

# NORTHERN DISTRICT OF ILLINOIS BANKRUPTCY COURT LIAISON COMMITTEE

NOVEMBER 2011

## WHAT IS THE BANKRUPTCY COURT LIAISON COMMITTEE?

The Bankruptcy Court Liaison Committee was formed to promote communications about court procedures, etiquette, filings, and other issues; to assist the Court and attorneys in creating a more efficient environment; and to represent a diverse group of bankruptcy attorneys from the Chicago area.

The Bankruptcy Court Liaison Committee includes practitioners who represent debtors and creditors and consumers and corporate interests. The Committee also includes a representative from the Office of the U.S. Trustee and the Office of the Standing Trustee. The full list of committee members can be found at [http://www.ilnb.uscourts.gov/bk\\_liaison\\_committee/2011-12-BCLC-members.pdf](http://www.ilnb.uscourts.gov/bk_liaison_committee/2011-12-BCLC-members.pdf)

The Committee provides an opportunity to relay issues, concerns or ideas to the Committee – anonymously – through any of the Committee Members. The information will then be presented to the Bankruptcy Judges for their review and consideration.

Recent topics of discussion have included

- CM/ECF – Corrective Entries
- Notice of amendments to schedules
- *in forma pauperis* petitions
- Chapter 13 fee disclosure
- New bank technology fee for Chapter 7 trustee.

Committee members develop, participate in, and support educational programs concerning issues affecting the bench, attorneys, financial institutions and consumers, including providing support for the local CARE Program.

The Committee organizes social events to allow greater interaction between the Court and attorneys.

This is the fifth Newsletter from the Committee. The Committee is circulating the Newsletter so that members of the Bar are aware of the types of topics that are discussed at the Committee meetings, and can offer their input regarding the same.



If you have any suggestions, questions or concerns, please contact one of the Committee Members. Please submit your comments or questions to the Committee Members, and not to Judges who are guests of the Committee.

### CONTACT US:

#### CO-CHAIRS:

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*HOLIDAY PARTY...DECEMBER 8...DETAILS PAGE 4*



## NORTHERN DISTRICT OF ILLINOIS

### REMINDER: Use of Declaration Regarding Electronic Filing extremely limited

Administrative Procedures for the CM/ECF system allow the use of electronic signatures under Section II.C.

Attorney signatures are covered by II.C.2 and non-attorney signatures are covered by II.C.1.

A review of case files reveals a broad misconception about how and when electronic signatures may be used for non-attorneys, especially debtors.

For a petition to be electronically filed without an actual signature of the debtor(s), debtor(s) must **actually sign** the Declaration Regarding Electronic Filing, which then must be scanned and filed with the petition. II.C.1.a.

Debtors cannot execute the Declaration with the designation /s/. Further, the Declaration is only effective for docu-

ments *filed contemporaneously* with the petition.

A Declaration **does not** cover later filed Schedules, Statements of Financial Affairs, amendments, reaffirmations, notices of intent or other documents that require debtor signatures.

A Declaration is not “good for the case.” Nor can supplemental Declarations be used later in the case.

Declarations are only effective in connection with an electronically filed petition and they are only effective the day of filing. Otherwise, an actual signature (scanned) is required.



*...there is a broad misconception about how and when electronic signatures may be used for non-attorneys, especially debtors.*



Local Rule of Bankruptcy Procedure 1009 requires the debtor to “serve amendments to voluntary petitions, lists, or schedules ... on all creditors, the trustee, and in chapter 11 cases, on the United States Trustee and any official com-

### DID YOU KNOW . . . AMENDING SCHEDULES D - E - F?

mittee of unsecured creditors, and must file proof of such service with the clerk.” In addition, if, after filing the petition, the debtor files the creditor list or adds any creditors to the schedules, the debtor must serve each new creditor, by first-class or certified mail, with a copy of the original notice of the meeting of creditors, and must file proof of service with the clerk.

Don’t be confused by the ECF

prompt that the “Court will add or modify creditors.” The Court will add creditors for subsequent notices but does not send a notice of the meeting of creditors to creditors added by amendment or by completion schedules to an emergency petition.

Carefully follow Local Rule 1009 to ensure that creditors have notice and the Court has proof of service.

## BANKRUPTCY LIAISON COMMITTEE

### PRO BONO OPPORTUNITIES:

#### PRO BONO BANKRUPTCY HELP DESK AT THE FEDERAL COURTHOUSE

Through collaboration with volunteer attorneys, the Legal Assistance Foundation (LAF) runs the Bankruptcy Help Desk at the Dirksen Federal Building. Every day, the Help Desk assists up to ten walk-in clients who are filing bankruptcy pro se.

Volunteer attorneys and staff help clients fill out forms, draft motions and answer questions about bankruptcy in general, or the client's case in particular. Volunteer attorneys must have at least one year of experience with practicing bankruptcy

law and maintain a license to practice law. The time commitment is completely up to the volunteer. Training is provided online and can be done at the volunteer's own home or office.



#### PRO SE BANKRUPTCY CLINIC

LAF organizes a monthly two-session clinic for low-income individuals filing Chapter 7 bankruptcy pro se. After a presentation on bankruptcy during the first session, volunteer attorneys meet with individual debtors to discuss their specific cases and answer lingering

questions about the process and implications of filing bankruptcy. During the second session of the clinic, attorneys meet with individuals to review the clients' bankruptcy forms and questions they had while filling out the forms. The clinic

cycle runs once a month, though volunteers' time commitment is flexible. Volunteers must maintain a law license. Volunteers do not need bankruptcy experience and will receive training about bankruptcy basics for pro se debtors.

*To volunteer for an LAF pro bono project, contact pro bono staff attorney Mara Block at 312-347-8360 or [mblock@lafchicago.org](mailto:mblock@lafchicago.org).*

#### U.S. BANKRUPTCY COURT VOLUNTEER

#### ATTORNEY PANEL

Interested? Visit: [http://  
www.ilnb.uscourts.gov/](http://www.ilnb.uscourts.gov/)

[VAP/](#)

[Volun-](#)

[teer Attorney Panel.pdf](#)

The U.S. Bankruptcy Court for the Northern District of Illinois has formed a panel of volunteer attorneys to represent indigent parties on a *pro bono* basis in discrete adversary proceedings and contested matters.

Judges identify cases in which a party would benefit from representation. The Judge's clerk contacts a panel member to obtain representation. The program is limited to adversary proceedings and contested matters.

#### *¿Hablas español?*

Spanish-speaking attorneys are especially needed!

## CARE: CREDIT ABUSE RESISTANCE EDUCATION

CARE is a free financial literacy initiative that makes experienced members of the Bankruptcy Community available to teach the importance of financial education to high school classes.

After training, volunteers make presentations on the danger of consumers over-extending their credit.

Interested in volunteering?

Contact:

Allen Guon, Esq.  
Shaw, Gussis, Fishman, Glanz  
Wolfson & Towbin, LLC  
321 N. Clark Street, Suite 800  
Chicago, IL 60610  
[aguon@shawgussis.com](mailto:aguon@shawgussis.com)  
312-541-0151

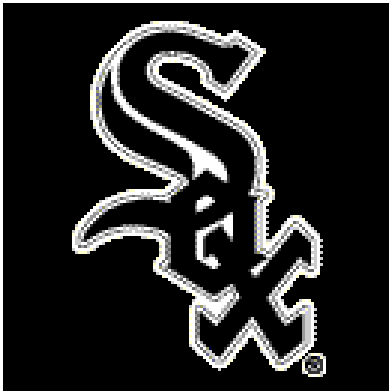
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312-862-2345

The Bankruptcy Court Liaison Committee salutes Judge John Squires for taking the lead in organizing the CARE program in the Northern District for many years.

Judge Benjamin Goldgar will be taking over this responsibility upon Judge Squires's retirement.

Judge A. Benjamin Goldgar  
United States Courthouse  
219 South Dearborn Street  
Chambers 668  
Chicago, IL 60604  
(312) 435-5642

## BANKRUPTCY LIAISON COMMITTEE SOCIAL COMMITTEE



Sox Outing a Success!

One hundred and fifty members of the Bankruptcy bench and bar mingled while, unfortunately, watching the Sox succumb to the Cleveland Indians.

### HOLIDAY PARTY

Bar Louie

47 West Polk Street

(at Dearborn)

December 8

5:30 p.m. - 7:30 p.m.

If attending, please RSVP in the affirmative to

[cmcmanus@carlsondash.com](mailto:cmcmanus@carlsondash.com)

or

[nrugg@ag-ltd.com](mailto:nrugg@ag-ltd.com)

