

August 14, 2009

Fort Worth Ch 13 Participants –

Tim and I, and our respective staffs, have the following information to convey to all those who may be interested relating to the upcoming split of the FW Ch 13 caseload. Please pass this information along as you deem appropriate. Please be aware that we anticipate there will be other such emails or communications as we approach the October 1st scheduled split date.

New Office Location

Alice's offices will be located at:

6100 Western Place, Stes 550 & 1050
Fort Worth, TX 76109

The offices are in the west building of the Western Place towers at I-30 and Bryant Irvin on the westside of FW. The debtor education and 341 space are on the 5th Floor and offices are on the 10th Floor. There will be a designated parking area in the parking lot\surface just to the west of the building.

Debtor Education & 341 Mtgs

Debtor Ed and 341 meetings for Tim's cases will continue to be on Tuesdays. Those events for Alice's cases will be scheduled for Wednesdays. Both offices plan to have 341s every week – subject to any federal holidays on those dates. Debtor ed will continue to be in the morning and 341s at 2 p.m. Alice's first planned date for 341 meetings will be Wednesday, November 11th.

We anticipate that approximately 40 to 50 cases will be set on each 341 docket. This number may increase if the caseload in FW increases. Both offices will have 7-9 Presiding Officers available for the 341 meetings – resulting in 5-6 meetings per PO.

Per the UST, FW will follow the general rule that attorneys should attend the 341 meetings with their clients. We understand that conflicts may arise and will allow paralegals to attend the 341s under such circumstances but paralegal only attendance should not be the norm. For offices with a large volume of 341s at any given setting, you are allowed to have paralegals attend the 341s so long as there is at least one attorney from the firm is present for the entire 341 hearing session.

Alice is aware that there may be scheduling conflicts with Judge Nelms' preliminary and final MRFS hearings also scheduled on Wednesdays and we will do our best to work around those issues.

Pre-Hearing Conferences (PHCs)

Both offices will conduct their PHCs on the same day as their 341s (i.e., Tim's will be on Tuesday, Alice's will be on Wednesday). PHCs will begin at 10:30 a.m. – with the Trustee's staff available to resolve Trustee issues. The PHCs will continue until approximately 12:30 p.m., or until all matters have been resolved, whichever occurs earlier.

The Staff Attorney\Trustee will call the Pre-Hearing Conference Confirmation Docket at 12:30 p.m. for all Trustee matters that are still unresolved and for all pending creditor objections to confirmation. The calling of the docket will be done in the debtor education space in Alice's office and in the 341 meeting room space in Tim's office. We anticipate that it will take approximately 30 minutes to call the docket. After the docket is called, no Trustee staff will be available for any confirmation matters for the remainder of the day. Paralegals will be allowed to attend the PHC and the PHC Docket Call, as they are now.

Again, Alice is aware that there may be scheduling conflicts with Judge Nelms' preliminary and final MRFS hearings also scheduled on Wednesdays and we will do our best to work around those issues.

Please note that for the month of October – all PHCs will be at Tim's offices – even if the case is reassigned to Alice on 10/1/09. Please also note that the first PHC in November (prior to Judge Nelms' docket) will be ONLY at Tim's office – even if the case was reassigned to Alice.

Confirmation Hearings

Effective November 2009, Judge Nelms will move his confirmation hearings to 9 a.m. on the 1st Thursday of the month from the 1st Wednesday. Judge Lynn's confirmation hearing time (9:30 a.m.) and dates (3rd Thursday) will not change.

All confirmation hearings will be heard on the same day regardless of Trustee. The Staff Attorney for each Trustee will call his\her docket beginning at 8:30 a.m. – one following the other. Items on both Trustees' dockets will be then placed together in order by group – just as they are now (i.e., pass requests, debtor present, creditor present, etc.). The Staff Attorneys will alternate as needed at the podium. In both Courtrooms, the Trustees' staff will be utilizing both of the tables. If the matter before the Court is a debtor\creditor matter, the Trustees' staff will move away from the primary seat at each table to enable other parties to have access those seats (and corresponding table space), as needed. We realize this may cause a change in behavior for some, but there is simply not enough real estate in Judge Nelms' courtroom for the staff for both Trustees to be at one table. If we are going to be on both sides in one courtroom, we would like to do the same thing in both courtrooms.

Case Split

By early next week, we will provide the list of cases to be transferred to Alice (effective 10/1/09) to the Clerk's Office. We will then begin working on providing information to each debtor's attorney for his\her use. The information will be provided via email and will contain an Excel file with: case number; debtor(s) name; and attorney name. Each debtor attorney can then use this information as they choose.

Without getting into all of the details of how the split was done – here’s the high level information:

- Tim’s office will retain all cases where:
 - AmeriCredit or any of its related affiliates is or was a creditor;
 - Robert A. Higgins & Associates is or was the debtor’s (s’) attorney (for those of you who have not heard, Alice’s new Staff Attorney will be Jason Miller, formerly with Higgins’ office – thus the need for that division);
 - Any pre BAPCPA cases
 - Any unconfirmed cases
- All other existing cases will be transferred to Alice

This will result in each Trustee having about 4,500 active cases.

Any cases filed from August 15th until October 1st will be retained by Tim’s office.

Beginning October 1, the Clerk’s Office will split the cases as they are filed. The current discussion is to assign them in blocks of 20 – filling up Tim’s 2:00 p.m. 341 slot, Alice’s 2:00 p.m. 341 slot, Tim’s 2:05 p.m. 341 slot and finally Alice’s 2:05 p.m. 341 slot before moving on to the next week’s slots. For approximately one year, if cases are filed and assigned to Alice where AmeriCredit or one of its related affiliates is a creditor, Alice’s office will transfer those cases to Tim’s office. For approximately one year, any case filed by the Higgins firm assigned to Alice, will continue to be handled by Alice’s office – with the Staff Attorney having no involvement with that case.

Thank you in advance for your patience as we all work through these changes together.

Tim Truman
Alice Whitten
Standing Chapter 13 Trustees
Fort Worth, Texas