

# BROWN BAG MEETING

Wednesday, July 10, 2019

E-Wage Sign Up



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### Paralegal And Attorney Portal

- ▶ Add Debtors for your firm
- ▶ Manage payments on behalf of your clients

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The TFS Advanced Paralegal And Attorney Portal is an easy-to-use solution for attorneys and paralegals to help their clients through the payment process. With the portal, firms and their staff can directly enroll and manage their client's TFS accounts, and keep track of their success through the Chapter 13 process.

Setting up an account on TFS is free, and there are no set-up, maintenance, or monthly costs associated with our service for law firms. With a TFS account, your staff will gain the benefits of being able to view an all-in-one dashboard that will help you manage your clients. Paralegals will be able to make payments for debtors, view records of all debtors associated with your firm, and view in depth reports on how your clients are moving forward in their chapter 13 payments. In addition, our the TFS customer support team is always a call or email away to help you with anything you may need.

Still Need Help?

[Send us a message now.](#)

Or Call Now.

**(888) PAY CH13**  
(888) 729-2413

[www.tfsbillpay.com](http://www.tfsbillpay.com)

CLICK THE SIGN-UP BUTTON TO REGISTER YOUR FIRM

## eWage Payroll Deduction

### A simplified procedure for debtor wage deductions

- ▶ **Easy Setup**
  - ▶ Through the free Attorney Portal, attorney generates a Direct Deposit form with a routing and account number. Debtor brings this form to their payroll department
  - ▶ Payroll department adds the new routing and account number to their payroll software. To the employer, the new account looks like a savings account- no mention of bankruptcy or TFS, so the debtor's privacy is protected
- ▶ **Dependable Payments**
  - ▶ Wages go from the debtor's payroll to the Trustee
  - ▶ eWage removes common errors that are associated with paper payments (lost in the mail, illegible handwriting making case number unreadable, etc.)

**NO NEED FOR MOTIONS, WAGE ORDERS, REVISED WAGE ORDERS or CONTACTING EMPLOYER TO STOP WAGE ORDER**

## eWage Payroll Deduction

### A simplified procedure for debtor wage deductions

- ▶ Full Control
  - ▶ Adjust plan payments by printing a new direct deposit form with the updated payment amount
  - ▶ If the debtor changes jobs, simply re-print the direct deposit form for the debtor to present to the new employer
- ▶ Easy to Manage
  - ▶ Deactivate the account on case closure
  - ▶ No more waiting for the Trustee to disburse refunds

**NO NEED FOR MOTIONS, WAGE ORDERS, REVISED WAGE ORDERS or CONTACTING EMPLOYER TO STOP WAGE ORDER**

## Judge Assignments

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- ▶ Effective 7/1/2019
- ▶ Transfer of all Judge Ferguson's Chapter 13 cases to Judge Kaplan
- ▶ New cases filed after 7/1/2019
  - ▶ Judge Kaplan will be assigned 2/3 of Chapter 13 filings
  - ▶ Judge Gravelle will be assigned 1/3 of Chapter 13 filings

## Judges Observing / Calling Calendar



## Contested Matters

MOTIONS AT 12:00 PM

CONFIRMATIONS AT 2:00 PM



## Confirmation Adjournment Scheduling

90 Day / 60 Day Adjournment Cycle





## Back Room Phase Out

ALL ON THE RECORD



## Court Issued Orders to Show Cause



## Court Issued Orders to Show Cause

- ▶ Court will issue Order to Show Cause on 21 Day Notice for
  - ▶ Failure to Pay Filing Fee
  - ▶ Failure to Submit Documents
  - ▶ Failure to Comply with Credit Counseling
- ▶ Appearances are generally required
- ▶ If deficiencies are cured before the return date of the Order to Show Cause, counsel must contact Chambers to see if the Order will be vacated
- ▶ If there is a motion filed related to the Order to Show Cause (i.e. Motion to Extend Time to File Documents), the court will schedule the return date of the Motion for the date and time of the Order to Show Cause

## Ready Hold Request Form

## Ready Hold Request Form

- ▶ NEW FORM
- ▶ NOT A COURT LOCAL FORM - Available on Trustee's Website
- ▶ To be used to request a case be held for another time on same hearing date
- ▶ REQUEST MUST BE MADE NO LATER THAN 3 DAYS BEFORE THE HEARING
- ▶ Notification made the same way as Adjournment Request Form - DETERMINATION OF READY HOLD REQUEST will be docketed
- ▶ **START USING 9/1/2019**

## Ready Hold Request Form

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
In Re:	

Case No.: \_\_\_\_\_  
 Adv. No.: \_\_\_\_\_  
 Chapter: 13  
 Hearing Date: \_\_\_\_\_  
 Judge: \_\_\_\_\_

READY HOLD REQUEST FOR CHAPTER 13 HEARING



# Ready Hold Request Form

## READY HOLD REQUEST FOR CHAPTER 13 HEARING

- I, \_\_\_\_\_,
  - am the attorney for: \_\_\_\_\_
  - am self-represented
 Phone number: \_\_\_\_\_  
 Email address: \_\_\_\_\_
- I request the following hearing be marked "Ready Hold".
  - Matter: \_\_\_\_\_
  - Current hearing date and time: \_\_\_\_\_
  - New time requested: \_\_\_\_\_
  - Reason for the request: \_\_\_\_\_
  - \_\_\_\_\_

# Ready Hold Request Form

- Consent to Ready Hold:
  - I have the consent of all parties.  I do not have the consent of all parties (explain below):
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

I certify under penalty of perjury that the foregoing is true.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

## Ready Hold Request Form

**This request must be made not later than 3 days before the hearing.**

**NOTE: THIS FORM MUST BE SUBMITTED TO THE CHAPTER 13 TRUSTEE, AND IS NOT REQUIRED WHEN SEEKING THE ADJOURNMENT OF A 341(a) MEETING OF CREDITORS.**

**IMPORTANT: If your request is granted, you must notify interested parties who are not electronic filers of the new hearing time.**

## Revised Attorney Fee Rules

## Revised Attorney Fee Rules

- ▶ D.N.J. LBR 2016-1. Application for Compensation and Reimbursement of Expenses
  - ▶ ...in chapter 13 cases, and application for compensation and reimbursement of necessary expenses **FOR ANY AMOUNT:**
    - ▶ (A) Local form Fee Application Cover Sheet or, in chapter 13 cases, Local Form *Chapter 13 Debtor's Attorney Fee Application Cover Sheet*

### 2019 COMMENT

- ▶ *Subdivisions (a)(2) and (a)(2)(A) are amended to reflect the new requirement that all Chapter 13 fee applications include a cover sheet*

## Fee Application Cover Sheet

## Fee Application Cover Sheet

- ▶ Current Fee Application Cover Sheet changed
- ▶ Page added before SECTION 1 - FEE SUMMARY
- ▶ Attorney must indicate:
  - ▶ if fees will reduce the amount to be paid to general unsecured creditors
  - ▶ if fees will increase the amount or duration of plan payments
  - ▶ if debtor has been advised whether fees will be paid through the plan or outside plan
- ▶ **IMPLEMENTATION DATE: 8/1/2019**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**CHAPTER 13 DEBTOR'S ATTORNEY FEE APPLICATION COVER SHEET**

Debtor: \_\_\_\_\_ Applicant: \_\_\_\_\_  
 Case No.: \_\_\_\_\_ Chapter: 13  
 Petition Date: \_\_\_\_\_

I certify that I am the attorney for the debtor(s) and submit this Application for Compensation and Reimbursement of Expenses ("Application") in accordance with D.N.J. LBR 2016-1 and 2016-5.

I further certify:

I certify that I am the attorney for the debtor(s) and submit this Application for Compensation and Reimbursement of Expenses ("Application") in accordance with D.N.J. LBR 2016-1 and 2016-5.

I further certify:

1. A pre-petition written retainer agreement ("Agreement") has been executed with the debtor(s) and this Application is consistent with that Agreement and D.N.J. LBR 2016;
2. I have complied with 11 U.S.C. §§ 527 and 528;
3. The fees sought in this Application:
  - will not reduce the amount to be paid to general unsecured creditors under the plan;
  - will reduce the amount to be paid to general unsecured creditors under the plan as follows: \_\_\_\_\_;

**FEES SOUGHT WILL / WILL NOT REDUCE THE AMOUNT TO BE PAID TO GENERAL UNSECURED CREDITORS**

4. I have advised the debtor(s) that the fees sought in this Application:

- will not
- will increase the amount and/or duration of plan payments

**FEES SOUGHT WILL / WILL NOT INCREASE THE AMOUNT AND/OR DURATION OF PLAN PAYMENTS**

5. I have advised the debtor(s) that the fees sought in this Application:

- will be paid through the plan
- will not be paid through the plan

**DEBTOR HAS BEEN ADVISED THAT THE FEE SOUGHT WILL / WILL NOT BE PAID THROUGH THE PLAN**

6. I have served a copy of this Application on the debtor(s) and the creditors committee, if one has been appointed.

I certify under penalty of perjury that the above is true.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

**NOTE: DO NOT COMPLETE SECTIONS I-III BELOW IF THE AMOUNT OF THIS APPLICATION, INCLUSIVE OF EXPENSES, IS UNDER \$1,000.**

**DO NOT COMPLETE SECTIONS I-III BELOW IF THE AMOUNT OF THIS APPLICATION, INCLUSIVE OF EXPENSES, IS UNDER \$1,000.**

## Rules Reminder / Service Transmittal Letters & Attachments

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in compliance with D.N.J. LBR 9004-1(b)	
In Re:	

Case No.: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Judge: \_\_\_\_\_

**NOTICE OF CHAPTER 13 PLAN TRANSMITTAL**

The enclosed  plan,  modified plan is proposed by the debtor and was filed on \_\_\_\_\_ . It has been served on you because the plan contains motions that may adversely affect your interest.

Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. This plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**Real Property:**

The debtor(s) has valued real property located at \_\_\_\_\_  
\_\_\_\_\_ [address] at \$ \_\_\_\_\_. The  
debtor(s) believes the first lien on the property to be in the approximate amount of \$ \_\_\_\_\_

[insert other liens as appropriate]. As such, the debtor(s) believes there is inadequate equity available to satisfy your lien and seeks through the plan to reduce, modify or eliminate your lien.

The debtor's valuation of the property is based on: (a) comparative market analysis; (b) broker price opinion; (c) appraisal; or (d) other: \_\_\_\_\_, a copy of which is attached. All forms of relief sought by motion appear in Part 7 of the plan.

**Personal Property:**

The debtor(s) has valued personal property described as: \_\_\_\_\_  
\_\_\_\_\_ at \$ \_\_\_\_\_.

The debtor(s) believes the lien on the property to be in the approximate amount of \$ \_\_\_\_\_  
[insert other liens as appropriate]. As such, the debtor(s) believes there is inadequate equity available to satisfy your lien and seeks through the plan to reduce, modify or eliminate your lien.

The debtor's valuation of the property is based on: (a) broker price opinion; (b) appraisal; or (c) other: \_\_\_\_\_, a copy of which is attached. All forms of relief sought by motion appear in Part 7 of the plan.



The Confirmation Hearing is scheduled for \_\_\_\_\_.

Objections to any relief sought in the plan, including relief sought by motion, must be filed with the Clerk of the Bankruptcy Court no later than 7 days prior to the confirmation hearing.

YOU SHOULD CONSULT WITH AN ATTORNEY PROMPTLY, SINCE ENTRY OF AN ORDER OF CONFIRMATION WILL BIND YOU TO ALL OF THE TERMS OF THE CONFIRMED PLAN.

Rules Reminder / Service  
Orders on Shortened Time

**ORDER SHORTENING TIME PERIOD FOR NOTICE,  
SETTING HEARING AND LIMITING NOTICE**

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

After review of the application of \_\_\_\_\_ for the reduction of time for a hearing on \_\_\_\_\_ under Fed. R. Bankr. P. 9006(c)(1), it is

ORDERED as follows:

1. A hearing will be conducted on the matter on \_\_\_\_\_ at \_\_\_\_\_ in the United States Bankruptcy Court, \_\_\_\_\_, Courtroom No. \_\_\_\_\_.

2. The Applicant must serve a copy of this Order, and all related documents, on the following parties:

\_\_\_\_\_  
\_\_\_\_\_

by  each,  any of the following methods selected by the Court:

fax,  overnight mail,  regular mail,  email,  hand delivery.

3. The Applicant must also serve a copy of this Order, and all related documents, on the following parties:

\_\_\_\_\_  
\_\_\_\_\_

by  each,  any of the following methods selected by the Court:

fax,  overnight mail,  regular mail,  email,  hand delivery.

4. Service must be made:

- on the same day as the date of this order, or
- within \_\_\_\_\_ day(s) of the date of this Order.

5. Notice by telephone:

- is not required
- must be provided to \_\_\_\_\_
  - on the same day as the date of this Order, or
  - within \_\_\_\_\_ day(s) of the date of this Order.

6. A *Certification of Service* must be filed prior to the hearing date.

7. Any objections to the motion/application identified above:

- must be filed with the Court and served on all parties in interest by electronic or overnight mail \_\_\_\_\_ day(s) prior to the scheduled hearing; or
- may be presented orally at the hearing.

8.  Court appearances are required to prosecute the motion/application and any objections.
- Parties may request to appear by phone by contacting Chambers prior to the return date.

## Rules Reminder / Service Orders with Respect to Amendments

### **ORDER RESPECTING AMENDMENT TO SCHEDULE D, E/F, G OR H OR LIST OF CREDITORS**

It is further ORDERED that the debtor(s) must serve on added creditors or parties, not later than 7 days after the date of this Order, the following:

1. A copy of the applicable Notice of Chapter 13 Bankruptcy Case, and
2. In a Chapter 11 case:
  - a) a copy of the last modified plan and disclosure statement, if any, and
  - b) a copy of any order approving the adequacy of the disclosure statement and/or the scheduling of the plan for confirmation.
3. In a Chapter 12 or Chapter 13 case:
  - a) a copy of the Notice of Hearing on Confirmation of Plan, if any, and
  - b) a copy of the last modified plan that has been filed in the case.

## Rules Reminder / Service Order on Motion to Vacate Dismissal

### Order on Motion to Vacate Dismissal

IT IS FURTHER ORDERED that any deadline unexpired at the time of dismissal is nullified and reset as follows. Creditors and/or parties in interest have:

2. until the original deadline fixed by the court to file a proof of claim or require supplement, or 60 days from the date of this Order, whichever is later;

## Order on Motion to Vacate Dismissal

IT IS FURTHER ORDERED that whether the motion is granted or denied, the debtor must, within 3 days of the date of this Order, serve all creditors and parties in interest with a copy of this Order and immediately thereafter file Local Form *Certification of Service*.

## Attorney Address Changes

## Attorney Address Changes

- ▶ Changing address on PACER does not notify Trustee's office
- ▶ Please notify us via one of the following:
  - ▶ Email [debbie@russotruster.com](mailto:debbie@russotruster.com)
  - ▶ Regular mail
- ▶ Let us know if you are / are not retaining cases (if moving to another firm)
- ▶ Provide a list of case numbers if you are retaining

## Trustee's Calendar Disposition List

## Trustee's Calendar Disposition List

### ▶ UPDATED TO INCLUDE:

- ▶ Total paid into plan by debtor on motion matters

— Total Paid In: \$10,424.00

- ▶ Number of payments required, received and arrears on confirmations

— Debtor has made 4 of 5 required payments Arrears: \$800.00

- ▶ **INFORMATION IS UPDATED EVERY 30 MINUTES FROM 8AM - 6PM EVERY WEEK DAY**

- ▶ Email [debbie@russotrustee.com](mailto:debbie@russotrustee.com) with enhancement requests

Go to: [www.russotrustee.com](http://www.russotrustee.com)

**Albert Russo · Standing Chapter 13 Trustee**  
Administering Chapter 13 Cases for the Trenton Vicinage of the District of New Jersey

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**REVIEW YOUR CASES BEFORE CONFIRMATIONS, MOTIONS AND 341 HEARINGS**



## 341 Hearing Dispositions

341 Meeting Will Not Be Held - Missing Docs.

← Trustee's office **HAS NOT** received all documents required prior to 341 Hearing

341 Docs. Received - Adjournment Request Required

← Trustee's office **HAS** received all documents required prior to 341 Hearing, but the documents were received after the cut-off date - an adjournment is required

Ready for 341 Meeting

← Trustee's office **HAS** received all documents required prior to the 341 Hearing and it is ready to be held

## Thanks for attending!

A PDF copy of this presentation is available at [www.russotrustee.com](http://www.russotrustee.com)