

NCBC Impact

Dedicated to the professional development of its members

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Sorry it took me so long to get a new IMPACT posted. Will the work on BAPCPA ever be finished? Well, enough of a breather on October 18 to get this new edition out.

This edition is devoted to the Newport Conference, so if you were not able to attend, we missed you! In a multi-media effort, the conference recap is captured in word, voice and sight. View tons of pictures and conference materials are in a special NCBC 2006 Conference link. Listen to *IMPACT On The Air* for lots of interviews. And of course, you'll read the *IMPACT* word for word. Access all forums from the [NCBC website](http://www.ncbcimpact.org): <http://www.ncbcimpact.org>. I hope you can relive and learn about the great folks, great food, great information!



Please take a minute and complete an online evaluation regarding the conference. Your feedback will be used to plan future conferences. Access the [evaluation](http://www.surveymonkey.com/s.asp?u=753752741758) at: <http://www.surveymonkey.com/s.asp?u=753752741758>

By the way, save the date for 2007 NCBC Conference in Seattle, Washington on August 28-31. Yes, that's back to being held Tuesday - Friday, not Wednesday - Saturday as initially announced.

Also in this edition, meet our new NCBC President, Ken Gardner, in *President's Message*. Our new Board of Governors plan to continue building on the great work that NCBC has done in the past.

Enjoy-
Sandy

Edition 06-07

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President's Message

by Ken Gardner



What better way to begin my term as President than with a ceremonial dance around the lobster and clambake! Our hosts, the Rhode Island and Maine Courts, did a fantastic job of putting on an incredible conference packed with wonderful educational programs in the great town of Newport, Rhode Island. Thanks and congratulations go out to Susan Thurston, Celia Strickler and their staffs for making us all appreciate and enjoy the only state named an island, and as Judge Haines plainly pointed out, the only island surrounded on three sides by land!

As evidenced by our education programs in Newport this year, we have much to share and learn to meet the coming changes that seem to be the hallmark of our bankruptcy system. I have also discussed with several members their need and desire to become more active in endeavors that the NCBC should pursue. To that end, and in agreement with the board, several committees have been formed to provide input and guidance on a variety of topics.

The following gives you a quick overview of these committees and what their objectives are:

Education Committee

Provides input and guidance to the host conference court in the development of the education program. This year, this committee will also be tasked with investigating a potential mid-year education program to meet the five year commitment the NCBC made to its members to provide all the necessary Michigan State University classes to receive their certification or degree.

By-laws Committee

Will re-visit the by-laws and continue the work of the previous committee to recommend by-law changes as needed by the association. One of the potential areas for a by-law change will be the increase of board member positions. Our organization has grown significantly in the last five years and we continue to hear that more members would like to be involved at the board level. Some past board members have also expressed an interest to serve longer terms because just as soon as you figure out what the NCBC is trying to accomplish, you are off the

board!

Special Committee on the Future of Automation in the Bankruptcy Courts

At the suggestion of Dana McWay, Clerk from St. Louis and current chair of the CM/ECF working group, this committee will develop recommendations on how future automated systems should operate in the bankruptcy system. As many of you know, the current CM/ECF system began in the mid-nineties and has been rolled out to all federal courts. What was originally designed as an experiment to prove that documents could be filed electronically in a secure environment, it grew some arms and legs to become a case management system. It was never designed to be the best system for bankruptcy cases, but a more generic application for the federal courts. This committee will take a big picture look and make recommendations about how the future system should be designed.

Retired Members Committee

As we all know, the bankruptcy system will be losing an incredible amount of institutional knowledge and expertise due to the retirement of bankruptcy employees. Being able to tap into this resource will be valuable to the bankruptcy system. At the suggestion of Mike Webb, this committee will investigate how we can keep retired employees active and involved in NCBC, and how we access this wealth of knowledge to continue to provide expertise in the bankruptcy environment.

These committees will get the ball rolling this year, but obviously we have many challenges ahead. I am hopeful and confident that the NCBC will continue to be an advocate for the bankruptcy system and respond to national initiatives ensuring that our membership, and the bankruptcy community, is well represented.

Ken

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Plenary Sessions

Opening Session

At the opening session, Barry Lander, NCBC President, welcomed all 420 conference attendees, a new record! He congratulated all on a successful implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) in 2005. Barry continued to say that with the new bill comes uncertainty regarding the amount of work and filing levels. Education is the way to tackle uncertainty and the conference agenda was built around that theme. To help attendees start the educational process, Barry drew attention to a really cool time line of the history of bankruptcy courts, shared here in [this attachment](#).

The judges from the host courts also welcomed the attendees. Chief Judge Arthur Votolato, Rhode Island, is the longest serving bankruptcy judge in the country. He shared some Rhode Island firsts, which was just the beginning of the many things we learned about Rhode Island during the conference. Judge James Haines from Maine also welcomed the attendees. Judge Haines is the NCBC representative from the National Conference of Bankruptcy Judges and was also quite active in implementing BAPCPA. He sat on a panel later in the conference *BAPCPA - First Year in Review*.



John Cooke, Deputy Director of the Federal Judicial Center, was our first guest speaker. Mr. Cooke thanked the bankruptcy courts for being the FJC's most frequent customers and gave a shareholder's report. Excerpts of his speech can be heard in the latest edition of *Impact On The Air*.

Jim Duff, the new Director of the Administrative Office, also addressed the conference attendees. Mr. Duff congratulated the deputy clerks on handling thousands of cases in the fall of 2005. He thanked the bankruptcy courts for being role models in the use of CM/ECF. He shared some upcoming issues that the AO will be focusing on, including changes to the budget process and improving relations with Congress. *Impact On The Air* also has highlights from his speech.

Navigating the Shoals of Difficult Conversations

Sheila Heen - Triad Consulting Group

Sheila shared a simple framework and approach for



Handling Strong Emotions.

engaging in difficult conversations more effectively. Sheila did a great job at keeping all 420 attendees involved and learning. Conference attendees received a copy of her New York Times Bestseller, *Difficult Conversations: How to Discuss What Matters Most* (Penguin 2000). Sheila later gave a workshop on

BAPCPA - First Year in Review

How often do you 'do lunch' with Judges, a debtor's attorney and trustee, a creditor's attorney, the head of the US Trustee's program, an AO deputy chief and 420 of your closet bankruptcy friends? During lunch on our opening day, we heard about BAPCPA one year later. After once again thanking the courts for all the hard work in Fall 2005, (it seemed like only yesterday!) the panel discussed the aftermath of the law from their point-of-view.



Most agreed that more time is being spent on cases, either looking for assets, or new requirements, or deciphering the law. Many felt that the perception amongst the public is that maybe you can still file bankruptcy, however it's harder and more expensive. There are still lots of questions and uncertainty and the best approach is to continue to work together refining the implementation of BAPCPA.

Lessons From the Sea

A lesson that began as an exciting sailing race in the America's Cup was taken over by pirates! Ironically enough, the pirates used similar lessons as the America's Cup sailors:



1. Get on Board
2. Chart a Course (Vision/Mission)
3. Stack the Deck (Great staff)
4. Prepare to Change Course
5. Push the Limits
6. Pillage and Plunder (Use good ideas)
7. Share the Treasure

By the end of the lesson we had all become pirates - "Arghhhhh"!

Vendor Fair & Discovery Cove

Straight from the *Lessons From the Sea*, we

had vendors and our fellow court units sharing some great ideas with us at the Vendor Fair on Thursday and Discovery Cove on Friday. The vendor variety was broader, with some cell phone providers along with the technology and furniture folks.



About 18 courts participated in Discovery Cove. Lots of great ideas, from training to court technology to the FJC. Details are available on the NCBC website in the Conference CD Materials link.

Taking Risks in Today's Workforce - Susan Arledge

Finally, the conference closed with one last plenary session on Friday. Susan quickly gave us new messages to tell ourselves about taking risks:



- Nothing venture - nothing gained
- You miss 100% of the shots you don't take (Wayne Gretzky)
- You must do the very thing you think you cannot do (Eleanor Roosevelt)
- I can take "baby steps" (Bill Murray in the movie "What About Bob")
- Diversify your funds to reduce risk

(everyone's financial planner)

Susan was lots of fun and very insightful. Hopefully, she'll join us in Seattle (if she can find it) to share more words of wisdom.

Attendee's Favorite Workshops

I was going to interview folks at the conference about what they learned, but never had the time! So after returning to the court, I emailed a random sampling of attendees the following questions:

What's at least one educational session where you learned something new?

What did you learn?

How will you apply this in your job?

Thanks to the following for sharing:

Lisa Luciani Davis

Quality Control Analyst

District of New Jersey, Camden Vicinage

Workshop: Mysteries of the BNC

I learned how the BNC works. The class was very informative. This enables me to understand more about the whole process of how our notices are mailed.

Chantelle Sliman

Electronic Courtroom Recorder

Eastern District of Washington

Workshop: Planning for Strategic Workforce Management

All of the sessions I attended were so interesting and I think I took away quite a bit from each one.

However, in the class PLANNING FOR STRATEGIC WORKFORCE MANAGEMENT, I felt the information presented really made you stop and think about what direction the courts are moving toward. Amazingly, no matter where each court was located, many of the trends that are likely to affect courts in the next five years were very similar ie: work intensification-same or increased workload with same or reduced resources; the pressure staff feels to stay up-to-date on all the new technological changes; the effects of telecommuting; large number of people in same age bracket retiring at same time (and not being replaced) etc...

I learned about some tools to help me analyze what the trends mean, what the consequences or results might be, what positions in the court are affected. Knowing how to look ahead at some of these things really helps to understand why there might be some resistance from staff, or fear about the uncertainty of jobs. Understanding some of these things can really be beneficial when you start to look at how to help staff with planning for new changes.

Melissa L. Trauner

District Court of Guam

Deputy Clerk

Workshop: E-Learning: A New Tool for Staff Development

It's hard to come up with just one session! All of the sessions and the Vendor Fair were outstanding. However, I know that I will be utilizing the information I learned in the "E: Learning" session with Angela Long, Phyllis Drum, and Joe Markley.

This was such a great session. I went into it thinking I was going to view the new Codes of Conduct program and would receive some pointers on how to set up my own programs. We reviewed the law clerk's program "Maintaining the Public Trust." After that, the facilitators talked about how to develop your own E-Learning program. They provided the attendees with lots of handouts to take back on how to set up your own program. The best part was the "group exercise" where we drafted a design document! In short, I now have the tools and knowledge to develop E-Learning programs for our employees.

E-Learning is the way to go! I'm planning on developing programs for our employees. The great thing about E-Learning is that employees can access the programs at any time and if they want a "refresher course," they can view it again.

Louis B. Phillips

Courtroom Technology Administrator

Texas Western

Workshop: E-Learning: A New Tool for Staff Development

How to establish an E-Learning course in our court using some basic tools. As an IT staff person, this will enable me to help with the development of the course. As a recipient of a E-Learning course, I

I think I could apply this in my job by being ready and willing to cross train or jump in wherever necessary because if you look at where courts are headed, the "flattening" of work seems to be on the rise. Having the workload absorbed into a more generalized group versus split out amongst several specific groups.

Laurie Boyd
Case Manager

Western District, Austin Division

Workshop: Credit Counseling & Debt Ed

I found the credit counseling class to be very informative. Just wish the speaker had more time to talk. The class gave us more information on what a person goes through before they are eligible to file for protection.

Patty Richling
Intake Clerk

Western District of Washington

Workshop: Credit Counseling & Debt Ed

I attended the Mandatory Credit Counseling & Debtor Education session presented by Leslie Linfield. Leslie is the executive director of the Institute for Financial Literacy in Portland, Maine. During the program, she described in detail the steps in which the client and the credit counselor take in order to direct a potential debtor to their most beneficial path of financial resolve. Specific individual consumer information, such as household budgets; discretionary bills and health care costs are actually entered onto a spreadsheet which then provides certain results. These results show that 97% of the time, clients are recommended to file for bankruptcy relief. Three alternative options are: self-help, debt management, or debt settlement. I thoroughly enjoyed learning about the background of this non-profit organization and its' mission to provide financial literacy education nationwide. The majority of my work day consists of case opening and quality control. I believe the best way of applying my newly gained knowledge of this important process will be to retain the understanding on a daily basis of the steps each debtor has taken prior to filing their petition.

would be able to save time and travel by taking these courses online rather than in a traditional classroom environment.

Tina Barton,
Chapter 13 Case Administrator
Western District of Tennessee
Workshop: E-Learning: A New Tool for Staff Development

The basics about e-learning creation (see below) and also found out some other resource clerks i.e. JOU. Phyllis, Angela and Joe did a great job. I am on our Court's website redesign committee, and although the class wasn't about websites, some of the same principles will apply. I am not a programmer, but I got some good ideas and was enlightened as to how a programmer will go about their job when we are done with the redesign. This way, I can keep these basics in mind and talk to the other members of the committee so we can hopefully have an even better website than we would have had otherwise.

Manivorn (Mani) C. Nguyen
Generalist Clerk

Southern District of Iowa

Workshops: Ethics at Work

Love/Hate Relationship with Punctuation & Grammar

Planning your Retirement, How to Avoid 5 Biggest Mistakes People Make.

Don't be frightened, challenge yourself. What is morality/immorality at work? We should think before we act or not act, it taught me how to deal with difficult people. To try our best to follow our Court Mission statement. Review common grammar mistakes we all make. It helps me to review the grammar as English is my second language. Learn how to avoid the mistakes that I might have made on my TSP. I shouldn't be afraid to learn something new. I should have confidence and should challenge myself if our procedures/laws changes. I should think before I act. Morality/immorality is the big key.

Over all NCBC is a very good conference. We learn from one another. I feel that each of us learned something from the meeting. I'm glad that I had an opportunity to attend. I enjoyed every workshop, funny skit and lecture. Thank you all for making this conference successful, good material, interesting and informative classes. You all did a wonderful job.

More reflections can be found in the [IMPACT On The Air](#) on the podcast!

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Did You Know???



George Prentice, our great entertainer at the President's Reception, is the Clerk of Court in the Western District of Texas, Bankruptcy. Quit your day job, George! George has a CD out called *Long Story Short*, available at georgeprenticemusic.com Hope to see you in Seattle!

There was a hotel-wide power outage at 2:20 am prior to the first day's sessions. Of course, this was the only day we HAD TO BE THERE by 8 am. The ever-diligent Celia Strickler called the hotel operator to set wake-up calls for the VIPs. All 420 of us were there by 8:06!

The Clambake Thursday night followed the Wapanog Tribe traditions. This is the same tribe that celebrated the first Thanksgiving with the Pilgrims, although not the exact same members! First, you stack five levels of wood and rocks and burn down for one hour. Then you take out any left over burning wood and add seaweed for moisture and



to buffer the food from the rocks. Next, you add the food, in this case clams, lobsters, corn and potatoes and cover with hides. Our modern cooks used tarps. Allow to cook for 1 1/2 hours. The unveiling was great, with the spirits of our ancestors rising when they removed the tarps. Ken did the ceremonial dance and 350 lobsters were ours!

The lobsters didn't go without a fight. Just as the last NCBCite entered the dining room, one lobster pulled the fire alarm, delaying their inevitable demise. No worries, the Newport fire department arrived quickly and determined that 350 lobsters produce a lot of steam!

And who showed up after the feast? None other than George Bush - offering yet another thanks to all the



BK clerks for their efforts in the Great Bankruptcy Filing of 2005!

Our host courts and outgoing NCBC President, Barry Lander, put in countless hours preparing and coordinating the conference so our experience was as great as it was. All that while they dealt with the BAPCPA and everything else. We hope you took some time off and relaxed! Our thanks to the staffs of Rhode Island and Maine and Barry for putting on the largest NCBC Conference ever. And we all fit on the Island!



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2006 NCBC Award Winners

Outstanding Service Award

- Dana McWay

Special Service Award

- Kathy Wagner

Special Service Award or Helping Hand Award



- Southern District of Texas - Bankruptcy Court
- Eastern District of Texas - Bankruptcy Court
- Middle District of Louisiana - Bankruptcy Court

Outstanding Achievement Award

- Eastern District of Louisiana - Bankruptcy Court
- Southern District of Mississippi - Bankruptcy Court
- Southern District of Alabama - Bankruptcy Court
- Andy Bach
- Bankruptcy Reform Legislation Working Group

Mary Louise Mitterhoff

Mary Fritsche

Glen Palman

Gary Drake

Judge James B. Haines

Judge Tamara Mitchell

Judge Karen Overstreet

George Prentice

William C. Redden

Eva Roeber

Linda Spaight

James J. Waldron

Paul Warren

Retiring Clerk's

- Mike Webb
- Celia Stricker
- Karen Eddy

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NCBC Board of Governors

It's not all food, fun and workshops! Although they hold monthly phone meetings, the NCBC Board of Governors meets only twice per year to conduct official NCBC business, at the annual conference and again at a mid-year meeting located at the upcoming conference site. Minutes are taken for each meeting and are available from the Secretary.



The leaders of NCBC met twice during the 2006 Newport Conference, prior to the beginning of the conference and again at the end of the conference. Here's items of interest from both meetings.

Pre-Conference Meeting

Michigan State University

At the meeting prior to the 2006 Conference, the Board spent considerable time discussing the Michigan State University (MSU) program. Many NCBC members are active in the program and many more attend the MSU workshops. MSU and the NCBC Board are trying to figure out how to accommodate the current 5 year plan. This plan allows students to complete their studies within 5 years. Offering courses only during the annual NCBC conferences makes this a challenge. Some options discussed are to schedule a mid-year class, take some classes on-line as a group, or to add time to the annual conference. Although no decisions were made at this meeting, the education committee will continue to explore these options.

They also discussed having a graduation ceremony at the 2009 conference, which would be the first year students could finish the program. NCBC Board is supporting the MSU program as an on-going program, you can join anytime. All classes will be repeated at future conferences.

National Association of Court Management (NACM)

Skip Cheshire, President of NACM, joined us our conference and provided the Board with an update of the recent NACM conference. Skip offered his endorsement of continued close communication between federal, state, local and international court

organizations.

Federal First

Jim de la Torre, the Federal First representative, shared how their dental insurance program will fit in with the new ones offered through OPM. Jim will be issuing a comparison chart so NCBC members can see all of the options for dental insurance.

The Long Term Disability insurance is switching to Prudential as the provider. No plan changes for covered members, however service should improve.

Federal First and NCBC offer three retirement seminars annually to bankruptcy courts, free of charge. The NCBC board will review the list of courts requesting the seminar and select the three courts at an upcoming meeting.

Conference Updates

Susan and Celia gave a status update on the Newport Conference. Mark Hatcher asked for input on the 2007 NCBC Conference to be held in Seattle, August 28-31. Future conference locations were discussed including 2008 in San Antonio, TX and 2009 tentatively in Orlando, FL. Stay tuned for dates and other details.

Membership Committee

Looking for circuit representatives. Contact David Bird or Paul Dickson if interested.

International Committee

An international court administration conference will be held in Verona, Italy on November 10-13, 2006. The Board agreed to send Ken and Barry as the NCBC representatives. They will join FCCA and NACM representatives at the international conference.

Post-Conference Meeting

Ken thanked outgoing Officers and Board members:

Milton Aguila

Paul Dickson

Wayne Wolfe

Celia Strickler

Ken welcomed New Officers and Board members:

President - Ken Gardner - Northern Illinois

VP/President Elect - Mark Hatcher - Washington Western

Treasurer - John Ginocchetti - Pennsylvania Middle

Past President - Barry Lander - California Southern

Business Manager - Celia Strickler - Maine

Board of Governors - Jerry Truitt - Kentucky Eastern

Linda Spaight - Rhode Island

Ongoing Officers and Board members:

Secretary - Linda Ball - North Carolina Middle

Board Members: Andrea Redmon - Oklahoma Northern

Patty Cortez - de la Garza - Texas Western

David Bird - Delaware

Ken discussed future goals and direction for NCBC, some of which he shared in his *President's Message*.

The Board voted to move the mid-year Board meeting to March/April instead of January. Specific dates TBD after checking with the hotel.

Susan Thurston from Rhode Island reviewed a list of 'lessons learned' compiled by her staff to share with the Board and the Seattle court. The Board agreed that it makes sense to continue using infrastructure (such as the registration website) and equipment (such as extension cords) at subsequent conferences, rather than starting from scratch each year. Some modifications to the registration website will be made for flexibility.

The Vendor Coordinator company asked the Board to consider using them for handling future vendor fairs and booking future conferences. The Board agreed to use them for the 2007 vendor fair and asked for assistance in an overflow hotel in Seattle. (Post-meeting, the Vendor Coordinator company found a less expensive hotel in Seattle on the Aug 28-31 dates, so no weekend conference.)

Meeting adjourned!

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