 3,600 or 8,000?
2. Your blood contains about 250 trillion red blood cells. How many die off and are replaced by new ones every second?
3. True or False: Your blood makes 1,000 complete trips around your body every day.
4. How many chambers does your heart have?



5. How long does it take for your blood to return to your heart after making a complete trip through your body: 5, 20 or 60 minutes?
6. How large is your heart?
7. How many times does your heart beat in an average year?
8. The human heart beats about 70 times per minute. A hummingbird's heart beats up to 1,300 times per minute. How many times does a blue whale's heart beat in a minute?
9. What is the most common blood type in the world?
10. What percentage of a person's body weight is blood?



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

The Marshall Chronicles is now available in full color,
both in print and on-line at www.chicago13.com

Did You Know: Cherries

February is National Cherry Month.. Do you know your cherries?

- Seventy percent of the cherries produced in the United States come from four states: Washington, Oregon, Idaho, and Utah.
- Cherries were brought to America by ship with early settlers in the 1600s. Modern day cherry production began in the mid-1800s.
- Cherries' name originated from the Turkish city, "Cerasus."
- There are about 7,000 cherries on a tree and 250 in a pie.



- The U.S. cherry industry produces more than 650 million pounds of tart and sweet cherries each year.
- Cherry trees produce for about 25 years and a fully mature tree can produce more than 100 pounds of cherries a season.
- There are two main types of cherries: sweet and sour. Sour cherries are lower in calories and higher in vitamin C than sweet cherries.
- The most famous sweet cherry variety is the Bing cherry. It was cultivated by a pioneer grower in Oregon, who named it after one of his Chinese workmen.

