



BEHIND THE BENCH

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**Hon. Karen Jennemann
Beatty**

The Honorable Karen S. Jennemann was appointed to the United States Bankruptcy Court for the Middle District of Florida, Orlando Division, in November, 1993.

Prior to her appointment, Judge Jennemann was a shareholder in the law firm of Mahoney Adams & Criser, P.A., Jacksonville, Florida, where she specialized in bankruptcy law, and an associate at Smith Hulsey & Busey, Jacksonville, Florida.

She also served as a law clerk to the Honorable Robert Doumar, United States District Court for the Eastern District of Virginia, Norfolk Division.

Judge Jennemann received her J.D. degree from the Marshall Wythe School of Law at the College of William and Mary, Williamsburg, Virginia, a Masters in Liberal Studies from Rollins College, and received her undergraduate degree from Northern Arizona University in Flagstaff, Arizona.

I WANT A DIFFERENT JUDGE!

TO RECUSE, OR NOT TO RECUSE? THAT IS THE QUESTION

*By Hon. Karen Jennemann
U.S. Bankruptcy Judge, MD/FL*

Every litigant wants and deserves an impartial, fair-minded judge. Yet, sometimes, rightly or wrongly, a litigant gets frustrated with the assigned judge. They ask the judge to step aside and let another judge handle their case. In making this request to recuse or disqualify a judge, the aggrieved litigant often makes many unflattering statements about the judge. We thought you may want to know the in's and out's of recusal requests to better help your judge address these often emotional requests.

The rules as to when a bankruptcy judge must step aside are contained in the Code of Conduct for United States Judges, the Bankruptcy Rules, and in the United States Code. Canon 3 of the Judicial Code of Conduct requires every federal judge to act impartially. A judge must disqualify "himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned." The ethic rule lists several examples which require disqualification, but, in general, any valid reason which establishes that a judge is not impartial in a particular proceeding is sufficient to justify disqualification.

The most common type of complaint is that the judge harbors "a personal bias or prejudice" against or in favor of one of the parties. However, disqualification also is required if the judge has personal knowledge of the facts of a case, formerly represented one of the parties, could be a witness, has a financial interest in the outcome of the case, or is related to someone with such an interest. For example, if a judge's spouse represents one of the parties, the judge cannot handle the case.

Bankruptcy Rule 5004 provides that recusal/disqualification of a federal bankruptcy judge is governed by Title 28 of the United States Code, Section 455. Pursuant to Section 455(a), which largely mimics the ethic rule, judges must disqualify themselves in any proceeding in which their "impartiality might reasonably be questioned." Four general categories define when recusal is required:

- Personal bias, prejudice, or knowledge of disputed facts in a case;
- Current or prior personal or family involvement in the matter;
- Involvement of a lawyer with whom the judge has previously practiced law; and
- Financial or other interest in the matter.

Recusal typically occurs in one of two ways. A judge independently can decide to step aside in a particular case because he or she knows disqualification is merited for any reason. For example, recusal is required if the judge owns stock in one parties' company. Recusal is mandated even when a judge's financial interest is insubstantial. One share of stock is enough to require disqualification.

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To Recuse or Not Recuse? (cont'd. from pg. 1)

Each judge must make a reasonable effort to stay informed about his or her personal financial interests as well as the financial interest of the judge's family. Each judge also must list financial interests owned by the judge and his immediate family in his or her recusal list. Today, most judges have agreed to allow the Clerk to automatically check recusal lists when a new case is filed. The Clerk then will let the judge know of the possible conflict, and the judge can disqualify himself or herself without any further delay. Because it is so important to catch these types of financial conflicts and to avoid embarrassing disclosures in the course of heated litigation, it is very important to regularly update recusal lists kept on file with the Clerk's office so that the automatic checking features work. As of September, 2006, United States Courts are required to use automated conflict screening software to facilitate the prompt and complete identification of potential conflicts. The Administrative Office of the United States Courts is working with individual courts to continue developing and refining the software for conflict screening contained in the Case Management/Electronic Case Files (CM/ECF) system, which is the preferred software option for conflict screening. *Judicial assistants are a key player in keeping recusal lists current and in checking recusal reports supplied to the judge by the Clerk.*

Alternatively, a party can file a motion¹ requesting a judge's recusal, usually due to some alleged bias or prejudice. Addressing recusal early in a proceeding is important.² This affords a judge the opportunity to promptly consider the request before taking any unintended but inappropriate actions. *In re Evergreen Sec., Ltd.*, 363 B.R. 267, 297 (Bankr.M.D.Fla.2007). Prompt recusal decisions also reduce the chance that a party is seeking disqualification as a litigation tactic or "as a fall-back position in the event of adverse rulings on pending matters." *Evergreen*, 363 B.R. at 297 (citing *LoCascio v. U.S.*, 473 F.3d 493, 498 (2d Cir. 2007) (quoting *In re Int'l Bus. Mach. Corp.* 45 F.3d 641, 643 (2d Cir. 1995))).

Parties filing recusal motions typically say very uncomplimentary things about a judge because they are trying to show that the judge is biased against them. Yet, it is the judge who is the subject of these aspersions who must decide whether the asserted grounds for recusal are objectively reasonable. *Cheney v. U.S. Dist. Court for D.C.*, 541 U.S. 913, 924 (2004); *Microsoft Corp. v. U.S.*, 530 U.S. 1301, 1301 (2000); *Parker v. Connors Steel Co.*, 855 F.2d 1510, 1524 (11th Cir. 1988). *Judicial assistants can help their judge keep a cool head when one of these scandalous types of motions to recuse is filed.*

Recusal is warranted if a *reasonable* person (not necessarily the movant) with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned. Recusal, however, is *not* appropriate if the party has simply imagined a far-fetched conspiracy or misinterpreted a judge's action or, perhaps, is seeking recusal to get a judge who may rule differently. In any event, recusal is never justified by a judge's legal rulings or due to facts the judge learned during the case. As best explained by the Supreme Court of the United States:

[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . Almost invariably, they are proper grounds for appeal, not for recusal. [O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible. Thus, judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge. They *may* do so if they reveal an opinion that derives from an extrajudicial source; and they *will* do so if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible.

¹ There is no fee prescribed for such motions. Title 28, Section 1930(a) sets forth filing fees, and Section 1930(b) authorizes the Judicial Conference to prescribe fees in bankruptcy cases in addition to the filing fees prescribed by Section 1930(a). Neither section requires a filing fee for motions seeking recusal.

² *In re Evergreen Sec., Ltd.*, 363 B.R. 267, 297 (Bankr.M.D.Fla.2007) (Motions seeking recusal must be brought at the earliest possible moment after obtaining knowledge of the facts demonstrating the basis for recusal) (quoting *Gil Enters., Inc. v. Delyv*, 79 F.3d 241, 247 (2d Cir.1996)).



President's Message

By Elaine Coker, MD/TN

Greetings to everyone from Nashville, Tennessee. I began working with the **Hon. George Paine** in March 1978 and have been with him as a judicial assistant for almost 22 years.

I have lived my entire life in Tennessee. That being said, I may occasionally use unfamiliar words. If you are not from the South, you may refer to this as Hickphonics or Y'Allbonics. Since it may be unfamiliar, I thought I would explain. If I say: "How are y'all doing today," I mean "How are you (or you all) doing today," and if I ask you "do you want a coke" I mean I will be glad to get you any kind of soda. I eat and enjoy greens and grits.

Whether you are from the South, North, East or West, we share a common bond through our organization. The ABJA is what we, as members, make it. Even though I had been a member for years, and met so many wonderful people through this association, I learned so much more about the organization when I first served as Sixth Circuit Representative. If you would like to become more involved, consider serving on one of the many committees or even running for office. Everyone's efforts and ideas are valued and greatly appreciated!

If you are not a current member, please consider joining the ABJA. As a group, our numbers are empowering. Our law clerk once told me how the law clerks needed an association like the ABJA, as they were faced with issues this past year and there was no organized group to stand up and speak for them. Through membership, our voice will be louder.

Our annual conference will be in Baltimore, Maryland this year. I hope everyone plans to attend. I am looking forward to an exciting conference, and understand that Baltimore is wonderful in October.

This new year has already brought many changes. We have our first African-American U.S. President, **Dana Muccie** has taken over as our new ABJA treasurer and I have taken on the enormous challenge of stepping in the shoes of **Cindy Korbol** as president of the ABJA. I feel privileged to serve the ABJA. If you have any questions or suggestions, please feel free to contact me at (615) 736-5587 or elaine_coker@tnmb.uscourts.gov. In the fashion of the South, my "door" is always open.



To Recuse or Not Recuse? ... (cont'd. from pg. 2)

Not establishing bias or partiality, however, are expressions of impatience, dissatisfaction, annoyance, and even anger, that are within the bounds of what imperfect men and women, even after having been confirmed as federal judges, sometimes display. A judge's ordinary efforts at courtroom administration—even a stern and short-tempered judge's ordinary efforts at courtroom administration—remain immune.

Liteky v. U.S., 510 U.S. 540, 555-556 (1996) (emphasis in original) (internal quotation omitted).

To justify disqualification, the judge instead must harbor an actual personal bias or prejudice against one of the parties. In re Clark, 289 B.R. 193, 196 (Bankr.M.D.Fla.2002) (citing In re M. Ibrahim Khan, P.S.C., 751 F.2d 162 (6th Cir. 1984)). Of course, every so often, a judge does develop this type of bias against a difficult or unpleasant litigant. In those cases, recusal is merited. *Judicial assistants can support their judge in recognizing those rare occasions when recusal really is merited, an often difficult decision.*

The integrity of our judicial system is premised on the guarantee that every judge will act impartially. If a judge cannot act impartially, due to financial reasons, family connections, or prejudice, he or she must step down. A judicial assistant can help the judge by helping identify financial interests which may require disqualification and by keeping the judge's recusal list current. A judicial assistant also can help the judge when a recusal motion asserting unflattering allegations of bias or prejudice is filed by simply supporting the judge in making a good, objective decision to recuse or not to recuse.



News From the Administrative Office

By Jim Wannamaker, Staff Attorney
Bankruptcy Judges Division



“Quick Links” to Rules Information

A new feature called “Quick Links” has been added to the Federal Rulemaking page on the judiciary’s web site. The new feature contains links to frequently used rules committee records and information and is intended to gather those links in one place for faster, more efficient access.

“Quick Links” are divided into two categories: (1) links relating to the federal rules, including current rules and forms in effect, proposed rules amendments that take effect in the future, and comments received on proposed rules amendments; and (2) links relating to the rules committees, such as the committee reports, committee minutes, committee agenda materials, and schedule of upcoming committee meetings and hearings.

“Quick Links” for the Bankruptcy Rules are posted at <http://www.uscourts.gov/rules/bkrules.html>. Similar links will be posted for the Federal Rules of Civil Procedure, Criminal Procedure, Appellate Procedure, and Evidence.

Bankruptcy Filings Top Million Mark



A total of 1,042,993 bankruptcy cases were filed in the 12-month period ending September 30, 2008, up more than 30 percent from the 801,269 filings in the 12-month period ending September 30, 2007.

The September 2008 filings are the highest of any 12-month period since the 1,112,542 filings in the 12-month period ending September 30, 2006, which included part of the surge in filings just before the effective date of many of the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) on October 17, 2005.

Filings in the three months of July, August, and September 2008 totaled 292,291, up 34 percent from the 218,909 bankruptcy cases filed in the same three months of 2007. The 292,291 filings represented the highest quarterly filings since the 667,431 filings in the last three months of 2005, which included BAPCPA’s effective date.

Chapter 7 filings totaled 679,982, up 40 percent in the 12-month period ending September 30, chapter 13 filings totaled 353,828, up 14 percent, and chapter 11 filings totaled 8,799, up 49 percent. Chapter 12 filings fell 8 percent, dropping to 332. The 1,004,342 non-business filings represented an increase of 30 percent. Business filings were up 49 percent, for a total of 38,651.

Information on per capita filings during the 12 months ended September 30, filings by month, filings and terminations by district, and filings by quarter were released along with the press release from the Administrative Office on December 15. Tables setting out the information are posted on the Press Release section of the Judiciary’s website at http://www.uscourts.gov/Press_Releases/index.html. Historic data on bankruptcy filings is available on the Judiciary’s website under Bankruptcy Statistics. Additional bankruptcy statistics, including bankruptcies by county, can be found on the Judiciary’s PACER system.

Recent BNC and Forms Changes

Director’s Procedural Form 201 has been amended in conjunction with a new feature provided by the Bankruptcy Noticing Center (BNC). Starting February 23, 2009, rather than routinely mailing duplicate notices to joint debtors at the same address, the BNC will send a single copy of each notice in a jointly-addressed envelope – unless a joint debtor requests that each spouse get a separate copy. The form was amended to include the change in mailings to joint debtors and to advise debtors that Rule 4002 requires a debtor to notify the court of any changes in the debtor’s address..

Currently in joint cases, which account for approximately 30 percent of cases nationally, the judiciary incurs the cost of two notices, two envelopes, and two postage fees for identical notices going to the same address. Sending a jointly-addressed notice to joint debtors at the same address is an efficient administrative solution which is anticipated to provide savings of over one-half million dollars a year. Additionally, this feature provides better service to joint debtors at the same address by reducing the number of duplicate notices they must handle.

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News from the AO ... *(cont'd. from pg. 4)*

The envelope/wrapper will include both names of the joint debtors, and the certificate of notice will include a single entry indicating that both joint debtors received notice via first class mail.

Director's Procedural Form 283 is new. Form 283 may be used by debtors to certify that they have complied with two of the requirements set out in section 1328(a) of the Bankruptcy Code for a discharge in chapter 13. The certifications concern domestic support obligations and section 522(q) of the Bankruptcy Code.

Copies of new Form 283 and amended Form 201, which were effective on December 1, 2008, are available on the Director's Forms page of the Judiciary's website at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.



2009 Bankruptcy CM/ECF Operational Practices Forum

*By Richard Goodier, Attorney Advisor
Bankruptcy Judges Division
Administrative Office of the U.S. Courts*

The 2009 Bankruptcy CM/ECF Operational Practices Forum (the Forum) has been scheduled for **August 18 and 19, in Fort Worth, Texas**. Last year, the Forum took place in Salt Lake City, Utah, and approximately 50 judicial assistants, judicial secretaries, and career law clerks attended the full two-day program. Those who attended were overwhelmingly enthusiastic about the wealth of information they received and for the opportunity to meet so many people from bankruptcy courts across the country.

The Bankruptcy "Ops Forum," has been an annual event over the past several years. Traditionally, the focus of the Forum has been to provide a context for court personnel to meet face-to-face and share information on CM/ECF topics that are suggested and selected by Forum attendees. In addition, Forum organizers have provided timely information concerning both recent and upcoming releases of Bankruptcy CM/ECF. In recent years, the Forum has also provided an opportunity for courts to display and demonstrate automation programs that they have developed locally. You can locate information about past Forums by using the following link <http://jnet.ao.dcn/it/ecf/workinggroups/bcad/bankruptcy.htm>.

Typically, several hundred court personnel attend the Forum. This year, like last year, Forum organizers will be providing the opportunity for one chambers staff person (judicial assistant, judicial secretary or career law clerk) from each court to attend. Travel expenses for chambers staff will be paid out of a centrally held account. If a court does not have a chambers staff person available to attend, the clerk's office may be eligible to send an additional person in their place. For more preliminary information about this year's upcoming Forum, use the following link to a December 30, 2008, memorandum from the Administrative Office: http://jnet.ao.dcn/Bankruptcy/Memos/2008_Archive/ocpb0913.html. Additional information and invitations will be provided to the courts in the upcoming months.

Please share the foregoing information with chambers staff in your court, and work with the your judges and clerk of court to see if a chambers staff member is available to attend. Hope to see you at the Forum!



CIRCUIT REPORTS



1st Circuit

By Kate Kelly, D/ME

What happened to the January thaw? The New England area has been experiencing lower than normal temperatures this month and that only serves to heighten cabin fever for many of us. But for those of us in Maine who enjoy outdoor winter sports, we have had some of the best quality snowfall so far this winter. The frigid temperatures are keeping the furnaces and fireplaces burning, serving as a constant reminder of the high heating fuel prices. Heating oil companies, like their many customers, are finding it harder this winter to balance their budget, knowing that their services are critical to the health and welfare of many people who are struggling not only to stay warm, but to simply put food on the table.

The combined staff of the federal agencies here in the Margaret Chase Smith Federal Building in Bangor held a charitable pot luck luncheon on Friday, January 23rd. **Dave MacDonald**, a Court Security Officer in our building, has taken his son and daughter-in-law and their 2 young boys into his home. The family lost their home and belongings in a fire on January 12, 2009. Fortunately all of them made it out safely and they have a warm, safe place to stay while they get back on their feet. The house was a total loss and the State Fire Marshal determined the fire was electrical and started in a surge protector strip; the kind so many of us have in our homes. In addition to the luncheon fund raiser, donations of clothing and toys for the family have been pouring in.

But hey - spring is just around the corner (somewhere....)! I find myself taking stock in many things to be thankful for, such as a great job surrounded by people who genuinely care about their fellow workers. I am also thankful to be part of a team dedicated to carrying out their Mission Statement and the duties of the United States Bankruptcy Court. Stop and think about the many lives our jobs affect on a daily basis and power that a simple smile and understanding can make in the lives of people who are going through some of the toughest moments in their lives.

In other news.....I'd like to welcome **Kristen Capilli**, Case Administrator in Bangor, Maine, as our newest court family member. She is filling the position vacated by **Sandy Dwyer** who retired in early December after 20 years with the court. Kristen comes to us from private practice in the Boston area. She has eagerly jumped in with both feet and has been a great addition to our operations team! Her skills and enthusiasm couldn't come at a better time as our case filings are up to almost 67% of our pre-BAPCPA filing levels.

Keep smiling everyone: what you are doing truly does make a difference in the lives of the individuals who pass through the bankruptcy system!



2nd Circuit

By Frances Fredericks, SD/NY

Let me first take this opportunity to thank everyone for electing me as the Second Circuit Representative. Great news in the Southern, Western, and Vermont Districts! The districts have adopted a Model Chapter 13 Plan for all cases filed under Chapter 13 of the Bankruptcy Code. As most of you are aware, the adoption of this Plan into our court operations will streamline the Chapter 13 process. In addition, the Southern District has also adopted Loss Mitigation Program Procedures to facilitate consensual resolutions for individual debtors whose residential real property is at risk of loss to foreclosure.

It is with a heavy heart we say goodbye to **Judge Harding** and **Kathleen Farrell** who are retiring this year. On a more upbeat note, **Vito Genna** has been appointed as Clerk of the Court for the Southern District of New York. On another congratulatory note, **Paul Dickson**, the former Assistant Operations Manager, was promoted to Chief Deputy Clerk in the Eastern District and **Mary Leary**, Deputy in Charge of the Southern District of New York, Poughkeepsie Division received her 35 year federal service pin in September, 2008. Ms. Leary was also honored with the Court Excellence Award for her leadership and dedication to the Court. In addition, the Southern District of New York has had three recent additions to the Court family, **Kenishia Braithwaite**, Intake Clerk at Manhattan, is the proud mom of son **Kyle Joseph Alexis**, who was born on November 29, 2008; **Chantel Greene**, Intake Clerk at Manhattan, is the proud mom of son **Ethan Emery Barrett**, who was born January 7, 2009; and **Lynda Calderon**, Courtroom Deputy to **Judge Peck** at Manhattan, is the proud mom of son **Jordan Dominick Calderon**, who was born January 8, 2009. Congratulations!

On March 16, 2009 at 10:00 AM, the Judges of the Eastern District of New York will hold the dedication of the Brooklyn Bankruptcy Court-house as the Conrad B. Duberstein United

(cont'd. on pg. 7)

2nd Circuit ... (cont'd. from pg.6)

States Bankruptcy Courthouse. The entire court team, judges from all over the country, Second Circuit judges, family members and as well other honored guests are expected to attend the ceremony honoring the beloved late Chief Judge. On another note, the Eastern District of New York is in the process of streamlining its technology court wide. They are moving into the 21st century and beyond at the speed of light! A paperless court is close at hand.

In Vermont, effective January 1, 2009, the court will no longer supply court reporters for hearings and trials. A digital audio recording will be taken of all court proceedings. Parties interested in obtaining a copy of the audio for a hearing on CD-ROM may contact the Clerk's Office. Audio files may be provided in a few different formats depending on your preference. If selecting either WAV or Windows Media (WMA) formats, no special hardware or software is needed because any standard media player will work. Parties wishing to receive the audio files can download a free playback utility. Parties preferring to have a court reporter for hearings after January 1, 2009 may make arrangements to supply a court reporter at their own expense, and should advise the Courtroom Deputy in advance.

It has been great to share some of the news in the Second Circuit with you!



3rd Circuit

By Pamela Friend, WD/PA

Welcome to **Elaine Coker**, our new ABA President and all the fresh faces to the Officers and Circuit Representative roster. Best of luck to you all.

Tell me... is it just me or does the turning of a new year also give **you** a sense of a fresh start? I'm not sure if it is because: we have a new President taking the lead of the U.S.; the freshness of a new year to vow to a resolution, a diet, to exercise more, or some other goal; the anticipation of a marriage, change in job responsibilities, but I can feel an eery sense of renewal. So, let's go for it! Just do it. Whatever your motto is.

I have been appointed by **James C. Duff**, Director of the Administrative Office, as the Third Circuit representative to the Judges' Secretaries Advisory Group (JSAG) for a term though December 2010. The JSAG provides advice, assistance, and recommendations to the AO on issues involving the approximately 1,700 secretaries and JAs throughout the country. I am looking forward to learning more about this duty and doing my part to assist my colleagues.

News from **Marleen Young** (JA from Trenton, NJ): Marleen and Michael Young rung in the New Year by going snowmobiling in St. Zenon, Quebec, Canada. Temperatures were below zero (without wind chill) but it still wasn't too cold for these sled dogs to still wag their tails.



News from **Laura Frick** (JA from E.D. of PA): Laura wanted to make you aware of a great resource website that she uses regularly through the Third Circuit Library called **TRIO, Trusted Resources & Information Online!** We've attached the link to the website here for your convenience. http://trio.circ3.dcn:81//indexphp?Title=Main_Page. The website includes many *Quick Links* to resource websites for your and has an area for *What's New!* which includes the *Friday Flash*, a weekly newsletter that brings you up-to-the-minutes court related news and Opinions. Check it out for yourself.

News from **Michele Boyer** (JA from E.D. of PA): Michele's daughter, Alyson, does freelance photography in her spare time. She received word last week that Baseball America selected one of her photos of Dexter Fowler for the cover of its February 9 - 22 issue. Needless to say, she's doing cartwheels for landing her first cover. *Congrats Alyson!*



4th Circuit

Barb Lewis, ED/VA

New Year's Greetings from the 4th Circuit. I am Barbara Lewis and your 4th Circuit Representative for the 2008-2009 term. I am the Judicial Assistant to the **Honorable Robert G. Mayer** in the Eastern District of Virginia, Alexandria Division. I urge those of you who are not yet members of the ABA to complete the application and become a member of the ABA. It's a wonderful organization to be associated with. I'd be glad to try to answer any questions you might have.

Pixie Shannon, JA to the **Hon. Stephen S. Mitchell**, also from the Eastern District of Virginia, Alexandria Division, writes:

Well, it's been a busier than normal fall for me, much of which was filled with surgeries and large dockets. But time was found to have fun and enjoy.

*The highlight of my fall probably is the fact that my judge, the **Hon. Stephen S. Mitchell**, ED/VA, Alexandria, was reappointed. YEAHHH! I came with him from private practice, so it's now 17 years that I've worked with him. I could be cute and say that as only 14 of those are with the courts, I wasn't quite prepared to have him retire and for me to have to look for another boss and job, which is true. But more so, I love my job and the work I do, and I really respect my judge. I've had good bosses, bad bosses, and even a crazy boss. I've had jobs where I've gone home at night and thought to myself that I really had to find a better way to spend my life. I'm glad I have a job that I'm both glad and proud of what I do.*

*Here in Alexandria increased filings are resulting in ever larger dockets, especially those regarding motions requesting relief from the automatic stay. Our attorneys are allowed to set these motions themselves on specific days, usually 2 each month, and only relief from stays are heard. We've had dockets with over 350 motions set. **Barbara Lewis** (JA for The Hon. Robert G. Mayer, EDVA, Alexandria) and I prepare a synopsis/outline for each case before our respective judge, so you can well imagine we're keeping busy.*

Attending the ABA conference in late September in San Antonio was amazing. It's a great mix of training and networking with a side-order of sight-seeing, and visiting with long-time friends. An added bonus to my job is that our judges here in EDVA are so supportive of our taking advantage of every training opportunity available.

As for the above-mentioned surgeries, all have recovered and looking forward to renewed health. My 84-year old mother had her hiatal hernia repaired and her gall bladder removed, but she's now fit and in better shape than ever, especially after having lost nearly 20 pounds from the restrictive post-op diet. Unfortunately at the same time, our elderly cat lost weight (though not 20 lbs) by going on a hunger strike, requiring dental surgery and prednisone to help her find her appetite. (DON'T tell my mother I mentioned both her and the cat at the same time; she'd be insulted. Oh, and don't mention it to the cat either. She's not named Princess for nothing!)

But first it was our older dog, BellaDona who had reconstructive knee surgery (are you certain I can't get reimbursed from my FlexFund?). After a long recuperation (nearly 4 months) she's now in amazing shape and keeping up with boy-dog during our hikes. However, as I had bunion surgery in November (thank you all for the thoughtful card from the ABA), I'm the slow one now. I was on crutches for a while (which was nearly a disaster as I slipped on them and landed in the emergency room with a mild concussion) and then was in a cast nearly 'till Christmas.

Fortunately it was a walking cast and we were able to participate in the annual Christmas Parade in the town of North East, Maryland. Our dogs are Chesapeake Bay Retrievers, which is the state dog for Maryland, and our group of rescue volunteers with their dogs walk in the parade. It's a delightful, little parade, down the main-street of home-town America, with the local scout troupe and brownies riding on floats, followed by Shriners in their mini-cars, and enormous hook & ladder trucks. We had about 20 dogs in this year's parade, some rescued from shelters or abandoned, and others our pets. BellaDona was a hit with the crowd, as when she was given a treat she'd come to a dead stop and flip over onto her back and wiggle in delight, before bounding back up and bowing. BeauDiddley (boy-dog) would stop too, but would face away as if embarrassed by her antics (though watching out of the side of his eye to be certain he didn't miss the chance for a treat).



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4th Circuit(cont'd. from pg. 8)

And talking about parades, though I watched comfortably and warm in front of my t.v., my Judge's youngest daughter participated in the Inaugural Parade. She is a member of the Southern Ohio Ladies Aside, a group which promotes, demonstrates, and educates about riding sidesaddle and its history. You might have seen them in their beautiful blue riding habits riding side saddle. On the other hand, our law clerk **Lisa** and her husband (Lisa and BJ) braved the cold and attended the swearing in. She said it was amazing. The energy of the crowd seemed to infect everyone with courtesy and pride. Even those who disagreed with comments or the politics of speakers, kept comments civil; and people were patient with the incredibly long lines and waits, be it for hot chocolate or waiting to get onto the Metro.



Though you hear now in the news that some aspects of the day may have been better handled, Lisa felt that much was done well. The huge screens and speakers everywhere on the National Mall enabled everyone to see and hear and bear witness to our amazing government at work.

From **Pam Barnes**, JA to the **Hon. Frank J. Santoro**, ED/VA, Norfolk Division, is just about to finish up her first year of working for Judge Santoro, having worked for **Judge David H. Adams** for 15 years. Judge Adams retired in January 2008 and Judge Santoro was sworn in February 2008. The transition for the most part has been smooth, albeit dealing with chambers renovations while continuing to see the filings increase has been challenging! Pam was able to take time off during the holidays to visit her daughter and grandkids (6 year old Asher and 1 year old Jayden) for Christmas in CA and then came back to hit the ground running in 2009 with a new Law Clerk, **Cheran Cordell**. Things always seem to be changing, but change is good. It keeps us on our toes. One of the large cases they have been keeping busy with is the Michael D. Vick Chapter 11 case. There is something filed and happening on an almost daily basis. Judge Santoro has also made several trips to Richmond to help out lately, as Judge Tice is out recovering from back surgery. Never a dull moment! Hope everyone is enjoying a happy and healthy 2009 so far.

Sharon Angel, JA to the **Hon. Randy D. Doub** from the Eastern District of North Carolina, writes:

*Happy New Year to all from the U.S. Bankruptcy Court, Eastern District of North Carolina! Our new year started with a bittersweet farewell. Our Clerk of Court, **Peggy B. Deans** retired on January 2, 2009 after 33 years of federal service. A Special Ceremonial Session of Court was held to honor her on January 16, 2009. Ms. Deans has been our Clerk of Court since October 1, 1979. Through the years, she has served as Secretary and Member of the National Conference of Bankruptcy Clerks, Chairperson and Member of the Bankruptcy Noticing Center Working Group, Member of the Bankruptcy Clerk's Advisory Group, Member of the Digital Audio Pilot Project Working Group and Ex-Officio Member of the Eastern Bankruptcy Institute.*

*Mrs. Deans had a major leadership role, along with **Judge J. Rich Leonard**, in developing and proposing the digital audio recording technology which makes courtroom audio available to attorneys and the public through PACER. Through the leadership of Mrs. Deans, much of the technology for the operation of the digital audio program has originated with the IT staff in the Office of the Clerk for the Eastern District of North Carolina. Her work here will help facilitate an eventual transition of the digital audio recordings program to federal courts nationwide. As Chairperson and as a member of the Bankruptcy Noticing Group, Mrs. Deans exhibited great national leadership in foreseeing problems in connection with Electronic Data Interchange (EDI) and Electronic Bankruptcy Noticing (EBN). Her leadership skills helped streamline the implementation of EDI and EBN during their development and implementation.*

While Clerk of Court, Mrs. Deans managed two offices, in Wilson and Raleigh which serve 44 counties in eastern North Carolina. The Clerk's office is comprised of 41 employees of which 12 employees have over 20 years of experience and 20 employees have between 10 to 20 years of service. The Eastern District of North Carolina has ranked near the top nationally in case processing statistics due to the effectiveness and efficiency of Mrs. Deans.

We applaud our former Clerk, Peggy B. Deans for her outstanding service and commitment to our Court for the last 33 years. We wish her many years of health and happiness with her family, and especially with her new grandson, Kenneth "Tripp" Deans, III. We will miss you!

*Our new Acting Clerk of Court is **Stephanie J. Edmondson**. Mrs. Edmondson became Chief Deputy Clerk in October, 2008. She graduated with a B.A. in Economics from East Carolina University in 1993 and with a J.D. from the University of North Carolina at Chapel Hill in 1997. Ms. Edmondson has worked with the Bankruptcy Court since 2006, serving first as law clerk to **Chief Judge Randy D. Doub**.*



5th Circuit

By Anna Saucier, ND/TX

Sara Muske, JA to **Judge Frank Monroe** in Austin, Texas, reports that Judge Monroe will retire effective April 30, 2009. The Fifth Circuit has decided not to fill the position. Sara and the law clerk will stay on for an additional 90 days to close down the office. Sara will be retiring after 37-plus years of service, and it sounds like she is ready. We wish her luck as she wraps everything up in chambers. More importantly, we wish her much happiness on her upcoming and well-deserved retirement.

Ann Virgadamo sent in a photo of the snow in New Orleans on December 11, 2008. It is quite a sight to see snow that far south. Ann suffered a nasty bout of pneumonia over the holidays and she is back at work now and feeling much better.

Congratulations to **Beth Towery** in Ft. Worth. She got "the ring" for Christmas and has set the wedding date for 10/10/10. **Jan Houchin**, **Barbara Groves** and I have offered our services as the Northern District of Texas Bridesmaids. We promise to make it an unforgettable wedding. I will start planning the bachelorette party soon.

I was very happy to hear from **Sharon Morse**, who passed the CBA exam in Orlando back in 2007. Sharon works for a consumer bankruptcy/family law attorney in Houston. They have just recently joined a family law firm, Myres Dale & Associates, and Sharon will be assisting in setting up and developing a bankruptcy department at the firm. It sounds like quite an undertaking and we wish her much success.

I would also like to give a shout out to **Jermaine Johnson**, a brand new CBA who attended the conference in San Antonio. Jermaine is a paralegal at Haynes and Boone in Houston.

Finally, here in Dallas **Jan Houchin**, JA to the **Hon. Harlin D. "Cooter" Hale**, has been tending to her betrothed of many years, Rich Kruse. Rich had double knee replacement back on December 23 and suffered some setbacks. He is finally making slow and steady improvement and we are hopeful he will be back home in about two weeks.

EDITORS NOTE: As this newsletter was being prepared, Ann Virgadamo notified us that her 13 yr. old nephew died from complications due to having muscular dystrophy and bronchitis on January 26. We ask that you keep Ann and her family in your thoughts and prayers as they go through a very difficult time.



Ann & members of Clerk's Office enjoy the rare snowfall



6th Circuit

By Sherie Hitch, ED/MI

Hello again from Detroit, Michigan! I hope the new year is going well for all of you.

The Sixth Circuit includes the states of Ohio, Michigan, Tennessee, and Kentucky. It is my hope that all Sixth Circuit Judicial Assistants join the ABA in 2009! In addition to becoming members, please plan on attending the 2009 ABA Conference in Baltimore, MD. If you are not currently a member, please feel free to send me any questions you may have regarding ABA membership.

Shirley Vaught has some late breaking news to report - *I have a new granddaughter (#3 for us). **Norah Grace Vaught** was born last Friday, Jan. 23, 7 lbs. 10 oz., 19 1/2 inches long, with a whole bunch of black hair. **Too Cute!!** Her Mom and Dad (Regina and Chris) did a wonderful job on their first creation and look like "pros" in the parenting department. We are so proud of all of them!* Congratulations Shirley!



Nora Grace Vaught

As always, if you are in the Sixth Circuit and would like to publish an article in the ABA newsletter, please forward those articles to me. Thank you!



7th Circuit

By Debra Graff, ED/ WI

Enough already, where is Spring???

We've had some pretty frigid temps here in Wisconsin this year, and I believe we'll see more of that before the winter is over. At times, it seems we ARE the Antarctic!!!

Reporting in on a fellow JA is **Rosemary Alexander** (ND/IL):

After 32 years of service, **Cindy Grossman** is retiring on March 31, 2009. The Judicial Assistants from the Northern District of Illinois (Chicago and Rockford) are planning a retirement luncheon for March 20th in Greektown. Other former or retired judicial assistants are also invited. Cindy, her husband Paul with their two dachshunds are retiring to Dayton, Ohio to be closer to her family. Cindy worked for the **Hon. Thomas James** but for the last twenty-five years with the **Hon. John D. Schwartz** who himself will be retiring in September, 2009. Cindy was a charter member of the ABA so I'm sure she would greatly appreciate hearing from you (especially from the other charter members) before she leaves. Call her at 312-435-5652 or drop her a card at U.S. Bankruptcy Court, 219 S. Dearborn, Room 756, Chicago, IL 60604.

And I, your 7th Circuit representative for the ABA, report that I am leaving the US Courts for a position with the Director of the Veterans Medical Center in Oklahoma City, OK. My last day in chambers will be February 10, and the following week, I start in my new position.

For sometime, my husband and I considered moving to a warmer climate, and when this opportunity presented itself, we decided to give Oklahoma a try. We have friends who live in the Tulsa area and are looking forward to getting reacquainted with them while we discover our new surroundings and make new friends. We have heard many wonderful things about the area and can't wait to feel some of that heat!!! Although my time as an ABA member and representative has been short, I have thoroughly enjoyed it. Getting the chance to travel to the annual conferences and meeting many of you through those travels has been a very rewarding experience. I encourage nonmembers to join and get involved. You truly won't be disappointed. Thanks again ABA for all that you have done for me!

8th Circuit

By Barb Sutton, ED/MO



Happy New Year!

Thank you for electing me to serve once again as your Eighth Circuit Representative for the ABA. While our work continues to grow by leaps and bounds, know that the ABA is here to assist us all, so that the bankruptcy world continues to run smoothly and effectively. I hope this year will bring us all happiness, healthiness and prosperity.



News from my district in St. Louis - After serving "an enjoyable, fascinating and challenging career of twenty five years", the **Hon. David P. McDonald**, United States Bankruptcy Judge for the Eastern District of Missouri has fully retired and said good-bye to our Court. In his departing letter he quotes an old

Jimmy Durante novelty song....

Did you ever have the feeling you wanted to go?

Did you ever have the feeling you wanted to stay?

I'll go,

No I'll stay.....

We wish nothing but the best for Judge McDonald and hope he thoroughly enjoys his life of leisure. **Loretta Schott** served as his Judicial Assistant for many years, retiring herself, in 2003.

Paul Anderson, CBA, with David Dunagin, Attorney at Law, Arkansas, has this to report:

"We tripled our filings in 2007 and increased another 60% beyond that in 2008. Factories have been closing almost weekly in Northwest Arkansas these past few months and we have more than 70 new retained cases currently in various stages of pre-filing. I'm working 7 days a week and David had Cable TV installed in my new office, along with a fridge, microwave and Lazy-boy recliner. I also have an assistant. I will begin teaching Bankruptcy in the Legal Assistant/Paralegal program at the University of Arkansas Fort Smith campus beginning in the fall (this will be more of an education for me than it will be for my students)." [See Paul's Spotlight on page 18].

While I wish to thank Paul for his fine article, I sure hope my Judge doesn't get any ideas about a fridge, microwave and Lazy-boy recliner

9th Circuit

By Connie Ray, CD/CA



Greetings from the Ninth Circuit!

We're definitely feeling the effects of the downward shift in the economy as bankruptcy case filings continue to rise here in the Central District of California. Each day continues to be a fight against time to process the ever increasing workload. Luckily, our winter here hasn't been very severe, so many weekends are filled with warm, sunny days for relaxing before Monday arrives again!

A warm One-Year Anniversary wish goes out to the **Hon. Laura S. Taylor** and her Judicial Assistant, **Regina Fabre** of the Southern District of California, located in San Diego, CA. Regina and Judge Taylor began their careers with the Bankruptcy Court last January, after working in the same law firm together for 20 years. Congratulations on a great first year!

Rosa Green had this to share:



*January 20, 2009 - what a defining moment in history, and I was there along with my judge, **Hon. Erithe Smith!** Possibly close to 2 million well-wishes gathered on the National Mall in Washington, DC to make it one of the most memorable, if not the most well-attended inauguration in U. S. history. It was like being at a family reunion. There was so much excitement, unity and love shared by all. Folks cried, cheered in exhilaration and pride as we watched our 1st African-American President, **Barack Obama** being sworn in and **Michelle Obama** becoming our 1st lady. Despite the chilly temperatures, on that day, we were all one is spirit! It was fabulous and I'm glad I was there to witness*

this historic event.

I understand there are many people in chambers and clerks offices throughout the Ninth Circuit that are participating in some wonderful charitable work, as well as taking some interesting vacations. I hope to share their stories with you very soon! As always, if anyone has any events to share, please contact me and I'll happily include your news in our circuit's report.

Best Wishes for a safe and happy 2009.



10th Circuit

By Thora Searle/ D/UT



I'm not certain I can hold my breath long enough to get this report written. I understand that this week we have had the "dirtiest" air in the United States. Wow! What great recognition! For those of us with "breathing" problems, it has been a difficult week, but, the rain has arrived and the air is beginning to look a little better. No wind yet to really clear the gunk out but maybe this weekend with the prediction of snow, the air will be much cleaner.

We have had a lot going on here in our court. **Judge Glenn E. Clark**, our Chief Judge, retired on January 5, 2009. They had a very nice retirement reception that was put on by the Court, the Federal Bar, the Utah Bankruptcy Lawyers Forum, and the Utah State Bar Bankruptcy Section honoring Judge Clark for his 26+ years of service to the Court. Some of the Court employees had prepared a great video that highlighted his years here and paid tribute to him. Kris Nitzel was here to celebrate the retirement and it was so good to see her. We miss her a lot. There was lots of great food and good conversations with Judges, lawyers, and others. We will miss Judge Clark and his friendship and wit but we wish him well in this new season of his life and hope that his life on the isle of St. Simons off the coast of Georgia is one of happiness and good health.

We look forward to the new Judge coming on board and hope that he will be here sometime in mid-February. He will be bringing with him his secretary, **Shannon**. We look forward to her joining the staff and I am going to get her as a member of the ABA as soon as I can after she starts work. She will be a great person to have in the Association.

10th Circuit ... (cont'd. from pg. 13)

Things here are extremely busy with two Judges covering the hearings for three Judges. But it is fun to be busy and to learn as we resolve the challenges that this experience has brought to our Court.

Our filings are increasing as people deal with the downturn in the economy. It seems that Utah has been somewhat protected from the real severe problems caused as business suffers. I don't know if it is the "mountains" or the great foresight of our Governors - past and present - that have sort of sheltered us but we have been slower to feel the effects of the down turn in the economy than other places have. I heard on the news this morning that Utah was one of the top 3 areas of the country to reduce it's use of oil/gas. That is amazing to me given how far apart some of our cities are and the fact that we really don't have a very sophisticated mass transit system anyplace but in Salt Lake County.

Mary Anderson from Albuquerque, New Mexico reports: The big news from New Mexico is that after 28 years of service, the **Honorable Mark B. McFeeley** will be retiring in May of 2009. We were a little worried about getting a new judge because our filings are still down and for the last two months, have gone down even more. However, there is a job posting on the Tenth Circuit Website, so I believe we are getting a new judge. Happy New Year to everyone. Hope 2009 is a good year for one and all.

Alexia Bible from Oklahoma reports: The most exciting news is that our Clerk of Court, **Therese Buthod**, had the opportunity to attend the inauguration, along with eight members of her family. They were near the front of the huge crowd, where she reported the excitement in the atmosphere was unbelievable. Therese and her husband, Randy, also had the opportunity to attend the Oprah show on Monday. To top off inauguration day, she had the opportunity to attend a ball where J Lo was performing and where President Obama, Michelle, Vice-President Biden and Jill spoke and were seen dancing.

Linda Kimes from Colorado reports that **Judge Tallman's JA, Geri Graham** retired and he moved his courtroom deputy into chambers and hired a new law clerk. Everyone in Colorado has two law clerks now, except for her Judge, **Judge Brooks** and their courtroom deputy who is also acting as their JA.

Patty McClure from Wyoming reports: **Joyce Harris**, Clerk of the U.S. Bankruptcy Court for the District of Wyoming, after 37 years of service, retired. **Tim Ellis** has been appointed as the new clerk of court. Tim began his career with the U.S. Bankruptcy Court in 1996, and has served in nearly every capacity over the last 12 years. His strong background and degree in Business Administration, as well as experience in court operations, automation, and finance provide a unique insight into the administration of a Clerk's office. The District of Wyoming was an early "Alpha" court with CM/ECF, and at the time, Tim was the project manager. He is thoroughly familiar with all aspects of the system and trained all of the Wyoming Bar in it's use. Prior to his federal service, he was the General Manager of three large and successful retail operations in Wyoming for over 10 years.

Also, something unique to Wyoming, in December we had seven related Chapter 15 cases filed. I was unaware of any such thing, let alone knowing the proper procedures for such a Chapter. I asked **Tim Ellis**, the new clerk in Wyoming, if he would do a brief description of what a Chapter 15 is because it is my first introduction to this kind of case. Below is what he provided to me.

From Tim Ellis:

Here is a brief summary of a Chapter 15 case. I can't take credit as the author, but I am not sure where it came from. Possibly Susan Thurston in RI bankruptcy court.

In the 12 month period ending June 2008, twelve federal districts had received at least one Chapter 15 case. In December of 2008, the District of Wyoming received seven Chapter 15 cases. They are all associated to one another, and are currently being jointly administered. Their parent corporation is in Alberta, Canada and they have significant assets in Wyoming. Their primary business is oil development and production with an extraction process that is able to retrieve oil previously considered to be incapable of economic recovery. The lead case number is 08-20797. The corporation filed the main bankruptcy proceeding in Alberta, and immediately filed Chapter 15 cases in Wyoming to protect their US interests. The cases are ongoing at this time, and are proving to be an interesting challenge.

(cont'd. on pg. 14)

10th Circuit ... (cont'd. from pg. 13)**General Background**

New Chapter and Origins - Chapter 15 is a new chapter added to the Bankruptcy Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. It is the U.S. domestic adoption of the Model Law on Cross-Border Insolvency promulgated by the United Nations Commission on International Trade Law ("UNCITRAL") in 1997, and it replaces section 304 of the Bankruptcy Code. Because of the UNCITRAL source for chapter 15, the U.S. interpretation must be coordinated with the interpretation given by other countries that have adopted it as internal law to promote a uniform and coordinated legal regime for cross-border insolvency cases. The UNCITRAL Model Law has also been adopted (with certain variations) in Canada, Mexico, Japan and several other countries. Adoption is pending in the United Kingdom and Australia, as well as other countries with significant international economic interests.

Purpose - The purpose of Chapter 15, and the Model Law on which it is based, is to provide effective mechanisms for dealing with insolvency cases involving debtors, assets, claimants and other parties in interest involving more than one country. This general purpose is realized through five objectives specified in the statute: (1) to promote cooperation between the United States courts and parties in interest and the courts and other competent authorities of foreign countries involved in cross-border insolvency cases; (2) to establish greater legal certainty for trade and investment; (3) to provide for the fair and efficient administration of cross-border insolvencies that protects the interests of all creditors and other interested entities, including the debtor; (4) to afford protection and maximization of the value of the debtor's assets; and (5) to facilitate the rescue of financially troubled businesses, thereby protecting investment and preserving employment. **11 U.S.C. § 1501.**

Ancillary Proceeding - Generally, a chapter 15 case is ancillary to a primary proceeding brought in another country, typically the debtor's home country. As an alternative, the debtor or a creditor may commence a full chapter 7 or chapter 11 case in the United States if the assets in the United States are sufficiently complex to merit a full-blown domestic bankruptcy case. **11 U.S.C. § 1520(c).** In addition, under chapter 15 a U.S. court may authorize a trustee or other entity (including an examiner) to act in a foreign country on behalf of a U.S. bankruptcy estate. **11 U.S.C. § 1505.**

Hoping you all have a great time in 2009!

11th Circuit

By Janet Payton, SD/GA



Hello and I hope 2009 is getting off to a nice start for everyone! I am happy to report that I was elected to serve as your Eleventh Circuit Representative. For the most part, all seems quiet in the Eleventh Circuit, but I have a strong feeling most of us, if not all of us, are extra busy due to the increase in filings.

I wanted to get a plug in about the 2009 ABA Educational Conference. Please start thinking about making your plans to attend. It will be held in Baltimore in October. Hotel rooms go fast and the airlines seats fill up! Plan early! Let's try to keep the Eleventh Circuit's attendance high!

A big thanks to **Michelle Phillips**, CBA from the Eleventh Circuit who agreed to be spotlighted in our newsletter. Thanks Michelle! (**See Spotlight on Pg. 18**)

Faith Hoffman from Southern Alabama reports: **Geraldine S. Lester** retired from the position of Clerk of Court in December, 2008. The new clerk for the Southern District of Alabama is **Leonard N. "Chip" Maldonado**, formerly an attorney practicing in Linden, Alabama. Mr. Maldonado joined our court family on December 15, 2008.

Faith Hoffman's daughter and son-in-law, **Alyssa and Todd McCoy** blessed her with a beautiful granddaughter, **Evelyn Rae McCoy**, born on October 28, 2008 in Mount Pleasant, South Carolina. Todd is a C-17 pilot with the US Air Force, and Alyssa is a former C-130 pilot, now separated from active duty.



Evelyn Rae McCoy

Patsy Burkhalter, Southern Georgia reports that in the coming months she and her husband Doug will be on a college hunt with their daughter, Susanne. Susanne is a senior and will graduate from Calvary Day School in the spring. Yes, you read it correct - her daughter is a grown young lady! Some of you may remember Patsy was pregnant with Susanne at our first ABA organized/official annual meeting in Las Vegas! Happy college hunting Burkhalter family.

Patsy also reports she will be a grandmother for the second time in April. Her son and daughter-in-law, **Patrick and Lauren Brunson** are expecting their second son in April. They have one son, **John Patrick**, 16 months.

(cont'd. on pg. 15)

11th Circuit .. (Cont'd. from pg. 14)

Finally, last but not least, **Jean Sloan**, JA to the **Hon. Mary Grace Diehl** (ND/GA) has announced she will be retiring at the end of March, 2009. Jean came over from Troutman Sanders LLP with Judge Diehl five years ago. It appears our numbers will be reduced by one as Judge Diehl has decided to replace Jean with a second law clerk. *Congratulations Jean - we wish you much happiness. You will be missed and hopefully we'll see you in Baltimore!*



SPOTLIGHT ON
MARY MORRISON
 MD/FL



From the tender age of 3, Mary grew up in Jacksonville, Florida. She graduated from Bishop Kenny High School in Jacksonville and worked three years before starting college. She obtained her A.A. Degree from the University of Florida and transferred to Florida State University to pursue a degree in social work and graduated in 1967. She worked as a Social Worker with the Florida Public School System from 1967- 1977. During that time she got married and moved to Tampa. From 1979-1987, she began her legal career as Office Manager for her husband's law office.

Mary started working for the **Hon. Alexander L. Paskay**, (MD/FL), Tampa Division in August, 1987 as his Judicial Assistant. Judge Paskay is the longest sitting full time, bankruptcy judge in the country having been on the bench since July 1963. He now serves as Chief Bankruptcy Judge Emeritus.

Mary was one of the original members of the ABA which was chartered in 1989, and attended its first meeting in Las Vegas 1990. She has held various offices: as its first Historian, Secretary (1996), President-Elect (2002) and President (2003), She is currently Co-Chair of the CLE Committee.

Mary has two girls. Her oldest daughter, **Allison**, lives in Atlanta, Georgia, with her husband, **Patrick Braley**, and Mary's grandchildren, **Collin**, who's 3; and **Morrison Claire** 3 months. Her youngest daughter, **Cathy**, lives in London with her husband, **Robert Messina**.



Mary with Collin and Morrison

In her spare time, she enjoys creating floral arrangements, reading Janet Evanovich novels and traveling to Atlanta and to London to visit her daughters and grandchildren.

She doesn't plan to retire before the end of Judge Paskay's current appointment in 2011.

REMINDER!

**HAVE YOU SENT IN YOUR
 ABA MEMBERSHIP DUES?**



**TIME IS RUNNING OUT ...
 DON'T BE LEFT BEHIND!**



Check this out

<http://www.govexec.com/column/>

for tips on Pay & Benefits

and

Retirement Planning

My Inaugural Experience

By Janet Nah, Courtroom Deputy, ND/FL

As the dawn awaited the darkness of night to fade away, my best friend and I arrived at Tallahassee's Regional Airport on Sunday, January 18, 2009 at 5:00 a.m., to board a flight to Washington, DC. This trip would allow me to witness history along with over 1 million other people. Since this was my first trip to our nation's capital, the anticipation of what was to be was overwhelming.

We landed at Reagan International Airport late in the morning with our adrenaline running high. Our first stop was Howard University for a campus tour by Professor Henley, my best friend's aunt who is employed at the University. We then headed for her home in Mitchellville, Maryland where we would pitch our tents for the next three days.



Later that afternoon, we took the Metro back into Washington for sightseeing around the capital city. The historic buildings with their magnificent architectural designs were breathtaking. The Washington Monument, The Lincoln Memorial, The Capital, The Whitehouse, The Old Post Office; all of these buildings stood in grand fashion. This tour was breathtaking; I was awe struck. As we took the train back to Maryland for the night, I knew the next two days would behold even more excitement.

Early Monday morning, we drove into Washington to the famous Chili Bowl restaurant to see a live broadcast of the Tom Joyner Morning Show. The line to enter the little hole in the wall restaurant had already begun to form when we arrived at 5:00 a.m., hoping to get a peek of our favorite radio personality- Tom Joyner and his morning crew. When the doors opened at 6:00 a.m., the show aired as we ate breakfast and listened as various guests including CNN's Roland Martin and comedian, George Wallace dropped in. The highlights continued when Bill Cosby phoned the morning show to make sure Tom was not in "his seat". Later, **President-Elect Obama** phoned into the morning show. He said that his favorite item on the menu was the half smoked with chili. And to think, I was having the half smoked without the chili!!!! That quickly became the best breakfast that I have ever had. Also, that Monday, there were celebrations throughout the city to commemorate Martin Luther King's Holiday.

Ahhhhhh, Tuesday morning arrives, my reason for being there. My day began at 3:30 a.m. as I prepared for the train ride into the city for the historic inauguration. We arrived at the train station at 5:00 a.m. to be greeted by a line two miles long. We finally boarded the train about 6:40 a.m. The train ride into the city was spirited and memorable. On board was a young girl about 14 years old who fired the crowd up with chants of OBAMA, OBAMA, OBAMA! Before long, gospel songs serenaded the air as they sung to the top of their lungs. Together we sang, we prayed, we shouted out our names announcing where we had traveled from. This euphoric atmosphere continued until we reached our destination which was the Federal Triangle.

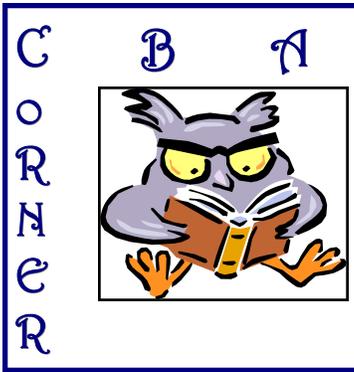
As we exited the train station, we decided to have breakfast at the Ronald Reagan International Trade Center Building's food court. After breakfast, it was time to brave the fierce cold to find our destination- the parade route. We found the entrance for the parade route and waited patiently for over an hour, as we were processed through security. Once we entered the secured area along the designated parade route, we found our standing space to view the parade. As luck would have it, a good samaritan came along and offered us seating in the bleachers which was reserved for ticket holders. We were seated in the 1300 block of Pennsylvania Avenue. The audio sound systems which were posted along the street enabled us to hear the presidential inauguration ceremonies on the mall. When the words, "Congratulations Mr. President" were spoken, the crowd around me erupted with cheers. Some cried, embraced, high-fived and became a sea of celebrants. We were a part of history!



As we waited for the parade to get underway, the crowd danced. There was a mass of people doing the electric slide to the tune of Cheryl Lynn's "Ring my bell". This joyous expression went on for what seemed to have been hours.

As the presidential limo slowly passed through the parade route, I got a glimpse of the First Lady and the girls. I cannot begin to explain the jubilation that my jolted my heart. This experience will forever be etched in my heart, mind and soul. This was a dream and yet not a dream, I was there and I witnessed history as it unfolded that day.

Did I mention how cold the temperatures read those days? Well, the love that poured through the city kept me warm.



GRAMMAR GREMLINS

By Don Ferguson, ED/TN

Commas with Conjunctions

Speech patterns sometimes affect the way some people insert commas in their writing.

More and more we are seeing commas being placed after the conjunctions *and* and *but*. Example: "We wanted to go to dinner after the program ended but, the speaker kept us far past the dinner hour."

Actually, the comma should be placed before the conjunction *but* in this example (and in any other instance when *but* and *and* link two independent clauses).

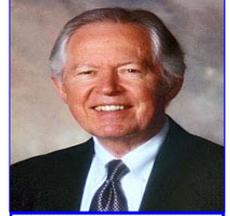
When speaking this type of sentence, many people will pause after the word *but*, and this apparently influences them when they write such sentences. The place the comma where they pause.

Capitalization

Many people overuse capitalization when writing, not really knowing which words and terms should or should not be capitalized.

Perhaps these people think capitalization lends importance to what they are writing, but the use of too many capitals indicates that the writer does not really understand the rules of capitalization.

Those rules are too numerous to list here, but a few that address some of the often-seen and incorrectly used capitals are: Do not capitalize seasons of the year; do not capitalize *state* as in state of California; and do not capitalize titles such as *secretary*, *chairman*, and *director* when they immediately follow a personal name. For instance, it should be John Doe, "chairman of the board of directors" (all lower case).



Don K. Ferguson, Eastern District of Tennessee, welcomes comments and questions via telephone, 865-545-4234, extension 222, or by email at Don_Ferguson@TNED.uscourts.gov. His office address is U.S. District Court, 800 Market Street, Ste. 130, Knoxville, TN 37902. Don writes a weekly newspaper column titled "Grammar Gremlins" and is the author of a book by the same name, published by Glenbridge Publishing Lt., Aurora, CO.

DO YOU KNOW WHEN YOUR CERTIFICATION EXPIRES?

Check out our website - www.abja.org - and click on the link "CLE Status"

Names are shown under Certification Site and Date

Note to those CBA's who tested in San Antonio - the website is currently being updated to include you.



SPOTLIGHT ON
PAUL ANDERSON, CBA
D/AR



Paul's legal career began in 1974 as a Navy Yeoman assisting the Legal Officer handling legal matters for the ships crew. He left active duty for 8 years to raise his daughter and re-enlisted in 1984 in naval aviation and spent 3 years on Admiral's Staff in Japan where he was awarded two Navy Achievement Medals for instructor duty and for monitoring the maintenance of all Naval and Marine Corp aircraft deployed to Desert Shield/Desert Storm. The high-point of his career was reenlisting on Mt. Fuji. Paul graduated from the Naval Justice School, Newport, RI in 1990 and was assigned to the Naval Legal Service Office at Treasure Island, CA. He rotated through the Trial and Defense; Medical Claims Recovery; and Court Reporter/Transcriptionist; with collateral duties as Law Librarian and Command Career Counselor. In 1993 he was selected as Navy-wide Legalman of the 3rd Quarter. In 1994, he was selected for special assignment as Hearing Reporter for the special naval tribunal that conducted more than 120 hearings of the 134 senior cadets implicated in the biggest cheating scandal in the history of the U.S. Naval Academy.

Four years after leaving active duty, he was hired by a local law firm where he met his current boss, David L. Dunagin, a retired Marine Major and in 2003 they opened their current office handling the filings of Chapter 7 and 13.

Paul received his bankruptcy certification through the ABA in Portland, Oregon in 2006. In 2007, he organized a successful bankruptcy seminar due in-part to the encouragement of **Chief Bankruptcy Judge Audrey R. Evans**. Though intended for non-attorneys, it was approved for 5.5 CLE units. Recently the Legal Assistant A/A Degree Program Director at the University of Arkansas, Fort Smith Campus asked me to teach Bankruptcy as an adjunct faculty member; my first class is scheduled for the coming Fall Semester. I also assist David and two other local attorneys with criminal appellant cases and I have abstracted over 120 appellant cases and assisted in the preparation of two Writs of Certiorari to the U.S. Supreme Court.

He is a CCOA Advisory Board member, an associate member of the ABI and NACTT, a NRA Lifetime Member, and a card carrying member of the AARP! But the best of all and an Associate Member of the ABA! *"I have learned a great deal from the ABA seminars and newsletters. The camaraderie of the membership is*

exceptional; and some of you ladies are just a real hoot to chat with at the seminars! I appreciated the letters of condolence I received regarding the loss of my sister last September, which caused me to miss out on San Antonio. I'm planning to be in Baltimore. See you then! "



SPOTLIGHT ON
MICHELLE PHILIPS, CBA
ND/GA



I was born and raised and continue to live in Metro Atlanta. This month marks 23 years working with Attorney Oliver D. Peters, Jr. in Decatur, Georgia. In January 1994, we joined the firm of Bridgers, Stringfellow, Bland & Peters (now Bridgers, Peters & Kleber).

In September 2007, Oliver gave me a clipping from one of his legal magazines which contained information about the CBA exam, which was new to both of us. Needless to say it didn't give me much time to prepare for the exam the next month in Orlando, and in spite of being slightly intimidated by the exam study guide, I passed! I think Oliver had more faith in me than I did. I have to say that I owe a huge debt of gratitude to Oliver for all of his training and teaching over the years. I would not have been able to pass the CBA exam without his support. Taking (and passing!) the CBA exam has helped with my self confidence on the job and in believing in my own abilities. Also, being able to attend the conference this year in San Antonio helped me with understanding "the big picture" of bankruptcy by participating with other CBAs and the JAs and seeing how the court system works.

I am fluent in American Sign Language, and enjoy reading and traveling, as well as hanging out with and watching the antics of my indoor cat Murphy.



COMMITTEE REPORTS

Conference Committee

By Marleen Young, D/NJ



Baltimore, famous for Michael Phelps (8 time gold medal Olympian - '08) and Duff Goldman, the "Ace of Cakes", will now be famous for being the site of the 2009 ABA Annual Conference!

Time to start planning your trip to the 2009 ABA Educational Conference. This year will be the 10th Anniversary of the CBA program. How times flies when you are having fun.

The conference will be held in Baltimore, Maryland (visit www.baltimore.org and numerous other linked web sites for further information). Our host hotel will be the Sheraton Inner Harbor Hotel (visit www.sheraton.com/innerharbor).



Sheraton Hotel

This hotel is conveniently located featuring a skywalk over the busy streets of Baltimore which takes you right to the Inner Harbor with its numerous restaurants, shops and entertainment. Room rates will be \$157 single & double; \$289 for a one bedroom suite (or the Government per diem which might increase a couple dollars (historically)).

Fall in the Northeast is beautiful with temperatures around 60° (perfect sweater weather) and the leaves will be turning by October, so come prepared to take great photos. For you sports fans, the Ravens (Pro football team) may have a home game against one of your favorite teams while we are in town (when schedule is available I will let everyone know in a future newsletter). This playing field is within walking distance from the hotel. Some attendees might even have a great view from their hotel rooms of the famous Oriole Park at Camden Yards and the M&T Bank Stadium.

The dates will coincide with the NCBJ's conference and will not be in the same fiscal year so we will not run into the funding problems we had this past year. **The CBA portion will be held Tuesday & Wednesday, October 20-21, 2009, Opening reception, Wednesday, October 21, 2009; the ABA portion will be Thursday (Advanced Bankruptcy Seminar) & Friday, October 22-23, 2009; business meeting & closing banquet - Saturday, October 24, 2009.**

(cont'd. pg. 20)

Continuing Legal Education and Certification for Bankruptcy Assistants Committee

By Ann Virgadamo, CLE/CBA Chair



For many years now the CLE Committee has provided the opportunities for quality educational training and development. For the past few years, we have had more Judicial Assistants attend the Annual Conference. One reason is because we are finally getting funding to attend the conferences. We hope that the funding continues, and the JA's will spread the good news. If you have any questions regarding chambers' funding, please contact our Finance Committee. Approximately 90 JA's were in attendance for the past two years because of the chambers' funds. Now, we want to see more!

So let's get down to basics. This year's 2009 Annual Conference is to be held on Thursday October 22, 2009 and Friday, October 23, 2009. On Friday, the ABA will feature breakout discussion sessions like those that the Administrative Office does at the annual Bankruptcy and District Operational Practices Forums. We will target the Judicial Assistants' and chambers' needs, because it will be your questions or issues that will be discussed. We will gather in the morning, then break into groups at different times and at the end of the day, discuss the session topics as a group.

Several suggestions have already been brought to our attention on the evaluation forms to discuss in groups the following topics: CM-ECF, Preparing Orders for e-filing, First-Day Motions/Orders in mega cases. These are just a few topics to discuss, and we can have many more to discuss at the annual conference. Put on your thinking caps, because you have more than 8 months to think about what you want to discuss.

Remember, on Thursday, October 22, 2009, we will have our usual educational portion of the conference to earn our 6 hours of credit.

On another note, there have been updates on the Application for Certified Bankruptcy Assistants and the Rules and Regulations for the Certification Program. We urge everyone to check the website and print the new Rules and Regulations.

Please plan to attend the conference in Baltimore. There are no excuses!

Conference Committee ... (cont'd. from pg. 19)

Don't forget to check with your court to see if funding is available to offset some of your costs to attend. (See ABA Newsletter of June 2008, page 20, for details).

Some of the attractions in Baltimore are the National Aquarium, the Maryland Science Center, the Power Plant Live, Little Italy, Mount Vernon (home of Restaurant Row), Mount Washington (by light rail), the Hippodrome, and too many more places to mention them all. One great way to see all the attractions at once (not their interiors) is to ride the "Ducks" (www.baltimoreducks.com), which is an amphibious vehicle based on the famous WWII DUKW amphibious design. It's "quack-tacular"! I will try to get some group rate tickets for anyone interested. If you like to walk, try the Baltimore Heritage Walk which is a 3.2 mile walking tour connecting 20 historic sites and museums in a compact area that spans four city neighborhoods: the Inner Harbor, Little Italy, Historic Jonestown and City Center. Whatever you are interested in seeing, there is something for everyone in Baltimore.

Hope to see you there!



Inner Harbor

**Past President's Message and
Finance Committee Report**

By: *Cindy Korbol, WD/WI*



Greetings everyone. I hope you are all having an enjoyable winter. We're having an unusually snowy and cold winter here in Wisconsin, and I would enjoy it more if it would warm up just a bit.

In my last article, I thanked everyone for their support during my year as president. It was a wonderful year and, looking back on the experience, I'm very glad I had the opportunity to serve. But I couldn't have done it without all of the help I received from so many of you. We have an incredible organization with many talented and hard-working individuals, and that is why we continue to grow and have a great educational conference every year.

My role this year is to serve as Finance Chair. Both the ABA and CBA budgets were approved by the Board in November 2008. A review of our accounting records (balance sheets as of December 31, 2007, and 2008, and the related statements of revenue and expenses and cash flow for the year then ended) will be performed this year by Pisauro, Levy & Palumbo PA, Certified Public Accountants and Consultants, in Ewing, NJ. The Association regularly has its accounting records reviewed every two years to coincide with the changing of the Treasurer. The firm will also prepare the ABA's federal 990 tax returns.

I'm working with **Sherie Hitch**, our new Website Committee Chair, to place on our website information regarding the AO's Funding Policy and Guidelines for Administrative, Operational, and Management Training for Judges and Chambers Staff. There is a new tab on the Members Only page entitled "Court Funding of JA Travel," and that is where you will be able to find helpful information. If you would like to attend the 2009 Educational Conference in Baltimore this October and have questions regarding the funding policy, please feel free to contact me at (715) 839-2985 or by e-mail at cindy_korbol@wiwb.uscourts.gov. The CLE and Conference Committees are working hard to put on another great conference, and you don't want to miss it.

Stay warm everyone, and I hope to see you in Baltimore!



Membership Committee

By Sherie Hitch, ED/MI

Happy New Year! Congratulations to **Elaine Coker** the 2009 ABA President! I look forward to working with you.

The ABA is off to a great start in 2009! Membership information and applications have been distributed via e-mail to hundreds of individuals across the country. If you did not receive an e-mail, please contact me and I'll see that you get the 2009 information/application. After the majority of membership applications are processed you will receive a Certificate of Membership and an official membership packet.

Please be reminded that we are still in the process of collecting photos from members to be included in a brand new photo directory. The photo directory will be posted in the members only section of the ABA website, and only photos of those giving their consent to be posted, will be visible. If you have not already done so, and you would like to be added to the photo directory, please submit to me via e-mail a recent photo of yourself.

Thank you **Dana Muccie**, Treasurer, and Sally Hanson, Membership Committee. Your continued efficiency in processing the membership dues and applications is much appreciated!

Let's keep the Association growing! If you know someone eligible to be a member, let them know what a great privilege and opportunity it is to be a member of the Association of Bankruptcy Judicial Assistants!! I look forward to seeing everyone again in Baltimore, Maryland at the 2009 ABA Conference!



Support & Assistance Committee

By: Penny Brellenthin, WD/WI



The Support & Assistance Committee recognized some very unfortunate events over the past quarter:



Paul Anderson, an Associate member of the ABA, who works as a paralegal and CBA for the Dunagin law firm in Arkansas, suffered a series of unfortunate events within his family including caring for his mother, whose cancer currently is in remission, and his sister who was battling terminal cancer and passed away in September. Meanwhile his brother had two open heart surgeries and suffered a nervous breakdown. And his niece was hit by a motorcycle in September who recovered in the hospital.

Pixie Shannon (4th Circuit, Virginia), JA for **Judge Stephen S. Mitchell**, had bunion surgery in November.

Michele Babb (7th Circuit, Illinois), JA for **Judge Michael McCuskey**, lost her 24-year-old daughter *Brittany* to an unfortunate and tragic automobile accident with a drunk driver on December 19th. Brittany was engaged to be married in August of this year.

Please do not hesitate to contact me if you know of an ABA member or their family who could use our support and well wishes.



Check out our website -
www.abja.org

A Low-Cost Alternative to Federal Employees Group Life Insurance (FEGLI)

By : Penny Brellenthin



Have you heard about Worldwide Assurance for Employees of Public Agencies (WAEPA)? Formed in 1943, WAEPA is a non-profit association offering term life insurance for civilian federal employees and their families. Because WAEPA is a non-profit association, it does not pay commissions to agents or dividends to stockholders. This allows them to offer insurance at rates less than FEGLI's rates. See table showing current rate comparison.

*Biweekly Premiums per \$1,000 of Life Insurance Coverage
Member / Associate Member Coverage*

Member's Age*	WAEPA	FEGLI Basic	Basic Coverage Savings
25	2.3¢	15.0¢	85%
30	2.6¢	15.0¢	83%
35	3.1¢	15.0¢	79%
40	4.3¢	15.0¢	71%
45	6.2¢	15.0¢	59%
50	9.4¢	15.0¢	37%
55	14.3¢	15.0¢	5%
60	24.2¢	15.0¢	-

Member's Age*	WAEPA	FEGLI Option A	FEGLI Option B	Optional Coverage Savings
25	2.3¢	3.0¢	3.0¢	23%
30	2.6¢	3.0¢	3.0¢	13%
35	3.1¢	4.0¢	4.0¢	23%
40	4.3¢	6.0¢	6.0¢	28%
45	6.2¢	9.0¢	9.0¢	31%
50	9.4¢	14.0¢	14.0¢	33%
55	14.3¢	27.0¢	28.0¢	49%
60	24.2¢	60.0¢	60.0¢	59%

Annual premium refunds are voted on by the Board of Directors and have been approved for the past 12 years.

You have more coverage options under WAEPA--anywhere from \$25,000-\$750,000 for the federal employee, \$10,000-\$250,000 for your spouse and up to \$25,000 for dependent children. WAEPA also provides benefit options for domestic partners. The maximum amount of coverage available begins to reduce starting at age 60.

Your insurance coverage continues even if you leave federal service.

For more information visit their website at <http://www.waepa.org/>

The purpose of this Association, shall be to promote the general welfare of its members; to encourage the highest standards of conduct among its members and in the profession at large; to promote the continuing education of its members; and to foster among its members a feeling of camaraderie and mutual confidence."

Behind the Bench is a non-copyrighted, in-house publication of the Association of Bankruptcy Judicial Assistants. Circulation includes members of the ABA and Bankruptcy Judges. Opinions recited in the material are those of the authors and not necessarily those of the ABA.

Comments regarding *Behind the Bench* should be sent to:

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Happy 2009 - a new year filled with all kinds of possibilities - for us personally and the world in general. Usually this time of year we have resolved to improve our life in some way. Some of us succeed and others revert back to our old bad habits.

For me personally, I have decided to let go of 'dead wood' from the past and begin a fresh approach to life. This means letting go of some long time relationships or friendships that have been holding me back. It's not easy because I'm the type who wants to hang onto something even when it's creating stress in my life. But I have already started to noticed a difference.

What's your goal for this year? It can be something small and easy to achieve but without goals we won't move forward and we find ourselves stuck in the mud.

I've decided everyone must go into hibernation during the winter months and doesn't want to surface until the spring because getting information for this newsletter has been a little bit of a struggle. However, with that being said, I appreciate everyone's efforts to get it done and it's packed with all kinds of good information.

Very special thanks to the **Hon. Karen Jennemann** for her article on recusal. I'm sure there are times when your judges find themselves facing this dilemma.

Also, many thanks to **Mr. James Wannamaker** and **Mr. Richard Goodier** for keeping us 'in the loop' with information from the Administrative Office; and to **Mr. Don Ferguson** for letting me plagiarize his *Grammar Gremlins* book.

Last, but certainly not least, THANKS to all of the Circuit Representatives and Committee Chairs for their year round efforts to gather information for each issue. Without them, this newsletter wouldn't exist so please support them by passing on anything of interest throughout the year - it only takes a few minutes of your time and it makes their job so much easier.

Hope everyone has a wonderful Valentine's Day!

Martie