

# CAPITAL REGION BANKRUPTCY BAR ASSOCIATION

## NEWSLETTER

Published by:  
C.R.B.B.A.

Spring, 2001

### IN THIS ISSUE

<i>President's Message</i> .....	2
<i>Fight or Flight: One Bankruptcy Lawyer's Response</i> ..	2-3
<i>Does a Debtor in a Converted Chapter 13 to Chapter 7 Case Have To Pay Twice</i> .....	3-4
<i>Judge Littlefield Writes on §727</i> .....	4
<i>Annual Bankruptcy Conference Update</i> .....	4
<i>2001 President's Pro Bono Service Award</i> .....	4-5
<i>Ask the Trustees</i> .....	5
<i>Legal Assistants and Paralegals Luncheon</i> .....	5
<i>Pro Bono Update: Bankruptcy &amp; Credit Program</i> .....	5
<i>Research The New Way</i> .....	6-7

### CALENDAR OF EVENTS

<b>June 6</b>	2001 Board Meetings start at 8:00 a.m. and are held at the Office of
<b>July 11</b>	O'Connor, O'Connor, Mayberger &
<b>August 1</b>	First, PC, 20 Corporate Woods
<b>September 12</b>	Boulevard, Albany, New York 12211.
<b>October 3</b>	All members are welcome.
<b>November 7</b>	
<b>December 5</b>	
<b>June 20, 2001</b> (8:00 a.m.)	CLE Program: Trial Objections Speaker: Paul Dwyer, Esq.
<b>June 26, 2001</b> (5:45-7:45 p.m.)	Bankruptcy & Credit Program Clinic @ The Legal Project
<b>June 27, 2001</b> (5:45-7:45 p.m.)	Bankruptcy & Credit Program Clinic @ The Legal Project
<b>July 1-4, 2001</b>	NACTT Annual Conference, San Diego, CA
<b>July 12-15, 2001</b>	ABI Northeast Bankruptcy Conference, Stowe, VT
<b>Sept. 11, 2001</b> (12:00 p.m.)	CLE Luncheon: Real Estate Title Issues and Bankruptcy
<b>Nov. 9-10, 2001</b>	CRBBA and CNYBBA Annual Conference, Cooperstown, NY



---

## PRESIDENT'S MESSAGE

---

Here I go, my first official President's letter. I must say thank you, and I am honored CRBBA is entrusting me to be its President for 2001. I am committed to continuing the good and important work of CRBBA and am fortunate to have the support of an energetic group of officers and directors. Pursuant to CRBBA's by-laws, the purpose of our organization is to (1) develop educational programs designed to maintain and enhance the high standard of practice of the bankruptcy bar; (2) advise the bankruptcy bar of proposed changes to the Bankruptcy Code and Rules and Local Rules of the Northern District of New York; (3) serve as a liaison between this association and other bar associations; and (4) foster and encourage the highest ethical standards for all members of the bankruptcy bar.

In addition to the foregoing, I believe as attorneys, we have a duty to help those less fortunate in our community. To this end, CRBBA will continue to support its joint project with the Capital District Women's Bar Association's Legal Project to bring legal services to the "working poor" struggling with debt and credit problems. In furtherance of our mission, we will strive to bring quality CLE programs on a variety of topics to our members, culminating in our annual conference in Cooperstown, New York. As our mission statement illustrates, CRBBA is an organization set up to serve its members at large. I would like to encourage all members to become more involved in CRBBA. I also would encourage you to refer potential new members to our membership committee chairperson, Karen Simons (#463-0380), or to bring a non-member guest to a CLE program. I invite you to contact me to share your ideas, concerns and goals for our organization. Already this year, our "Ask the Trustees" CLE program and the "Breakfast and CLE" format, which were both very successful, were ideas suggested by members at large. CRBBA will be stronger for your participation.

This year's Board was fortunate enough to begin its term with a healthy bank account. A new project we would like to begin this year is the creation of a special task force to examine our surplus and the best ways to spend some of those funds for the benefit of our members. Diane Davis has agreed to chair the task force. If you are interested in being part of this task force, please contact me (#465-0400) or Diane Davis (# 449-2043).

To be or not to be... the Bankruptcy Reform Act of 2001. I feel I would be remiss in closing without mentioning something about the pending bankruptcy legislation. What we thought was inevitable in March still remains in limbo. Apparently, Republican and Democratic Senate leaders have been unable to reach an agreement over the make up of the

Senate Conference Committee, where the differences in the House and Senate versions of the bankruptcy bill would be reconciled. Republicans are taking the position that they deserve a one-seat majority on the Senate side of conference committees, despite the evenly divided Senate, to reflect their majority status due to Vice President Cheney's tie-breaking vote.

I recently read that if a settlement is not reached by Memorial Day, the deadlock may drag on through the summer months. Sources say, however, that it is unlikely that the bankruptcy reform bill will disappear as both houses did pass a bill and, but for, President Clinton's pocket veto, we would have comprehensive changes to the Bankruptcy Code. Thus, it does appear that at some point we will have an amended Bankruptcy Code to deal with in 2001 or early 2002.

Earlier this month, Chapter 12 was temporarily extended through May, 2001. The extension is retroactive to last year's expiration, however, Chapter 12 is set to expire again June 1, 2001. As the changes being proposed to the Bankruptcy Code will significantly change the practice of bankruptcy law, the progress of the legislation does merit close monitoring.

Again, thank you for your continued membership and support. ♦

- Cynthia A. Platt

---

## FIGHT OR FLIGHT: ONE BANKRUPTCY LAWYER'S RESPONSE

---

*By: Karen B. Simons, Esq.*

As debtor's counsel, I recently found myself appealing to the Bankruptcy Court for a ruling that creditor's counsel should have picked up the telephone to ask me about my client's car payment before filing a motion for relief from the stay. Judge Littlefield, in denying my request, noted that he couldn't force civility amongst the members of the Bar. Of course I knew he was right, but why shouldn't we expect and extend such courtesies to each other?

What follows is a modern day fable - complete with a moral at the end. A fellow member of the Bankruptcy Bar, Nathan Goldberg, recently told me a story of a life altering experience. The only reason he lived to tell this tale was his sense of duty and responsibility to a friend and his interest in "doing the right thing."

In 1979, Nate Goldberg, as the National Commander of the Jewish War Veterans, was invited to participate at a conference in Sydney, Australia. He booked passage for him and his wife on Continental Airlines and was to fly from Albany to Chicago to Los Angeles, and then on to Sydney. Just one week before his

planned departure, his counterpart from Down Under who arranged the conference contacted him to confirm his plans. He was dismayed to hear that Nate and his wife were flying on Continental Airlines, since his host was an executive with Quantas. Out of a sense of responsibility to his friend, Nate rebooked his tickets, at an increased fare, to fly to Sydney on Quantas. His new itinerary flew from Albany to Chicago, San Francisco, Honolulu and on to Sydney. (Quantas didn't fly from Los Angeles at the time) The trip was longer and more costly and required a stop over in Honolulu, but Nate knew it was the right thing to do.

At O'Hare Airport in Chicago, the flights to San Francisco and Los Angeles were leaving within minutes of each other from adjacent gates. Nate and his wife watched angry passengers clamoring for seats on the overbooked flight to Los Angeles. They saw a woman with two small children pleading for passage on the Los Angeles flight. Her wish was granted when several Quantas employees agreed to be bumped from the flight. The San Francisco flight boarded about ten minutes after the Los Angeles flight. Just moments after Nate's plane became airborne, he peered out the window and saw a massive plume of smoke below. From his experience with the Naval Air Force, Nate recognized high octane airplane gasoline burning as the thick smoke was rising. He quietly inquired to the stewardess (in those days they weren't called "flight attendants") if something had happened to the other plane. After making inquiry, she informed him that there had been an accident and that he shouldn't say anything that might scare the other passengers. At that point, Nate realized that he had forgotten to amend the itinerary he had given to friends and family weeks earlier. He made sure to call his mother as soon as his plane safely touched down.

Nate learned that the plane to Los Angeles, the original flight that he and his wife were scheduled to take, had lost an engine and crashed to the ground - leaving no survivors. He recalled the woman and her children and all of the other passengers begging for seats on that overbooked flight and the horrible fate they met just moments after take-off.

Nate is philosophical about that moment in his life. He still flies today and he says that he can't sit around and worry about what might have been. He urges us to make the most of what we have and to do our best, because we don't know when our ticket may come up. He says that it just wasn't his time.

I asked Nate why he changed his reservations. After all, the Los Angeles connection was faster, cheaper and more direct and he had booked it long in advance of his trip. He said that he felt a sense of responsibility and gratitude to the gentleman who organized the conference and he didn't want to insult him by not flying Quantas. I replied, "You did it because it was the right thing to do." He agreed.

And now, as promised, the moral of the story. When you treat others with respect and kindness, it comes back to you. Call it karma, call it good will, call it whatever you want to call it. Nate believes that his near death experience has affected the way that he has lived his life and treated others; after all, that little bit of inconvenience did save his life.

Maybe I view that telephone call from creditor's counsel in the same way - as just a little bit of inconvenience. I again appeal for civility from the Bar - who knows, it could be a matter of life or death.♦

---

## DOES A DEBTOR IN A CONVERTED CHAPTER 13 TO 7 CASE HAVE TO PAY TWICE?

---

*By: Paul A. Levine, Esq. and  
Leesa A. Naimo (Associate Awaiting Admission)*

In Valenti, Chapter 7 Case No. 94-14374 (yes, the Valenti case), the Debtor filed a Chapter 13 petition in 1995 in which she listed a number of stocks on her Schedule "B". Since she intended to retain the stock, the unsecured creditors would necessarily be paid 100% of the stocks' value. In 1999, the case was voluntarily converted to a Chapter 7 case, and the Trustee moved to compel the Debtor to turnover the stock arguing that the stock was property of the Chapter 7 estate and subject to liquidation. While the Debtor argued that subjecting the stock to liquidation would result in a double payment to the estate, in light of her prior contribution to the plan through the Chapter 13 case, the Court noted that "the dollar amount paid to the Chapter 13 Trustee is not the key to retaining this stock". The crucial determinate in establishing property of the estate in a conversion from a Chapter 13 to a Chapter 7 is whether the unsecured creditors received the total amount due to them pursuant to a section 1325(a)(4) analysis. As a result, the Trustee was entitled to receive the stock to the extent necessary for the complete payment of all unsecured claims, including any Chapter 7 claims and the costs of administration of the estate.

Pursuant to 11 U.S.C. § 348(f)(1)(A), in a case converted from Chapter 13 to Chapter 7, property of the estate consists of property as of the filing date of the petition that remains in the possession of, or under the control of, the debtor on the date of the conversion. Property of the estate in the converted case is determined according to the filing date of the original Chapter 13 petition. Property in the possession of, or under the control of, the debtor which was property of the estate at the commencement of the case (or would have been property of the Chapter 7 estate had the Chapter 7 case been originally filed on the Chapter 13 filing date), would be property of the converted Chapter 7 proceeding. 11 U.S.C. § 348(f)(1)(A); *See also, Alexander v. Jenson Carter*, 239 B.R. 911 (Bankr. 8<sup>th</sup> Cir. 1999).

The Court noted that the plain language of 11 U.S.C. § 348(f)(1)(A) dictates that property in the possession of the debtor is property of the estate which must be turned over to the Trustee. In order for a debtor to retain non-exempt assets and/or an increased value in non exempt assets, the debtor must pay the unsecured creditors the liquidation value of the assets. But, the Trustee is entitled to such assets only to the extent necessary for the complete payment of all unsecured claims, including any Chapter 7 claims and costs of administration of the estate.♦

---

## JUDGE LITTLEFIELD WRITES ON §727

---

*By: Paul A. Levine, Esq. and  
Leesa A. Naimo (Associate Awaiting Admission)*

In Richard H. Raymonda, Chapter 7 Case No. 99-13523, the Debtor filed a Chapter 7 petition and in his schedule "B" failed to disclose ownership of contractors' equipment. At the first of two §341 meetings, the Debtor, being properly sworn and under oath, failed to disclose the equipment. Fortunately, the Debtor's ex-wife recalled her former husband's interest in the equipment and was more than happy to disclose this information to the Trustee. At the second §341 meeting, the Debtor, through the teeth-pulling of the Trustee, finally acknowledged that he failed to list the equipment on his Schedule "B". At trial, the Debtor failed to offer any credible explanation for the omission. Rather, the Debtor admitted that this omission was not based on his forgetfulness and noted that he would have disclosed the equipment in his schedules had he been specifically asked if he had contracting equipment.

It was undisputed that the Debtor made a false statement by not disclosing the equipment. The Court's analysis focused on (1) whether the Debtor knew the statement was false, (2) whether the Debtor made the statement with fraudulent intent; and (3) whether the statement related materially to the bankruptcy. Based on the Debtor's own testimony, he knew about the equipment and intentionally did not disclose it. Further, the statements made by the Debtor were established by circumstantial evidence to have been made with the requisite fraudulent intent. The Court found that the Debtor, in addition to contradictions and inconsistencies, failed to come forward with evidence that his omission was not an intentional misrepresentation. Finally, the Court concluded that the test for materiality was met in this case even though the Trustee acknowledged that he was not going to administer the assets. A material matter is one bearing a relationship to the debtor's business transactions or which would lead to the discovery of assets, business dealings or existence or disposition of property. In re Murray, 249 B.R. 223 (E.D.N.Y. 2000). The Court, in denying Mr. Raymonda a discharge, observed that the purpose of § 727(a)(4)(A) is to ensure that adequate information is available to those interested

in the administration of the bankruptcy without the need for examinations, investigations or helpful ex-wives to determine whether the information provided is true. A Debtor has a paramount duty to consider all questions posed on a statement or schedule carefully and to answer them fully and correctly.♦

---

## ANNUAL BANKRUPTCY CONFERENCE UPDATE

---

*By: F. Matthew Jackson*

As Chairperson of the 2001 Bankruptcy Conference in Cooperstown, New York, I am pleased to provide the membership with an update regarding this year's conference. This year's conference will take place on November 9th and 10th. Speakers who have accepted our invitation include:

Judge Stephen D. Gerling	Judge Robert E. Littlefield, Jr.
Judge Eugene R. Wedoff	Judge Cecelia G. Morris
Judge Thomas F. Waldron	Judge William G. Young
Judge A. Thomas Small	Keith A. Rodriguez, Esq.
William Brewer, Esq.	Lawrence C. Brown, Esq.
Roger Efremsky, Esq.	

We are excited about this year's conference, which will include topics related to bankruptcy reform, electronic filing, revised U.C.C. Article 9 and a number of bankruptcy related panels. We also anticipate having a break out session where two presentations or panels will take place simultaneously. This will allow attendees to choose to attend a presentation or panel that is pertinent to their individual practice. For those of you who have never attended our annual conference, I suggest that you consider attending this year. For those of you who have attended, you should look forward to another rewarding experience. If you have any questions, comments or suggestions, please feel free to contact me at (518) 436-0344.♦

---

## MARC EHRLICH RECIPIENT OF THE NYSBA'S 2001 PRESIDENT'S *PRO BONO* SERVICE AWARD

---

*By: Cynthia A. Platt, Esq.*

On May 1, 2001, in conjunction with the Law Day festivities, Marc S. Ehrlich, Esq. was presented with the New York State Bar Association's 2001 President's *Pro Bono* Service Award for the Third District. The purpose of the award is to recognize outstanding efforts by New York State lawyers who have contributed their time and talents to provide legal services to people in their community who otherwise would not be able to

afford those services. The Capital Region Bankruptcy Bar Association was proud to join the Legal Aid Society of Northeastern New York and the Rensselaer County Bar Association in nominating Mr. Ehrlich for this award.

The CRBBA in conjunction with the Capital District Women's Bar Association's Legal Project joined forces in 2000 to bring legal services to people who are struggling with debt and looking for legal help. It is hoped the clinics will serve the "working poor" (those who do not qualify for *pro bono* representation under poverty level guidelines, yet cannot afford to obtain full-fee legal representation) either on a *pro bono* or reduced fee basis.

The first clinic was conducted in July, 2000, and subsequent clinics were held in October, 2000 and March, 2001. The 4 ½ hour clinics have been conducted on Saturdays at the Legal Project's office in Albany, New York. Marc S. Ehrlich has generously given his time at each of the clinics held to date and has committed to volunteering his time at future clinics. In addition to taking time out of his weekends to attend the Bankruptcy and Credit Program clinics, Mr. Ehrlich also accepted 10 *pro bono* cases generated through the 3 clinics held to date.

Through his volunteer efforts, Mr. Ehrlich strives to insure that the working poor and other underserved people can have access to legal services in connection with bankruptcy and credit problems in a cost effective manner. Mr. Ehrlich has also been very instrumental in recruiting other members of the CRBBA to volunteer at the Bankruptcy and Credit Program clinics and to accept case assignments from the clinics. The CRBBA wishes to commend Mr. Ehrlich for providing a valuable service to the Capital District and setting an example for the legal community by generously offering his time and energies to assist the less fortunate.

---

## ASK THE TRUSTEES

---

On April 9, 2001, Kim LeFebvre, Assistant U.S. Trustee, Andrea E. Celli, Esq., Chapter 13 Trustee, and Paul Levine, Esq., Chapter 7 Trustee, spoke at the CRBBA's first "Breakfast and CLE" program. Thirty-nine people registered for the program held at the Wolf Road Marriot. The format for the program was questions and answers, with attendees asked to submit questions with their registration forms. This format lent itself to much dialogue between the panelists and the audience. The panelists were also given the opportunity to inform the audience of any new procedures or policies within their offices. Each panelists' expertise and knowledge provided the audience with unique insights and perspectives to the broad range of issues discussed.

*Editor's Note: This first attempt at a "Breakfast Format" was well received even though scheduled on a Monday morning. The next time a breakfast meeting is scheduled, it will be on a weekday other than Monday.♦*

---

## RECORD ATTENDANCE AT LUNCHEON FOR BANKRUPTCY LEGAL ASSISTANTS AND PARALEGALS

---

Approximately 5 years ago, the CRBBA held its first luncheon program for bankruptcy legal assistants and paralegals. The attendance at this year's program at LaSerre was the highest ever with 76 people registering to hear Judge Littlefield, Tracy Murphy, Margaret Dempsey, John Connelly and Kim Waxman. Although most of the attendees were from Capital District firms, there were people who traveled from as far as Utica, Syracuse and Binghamton. The speakers covered everything from the Local Rules, PACER and the Court's website, to highlights of the pending bankruptcy legislation, to amendments to petitions, to dischargeability issues. The presentation was informative and provided several practical tips for those individuals we count on daily to keep our practices running smoothly.♦

---

## PRO BONO UPDATE: BANKRUPTCY & CREDIT PROGRAM

---

By: Paula M. Barbaruolo, Esq.

The next joint bankruptcy clinic co-sponsored by the Capital Region Bankruptcy Bar Association and the Capital District Women's Bar Association Legal Project is scheduled to take place on Tuesday, June 26, 2001 and Wednesday, June 27, 2001. The clinics will run each evening with appointments each half hour from 5:45 p.m. until 7:15 p.m. Volunteers are needed to meet with clients for ½ hour appointments on each night. The clinic will take place at the offices of the Legal Project at 2 Tower Place in Albany (behind Stuyvesant Plaza). We need 5 volunteers for each time slot on both nights. Please call me at 443-1000 or Diane Metz at the Legal Project at 435-1770 to learn more, to volunteer for the clinic, or to take a case.

Special thanks once again to those who volunteered at the last clinic held on March 3, 2001 and those who took cases: Bob Cohen, Shannon DeMaranville, Marc Ehrlich, Fred Goodman, Martin Goodman, Leigh Hoffman, Leona Jochnowitz, Michael O'Connor, Cindy Platt, Laura Silva, Bryan Simmerman, Karen Simons and Richard Weiskopf.

Very special thanks to Paul Levine for donating an honorarium he received from Empire Federal Credit Union for

a speaking engagement in the amount of \$500.00 to our program! What a generous gesture! Thanks again Paul.♦

---

## RESEARCH THE NEW WAY

---

*By: Richard Weiskopf, Esq.*

Once there was a time that research involved walking off to the firm's library to sit down at a well lit table, surrounded by walls covered with books and perhaps stacks of books, to conduct one's necessary research. Some of us now wonder when was the last time we made the trek into the library with the ready availability of on-line research sources. Now, instead of blowing the dust of the tops of little used century old official reports, we now carefully clean the screen of our computer monitor. Times certainly have changed and so have the tools available to the lawyer. What follows is a listing of interesting and pertinent research sites which was ably compiled by Bonnie S. Baker, Esq. Take a look at these at your leisure and find the ones that best suit your needs. If anyone has a site to share with members, please contact Bonnie Baker at 437-9000.

### **New York Southern Bankruptcy Home Page**

<http://www.nysb.uscourts.gov/>

### **National Bankruptcy Review Commission**

<http://www.nbrc.gov/>

### **Official Bankruptcy Forms**

<http://www.uscourts.gov/bankform/>

### **Federal Judiciary Links**

<http://www.uscourts.gov/allinks.html>

### **FedLaw - Bankruptcy Courts**

<http://www.legal.gsa.gov/legal33.htm>

### **Guidance on EPA Participation in Bankruptcy Cases**

<http://es.epa.gov/oeca/osre/9709301.html>

### **FedLaw - Bankruptcy Laws 11 USC**

<http://fedlaw.gsa.gov/legal4.htm>

### **Contents--Volume 1 Home Fact Sheet Members & Staff News**

<http://www.nbrc.gov/reporttitlepg.html>

### **Mediation in Bankruptcy**

<http://www.fjc.gov/ALTDISRES/bankmedi/BnkrMedi.html>

### **Bankruptcy Terminology**

<http://www.ndb.uscourts.gov/forms/BankruptcyTerminology.htm>

### **Court Rules**

<http://www.id.uscourts.gov/rules.htm>

### **Access to Bankruptcy and other Court Case Files**

<http://www.nara.gov/research/bytopic/bankrupt.html>

### **Understanding the Federal Courts**

[http://www.uscourts.gov/understanding\\_courts/8999.htm](http://www.uscourts.gov/understanding_courts/8999.htm)

### **The Discharge in Bankruptcy**

<http://www.ndb.uscourts.gov/forms/DischargeInfo.htm>

### **Comments on Study of Privacy Issues in Bankruptcy Data**

<http://www.ftc.gov/be/v000013.htm>

### **Directory of Electronic Public Access Services: U.S. Courts**

<http://pacer.psc.uscourts.gov/pubaccess.html>

### **Bk. Pacer Main Menu**

<http://pacer.ctb.uscourts.gov/>

### **House Passes Bankruptcy Reform Bill**

<http://www.house.gov/royce/bankruptcy.htm>

### **Access to Bankruptcy and Other Court Case Files at NARA's Southern**

<http://www.nara.gov/regional/courts/atlcourt.html>

### **USTP - Financial Privacy & Bankruptcy Study**

<http://www.usdoj.gov/ust/privacy/privacy-study.htm>

### **FTC Staff Comments on Study of Privacy Issues in Bankruptcy**

<http://www.ftc.gov/opa/2000/09/bankrupt.htm>

### **Access to Bankruptcy and other Court Case Files at NARA's Pacific**

<http://www.nara.gov/regional/courts/sancourt.html>

### **Access to Bankruptcy and other Court Case Files at NARA's Northeast**

<http://www.nara.gov/regional/courts/boscourt.html>

### **Bankruptcy Forms Library - Southern District**

<http://www.ilsb.uscourts.gov/forms.htm>

### **U.S. Code - Download by Title or Chapter**

[http://uscode.house.gov/title\\_11.htm](http://uscode.house.gov/title_11.htm)

### **Chapter 12: Bankruptcy Relief for Family Farmers**

<http://www.nbrc.gov/report/23chapte.html>

### **Statement of Senator Edward Kennedy**

<http://www.senat.gov/~kennedy/statements/99/09/1999921A26.html>

**Access to Bankruptcy and other Court Cases at NARA's Mid Atlantic**  
<http://www.nar.gov/regional/courts/phicourt.html>

**Statement on Levin Amendment to Bankruptcy Bill**  
<http://levin.senate.gov/releases/020200.htm>

**Shooting Down the Bankruptcy Loophole**  
<http://levin.senate.gov/floor/092399.htm>  
**NBRC Report - Table of Contents**  
<http://www.nbrc.gov/reportcont.html>

**U.S. Trustee Program/Dept. of Justice**  
<http://www.usdoj.gov/ust/>

**Federal Rules of Bankruptcy Procedure**  
<http://www.gamb.uscourts.gov/fedr/bank57ug.htm>

**Chapter 9: Municipal Bankruptcy Relief**  
<http://www.nbrc.gov/report/22chapte.html>

**Bankruptcy Web PACER User Manual**  
<http://pacer.txeb.uscourts.gov/bc/bkusergd.html>

**USBC Main Page**  
<http://www.cob.uscourts.gov/bindex.htm>

**Knee Deep in Debt**  
<http://www.ftc.gov/bcp/online/pubs/credit/kneedeep.htm>

**Bk. Pacer Main Menu**  
<http://pacer.wawb.uscourts.gov/>

**Statement of Harvard Law Professor Elizabeth Warren on Bankruptcy**  
[http://www.house.gov/judiciary\\_democrats/warren.htm](http://www.house.gov/judiciary_democrats/warren.htm)

**Do I need an attorney to file bankruptcy?**  
<http://www.canb.uscourts.gov/canb/information.nsf/93d19f52a4c26e56882>

**Survey on the Federal Rules of Bankruptcy Procedure 1996**  
<http://www.fjc.gov/BANKCORT/banksur/banksur.html>

**U.S. Business Advisor - Filing for Bankruptcy**  
<http://www.business.gov/busadv/maincat.cfm?catid=365>

**Frequently Asked Questions**  
<http://pacer.psc.uscourts.gov/faq.html>

**USTP - Financial Privacy & Bankruptcy Study**  
<http://www.usdoj.gov/ust/privacy/privacy.htm>

**Federal Rules of Bankruptcy Procedure**  
<http://www.ncwb.uscourts.gov/opinions/ruleindx.html>

**AFL-CIO Testimony 3/26/98 re: HR3150 (Bankruptcy Reform)**  
[http://www.house.gov/judiciary\\_democrats/testimony.htm](http://www.house.gov/judiciary_democrats/testimony.htm)

**FedLaw - Bankruptcy Courts**  
<http://hydra.gsa.gov/regions/4k/legal/legal33.htm>

USTP

Bankrupt  
cy Fraud  
Scams

<http://www.usdoj.gov/ust.fs06.htm> ♦

**Any Business Interested in Advertising  
in the Upcoming Newsletters  
Please Contact  
Richard Weiskopf at 374-8494.**

---

## 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:**

May 1, June 5, July 3, August 7, September 4  
10:00 a.m. Motions in Chapters 7 & 11  
2:00 p.m. Pre-trials/Chapter 11 status conferences \*

May 15, June 26, July 24, August 28, September, 18  
10:00 a.m. Motions in Chapter 12 & 13  
2:00 p.m. Chapter 13 confirmations

**Binghamton cases:**

May 8, June 12, July 10, August 21, September 11  
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 \*

**Utica cases:**

May 22, June 28, July 31, August 30, September 25  
10:00 a.m. Motions in all chapters  
12:00 p.m. Chapter 13 confirmation hearings  
1:00 p.m. Pre-trials/Chapter 11 status conferences \*

**Bennett/Aloha (Utica Court):**

May 10, June 14, July 12, August 9, September 13  
11:00 a.m. All motions  
2:00 p.m. Pre-trial conferences \*

\* Scheduled by Court

*Articles for publication in the newsletter are welcome and should be submitted to: Richard H. Weiskopf, Esq., DeLorenzo, Pasquariello & Weiskopf, 201 Nott Terrace, Schenectady, New York 12307.*

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

---

## 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 2001 motion dates:

May 3, 10, 17, 24, 31  
June 7, 21, 27  
July 12, 19  
August 2, 9, 16, 23

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.**

**2001**  
**OFFICERS AND BOARD OF DIRECTORS**

President	Cynthia A. Platt
President-Elect	Diane Davis
Vice President	Richard Weiskopf
Secretary	Fred Goodman
Treasurer	F. Matthew Jackson
Director	Paul Levine
Director	Chris Dribusch
Director	Paula Barbaruolo
Director	Karen Simons