

2021 Annual Meeting with the Bar

M. Regina Thomas, Clerk of Court

November 5, 2021

Statistics for 12-month period ending 6.30.21

- GANB is the 5th busiest BK court in the country - 14,992 cases filed
 - California Central - 25,942
 - Illinois Northern – 19,496
 - Florida Middle – 18,934
 - Michigan Eastern – 15,190
- Still #1 in chapter 13 filings
- Filings per 1,000 population – 2.11% – 18th highest in the country
 - Alabama Middle - ranks #1 with 3.96%
- 5% of all filings were pro se – 22nd highest in the country

FY22 Budget

- Continuing Resolution ends at midnight December 3, 2021.
- In the event of a partial government shutdown, the federal judiciary maintains operations for approximately 2 weeks using non-appropriated funds.
- GANB will be open for business!

COVID and the Court

- Meetings of creditors continue to be conducted telephonically.
- Calendar calls and hearings are being conducted telephonically, via Zoom or in hybrid fashion. Please check each chamber's webpage for specific information.
- Zoom – Best Practices
 - Use a headset to cut down on feedback between microphones and speakers.
 - Minimize outside noise.
 - Make sure you have a strong WiFi connection.
- Court Staffing and Operations

NextGen Reminders

- GANB successfully migrated to NextGen and went live on August 9, 2021. Thank you for your cooperation! Here are a few tips and reminders:
 - If you change employment or firm name, contact the GANB's ECF Helpdesk (ecf_helpdesk@ganb.uscourts.gov)
 - For routine address changes, DO NOT file a change of address or contact the ECF Helpdesk. All changes to your ECF account must be requested via PACER.
 - If using filing agents, remember to unlink the filing agent if they leave your employment.

NextGen Reminders

(Continued)

- Unlinked ECF accounts with a \$ in the username cannot be linked using the standard procedure. Please contact the ECF Helpdesk for assistance.
- Visit the NextGen Migration page on the Court's website for helpful job aids and answers to many of your questions: <https://www.ganb.uscourts.gov/migration-cmecf-nextgen>

Common CM/ECF Filing Errors

- Incorrect event used – the search feature on the ECF menu bar will assist you in locating the correct event.
- Missing required documents – e.g. certificates of service, amended summaries of schedules.
- Incorrect case number and/or case name – frequently transposed numbers or previous case number used.
- Incorrectly calendared hearings – always use a courtroom location, not a telephonic hearing location.
- Incorrect/incomplete attachments – always review your .pdf document before attaching the document for filing.

Financial Announcements and Tips

- **Effective Monday, January 3, 2022**, the Atlanta Division will no longer handle any cash payments. Cashier's checks, money orders and attorney's checks will continue to be accepted. Payments may also be made via the online payment system by PayPal or a debit card. Please see the Court's website (www.ganb.uscourts.gov/online-payments) for details.
- If a pleading which requires a fee is filed in error, please contact the Court's financial department at financial@ganb.uscourts.gov before making the payment. Some fees can be removed!

From the Bench

- Please put hearing notice before the associated motion or pleading - both when filing AND serving the documents
- FJC Survey Follow-up Meetings – Judge Baisier will hold two meetings to discuss survey results:

November 15, 2021 at 3:00 P.M. – focus on Chapter 7/11 matters

November 17, 2021 at 3:00 P.M. – focus on Chapter 13 matters

The Zoom meetings will be held in Judge Baisier’s Virtual Hearing Room. The link to the Virtual Hearing Room is located on Judge Baisier’s webpage at:

- <https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier>.

News, Announcements & Reminders

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

- New Payment Option for Fees Due the Court (10.15.20)
- Changes to Chapter 13 Plan Form and General Orders (11.18.20)
- Amended and Restated General Order 42-2020 (1.06.21)
- General Order 44-2021 – Procedures for the Filing, Service and Management of Highly Sensitive Documents (1.15.21)
- New Director's Form 4100S, Supplemental Proof of Claim for CARES Act Forbearance Claims (3.11.21)

News, Announcements & Reminders

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

- New Chapter 11 Periodic Reports (28 C.F.R. § 58.8) (6.4.21)
- Consolidated Appropriations Act and New CM/ECF Events (6.24.21)
- General Order 45-2021 Procedures for Submitted Pleadings by Debtors not Represented by an Attorney and General Order 46-2021 Designation of Panel for Complex Chapter 11 Cases (07.12.21)
- Changes to the Court's Website and Bankruptcy Court Hearings (9.16.21)
- Appointment of K. Edward Safir, Chapter 13 Trustee (9.30.21)

News, Announcements & Reminders

- Big changes ahead for GANB - Fred Childers will retire as Chief Deputy Clerk on November 30, 2021, and Vania Allen will step into that role on December 1.
- Emails regarding missing 1328 and/or FMC.
 - 43% of chapter 7 cases were discharged rather than closed without discharge
 - Over 1,700 emails sent in chapter 13 cases
- Please Flatten Documents Before Filing - **Print to pdf NOT save to pdf**
- Use the Online Procedures Manual (<https://www.ganb.uscourts.gov/Ops/OpsLive/OPSw-Home.htm#HomePage.htm>)

Federal Rules Changes

Effective December 1, 2021

Bankruptcy Rules 2005, 3007, 7007.1, 9036 and
Official Form 122B

<https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>

Rule 2005

Apprehension and Removal of Debtor to Compel Attendance for Examination

- Rule 2005, subsection (c) will be amended to delete the references to 18 U.S.C. § 3146(a) and (b) and replace them with a reference to the “relevant provisions and policies of § 3142.”

Rule 3007 Objections to Claims

Rule 3007(a)(2)(A)(ii) will be amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depositories as defined in Section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813.

Rule 7007.1

Corporate Ownership Statement

- Rule 7007.1 addresses corporate ownership statements. Subsection (a) will be amended to include nongovernmental corporations that seek to intervene. In addition, stylistic changes were made to subdivision (b) to reflect that some statements will be filed by nonparties seeking to intervene. The changes conform to recent amendments to Rule 8012, and to disclosure statement rules in the Federal Rules of Appellate and Civil Procedure.

Rule 9036

Notice and Service by Electronic Transmission

- Rule 9036 will be amended to further expand the use of electronic noticing and service. It recognizes a court's authority to provide notices or make service electronically through the Bankruptcy Noticing Center (BNC) to entities that currently receive a high volume of paper notices from the bankruptcy courts. The rule is also reorganized to separate methods of electronic noticing and service to courts from those available to parties. Under the amended rule, both courts and parties may serve or provide notice to registered users of the court's electronic-filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient.
- This [memo](#) provides details of the BNC procedures that will become effective December 1, 2021.

Rule 9036

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- Only the courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the Electronic Bankruptcy Noticing program. The changes to Rule 9036(b)(2)(B) also empower the Director of the Administrative Office of the U.S. Courts (AO) through the BNC to contact entities that receive a high volume of paper notices. The AO has established 100 paper notices in a month as a high- volume receiver and will require the recipient to establish an address to receive electronic notices. If the entity does not establish an address under 11 U.S.C. § 342(e) or (f) to receive electronic notices within 45 days of the notice of designation by the AO, the AO will designate an address for that entity.

Official Form 122B

Chapter 11 Statement of Current Monthly Income

- Form 122B will be modified to remind debtors and attorneys that the form is not required in Chapter 11, Subchapter V cases.

Official Form 122B

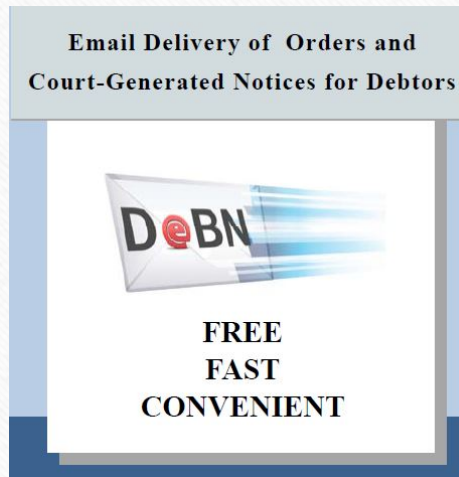
Chapter 11 Statement of Your Current Monthly Income

12/21

You must file this form if you are an individual and are filing for bankruptcy under Chapter 11 (other than Subchapter V). If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

Coming Soon – Debtor Electronic Noticing (DeBN)

- The DeBN program enables debtors to receive court-generated notices and orders through the BNC electronically. The program is voluntary, and a debtor can register by completing a consent form through the Clerk's office.



How Does DeBN Work?

- The debtor signs and files a DeBN request form and a copy of their ID to activate electronic noticing.
- The Court registers the debtor for a DeBN account.
- BNC sends a confirmation email to the debtor.
- The debtor's account never expires.
- DeBN accounts are case specific. Debtor must register for new DeBN account for each bankruptcy case filed.

DeBN

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- All future orders and court-generated notices are sent to the debtor as a single PDF attachment to an email.
- There is no cost to view a PDF attachment.
- There is no limit to the number of times a PDF attachment can be viewed.
- The PDF attachment can be printed, saved to a computer, or retained for viewing any time.
- Go-live in December – information to follow throughout the month.

Questions?



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- There was a question in the “chat” during the meeting regarding the Court’s Form of Notice published 9/20/2021.
 - **Question:** Will the form notice be changed for use with the Voluntary Notice Procedures (VNP)?
 - **Answer:** The form notice is not intended to replace the form of notice required by the VNP (please see General Order 24-2018). If using VNP, use the required notice BUT adapt the form to accommodate the information about the hearing procedure.

Bar Organization Announcements

- State Bar of Georgia Bankruptcy Section - Evidence and Trials Skills CLE – November 10 @ 12 Noon
- Atlanta Bar Association Bankruptcy Section – holiday party is November 18 @ 5:30pm
- IWIRC – holiday party is December 14. Details to follow.
- MACBAG – virtual program on November 18 @ 4pm
 - The Realities of Compassion Fatigue – Techniques for Prioritizing and Enhancing Mental Wellness for Attorneys

General Announcements

- Weather – delays and closings – check WSB and the GANB website for official information.
- Construction around RBR.
- Recording of this meeting and the PowerPoint will be posted to the GANB website.
- Thank you for attending.
- Happy Thanksgiving to you and yours!

