

NCBC Impact

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Welcome to 2007. This year should prove to very interesting for the Bankruptcy Courts. Ken Gardner's *President's Message* outlines some of the challenges facing us this year.

Mark Hatcher extends your official invitation to the *2007 NCBC Conference* in Seattle on August 28-31, 2007.

Meet our new Historian, Mary Lynn Wilson, and find out how you can help out in the *New Historian* article. Lots of good info from our regular contributors, and be sure to respond soon on the request for retirement seminars.

Thanks-
Sandy



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President's Message

by Ken Gardner

Happy New Year everyone!

Can you believe that another year has already passed by? It has been an interesting year for those of us who toil in the Bankruptcy arena. In the 12 month period ending October 2005 we had the highest level of bankruptcy filings ever, followed in the next 12 months by one of the lowest filings ever. We have to go back

some 20 years to see the amount of filings we experienced during 2006. At present, approximately 60,000 bankruptcy cases are being filed every month, down from the pre-BAPCPA levels of around 110,000.

What does this mean for the Bankruptcy system? It is too early to tell, but the Administrative Office has formed a working group comprised of three Bankruptcy Judges and six Bankruptcy Clerks, including myself as President of NCBC. Our task is to develop the potential different scenarios that may play out, and determine the best course of action to take for each one. As our previous President, Barry Lander, and member of this group has stated, we will be developing scenarios for "the good, the bad and the ugly".

Just what exactly does this mean? Well, first it means that now is the time to develop plans and solutions for what may happen so we are best prepared to handle the situation. The "ugly" would mean that the filing levels that we have been experiencing the past six months ends up being the new normal, and as we approach the 2008 fiscal year, no increase in filings appears to be on the horizon. If this is the case, what type of contraction will have to occur in our system, and what types of tools would we need to make the best out of an "ugly" situation? Breaking news: by publication of this article, it looks like the "ugly" situation is unlikely to happen. With so many uncertainties up in the air, most people are not ready to take such drastic measures so soon.

The "bad" would be that filing levels remain static with little or no increase in filings making a potential reduction in resources

inevitable.

The "good" would mean that filings have started to increase from the static levels of the past several months. If this occurs, what resources we will need to handle this level of workload?

Two other issues are intertwined with the work of this study group. The first is that the Bankruptcy Clerk's Advisory Group (BCAG) has recommended, and the NCBC fully supports, that a new work measurement study and methodology should not be conducted for FY 2008. Stability is what we really need for FY 2008, since the situation at present is so volatile. The other reason that a new work measurement study should not be conducted is that the methodology of conducting this study is going through a major revision that will be based on a court unit's requirements, and not on the number of people they currently have on board. This change in methodology is planned for 2009.

The other issue is that a pre-BAPCPA case, which the current work measurement study formulas are based, only included a "best guess" of what the actual workload may be for post BAPCPA cases. We already know that there is a substantial amount of additional work associated with the new law, not the least of which is the additional number of docket entries per case and the associated quality control, increased hearings and pro-se filings, and a re-work of the reaffirmation process. Thus, the previous caseload cannot be correlated with the new caseload using the old numbers. While we may experience a reduction in filings as result of BAPCPA, it does not necessarily mean that we need fewer resources to handle the decrease. Depending on how much more workload the new law has created, it may be a complete wash when all is said and done.

I hope that everyone had a safe and enjoyable holiday season, and look forward to sharing the results of this working group with the NCBC in the near future.

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2007 NCBC Conference



As host Clerk for the 2007 NCBC conference, I want to encourage you to reserve the dates and begin preparing yourself for a wonderful conference in Seattle on August 28 -31, 2007. August is an especially nice time of year in Seattle, and we are planning a conference that will balance a rich educational program with social activities intended to highlight the many attractions of the Pacific Northwest.

The conference will be held at the Seattle Renaissance Hotel located in the heart of the downtown. The group room rate is set at \$159 per night, single or double occupancy, and the rate will be available three days prior to and three days after the official program dates. This is particularly good timing because one of Seattle's biggest festivals - Bumbershoot - is held Labor Day weekend (September 1-3) at the Seattle Center. You will receive notice within the next few weeks that the conference website has been activated. From that site, you will have a link to the group rates via the Renaissance Hotel on-line reservations system. I encourage you to make your reservations as soon as possible after the reservation system has been activated.

Seattle is a beautiful city, bordered by Puget Sound to the west and Lake Washington to the east, with the state's crown jewel - snow-capped Mount Rainier - visible from many vistas. Seattle awaits, and we look forward to seeing you in August.

Mark Hatcher, Clerk
Western Washington

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Meet the New NCBC Historian



Greetings to all my NCBC colleagues:
My name is Mary Lynn Wilson, and I am honored and excited to be the NCBC Historian.

By way of introduction, I have been an employee of the Bankruptcy Court in the Eastern District of Tennessee for almost 28 years, which means I began working in the Court under the Bankruptcy Act. I have been a member of NCBC since 1987—the first year that deputy clerks were invited to become members. I served on the NCBC Board of Governors from 1993-1995 as one of the first deputy clerks to do so. In educational background, I have a B.A. in English and History, and M.S.L.S. in Library Science. I have always been an enthusiastic supporter of the NCBC, and believe that the combination of education and skills will allow me to serve the Conference in new and productive ways.

Now, I am asking for your help. It is of vital importance to any organization to have as complete a compilation of its historical documents and records as possible. Those of you who have served as officers or Board members of the NCBC, and have documents you would share with me, I would be most appreciative. I am particularly interested in records pertaining to the formative days of the Conference. Also, if you have memorabilia from the Annual Conferences that you would be willing to donate, I hope to be able to do some exhibits at future Conferences, and these items would be most helpful.

I also welcome suggestions and ideas about what you would like to see in terms of historical exhibits at our annual Conferences. Lou Phillips from Texas Western has graciously agreed to help me with the technical aspects of putting exhibits together. If any of you are interested in working on projects of this nature, I would really like to hear from you. You may reach me by phone at (423)752-5104, ex. 2, or e-mail me at : Mary_Lynn_Wilson@tneb.uscourts.gov. My office address is: U. S. Bankruptcy Court, Historic U. S. Courthouse, 31 East 11th Street, Chattanooga, Tennessee 37402, but please—contact me before you start shipping boxes to me!!!

I look forward to hearing from you, and to seeing many of you in Seattle in August!

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Court Snapshot by Kathy Grzybowski



Number One; No Findings Audits; and Impeccable Integrity important elements of the U.S. Bankruptcy Court, **Northern District of Georgia** (NDGA). Clerk of Court, W. Yvonne Evans, enthusiastically shared an interesting variety of information that captures the essence of this dynamic court.

NDGA consists of four divisions located in Atlanta, Rome, Newnan, and Gainesville. Within the court, eight judges sit with the Hon. Joyce Bihary presiding as Chief Judge. There have been three Clerks of Court since 1979. A few of the current staff of 113 employees have worked under the leadership of each of the Clerks. Historically, the fifth to seventh largest bankruptcy court, Yvonne noted that in both of the first two quarters in CY 2006, the NDGA ranked second largest court in total filings. However, with respect to Chapter 13 filings, they "remain the number one court in the country with the most Chapter 13 cases."

The tremendous volume is processed by a cohesive group of dedicated employees driven to provide the highest standard of customer service possible. How does this happen? One would think that within a court of four divisions and over a hundred employees it would be difficult to maintain a common thread throughout the organization. Yet, Yvonne explained that she personally knows every one of her staff. She said, "We care about each other's families. We know each other, including spouses, children, pets, etc."

It appears that this close bond is an asset to producing exceptional work results. During the time leading up to the implementation of BAPCPA, everyone on staff went above and beyond their normal duties. For example, staff volunteered to assist those waiting in line so when customers reached the intake section, all of their documents were in order and they knew exactly what to expect. As the last customer was served and left the court after midnight the night of October 14, 2005,

U.S. Marshals Service Officers, who stayed with the staff until the end, applauded the staff for all of their hard work.

Another area of the court that exudes dedication and diligence is the Internal Controls process. NDGA staff can proudly boast 'no findings' for the past five AO-sponsored audits. When asked how this was accomplished, Yvonne explained that she has a local budget committee in place whose members are accountable to one another and to the court to ensure effective information sharing takes place. Internal Controls are thorough. Procedures are documented. Management controls exist. Checks and balances are in place. This is an ongoing process.

The court culture is maintained and nurtured, in part, through the Zenger Miller philosophy, which places emphasis on maintaining effective interpersonal skills, seeking continual process improvement, and displaying effective leadership. Everyone is empowered to grow and to take an active role in helping the court meet its goals. The court supports this initiative through its focus on training. It is not difficult for staff to reach their target training hours due to the variety of programs offered. Yvonne stated that most months, there are Lunch N Learn sessions that focus on such topics as health, finances, and personal development. One of the law clerks assists with bankruptcy basics refresher courses. She said, "The court's media library rivals any bookstore."

Employee recognition is another key ingredient for success. For those employees who personify the court's mission and guiding principles, they are recognized through a variety of awards such as Superlatives, which are voted on by staff. Just to give you a sense of how aligned the staff is, Yvonne shared that there is a good chance everyone is recognized for some type of award. Not only do they go the extra mile at work, but they also find time to volunteer in areas such as medical response team members, coaches, Sunday School teachers, and Habitat for Humanity projects. It is obvious, the dedication they exhibit at work flows outward into their surrounding community as well.

In one hundred years, Yvonne would like the 2006 staff to be remembered for their commitment to do whatever it takes to serve the Judges, all stakeholders, and each other. The individuals within this dynamic culture share common characteristics including impeccable integrity; customer service extra ordinaire; court technology and procedures leadership; and the ability to work in partnership with stakeholders. "They care about each other. They celebrate their victories. They are recognized for jobs well done."

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If you'd like us to highlight an application, send an email to andrea_redmon@oknb.uscourts.gov

Q: What exactly is QAX?

A: QAX (Quality Assurance eXamination) was conceived as a result of the need for a tool to ease the process by which quality assurance was handled in CM/ECF. It was viewed that under the basic process a clerk would have to move around in CM/ECF through various screens and locations in the program to locate all the data that had to be checked. This time consuming and tedious process needed to be streamlined. QAX is designed to aid in that process. It has been engineered to give the docket clerks one single place to perform the QA that is needed for docketed items. It is continually growing as more needs become apparent. In its first incarnation QAX was basically a single tiered application with one method of QA. It has definitely grown over the last few years and months into a more robust and user-friendly tool.

Q: In what program was it written?

A: The QAX application was designed using DreamWeaver MX. It accesses the Informix CM/ECF Database, and a couple of Court created tables for QAX Notes and tracking data, through an ODBC or JDBC socket to gather and display information. It is a web based system, which allows the court to easily access it and use it to do quality assurance checks on the docketing done by all of the CMECF users.

Q: Who created it?

A: Jay McConathy, TXEB, CM/ECF Systems Administrator

Q: When was it created?

A: 2000

Q: Does it work with Version 3.0 and/or Linux?

A: QAX is always growing and will be compatible with CMECF in all of its versions for both Bankruptcy and District Courts.

Q: Any new versions planned for the future?

A: Jay continually modifies and tests QAX as CMECF changes, he also is always look for new additions to improve it.

Q: Where do people go for more information?

A: Anyone can get the full information from TXEB anytime and Jay will gladly give a demo, which he has done for many courts. The files and documents are also at CourtForge and give a fairly detailed picture of the program's functionality.

For more information, please contact Jay McConathy via e-mail or at (409) 839-2454.

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Retirement Seminars

NCBC offers Free Seminars to selected Courts

Did you know that NCBC awards free Financial/Retirement Planning seminars to member courts? That's right, every year the NCBC board selects three to four members courts to provide this valuable service. The courts selected can offer employees a custom designed Financial and/or Retirement planning seminar for two days, including all travel expense and materials.

The NCBC Board is currently accepting names of interested member courts for consideration. If you are interested in finding out more, or having your court considered, please contact NCBC President, Ken Gardner, at (312) 435-6036 or by e-mail: Kenneth_Gardner@ILNB.uscourts.gov.

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