

# CAPITAL REGION BANKRUPTCY BAR ASSOCIATION

## NEWSLETTER

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**C.R.B.B.A.**

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### PRESIDENT'S MESSAGE

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Fall/Winter 2002

It is hard to believe that our seventh annual bankruptcy conference held at the Otesaga in Cooperstown, New York is just weeks away. This year's co-chairs, Paula Barbaruolo of Orlando & Barbaruolo, LLC and Richard Weiskopf of Pasquariello & Weiskopf, LLP have been working tirelessly for the past year in preparation of the conference. Their efforts to present you with an in depth bankruptcy program will compare most certainly to some of the consumer bankruptcy conferences offered at the national level. No doubt, you will come away feeling that your Continuing Legal Education money was well spent and that, once again, you have had the opportunity to renew your professional friendships and to make new ones.

Although a Legislative Update will not be a part of this year's program, such a program cannot be far away. Recently, the Consumer Bankruptcy News reported that more than 1.5 million bankruptcy petitions were filed during a one year period ending March 31, 2002. This is an all time high and is a 15 percent increase for the same period from the previous reporting period. While this record breaking pace of filings prompts new calls for legislation which would seek to make bankruptcy relief more difficult, numerous setbacks abound. The September 11, 2001 terrorist attacks have caused massive layoffs and business failures in its aftermath, unemployment is the highest that it has been in years, and corporate giants such as Enron have collapsed, filed for bankruptcy, and left a nation with a sense of betrayal.

With such issues leaving us wondering why we work as hard as we do and why we spend our "free" time working towards improving the legal system, the answer is clear. We owe this level of commitment to the profession, to the public and to ourselves to promote and maintain respect for the legal system. The Capital Region Bankruptcy Bar Association is such a vibrant and dynamic organization, and it has, because of its members, made significant contributions over the years. We recognized the importance of continuing legal education and in keeping our members current and apprised of changes in the law. We reached out to the community, with our Pro Bono Program that is cosponsored with the Capital District Women's Bar Association's - Legal Project. On a daily basis, we express our respect for the integrity of our profession by how we appear before our judges and conduct ourselves amongst our colleagues. This matters and will be of continued importance as we await the future of the practice of bankruptcy as we know it. I encourage anyone interested in being a part of our association to contact me as soon as possible; we are already planning for 2003. Thank you and hope to see you at the conference! ♦

- Diane Davis

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**TRUSTEE'S FORUM**  
**"INITIAL DEBTOR INTERVIEWS**  
**IN CHAPTER 11 CASES"**

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*By: Mark Yannetti, Esq., Bankruptcy Analyst*

The pending bankruptcy reform bill contains a provision for mandatory Initial Debtor Interviews (IDI) in Chapter 11 cases. Most U.S. Trustee offices, including Albany, have begun routinely scheduling IDIs in newly filed Chapter 11 cases.

The IDI is generally conducted by a bankruptcy analyst in the Office of the U.S. Trustee. The purpose of the IDI is to provide the U.S. Trustee with information to assess the veracity of the debtor's schedules and financial ability to reorganize, and also to inform the debtor of its fiduciary obligations and the U.S. Trustee's role in the administration of Chapter 11 cases. Individual debtors and their counsel must attend. If the debtor is a corporation or partnership, a corporate officer or partner familiar with the financial information of the debtor and their counsel must attend. No creditors are present at the IDI.

Generally, within two weeks of the filing but prior to the section 341 meeting, the U.S. Trustee will notify the debtor's counsel in writing of the scheduled IDI. Certain financial and other information pertaining to the debtor's business will be requested at that time. Financial statements, tax returns and pre-petition bank information will be requested. The debtor must also provide proof of debtor-in-possession accounts, evidence of insurance and other information depending upon the business involved such as rent rolls, contracts, leases, etc.

The focus of the IDI is to gather financial and other information, determine the underlying reasons for filing the chapter 11 bankruptcy and discuss how the debtor intends to resolve the case. The debtor's schedules and statements will be reviewed to ensure they are complete and to identify any inconsistencies or omissions. Any deficiencies in compliance matters not provided at the IDI will be documented and specific time frames will be established to ensure compliance prior to the section 341 meeting.

This information is provided to the U.S. Trustee case attorney for reference during the section 341 meeting and throughout the case.

The factors contributing to the financial difficulties of the clientele of The Legal Project are varied. In 2001, of

The U.S. Trustee operating guidelines for Chapter 11 cases will be reviewed emphasizing the requirements to file timely and complete operating reports and to pay U.S. Trustee quarterly fees. The debtor will be advised of the role of the U.S. Trustee and the potential legal actions the U.S. Trustee may take to protect creditor interests. ♦

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**CAPITAL REGION BANKRUPTCY BAR**  
**ASSOCIATION**  
**BANKRUPTCY AND CREDIT PROGRAM**

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*By: Bonnie S. Baker, Esq.*

In 2001 and early 2002, members of the Capital Region Bankruptcy Bar Association again displayed a commitment to pro bono work by volunteering at Legal Project Bankruptcy Clinics in conjunction with the Capital District Women's Bar Association. With a view towards streamlining the screening and referral process and improving the quality of service the CRBBA provides through its Bankruptcy and Credit Program, we have created a new model for referring cases to attorney volunteers.

The new model for the program involves a short screening of potential clients by a panel of attorney volunteers. The screenings are used to distinguish Chapter 7 from Chapter 13 Debtors and to identify those clients who are in need of an immediate bankruptcy filing. The clients are then referred to local counsel who have agreed to accept pro bono or reduced fee cases on a periodic basis.

On October 1, 2002 the first screening session under the new model for the Bankruptcy and Credit Program took place. Thank you to the following attorneys who volunteered their time and expertise: Cynthia A. Platt, Karen B. Simons, Marc Ehrlich and Anthony Arcodia. Fifteen clients were screened and referrals have been made to counsel. In all, fourteen referrals were made for Chapter 7 cases and one referral was made for a Chapter 13 case.

Included with this newsletter is a sign-up sheet for anyone interested in participating in the Bankruptcy and Credit Program to screen clients, accept cases or both.

those served, 38 clients had outstanding uncovered medical expenses, 39 were disabled and unable to work, 23 recently

ended a long term relationship which resulted in the loss of disposable income.

The success of the program will depend on the enthusiasm and continued efforts of our members. We aspire to make 2002 an even more ambitious year and continue to seek volunteers willing to spend a small amount of their valuable time to make a huge difference in someone's life. Please take a few minutes to complete the enclosed form and to return same to Bonnie S. Baker at Deily, Dautel & Mooney, LLP, 8 Thurlow Terrace, Albany, New York 12203 -ph.(518) 436-0344 / fax (518) 436-0344. ♦

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**GOVERNMENT HARASSES DEBTOR FOR  
14 YEARS – PAYS \$47,672.36 FOR  
VIOLATING DISCHARGE –  
THE EDWIN ATKINS STORY**

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*By: Mark F. Viencek, Esq.*

The United States recently paid \$47,672.36 in total damages to a debtor for violating the Discharge over a fourteen year period.

Edwin Atkins filed under chapter 7 in 1986 and listed his mortgage debt with the Farmer's Home Administration. He surrendered his home in his bankruptcy case and went out of his way to assist the Government in transferring title to his home to the FHA. Despite the foregoing, over the course of the next fourteen years the Government subjected the debtor to a relentless barrage of collection attempts. On two occasions, an agent of the Government told the debtor that the debt had not, in fact, been discharged. At least fourteen written collection attempts were made by the Government threatening seizure of the debtor's income tax refunds, reporting of the debt to credit bureaus, referral to the United States Attorney, and foreclosure (the Government proceeded to commence a foreclosure action). The written communications demanded from \$6,005.05 to \$72,426.41 from the debtor and even contained a demand that he report to the Government's office.

In addition to the foregoing, the Government seized the debtor's 1986, 1988, and 1998 income tax refunds. Although the latter two were returned, the Government never returned the 1986 refund. In commenting on this

The \$30,000 emotional distress award is believed to be the largest amount ever awarded for emotional distress in a

Judge Littlefield said: "In a stunning display of apathy, ignorance or arrogance, the Government's wrongful seizure of Plaintiff's 1986 tax refund of \$677 has never been addressed, much less rectified". The Government's own attorney characterized the Government's fourteen year pursuit of the debtor as "torture".

What made this case so egregious was the fact the Government took the position (even at trial) that it had a right to collect the discharged debt based not only on a purported reaffirmation agreement that was never filed with the Court, but one that was obtained by the Government nine days *prior to* the filing of the bankruptcy case under the pretense that said agreement pertained to the transfer of title to the debtor's residence (to the FHA). In obtaining the debtor's signature on said document, the Government led him to believe that he "was signing [his] house back over to Farmer's Home".

Given the fact that punitive damages against the Government are expressly prohibited under 11 U.S.C. § 106(a)(3) by principles of sovereign immunity, the debtor's recovery was limited to compensatory/actual damages. Debtor's counsel, accordingly, elicited specific testimony from the debtor (and his wife) concerning the emotional distress and mental anguish he suffered as a result of the Government's actions and requested \$150,000 for these damages. The debtor testified that he was "paralyzed with fear"; that the Government's actions affected his sleep and his concentration at work and at home; and that the seizure of the tax refunds delayed the construction of his family's new home. He also testified in detail concerning the intimidation and harassment he experienced as the Government, with all its power and authority, led him to believe he still owed the debt and threatened to refer the matter to higher branches of Government including the United States Attorney if he did not pay the discharged debt.

The Court strongly suggested (if not said) in its Decision that it would have awarded the debtor the \$150,000 requested in the form of punitive damages if it were not for the statutory prohibition against the same. The court went on to award the debtor \$30,000 for the emotional distress and mental anguish he suffered. The Court also ordered the Government to return his 1986 tax refund of \$677 and pay his attorneys' fees of \$16,995.36 for a total award of \$47,672.36. The Government did not appeal the awards.

discharge (or stay) violation case. The case received

significant attention appearing in an article on the front page of the New York Law Journal.

In Re Atkins (Chapter 7 Case No. 86-10604; Adversary Proceeding No. 00-90144).

Debtor's counsel: Selbach & Viencek, LLP (Mark F. Viencek, of counsel) of Syracuse, New York. ♦

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## ECF UPDATE & OPEN HOUSE SCHEDULE

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*By: Anne Sadlemire, Esq.*

I am very happy to inform you that the installation of Version 2 of the Electronic Case Filing System in early September was successful. We are on schedule for our January 2, 2003 "live" date. The CM/ECF project team has been very busy finalizing procedures and training manuals. We began the testing phase in the court on October 4 and plan to start the external testing phase in mid-November. For those of you who volunteered on your Skills Assessment Survey to help with testing, we may be calling soon.

The required training to receive a login and password will begin in December. Attorney and Participant Registration Forms along with Credit Card Authorization Forms will be available soon.

Our trainers will be holding ECF Open Houses at the below times and locations. We have scheduled these sessions on motion calendar days or §341 meeting days to make it convenient for you to stop in to see a demo of ECF or try it out yourself. A video, "ECF: From the Attorney's Perspective," will be shown continuously throughout the sessions. Our staff will also be available to answer any questions you may have.

Your support staff is also invited to attend. These sessions will be *very informal*. You do not have to schedule a time with us. Just stop by to see us.

The member listing and the newsletters are only available to paid CRBBA members. In order to obtain your individual password as a CRBBA member, log on and you will be instructed to provide certain information when you click the link to either the

★ James T. Foley U.S. Court House, 445 Broadway, Room 319, Albany, NY on October 31 and November 14 from 9:00 a.m. to 4:00 p.m.;

★ Alexander Pirnie Federal Building, 10 Broad Street, Room 313, Utica, NY on October 22 and November 26 from 10:00 a.m. to 4:00 p.m.;

★ James Hanley Federal Building, 100 So. Clinton Street, Syracuse, NY on November 5 from 10:00 a.m. to 4:00 p.m.;

★ Court House & Federal Building, 15 Henry Street, Binghamton, NY on November 21 from 10:00 a.m. to 4:00 p.m.;

★ Federal Building, 23 Brinkeroff Street, Plattsburgh, NY on October 25 from 9:00 a.m. to 4:00 p.m..

The rooms that will be used in Syracuse, Binghamton and Plattsburgh have not been announced. Please check [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov) for these room locations and any other changes we may need to make.

If you any questions regarding electronic case filing, please do not hesitate to contact Anne Sadlemire at (518) 257-1619. ♦

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## THE CRBBA WEBSITE IS UP AND RUNNING

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*By: Brenda Birken-Lubrano, Esq.*

CRBBA's web site is now accessible to anyone with internet access. Please visit us at [www.crbba.org](http://www.crbba.org) and tour various items of interest. The site offers the CRBBA quarterly newsletter, court and government links, relevant legal, financial, national and international news links, legal research links, event updates and other valuable information.

member list or the newsletter. Your password will be provided to you accordingly. Since we intend to provide secure passwords, alternatively, we may directly e-mail you a randomly generated password. Please send your updated email address to

[infocrbba@crbba.org](mailto:infocrbba@crbba.org). Once we have all e-mail addresses updated in the member list, members may email each other directly from the site.

The content of the website will be periodically updated, so please add the website to your list of "Favorites." We welcome any ideas you may have in order to make the website more useful and interesting to our members. Thank you for taking the time to visit the website. We hope you find it useful and we look forward to member feedback. ♦

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**ANNUAL BANKRUPTCY SCHOLARSHIP  
WINNER ANNOUNCED**

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*By: F. Matthew Jackson, Esq.*

As many of you may know, the Capital Region Bankruptcy Bar Association sponsors an annual \$500.00 prize in memory of the Honorable Justin J. Mahoney. The prize is awarded to the Albany Law School graduate most academically distinguished in the field of Bankruptcy Law. Last May, Joseph P. DiCapua was awarded the prize for the graduating class of 2002. Mr. DiCapua is a native of Albany who attended Siena for his undergraduate studies. For questions or suggestions regarding the Justin J. Mahoney Memorial Committee, please contact F. Matthew Jackson at (518)436-0344. ♦

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**ALTERNATE DISPUTE RESOLUTION  
(ADR) TRAINING OFFERED**

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*By: Diane Davis, President*

The U.S. District Court for the Northern District of New York will be conducting its ADR training on Friday November 8, 2002 from 8:30 am to 5:00 pm at the Lumber and Building Material Dealers Foundation Educational Resource Center and NRLA Headquarters located at 585 North Greenbush Road (Route 4), Rensselaer, NY.

The purpose of this training is to educate attorneys interested in developing skills to mediate federal civil cases as a neutral in the Court's ADR program.

A short application must be completed and filed with the Albany Clerk's Office on or before November 1, 2002. Applications can be downloaded from the court's website at [www.nynd.uscourts.gov](http://www.nynd.uscourts.gov) or contact Ken Wasley at (518) 257-1804. ♦

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**NOTICE TO  
ALL MEMBERS OF THE CRBBA**

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*By: Diane Davis, President*

The CRBBA Nominating Committee will be meeting in late October 2002 to consider nominations of Directors and Officers for the CRBBA Board for the calendar year 2003. Any member interested in being considered for a position on the Board should send a letter of interest by mail to Diane Davis, Chapter 13 Trustee's Office, 350 Northern Boulevard, Albany, NY 12202, or by facsimile to (518) 449-2473 on or before October 28, 2002.

If any member wishes to familiarize herself or himself with the activities of the Board by becoming involved in one of its committees first, you may also send your expression of interest, please also to my attention. The CRBBA Board would welcome your help on any of the following committees: Annual Conference, Awards, Financial Planning Historian/Bylaws, Internet, Membership, Newsletter, Pro Bono, and Program and CLE. Please join in as new ideas and people are always welcomed! ♦

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**IMPORTANT NOTICE TO BANKRUPTCY  
ATTORNEYS**

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*By: Andrea E. Celli, Chapter 13 Trustee*

Effective October 1, 2002, Chapter 13 calendars will be handled as follows. From 11:00 to 12:45, the Courtroom or attorney Conference Room 304 will be available for attorney/Trustee conferences. At 12:45, court staff will be advised of all matters to be called. Any matter not resolved, will be called at 1:00. Your participation in this effort will be appreciated. ♦

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## CLE UPDATE

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*By: Francis J. Brennan, Esq.*

The New York State Bar Association has announced its Fall 2002 Course Seminar Schedule for programs to be conducted in Albany. The programs include:

★ "Basics of Administration and Enforcement of Land Use Controls"- December 6, 2002; "Preparing and Drafting the Operating Agreement of an LLC and PLLC"- November 15, 2002;

★ "Intermediate Elder Law- Beyond the Basics for the Elder Law Practitioner"- Nov. 21, 2002;

★ "Ethics and Professionalism"- Nov. 1, 2002;

★ "Forming and Advising the New York Not-for-Profit Organization"- Dec. 4, 2002;

★ "Fourth Annual Institute on Public Utility Law"- November 8, 2002;

★ "Estate Litigation"- Nov. 14, 2002;

★ "How to Try Damages"- Nov. 15, 2002;

★ "A Primer on Evidence in the Courtroom"- December 10, 2002;

★ "An Introduction to Civility and Ethics" December 13, 2002.

Contact the New York State Bar Association at 1-800-582-2452 or (518) 463-3724 for further information regarding these and other courses as well as to register for the bar Association's programs.

The Albany County Bar Association has also announced its 2002-2003 Accredited Programs. These include:

As debtor's attorney, your inquiry should go beyond the scope of the Statement of Financial Affairs guidelines and inquire about transfers made within the past six years. 11 U.S.C. §544(b) permits a trustee to avoid transfers that are avoidable under applicable state law. Most states have adopted the Uniform Fraudulent Conveyances Act. See

★ "Representing the Technology Start-up Company" Oct. 25, 2002;

★ "The Order to Show Cause and TRO in the Third and Fourth Judicial Districts, How Do You Het One and How Do You Get Relief if One Has Been Obtained Against Your Client"- Nov. 13, 2002;

★ "Commercial Litigation"- Nov. 14, 2002;

★ "Social Security"- Dec. 11, 2002;

★ "Ethical Issues for the Employment Law Practitioner"- Jan. 10, 2003;

★ "Ethical Issues for the Practicing Attorney"- Jan. 16, 2003;

★ "Motion Practice in the Supreme Court: Advice from the Inside"- Jan. 22, 2003.

Further information and registration for any Albany County Bar Association programs can be obtained by contacting Barbara Davis at the Albany County Bar Association at (518) 445-7691 or by e-mail at [acba@global2000.net](mailto:acba@global2000.net). ♦

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## PRE-PETITION PLANNING: DEBTOR BEWARE

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*By: Michael O'Connor, Esq.*

At the initial client meeting with a debtor, debtor's attorney will ask several questions, some of which involve preferential transfers and transfers of property in general. In paragraph 10 of the Statement of Financial Affairs on the official bankruptcy forms, a question is asked whether there has been any transfer of property "within one year immediately preceding the commencement of this case". Section 548(a)(1) of the U.S. Bankruptcy Code contains the provisions permitting the trustee to recover transfers made within one year of the filing of the petition.

Debtor and Creditor Law §271, §273, §283-a and §276. The Debtor and Creditor Law specifically provides that, under certain circumstances, conveyances made within six years can be set aside. Specifically, §273 of the Debtor and Creditor Law provides, in relevant part, that if an insolvent transferor makes a conveyance or a conveyance that renders

the transferor insolvent, then the conveyance may be fraudulent, if it is made without consideration. Under Debtor and Creditor Law §278(1), a creditor (trustee) can set aside a fraudulent conveyance.

In a recent decision by Judge Littlefield in In Re Peter Lewin, the debtor filed Chapter 7 petition on July 21, 1999. The debtor formerly operated a gift and clock shop in the Lake George area. On July 1, 1997, more than two years before the filing, the debtor and his wife listed their Lake George property for sale at \$998,000. The day before they listed their property for sale, the debtor conveyed his undivided one-half interest in the property to his wife. The deed was dated June 30, 1997 and recorded September 10, 1997. In August, 1997, the debtor conveyed a “Shamrock” boat to his wife. She subsequently traded the boat in for a new boat and received a \$32,000 credit for the “Shamrock” boat. In October, 1997, the debtor’s wife traded in the debtor’s 1996 Chevrolet Suburban for a 1998 Chevrolet Suburban receiving a \$30,218 credit for the trade-in. Title in the new Suburban was in the debtor’s wife’s name.

The initial issue that the Court had to deal with was the burden of proof under the Debtor and Creditor Law §273. As indicated above, in order to be successful, a creditor or trustee has to prove that the debtor made a conveyance while he was insolvent or was rendered insolvent and that the conveyance lacked fair consideration. The court concluded that, in order for the trustee to prevail on a fraudulent conveyance cause of action under §273 of the Debtor and Creditor Law, he would have the initial burden of proving both inadequate consideration and insolvency. The court further indicated that, if the trustee proved the debtor received no actual consideration for the transfers, the burden will shift to the debtor to show that the debtor received fair consideration and was solvent when he made the transfer.

During the trial, the consideration articulated by the debtor was that the transfers were made to the debtor’s non-filing spouse as a repayment of past services as an unpaid employee in the debtor’s shop for ten years preceding the bankruptcy filing. Testimony also pointed out during the trial that neither the debtor nor his wife received a paycheck or income during the ten years preceding the bankruptcy. The Court concluded that the “alleged” back wages was not sufficient consideration for the transfer of the house. The Court then concluded that, having proved the conveyance was not supported by fair consideration, the burden to prove solvency shifted to the debtor.

The shifting of the burden to prove solvency was a very important aspect of this case. If the trustee had the burden

to prove the debtor was insolvent, the proof would be difficult to acquire (i.e., it would be dependent primarily on the debtor’s own financial records). The difficulty for the debtor was that, although he had some financial records, most of which were for the year ending December 31, 1997, there were no financial records that existed from June to September, 1997, at the time the conveyances were made. The debtor, in essence, was trying to boot-strap year end financial information as evidence of solvency during the mid-year period. Another problem the debtor had presenting his proof was that he was relying on a compilation of financial data prepared by his accountant. The accountant was not available to testify with respect to the basis for conclusions reached in the compilation and, without the testimony of the accountant, the Court did not give significant weight to the debtor’s “refreshed” testimony. The conclusion reached by the Court was that the trustee was entitled to a money judgment in the sum of \$207,209 for the value of the properties transferred.

The trustee also sought to deny the Debtor’s discharge under a theory of continuing concealment. The trustee sought relief under 11 U.S.C. §727(a)(2)(A) which denies discharge for transfers of property that took place within one year of the filing of the petition that were not disclosed. The trustee said the nondisclosure was a continuing concealment and relied on In Re Silverstein, 151 B.R. §657 (Bankr. E.D. N.Y. 1993) and cases cited therein. The court concluded that “without a record that shows something akin to ‘allusion of destitution’ or the ‘divestment of all valuable property of any sort’, the court declines to apply the continuing concealment doctrine in order to expand the one-year limitation that otherwise controls ...”.

In conclusion, the failure to inquire of the debtor regarding pre-petition transfers beyond the one-year period could lead to significant adverse result to the debtor. The Lewin decision which was decided on May 31, 2002 can be read in its entirety by clicking on the Albany Judge’s recent Court decision portions of the U.S. Bankruptcy Court web site at [www.nynb.uscourts.gov](http://www.nynb.uscourts.gov). ♦

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**NOTICE**

Motion dates for Judge Gerling are set forth below.

**PLEASE NOTE: THE FIRST SYRACUSE DAY EACH MONTH WILL BE FOR CHAPTER 7 AND 11 MOTIONS ONLY. THE SECOND SYRACUSE DAY EACH MONTH WILL BE RESERVED FOR CHAPTER 13 MOTIONS AT 10:00 A.M. AND CHAPTER 13 CONFIRMATION HEARINGS AT 2:00 P.M. ALSO, PLEASE NOTE THE TIME CHANGES FOR BINGHAMTON AND UTICA.**

**Syracuse cases:**

October 1, November 5, December 3

10:00 a.m. Motions in Chapters 7 & 11

2:00 p.m. Pre-trials/Chapter 11 status conferences\*

October 15, November 19, December 17

10:00 a.m. Motions in Chapter 12 & 13

2:00 p.m. Chapter 13 confirmation hearings

**Binghamton cases:**

October 8, November 12, December 10

10:00 a.m. Motions in Chapters 12 & 13

1:00 p.m. Chapter 13 confirmation hearings

October 24, November 21, December 12

10:00 a.m. Motions in Chapter 7 & 11 and

Motions in The Bennett Funding Group, Inc.

12:00 p.m. Pre-trials/Chapter 11 status conferences\*

**Utica cases:**

October 22, November 26, December 19

10:00 a.m. Motions in all chapters

1:00 p.m. Chapter 13 confirmation hearings

2:00 p.m. Pre-trials/Chapter 11 status conferences \*

\* Scheduled by Court

*Articles for publication in the newsletter are welcome and should be submitted to: F. Matthew Jackson, Deily Dautel & Mooney, LLP, 8 Thurlow Terrace, Albany, New York 12203.*

*Please send address change information and/or membership issues to: Karen Simons, Esq., 817 Madison Avenue, Albany, New York 12208.*

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**NOTICE**

Albany return dates for Judge Littlefield are set forth below:

- (A) Motions in a Chapter 7 shall be scheduled at 9:00 a.m.
- (B) Motions in a Chapter 11 shall be scheduled at 10:30 a.m.
- (C) Motions in a Chapter 13 shall be scheduled at 1:00 p.m.
- (D) Motions in a Chapter 12 shall be scheduled at 11:00 a.m.
- (E) Submit original Motions with an Affidavit of Service and Proposed Order when applicable.

The following are Judge Littlefield's 2002 motion dates:

October 3, 10, 17, 24, 31  
November 7, 14, 26  
December 5, 12, 19

All requests for pre-trials, trials, hearings on Chapter 11 disclosure statements and confirmations, as well as matters related to confirmation, should still be sent to the Court for scheduling.

Due to Judge Littlefield's conflicts, any motion in a Chapter 12 or 13 with a case commenced prior to May 1, 1995 should still be forwarded to the Court for scheduling. (The last conflict case filing was on April 28, 1995, Case No. 95-11613, Blanchard.)

**Judge Littlefield's motion calendar schedule will be posted at the courtroom and the Clerk's office. You are responsible for checking this schedule prior to serving your motions.**

**2002**  
**OFFICERS AND BOARD OF DIRECTORS**

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