

2019 Annual Meeting with the Bar

M. Regina Thomas, Clerk of Court

November 15, 2019

Statistics for 12-month period ending 9.30.19

- GANB remains the 3rd busiest bankruptcy court in the country
- 29,762 cases filed (NDIL – 39,857; CACB – 37,911)
- Highest filings in calendar year 2010 – 54,564
- Filings per 1,000 population – 4.24 – 8th highest in the country (TNWB ranks #1 with 8.45)
- 9.2% of all filings were pro se – 21st highest in the country

FY20 Budget

- Continuing Resolution ends at midnight November 21
- Talk of another CR through December 20
- In the event of a partial government shutdown, the federal judiciary maintains operations for at least 2-3 weeks using non-appropriated funds
- GANB will be open for business!

New Local Rules

Effective 9.1.19

- Proposed changes were posted for comment April 11 – May 10
- Revisions were approved by the U.S. District Court and the Eleventh Circuit Court of Appeals
- New rules added to explain processes by which the Court may dismiss a case for failing to pay filing fees in installments (BLR 1006-2) or failing to file certain required documents (BLR 1017-1)
- Other rules were amended to clarify or enhance existing procedures such as motion for *ex parte* relief from stay for lack of insurance (BLR 4001-1), appearance conflicts (BLR 5071-4) and withdrawal (BLR 9010-5)

New Local Rules

Effective 9.1.19 (continued)

- Local rules are posted to the GANB Website
- To view a black-line version of the rules, see News and Announcements Archives – August 21, 2019

News, Announcements & Reminders

<http://www.ganb.uscourts.gov/emailupdates>

- Updated Calendar Tool (7.10.19)
- Upgraded Court Website (8.7.19)
- Request for Order Terminating EDO (8.15.19)
- U/C Funds Locator Tool (10.8.19)
- Bench and Bar Committee Request (10.8.19)
- Distribution Lists and Requirements of BLR 9013-2 (10.9.19)

News, Announcements & Reminders

- Prior Case Filing Information on the Docket (beginning 9/4/19) and emails regarding missing 1328 and/or FMC in chapter 13 cases
- Please Flatten Documents Before Filing
- Keep the Court informed of address and email – send information to ecf_helpdesk@ganb.uscourts.gov
- Use the Online Procedures Manual

Bench and Bar Committee

(BenchandBar@ganb.uscourts.gov)

- Lunch and Learn Suggestions for 2020 Needed
- Previous programs on the GANB Website under the B&B Tab:
 - Consumer Data Privacy and Bankruptcy
 - Breaking Up is Hard to Do
 - Lien Avoidance
 - Shining the Light on CM/ECF
 - FDCPA & Bankruptcy
 - Bankruptcy & Taxes

Federal Rules and Forms

Proposed Rules for December 1, 2019

Bankruptcy Rules 4001(c), 6007(b), 9036 and 9037(h)

Rule 4001

Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale or Lease of Property; Use of Case Collateral; Obtaining Credit; Agreements

- Amended to add **4001(c)(4) Inapplicability in a Chapter 13 Case. This subdivision (c) does not apply in a chapter 13 case.**
- There were no public comments to this proposed amendment.
- Chapter 13 trustees have internal processes to address post petition debt situations.

Rule 6007

Abandonment or Disposition of Property

- Inconsistency between Rule 6007(a) which identifies the parties that must be served by an abandonment by the trustee and 6007(b) which is silent as to service when abandonment is initiated by a party-in-interest.
- Amended **6007(b)** to **specify parties to be served with a motion to compel abandonment and notice of the motion, and to establish an objection deadline.**

Rule 9036

Notice of Electronic Transmission

- Rule amended to permit electronic notice on registered CM/ECF users who have appeared in a case, and, with consent of parties, allow for electronic service by means other than the CM/ECF system.
- **New language:** Whenever the rules require or permit sending a notice or serving a paper by mail, the clerk, or some other person as the court or these rules may direct, may send the notice to – or serve the paper on – a registered user by filing it with the court’s electronic-filing system. Or it may be sent to any person by other electronic means that the person consented to in writing. In either of these events, service or notice is complete upon filing or sending but it is not effective if the filer or sender receives notice that it did not reach the person to be served. This rule does not apply to any pleading or other paper required to be served in accordance with Rule 7004.

Rule 9036

Notice of Electronic Transmission (continued)

- This rule is in response to proposed amendments of Rules 2002(g), 9036 and Official Form 410 which would have allowed a creditor or equity interest holder to receive notice by email by checking a box on the POC form. Comments supported this change but there was concern that CM/ECF could not be revised by a 12.1.19 effective date.

Rule 9037

Privacy Protection for Filings Made with the Court

- New subdivision **(h) Motion to Redact a Previously Filed Document**
- (1) Content of Motion: Service. Unless the court orders otherwise, if an entity seeks to redact from a previously filed document information that is protected under subdivision (a), the entity must:
 - (A) file a motion to redact identifying the proposed redactions;
 - (B) attach to the motion the proposed redacted document;
 - (C) include in the motion the docket or proof-of-claim number of the previously filed document; and
 - (D) serve the motion and attachment on the debtor, debtor's attorney, trustee (if any), United States trustee, filer of the unredacted document, and any individual whose personal identifying information is to be redacted.

Rule 9037

Privacy Protection for Filings Made with the Court (continued)

(2) Restricting Public Access to the Unredacted Document; Docketing the redacted Document. The court must promptly restrict public access to the motion and the unredacted document pending its ruling on the motion. If the court grants it, the court must docket the redacted document. The restrictions on public access to the motion and unredacted document remain in effect until a further court order. If the court denied it, the restrictions must be lifted, unless the court orders otherwise.

Director's Form 1340

Application for Payment of Unclaimed Funds

- Effective 12.1.19
- Will replace the current forms on the GANB website
- Intent is to standardize, to the extent possible, the requirements for payment of funds to rightful claimants
- Form orders granting and denying payment of unclaimed funds

Questions?



General Announcements

- Nancy Whaley – TFS Electronic Payments for Chapter 13 Debtors
- Weather – delays and closings – check WSB and the GANB website for official information
- Construction around RBR – Delayed!
- Recording of this meeting and the PowerPoint will be posted to the GANB website.
- Thank you for attending.
- Happy Thanksgiving to you and Yours!

