

# Beyond Confirmation

TEAM – a group of people trained to work together. From the time a case is filed until closing, we have several teams that work the various stages of the case. Once a case is filed, the main goal is to make it to confirmation; from there the next goal is to make it to completion. The confirmation process is a little like baseball except you have more than nine players in the process at one time. Instead of home plate, you have the Bankruptcy Court (the case starts and ends at the court).

From there we head to first base; this is where all the initial data is gathered and disseminated for processing.

At second base the debtor is examined, the plan payment has come due and it's probably time to start those adequate protection payments.

The next stop is third base; the amendments to correct the initial data have been filed, opposing party objections submitted and the staff attorneys are preparing to go to home plate.

And finally we have made it back to home plate, and now we find out if we have an out or a run. Let's assume we have a confirmation order and we are ready to start the post-confirmation review process (PCR). We have two teams consisting of 13 people that work the PCR process.

The paralegals start the PCR process by making sure the staff attorneys have updated information and have reviewed the most recent plan (along with the petition and schedules) prior to the confirmation hearing. The staff attorneys review all court matters to make certain the documents comply with all pertinent provisions of the bankruptcy law.

Once a case is confirmed, the paralegals receive all signed orders in their e-mail account within two business days of the court call. Within the Trusteeship there are rules and regulations that the paralegals must follow in order to make

sure funds do not go out erroneously. The paralegals need to make sure the orders are processed timely and review the case to make sure the creditors will be paid according to the confirmed plan. They verify that all amendments have been processed and check that the confirmation order reflects the most recent plan filed with the court. They make sure all required documents such as tax returns, pay advices, and the affidavit of compliance are docketed in the case. The paralegals must read the order and do exactly what the order states; any ambiguous language that may affect administration of the case is discussed with the staff attorney. Once the status has been changed to confirmed, the system will make the case available to the case administrator.

The case administrator's role in the PCR process is to make sure all of the claims for the confirmed cases have been entered, verify the accuracy of the claims entered and make sure they are being administered according to the confirmed plan.

*(Continued on page 2.)*



### Money Tips



**Credit card control:** If you're trying to control your credit card spending, one strategy is to cut up your extra credit cards. But don't close those accounts just yet. If you cancel them, it can affect your credit card rating. When you close an account, it reduces your available credit line, making your credit utilization to debt ratio higher. If you do choose to close extra accounts, do this slowly, about one every six months.

**Start planning now:** If you're planning on taking a trip this summer, now is the time to start planning. Trying to save money on vacations can be tough, so it's helpful to make a budget and stick to it. Research the cost of airfare, hotels, food, and activities. Set a realistic budget and decide now to start saving for your vacation. Divide the cost of your vacation by the number of months left until you leave. This is how much you will need to put aside each month. By doing this now, you will eliminate the headache of a large credit card bill once you return, as you will have the money in savings to pay for your trip.

<b>THE MARSHALL CHRONICLES</b>	
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✓ dropping your submission or idea in the anonymous newsletter folder located in the mail room, or	
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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 <b>THE MARSHALL CHRONICLES</b> , as well as all the previously published issues, all in full color, on the Chapter 13 Trustee website at <a href="http://www.chicago13.com/">http://www.chicago13.com/</a> .	

### Beyond Confirmation



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Once the claims have been verified, then the initial stage of the PCR process begins. The case information on file with the Bankruptcy court is reconciled with the Trustee records to make sure all documents have been received and processed correctly. Corrections found during the review are noted and returned to the appropriate person. Sometimes the appropriate person is another staff member, a creditor or debtor's attorney. The last stage of the PCR process is another review of the court records and the findings of the person who conducted the initial PCR. Once all issues have been resolved disbursements will begin with the next check-run to creditors.

Like the rest of the office, the paralegals and case administrators are preparing for the system conversion. The workflow structure for the PCR process will be similar in TNG, but there are also some changes:

- ★ Documents will be received and processed within one day of filing.
- ★ Claims ready for verification will be distributed and populated to your inbox.
- ★ Paralegals will no longer manually docket each motion or document filed on a case.

Approximately 300 cases are confirmed monthly, so each member of the team needs to have a clear understanding of the overall process as well as their individual role in the Trusteeship. In order to make sure the process is smooth and every case is administered correctly, the staff attorneys must communicate effectively with the paralegals and the debtor attorneys. The paralegals must communicate effectively with the case administrators and the case administrators must communicate effectively with the paralegals. The administration of the case can be affected when the different departments do not communicate properly.

Just remember that every task is interrelated to something else does. The best character traits you can bring to a team:

- ★ Respect – show respect to your co-workers through your verbal and non-verbal communication.
- ★ Dedication – complete the task you are directly responsible for within the allotted time.
- ★ Approachable demeanor – be open to suggestions and or corrections. *Rosalind Lanier, Case Analyst – Claims and Santricia Fields, Case Analyst – Confirmation*

## Trustee Matters

Converting from homegrown case administration software, CaseNET, to commercial vendor case administration software, BSS-TNG, is not an easy task. I thought everything was going to be like the Burger King commercial, "Have it your Way." My hat goes off to the people at BSS who I work with twice a week, because they are really trying to give me everything I request. At some point, I have to accept the fact that I may not be able to have everything "my way" and move forward. Make no mistake about it, we are converting, and the only question that remains is "When?"

I have discovered from the weekly meetings with BSS that no matter what case administration software an office is using, the probability and possibility of making errors will always exist. I have realized that mistakes will be made in this industry no matter what preventive measures are implemented.

One of the most attractive features of the new software is the Red Flag and reports that can assist a trustee in recognizing the errors, which allows for timely corrections. I am running these reports in TNG and comparing the results to our current system. Because of the number of errors discovered, I thought it was time to share some information I received from one of the past Staff Symposiums. "Section III. What to do with an employee who continues to make the same mistake over and over again" has me asking the questions listed.

### IT'S OK TO MAKE MISTAKES? (HOW NOT TO REPEAT THEM)

- I. How do you foster an attitude that encourages your staff to bring mistakes to the attention of their supervisor?
  - A. Do not kill the messenger!
    1. Understand the impact to the office of the error that has been relayed to you.
    2. How will this affect the debtor's case?
    3. What effect does this error have on Trustee operations?
  - B. Make your staff aware that each case from beginning to end is the result of a team effort.
    1. Express appreciation for their concern and look into the problem.
    2. If warranted, follow through.
    3. Be sure that everyone knows that this is not a license to tattle. Make sure complaints are warranted.
    4. Make the entire staff aware how a mistake affects the case through the life of the plan. Explain how the mistake can snowball if ignored.
  - C. Quality control.
    1. It is the responsibility of everyone to be sure every aspect of the case is implemented accurately.

2. Discourage the "It's not my job" attitude.
  3. Insure that no one lets an error go thinking someone else will find it.
- D. Encourage staff to question people's resolve (including answers of management).
    1. If the answer or request you are given seems incomplete or you do not fully understand what is to be accomplished, then clarify the request.
    2. Does one department understand how to use codes that are primarily used in another department? For example, does the coding department know how to use the posting codes in the accounting department to accomplish their goal.
  - E. Audits are for the protection not only of the Trustee but also the staff.
    1. If someone is making mistakes, is that person aware of the errors so that the problem can be eliminated?
    2. Errors that are continually repeated after consultation will lead to poor performance reviews and further consequences.
    3. Mistakes that are not dealt with in a timely manner can cause disruption of the team environment.
      - a. Do not let errors ruin your team spirit with a "who cares" attitude.
- II. Strategies to combat mistakes.
    - A. Use of teams.
      1. Training and understanding of duties.
        - a. One person inputs, a different person audits. One person works a claim, another person reviews that claim at master intention time.
      2. Case reviews at various times through the life of the case, i.e., when input, at confirmation, first check review, notice of intent to pay claims, and when case is closed.
    - B. Use of notes.
      1. Are your docket notes reliable?
      2. Are you using the case and claims notes section on your system?
      3. Do you document unusual occurrences during the life of the case on your docket, case or claims notes?
      4. Special provisions cases. Do you document the reasoning of how a claim was coded?
        - a. Is the documentation done on your computer system so everyone can see or is it listed on your work product?



*(Continued on page 4.)*

**Trustee Matters** *(Continued from page 3.)*

5. Ownership of work. Initial and date all work.
6. Automate as many functions as possible.
  - a. Develop forms that update files and case notes.
    - (1) Cuts down on errors and increases efficiency. Users only have to enter the information one time instead of many times.
    - (2) Provides case notes that are in a standard format that everyone will be able to understand.
7. Use of barcodes.
  - a. Eliminates key strokes and errors.
8. Set up Edofiles.
  - a. Use to run various forms without having to re-input case numbers through the export of key lists.
  - b. Allows storage of additional information that will be needed throughout the life of the plan. Reports and/or forms then can retrieve this information, saving the staff from having to pull the file and reinput needed information.
9. Reports
  - a. Excel spreadsheet to record statistics on errors.
    - (1) Monthly meetings with Supervisor to review reports.
  - b. Discrepancy reports, exception reports, summaries, checklists.
    - (1) Unsecured Report, Posted Payments Comparison, Attorney Fee Report, Positive NSF Report, Negative Balance on Hand, Negative Creditor Balance on Hand, Out of range Reports, Summaries, Checklists.
10. Quality and time control.
  - a. Haste makes waste.
  - b. If filing a claim, double check and make sure that the name and case number on the screen match the document. More effective than correcting mistakes later.



- C. Monthly departmental meetings with training sessions at each meeting.
  - D. Keep office updated on changes in the law and guidelines. How will they affect your area of expertise?
- III. What to do with an employee who continues to make the same mistake over and over again? Questions to ask yourself:
- A. Have you done everything you could do to help this individual succeed?
  - B. Were they properly trained?
  - C. Do they have printed instructions for their job?
  - D. Have those instructions been updated?
  - E. Was there a mentor appointed for a specific length of time?
  - F. Have the errors and suggested resolution been documented?
  - G. Are there notes taken by the employee that were made when they were new that are incorrect?
  - H. Does the employee understand the implications of their errors?
  - I. Does the employee have the desire, decision, determination and discipline required to do this job?
  - J. If the person is an otherwise good employee, is there another position that might better suit their talents?
  - K. Determine whether the employee understands the implications of errors – i.e., a disbursement sent to the wrong creditor can have dire consequences for the Trustee.
  - L. If the employee cannot or will not be retrained, then perhaps the employee should resign or be terminated from employment.
  - M. The Trustee should hold an exit interview to pinpoint trouble areas or possible supervisory deficiencies.

*Marilyn O. Marshall, Standing Trustee*

**Internet Tidbit**

You know you can go to the post office to change your address when you move. You also need to notify companies, schools, and organizations that you do business with. Wouldn't it be great to eliminate the hassle of changing your address? With Updater you can do just that. At Updater.com, you will find everything you need to easily change your address. You can also send opt-out requests to companies that send out junk mail. Why use Updater instead of doing it all yourself? Well, Updater is free and saves you time. They are also very careful about your privacy and help you to eliminate unwanted mail.



## Case Administration Proof Of Claim Forms

As case administrators for the office of the Chapter 13 Trustee, we are tasked with loading and verifying proof of claims received from creditors. The vast majority of these claims are filled out properly, free of clerical errors, and clearly lay out how a debt is to be treated. This ensures proper treatment of the debt and allows us to link it to information provided in schedules D, E, and F. When these claims are not completed correctly, we begin a follow up procedure that includes a letter stating an issue was found and a phone call to the author of the claim form. Usually, the errors are minor: misspellings, typos, or blanks in crucial sections. And usually, simply making someone aware of the error is all the action necessary to have the claim amended. Sometimes, however, the issue is layered and warrants a closer look by the person who submitted the proof of claim and it is the policy of the trusteeship not to direct, lend advice, or in any way influence how the lenders wish to implement their rights to collect on a debt.



For instance, section G often has language instructing the trustee not to pay a secured creditor but allowing an unsecured deficiency to be paid. If a proof of claim is vague or provides conflicting information regarding secured and unsecured portions, we are unable to assist in the amendment of the proof of claim form as this would constitute guiding the creditor to a solution that may or may not be their actual intention. Other common mistakes involve secured interest claims and the amount allowed to be classified as such. The total of the claim must be aligned with the total in the subsequent sections or else the classification of the claim becomes unclear.

These situations can be vexing for people unfamiliar with the bankruptcy process who simply want to rectify the issue at hand. As we're corresponding, we case administrators inevitably hear, "What do you want me to do?" or "How should I fix it?" but unfortunately we are not able to provide any specific information. We can only direct the claimants to review the claim and to double check the instructions located on the second page of the proof of claim form for useful information explaining the form's different sections. The Trustee's office cannot give legal advice.

*Aaron Bowles, Case Administrator*

## How To Improve Your Credit Rating

You've run into it if you've ever applied for a car loan. It is essential information if you ever apply for a mortgage loan. Your credit rating is a very important key to your financial future. What if your credit isn't so great? There are some ways to improve your credit rating.



- ✦ Open and use a checking and savings account in your own name.
- ✦ Pay all your bills on time and use a personal check.
- ✦ Obtain a credit card, but keep your balance low.
- ✦ Remain at your place of employment for two years or longer.
- ✦ Avoid bankruptcies, tax liens, collections, and any bounced checks.
- ✦ Check your credit report annually and dispute any incorrect information.

Beware of credit repair clinics. They will often charge you for services that you can do yourself for free, and they cannot guarantee results. Re-establishing your credit doesn't happen overnight. But remember that the longer you practice good credit habits, the better your credit will be.

## March's Notable Events

March is **Credit Education Month**.

**Dress in Blue Day** on March 2nd.

Happy **1st Anniversary** to **Jenna Ball** on March 2nd!

Happy Birthday to **Kristen Kehl** on March 3rd!

Happy **16th Anniversary** to **Darlene Odom** on March 11th!

**Daylight Savings Time** begins on March 11th.

Happy **1st Anniversary** to **Pamela Jenkins** on March 14th!

**St. Patrick's Day** on March 17th.

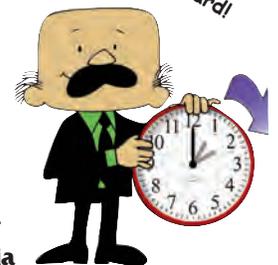
**First Day of Spring** on March 20th.

Happy **14th Anniversary** to **Santricia Fields** on March 25th!

**Make Up Your Own Holiday Day** on March 26th.

Happy Birthday to **Sandra Pillar** on March 27th!

Don't forget to set your clock forward!



## Green Living

A standard electric oven creates almost three pounds of carbon dioxide per hour. Instead of firing up your oven, consider using your toaster oven, slow cooker, or microwave. Each of these uses considerably less energy to run.

**Information Services  
Are We Up  
Or Down?**

We have been strongly encouraging everyone to use TNG as much as possible. And then you get an email from me telling you to stay out of TNG! What gives?



Here's a breakdown of the conversion schedule for TNG. Every Friday night, CaseNET data is dumped over to the TNG servers for a weekly conversion.

On Monday, I send an email to the staff letting you know that TNG has been updated with Friday's data and to let you know it's OK to log in and practice.

Beginning on the Wednesday of Disbursement week, we start the process of running parallel disbursements between CaseNET and TNG. This disbursement balancing is one of the keys to our successful migration to TNG. If we get the money right, we've probably gotten everything converted correctly.

CaseNET data is captured "pre-allocation" on Tuesday night. Rick of BSS converts the data Wednesday into TNG and we ask you to stay out of TNG for the remainder of the week so that no one makes a change that would affect disbursements.

The Monday morning after disbursements, after I get the "all clear" from Rick, I send an email to the staff to let them know that it's OK to log into TNG.

We are also conducting month-end balancing. Once a month, depending on where month-end falls, I will send an email letting you know that TNG will be down for an entire day in order to convert CaseNET's month-end data. The next day, after Dan has compared TNG's month-end numbers with CaseNET's, I let the staff know it's OK to use TNG.

When we "Go Live" in TNG and perform all the steps necessary to complete a disbursement run, I will disable all users' logins to keep everyone out of TNG FOR REAL!

*Sandra Pillar, IT Analyst*

**A Cup Of Joe Trivia Quiz Answers:**

- 1. True. burned off the longer it is roasted).
- 2. 70 percent.
- 3. True.
- 4. 5 hours.
- 5. 90 percent.
- 6. Medium (more caffeine is 10. About 15 minutes.
- 7. They sell it to pharmacetical companies.
- 8. 30 milligrams.
- 9. 80 to 100 cups.



**Financial  
Tax Time  
Means Tax  
Refund Receipts**



Everybody knows we are in tax season. That means during this month and upcoming months, some debtors will be sending in their tax refunds. There are debtors who decide to simply send us their U.S. Treasury refund checks. They endorse the back of the check and make it payable to Trustee Marilyn O. Marshall. Alternatively, some debtors cash their refund check and then send us a payment as a money order or cashier's check. Some debtors specifically write on their payment tax refund and others attach their tax refund forms along with the payment.

It becomes complicated when we receive a money order or cashier's check, which is their tax refund, but they did not provide any indication whatsoever. When this occurs that receipt needs to be researched and verified that the receipt is actually a tax refund. For example, I look at the receipt amount received and compare it to the monthly payment amount. If the amount received is way less or far more than the monthly payment, it leads me to believe the payment can possibly be a tax refund. If the payment received contains cents, that is another reason to possibility think it's a tax refund. During that observation, I must then check in the case to see if there is an asterisk (\*) next to "Tax return-other years" and if I see "partly satisfied." If that appears on the case that is another reason to highly believe debtor's payment is a tax refund. Having obtained that information, I then inform Kristen about this payment. Kristen either contacts the debtor's attorney or debtor to verify verbally if payment received was intended to be their tax refund. After Kristen has confirmed the payment received was a debtor tax refund, I can then pursue other duties regarding tax refund payments.

When we receive tax refund payments, there are certain procedures that I need to accomplish. For instance, I email Anthony and the paralegal assigned to the case informing them that we received a tax refund payment from the debtor. Receipt and other tax documents sent along with the payment are printed and filed in the appropriate judges bin in the mailroom for the paralegal to review. Last of all, I docket the case with the check number, date of the check, and the amount of the check. The message in the docket also reads that I emailed Anthony and the paralegal assigned to the case.

Every day I focus all my attention on receipts. During tax season I am more conscientious when loading receipts than usual because at other times tax refund receipts are not in the picture. My daily goal is to identify every single receipt received and try to distinguish which is a tax refund payment when not informed.

*Enrique Orejel, Receipts Specialist*

**Legal**  
**The Order Of The Day**

As paralegals, we come across many different orders that we have to determine how to process, as they may or may not impact the administering of a debtor’s Chapter 13 case. Some of the more popular ones are Orders to Extend the Stay, Order to Modify the Stay and Order to Modify the Plan. Each one has a different effect on how the case is administered in this office.

Orders to Extend the Stay are giving the debtors an extension on their original stay to protect them against any creditor action. As paralegals, we only docket the event in our system, but it has no impact on how we administer the case in our office.

Orders Granting Relief from the Automatic Stay can be for any type of property but most often are for homes or vehicles. It is very important to read these Orders in their entirety. The Orders will tell you exactly how to administer the claim that is on file. For example, an Order to Modify the Stay for a property might give the debtor an extra two weeks before the mortgage company no longer accepts payments, or the mortgage company may choose to no longer accept payments as of the date of the Order. As paralegals, we read the orders and process them accordingly. If the order tells us that the Lift Stay is effective per the date of the order, then we turn the current mortgage and or arrears portion of the claim off immediately. If the order tells us that Rule 4001 (a)(3) is applicable, then we docket the case and turn the claim off 14 days from the date of the order. Some judges will even write in an effective date regardless of what the



order says and in those instances we follow what the judge has noted on the order. If the Order is for a vehicle, we continue to pay on the vehicle until we receive an amended claim from the creditor for a deficiency balance.

Orders to Modify the Plan can also be very complex and require you to read through them carefully so that the case is administered properly. These modifications may include, but are not limited to, deferring defaults, changing plan terms, stopping plan payments/payroll until a future date, changing the set amounts or scheduled amounts of creditors or adding/withdrawing creditors from the case.

All of these requests impact the administration of the case in various ways. If plan terms change, you have to adjust them accordingly so that the debtor can finish in a timely manner and all the creditors get the percentage that they are entitled to. If a debtor is having financial difficulty, they may request to have their plan payments stopped until a future date or have the default deferred to the end of the plan. A debtor attorney may have to modify the plan to add a creditor or change a creditor’s name so that the Trustee can properly send out checks that have been returned.

Reading and, in some instances, rereading is very important when processing these orders. Sometimes we have to seek the consultation of our staff attorneys or the Trustee when we are unclear on how an order is to be administered. The best way to process an order that you deem complex is to break it apart and take it piece by piece. If it is done this way, then you are sure to administer all of the requests, and the case will be administered properly.

*Elise Taylor, Paralegal*

**T.H.I.N.K.**

Sometimes young people show wisdom beyond their years. A friend of mine met such a person last spring.

Mark was watching his daughter, Holly, practice with the Spring Valley High School softball team. On the team was an older girl who had earned Holly’s respect. After the practice, Mark went over to say “Hello.” He noticed that the young lady had writing on her pitching hand. “What is all this?” he asked.

She pointed out a couple of scripture verses and shared her thoughts on those.

Then Mark asked, “What about this?” and he pointed to the word “THINK.”

“Oh, that,” she said, a bit embarrassed. “You see, I have a problem with my mouth. So, before I speak, I ask myself: Is it True?” She began to point to each letter in turn. “Is it Helpful? Is it Inspiring? Is it Necessary? And is it Kind?”

Mark was impressed with the young athlete’s struggle to discipline her mind and speech along with her body, and he shared her story with me. Since much of the trouble in our lives begins with a thoughtless word, he knew I could benefit from it, and so can you. As we go through the day, let’s remember to THINK before we speak.

*By Rob Baggett, contributed by NACTT Association Executive Courtney Waldrup,*



**Trivia quiz: A Cup Of Joe**

March is National Caffeine Awareness Month. Test how much you know about this chemical substance with this trivia quiz. (The answers are on page 6.)

1. True or False: A strong cup of tea contains the same amount of caffeine as a cup of coffee.
2. What percentage of sodas contain caffeine?
3. True or False: Caffeine is on the International Olympic Committee's list of prohibited substances.
4. How long does it take the human body to clear itself of caffeine?
5. What percentage of Americans consume caffeine every day?



6. Which has more caffeine: dark or medium roasted coffee?
7. Coffee processors used to discard the caffeine they obtained through the decaffeinating process. They no longer discard this excess caffeine. Instead, what do they do with it?
8. The average cup of coffee contains about 125 milligrams of caffeine. How much is in the average chocolate bar?
9. How many cups of coffee would you have to drink in rapid succession before reaching a lethal dose of caffeine?
10. How long does it take for caffeine to have an effect on your nervous system once it is ingested?



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**Marveling At The Moon**

- H The dark spots on the moon are caused by basins on the moon filled with basalt.
- H The Sea of Tranquility is on the moon, but is not a real sea. It is a “maria,” one of the regions that appear dark when looking at it.
- H The footprints made by astronauts walking on the moon will not erode or blow away, as there is no wind or water on the moon.
- H Apollo 11 commander Neil Armstrong first stepped on the moon with his left foot.



- H There are over 500,000 craters on the moon that can be seen from Earth.
- H Just 22 seconds worth of fuel remained when Apollo 11’s lunar module landed on the moon.
- H The last man to step on the moon was Gene Cernan in 1972.
- H Astronaut Alan Sheppard hit a golf ball on the moon, sending it 2,400 feet.
- H You are always viewing the same half of the moon, since it rotates at exactly the same rate it is moving around the earth.

