Court Connection

U.S. Bankruptcy Court
Western District of N.C.

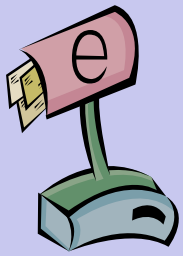
Newsletter Created by:
Communication & Education
Strategic Planning Team

E-Mail Address:
Newsletter@ncbankruptcy.org

Volume 1, Issue 1, August 1999

The Chambers "Skinny"

by Judges
George R. Hodges &
J. Craig Whitley



Welcome to the first edition of the *Court Connection*. We want to devote the judges' space in this edition to giving you some history on where this newsletter came from, what we hope to accomplish with it, and to invite your participation.

The *Court Connection* was spawned from the strategic planning efforts in which the court staff and volunteer attorneys have engaged in over the past year. This newsletter is the work of the Communication and Education work group. It has been developed to improve communications between the users of the court and the court—specifically about matters related to the court's operations.

It is our hope that the newsletter will accomplish two things: (1) provide current and accurate information about court operations and procedures to those who use the court; and (2) serve as a forum for a dialog regarding court operations. To that end, we invite your questions, comments and suggestions about any aspect of the court's operations and procedures (including matters directed to the judges). Any such items can be e-mailed to *Newsletter@ncbankruptcy.org* or through the link provided on the court's web page.

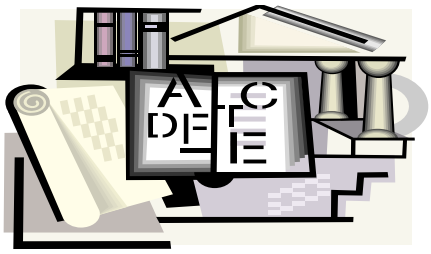
It is our belief that the more you know about how we operate, the better we will be able to serve you—and, the better you can help us do that.

We hope you will note the announcement about the program to be conducted in Asheville for attorneys' administrative staff (and attorneys too). This will be a "hands on" program that should be invaluable to users of this court. It will primarily involve the Asheville divisional office, but since procedures are uniform, it should also be of general interest. If the program is well received we may repeat it elsewhere, so please follow this and let us know if there is continued interest in the program.

In future *"Chambers Skinny"* columns we hope to address issues that are of particular interest to the judges (and hopefuly to you too). Again, we invite your participation in this effort in any way you can. The judges thank you in advance for your contribution to the operation of this court.

Court Mission:

To maintain order in society by providing a fresh start for the economically devastated debtor and the maximum and timely distribution of assets for creditors.



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. . . and more

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U.S. Bankruptcy Court
Western District of N.C.

401 W. Trade Street
Room 111
Charlotte, NC 28202
Tel: 704.350.7500
Fax: 704.344.6403

100 Otis Street
Room 112
Asheville, NC 28801
Tel: 828.771-7300
Fax: 828.271.4150

www.ncbankruptcy.org

"Bankruptcy Basics" Seminar in Asheville

by Shawn Leisey, Courtroom Deputy

The Clerk of the U.S. Bankruptcy Court will host a bankruptcy seminar in Asheville on Friday, October 1, 1999 from 9:00 a.m. to 1:00 p.m. in the Federal Building next to the courthouse. The seminar agenda will focus on procedural issues and offer a thorough explanation of a number of procedures set out by the Clerk's Office. The court hopes this seminar will provide an opportunity for attorneys and their assistants to become more familiar with the manner in which cases are processed in the Bankruptcy Court. Seminar presenters include Geraldine Treutelaar Crockett (Clerk of Court), Linda Anderton (Chief Deputy Clerk), members of the Asheville and Charlotte Divisions, Linda Simpson (Bankruptcy Administrator) and members of the BA's staff, Sara H. Davis (attorney for

(continued p. 2)

Asheville Division

Avery
Buncombe
Haywood
Henderson
Madison
Mitchell
Transylvania
Yancy

Bryson City Division

NOTE: Cases heard in Asheville Division.

Cherokee
Clay
Graham
Jackson
Macon
Swain

Charlotte Division

Anson
Gaston
Mecklenburg
Union

Shelby Division

Burke
Cleveland
McDowell
Polk
Rutherford

Statesville Division

Alexander
Alleghany
Ashe
Caldwell
Catawba
Iredell
Lincoln
Watauga
Wilkes

Newsletter Comments? E-mail

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"Seminar" continued

David Gray, Chapter 13 Trustee), Marc Rudow (Chapter 7 Trustee) and members of their respective staffs.

Among the topics to be covered are: a Clerk's Office Overview, Document Processing detailing specific procedures, Chapter 7 and Chapter 13 Trustee procedures, and Fees. A packet of useful forms and other reference material will be provided to participants. Refreshments and an open house showcasing the remodeled and updated Clerk's Office space are also included in the seminar.

The seminar is free and sign-up is on a first-come-first-serve basis. Participation will be limited to 75. Invitations and registration cards were mailed the first week of August, but are also available on the court's web site. Interested participants may also contact Shawn Leisey in the Asheville Clerk's Office at (828) 771-7301.

County Designation in Western N.C.

by Linda Anderton
Chief Deputy Clerk

The U.S. District Court for the Western District of N.C. entered an order on May 24, 1999 to rearrange the divisions of the District Court. Divisions for the Bankruptcy Court remain the same, as rearrangement was not necessary. Counties in the division of Western N.C. are listed to the left. A divisional map is also located on the court's web site under General Information/ Divisional Map.

Motions for Moratoriums in Chapter 13 Cases

An administrative order was entered on June 3, 1999 allowing no-protest notice of Motions for Moratoriums in Chapter 13 cases.

Motions to Amend Schedules

by Linda Anderton, Chief Deputy Clerk &
Carol Caldwell, Financial Administrator

Please be advised that neither an order approving a motion to amend schedules nor an order approving a motion to add creditor/incur debt amends the schedules. *To amend the debtor's schedules, you must file an amendment to the schedules, along with a notice of the amendment to the trustee and to any entity affected thereby, pursuant to Federal Bankruptcy Rule 1009 and Bankruptcy Court Miscellaneous Fee Schedule, No. 4.* All schedules, statements, and amendments should be verified and prepared as prescribed by the appropriate official forms. A $20.00 fee is charged to amend the debtor's schedules (D, E, and F). Examples of amendments which require a fee include: adding creditors, deleting creditors, changing the amount specified as being owed to a creditor, or changing the classification of a debt. A fee is not charged, however, when the nature of the amendment is simply to change the address of a listed creditor. A detailed table can be found on the court's web site under General Information/Court Procedures.

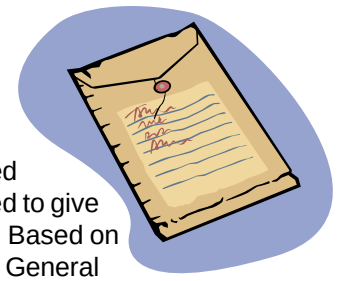
Fee$ and Financial

by Carol Caldwell, Financial Administrator

Effective March 10, 1999, the U.S. Bankruptcy Court adopted and complied with Local Rule 83.1(b) of the U.S. District Court for the Western District of N.C. This rule requires that all counsel, except those representing a governmental agency, pay a fee in the amount of $75.00 for each special admission or whenever Pro Hac Vice admission is granted. Checks should be made payable to the Clerk, U.S. District Court and should be tendered with the motion and proposed order to the U.S. Bankruptcy Court.

Extended Hours of Filing

by Gerri Crockett, Clerk of Court



As part of the Court's strategic planning process, it was suggested that a 24-hour drop box be installed to give customers more flexibility in filing. Based on this, plans are being developed by General Services Administration (GSA), the landlord for the federal courthouse, to install an outside drop box at the Charlotte and Asheville locations. (continued on p. 3)

"Extended Hours" continued

As plans move forward, information will be disseminated.

On a related note, the Clerk's Office in the Asheville Division is closed Monday through Friday between 12:30 and 1:30 p.m. In order to assist anyone who wants to file pleadings during this hour, a mail slot has been installed in the front door of the Clerk's Office. All pleadings may be filed through this mail slot, however pleadings should *not* be accompanied by cash.

First Conference for Clerk's Office Staff

by Robin Felts, Courtroom Deputy and Lucretia Sullivan, Intake Deputy

Clerk's Office employees recently attended their first educational conference June 23 - 25 at the Meadowbrook Inn in Blowing Rock, N.C. The "Retreat Committee" (Lucretia Sullivan, Kim VanDyke, Robin Shackelford, Robin Felts and Susan Slade) organized a full agenda beginning with a Wednesday evening gathering to unveil the conference theme banner which was handcrafted by a fellow employee, Alesia Wallace. The theme for this year's conference was ***"MAPP. . . a new future,"*** **MAPP** standing for **M**otivation + **A**ttitude = **P**ositive **P**eople. The gathering also included a reading and slide presentation made by Julia Adams and Robin Shackelford. The tone for the conference was evident as everyone enjoyed ice-cream and fellowship.

On Thursday, Sue Murray, a communication consultant provided by the Federal Judicial Center in Washington, delivered a day-long, interactive session using each participant's results from the Meyers-Briggs Type Indicator. Through this instruction, employees identified and discussed their communication styles with each other and learned how better to motivate, change the behavior of, and appreciate fellow workers and customers. After a full day of learning, everyone contributed to a Clerk's Office Secret Talent Show and enjoyed a wonderful dinner together. On Friday, Scott Francis, a local consultant and humorist, presented a strong and very funny program which combined the following topics: positive attitude, humor in the workplace, healthy lifestyle habits, and stress managment.

Employees dedicated themselves to this retreat so that they might achieve a better understanding of their individual attitudes as well as learn to better communicate and work with one another and the public. Due to this successful experience, Clerk's Office employees are well on their way toward "MAPPing" a new workplace future.

Children Learn About the Federal Court

by Alesia Wallace, Case Administrator

On Friday, July 16, the Clerk's Office observed "Bring Your Child to Work Day." This provided an opportunity for children to observe their parents in their work environment. The children also toured several other court units including the U.S. District Court, Probation Office, Court Security, the Military Entrance Processing Station (MEPS), and the U.S. Marshal's Service.

Some of the highlights of the day included meeting U.S. Bankruptcy Court judges, George R. Hodges and J. Craig Whitley. The children also had an opportunity to meet U.S. District Judge Robert Potter. At noon, the children, court staff, and staff from the Bankruptcy Administrator's Office enjoyed a hotdog luncheon on the lawn of the Federal Courthouse building. In closing, Judge Whitley presided over an official Certificate Ceremony acknowledging each child as an honorary deputy clerk for the day.

Staff members responsible for organizing this event include Cecelia Burr, Kim VanDyke, Debbi Leonard and Alesia Wallace. The program's success was due to a joint effort made by the entire staff of the court.

Did you know that the court has experienced almost a 300% growth in filings during the past 10 years?

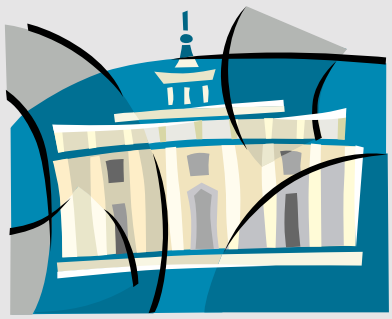
Did you know that Chapter 13 cases equal 53% of filings?

Did you know that Chapter 7 cases equal 47% of filings?

Courtroom Activity Report

by Robin Felts, Courtroom Deputy

Following are a few tips and reminders for courtroom procedure. These practices will assist the court in running smoothly and will enable the Courtroom Deputy to maintain proper records of all proceedings as they are heard in court.



1. **Appearances** should be announced at the beginning of each case. This is helpful to capturing a proper record for the court. There are many familiar faces throughout each division, but there are also new attorneys and courtroom staff occasionally assisting in the court proceedings who do not know all of the attorneys by name. Proper identification of the witness, including the spelling of his or her name, is also helpful.

2. **Exhibits** should be properly labeled for identification purposes and transcript preparation.

3. **Documents & Orders** which will be referenced in a court proceeding should be presented prior to court or during a break, if possible. As you present documents to an Intake Deputy, please indicate whether the document should be given to a courtroom deputy and taken into court and placed in the case file.

Orders rendered in court and signed by the judge should be:

a) left with the file to be processed by the Clerk's Office along with a self-addressed, stamped envelope, or

b) taken to the Intake counter for processing if a copy is needed immediately, or

c) presented to the Courtroom Deputy during a break or lunch for processing.

If the court proceeding is in Shelby or Statesville, the order or document will need to remain with the file or presented to the Courtroom Deputy.

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Internet Site Gets Face Lift

by Gerri Crockett, Clerk of Court

The Court (with the help and assistance of the Bar, Bankruptcy Administrator and Court staff) will soon update the look of its Internet site as well as add more information and material. A focus group met to review a number of state and federal court web sites to determine what elements would be beneficial to include on the site. Court staff also were surveyed to provide input on this update. We anticipate the "new look" by the first of next fiscal year. This is in keeping with the court's goal to provide excellent customer service and assistance to the public and Bar.

Matrix Disks for Chapter 13s Required

by Gerri Crockett, Clerk of Court

Local Rule 1007-2(5) requires that "In all cases, the debtor shall submit to the Clerk of Court, at the time the petition is filed, a mailing matrix on a 3.5" computer diskette, along with a printed hard copy, in a format set forth in the *Bankruptcy Practice Guide* and an instruction sheet available upon request from the Clerk of Court." Since the implementation of this Local Rule, the court has not required this computer disk for Chapter 13 cases. Now that the Chapter 13 Trustees are able to utilize the disks for their data entry, the court will now require the filing of a computer disk for Chapter 13 cases. If you have any questions on how to prepare the computer disk, please call the Clerk's Office for an instruction sheet.

New Internet Calendar Program

Check out the new and better Internet calendar! Chambers and systems staff have spent much time and effort to provide a new and improved Internet Calendar. The calendar includes court hearings as well as First Meetings. Just go to the Internet site, click Monthly Calendar, and then select a month and date in the future. This allows the user, in effect, to look at the calendar by division. After you click on the exact date, you can then click on a specific judge or on the First Meetings button.

Editor:
Susan Slade
Administrative Coordinator