

Bankruptcy In Brief

News from the Bankruptcy Court

Western District of Louisiana - Lafayette/Opelousas/Lake Charles Divisions Editor: Alice Dukes

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STUFF ABOUT CHAPTER 13

BY: Keith A. Rodriguez

When I walked into Court on November 8, Alice asked me for a newsletter article. I was at a bit of a loss as I really didn't have anything in mind to write about. However, after the conclusion of the Chapter 13 docket that day, so many issues came up, I don't know where to begin. Let's start with DSO claimants and if there is any space left in this article, we will pick a new topic at that point.

As you are all aware, Section 1302 of the Reform Act requires the Trustee to send notices to DSO claimants as well as to the State Support Enforcement Agency advising the debtors of the filing of the bankruptcy and that they can seek assistance from Support Enforcement should that be necessary. When ever this situation exists, the schedules **must** include the name and address (the statute says "and the telephone number") of the DSO recipient. In most instances, we do not get that information and send letters seeking same. When nothing is forthcoming, we then must resort to filing a motion to dismiss. Unfortunately, a couple of cases have been dismissed because responses have not been filed. We will continue to follow this practice. However, the real area of concern is when the recipient of

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CHRISTMAS PARTY

The SLBBA Christmas party will be held on Friday, December 15 at the Holidome in Lafayette. SLBBA members are welcome to bring guests to the party. There will be food and a cash bar (yeah, we're not making that open bar mistake again). There will also be, of course, entertainment. There will skits, songs and even Santa will be making an appearance. I can't say who will be playing Santa and his elf but you don't want to miss it. You will be receiving information regarding the party in the mail shortly. The cost to attend will be \$35 per person. If you don't get your information in the mail, please give me a call. Please be sure to send in your registration timely as we need an accurate headcount in advance of the party.



PASSIONATELY PINK FOR THE CURE

Thanks to everyone who participated in my Passionately Pink for the Cure day. We got lots of photos of people wearing pink and we raised a total of \$1,280! The winners of the photo contests were as follows:

Most people in photo wearing pink: Clerk's office
Most men in the photo wearing pink: Wheelis & Rozanski
Most creative: 1st place: Clerk's office
2nd place: Wheelis & Rozanski

There are times when I really wish the newsletter

For Your Information

Deadline for Articles

Anyone wishing to submit articles or jokes for inclusion in the December newsletter should have the articles to me no later than December 8, 2006

Lunch with the Judge

Friday, December 1, 2006 at noon at
Prejean's

Thursday, January 18, 2007 in Lake

Editor's Comments

I know I promised movie reviews but there just hasn't been anything out that I wanted to see. But with the holidays, I'm sure there will more good movies to see.

Passionately Pink day went great. I love the pictures that everyone submitted. I never thought I'd get to see Steve Wheelis & Greg DeKeyzer with pink hair! It was awesome and I really appreciate the participation. It meant a lot to me. So to everyone who dressed up and everyone who contributed,

thank you very much.

We are getting ready for the Christmas party. Sim has been writing and planning since the day after Judge Schiff's retirement party. We have lots of entertainment for the party including an appearance by Santa and his elf! We would like to start a tradition of having this type of party every year so please, please try to come. It's going to be lots of fun.

Court has been going quite smoothly. Judge Summerhays is picking

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the child support payment is the State Support Enforcement Agency itself. Obviously, the purpose behind the amendment to Section 1302 is no longer the same since we have no former spouse to give advice for assistance. However, this is never really made clear to us and we, nonetheless, follow our normal procedure. Therefore, in cases where the money is going to State Support Enforcement rather than directly to a former spouse, we might be able to follow a different procedure.

In your schedules where you have listed State Support Enforcement as a creditor, below that you should list the name and current address of the recipient if your client has it. If not, then you should make some certifying statement that your client no longer has such information and then give the name and last known address of the former spouse. This will relieve your client of any further duties and relieve the Trustee of the necessity and concern of getting the appropriate notice out. Without that, a motion to

dismiss is sure to follow.

Another item concerns responses to motions to dismiss. In many instances, the response will indicate that the debtor will file an amended plan to extend payments by a certain number of months to make up the difference. Since Judge Schiff deemed an extension of six months to be immaterial, then typically no notice of this amended plan is ever sent to the mailing matrix. This causes real problems for our office.

To begin with, a motion to dismiss is typically not filed until the debtor has missed two consecutive payments. When the motion to dismiss comes up for hearing, the debtor is now at least ninety days in arrears (and the creditors haven't received any payments during this time). At this point, a response is filed indicating that an amended plan will be filed in the future to extend payments to make up the arrears. This adds several more days to the arrearage total. By this time, the creditors haven't received payments in three or four months. It is the Trustee's position that the

From the Dark Side

By: W. Simmons Sandoz

The Federal Building struck by a
lightning bolt

Activity shut off with a jolt

Is there a tremor in the force?

Are we scared? - Why, yes - of
course!

Have we angered the bankruptcy
gods?

Must we be armed with lightning

rods?

Planets out of line - in disarray.

Causing Chapter 13 hearings to delay

Must we now carry a flashlight

To darkened courtrooms black as night?

Should we bring an orange parking cone

To conduct hearings in the parking
zone?

From the President

By: W. Simmons Sandoz

Judge Summerhays has made every effort to move the court docket as quickly as possible. The members of the Bar continue to resolve many matters with opposing counsel and the trustee. The efforts of everyone result in moving the docket very quickly. On October 18, 2006, there was a massive Chapter 13 docket with over 150 cases which was concluded by 12:15 p.m. On October 25, the docket was likewise concluded by 12:15 p.m. Everyone is to be commended for being prepared and resolving many matters without hearing.

Just a couple of reminders to help things continue to move quickly - please remember to turn your cell phone off, remain in the courtroom when your case is called to prevent delay. If you have discussions with your client or opposing counsel in the courtroom, please speak softly as to not disturb any court proceedings.

I'll be the first to admit, I have violated these rules in the past, but I am resolved to behave myself. Please make every effort to move things along as quickly as possible, and use the etiquette that our momas taught us. Thanks

The Bar Association's lunch with the Judge was held on Monday, October 30, 2006. For those of you who were unable to attend, you will be happy to know that Greg deKeyzer is convalescing and doing well from injuries sustained by a lightning strike. (You had to be there). Seriously, Judge Summerhays was introduced to the members of the Bar Association. The topics of discussion were a change in Chapter 13 hearing procedures, motions to reconsider, objections to claims, courtroom etiquette and the Christmas party.

A new policy will take place with regard to the Chapter 13 hearings. Everyone is encouraged to resolve matters prior to the Wednesday hearing by speaking with opposing counsel and either Ham or Keith at the Trustee's office. If you are unable to resolve matters, or you resolve the matter late on Tuesday, or prior to the hearing on Wednesday, please speak with Alice prior to the hearings on the Motions to Lift Stay. After the hearings on the Motions to Lift Stay take place, the Judge will announce plans to be confirmed without hearings, continuances and matters that have been resolved without the necessity of a hearing. After these announcements, the Judge will take a break to allow counsel

to resolve any other matters remaining on the docket and thereafter, to notify Alice of the resolved matters. The Court will resume and all matters that have not been resolved will be taken up.

Regarding Motions to Reconsider, the Judge stressed the importance of responding timely to all motions. The Judge is hesitant to punish the debtors if it is the fault of the attorney who did not respond timely. The Judge also expressed concerns regarding objections to claims. He suggested that claims be objected to with specificity so that he may determine the reason for the objection and alleviate the necessity for hearing if no response has been made.

Members of the Bar were congratulated for their courtroom etiquette particularly in managing their cell phones as well as keeping their voices low when engaging in conversation with opposing counsel and their clients. They were reminded to stay in court immediately before their cases are called so that the docket would not slow down.

A Christmas party will be scheduled for Friday, December 15. We are presently working out the details in coordinating our Christmas Gala. We are in need of a juggler and a hunter specializing in shooting endangered species. Any volunteers? Please call me.

After the luncheon, the members of the Bar Association, as well as the Clerk's office were treated to the premier showing of "The Final Docket - The Retirement of Honorable Gerald H. Schiff." The initial showing made its big screen debut in the confines of the Bankruptcy Courtroom.

Our first "lunch with the Judge" went exceedingly well. Judge Summerhays is very receptive to input from the Bar. Everyone is encouraged to attend our "lunch with the Judge" as we can discuss matters that are relevant.

Thank you for your support.

COURTROOM ETIQUETTE

Let us remember court etiquette

Certain things we cannot forget

Set your cell phone not to ring

For it can be a disturbing thing

Thou shalt not linger in the hall

Actual Exchanges Between Pilots and Control Towers

Tower: "TWA 2341, for noise abatement turn right 45"

TWA 2341: "Center, we are at 35,000 feet. How much noise can we make up here?"

Tower: "Sir, have you ever heard the noise a 747 makes when it hits a 727? "

O'Hare Approach Control to a 747: "United 329 heavy, your traffic is a Fokker, one o'clock, three miles, Eastbound."

United 329: "Approach, I've always wanted to say this..I've got the little Fokker in sight."

A Pan Am 727 flight, waiting for start clearance in Munich , overheard the following:

Lufthansa (in German): " Ground, what is our start clearance time?"

Ground (in English): "If you want an answer you must speak in English."

Lufthansa (in English): "I am a German, flying a German airplane, in Germany . Why must I speak English?"

Unknown voice from another plane (in a beautiful British accent): "Because you lost the bloody war!"

One day the pilot of a Cherokee 180 was told by the tower to hold short of the active runway while a DC-8 landed. The DC-8 landed, rolled out, turned around, and taxied back past the Cherokee. Some quick-witted comedian in the DC-8 crew got on the radio and said, "What a cute little plane. Did you make it all by yourself?"

The Cherokee pilot, not about to let the insult go by, came back with a real zinger: "I made it out of DC-8 parts. Another landing like yours and I'll have enough parts for another one."

The German air controllers at Frankfurt Airport are

renowned as a short-tempered lot. They not only expect one to know one's gate parking location, but how to get there without any assistance from them. So it was with some amusement that we listened to the following exchange between Frankfurt ground control and a British Airways 747, call sign Speedbird 206.

Speedbird 206: " Frankfurt , Speedbird 206! clear of active runway."

Ground: "Speedbird 206. Taxi to gate Alpha One-Seven."

The BA 747 pulled onto the main taxiway and slowed to a stop.

Ground: "Speedbird, do you not know where you are going?"

Speedbird 206: "Stand by, Ground, I'm looking up our gate location now."

Ground (with quite arrogant impatience): "Speedbird 206, have you not been to Frankfurt before?"

Speedbird 206 (coolly): "Yes, twice in 1944, but it was dark, -- And I didn't land."

While taxiing at London 's Gatwick Airport , the crew of a US Air flight departing for Ft. Lauderdale made a wrong turn and came nose to nose with a United 727. An irate female ground controller lashed out at the US Air crew, screaming: "US Air 2771, where the hell are you going? I told you to turn right onto Charlie taxiway! You turned right on Delta! Stop right there. I know it's difficult for you to tell the difference between C and D, but get it right!" Continuing her rage to the embarrassed crew, she was now shouting hysterically: "God! Now you've screwed everything up! It'll take forever to sort this out! You stay right there and don't move till I tell you to! You can expect progressive taxi instructions in about half an hour, and I want you to go exactly where I tell you, when I tell you, and how I tell you! You got that, US Air 2771?"

"Yes, ma'am," the humbled crew responded.