



# THEsouthernscoop

Volume 4, Issue 1

Summer 2019

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## 2019 Annual Court Training



On August 16, 2019, employees and judges of the Bankruptcy Court for the Southern District of Georgia enjoyed a day of networking and training at the National Museum of the Mighty 8th Air Force in Pooler, GA. Joanna Jones from the U.S. Bankruptcy Court in the Middle District of Georgia presented the group with the Federal Judicial Center's program on workplace harassment and its prevention.

Employees were also treated to a visit from Scottie Daniels with the U.S. Marshal Service and his presentation on "Active Shooter Training: Avoid-Deny-Defend." The group was also joined by Lieutenant Jose Ramirez, Staff Instructor with the Georgia Public Safety Training Center, who briefed everyone on recent statistics of crime and gang activity in the State of Georgia.



### COURTHOUSE LOCATIONS

*AUGUSTA	*BRUNSWICK	DUBLIN	*SAVANNAH	STATESBORO	WAYCROSS
600 James Brown Blvd Augusta, GA 30901	801 Gloucester St Brunswick, GA 31520	100 N Franklin St Dublin, GA 31021	125 Bull St Savannah, GA 31401	52 N Main St Statesboro, GA 30458	601 Tebeau St Waycross, GA 31501
(706) 823-6000	(912) 280-1376	unstaffed	(912) 650-4100	unstaffed	unstaffed

\* Clerk's Office Hours: Monday through Friday 8:30 am to 5:00 pm

## Savannah High School Law Academy Mock Trial



Judge Coleman continues to provide learning opportunities to area middle and high school students by periodically conducting mock trials in his courtroom. On May 7, 2019, students from Savannah High School Law Academy participated in a mock trial of the criminal case of *State of Georgia v. Addison Dewitt*. The approximately 30 students did a good job presenting the case to the Court. The students gained valuable assistance from their instructor, Robert Kicklighter.

If you are interested in volunteering for future mock trials, please contact **Debbie Reese** ([debbie\\_reese@gas.uscourts.gov](mailto:debbie_reese@gas.uscourts.gov)), Judicial Assistant to Judge Coleman.





## Savannah U.S. Courthouse Annex Construction Underway



Efforts are underway to construct a new Courthouse Annex for the Tomochichi Federal Building and U.S. Courthouse in Savannah, Georgia. Congress appropriated funding in 2016 as part of a larger effort to modernize the entire judicial complex. Located on the southeast trust lot of Telfair Square at 124 Barnard Street, the new three-story annex will allow the Judiciary to meet its current and long-term needs for security, accessibility and operational efficiency.

The current annex design features a marble and brick façade that blends with the historic aesthetics of the Tomochichi U.S. Courthouse. Plans for the annex include a new bankruptcy courtroom and related chambers, as well as space for the Bankruptcy Court Clerk's Office and U.S. Probation and Pretrial Services Office. The total gross square footage of the annex is 37,502 square feet, with the Bankruptcy Court spaces at 12,990 square feet.

In preparation for construction, work began onsite in late spring 2019. Demolition to remove the Juliette Gordon Low Building B (one of the two "tile" buildings located behind the Tomochichi Courthouse) has been completed. Workers will begin placing the foundation for the new annex in August/September 2019.

Construction of the annex is expected to be completed in Winter 2020.

## Meet Nancy J. Gargula, United States Trustee

*By: Charles R. Sterbach, Asst. U.S. Trustee*



Nancy J. Gargula, the U. S. Trustee for Indiana and the Central and Southern Districts of Illinois since 2002, has been designated by Attorney General William P. Barr to also serve for an interim period as the U.S. Trustee for Florida, Georgia, the Commonwealth of Puerto Rico and the U. S. Virgin Islands, effective April 30, 2019. She replaces Daniel M. McDermott, who served as interim U. S. Trustee in the region since January 2018.

Ms. Gargula is a 17-year veteran of the U. S. Trustee Program, who also served as the U. S. Trustee for Missouri, Arkansas, and Nebraska from May 2006 through December 2014. Before joining the U. S. Trustee Program, she was a partner at what is now known as Faegre, Baker & Daniels in Indianapolis from 1997 to 2002 and a member of the Commercial, Financial and Bankruptcy Services Team. Prior to that, she worked at Bank One (now Chase) for 12 years, serving most recently in the role of general counsel and secretary to the Board of Directors.

Ms. Gargula received her JD from the University of Notre Dame Law School in 1981 after graduating summa cum laude from Ball State University in 1977. She started her practice with a small commercial law firm where she learned bankruptcy from a senior partner who was also a chapter 7 panel trustee.

Ms. Gargula is active in numerous professional associations, including the American Bankruptcy Institute, the Seventh Circuit Bar Association, the Indianapolis Bar Association, and the Indianapolis Bar Foundation. Ms. Gargula is a frequent speaker on bankruptcy, banking, commercial law, and related topics and has spoken on a wide variety of panels at conferences for the National Association of Chapter 13 Trustees, the National Association of Chapter 7 Trustees, the National Conference of Bankruptcy Judges (NCBJ), and the American Bankruptcy Institute. For the past 14 years, she has also served on the NCBJ Liaison Committee with other members of the Executive Office of U. S. Trustees.

Ms. Gargula is also active in her community, volunteering for a number of non-profit organizations, at her church, for her neighborhood association and as of July 1, 2019, she will assume the role of President of the Notre Dame Law Association, the alumni association for all graduates of Notre Dame Law School. She loves to sing, play piano, play guitar, cook, etch glass, and simply relax with a good book.

## “New Look” in Augusta Clerk’s Office



When was the last time you visited the Clerk’s Office in Augusta? Has it been since the start of electronic filing? We haven’t seen some of you in a while! Recently, the Augusta Clerk’s Office has undergone some changes. We have welcomed aboard several new employees and have said goodbye to some of our long-time staff members.

Here at the Clerk’s Office we strive to welcome all who walk through our doors with a kind word and a friendly face. We have been working hard to spruce up our intake area, adding a few personal touches that we hope will make the space more inviting to those who visit.

There is now a seating area and table, with a touch of greenery to complete the look. All General Orders and Notices/Orders Regarding Disciplinary Action have been combined into binders to make these documents easier to locate and view for the attorneys and the general public. All public notices are now pinned neatly to the bulletin boards. We have even added some fresh faces to our counter rotation!

The next time you attend court hearings or meetings, we would love for you to stop in and check out our newly “revamped” space and meet our newest staff members, or just say hi to the familiar faces. You can also schedule a “behind the scenes” tour with our office—please check the next page of this newsletter for more details. We appreciate all who visit, and look forward to showing you our fresh new look.





# the clerk's office

## BEHIND THE SCENES TOUR

\*\*\*Starring\*\*\*

Our Case Managers

PICK A TIME | PICK A DAY | PICK A CLERK'S OFFICE | LENGTH 60-90 MINUTES

Highlighted topics include:

New Case Processing | Quality Control | Issuing Deficiency Notices  
Calendaring and Setting Hearings | Dismissing/Discharging Cases

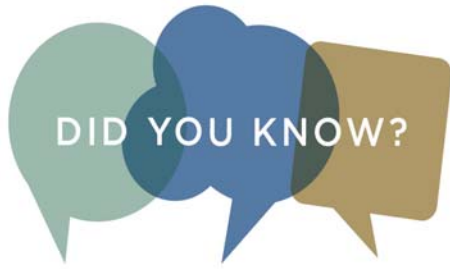
*Come see what we do and how we do it!*

For more information, or to schedule your TOUR, please contact:

In Augusta: Carla Wilbourn | [carla\\_wilbourn@gas.uscourts.gov](mailto:carla_wilbourn@gas.uscourts.gov) | 706-823-6037

In Brunswick: Sharon Rankin | [sharon\\_rankin@gas.uscourts.gov](mailto:sharon_rankin@gas.uscourts.gov) | 912-280-1368

In Savannah: Cherish Hayes | [cherish\\_hayes@gas.uscourts.gov](mailto:cherish_hayes@gas.uscourts.gov) | 912-650-4102



## National Bankruptcy Filings Continue to Decline

*(Published on the U.S. Court's website July 26, 2019)*

Bankruptcy filings fell 0.3 percent for the 12-month period ending June 30, 2019, according to statistics released by the Administrative Office of the U.S. Courts. Annual bankruptcy filings totaled 773,361, compared with 775,578 cases in the year ending June 2018.

Business filings rose by 1.1 percent, just the third time since 2010 that business bankruptcies increased over a 12-month period. Non-business bankruptcy filings fell by 0.3 percent, the smallest percentage change since March 2011.

*To read the entire article, click on the link below:*

<https://www.uscourts.gov/news/2019/07/26/june-2019-bankruptcy-filings-fall-03-percent>

## Automatic Adjustment of Certain Dollar Amounts in the Bankruptcy Code and Forms

On **April 1, 2019**, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code, and one provision in Title 28 of the United States Code went into effect. The adjusted dollar amounts apply to **cases filed on or after April 1, 2019**. The adjustments reflect the change in the Consumer Price Index for All Urban Consumers published by the U.S. Department of Labor for the three-year period ending December 31, 2018, and are rounded to the nearest \$25.

A chart showing the affected sections of the Bankruptcy Code and Title 28, with the current and adjusted dollar amount in those sections, is attached [here](#). The revised forms became effective on **April 1, 2019**, and apply to cases filed on or after that date. The revised forms incorporating the dollar amount changes are available on the [Bankruptcy Forms page](#).

## Bankruptcy Rules and Forms Changes

### Effective **December 1, 2019**

The following rules amendments were approved by the Judicial Conference on September 13, 2018. The Supreme Court adopted these proposed amendments and transmitted them to Congress on April 25, 2019. These amendments will take effect on December 1, 2019, absent congressional intervention:

#### **Bankruptcy Rules 4001, 6007, 9036, and 9037**

*The entire package of materials transmitted to the Supreme Court is available at [www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments](http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments).*



Two bankruptcy forms will go into effect December 1, 2019 if approved by the Judicial Conference at its September 2019 meeting:

**Official Form 122A-1** adds an instruction to line 14a to remind a debtor that if there is no presumption of abuse, that Official Form 122A-2 should not be filled out or filed.

**Director's Form 1340, Application for Unclaimed Funds**, is a new form issued by the Director of the Administrative Office of the United States that bankruptcy courts may adopt or revise as needed to facilitate requests for unclaimed funds. Please note that the U.S. Bankruptcy Court for the Southern District of Georgia will adopt and use this form effective December 1, 2019.

*Copies of these proposed forms are available at [www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms](http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms).*



## Rule 5009(d) Order Declaring Lien Satisfied

The Chapter 13 Plan and Motion form, which became effective December 1, 2017, enables the debtor to avoid liens within the Plan rather than being required to file separate motions to avoid liens. The December 2017 federal rules changes brought about an addition to Bankruptcy Rule 5009 for those debtors who may need documentation (for title purposes) of the elimination of a lien (or second mortgage) that was secured by property of the estate. **Bankruptcy Rule 5009(d) Order Declaring Lien Satisfied** enables the debtor to file a motion for an order declaring a secured claim to be satisfied and releasing the lien.

The Advisory Committee notes to this new rule addition state *“although requests for such orders are likely to be made at the time the case is being closed, the rule does not prohibit a request at another time if the lien has been released and any other requirements for entry of the order have been met.”* After the Trustee has filed the Notice of Completion of Plan Payments OR at any time during the pendency of the Chapter 13 case, if the secured claim has been paid in full according to the terms of the Plan, the debtor can file a Motion to Declare Secure Claim Satisfied and Lien Released with a proposed order. This gives the debtor documentation that the lien has been satisfied. The CM/ECF docket event for filing the motion is located under: **Bankruptcy > Motions/Applications > Determine Lien Satisfied.**

## Claims Review Requests

Effective August 14, 2018, the Clerk's Office discontinued issuing notices for deficient proofs of claims that are electronically filed. Clerk's Office responsibilities are set out in FRBP 5003(b): *“The Clerk shall keep in a claims register a list of claims filed in a case when it appears that there will be a distribution to unsecured creditors.”*

Attorneys for debtors should review the claims register for their clients and file an Objection to Claim for all deficiencies that would affect the claim or its position in the case. 11 U.S.C. §521(a)(3) clarifies the statutory duty of the debtor to assist the trustee in the review of claims *...“cooperate as necessary to enable the trustee to perform the trustee duties...”* and FRBP 4002(a)(4) also requires the debtor to *“cooperate with the trustee in the examination of the proofs of claims.”*

The trustee may request an adjustment to the claims register for certain discrepancies between the claims register and the actual proof of claim form submitted, by docketing a text only event located in CM/ECF under **Bankruptcy > Trustee/US Trustee > Claim Review Request**. This docket event may be used to notify the court of an incorrect name and/or address for the claimant, amended claims linked to the incorrect claim number, and/or incorrect claim amounts shown on the register. Any other claims discrepancies require an Objection to Claim by the trustee or debtor's attorney, with notification given to interested parties.

# Bankruptcy Unclaimed Funds Locator

## Version 2.02 Now Live

In May, version 2.02 of the Bankruptcy Unclaimed Funds Locator was made available to the Judiciary. This release was coordinated by the Virginia Eastern Bankruptcy (VAEB) court's Judiciary Financial System Development and Deployment (JFinSys) Team, in collaboration with the AO's Administrative Systems Office (ASO) and the Judicial Conference Committee on the Administration of Bankruptcy System's Unclaimed Funds Task Force.

### Version 2.02 contains the following new functionality:

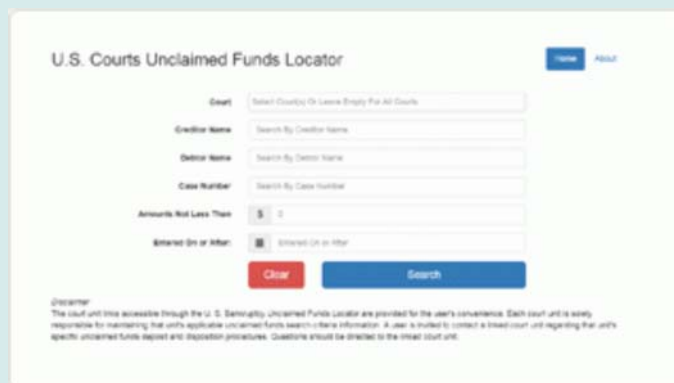
#### Universal Search Functionality:

- \* A specific court;
- \* Multiple courts; and
- \* Across all participating bankruptcy courts within the entire Judiciary

#### Improved Search Functionality:

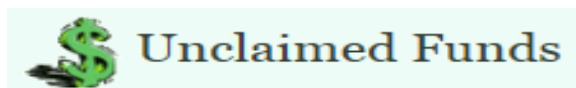
allowing users to initiate a search based on the entry of a name into the creditor name and/or debtor name fields.

Code modifications: to only allow numeric values in the Amount field.

The screenshot shows the 'U.S. Courts Unclaimed Funds Locator' web interface. It features a search form with fields for 'Court' (with a dropdown menu), 'Creditor Name', 'Debtor Name', 'Case Number', 'Amount Not Less Than' (with a dollar sign icon), and 'Entered On or After' (with a calendar icon). There are 'Clear' and 'Search' buttons at the bottom of the form. A disclaimer at the bottom states: 'Disclaimer: The court unit data accessible through the U.S. Bankruptcy Unclaimed Funds Locator are provided for the user's convenience. Each court unit is solely responsible for maintaining that unit's applicable unclaimed funds search criteria information. A user is invited to contact a listed court unit regarding that unit's specific unclaimed funds report and disposition procedures. Questions should be directed to the listed court unit.'

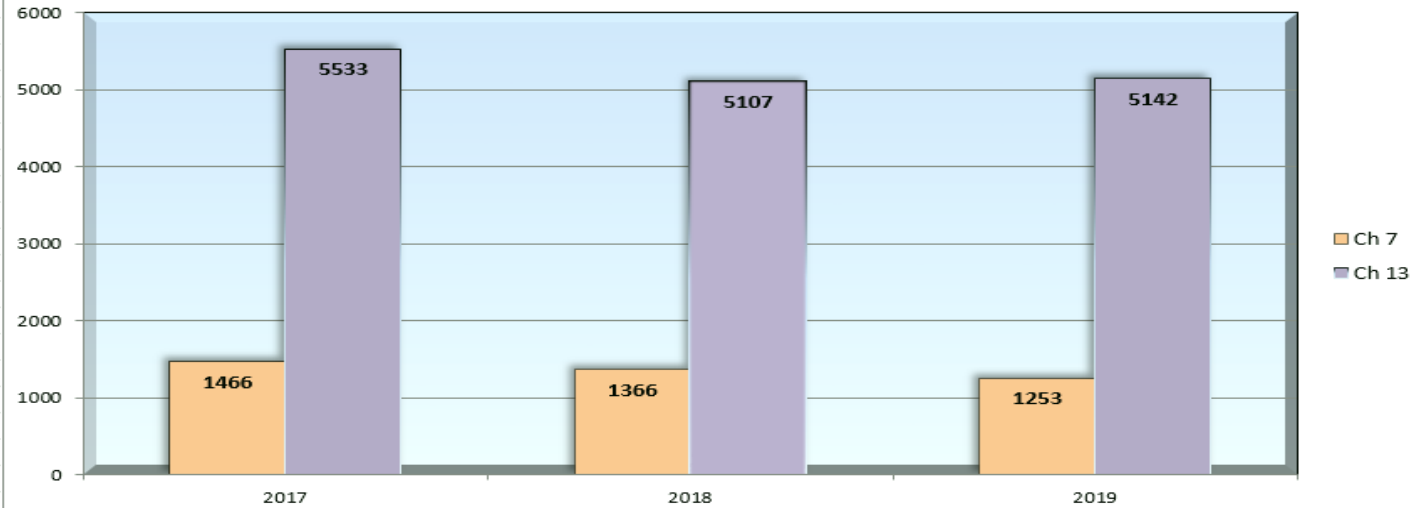
The Unclaimed Funds Locator consists of a public search web interface that allows public users to obtain information about unclaimed funds held by the bankruptcy courts. It is intended to facilitate drawing down the balance in U.S. Treasury forfeiture funds, which consist mostly of unclaimed bankruptcy funds.

The link to the [U.S. Courts Unclaimed Funds Locator](#) can be found on the Georgia Southern Bankruptcy Court's website under:

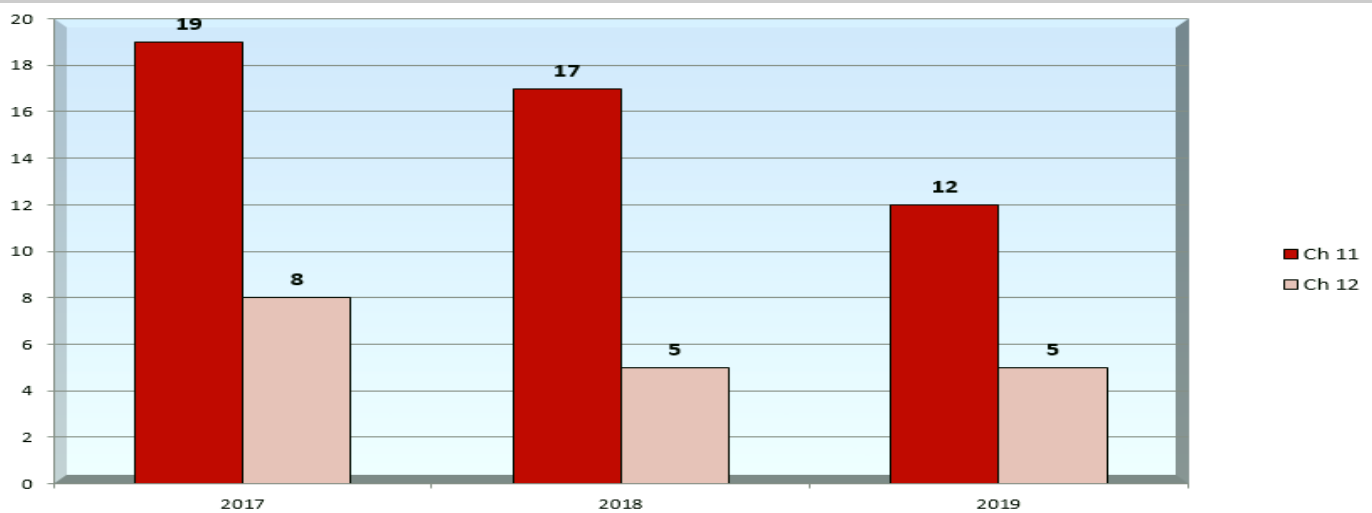


*For additional information or questions concerning the unclaimed funds procedure, please contact the Clerk's Office at 912-650-4100 and speak with Carrie Ramirez or Wendy Peña.*

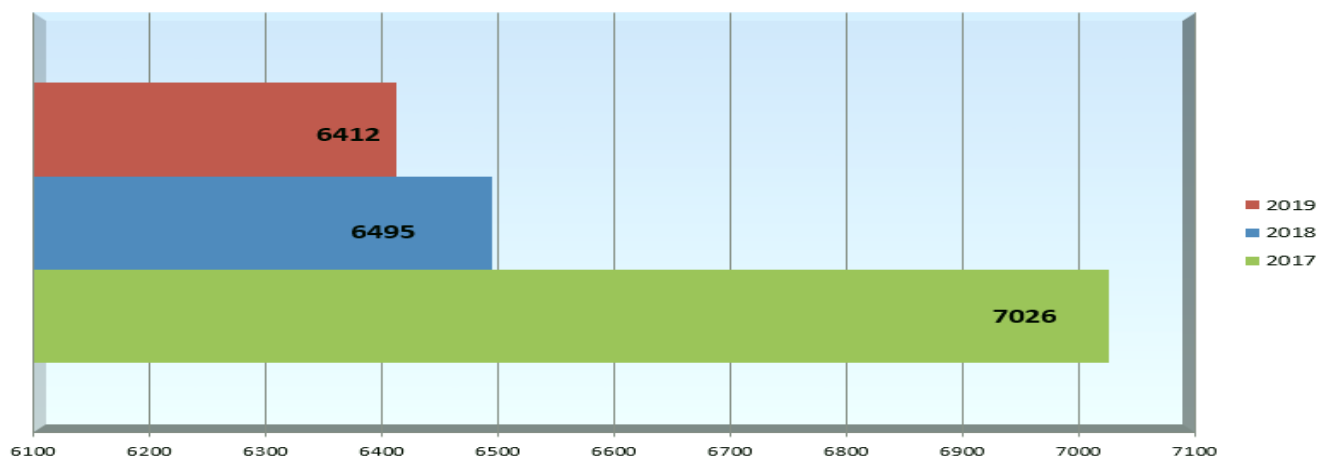
### Ch. 7 & 13 Case Filings by Chapter for 12-Month Period Ending 07/31/2019



### Ch. 11 & 12 Case Filings by Chapter for 12-Month Period Ending 07/31/2019



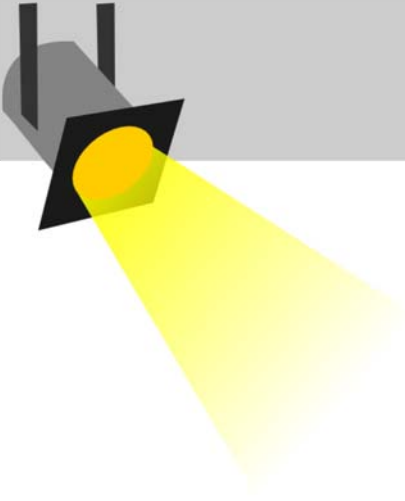
### Total Case Filings (All Chapters) for 12-Month Period Ending 07/31/2019



Statistical data is available to the public on the Judiciary's website at:

<https://www.uscourts.gov/statistics-reports/caseload-statistics-data-tables>





## WHAT'S NEW WITH CM/ECF EVENTS AND FORMS

- ★ Modified event: **[Motion to] Convert Case to 7** to prompt users to answer the following question (*in Chapter 13 cases only*): Is this motion filed on behalf of the Chapter 13 Trustee with a request for waiver of the fee due to no existence of funds of the estate ? If users answer YES, the docket entry will bypass the fee and add "Fee Waived" to the docket text. If users answer No, they will receive the fee screen as normal, with the receipt number and fee amount appearing in the docket text.
- ★ Retired events: **Motion to Sell; Motion to Sell Free & Clear of Liens 363(f)**. Replaced these events with a new event: **Motion to Sell OR Sell Free & Clear of Liens 363(f)**.
- ★ New event under Trustee/US Trustee menu: **Proposed Distribution**. Used primarily by U.S. Trustee to docket an Amended or Supplemental Proposed Distribution.
- ★ Modified event: **Reaffirmation Agreement WITH Atty Affidavit** - select text in the menu will now appear as Reaffirmation Agreement and the event will prompt users with a message as to the correct event to use when docketing reaffirmation agreements with or without a signed certification by attorney for debtor.
- ★ Modified event: **Reaffirmation Agreement WITHOUT Atty Affidavit** - select text in the menu will now appear as Reaffirmation Agreement (Pro Se) and the event will prompt users with a message as to the correct event to use when docketing reaffirmation agreements with or without a signed certification by attorney for debtor.
- ★ Modified event: **Affidavit/Amended Affidavit** (Miscellaneous); event will prompt users to select whether the affidavit is being amended, and event also modified to add screen message to stop users from using this event for an Affidavit of Default Re: Motion for Relief from Stay.
- ★ Modified event: **Affidavit of Default re: Motion for Relief from Stay** (Motions/Applications); event modified to prompt users to select whether the affidavit is being amended, and to require that the affidavit be related to a previous event, with a banner message reminding users to relate the affidavit to the previous order on Motion for Relief from Stay and/or previous Affidavit of Default.
- ★ Revised form: **Debtor's Certification of Plan Completion and Request for Discharge (Ch. 13)**. Revised to include a checkbox for "Trustee did not file a Notice of Plan Completion." Posted on court website under Forms > Local Forms.
- ★ Revised form: **Notice of Need to File Proof of Claim Due to Recovery of Assets (Form 7-32)** - modified to add "If filing by mail" to the information at the bottom of the form.

# A Friendly Reminder

## \$ Overpayment of Filing Fees \$

The Clerk's Office has recently received several overpayments of filing fees in the Southern District of GA. Before electronically paying a filing fee, attorney filers should check the case docket report as well as the Installment Fee Tracking Report in CM/ECF for installment payments already made in a case. Pressing CTRL + F when reviewing a case docket report and searching "receipt" will quickly display all payments made in a case; however, please keep in mind that payments made directly by a debtor to the Clerk's Office will not appear on the case docket until the next business day. This search method can also be used to find a specific case number on the Installment Fee Tracking Report.

If an overpayment is discovered, please file a Motion to Refund Court Fees with proposed order, and if granted, any overpayment will be refunded either to the credit card that was originally charged or in the form of a check mailed to the debtor at the address of court record.

After a two-month period, any overpayments not claimed will be transferred to the court's unclaimed funds registry, and the debtor will be required to file an Application for Payment of Unclaimed Funds. Details of the procedure for submitting an Application for Unclaimed Funds are available on the court's website under Court Info—[Unclaimed Funds](#).

Any amounts transferred to the unclaimed funds registry can be viewed on the court's website via the [Unclaimed Funds Locator](#). The locator can be searched by creditor name, debtor name, and case number.

For any questions regarding filing fees, please do not hesitate to contact the Clerk's Office at 912-650-4100.

## Counsel Identification on Proposed Orders: LBR 9072-1(d)

Whenever any proposed order is submitted for entry by the Bankruptcy Court, including a consent order, the proposed order shall identify the attorney who prepared the order, the name of the party represented by such attorney, and shall include the attorney's signature, name, address, telephone number, and Georgia State Bar number, if the attorney is a member of the State Bar of Georgia.

Please refer to [Local Bankruptcy Rule 9072-1\(d\)](#) on the court's website for the requirements for submission of orders, findings of fact and conclusions of law.

# Tips & Tricks

## Researching Case Filing Fees

There are three options available to attorneys and trustees researching case filing fees in CM/ECF:

- ♦ **Case Query > Filing Fee** will display all payments made in cases filed on or after 11/14/2011.
- ♦ **Reports > Installment Fee Tracking** displays a report of all cases in which an Application to Pay Filing Fee in Installments has been granted and the case is not yet closed.
- ♦ Receipts for payment of a filing fee also appear on the case **Docket Report**.

## CM/ECF Training Available

The Clerk's Office is available to provide training to new CM/ECF users and to provide refresher training for more experienced users. Please contact the division manager in Augusta (706-823-6000), Brunswick (912-280-1376), or Savannah (912-650-4100) to schedule your training session.

## Proofread documents before filing!

Before filing a document in the CM/ECF database, please check to make sure the basic requirements have been met:

- ✓ The document is captioned with the correct court district, division, debtor name, case number, and chapter;
- ✓ The document contains an original or electronic signature of the filer;
- ✓ Any exhibits/attachments referenced to the document are attached;
- ✓ Certificate of service with date and signature is included; proper parties have been served at the address on record with the court.





# Coming Soon...

## CM ECF NextGen

The Judiciary's Case Management/Electronic Case Filing (CM/ECF) system is the means by which judges, court staff, attorneys, and other public users electronically file, review, and download case information. The system is fully implemented in all federal courts.

The Judiciary is transitioning to a Next Generation of CM/ECF (NextGen). It was first released to a group of pilot courts in 2014 and a full transition is expected over several years. The first release includes a new sign-on functionality which gives users access to both PACER and electronic filing, for all NextGen courts in which the user is authorized to file electronically, from a single account.

### NextGen Goals

- Greater integration among the district, bankruptcy, and appellate systems
- Shared data with other Judiciary electronic systems
- More streamlined processes
- Greater consistency in user experience, especially for external users
- Greater efficiency by using new tools and technology

**Please check the court's website this fall for upcoming information regarding NextGen and our court's GO-LIVE date!**

THE COURTHOUSE WILL BE CLOSED IN OBSERVANCE OF THE  
FOLLOWING UPCOMING FEDERAL HOLIDAYS

September 2	Labor Day	Monday
October 14	Columbus Day	Monday
November 11	Veteran's Day	Monday
November 28	Thanksgiving	Thursday
December 25	Christmas	Wednesday
January 1	New Year's Day	Wednesday
January 20	Martin Luther King, Jr. Day	Monday
February 17	President's Day	Monday

CM/ECF and PACER will be available for online filing and access to case information.

A special thank you to the following folks who  
contributed to this edition of *The Southern Scoop*\*:

*Debbie Reese*

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*Sharon Rankin*

*Wendy Peña*

*Carrie Ramirez*

*Cherish Hayes*

*Charles R. Sterbach, Asst. U.S. Trustee*

*U.S. Bankruptcy Court Clerk's Office,  
Southern District of Florida*



**\*For questions, comments, or corrections regarding this newsletter, please email:**  
**[lainie\\_saul@gas.uscourts.gov](mailto:lainie_saul@gas.uscourts.gov) or [courtney\\_neibel@gas.uscourts.gov](mailto:courtney_neibel@gas.uscourts.gov)**