

# NCBC Impact

Dedicated to the professional development of its members

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It's been awhile since we've had any news to share, but things are picking up now!

Ken brings us up to speed on a few initiatives that the NCBC is working on in *President's Message*.

The website for the Seattle conference is now up and running! Read all about it and more in *2007 NCBC Conference*. The NCBC Board held it's mid-year Board meeting in April at the conference site, and as your roving reporter I have some travel tips to help you prepare for your trip to Seattle. Highlights of the meeting are covered in *Mid-Year Board Meeting*.

Special thanks to Ken Hirz and Mary Lynn Wilson for also contributing to this edition. And my apologies to Lauden Batino for missing his deadline.

Start thinking about running for an NCBC office, nominations are coming up soon!

Thanks-  
Sandy



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## President's Message

*by Ken Gardner*

As we move into 2007, I want to discuss an exciting new initiative that the NCBC, working with the FCCA (Federal Court Clerks Association) and FPPOA (Federal Probation and Pre-trial Officers Association) has embarked on to change the credit FERS employees receive for sick leave. As you may know, under the CERS retirement system, employees are credited 25% of unused sick leave to their total years of

service. Thus, if an employee has 2,000 hours of unused sick leave at retirement, they could use 500 hours, or almost an additional six months credit to their years of service.

Our three Associations have combined forces (and resources) and have retained a lobbyist to take on the task of getting the Federal Employees Retirement Systems modified to allow judiciary employees some sort of credit for unused sick leave at retirement. The lobbyist is already working on a briefing paper and will proceed to make appointments with key members of Senate and House committees. This initiative will impact all judiciary employees under FERS, including those employed at the AO. We have the support of Director Duff and anticipate positive results. I will continue to keep you apprised of developments as they occur.

On another front, and one much more near and dear to our current situation, I want to give you a quick update on the workload situation. We all know that filings were down 70% in 2006, from the huge run up in 2005. Filings averaged approximately 60,000 per month in the last months of 2006. In 2007 we are already seeing a substantial increase, as filings have approached 73,000 per month for March and April 2007.

The BCAG (Bankruptcy Clerk's Advisory Group) has made two recommendations in this arena: the first recommendation is that if filings are on increasing trend as we move closer to FY 2008, bankruptcy staffing levels would be frozen at 2007 levels. The second is that if filings remained at 2006 levels, the current work measurement formula would be executed, but only half of any reductions in staff would be required for 2008. Hopefully,

the recent increase in filings means that the situation is still volatile enough to warrant a staffing freeze in 2008.

These recommendations were made in hopes of trying to save staff positions as the workload situation is clarified. Beginning this summer, a new work measurement formula will be developed and several courts will be measured to determine the impact of BAPCPA. This new formula will be ready for national distribution beginning in FY 2009. Thus, for FY 2009, a new formula will be created which will account for the increase workload activity as a result of BAPCPA, along with three years of filing activity to better determine our needs for FY 2009.

Finally, I want to let you know that the Seattle conference, to be held from August 28 thru August 31 is going to really address all the changes we have been experiencing the past couple of years. Please visit our NCBC website for conference and registration information.

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## 2007 NCBC Conference - Seattle, WA August 28-31, 2007



Hooray! Thanks to the Seattle staff, the Education Committee, and the NCBC Board, the registration website for the 2007 NCBC Conference is now live! Access the conference site at <http://www.wawb.uscourts.gov/seattle>. The website has everything you need to know, such as the schedule of events, booking the hotel, extra activities, etc... Be sure to check out the pre-conference classes offered if you can come in early. The conference will be capped at 375 people due to the size of the meeting room, so be sure and register now! The deadline for registering is July 27.

The NCBC Board of Governors usually holds their mid-year meeting at the conference location, and this year they invited their staff (the Business Manager, Historian, and Impact Editor) to the meeting. So I thought it would be a great idea to share some travel tips, based on this trip in April.

On your flight, be sure and sit on the south or east side of your plane to catch the magnificent views of Mount Rainier. Once at the airport, don't miss the 'suitcases on a skewer' over the baggage claim area! You'll find that Seattle has a quirky and very diverse sense of art and culture.

You have choices on how to get from the airport to the hotel area. You can taxi for around \$35, (unless you're Mark Hatcher, then it's \$45) or you can take the Greyline bus/shuttle service. The Greyline runs between the airport and downtown hotels every half-hour for \$17 round trip. To catch it, go all the way to baggage claim area 1 and look to your left. The counter to buy your ticket is in the corner. Not a bad bus ride, the Renaissance Seattle Hotel is one of the first stops.

The Renaissance Seattle Hotel is nice, with lovely herbal soaps and shampoos, showers that drain and a very friendly, professional staff. The rooms are average size, with most expected amenities. However, there are no coffee makers in the rooms, so be sure and order your morning hot beverage to be delivered with your wake-up call.

The location of the hotel is great, pretty centrally located within blocks of the waterfront, the stadium, shopping and restaurants. Speaking of food, my goal for the conference (which by the way was the same goal I achieved in Rhode Island) is to eat seafood at every meal! The selection on the left coast is quite different than on the right coast, but just as delicious. I had no idea there are so many varieties of salmon. Try every one. Bring good walking shoes, it's rather hilly around our hotel.

So, I don't know about you, but for me it's stacking up to be another don't-miss conference. I will be highlighting various parts of the conference in upcoming edition of the Impact. Please email me if you want to be sure a special topic is covered.

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## History in the Making



### I NEED YOUR HELP!

Calling all my bankruptcy colleagues: I'm on a treasure hunt and I need your help!

The treasure I'm seeking could be in a file cabinet, or in a desk drawer. It could be at home in some of your vacation memorabilia that you've not looked at in a while. Now you're asking (at least I hope you are): what could it possibly be??

I am searching for pictures, conference materials, conference pins—any and all items dealing with the NCBC. Among such wonderful stuff is the history of our conference to be found, and if you've ever been involved in a research project, you quickly discover just how valuable these items are.

I hope you will be willing to share with me—and ultimately with your colleagues. Please contact me at : United States Bankruptcy Court, Historic U. S. Courthouse, 31 East 11th Street, Chattanooga, Tennessee 37402. You may also e-mail me at: [Mary\\_Lynn\\_Wilson@tneb.uscourts.gov](mailto:Mary_Lynn_Wilson@tneb.uscourts.gov), or call me at (423) 752-5104, ext. 2. I'll need to communicate with you before you send materials to me, so we can hopefully avoid duplication.

Thanks so much in advance for your cooperation. I hope to see all of you in Seattle. And you never know—you just might see something familiar in a display!!

Mary Lynn Wilson  
NCBC Historian

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## US Bankruptcy Court - Northern District of Ohio

by Ken Hirz - Clerk of Court

The first bankruptcy case accepted for filing in the Northern District of Ohio dates back 140 years, according to the National Archives and Records Administration (NARA) Great Lakes Region, Chicago, Illinois. Bankruptcy case 1 – in the Matter of Henry C. Smith, of Cleveland, Cuyahoga County, Ohio – was filed in the U.S. District Court, Northern District of Ohio, Eastern Division, Cleveland, on June 1, 1867.

Currently, our Court serves close to six million citizens in the northern 40 counties within the State of Ohio. We have a full complement of eight bankruptcy judges, and the clerk's office entered FY 2007 with a staff of 100. We received an increase in authorized work units to 151.2, and are working at 66% of the work measurement formula. Reductions in staffing have been accomplished by embracing the buyout and early out programs offered by the Administrative Office the last several years.

Five fully-staffed clerk's offices are located in a variety of GSA owned and managed buildings. The Cleveland office is the primary tenant in the Howard M. Metzenbaum U.S. Courthouse. The court relocated to this 1910 vintage courthouse after the completion of a \$45 million prospectus level renovation in 2005. This Beaux Arts Courthouse is truly a gem in the inventory of the GSA and it is listed on the National Register of historic buildings. It is an excellent example of art-in-architecture from the turn of the century. Many of the nation's revered artists worked closely with architect Arnold Brunner in a true collaboration of art and architecture. The Youngstown court is located in the Nathaniel R. Jones Federal Building and U.S. Courthouse designed by renowned architect Robert A.M. Stern. The courthouse was completed in 2002 at a cost of \$22 million. The Canton court is currently located in the Frank T. Bow Federal Building on the historic site where the National Football League was formed. Canton is the home of the Pro Football Hall of Fame. The Canton office will be relocating to a new facility in 2008. The court will be the primary occupant of a federal campus that is being built by GSA through a lease/construct project. It will accommodate the judge, clerk's office staff and the information technology department in a facility that is appropriate to carry on the mission of the Northern District of

Ohio. The Akron office is housed in the John F. Seiberling Federal Building and U.S. Courthouse and includes a judge's courtroom and chambers that were renovated in 2003. The Toledo office is located in the historic U.S. Courthouse and Custom House in downtown Toledo. Renovation of this facility will occur following the completion of a new U.S. District Court courthouse. Four of the five court locations contain courtrooms outfitted with a variety of courtroom technology and, upon completion of the Canton federal campus, three of the five courthouse sites will be housed in LEED certified facilities.

The normal filing rate for our court, prior to BAPCPA, was about 48,000 cases annually. We received 26,245 cases in October 2005, a 551% increase over the same period in 2004. The only district in the country with more filings in October was the Central District of California. More current filing trends show our court at under 19,000 cases for calendar year 2006. Despite the fact that we've experienced more than a 50% reduction in caseload, the workload throughout the district has not realized a corresponding decrease. Comparing the last quarters of 2004 and 2006, the number of docket entries reduced by only 20% [296,308 to 237,908]. The number of motions filed was virtually unchanged [15,239 to 15,135]. The number of orders entered dropped 20% [35,537 to 28,282] and the number of notices decreased 33% from over 1 million to just under 700,000. Despite the reductions in caseload, the Northern District of Ohio remains the fourth largest bankruptcy court nationally.

How do we manage such a high volume of work with such a low staffing level? Much of the credit goes to the highly professional and well-trained staff. They are dedicated to maintaining a high quality of work and continue to find ways to improve the efficiencies in the system. Our IT Department works well with the operational staff, and internal committees such as the Data Dictionary and Procedures Committees maintain a smooth operation. The development and maintenance of the Case Administration Procedures Manual [CAPM] provides detailed information in case processing that accommodates judicial requirements. The CAPM is a 200 page document, divided into subject matter components, detailing the procedures applicable in each of our 5 offices. It is posted on our internal web page as an HTML document, making it easily accessible to all staff, and easy to update. And of course, without CM/ECF, the efficiencies would be short-lived. Our court went live on CM/ECF in October 2002 and began to require attorneys to file electronically on January 1, 2004. There are currently more than 4,000 registered attorneys and 900 creditors signed up for electronic filing of documents. While we receive 65% of our claims electronically, the recently amended General Order 03-1 now requires parties filing more than 25 claims per year to file electronically. Our IT staff have continued to work to improve CM/ECF and have

logged more than 300 local applications to assist the judges and clerk's office in case management and running various reports. Our financial section can be proud of the multiple chain of successful audits that is governed by a well-founded system of internal controls. A highly skilled staff along with maintaining well-developed procedures ground with strong management control continue to serve this court well.

The key to our well-run operation has been the support from our judges and the dedication of our staff. We have been engaged in an ongoing strategic planning process since 1997, with judges, clerk's office staff and attorneys. Through these efforts we have developed biennial bench-bar retreats with the practicing bar since 2000. The 2007 retreat attracted 270 bankruptcy attorneys, who joined with our judges and clerk's office staff to discuss a variety of procedural issues affecting bankruptcy practice. The Transit Subsidy Program was begun in FY 2001, and more than 90% of the Cleveland Office staff take advantage of this environment-friendly program. We have also improved our staff training efforts by offering a Tuition Assistance Program to our employees that has been in place since FY 1996. Clerk's Office staff logged 1,295 training hours in 2006. The Individualized Development Program (IDP) created by the FJC, was established in our Court in 2006, and allows greater focus in our effort to maintain a well-trained staff to continue our success in meeting the mission of the court. The IDPs dovetail into our training needs assessments that set the training curriculum for the subsequent fiscal year. Updating position descriptions and performance evaluation instruments have improved our attention to staff performance in increasingly enhanced electronic environment. And finally, we are proud to have hosted the NCBC Conference in 2001 [joint conference with FCCA] that featured a night at the Rock and Roll Hall of Fame and a presentation by former Director, Leonidis Ralph Mecham.

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## NCBC Mid-Year Board Meeting

Did you know that the NCBC Board of Directors only meets face-to-face twice a year? The mid-year Board meeting is usually held 4-6 months prior to the conference at the conference site (weather permitting-Chicago's mid-year Board meeting was a bust!) They also meet at the annual conference, the day of the President's reception and then on the Friday ending the conference.

Throughout the year, the Board conducts it's business via monthly conference calls. The agendas are always jammed packed, so quite a bit of decisions are made at the mid-year meeting. This year, the Board included the staff at the meeting. Kathy Grzybowski attended one day to ensure that the room for the court sharing session (last year-Discovery Cove, this year-Convergence Zone) was ready to go. To earn my keep, I'm reporting the highlights of this year's mid-year Board meeting.

### **Federal First**

Jim De La Torre opened the meeting by covering some changes in the Long Term Disability program the Federal First group administers and NCBC sponsors. Aetna has taken over the program and Jim has contacted the HR specialist in the courts with details. If you are enrolled now in the program, then you are automatically enrolled with Aetna. They do offer a 30 day wait period option, in addition to the current 60 and 90 options, so check with your HR rep if you'd like to switch to that.

Jim also discussed adding a life insurance program for eligible members. This would allow employees another option for additional insurance beyond the FEGLI basic for less cost. Retirees may also be eligible for this program.

Finally, Jim advised the Board that the NCBC by-laws need to be revised for us to sponsor these programs. His lawyers are going to talk with our lawyers and work out the language. More details to come.

### **2007 Conference**

Mark Hatcher shared the draft schedule, budget, and open issues with the board. After much discussion, the final decisions are in the form of the conference website. One major decision

was to schedule the vendor fair and the court sharing session at the same time for one giant share-a-thon.

### **Retirement Committee**

These guys are hard at work! So many of our most active NCBC members are now retiring (and we miss you!), of course they are organizing themselves to try and figure out how to still help out the BK Courts. The committee sent a letter to the courts asking them to provide names of retirees from the last five years. They had 170 names as of the April meeting. Now they will start to figure out what to do for NCBC in their spare time! Many will be attending the Seattle conference, so watch out!

### **By-Laws Committee**

Some changes to the by-laws will be proposed for you to vote on at the conference, including changing the timetable for elections and possibly extending the terms of some of the officers, such as the treasurer.

### **Automation Committee**

This committee is trying to build support with the judges, attorneys, and the courts to have the AO begin to look at the the long-range needs for CM/ECF. The intent is to facilitate a bigger change than the multiple version updates we're all used to. The first step is getting the AO to give the idea some attention.

### **Membership Committee**

Barry shared the membership packet that went out to all members. If you haven't paid your 2007 dues yet, get a move on!

### **Awards Committee**

Andrea Redmon is the chair of the committee, with Linda Spaight appointed as another member. They will start preparing for nominations for the 2007 awards presented at the conference.

### **Other Business**

The Board voted to sponsor a snack at the Clerk's/Chief Deputy conference this fall. NCBC uses the conference as a marketing opportunity for new members and to solicit clerk support.

Ken asked for volunteers to scrub the website and make recommendations for improvements and updates. Patty agreed to head the committee and Sandy and John will help. Also discussed was surveying NCBC members for input.

John will perform a financial audit prior to the Seattle conference. The board voted to conduct biannual audits concurrent with the new NCBC president term.

Ken already covered the lobbying effort for changing the FERS sick leave rules in [President's Message](#).

The board discussed changing the timings of the dues year from January - December to a May/June timeframe. The by-laws committee agreed to take up the issue.

Barry shared the workload vs caseload dilemma that the bankruptcy courts face. More detailed information will be in the next Impact edition.

As you can see, lots covered in one day! The NCBC Board meetings are open to all. The next face-to-face one will be on Tuesday afternoon at the Seattle Conference. More details will be on the conference website.

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