



# NCBC IMPACT

*Dedicated to the professional development of its members*

Issue #6

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## 2013 Publication Dates

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Articles are due to the editor by the 25th of the month preceding publication

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## John Horner To Retire



As I approach retirement from the federal judiciary at the end of the year, I have transitioned to the role of Past President with the NCBC. I wish Lee Ann Bennett, our President, all the best as she takes on her new duties. I am confident of the continued success of the NCBC under our incoming President's leadership. I plan on continuing to serve the NCBC as a Past President after my retirement and hope that Lee Ann will not hesitate to call on me when I can be of assistance.

I would like to thank the NCBC officers, board members, and staff members that I have worked with over the past five years while serving on the board. It has been a privilege to work with such a hard working and dedicated group of people. In particular, Ken Hirz, who preceded me as President, was very helpful with my transition to the Presidency.

My thanks also extends to our members who have served on the education, membership, awards, and benefit committees as well those who have served as circuit liaisons and local representatives. It is the involvement of all of these people that has helped make the NCBC the strong organization that it is today.

Finally, thanks to each and every one of you who have supported the NCBC over the years.

## NCBC Welcomes New President Lee Ann Bennett



As you have just read in John's article, he has decided to retire from the federal judiciary but will continue to serve NCBC in the role of Past President. In doing so, he has turned the role of Presidency over to me. I wish to take this opportunity to publicly thank John for his service as President and as an officer/board member for over the past 5 years. John led this organization during one of the most challenging times as bankruptcy courts faced budget crises, reduced staffing, shared administrative services, the consolidation study, and a possible moratorium on spending funds for training at private associations. John ensured that our voice was heard on all of these issues. He led this organization with wisdom, grace, and thoughtfulness. We clearly had the right leader at the right time.

I also wanted to take a moment to thank each of you for your continued support of NCBC. Although courts have experienced tremendous reductions in staff, this organization remains strong because of each of you, its membership. I want to assure you that throughout the coming year, NCBC will continue to focus on its mission in 4 main areas: Leadership, Education, Advocacy, and Solutions. We will continue to provide a voice on matters that impact the bankruptcy courts and will continue to provide education, and networking opportunities at our annual conference. In addition, we will continue to offer various insurance options and mentoring opportunities. Based on your feedback, we will increase our insurance offerings and hope to expand educational opportunities outside of the annual conference. I encourage you to contact me with your ideas. I look forward to working with you in the coming year.



Recently, some officer and board member vacancies were announced. In accordance with the By-laws of NCBC, the Board of Governors has approved the following appointments to fill the incumbent's term:

**Treasurer**– Ken Hirz (Clerk for the Bankruptcy Court in Northern Ohio) replaces John Ginocchette

**President Elect** – Regina Thomas (Clerk for the Bankruptcy Court in Northern Georgia) replaces Lee Ann Bennett

**Secretary** – Eileen Garrity (CM/ECF Administrator/Analyst – Bankruptcy Court for the District of Massachusetts) replaces Kathy Bernart.

**Board** – Scott Ford (Clerk for the Bankruptcy Court in Northern Alabama) replaces Regina Thomas.

Many thanks to all of the above for their willingness to serve in these roles.

## Meet New NCBC Board Member Scott Ford

I am honored to be selected by the NCBC Board of Directors to serve and fill the board seat recently opened due to our past president, John Horner, stepping down. The present board and those who have served before are great examples for me as I begin my service.

When I joined the judiciary in August 2003, I came to the Alabama Northern Bankruptcy Court as Chief Deputy Clerk. I learned of the NCBC at that time and that is when my efforts to raise awareness of the benefits of membership and participation in this organization began in earnest. I believe that the NCBC is an amazing advocate for our bankruptcy community. I hope I can add to that advocacy by my membership on the board.

I now serve as Clerk of Court for the Alabama Northern Bankruptcy Court. Our court has four divisional offices and six bankruptcy judges. Like all bankruptcy courts, we have continued to downsize and face difficult budget situations. I also serve as chair of the Bankruptcy Clerks Advisory Group (BCAG) and was the 11<sup>th</sup> Circuit Representative to BCAG for a few years prior to being asked to chair the group. I have served on work measurement committees drafting work center descriptions and reviewing formulas created by the AO staff.

Prior to joining the judiciary, I was in private practice as an attorney in the practice of bankruptcy and commercial litigation. I graduated from the University of Alabama and Washington & Lee School of Law. My partner, Chris Campanotta, and I live in Birmingham.

Again, thank you for the honor of serving you as a board member of the NCBC. Please do not ever hesitate to contact me by phone or email.

## Benefits Update - Leave: The Overlooked Asset

James De La Torre, CRPC

As part of your employer sponsored benefit package, employees are allowed to take time off from work under the Leave program. Your leave is divided into two parts – paid and unpaid. The benefits of unpaid leave should be obvious and as long as it's preapproved by management, the only negative is financial. On the other hand, paid leave as the name implies, compensates you when you're not working. Primarily paid leave consists of either annual or sick leave. In most instances employees can accumulate and carry forward from year to year up to 30 days of annual leave; while sick leave allows employees to earn up to 13 days per year with no limit on the amount you save. Over the past few years your leave program has been enhanced and as a result federal employees should reacquaint themselves with their leave and look for ways to maximize this benefit going forward.

In 2009, President Obama signed into law the Defense Authorization Act which included a provision allowing employees covered under the FERS Retirement System the ability to credit their unused sick leave when determining the length of service when calculating their retirement annuity. Prior to this law, the ability to credit unused sick leave was available only to employees covered under the old CSRS retirement system. Since its inception, this new benefit has limited retiring FERS employees in crediting only 50% of their unused sick leave; however, beginning January 1, 2014 and going forward all retiring FERS employees will be able to credit 100% of their unused sick leave.

The option of using your unused sick leave towards retirement creates another tool that employees can use when planning for their retirement. Monthly retirement benefits under FERS's basic annuity are calculated based on age, years or service, and High-3 average salary. In the past, federal employees had limited opportunities in finding ways to increase their FERS basic retirement annuity and now through unused sick leave, employees have a new opening that can increase their retirement annuity.

Your unused sick leave is counted towards years of service when computing your retirement annuity; however, you can't use it when calculating or determining your high-3 average salary. The formula for determining credit is:

**174 hours of unused sick leave = 1 month of credit.**

When determining your total length of service for retirement all periods of creditable service and the period represented by unused sick leave are added together; any fractional part of the month in the total is eliminated. For retirement purposes, all months have 30 days.

**Example**

Retirement Date	2018-01-04
Service Comp. Date	<u>1985-09-01</u>
Total Service	32-04-03
Add sick leave 1403 hrs.	<u>08-02</u>
Adjusted Total Service	33-00-05

In order to add sick leave, take your sick leave balance as converted from the following sick leave chart if the number of sick leave hours is not represented on the chart, round available sick leave balance to next higher number. Since every month has 30 days, retirement example above is computed on 33 years, dropping the 5 days.

Your unused sick leave is an asset and it can make a difference in retirement, unlike a savings account or an investment the increase in your annuity from your sick leave cannot be exhausted and the benefit amount increases every year through COLA. Like any other asset you look to acquire during your working career your sick leave needs to be left alone and allowed to grow over time. **Assets like sick leave need to be carefully managed and used sparingly and only when no other options are present. It's up to you to maximize this benefit and continue to enhance your retirement under FERS.**

Continued on page 4

## Benefits Update - Leave: The Overlooked Asset

James De La Torre, CRPC

Continued from page 3

As a member of NCBC, you have your board to thank for taking a leadership role along with other federal employee associations in lobbying Congress to act on this measure. NCBC saw a discrepancy in federal benefits, employees covered under the CSRS retirement system were able to credit their unused sick leave, yet those employees under FERS couldn't. Joining forces with these other associations, this combined effort took over two years and thousands of dollars to achieve their objective. Participating in this project is just another way for NCBC to look out for the best interest of their members and should serve as a reminder to all bankruptcy employees that strength in numbers can make a difference.

**2087 Hour Sick Leave Chart**

Days	1 Day	1 Mo	2 Mo	3 Mo	4 Mo	5 Mo	6 Mo	7 Mo	8 Mo	9 Mo	10 Mo	11 Mo
0	0	174	348	522	696	870	1044	1217	1391	1565	1739	1913
1	6	180	354	526	701	875	1049	1223	1397	1571	1745	1919
2	12	186	359	533	707	881	1055	1229	1403	1577	1751	1925
3	17	191	365	539	713	887	1061	1235	1409	1583	1757	1930
4	23	197	371	545	719	893	1067	1241	1415	1588	1762	1936
5	29	203	377	551	725	899	1072	1246	1420	1594	1768	1942
6	35	209	383	557	730	904	1078	1252	1426	1600	1774	1948
7	41	214	388	562	736	910	1084	1258	1432	1606	1780	1954
8	46	220	394	568	742	916	1090	1264	1438	1612	1786	1959
9	52	226	400	574	748	922	1096	1270	1444	1617	1791	1965
10	58	232	406	580	754	928	1101	1275	1449	1623	1797	1971
11	64	238	412	586	759	933	1107	1281	1455	1629	1803	1977
12	70	243	417	591	765	939	1113	1287	1461	1635	1809	1983
13	75	249	423	597	771	945	1119	1293	1467	1641	1815	1988
14	81	255	429	603	777	951	1125	1299	1472	1646	1820	1994
15	87	261	435	609	783	957	1130	1304	1478	1652	1826	2000
16	93	267	441	615	788	962	1136	1310	1484	1658	1832	2006
17	99	272	446	620	794	968	1142	1316	1490	1664	1838	2012
18	104	278	452	626	800	974	1148	1322	1496	1670	1844	2017
19	110	284	458	632	806	980	1154	1328	1501	1675	1849	2023
20	116	290	464	638	812	986	1159	1333	1507	1681	1855	2029
21	122	296	470	643	817	991	1165	1339	1513	1687	1861	2035
22	128	301	475	649	823	997	1171	1345	1519	1693	1867	2041
23	133	307	481	655	829	1003	1177	1351	1525	1699	1873	2046
24	139	313	487	661	835	1009	1183	1357	1530	1704	1878	2052
25	146	319	493	667	841	1015	1188	1362	1536	1710	1884	2058
26	151	325	499	672	846	1020	1194	1368	1542	1716	1890	2064
27	157	330	504	678	852	1026	1200	1374	1548	1722	1896	2070
28	162	336	510	684	858	1032	1206	1380	1554	1728	1901	2075
29	168	342	516	690	864	1038	1212	1386	1559	1733	1907	2081

James De La Torre has conducted federal benefit and financial planning seminars in all of the country. He is a key note speaker at federal conferences and works with federal professional organizations on ways to improve the communication of federal benefits to their membership. Jim has appeared as a guest on "Fed Talk" on the Federal News Radio network, discussing the gaps in federal benefits and the financial impacts employees face. Please direct questions or comments directly to Jim at [jdelatorre@federalfirst.com](mailto:jdelatorre@federalfirst.com)

## Get Ready for the 2014 NCBC Membership Drive!

M. Regina Thomas, Membership Committee Chairperson, GANB

A logo with the text "Join Us!" in a blue, rounded, sans-serif font, tilted slightly upwards to the right.

Before any other membership business, a big **THANK YOU** is in order to outgoing Membership Chair, **Teresa Underwood**, Chief Deputy, Ohio Northern Bankruptcy!

Teresa did a tremendous job scouring the membership records of the NCBC, recruiting circuit liaisons and local representatives and letting us all know about the many benefits of the NCBC with the *"What 15 Can Do For You!"* campaign. Thankfully, Teresa has graciously agreed to help me as we go forward.

Our association is only as strong as our membership. With retirements and shrinking court staffs, we need to reach out to our colleagues who have not yet joined the NCBC and make sure they know all of its many benefits, among them:

- ◆ Access to the NCBC Website and the Impact Newsletter
- ◆ Attendance at the annual conference
- ◆ Career development and mentoring opportunities
- ◆ Numerous insurance plans
- ◆ Retirement seminars and financial planning information
- ◆ Networking and lasting friendships - maybe the best benefit of all!

We will begin our formal 2014 membership drive in January and I look forward to working with you to retain **and increase** our ranks. To accomplish this, we need you! When you receive the NCBC Membership Drive information, and instructions on how to join/renew membership, please review it and join us for what will be an exciting 2014! If every member who renews recruits just one new member, we will be well on our way to a banner year!

Thank you for your continued support of the NCBC and its important mission. If you are interested in working to promote and increase our membership, please feel free to contact me at [Regina.Thomas@ganb.uscourts.gov](mailto:Regina.Thomas@ganb.uscourts.gov).



## Spotlight on Court Developed Programs

### Why CourtSpeak?

Michael Ellis - North Carolina Eastern



“Our country and our constitution is committed to an independent judiciary and people are entitled to public trials and public hearings...I think that puts a special responsibility on us that serve as judges, to make sure that our courts are transparent, that everything that goes on here is above board” - (Honorable Randy Doub, Chief Bankruptcy Judge, U.S. Bankruptcy Court, Eastern District of North Carolina).

Technology exists to solve problems. It moves forward in fits and starts, but the progress is always forward. The problems technology tackles start global in scale (quicker communication, easier access to information) and trickles down to help solve both our personal and professional problems. It was not that long ago that our legal records were kept in never-ending rows of filing cabinets.

The CourtSpeak technology seeks to solve the problem of, if it was said to all, (e.g. public record) why is it so hard to be heard by all? Sure, your court will happily burn a CD for anyone interested, after (possibly) receiving a check, but is this really the best way? When was the last time you walked into a Tower Records with your checkbook? Certainly not this decade.

In September 1999, the Judicial Conference approved the use of digital audio recording technology as a means of taking an official record. Digital audio recording is now used in most Bankruptcy and District courts to take the record. In March 2007, the Judicial Conference endorsed a six-to-twelve month pilot project (later known as CourtSpeak) to, amongst other things, both make digital audio recordings of courtroom proceedings publicly available online through PACER and to determine the public's interest in accessing digital audio recording files via PACER. Due in large part to the project's success on both fronts, this bold attempt to promote transparency in federal court proceedings received national approval in March 2010 from the Judicial Conference.

CourtSpeak works with four commercial digital recording products: FTR, DCR-Liberty, CourtSmart and VoicelQ. Electronic Court Recorder Operators (ECROs) use the annotation functionality of these programs to create a record for each case on the court calendar. Once the court session is concluded, CourtSpeak converts all matters to MP3 files and displays a hearing list through a graphical user interface. Judges (or their designee) then select which hearings to upload to CMECF for public access via Pacer. They are embedded into PDF files and appear on the docket like any other entry.

Is your court a Tower Records or an iTunes?

*For more information regarding CourtSpeak please contact Michael Ellis, CourtSpeak Project Manager at 919-334-3861 [mike\\_ellis@nceb.uscourts.gov](mailto:mike_ellis@nceb.uscourts.gov) or visit <http://cs.nceb.circ4.dcn> .*

## CM/ECF Next Gen Update

Used With Permission by BCAD

As a reminder, before a court may install and go live on NextGen CM/ECF the court must have completed the transition to centrally hosted CM/ECF servers. As of **July 30, 2013**, one district court, two appellate courts and nine bankruptcy courts have their CM/ECF systems centrally hosted. Two more district courts, one more appellate court and three more bankruptcy courts are in the process and all the remaining appellate courts, 11 district and 11 bankruptcy courts are on the list of interested courts. SDSL maintains a status report of completed, in process and interested courts at [ftp://sdsd.gtwy.dcn/pub/AD/ECF/0000/CM\\_Centralization\\_Status.pdf](ftp://sdsd.gtwy.dcn/pub/AD/ECF/0000/CM_Centralization_Status.pdf).

Informix 11.7 is also a prerequisite for NextGen. At this point, the current version of Informix will be installed on the new servers and when Informix 11.7 is ready for distribution, it will be released as an upgrade. Courts will receive the servers with the following software installed:

- RHEL 6.4 (new version)
- Informix 11.5 FC8 (current version)
- Bankruptcy CM/ECF Release 5.1

SDSD can support the migration of about 10-12 courts per month to centrally hosted servers, so if your court is interested in installing and testing NextGen Release 1 when it becomes available (currently scheduled for August 1, 2014) you should contact SDSL soon to be added to the central hosting list. Not all courts can be migrated by August 2014. Once migration to the new hosting environment starts, each court controls the progress of the migration, which takes between 30-90 days, depending on court size, etc.

Local applications, including those that use ODBC connection, are allowed in the centralized hosted environment, but of course the local court must carefully set-up and test any local changes and applications.

In addition to significant cost savings\* (primarily from software licensing fees) resulting from the centralized hosting of CM/ECF servers, other benefits include:

- The technology used to create the centralized infrastructure provides greater hardware redundancy and flexibility, resulting in improved up time for court operations;
  - The court is no longer responsible for hardware installations, upgrades, or replacements;
  - Resource additions (such as disk space) require minimal to zero down time;
  - The WWW server centralization option allows you to discontinue your PACERNet line,
- which will result in some local court savings;
- The servers are backed up **by SDSL-SB** using an Enterprise backup solution and tapes are

stored offsite at Iron Mountain, therefore the courts are no longer required to perform daily tape rotations or send tapes offsite.

Contact Matthew Kessel or Shawn Butz at SDSL to schedule an Initial Overview conference call to have all of your questions answered.

# The Impact Editorial Committee Experience

## In the Words of the Committee Members

### **Allyson McNeill, NCEB**

Its hard to believe how quickly this year has passed. Assisting the Impact Editorial Staff has been fun and a great privilege. It has given me the opportunity to meet dedicated Bankruptcy employees who care deeply about their profession and are willing to share their talents no matter how busy their day (week, month) has been. NCBC provides great support to our profession and it has been an honor to be a part of that effort. No matter how tight the budget becomes or how busy our caseloads get, it is important to be part of a professional body where we can share our collective experiences and can continue to grow in our profession. The efforts of NCBC will be even more important to all of us in the coming future and I encourage everyone to get INVOLVED!

### **Deanna Anderson, NYS**

I appreciate the opportunity to edit our newsletter this year. I have always had a love of literature, and the English language and I view being an editor as a way, albeit a small one, to express this. I also considered it an honor to help the NCBC and to give back in some way to my Court and the Judiciary.

Throughout my career with the judiciary I have been given countless opportunities to grow as an employee and an individual; and the NCBC has been a big part of that. Whether by participating in the educational courses offered through Michigan State University, or taking individual enrichment courses on retirement and stress management, the NCBC does a wonderful service for Bankruptcy Court employees.

The NCBC newsletter is an extension of this experience, keeping us informed and up to date in so many ways. I am sure that my fellow editors will agree with me wholeheartedly that editing this journal has been just one more way that our experience as court employees has been fulfilling. It has been a pleasure to work with each and every editor as a team to make sure that the information in the newsletter was accurate and disseminated in a timely fashion.

### **Ellen Haas, FLSB**

I have enjoyed working on the editorial committee for the Impact for the past year. It was a pleasure getting to know heretofore unknown bankruptcy employees and I took great pride in assisting with a newsletter that was jam-packed with informative articles. Special thanks to Laura Whitehead for the tremendous job she done as Editor. I would encourage all NCBC members to volunteer to serve NCBC in some capacity. Warm holidays wishes to all NCBC members.

### **Jeffrey Peirce, NJB**

As my term on the editorial board of Impact draws to a close, I want to thank Laura and my fellow editors for a wonderful experience. Recent years have brought many changes to our court system, and being a member of the NCBC has been an invaluable resource. The future will bring even more changes in court operations. This is an even greater reason for every current member to renew their membership in 2014 and beyond. One of the major benefits of membership is exclusive access to the information contained in the Impact newsletter. The editorial board works hard to ensure the Impact newsletter is an important component of the NCBC. It was a privilege for me to serve the NCBC and I encourage all members to get involved with our organization in some capacity.



# Position Vacancy

NOTE: In light of the current budget climate, the NCBC board has decided to allow bankruptcy courts who have position vacancies to post them in the Impact. If you have an opening you wish to post, please submit it to the editor by the 21st of the month prior to the publication date.

**DISTRICT OF IDAHO**  
 U.S. District and Bankruptcy Courts of the District of Idaho  
 Opportunity Announcement 13-02



Boise, Idaho  
[www.id.uscourts.gov](http://www.id.uscourts.gov)

**Position Details**

Job Grade: JSP 14/1 – 16/10 DOE  
 Salary Range: \$96,690-\$165,300 DOE

**Closing Date:** Open until filled.  
 Preference given to applications received before close of business, Friday, November 1, 2013.

**Materials must be submitted to:**

Human Resources  
 550 West Fort St., Suite 400  
 Boise, ID 83724  
[careers@id.uscourts.gov](mailto:careers@id.uscourts.gov)

**Applicants must provide:**

1. Letter of interest
2. Current résumé
3. Completed AO-78 (\*details on p. 4)
4. Supplemental statement (details on p. 3)

## Chief Deputy Clerk for Operations (Type II)

The consolidated United States District and Bankruptcy Court for the District of Idaho is accepting applications for the position of **Chief Deputy Clerk for Operations (Type II)**. There are four offices within the District of Idaho: Boise (headquarters office), Coeur d'Alene, Moscow, and Pocatello. Assignment of the position is at the Boise headquarters office.

The Chief Deputy Clerk for Operations (Type II) is one of two chief deputy clerk positions authorized by the Judicial Conference of the United States for the consolidated District and Bankruptcy Court for the District of Idaho. The Chief Deputy Clerk for Operations (Chief Deputy) is a senior-level management position reporting directly to the Court Unit Executive/Clerk of Court (Clerk). The Chief Deputy works with the Clerk to provide leadership, management and supervision of the Clerk's Office, including primary oversight of the Court's District and Bankruptcy operational functions; establishes and maintains relationships with other court units and governmental agencies; develops organizational goals and objectives, priorities, and deadlines; and with the assistance of the managerial staff and/or the supervisory staff, effectuates the policies, procedures and priorities as established by the Court and the Clerk; and evaluates employee job performance, establishes standards and makes recommendations for improvement to existing policies and procedures. The incumbent provides leadership, coordination, and guidance to civil and criminal intake, case processing, statistics, CM/ECF development, training, and some aspects of information technology. The incumbent operates with a high degree of independence and manages projects autonomously with minimal direction, although within the policy directives of the Court and the Clerk.

**Disclosure:** The Court reserves the right to modify the conditions of this job announcement, or to withdraw the announcement, any of which may occur without prior written or other notice. Only qualified applicants will be considered for this position. Participation in the interview process will be at the applicant's own expense. As a condition of employment, the selected candidate must complete a 10 year background investigation including a credit check and FBI fingerprint check. Applicants must be U.S. citizens or eligible to work for the United States. Court employees are considered "at will employee in the excepted service and may be terminated with or without cause by the court.

Click here to view the announcement in it's entirety: <http://www.id.uscourts.gov/employment.cfm>

# EDITORIAL NOTE

EDITORIAL

Dear readers,

This is the final issue of Impact for 2013. I want to take this opportunity to thank this year's editorial committee members Allyson McNeill, NCE; Deanna Anderson, NYS; Ellen Haas, FLS; Jeffrey Peirce, NJB and Louis Phillips, TXWB (retired 9/30/2013). The editorial staff review all articles for spelling and grammar issues, solicit courts for articles and at times write articles. This is a time consuming process that is done in addition to their daily job responsibilities.

I asked the committee members to send me their comments about what this experience has meant to them in hopes that it will encourage some of you to apply to serve as editor or an editorial committee member in 2015. You will find their comments on page 8 of this issue.

January is the start of a new year and a new editorial committee. The 2014 editorial committee members are: Dailin Pena, FLSB; Heather Aslett, UTB; John Kohler, CACB; Leslie Murin, DEB and Pat Borokhovich, OHNB.

We are looking forward to another year of serving the NCBC membership and providing you with a high quality newsletter.

I wish you all a happy and safe holiday season!

Laura Whitehead, Editor



**2014 Conference St. Louis, Missouri**

**July 15—18, 2014**

**Host Courts: Missouri Eastern and Illinois Southern**

