

2020 Annual Meeting with the Bar

M. Regina Thomas, Clerk of Court

November 13, 2020

Statistics for 12-month period ending 9.30.20

- GANB is the 4th busiest BK court in the country - 21,909 cases filed
 - (down 1 spot)
- California Central - 31,042; Illinois Northern - 29,940; Florida Middle – 22,612
- Highest filings in calendar year 2010 – 54,564
- Filings per 1,000 population – 3.11 – 10th highest in the country
 - (TNWB ranks #1 with 5.80%)
- 7.2% of all filings were pro se – 22nd highest in the country

FY21 Budget

- Continuing Resolution ends at midnight December 11
- Another CR is likely
- 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!

COVID and the Court

- First public notice was sent 3.9.20 - with 12 additional notices posted and sent
- Meetings of creditors were postponed and deadlines extended; MOCs are now being held telephonically
- Most court hearings and trials are still being held telephonically or via WebEx although more in person hearings are being scheduled.
- Court Staffing and Operations
- The Future?

Upcoming Changes to Chapter 13 Plan Form and Related General Orders

- Revised plan form effective 12.1.2020
- New or revised and restated general orders will be entered:
 - Requiring Local Chapter 13 Plan Form and Establishing Related Procedures
 - Order with Regard to Fees, Expenses and Costs of Attorneys for Debtors in Chapter 13 Cases
 - Voluntary Notice Procedures to include requests for additional chapter 13 attorney's fees
- Post confirmation procedures changed from 30 to 25 days

Changes to Chapter 13 Plan Form

- Comparison document will be provided when plan form published
- Remove the word “timely” when referring to POCs
- Change location for disclosure of DSO obligation on page 1
- § 2.3 add “federal” for tax returns and refunds
- Delete details of § 2.6 (a) and (b) – will be included in new GO
- Add language about interest rate for secured tax claims

Changes to Chapter 13 Plan Form

(Continued)

- § 3.3 changes regarding secured claims to be paid in full
- § 3.4 remove and replace lien avoidance calculation box
- § 4.3 add reference to additional attorney's fees
- § 4.4 reorganization of section to clarify whether priority claims are owed and the nature of the claims
- Signature box changed to reflect that if debtor is represented by counsel, they only have to sign the initial plan.

Next Generation of CM/ECF (NextGen)

- As of November 1, 2020 - 106 court units are “live” on NextGen
 - 13 Appellate Court
 - 51 District Courts
 - 42 Bankruptcy Courts
 - Another 41 court units have planned “go live” dates, including GANB
 - Planned migration is weekend of August 6-8, 2021
 - GAMB will migrate the same weekend

Next Generation of CM/ECF (NextGen)

- Next Gen Modules
 - Central Sign-On is a mandatory module
 - Allows public filers and court users to have one login and password for all NextGen courts
 - Centralized PACER website to register or upgrade account
 - Information and assistance will be provided by GANB
 - eSR (Electronic Self-Representation)

News, Announcements & Reminders

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

- Unclaimed Funds Locator Tool (10.8.19)
- Distribution Lists and Requirements of BLR9013-2 Preparation of Proposed Orders (10.09.19)
- General Order 29-2019 – Procedural Guidelines for Prepackaged and Prenegotiated Chapter 11 cases (12.05.19)
- General Order 30-2020 – Applicability of Interim Bankruptcy Rules in Cases Under Subchapter V of Chapter 11 (02.02.20)
- CARES Act Amendments and Changes to Official Forms (04.05.20)

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- General Order 36-2020 – Interim BK Rules for Subchapter V of Chapter 11 to incorporate CARES Act Changes (04.23.20)
- General Orders 37-2020 and 38-2020 regarding signatures (07.01.20)
- General Order 39-2020 – Designation of Panel for Complex Chapter 11 Cases beginning February 1, 2021 (07.21.20)
- General Order 40-2020 – Filing Options for Pro Se Filers (07.28.20)
- New Payment Option for Fees Due to the Court (10.15.20)

News, Announcements & Reminders

- Emails regarding missing 1328 and/or FMC
- Please Flatten Documents Before Filing
 - **Print to pdf NOT save to pdf**
- 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)

- COVID-19 interrupted the great lunch and learn programs sponsored by the Bench and Bar. Hope to resume in 2021.
- A subcommittee of B&B Committee reviewed the chapter 13 form plan and proposed changes for consideration by the Court.

Important Change for GANB

- On January 31, 2021, after more than 50 years of exemplary service to the Court and the bankruptcy system, Judge W. Homer Drake, Jr. leaves the bench. Please save the date: January 22, 2021 @ 2pm for a special virtual celebration to honor Judge Drake!
- On February 1, 2021:
 - Judge Drake's pending Chapter 7 and 11 caseloads will be reassigned to Judge Paul Baisier.
 - New Chapter 7s will be assigned to Judge Baisier
 - New Chapter 11s are already being assigned to Judge Baisier
 - Judge Drake's pending Chapter 13 caseload will be reassigned to Judge Ritchey Craig
 - New Chapter 12s and 13s will be assigned to Judge Ritchey Craig
 - No changes to the 7/13 trustee assignments in the Newnan Division.

Federal Rules Changes

Effective December 1, 2020

Bankruptcy Rules 2002, 2004, 8012, 8013, 8015, 8021
<https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>

Rule 2002

Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceeding, Persons Against Whom Provisional Relief is Sought, etc.

- Amendments:

- Requires giving notice of the entry of confirmation order in chapter 13 cases
- Limit the need to provide notice to creditors that do not file timely proofs of claim in chapter 12 and 13 cases (currently exists for chapter 7 cases)
- Add a cross-reference in response to the relocation of the provision specifying the deadline for objecting to confirmation of a chapter 13 plan.
- Impacts Rules 2002(f)(7), 2002(h), and 2002(k).

Rule 2004 Examination

- 2004(c) Compelling Attendance and Production of Documents
 - Amended to “**Or Electronically Stored Information**” to title
 - Refers expressly to the production of electronic information, in addition to the production of documents
 - Conforms to the current provisions of Civil Rule 45, which is made applicable in bankruptcy cases by B.R. 9016.

Rule 8012

Corporate Disclosure Statement

- Delete “**CORPORATE**” from title of the Rule.
- Conforms to recent amendments to F.R.App.P. 26.1 to encompass non-governmental corporations that seek to intervene in an appeal.
- New subdivision(b) requires the disclosure of the names of any debtors in the underlying bankruptcy case that are not revealed by the caption of an appeal; for corporate debtors.
- Subdivision (c), previously referenced as (b), amended to make clear that all disclosure requirements of Rule 8012 must be supplemented when information provided changes.

Rule 8013

Motions; Intervention

- (a) Contents of a Motion; Response; Reply
 - (1) Request for Relief – amended to delete the reference to “proof of service” to conform with recently amended Rule 8011(d) that eliminated the requirement for proof of service when filing and services are completed using the court’s electronic filing system.

Rule 8015

Form and Length of Briefs, Form of Appendices and Other Papers

- Amendment to (g) is made to reflect recent amendments to Rule 8011(d) that eliminated requirement of proof of service when filing and service is completed using the court's electronic filing system.
- The word "corporate" is deleted before disclosure statement to reflect a concurrent change in the title of Rule 8012.

Rule 8021

Costs

-
- (d) is amended to delete reference to proof of service which reflects the recent amendment to Rule 8011(d) that eliminated the requirement of proof of service when filing and service are accomplished using the Court's electronic filing system.

Miscellaneous Fee Schedule Changes Effective 12.1.2020

- See Public Notice dated 11.09.2020
- New general order on fee installments to change initial amount due for Chapters 7, 12 and 13 (from \$75 to \$78)
- Fees chart on the GANB website will be updated

Questions?



General Announcements

- 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!

