

# 8th Annual Reality CLE

October 29-30, 2020

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*Feature Release 4.1*

August 2020

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# REALITY

# CLE

October 29 - 30, 2020

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# REALITY CLE

## Agenda – Day 1



- 8:00 A.M. Login Time Open**
- 8:25 A.M. Welcome & Introduction  
- *Rebecca W. Geyer*
- 8:30 A.M. Technology, Time Management Strategies, Paperless Practice  
and Confidentiality Control  
- *Paul J. Unger*
- 10:00 A.M. Coffee Break**
- 10:15 A.M. Technology, Time Management Strategies, Paperless Practice  
and Confidentiality Control ...Continued
- 11:45 A.M. Lunch Break**
- 12:45 P.M. Trial Skills You Can Use In or Out of the Courtroom  
- *Betsy K. Greene, Frederick W. Schultz*
- 2:45 P.M. Refreshment Break**
- 3:00 P.M. Insurance Needs for Your Practice, Including Cyber Security  
Coverage and Best Practice  
- *Eric C. Redman*
- 3:45 P.M. The Practicalities and Challenges of Working from Home  
and Telecommuting  
- *Meghann E. LaBadie, Reid F. Trautz, Krysten M. LeFavour*
- 4:30 P.M. Adjournment**

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# REALITY CLE

## Agenda – Day 2



- 8:00 A.M. Login Time Open**
- 8:25 A.M. Welcome & Introduction  
- *Rebecca W. Geyer*
- 8:30 A.M. Employee Fringe Benefits II – A Deeper Dive on the 2019 Discussion  
- *Christopher R. Norwood, Elizabeth Norris, Susie M. Keaton*
- 9:30 A.M. Employee Personnel Issues  
- *R. Anthony Prather*
- 10:15 A.M. Coffee Break**
- 10:30 A.M. Focus Topic I: An Introduction to Family Law  
- *Erin Maybee Durnell*
- 11:20 A.M. Focus Topic II: Estate Planning and The Secure Act  
- *Shawn M. Scott*
- 12:10 P.M. Lunch Break**
- 1:10 P.M. Focus Topic III: Bankruptcy Practice  
- *Mark S. Zuckerberg*
- 2:00 P.M. Advertising and Marketing Ethics  
- *James J. Bell*
- 2:45 P.M. Refreshment Break**
- 3:00 P.M. Business Practicalities and Pragmatics  
- *Susie M. Keaton, Reid F. Trautz*
- 3:45 P.M. Challenges Facing the Small Firm in 2020 – New Clients, Administrative Matters, Cost Control and Expense Growth, Internal Efficiency, Rate Pressure – More for Less and Setting Yourself Apart from the competition  
- *F. Anthony Paganelli, Rebecca W. Geyer, Frederick W. Schultz, Reid F. Trautz*
- 4:30 P.M. Adjournment**

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[www.ICLEF.ORG](http://www.ICLEF.ORG)

# REALITY CLE

## Faculty



### Planning Team

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### Day 1

#### **Ms. Betsy K. Greene**

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#### **Mr. Reid F. Trautz - Both Days**

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#### **Mr. Paul J. Unger**

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# REALITY CLE

## Faculty



### Day 2

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Principal, Tax Team  
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#### **Mr. Christopher R. Norwood**

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#### **Mr. R. Anthony Prather**

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#### **Mr. Mark S. Zuckerberg**

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## **Rebecca W. Geyer**

Rebecca W. Geyer & Associates, PC, Carmel



*Rebecca W. Geyer* is the founder of Rebecca W. Geyer & Associates, PC where her practice concentrates in estate planning, estate and trust administration, elder law, tax planning, and business services. A board certified Indiana trust and estate specialist\* and a Fellow of the American College of Trust and Estate Counsel, Rebecca is also an adjunct professor of elder law at the Indiana University Robert H. McKinney School of Law.

Rebecca completed her undergraduate degree at Indiana University, majoring in Political Science. She went on to earn her Juris Doctor in 1998 at the Indiana University Maurer School of Law. An avid volunteer in both the legal community and the Indianapolis community at large, Rebecca often speaks and writes on estate planning and elder law topics, and annually provides pro bono legal services to individuals through her work with the Indianapolis Bar Association and the Albert and Sara Reuben Senior Resource and Community Center.

As a frequent lecturer and seminar presenter, Rebecca has authored numerous seminars with ICLEF, ISBA, IBA, and National Business Institute. Her recent presentations include "Alternatives to Guardianship," "Elder Law Update," "Estate Planning Under Our Guardianship Statutes," "Estate Planning with Retirement Assets" and "Estate Planning for Same-Sex Couples in Light of Obergefell."

Rebecca is Secretary of the Indianapolis Bar Association, Past President of the Indianapolis Bar Foundation, a former Chair of the Elder Law Section of the Indiana State Bar Association, and a Past President of the Indiana Section of the National Academy of Elder Law Attorneys (NAELA). She served on the Board of Governors of the Indiana State Bar Association from 2016-2018. Since 2014, Rebecca has been named to the prestigious list of Super Lawyers® for estate planning, and has been designated as one of the top 50 attorneys in Indiana and one of the top 25 women lawyers in Indiana in since 2016 by Law & Politics Magazine and Indianapolis Monthly. She was also named to the Indianapolis Business Journal's 2014 40 Under 40 Class, which recognizes individuals making a difference in their professions and communities prior to the age of 40. In 2018, Rebecca was recognized by the Indianapolis Bar Association for service to the profession, and was awarded the Indianapolis Bar Association's Dr. John Morton Finney Award for Excellence in Legal Education in 2013. Rebecca also volunteers in the community where she serves as Past President of Congregation Beth-El Zedeck, and Treasurer of the Indianapolis Section of the National Council of Jewish Women.

Rebecca is chair of the Indianapolis Bar Association's Estate Planning and

Administration Section, and a member of its Women and the Law Division. Her professional memberships also include the Probate, Trust and Real Property Section and the Elder Law Section of the Indiana State Bar Association, the Indiana Probate Review Committee, Estate Planning Council of Indiana, and the National Academy of Elder Law Attorneys. Rebecca was recognized as a distinguished fellow by the Indianapolis Bar Foundation in 2010.

\*Certified by the Indiana Trust and Estate Specialty Board

## **James J. Bell**

Paganelli Law Group, Indianapolis



### **LIFE AT PLG**

- 2018 President of the Indianapolis Bar Association.
- Leads PLG's criminal defense and professional discipline team, using nearly 20 years of experience to help his clients.
- Recognized as one of the top 50 lawyers in Indiana by "SuperLawyers" in 2015, 2016, 2018 and 2019; listed in "The Best Lawyers in America."

### **LIFE BEFORE PLG**

- Former partner at Bingham Greenebaum Doll, a large midwestern law firm, where he practiced white-collar criminal defense and professional ethics defense.
- Former major felony public defender.
- Served as an adjunct professor of legal ethics at the Indiana University McKinney School of Law.
- Past chair of the Indiana State Bar Association's Criminal Justice Section, the Indianapolis Bar Association's Criminal Justice Section, and the Indiana State Bar Association's Legal Ethics Committee.
- Graduated from DePauw University (B.A. 1996) and the Indiana University McKinney School of Law (J.D. 1999).

### **LIFE BEYOND PLG**

- One of the most sought-after speakers on legal ethics and criminal practice issues in Indiana.
- Host of the popular "Amateur Lifecoach" series of online video presentations on professional ethics.
- Lives in Indianapolis with his wife and their three small children.

**Erin Maybee Durnell**

Broyles Kight & Ricafort, PC, Indianapolis



*Erin Maybee Durnell* focuses her practice on all aspects of family law. Erin's experience as a family law attorney includes custody proceedings, marital estate divisions, child support matters, and paternity actions. She also represents clients in adoption matters, including stepparent adoptions, and works with clients in securing grandparent visitation, protective orders, prenuptial agreements, and estate planning documents. Additionally, Erin works with BKR's Immigration Group on Special Immigrant Juvenile matters, assisting undocumented children who are the victims of abuse, abandonment, or neglect.

Erin endeavors to resolve domestic relations matters through the use of mediation and informal negotiation, but appears frequently in central Indiana courts to advocate her clients' positions at trial. Erin is a Registered Domestic Relations Mediator, a trained collaborative law professional, and a trained domestic relations arbitrator. In addition to representing individual clients, she regularly serves in various third party neutral roles: as mediator/arbitrator, as guardian ad litem appointed by the court to represent the best interests of children, and as parenting coordinator for high conflict cases. Prior to joining BKR, Erin worked for the Indianapolis Bar Association; Girls, Inc.; the Association of Fraternity Advisors; and Midwest Reproductive Medicine.



## **Betsy K. Greene**

Greene & Schultz Trial Lawyers, Bloomington



Born 1957; admitted to the bar, 1982, Indiana; also admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals, 7th Circuit and 6th Circuit, U.S. District Court, Northern and Southern Districts of Indiana. Preparatory education: Indiana University (B.A., 1979); legal education: Indiana University (J.D., 1982). Deputy Prosecuting Attorney, Morgan County, Indiana, 1983 and Chief Deputy Prosecuting Attorney 1985 to 1988.

Member: Monroe County, Morgan County, Indiana State and 7th Circuit Bar Associations; Indiana Trial Lawyers Association; the Association of Trial Lawyers of America and The American Board of Trial Advocates. Ms. Greene also serves on the Indiana Supreme Court Committee on character and fitness.

Ms. Greene joined Nunn & Kelley Law Office in 1988 and was a partner from 1990 until leaving to start her own firm in February, 2005. Nunn & Greene Law Office concentrated solely on injury cases. Since June 1, 2005, Ms. Greene has been a partner in the law firm of Greene & Schultz Trial Lawyers, representing those injured or killed by negligence. Ms. Greene has personally tried over 100 jury trials in her career.

Ms. Greene has been a member of the Indiana Trial Lawyers since 1989 and a director since 1992. Currently, she is the immediate Past President of ITLA and has been a member of the Executive Committee since 1994. Ms. Greene is a frequent speaker at Indiana Trial Lawyers Association seminars. Ms. Greene has written for and spoken at a number of Indiana Continuing Legal Education Forum seminars. Ms. Greene is also Past President of the Indiana American Board of Trial Advocates, Indiana Chapter (2005), and Past President of the Monroe County Bar Association (2005). Ms. Greene has been inducted into the Indiana Trial Lawyers Association' College of Fellows and is an Emeritus Director of the Indiana Trial Lawyers Board of Directors.

Ms. Greene received her first certificate in Civil Trial Advocacy from the National Board of Trial Advocacy on November 21, 1995. Ms. Greene was certified again on November 22, 2000 and certified again on November 21, 2005 and is currently one of forty certified trial lawyers in the State of Indiana. Ms. Greene has earned Advocate status in the Association of Trial Lawyers of America's National College of Advocacy. In addition to the board certification, Ms. Greene an AV rating from Martindale-Hubble, the national lawyer rating service.

In August, 2005, Ms. Greene graduated from the Gerry Spence Trial Lawyers College. The Trial Lawyer's College is an intensive three week course in trial advocacy conducted

at Thunderhead Ranch in Dubois, Wyoming. She has attended four other Trial Lawyer College workshops. She is President-Elect of the Trial Lawyers College Alumni Board.

Ms. Greene was selected as an Indiana Super Lawyer by Law and Politics Magazine (selected as among the top 5% of practicing Indiana attorneys in a peer review and evaluation process) for the first time in 2004. She has been named to that same list every year since. In 2007, she was featured a Top 50 attorney by the same magazine.

Ms. Greene has been appointed an adjunct professor at the Indiana University School of Law for the spring, 2008 semester. She teaches Trial Advocacy.

**Susie M. Keaton, CPA**

Somerset CPAs and Advisors, Indianapolis



Susie's title is Principal, Tax Team and she specializes in estate planning, trust and estate consultation and compliance, and individual tax for high net-worth individuals. Susie works extensively with privately-held businesses in the manufacturing and professional service areas, on tax planning and compliance.

Born into a large family in Southern Indiana, Susie counts reading, bike riding and snow skiing among her favorite hobbies. Susie is current secretary and past president of the Estate Planning Council of Indianapolis.

**EXPERTISE**

- Trust and Estate
- Gift Tax
- Individual Tax
- Closely-Held Businesses

**EDUCATION**

- BS — Accounting, Ball State University

**PROFESSIONAL AFFILIATIONS**

- Indiana CPA Society — Member
- American Institute of CPAs — Member
- Central Indiana Community Foundation — Professional Advisory Leadership Council
- Estate Planning Council — President

## **Meghann E. LaBadie**

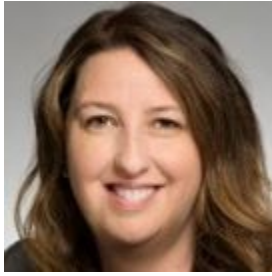
The Law Office of Meghann LaBadie, LLC, Highland



*Meghann LaBadie* practices in the areas of Wills, Trusts, and Probate. She graduated from Indiana University School of Law – Indianapolis in 2006 and joined the Indiana Bar that same year. She then began her career at a small firm in Highland, Indiana, where she learned the art of Estate Planning. Meghann also served as the firm’s Community Outreach Director, giving educational seminars to large groups of people. Over six years, Meghann tripled the Estate Planning revenue at this firm. In 2012 Meghann began her own firm, with a business model focused entirely on client service. Meghann meets clients where they are most comfortable: in their homes. This model is convenient and relaxing for clients, and also allows for evening meetings with clients who work. The result is satisfied and well-educated clients who understand their legal documents and how to use them. Meghann’s business model thrives on referrals from key sources, including former clients. The flexibility offered by this business model allows Meghann to work from home, balancing her client’s needs with the needs of her family. Meghann has three young children, aged ten, seven, and three, and most days she is able to pick them up from school. The firm has experienced incredible and quick growth, and now requires two employees: Meghann’s mom serves as office manager and her sister serves as the supply manager. Using secure technology creatively allows all firm employees to have access to all client files from wherever they are working (as long as they have an internet connection), and facilitates the “passing” of files between employees during the intake, drafting, signing of documents, and closing phases. Overall, this business model has resulted in innovative business practices and satisfaction for both clients and employees.

**Krysten M. LeFavour**

Craig Kelley & Faultless, LLC, Indianapolis



*Krysten* is a Single Hearing Member with the Indiana Worker's Compensation Board and also is Of Counsel with Craig Kelley & Faultless, LLC in Indianapolis.

In 2001, Krysten graduated from IUPUI with a degree in Social Work, with Highest Distinction. During her undergraduate studies, Krysten was involved in many community activities including volunteering for the Children's Bureau of Indiana, The Julian Center, the Indiana Literacy Foundation, and the Good Friend's Program. Krysten was the recipient of the Outstanding Female Leader award in 2001.

Krysten graduated from the Indiana University McKinney School of Law in 2007, *Summa Cum Laude*. While in law school she was a member of the Indiana Law Review Executive Board and Order of the Barristers. She graduated with a certification in Health Care Law.

Krysten has worked with the team of attorneys at Craig, Kelley & Faultless LLC on hundreds of personal injury cases for the past eight years. Krysten specializes in maximizing settlement recovery for clients who have been injured. Krysten assists with multiple other post-settlement challenges, including issues with ERISA plans, Medicare, and Medicaid. She also handles a portion of the firm's pre-litigation cases.

Honors Graduate: Summa Cum Laude, IU McKinney School of Law Honors Graduate with Highest Distinction, Indiana University Bachelor's Degree Certification in Health Care Law 2001 Outstanding Female Leader - Indiana University-Purdue University Indianapolis Indiana Super Lawyers Rising Star 2016.

**Elizabeth Norris**

Norwood Economics, Inc., Fishers



*Elizabeth Norris* joined Norwood Economics in 2017 as a Client Relationship Manager. Her background includes Nonprofit Management and Marketing for such organizations as Joffrey Ballet Chicago and Blumenthal Performing Arts Center in Charlotte, NC. She has served as a Grant Writer for small and mid-size Nonprofits including Operation Home, Charleston Housing Authority and River Alliance Indiana.

Elizabeth holds a BA in Journalism and Art History from Winthrop University and an MFA in Non-Fiction Writing from Indiana University. She is currently pursuing her Series 65, and will work towards her MS in Finance.

**Christopher R. Norwood, CFA, MPA**  
Norwood Economics, Inc., Fishers



*Christopher R. Norwood, CFA* is the founder of Norwood Economics, Inc., a Registered Investment Advisor specializing in low-cost, small business 401k and Cash Balance Plans. His career in Financial Services spans 24 years and includes the founding of Thunderbird Management, the general partner for Keystone Fund L.P., a private fund that received national recognition in the early 2000's as a top alternative investment fund. He co-founded Biechele Royce Advisors, serving as its managing partner and Chief Investment Officer and was Chief Market Strategist for Wallington Asset Management, where he was instrumental in formulating asset allocation policy and portfolio strategy during the bear market of 2007-2009 for the \$365 million AUM firm.

Mr. Norwood earned a Bachelor of Arts degree in Journalism from Davidson College and a Master's degree in Public Administration from the University of Colorado. He received the Chartered Financial Analyst (CFA) designation in 1999 from the CFA Institute. He is a past board member of the CFA Society of Indianapolis and a current member of the CFA Institute. Additionally, he is a member of the Estate Planning Council of Indianapolis, sits on the Fishers Chamber Advocacy board and is a past President of the Carmel Golden K Kiwanis club. Chris is an Adjunct Professor of Economics at the Butler University Business School in Indianapolis, where he teaches Principals of Macroeconomics.

As an officer in the United States Air Force Chris logged thirty-five combat missions and one hundred fifty-five combat hours in the F-15C Air-to-Air superiority fighter while in Southwest Asia. He received two meritorious service medals, an air combat medal, an aerial achievement medal and the Southwest Asian combat medal. Additional duties included serving as the Air Force liaison officer to Thailand and special advisor to the American Ambassador for military arms sales from 1995 to 1998 - an experience that he credits with broadening his perspective on investing outside of the United States.

## **F. Anthony Paganelli**

Paganelli Law Group LLC, Indianapolis



### **LIFE AT PLG**

- Founder and principal of PLG, leading our team and managing all business functions for the firm.
- Concentrates his practice in commercial litigation, mediation, and business strategy.
- Recognized in 2009 and 2010 as an “Indiana Rising Star” (the top 5% of Indiana lawyers under 40), and as an “Indiana SuperLawyer” (the top 5% of all Indiana lawyers) every year since 2010; included in every edition of “The Best Lawyers in America” since 2013.

### **LIFE BEFORE PLG**

- Litigation partner with Taft, Stettinius & Hollister, one of the largest law firms in the United States, where he developed a national business litigation and trial practice.
- Served as the 2012 Chair of the Litigation Section of the Indianapolis Bar Association.
- Graduated from the University of Notre Dame (B.A. 1992) and Indiana University School of Law—Bloomington (J.D. *Cum Laude* 1995).

### **LIFE BEYOND PLG**

- Instructor and program chair for the annual Indiana Trial Advocacy College, and frequent speaker on legal and business issues.
- Chairman Emeritus of the Children’s Organ Transplant Association, a national charity that raises over \$5 million per year for children who need life-saving organ transplants.
- Lives in Indianapolis with his wife and their two teenage children.





**Tony Prather represents management interests exclusively in virtually all aspects of labor and employment law and litigation. Tony delivers multidimensional perspective when it comes to problem-solving. Not only has he served as counsel for the EEOC and understands what drives the opposition, he has also worked in-house and knows how to conserve critical resources while safeguarding the bottom line.**

Tony's experience includes workplace investigations, audits, supervisory training, defense of discrimination and retaliation claims, and preparation and defense of affirmative action plans. Tony also negotiates and drafts executive employment, separation and non-compete agreements. In addition to his full-service practice representing management interests exclusively, Tony defends management in federal and state courts, before the Equal Employment Opportunity Commission, the Indiana Civil Rights Commission, the Department of Labor, and the National Labor Relations Board.

He provides legal advice and counsel to management regarding the laws and regulations that impact employment relationships, such as Title VII of the Civil Rights Act, the Americans with Disabilities, the Age Discrimination in Employment Act, the Family Medical Leave Act, the Fair Labor Standards Act, the Equal Pay Act, the Occupational Safety and Health Act, state wage payment statutes, and other federal and state employment discrimination statutes. Tony has significant trial experience representing employers in both individual and class action litigation.

Prior to joining Barnes & Thornburg, Tony was in-house counsel for Ameritech Corporation, Firestone Building Products Company, Firestone Industrial Products Company and Firestone Polymers. Having worked in house, Tony understands the budgetary constraints in-house lawyers and business professionals face, as well as the need to provide services that can be justified internally. He thrives under the challenge of providing truly creative and actionable solutions when faced with serious problems and minimal resources.

A people person who cares about those he serves and sets everyone around him at ease, Tony is an active listener who comes to the table with an open mind, including solutions that don't include litigation and trial. Tony believes that the client decides what a win is and that his goal is to ultimately achieve that end.

On June 30, 2014, Tony completed his second five-year term as a member of the Indiana Supreme Court Disciplinary Commission. In addition to his employment related representation of employers only, Tony represents judges, lawyers and other professionals in disciplinary and licensing issues and other matters of professional responsibility.

## Professional and Community Involvement

Member, Black Law Students Association (BLSA) Advisory Board, Indiana University Maurer School of Law

## R. Anthony Prather

Partner

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### EDUCATION

Indiana University, B.A., 1980  
Indiana University-Bloomington, J.D., 1983

### BAR ADMISSIONS

Indiana

### COURT ADMISSIONS

U.S. Court of Appeals for the Seventh Circuit  
U.S. District Court for the Northern District of Indiana  
U.S. District Court for the Southern District of Indiana

### PRACTICES

Accessibility and Disability  
Affirmative Action/OFCCP Compliance  
Arbitration and Grievances  
Class and Collective Actions  
Corporate  
Disability, Leave and Medical Issues  
Discipline and Termination  
Discrimination Defense  
Downsizing and WARN Act  
EEO Compliance  
Employment  
Employment Litigation  
Entrepreneurial and Emerging Companies  
Human Resource Audits  
Labor and Employment  
Labor and Employment  
Labor Relations  
Management and Employee Training  
Mergers and Acquisitions - Labor Issues  
National Labor Relations Board (NLRB)  
Non-compete and Trade Secrets  
Wage and Hour  
Workplace Counseling  
Workplace Culture 2.0

Former member, Indiana Supreme Court Disciplinary Commission

Pro bono services to:

- Indiana Coalition Against Domestic Violence
- Indiana Coalition To End Sexual Assault
- The Julian Center

## **Honors**

The Best Lawyers in America, 2016-2019

Indiana Super Lawyers, 2004-2006 and 2011-2019

Chambers USA, 2014

The Indiana Lawyer Leadership in Law Distinguished Barristers Award, 2018

**Bio**

Eric is an agent for RITMAN and joined the company in 2009. His primary lines of business include Professional Liability and Cyber Liability with an emphasis on Lawyers and Title Agents.

Eric holds insurance licenses in IN, OH, IL, KY, and TX.

He graduated from Indiana University Bloomington with bachelor's degrees in both Political Science and Economics.

Eric currently resides in Noblesville with his wife Laura and two sons.



## Fred Schultz

Fred is a graduate of Butler University and the Indiana University School of Law - Bloomington. He began his legal career as a deputy prosecuting attorney with the Greene County Prosecutor's Office from 1996 to 1998. He joined Nunn & Greene Law Office as an associate attorney until he left in May of 2005 to form the law firm of Greene & Schultz with Betsy Greene. Fred has tried numerous jury trials in both State and Federal Courts in Indiana, and has written and spoken at a number of Continuing Legal Education programs, both in Indiana and across the country.

During his career as a trial lawyer, Fred has received numerous awards and recognitions. He has received the top award for a lawyer in practice less than ten years from both the Indiana Trial Lawyers Association and the Association for Justice, the Max Goodwin Award from ITLA, and the F. Scott Baldwin Award from the American Association for Justice. He is also a graduate of the Trial Lawyers College.

Fred has been named a Super Lawyer for every year since 2008 and continuing through 2017 by Law & Politics Magazine, and the publishers of Indianapolis Monthly. The Super Lawyer award is given out only after an extensive peer review and screening process of all the lawyers in Indiana and is bestowed upon those attorneys who are considered to be among the top five percent of all lawyers in Indiana. He has also been recognized by Best Lawyers in America every year since 2013.

Fred is frequently asked to serve in leadership positions in the various organizations which he is involved. Fred has served as president of the Monroe County Bar Association, chairperson of the Indiana Trial Lawyers Association (ITLA) Annual Institute, co-chaired ITLA's Professional Responsibility Seminar, and has been asked to speak several times at the Annual Convention for the American Association for Justice. He is a member of the Indiana State Bar Association. He is also active in leadership in the Indiana Trial Lawyers Association (ITLA), where he has served on the Board of Directors since 2004 and the Executive Committee since 2011. Fred currently serves as the President of ITLA. He is also a member of the American Association for Justice (AAJ), where he is a past member of the Board of Governors, and still serves on several committees. Fred is also a member of the American Board of Trial Advocates (ABOTA), and currently serves as President of the Indiana Chapter of ABOTA. He is board certified as a Civil Trial Advocate by the National Board of Trial Advocacy. Fred also serves on the board of directors for Indiana Legal Services (ILS), a non-profit organization that provides legal assistance to low income Hoosiers.

**Shawn M. Scott**  
**HALL SCOTT P.C.**



**Shawn M. Scott** is a partner at Hall Scott PC and is licensed to practice law in both Indiana and Illinois. After graduating from Hanover College with a B.S. in Political Science, Shawn attended The John Marshall Law School in Chicago, Illinois, where she earned a J.D. and an LL.M. in Intellectual Property.

Shawn concentrates her practice in the areas of estate and business succession planning, probate and trust administration, business law and real estate. She frequently advises individual and corporate personal representatives and trustees in the administration of estates and trusts.

Shawn has spoken at several continuing legal education seminars on the topics of estate planning and estate and trust administration. She is a graduate of the Indianapolis Bar Association Bar Leader Series Class XI and has been named as a Super Lawyer and Super Lawyers Rising Star. Shawn is also a member of the Planned Giving Council at The Children's Museum of Indianapolis. She is the current President of the Estate Planning Council of Indianapolis. Shawn is also the Chair of the Probate, Trust & Real Property Section of the Indiana State Bar Association. She is a member of the Indianapolis Bar Association, Indiana Bar Association and Illinois Bar Association.

Shawn received her certification as a Board Certified Indiana Trust & Estate Lawyer in 2017 from the Trust & Estate Specialty Board (TESB) and also currently serves on the TESB Board.

Shawn is married to fellow North Central High School alum Sean D. Scott. They live in Indianapolis with their three children.

## **Reid F. Trautz**

Practice and Professionalism Center, Annandale, VA



*Reid Trautz* is Director of the Practice and Professionalism Center at the American Immigration Lawyers Association. He is a past Chair of ABA TECHSHOW and a Fellow of the College of Law Practice Management. A highly regarded speaker and author, Reid is co-author of the ABA book "The Busy Lawyer's Guide to Success: Essential Tips to Power Your Practice." He blogs on innovation in management and ethics for lawyers at Reid My Blog! Follow him @RTrautz.

After practicing law in a small firm for ten years, I sought a different path that would merge my training in the law with my passion for business. I now advise and counsel lawyers who seek excellence in the practice by providing superior legal and customer service to their clients, while maintaining a balanced quality of life. I am pleased to contribute to the discourse in the legal profession on the issues of business process improvement, technology, legal ethics, financial management, attorney-client communications, and risk management. In addition to the information and commentary on this blog, I am co-author of *The Busy Lawyer's Guide to Success: Essential Tips to Power Your Practice*, published by the ABA and available through on-line bookstores. I am also the author of numerous practice management articles and publications on these topics. (See my Digital Ink for a sampling of articles on-line.) In addition, I have had the honor of being invited to speak and present on these issues at legal conferences across North America, including the Missouri Bar Solo & Small Firm Conference; Atlantic Provinces Trial Lawyers Association; Oklahoma Solo & Small Firm Conference; ABA TECHSHOW; Arizona Bar Annual Meeting; Virginia Trial Lawyers Solo & Small Firm Conference; Law Society of Upper Canada/Ontario Bar Association Solo & Small Firm Conference; American Academy of Adoption Attorneys Annual Conference; Pacific Legal Technology Conference; National Solo and Small Firm Conference (sponsored by the ABA GP Solo Division); and numerous conferences sponsored by other ABA Sections. I am proud to be an active member of the ABA Law Practice Management Section, currently serving as Chair of the 2012 ABA TECHSHOW, as well as on the LPM Section governing council. In 2008, I was honored to be inducted into the College of Law Practice Management. I am admitted to the bars of Minnesota, Virginia, and the District of Columbia. I lead an active family life with my wife and our three teenage sons, who keep us running between school and sporting events. When not at home in Virginia, we like to travel the US, discover local diners, drive-ins and dives, and ride roller coasters until we can't anymore.

**Paul J. Unger**

Affinity Consulting Group, LLC, Columbus, OH



*Paul J. Unger* is a nationally recognized speaker, author and thought-leader in the legal technology industry. He is an attorney and founding principal of Affinity Consulting Group, a nationwide consulting company providing legal technology consulting, continuing legal education, and training.

He is the author of dozens legal technology manuals and publications, including recent published books, *Tame the Digital Chaos – A Lawyer's Guide to Distraction, Time, Task & Email Management* (2017) and *PowerPoint in an Hour for Lawyers* (2014). He served as Chair of the ABA Legal Technology Resource Center (2012-13, 2013-14) ([www.lawtechnology.org/](http://www.lawtechnology.org/)), Chair of ABA TECHSHOW (2011) ([www.techshow.com](http://www.techshow.com)), and served as Planning Chair for the 2016 ACLEA Mid-Year Conference in Savannah, GA. He is a member of the American Bar Association, Columbus Bar Association, Ohio State Bar Association, Ohio Association for Justice, and New York State Bar Association, and specializes in document and case management, paperless office strategies, trial presentation and litigation technology, and legal-specific software training and professional development for law firms and legal departments throughout the United States, Canada and Australia. Mr. Unger has provided trial presentation consultation for over 400 cases. In his spare time, he likes to run and restore historic homes.



## **Mark S. Zuckerberg**

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*Mark S. Zuckerberg* is one of only twelve Board Certified Consumer Bankruptcy Specialists in the entire State of Indiana and has filed over twenty-thousand (20,000) bankruptcy cases in his twenty-two (22) year career. He frequently lectures both locally and nationally to lawyers and various groups on the topic of consumer bankruptcy law. Mr. Zuckerberg has spoken at the National level at the American Bankruptcy Institute, the National Association of Consumer Bankruptcy Attorneys and the National Conference of Bankruptcy Judges Annual Conferences. He has been quoted on several occasions in the New York Times, Indianapolis Star, The Indianapolis News, and several other news publications. Mr. Zuckerberg has been interviewed by NBC Evening news, Business Week, and People Magazine. Mr. Zuckerberg currently serves on the board of the American Board of Certification. Mr. Zuckerberg is a member of the Indianapolis Bar Association and past Chairman of the Bankruptcy and Creditors Right's Section of the Indiana State Bar Association. He was the only consumer bankruptcy attorney to debate Senator Grassley on the merits of bankruptcy reform on National Public Radio's Morning Edition. Mr. Zuckerberg has been recognized by Who's Who in American Law, the Best Lawyers in America Consumer Guide, and was the only consumer bankruptcy attorney to be named in the March 2005 Edition of the Indianapolis Monthly Magazine's list of Indiana Super Lawyers. Mr. Zuckerberg was awarded Master Distinguished Fellow by the Indianapolis Bar Association. Mr. Zuckerberg received his BA from Indiana University and his JD degree from Capital University. Mr. Zuckerberg has concentrated his practice exclusively to the area of Bankruptcy Law for over twenty-two (22) years.

### Accomplishments:

- One of two lawyers asked to speak on bankruptcy law at the Judicial College for Indiana State Court Judges, - an organization devoted to educating Indiana judges on bankruptcy.
- Member of the Indiana State Bar Association (Past President of the Commercial Law Section)
- Member of the Indianapolis Bar Association (Commercial Law), which awarded Mark the Master Distinguished Fellow.
- Recognized in the Indianapolis Business Journal, "40 Under Forty" recipient, May 1998.
- Recognized by Who's Who in American Law and The Best Lawyers in America Consumer Guide.
- Was the only consumer bankruptcy attorney in America asked to debate Senator Grassley on the merits of the pending bankruptcy reform legislation on National Public Radio's Morning Edition.



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**Paul J. Unger  
punger@affinityconsulting.com**

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Rebecca W. Geyer  
Frederick W. Schultz  
Reid F. Trautz**

# **Section One**

# **Technology, Time Management Strategies, Paperless Practice & Confidentiality Control**

**Paul J. Unger**  
Affinity Consulting Group, LLC  
Columbus, Ohio

# Tame the Digital *Chaos*

Distraction, Time, Task & Email Management  
in an Age of Information Overload

*Practical Strategies and Technology for  
Professionals to Gain Focus and Control  
of your Day and Personal Life!*



**PAUL J. UNGER**



# **Tame the Digital Chaos**

## **Distraction, Time, Task & Email Management**

**Paul J. Unger**  
**punger@affinityconsulting.com**

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# How to Manage Your Workload

## Distraction, Time, Task and Email Management



### I. INTRODUCTION

*I welcome change, as long as nothing is altered or different!*

The purpose of this seminar is simple ... teach you the habits you need to make technology *your* servant and gain control of your work day and personal life.

Technology is supposed to be *our* servant. However, for most of us, we have become a servant to technology. We need to turn that scenario around, and make technology work for us ... not against us. Technology is controlling us in a very negative way. Technology is supposed to be helping us do more in less time. You've heard it ... Do more in less time and go home early, right?! If that is the case, then what happened? In my humble opinion, we have all become so dazzled by technology that we lost common sense. I hear comments all the time like:

*"I can't get anything done because I get so many emails every day!"*

*"My work piles up because of all my interruptions."*

*"I do better with good old-fashioned paper."*

*"I can't keep track of my tasks ... I constantly let things slip between the cracks."*

I am fairly sure that managing tasks and time is a problem that has probably been around for a very long time. Most of us wish that we had another few hours a day to get things done. For most of us, technology has hurt us almost as much as it has helped us. Add up

the number of emails, instant messages, smartphones, social media posts, laptop computers, tablets, and we just cannot escape the endless number of interruptions that prevent us from focusing and “being present” to tackle all that we must do in a single day.

The system outlined below combines distraction management skills with some of the time management techniques outlined by experts like David Allen, Dr. Stephen Covey, etc., but applies them utilizing technology tools for professionals in a much more simplified way. Many time management experts shy away from technology, if not outright reject it! I firmly believe this is a huge mistake. Reverting back to paper in this day and age is a cop-out, especially in the age of technology and smartphones.

## II. DISTRACTION MANAGEMENT

- A. **Information Overload – Managing Distractions in the 21<sup>st</sup> Century:** 150 emails, ... 50 instant messages, ... 20 telephone calls, ... 15 walk-in interruptions, ... 25 social media notifications, ... 50 email or internet curiosity breaks, ... that totals 310 digital interruptions. Divide that into 480 workday minutes and that is an interruption every 1.55 minutes! Most studies that I see indicate that the average American worker is interrupted every 2-3 minutes. Now let's look specifically at just *internal* interruptions ... In 2015, the average American worker checks Facebook 21 times per day, takes 74 email curiosity breaks, and switches tasks on a computer 564 times a day! With these numbers of external and internal interruptions, it is incredible that we get any deep level project work accomplished.

In a 2007 Microsoft Corp. study, researchers concluded that it takes 15 minutes to return back to the work that computer programmers were performing at the time of an electronic-based interruption. If we get interrupted every 2-3 minutes, and it takes 15 minutes to return back to the work we were performing, how do we get anything done during the course of the day? This is why we look at our timesheets somedays at 5 pm and see only 2 hours of billable time, but we feel like we put in a 14-hour day.

The reality is that we live in an age of information overload. We are constantly connected to the world and inundated with information. We sleep with our smartphones ... we are surrounded by 24-hour news networks ... social media ... tablet computers ... we can't escape. This is why very smart people underperform. Do you ever wonder why your head is in a constant cloud and you are unable to focus? It is called Attention Deficit Trait (ADT) and it is becoming a world-wide epidemic.

ADT is a relative to Attention Deficit Disorder (ADD), but it is very different in that ADD has a genetic component. ADT does not. ADT is environmentally induced, and in today's age of information overload, those environmental factors are technology-based. In other words, ADT is a condition that is in large part caused by the technology and connectivity that we love so much. Yes, the very technology that we love so much is causing us to walk around with foggy brains and causing us to underperform. The scary part is that no one knows the long term effects of information overload. However, some shorter term studies suggest that the problem is getting worse. More recent studies show that it takes slightly over 23 minutes to return back to the work we were performing at the time of a digital interruption.

What can we do about it? We need to rethink and realign the way that we live with technology. Listen, I love technology. It is my life and passion, but I sometimes don't like it so much, especially when it has a negative impact on productivity and my personal life. We combat ADT and overcome our inability to focus by attacking ADT on four fronts:

1. Personal Health
2. Workplace Health
3. Learning a Time, Task & Email Methodology
4. Learning Attention & Distraction Management Skills

Personal Health is important on two fronts – Physical and Mental. Physically, we know that when we are fit, well-rested and healthy, we feel like we can conquer anything. When we overeat, and when we are sleep-deprived, every situation sometimes seems to be doomed for failure. As an example, we know that we cannot eat a foot-long sub full of meat and processed bread, a bag of chips and piece of pie for lunch and come back and expect to stay awake or concentrate. From a mental health perspective, we also know how difficult it is to concentrate and be productive when we are depressed, or when we are focusing on a personal relationship that is suffering. We can't ignore these two important areas of our personal life. If these areas need improvement, hire a personal trainer and start exercising, and go see a therapist or life coach to help get your physical and mental health back on track.

Workplace or Organizational Health is also very important. We know how difficult it is sometimes to focus in an environment that is negative or unhealthy. We know how difficult it is to operate in an environment full of drama and distrust. We need to focus on ways to improve workplace health. I am not a subject matter expert on this, but a great starting point that I recommend would be two books – Five Dysfunctions of a Team and The Advantage, both by Patrick Lencioni.

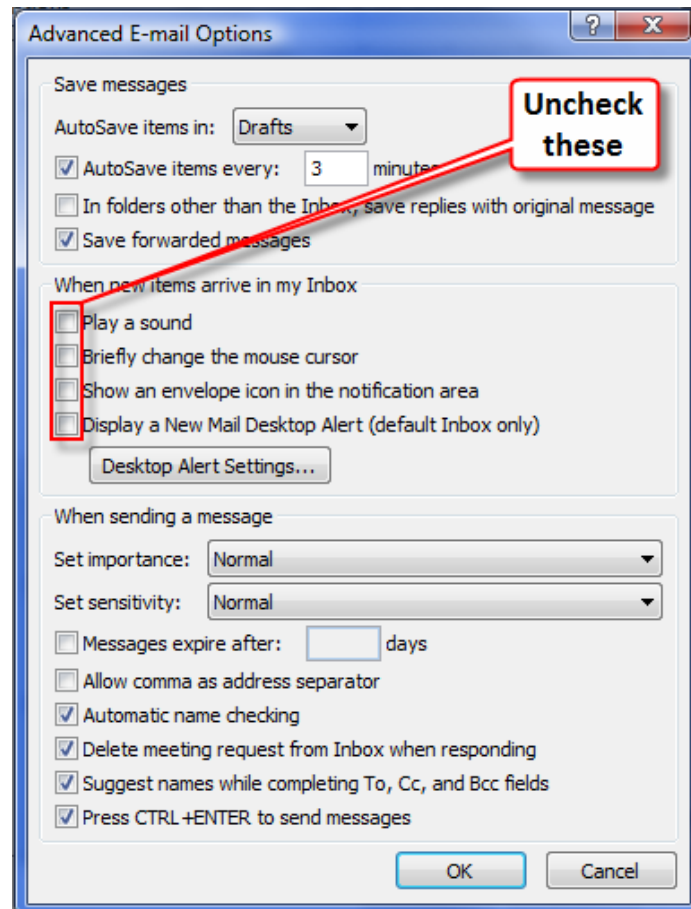
Learning a Time, Task and Email Management Methodology is the third front that we need to address. We need an effective way to (1) process the hundreds of digital and human interruptions/tasks that we receive during the course of a day, and (2) organize the tasks, digital information, and paper information that hits our desk. In other words, we need a digital methodology to get organized ... and stay organized. If we don't have system in place, we will operate in state of chaos. Studies show that if we do not have an effective task management system to capture our tasks and file away that information, we continue to worry about those things, which has an enormous impact on our ability to focus. I am an advocate of using and customizing tools like Microsoft Outlook and our smartphones to process this information. For those of you in the legal profession, I also think that legal document management systems can be extremely helpful to legal professionals. These are tools like Worldox, NetDocuments, iManage or OpenText.

Attention Management Skills is the fourth front that we need to address. As it relates to this, I want to share 5 Attention Management tips that are easy, practical, and will make an immediate impact on your ability to focus:

1. **Turn Off ALL Notifications.** Notifications are bad. Why would we give the world a hotline to our brain? Turn all notifications off ... and I mean ALL of them. In Outlook, email notifications can be turned off by navigating to File > Options >



Mail and deselecting the four different methods of notifying you when a new message arrives.



On an iPhone, go to Settings > Notifications and go through and turn off notifications by App.

**2. Practice Single Tasking.** It is not enough to say that multi-tasking is bad. We need to practice single-tasking. We need to clear our desks AND our multiple monitors of information that is not directly relevant to the project that we are executing. For example, you should always minimize Outlook on your second monitor unless you are batch processing emails, planning your upcoming tasks, or using that information for the task that you are performing. Why would you leave up on your beautiful 21" screen the single most chaotic distraction known to man in the 21st century ... Email. That is insane if you think about it. Email feeds us distraction bombs every 30 seconds to 5 minutes. How can we possibly focus if we see those bombs land in our inbox? Just because we have 2 or 3 monitors, doesn't mean that we need to have something displayed on them, especially if the information displayed derails our ability to focus on the task in front of us!

3. **Pomodoro.** Pomodoro is an easy technique that utilizes the 25-minute tomato timer. We single-task (preferably deep-thought work) for 25 minutes and then take a break and do something relaxing for 5 minutes. In other words, we work in intervals. The human brain functions very well, maintaining attention to a single task for 25 minutes. After 25 minutes, we begin to lose focus. By giving ourselves a 5 minute break, we can return to deep-thought work for another 25 minutes very easily. Feel free to adjust the 25 minutes to something a bit longer if you want. I know a lot of folks who work 40 minutes or longer and take a 5-10 minute break. This technique will make a huge impact on productivity and will also help combat procrastination. Think about it, we can endure even the most tedious dreaded task for 25 minutes, right? Once we get a little momentum going and we get immersed in the project, it becomes a lot easier. One important note: Do not process emails during your 5 minute break! Take a real break and do something relaxing like getting some fresh air or water, or take a 2-3 minute walk.

4. **Tackle Deep-Thought Work Early in the Day (or when rested).** Dive into deep-thought work, writing, projects early morning. There is little question about it ... our brains function better following quiet time or sleep. We also know that we can be highly productive while the rest of the world is sleeping because there are far fewer (if any) interruptions. This can be one of the most productive times of the day.

5. **Have a Plan! Daily and Weekly.** Studies clearly show that when we have a plan ... a roadmap, we are less distracted. We are more focused. Start your day by taking 5-minutes to create a simple plan for the day. Identify and write down the 3-5 things that you need to accomplish. Next, time block your entire day. In other words, create an appointment to plan your entire day. Once a week, take 1 hour to do a deep dive into your next two weeks of your appointments, the past 2 weeks of appointments, your entire task list, your case/matter/project list, and convert any sticky notes to tasks.

6. **Batch Process Emails.** Studies show that the average American worker checks email 60-80 times a day. This behavior will destroy your day. How can anyone focus when they check email and process fires & bombs every 10 minutes?! It is impossible. Instead of checking email 70 times a day, be more deliberate about when you check email. Aim for 5 times a day. Everyone's situation is different, so you just need to test this out and balance the need to be responsive vs. your need to focus on billable work or project work.

7. **Have a Task List.** When you are working on a project and experience a "random neural firing", you better have a system in place to record that thought so you can get back to focusing on the task at hand! If you don't have a task list, you will (a) forget to do it, and (b) your subconscious will continue to worry/think about that task, which has a devastating impact on our ability to focus.

8. **Learn to Say No.** You don't have to be jerk when you say no. In fact, if you say no too often, you will probably be fired. However, you need to learn how to

say no, when appropriate, or learn how to professionally say you are drowning in work. One easy thing you can do right away is put limits on the volunteer and non-billable work that you do. We all need to do some, but at the end of the day, we are all unfortunately judged by billable hours. It is unfortunate, but true.

**9. Crate your Phone.** Our smartphones are killing us in so many ways. You know this is true. Silence your phone and put it in your desk drawer for 50-60 minutes at a time, unless you are expecting an urgent call. This will allow you to catch important calls/texts and be responsive, and at the same time, achieve focus while working on projects.

**10. Create Rituals.** Rituals are small checklists or short rigid schedules designed to execute the same desired tasks during a set period of time. Rituals keep you on task. They are extremely helpful because they help us form positive habits and prevent us from taking email or internet curiosity breaks. As an example, I have a morning administrative ritual whenever I am physically in the office and not speaking. It looks something like this:

- ✓ Eat breakfast at my desk (Oatmeal)
- ✓ Fish oil, garlic & vitamins
- ✓ Reach out to one new organization for business development (speaking)
- ✓ Ask a potential client or existing client to grab coffee in a city where I am speaking
- ✓ Review my potential new client report
- ✓ Reach out to past clients without active matters just to check in
- ✓ Check in on recent clients/projects
- ✓ Business social media
- ✓ Birthday wishes
- ✓ Check in with my leadership team members
- ✓ Check in with my partners
- ✓ Check in with my immediate team

Rituals also remind us to do things that we frequently forget ... things that we commit ourselves to do as New Year resolutions or annual goals. By adding rituals and checklists into your life, you can greatly enhance your ability to focus and do those things that seem to always fall off our radar. I discovered an awesome App for the iPhone/iPad called Checklist Again to organize all my daily rituals.

**B. Pardon the Interruption:** In an eight (8) hour work day, if we receive 100 emails, that equates to receiving one email every 4.8 minutes. Sound familiar? It should, because that is the world most of us live in. Combine that with instant messages, phone calls and what I call email curiosity interruptions, that equates to one interruption every 2-3 minutes! What can you do to minimize the distraction?

Take the following quick survey:

**1. Interruption Survey:**

- Average number of emails you get per day: .....
- Average number of instant messages per day:.....
- Average number of phone calls you get each day: .....
- Average number of curiosity email or internet breaks each day: \_\_\_\_\_
- **Total Interruptions Per Day** .....

**2. Other Questions to Ask Yourself:**

- What percentage of interruptions really need immediate attention?.....
- Has technology simplified your life?  Yes  No
- Is technology controlling you?  Yes  No

**C. Are You Using Outlook Effectively?** Probably not. Although millions of people use Outlook, most do not use all of its functionality to their advantage. In this seminar, we'll give you some great tips for making better use of Outlook.

**D. How Do You Track Tasks?** At least 75% of those people polled in technology audits that I perform indicate they keep track of tasks on a piece of paper or a legal pad, and then end up transferring and combining those notes.

**E. Email Storage & Archival:** What do we do with all the email we get and prevent it from being such a major interruption to your productivity? There are several problems related to this:

- How should you archive old email?
- How do you deal with attachments and keep from losing them?
- How do you search for old conversations quickly and efficiently?

- How do you keep your email but not run out of server space? Why does the IT person keep telling you that you have too much email in your inbox and you're clogging up the server?
- How do we stop using our inbox as a task list?

**F. Too Much Legitimate Email To Deal With Effectively:** Many people simply receive more email than they can read and keep up with. How do you sort, store and track all of this email? What can we do to reduce the amount of email that we receive?

**G. Spam Getting Through:** There are lots of ways to avoid SPAM, and yet it still manages to get into our mailboxes. What can you do about it?

In the forthcoming chapters, we will address the strategies and practical solutions to these problems.

### III. TASK & TIME MANAGEMENT

*Are you going to embrace technology so you can master it, or are you going to remain a servant to technology?*

**Task management** is the process of capturing/recording tasks and executing them in an efficient manner.

**Time management** is how you utilize your time to execute the tasks on your plate. Although quite related to task management, they are quite different.

At one end of the extreme, there are people who know exactly the 250 items on their task list, but sometimes can't accomplish one of those tasks on a given day because he/she cannot focus and execute. These folks tend to be over-thinkers. They cannot execute because they get so tripped up on thinking through every scenario to the point of mental exhaustion.

At the other end of the spectrum, there are those who are excellent at executing tasks that they do, but other tasks slip between the cracks because maybe they are terrible capturers/recorders.

Most of us are poor at both because we simply have too much to do in a given day. The reality is that urgency is a fact of life. I have visited thousands of legal professionals over my career, and I have yet to encounter a law office that doesn't operate in that environment! Now, layer in technology, and most of us are even worse because we have let technology dazzle us to the point that we have lost most of our common sense. I am talking primarily about email, but it extends to social media, internet use, and apps on our mobile devices. In the middle we have those of us who simply do not get to items 100-225 because we simply do not have enough time.

While technology can be blinding us of the solution, the beautiful thing about technology is that it can solve the capturing/recording, and at the same time make us more efficient to do more in less time. I am also an advocate of using SOME paper (limited) in our workflow. Sometimes it just isn't smart to use a computer monitor when paper would better serve us, ... or we simply don't have enough computer monitors to display all the information that we need.

**A. Starting Point – Gathering Everything:** The starting point to effective time management is carving out the time you don't have ;-) to gather all your tasks, goals and "random neural firings". This includes everything from the post-it notes on your desk and in your car, to loose papers, to new lists and old lists of unresolved items and issues. At this point, do not worry about whether you should gather it or not ... just do it and err on the side of gathering it.

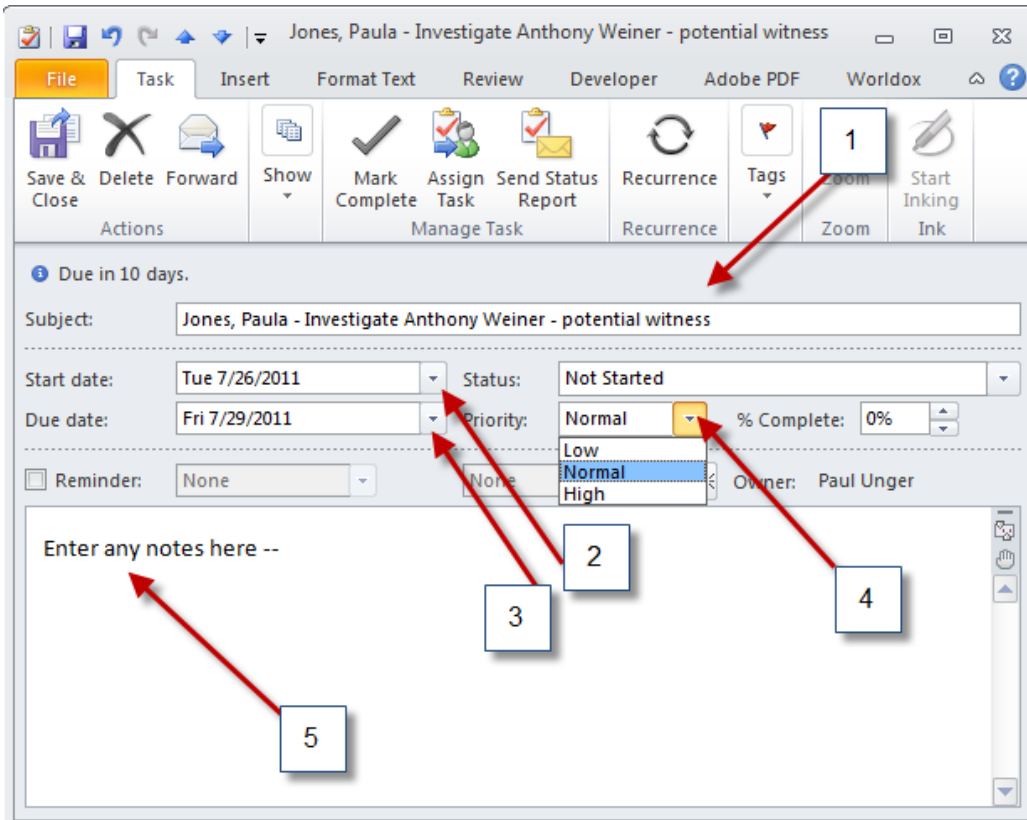
**B. Record Everything – the Master Task List:** Many time management experts develop elaborate and separate task lists. In my belief, these techniques fail because they are too complicated and there are too many lists in too many places. For task management to work, it must be simple and convenient. It cannot take you 6 months to learn and master the system! Maintain just as many lists as you need, but not too many. Think about using the following four categories/lists:

1. Client – General
2. Administrative
3. Business Development
4. Home/Personal

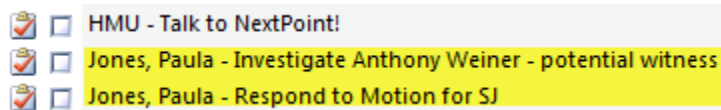
Start entering everything into the Master Task List. For this, I strongly recommend Outlook or Wunderlist ([www.wunderlist.com](http://www.wunderlist.com)), integrated with Outlook.

**C. Why Outlook + Smartphone is the Ultimate Capture Tool:** Remember my rule. This process must be convenient and simple. Outlook is consistent with my rule because of its convenience, ease, versatility and ability to integrate with smartphones. If you cannot easily “capture and record” your random neural firing, thought or task quickly and in a central location, that task will either be lost or quickly forgotten. Outlook via Smartphones offer this solution. Before smartphones, maintaining a task list in Outlook was nearly impossible because you simply can’t carry your desktop computer around and you cannot wait 5 minutes for a laptop to boot up and start Outlook in order for you to capture and record the task. Smartphones (and tablets like the iPad) are instantly available. You can use Siri on an iPhone or voice commands on an Android device to create the reminder or task. There is no boot-up process. In fact, arguably, it is faster than recording it on a random piece of paper. It is certainly better to record in on the smartphone because it can be instantly “organized” and even more importantly, instantly backed up, thus far less likely to be lost like a post-it note or a napkin.

In Outlook, enter the task as such:



1. Enter the **Subject** starting with the name of the matter, followed by a description of the action item. By using the matter name at the beginning, you can group all tasks for that matter together when you sort the subject alphabetically, as seen here:



2. (Optional) Enter a **Start Date** so that you can optionally view your master list with the ability to exclude items that you do not need to worry about/view yet. This is sometimes helpful for those people with task lists of 100 or more items.
3. (Optional, but Recommended) Enter a **Due Date** so that you can optionally view tasks with due dates and view those tasks in different colors. Also note the **Reminder** option below that, if you so desire.
4. Set a **Priority** (High, Normal, Low). Not everything is High, despite your feeling of being overwhelmed. Should you believe everything is urgent, then pretend you are categorizing the level of urgency. So your day will consist of the following:
  - a. High = Urgent + Deadlines

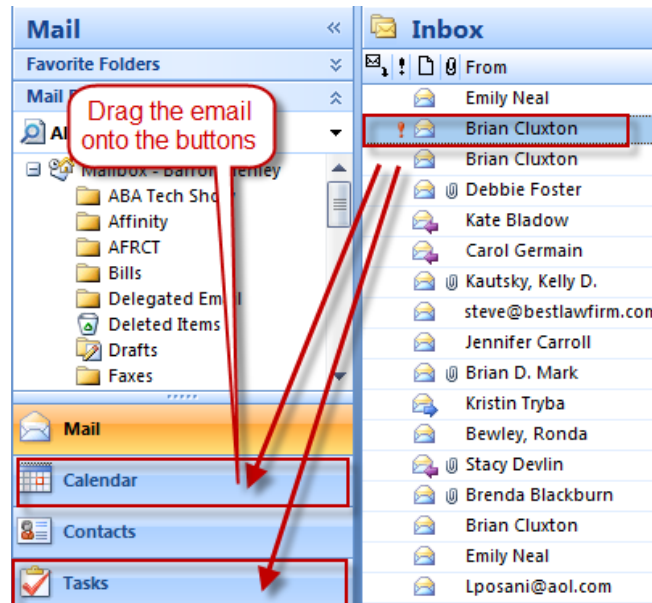


- b. Normal = Less Urgent
- c. Low = Less Urgent
- d. Someday Items = These are items that are more akin to new year resolutions or goals. Add “Someday” to the beginning of the Subject line so they can be grouped together when sorted:

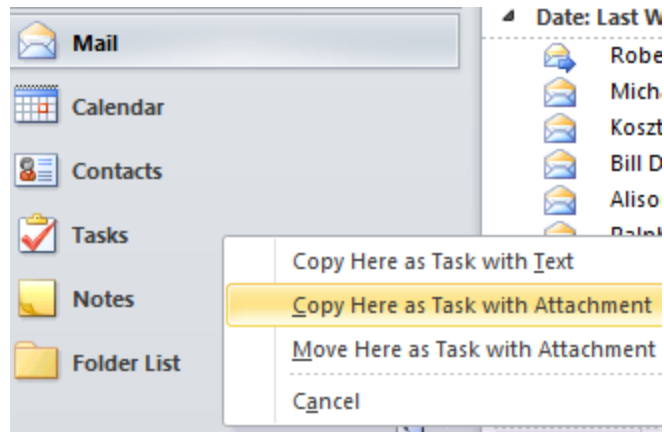
Subject:	Someday - Attend Jerry Spence's Trial Advocacy College		
Start date:	None	Status:	Not Started
Due date:	None	Priority:	Low

- 5. Enter any **Notes** in this area that you may find helpful or if you do not have enough room in the Subject line.

**D. Capture Tasks from E-Mail through Drag and Drop:** Many sources of tasks are from received emails. You can simply drag email onto your calendar or tasks button in Outlook and it will make an appointment or task out of it (but it leaves your original email where it was so then you can file it away – covered later).



**To include attachments** from the email into the Task, simply **right-click and drag** the email to the Task module:



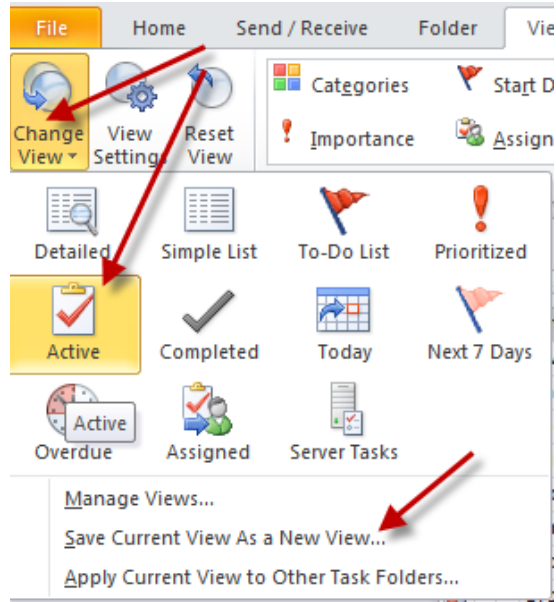
**E. Daily Task List:** Once you complete your master task list, you are ready to start developing a daily task list from the master task list. Ideally, select 3-5 items. If you accomplish those, pick another 3. A daily task list can be accomplished many ways. Here are some of the ways. Review the master task list each morning when planning the day, and:

1. Use a paper index card and write down 3-5 items; or
2. Flag items to do today; or
3. Use category/color to designate items to work on today; or
4. Print and simply highlight those items to work on today; or
5. Identify those tasks to work on today and make appointments for yourself to complete the desired work.

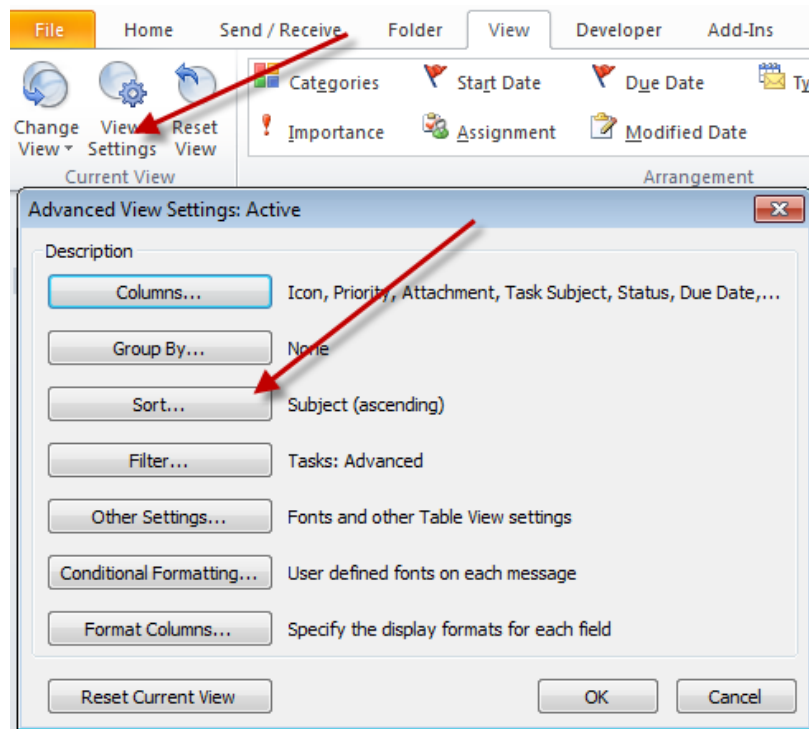
**F. Make Appointments for Some Tasks and Larger Project Work:** Many time management experts recommend this technique. I do like this, but it can be abused and can set you up for failure if you start ignoring the appointments or cannot get to them because the schedule is unrealistic. Be sure to also add the task to your task list. Also think about making appointments to handle emails that you have been skipping over.

**G. Views – Outlook Tasks:** As discussed above, if you name your tasks based on the matter or project first, and then a hyphen followed by a description of the work, you can sort your task list and see all the work that needs done on a particular project. Then modify your task list to show only active tasks (not completed). To do this,

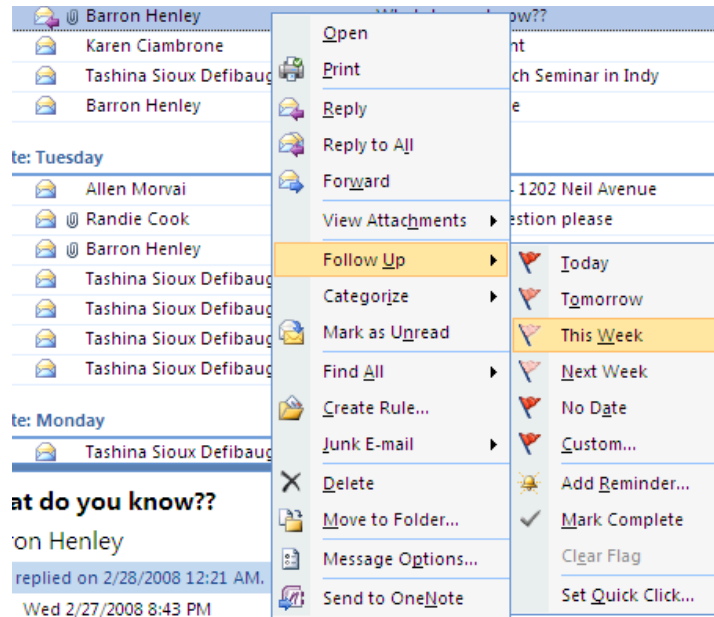
In Outlook, from the **File** ribbon, select **Change View, Active** and the **Save Current View As a New View**.



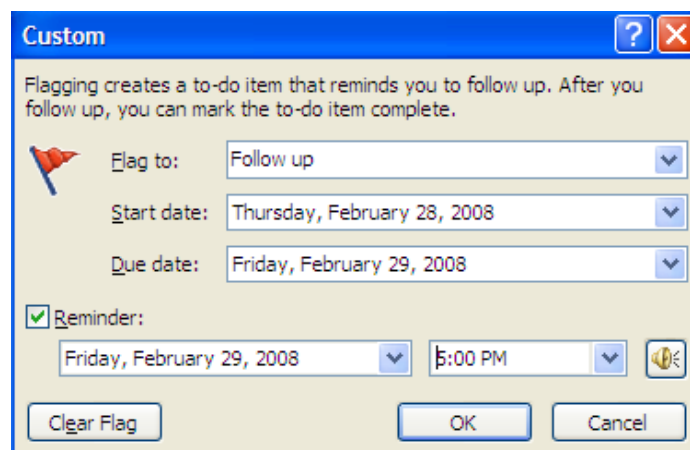
Then select **View Settings** and **Sort**. Select Sort by **Subject**.



- H. Flags:** If you process your inbox down to zero every day and the volume of email that you receive is lower, flags can be a good tool for you. Flags can alert you to follow up on an important task or email. Simply right-click on the desired email and select **Follow Up** and then select the desired follow-up flag. Additionally, by flagging an email, the email will automatically show up on your Task List. I use flags sparingly in email, and typically just for items that will stay in my inbox for a couple days. Otherwise, I fear that this technique may encourage people to use the inbox and its subfolders as a task list (which is something that I adamantly oppose and I discuss later).

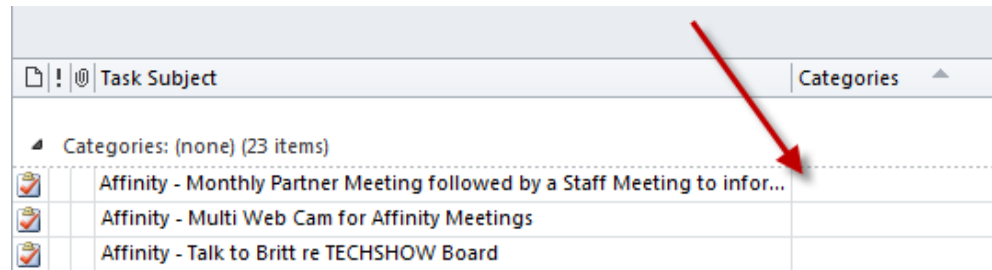


You can set a custom date as well. Outlook will notify and alert you on the date and time specified.

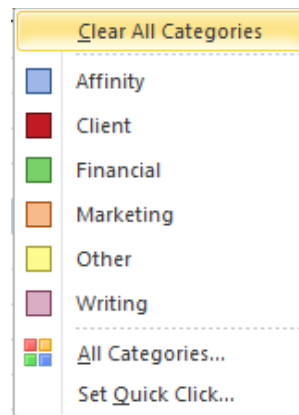


- I. Outlook Categories for Tasks:** (Optional) This is a feature that can help you group tasks together based on subjects (like Client, Administrative, Business)

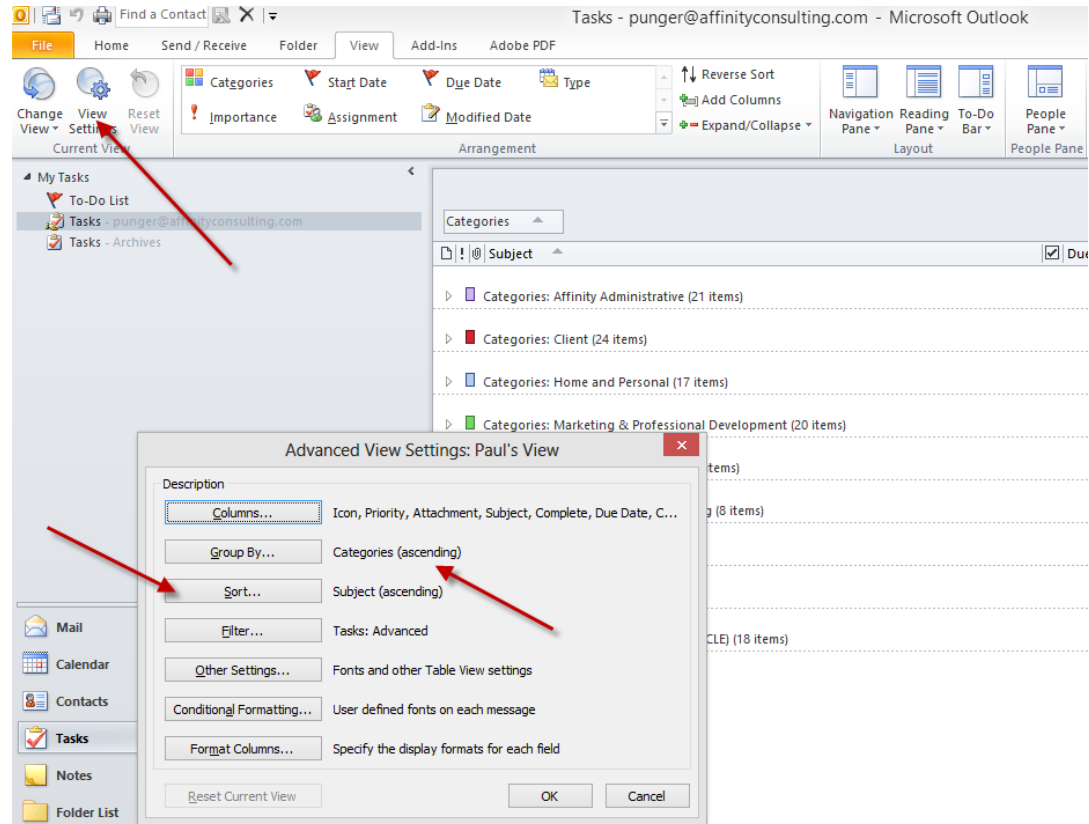
Development, Home/Personal), if you don't use separate lists. Right-click the category column next to the task item that you would like to categorize.



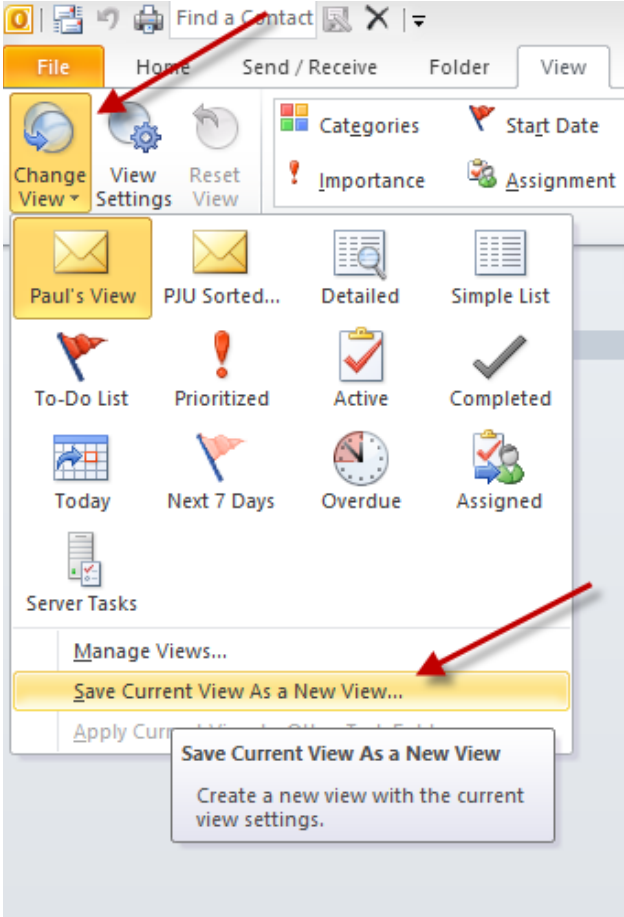
Next, select the desired color. Customize Categories and name them major areas of work so you can sort and view based on those categories.



If you decide to use **Categories**, I recommend that you customize your view to not only sort based on the subject (see above), but also group the list by the categories that you create. To do this, select **View Settings > Group By Categories** and **Sort by Subject (ascending)**:



When finished, save your view:



#### IV. THE EMAIL PROBLEM

The typical professional today sends and receives about 110 messages daily.<sup>1</sup> Without question, email is one of the most important technological communication advancements of the past 100 years. It has fundamentally changed the way we communicate with clients and the way that we do business. We run our businesses today via email communication instead of face-to-face communication.

For some professionals, emails present a wide array of issues that most of the business world and ordinary consumers will never face. In this seminar, we will discuss these issues and teach you how best to deal with them. These issues or problems range from ethical considerations to email overload and time-management. While there is no perfect solution, there are many methods to effectively handle email.

The first step to any problem is to understand the problems that exist. We must get our arms around all the email issues that we face. The second step is to isolate each problem and tackle each problem, without forgetting how that might affect other email problems. For instance, controlling spam email may prevent you from getting an important email from a client if your spam filter inadvertently catches an email from a client. In other words, when you solve one problem, it may open up a different can of worms.

#### V. DEALING WITH THE OVERLOAD - YOUR EMAIL GAME PLAN

**A. Batch Process Emails:** Most professionals need to be more deliberate about when they check emails instead of checking email 70+ times a day or leaving their Outlook inbox maximized all day long. We need to reduce the number of interruptions (email or otherwise) so we can be more focused. After all, how on earth can anyone get anything done with an interruption every 2-3 minutes?

Ask yourself the following question: 10 years ago, would you have let someone walk in your office every 2-3 minutes offering to sell you a product... or asking you for a favor?

Of course you wouldn't! So, why do you let it happen now with your email? Why do you drop everything that you are doing to read and/or respond to that email that just arrived?! You have invested thousands of dollars in this wonderful technology that is supposed to make you more efficient, but instead it has created an interruption hotline going straight to your brain.

Some time management experts suggest checking email 2 times a day. While this may sound like a good plan, it is unrealistic for most people. When email was just becoming popular, there wasn't an expectation that it would be dealt with immediately, so 2 times per day was probably okay. However, in today's age that has changed to some degree. Entire companies communicate via email. Email is

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<sup>1</sup> In 2010, a study by the Radicati Group found that business users send and receive 110 emails each day. <http://www.radicati.com/wp/wp-content/uploads/2010/04/Email-Statistics-Report-2010-2014-Executive-Summary2.pdf>



a way of life and the way everyone communicates. Checking email twice a day isn't enough. I think regularly through the day is more realistic and just as important, will make it easier for you to prevent your inbox from growing out of control.

One way to handle this is deal with email at the same time every day. Many professionals simply cannot do this, as they live, breath and communicate via email instead of face-to-face or phone meetings. If you can handle emails at more deliberate times, you could get more project work completed and follow a plan. Here is an example:

1 – Upon arrival at the office: 8:00 am

2 – Mid morning: 10:30 am

3 – After lunch: 12:30 pm

4 – Afternoon: 3:30 pm

5 – End of day: 5:00 pm

- B. Treat Email Inbox like your U.S. Mail Box – Keep it Empty!** Would you ever keep your U.S. Mailbox in this condition with 1000+ items? Of course you wouldn't. So don't let your inbox get that way! However, for most people, maintaining email is the weakest link in their system of organization primarily because of volume and frequency. They use it as a holding bucket for undecided and unresolved tasks.

The key to mastering your inbox is to keep it empty – or under 20. For most people, in order to process email efficiently, you must be able to see your emails in a single screen (or close to it). It is very difficult and overwhelming to process emails and tasks when you are staring at a screen with 500 emails.

So what do you do with your U.S. Mailbox? One of the best time management/organization tips that I learned and implemented nearly ten years ago is this: Throw away your (U.S.) junk mail and advertisements before you get into the house. Only bring mail into your house that you intend to do something with!

- C. 3 Minute Rule – DELETE, DO, DELEGATE, DELAY**

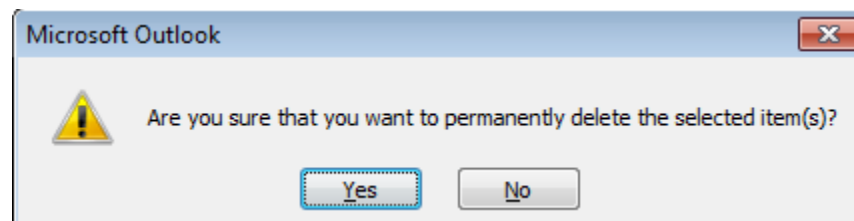
When processing or attacking your email, do one of four things with that email: DELETE, DO, DELEGATE, DELAY. The 3-minute rule is gold! Any email that can be responded to or dealt with (saved in a client file, forwarded, deleted, etc.) within 3 minutes should be dealt with immediately – the first time you lay eyes on it. This rule is based on the premise that the 2nd time you have to deal with the email, it will take you longer than 3 minutes navigate to it, open it, read it, comprehend it, re-familiarize yourself with the topic and then handle it. So, why not just respond to it if you have the 3 minutes to deal with it!

**D. Delete - Whatever You Can Immediately!** Learn how to use the DELETE key. That could be the first thing that you do before you start dealing with email ... just like not bringing junk mail and annoying advertising into your home. Delete the following:

- All the email that gets past your SPAM filter.
- Interoffice SPAM that is irrelevant to you.
- CCs that you don't need to save, etc.
- Jokes from annoying friends and coworkers.
- Email from people you don't like (unless it's important, of course)

**Outlook Tip – Delete Large Chunks of Email:** Sort email based on the **From** field (by hitting the **From** column header). You can often get rid of tons of email sent from the same person. Remember that you can select a chunk of email by single left-clicking on the first email – holding the Shift-key down and single left click on the last email. Then hit **Delete**.

**Outlook Tip – Delete Emails Permanently:** By holding the **Shift** key down and hitting **Delete**, the email will be deleted from both your Inbox and and Deleted Items folder in one step. You will be asked to confirm if this is indeed what you want to do:



**E. Do – Just Do It!**

If you can answer the question ... make the decision ... provide the solution ... bring it to a resolution, then just do it! Don't forget that you may be able to deal with it more quickly by picking up the phone or walking around the corner. Remember, an email often times invites another email.

Finally, if it is an email that is going to take a while, you should dispose of it in under 3 minutes by adding it to your task list (or calendar) and then saving it into the appropriate client/matter file.

**F. Delegate - If Appropriate:** If someone else should be handling the task or issue in the email, then hand it off appropriately. Don't let someone else put "the monkey" back on you, in the words of *The One Minute Manager Meets the Monkey* by

Kenneth Blanchard. You can make this easy to track by setting up the Delegated Email rule described below or use a Quickstep.

**G. Delay - If Necessary:** Already mentioned in the 3-minute rule above, if it is an email that is going to take a while, you should simply dispose of it in under 3 minutes by adding it to your task list and then saving it into the appropriate client/matter file.

- Do not use your Outlook Inbox as your to-do list by leaving unresolved email in your inbox.
- If you keep a paper-based task list, simply write it in and save the email in appropriate place.
- If you use Outlook to manage your task list, simply drag it over to your **Task** button in the Outlook navigator.
- In some circumstances, it is okay to set up subfolders under your inbox. Clean them out on a weekly basis.
- If you schedule your tasks as appointments, add it to you calendar.

**H. Outlook Views Which Will Help:**

**1. To See More Email In One Screen:**

- Turn Off Viewing Pane:** This occupies a lot of screen space that could otherwise be displaying email. To turn it off, click the View menu ➔ Reading Pane ➔ Off.
- Turn Off Date Grouping:** By default, Outlook groups your email by date received. The date categories just occupy space and prevent you from seeing all of your email on one screen. To turn it off, click the View menu ➔ Arrange By ➔ uncheck Show in Groups.
- Turn Off Viewing Pane:** This occupies a lot of screen space that could otherwise be displaying email. To turn it off, click the View menu ➔ Reading Pane ➔ Off.

### **AutoText for Frequent Email Repeat Responses**

We all have responses that we constantly have to retype or we spend 10 minutes looking for a similar email that we drafted recently to another person. We automate the creation of documents, so why wouldn't we automate the emails that we frequently draft. Instead of wasting this time, create an AutoText entry in Outlook to automate the response!

- Find the "model text" that you want to use as the AutoText entry. Copy it into your Windows clipboard (select and hit CTRL-C).
- Draft a new email and paste it into the body of the new email. Format it and clean it up. I suggest removing any client names ... make it generic.
- Select the text and then select Insert > Quick Parts > AutoText > Save Selection to AutoText to AutoText Gallery.



- Give it a name (nickname) with at least 4 characters.
- To use the AutoText entry, simply place your cursor in the body of the email (in the desired location), and then type the first 4 characters of the AutoText name. You will see a pop-up preview of your entry. If you want to insert it, simply hit your **Enter** key. Another way to insert it is to select **Insert > Quick Parts > AutoText >** and then select the AutoText entry from the preview gallery.

## VI. LEARNING THE NUTS & BOLTS OF OUTLOOK EMAIL

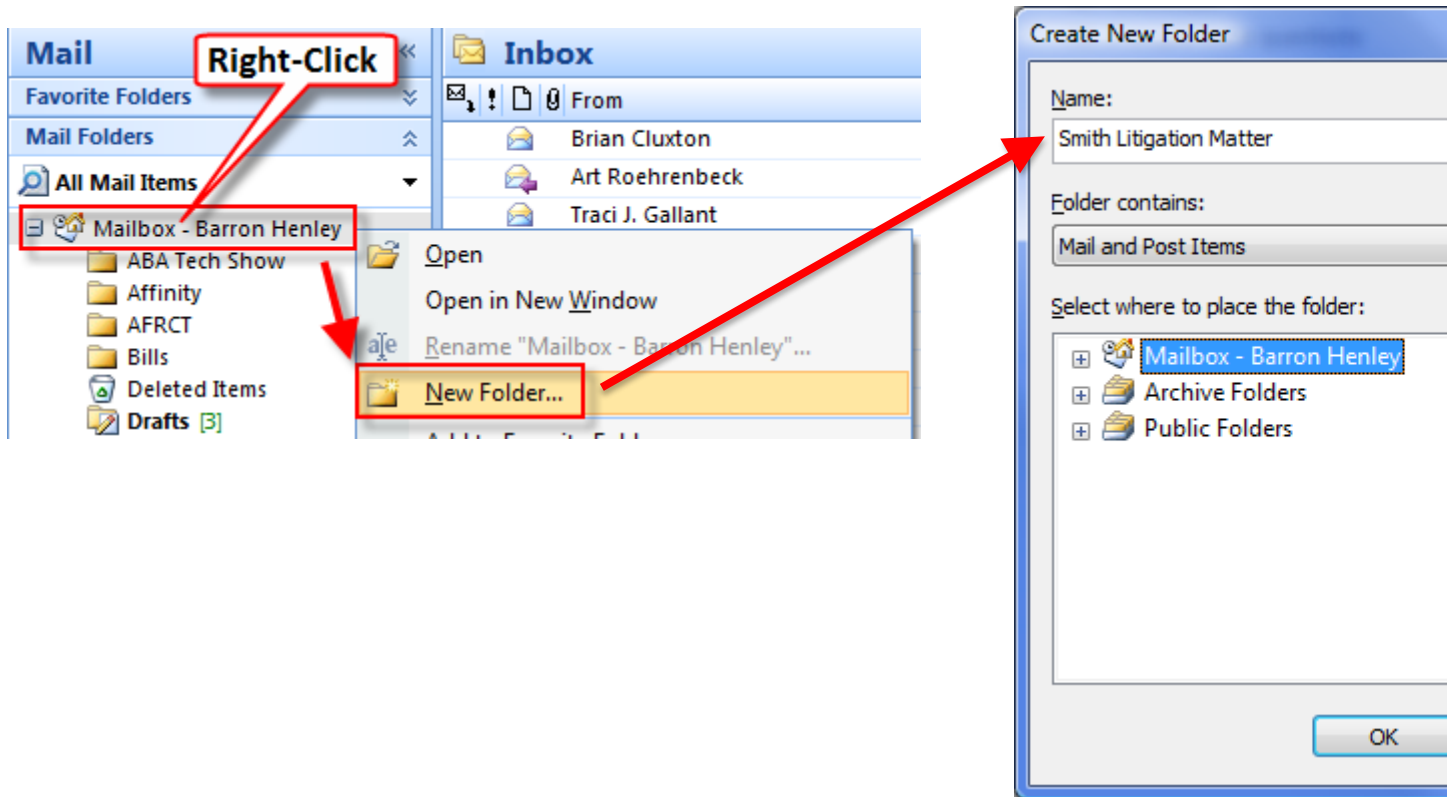
### A. Main Storage Problems:

1. **Disorganization:** Most people have hundreds or thousands of unrelated messages in their inboxes. This is equivalent to taking all of the paper out of your files and throwing it on the floor of the file room. The point is, if it's not organized, then it's mostly useless.
2. **Storage Space Limitations:** You may have been scolded by your IT folks about this. If you're using Microsoft Exchange on your server, then it can get overloaded with the quantity of emails and attachments you keep in your inbox and Outlook folder structures. If you don't have Exchange, then all of those emails (and contacts, and appointments and tasks) are stored in a PST file on your hard drive or the server. The bigger that database, the slower your computer will run. Of course, the database can also over-run your storage capacity.
3. **No One Else Can See Your Email But You:** In most cases, if you have an important client communication in Outlook, no one else in your office can see it. In many cases, we want to share this information, but don't know how to do it.

4. **Difficulties Searching:** Many people complain that it's nearly impossible to efficiently search old emails for a particular conversation. What can you do to make this task easier?

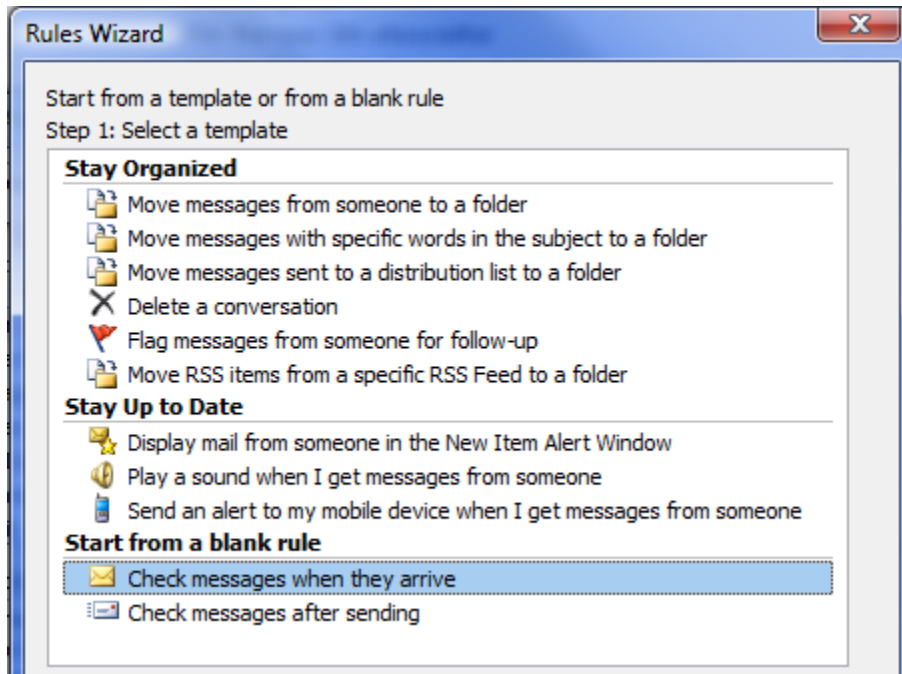
B. **Start by Organizing the Inbox:** Setting up folders and using Rules is a great way to start to organize your Outlook.

1. **How To Set Up a New Email Folder:** To Setup a new Subfolder in your Inbox, right-click the Inbox (or your mailbox) → New Folder. Give it a name and make sure it will contain Mail and Post Items. Then click OK.



2. **Outlook Rules:** Rules allow you to auto-process incoming email (among other things). Here's how you set one up:

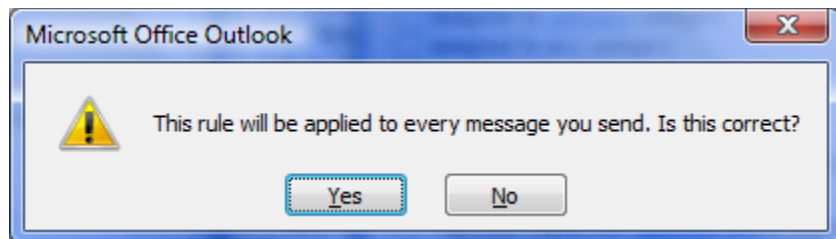
- Click the **Tools** menu → **Rules and Alerts**.
- Click the **New Rule** button.



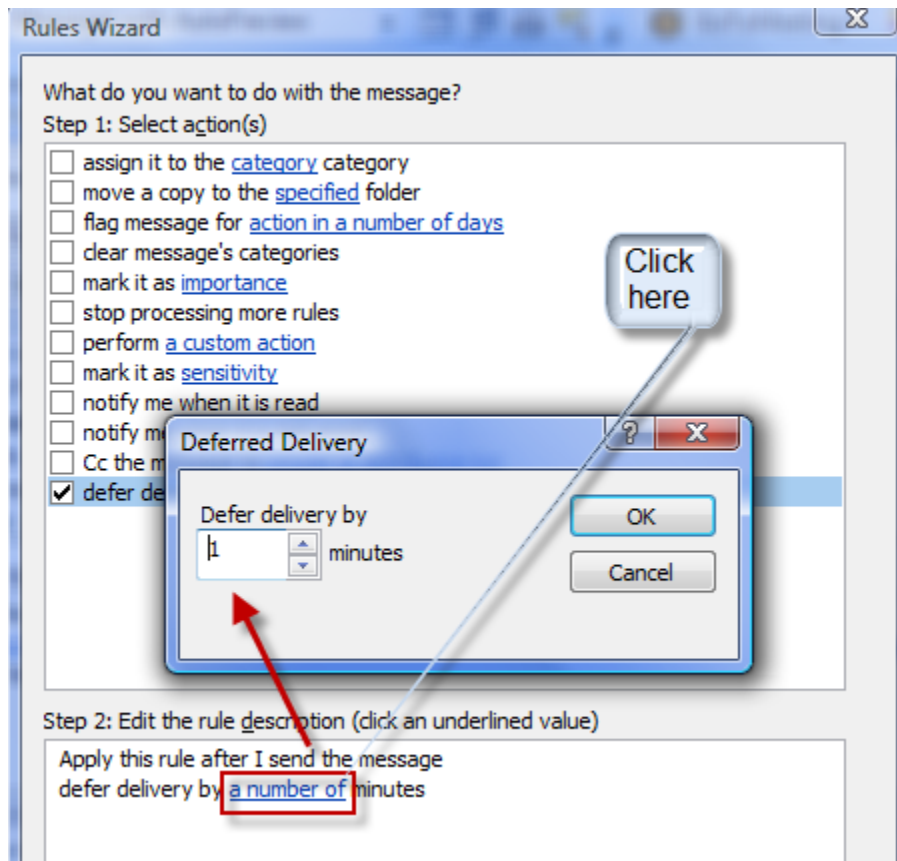
- Follow the steps for selecting the Condition, Action, Exceptions, then give it a name and make sure the rule is turned on!

### 3. **Sample Rule - Delay Sent Mail By One Minute (in case you change your mind)**

- In Outlook, click on the Tools menu → Rules and Alerts → New Rule button.
- Under "Start from a blank rule," choose "check messages after sending."
- On the next screen ("which conditions do you want to check"), don't check anything (you want this rule to apply to every email you send) and click the Next button at the bottom. You'll see the following dialog (click Yes):



- In the next screen, check "defer delivery by a number of minutes," and then click the hyperlink for "a number of" at the bottom of the screen and enter the number of minutes you want to delay your email.

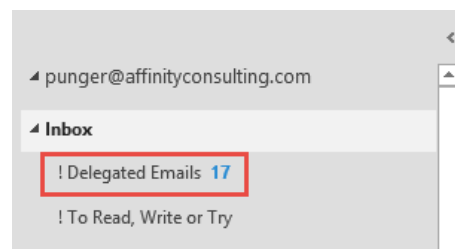


- Click Next and add any exceptions (for people you don't want to delay email to).
- Click Next, name your rule Delay and click Finish.

4. **Sample Rule - Keep Track of Follow-Up Items and Email:** We constantly delegate tasks to folks via email. We also ask people for information, but we have a difficult time remembering to follow up on those items, resulting in things slipping between the cracks. One way to track those items is by creating an Outlook Rule to “capture” all those items that you are expecting others to do for you. Here's an Outlook Rule that will help. We are creating a rule that will look for emails where you are the sender and where you copied to yourself. It will take those emails and automatically route them into a folder called Follow-Up Items, so you have a dedicated folder with just those items that you can review once a day. I usually forward those emails to people and ask them to update me on the status.

Here are the steps:

- First, create a folder in Outlook called "!Follow-Up Items". Use an exclamation mark at the beginning of the name so it floats to the top of your Inbox subfolder list:



- In Outlook, click on the File menu ➔ Manage Rules and Alerts ➔ New Rule button.
- Choose "Apply rule on messages I receive" (that translates to "Apply this rule after the message arrives") and click Next at the bottom of the dialog.
- Under "Select Conditions", check BOTH "from people or public group" and "where my name is in the CC box." At the bottom of the dialog, click the hyperlink for "people or public group" and add your email address. We're basically creating a rule that will look for emails from you and copied to yourself. Click Next.
- Under "Select Actions ... What do you want to do with the message," choose "move it to the specified folder." Select the folder that you created called “Follow-Up Items.” If you didn’t create the folder yet, you can do it also at this stage. Click Next and add any exceptions (probably none). Click Next, name it (something like “Follow-Up Items” or “Delegated Items”) and click Finish.

Your final Rule should look something like this:

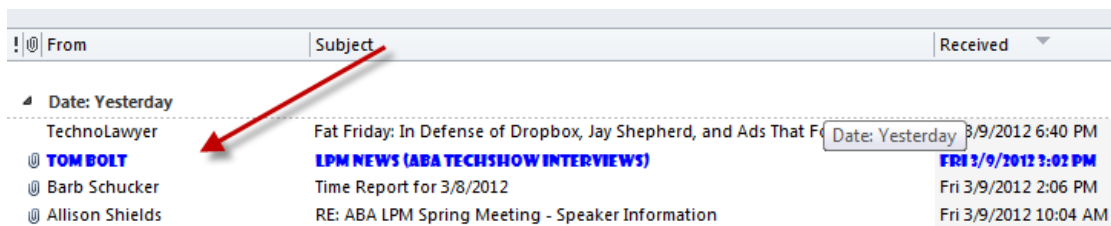


Rule description (click an underlined value to edit):

Apply this rule after the message arrives  
where my name is in the Cc box  
and from [Paul Unger](#)  
move it to the [! Delegated Items](#) folder

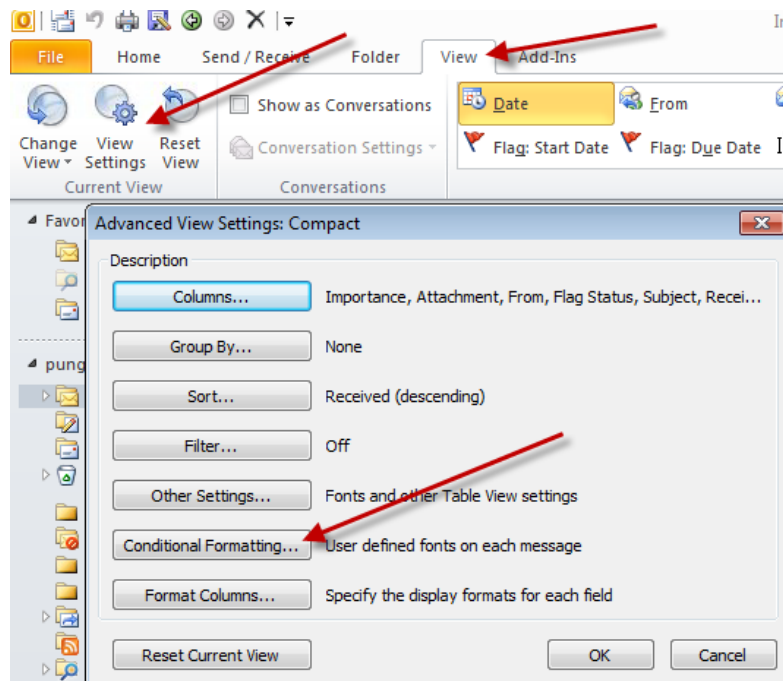
### C. Conditional Formatting to Apply Color to Emails.

Sometimes you may like to automatically apply color to important email. This is not done with a rule. Instead, you use conditional formatting.



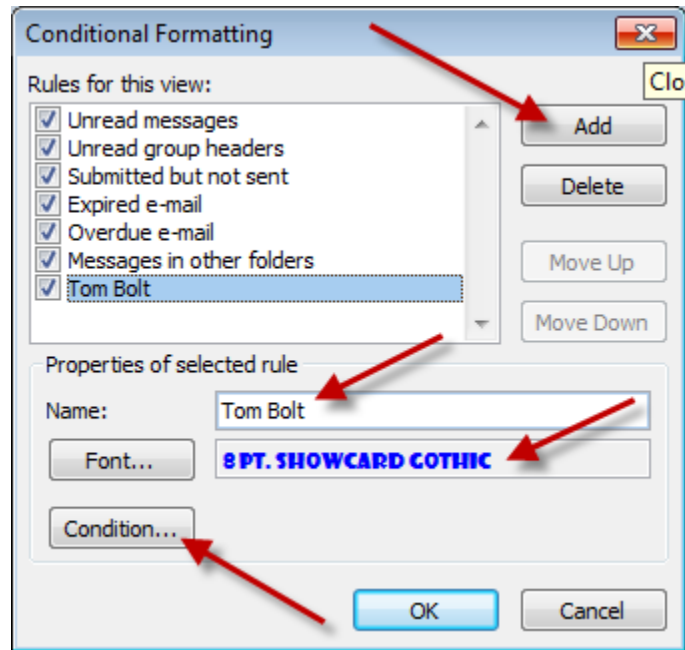
Here is how:

1. In Outlook Email, go to the **View** ribbon. Select **View Settings**. Next, select **Conditional Formatting**.

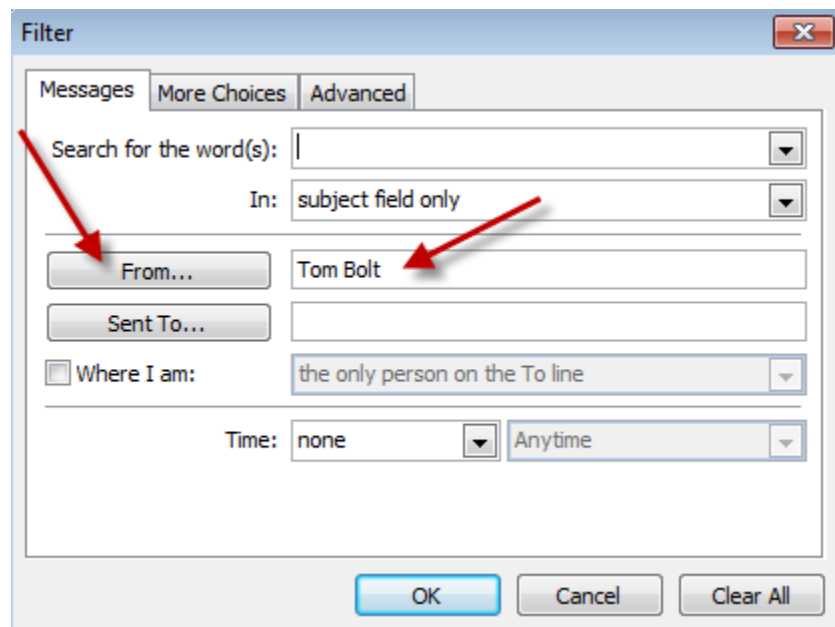


2. Select **Add** and give it a name. I called mine below “Tom Bolt” because I want all emails from Tom Bolt to turn BLUE in 8 pt Showcard Gothic Font. Next, select the **Font** button to select the desired font, color &

size. Finally, select the **Condition** button.



3. Set the condition. I selected a specific sender. You can set your own condition, such as all emails where the subject line contains “ABA”.





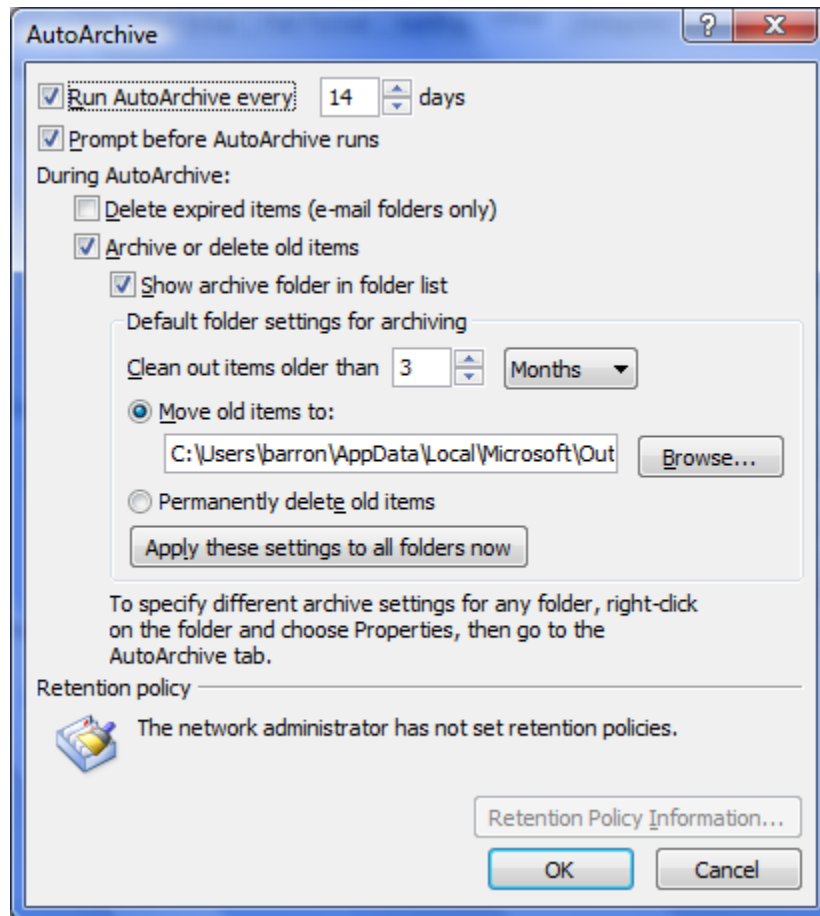
**D. Outlook Add-On Programs To Help You Sort and Store Your Email:** There are many third-party programs that integrate with Outlook which can help you organize, sort and store your email (both incoming and outgoing). The major downside to these programs are that the email gets saved in your Outlook Mailbox, which is a huge problem because (1) no one else can have access to those emails (big problem in law firms, and (2) you are encouraging the saving of emails in Mailboxes that are probably already nearing or over Outlook's capacity). With that huge, caveat, below are a few to options:

1. **SpeedFiler by Claritude:** See [www.claritude.com](http://www.claritude.com). This program will auto file incoming and outgoing messages and has sophisticated search functions. It has a 30 day free trial, and it's \$25/\$40 to buy.
2. **SimplyFile by TechHit:** See [www.techhit.com/simplyfile](http://www.techhit.com/simplyfile). This program will auto file incoming and outgoing messages. It has a 30 day free trial, and it's \$40 to buy. TechHit also sells a program called EZDetach which helps you manage attachments to email and it will work in conjunction with SimplyFile.
3. **Xobni:** See [www.xobni.com](http://www.xobni.com); find people, email & attachments instantly; it's FREE.
4. **Sanebox:** See [www.sanebox.com](http://www.sanebox.com); Sanebox service that automatically sorts your email into several folders based on each email's importance, which is often determined by the sender. For example, it can automatically route email newsletters that you want and subscribe to, into a Read Later folder without have to set up an Outlook Rule. It learns your preferences based on your behavior.

**E. Archiving Old Outlook Email:** Many Outlook users end up with an enormous accumulation of email in their Sent Mail and Deleted Mail folders. Furthermore, some mail is sorted into subfolders and forgotten about. All of this will start to bog down servers and PCs as those databases of emails get larger and larger. Thankfully, Outlook has an excellent way to dealing with this problem - AutoArchive. In a nutshell, AutoArchive will allow you to a) permanently delete expired items; b) delete or c) archive old items to an archive file (archived database). Conveniently, the first time AutoArchive runs, it creates the archive database for you. It is stored on the C:\ by default so you'll either want to move it to a server folder or back it up directly from your C:\. Once it has established itself, you'll see the Archive folder in your Outlook Folder List. There are two sets of AutoArchive settings: global settings and per-folder settings.

1. **Turn AutoArchive On or Off.** Click the Tools menu → Options → Other tab → click the AutoArchive button. At the top of the following dialog, you'll see "Run AutoArchive every \_\_ days." If you uncheck that box, it

will not run. As you can see from the following screen shot, you have many options for this:



Note that these are your default (global) AutoArchive settings.

2. **Control the Archive Settings of a Specific Folder:** You can control what any particular folder does in Outlook by following these steps: Right-click the folder → choose Properties → click the AutoArchive tab → Make your changes and click OK.

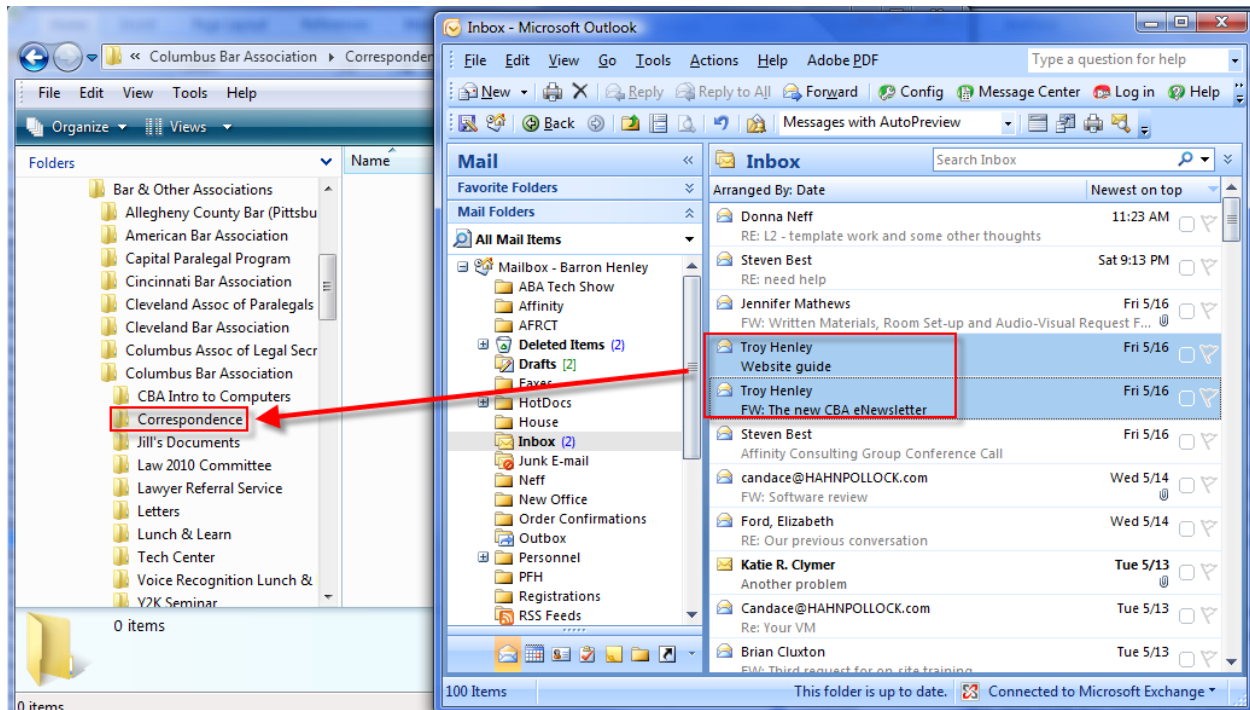
**F. Saving Email Messages Outside of Outlook:** When an email message is in your Outlook inbox, it's just a record in a database and *not* a discreet document like a Word file. That fact is a big part of the problem associated with organizing and storing them. Email related to a particular matter is stored in one place; and word processor files related to that matter are stored somewhere else. However, you can create documents out of those emails and those documents can be stored with every other document related to a particular matter or issue.

1. **Saving Email as You Would Save a Document:** The classic problem that organizations have if they do not own a document management system is saving and finding matter or project-specific email. Why? Because people (1) keep them in their individual inboxes, or (2) save them in subfolders

within their own inbox (which no one else has access to), or (3) delete the email altogether. Email is valuable correspondence that in most circumstances should be saved in a central location where everyone in the office can have access to it.

As it turns out, you can save email much like you save a Microsoft Word document clicking the File menu → Save As. I recommend that you save emails as a **Outlook Message Format (\*.msg)** format.

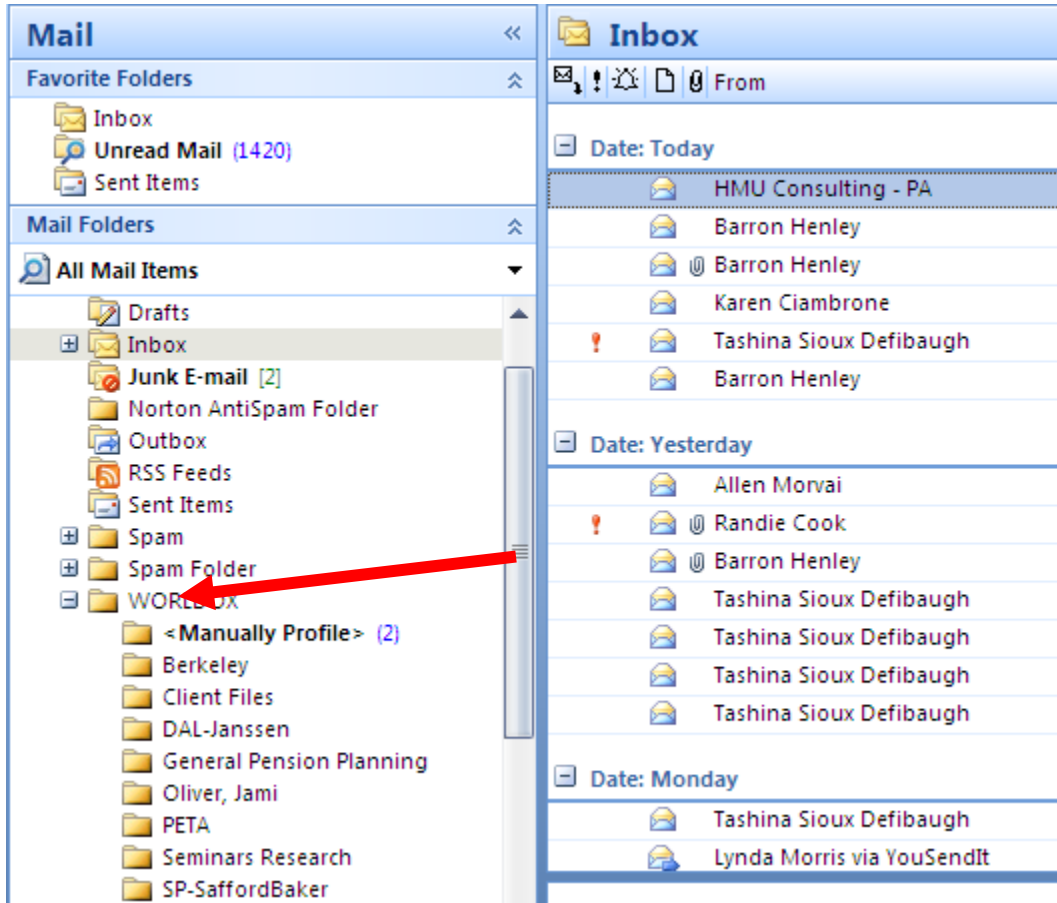
- 2. Saving Email By Dragging Into a Windows Explorer Folder:** You can clean out your inbox or subfolders under your inbox by cascading the windows and simply dragging and dropping all of them into the desired folder. This will COPY the emails over into that folder, saving them automatically as MSG (native Outlook Message Format) files, which preserves the metadata and all attachments.



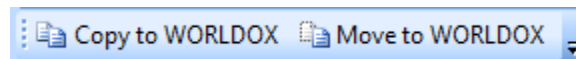
- 3. Saving Email With Document Management Programs (DMS):** While document management programs (Worldox, Interwoven Worksite, NetDocuments, etc.) were originally thought of as only word processing document repositories, that is no longer true. They can now store just about any type of computer file (word processor, PDF, TIF, email, JPG, etc.).
- 4. Worldox Example:** Using Worldox as an example, it provides 3 different ways to save emails (see below). Once profiled and saved, the emails are stored within the client/matter structure and easily searchable and accessible

by anyone who uses the document management system (Worldox, in this case).. It's also important to note that you can save them one-at-a-time or large quantities of them all at once.

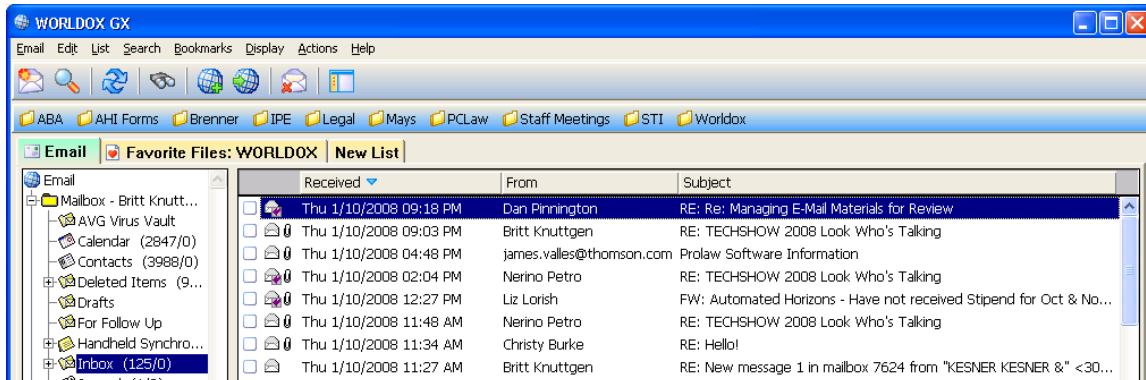
- a. **Save Email From Within Outlook - Drag and Drop:** Saving to Worldox from within Outlook – Drag and Drop on the Worldox "folder" for a particular matter.



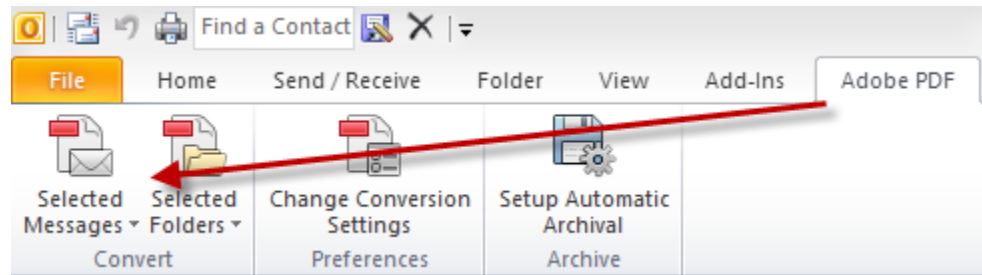
- b. **Save Email From Within Worldox - Copy or Move Buttons:** The Worldox/Outlook integration also provides **Copy To Worldox** or **Move to Worldox** buttons (located in the toolbar region of Outlook). Simply select the email(s) you want to save into the system, then click the appropriate button shown below.



- c. **Save Email From Within Worldox:** Saving email from the Worldox Email Tab which allows you to see your Outlook inbox from within Worldox.

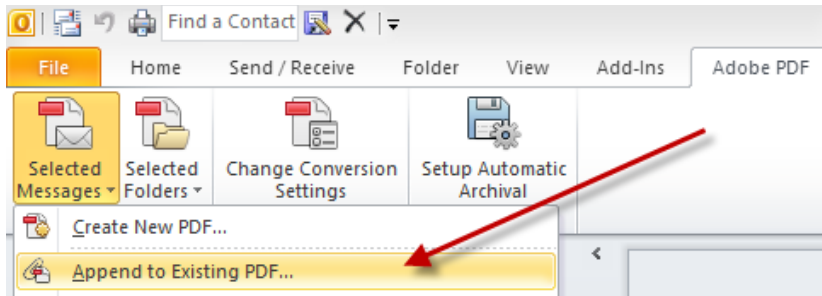


- 5. **Saving Email as PDF Files:** If you have Adobe Acrobat, it installs a few plug-ins in Microsoft Outlook. For those that wish they had a good way to archive and store emails and attachments, this integration can be appealing. The downside of this method is that the email is no longer a native Outlook message, and it loses some of its valuable metadata. You can't open it and reply or forward it from Outlook. It is now a PDF. That isn't the end of the world by any means, but it is a potential downside.

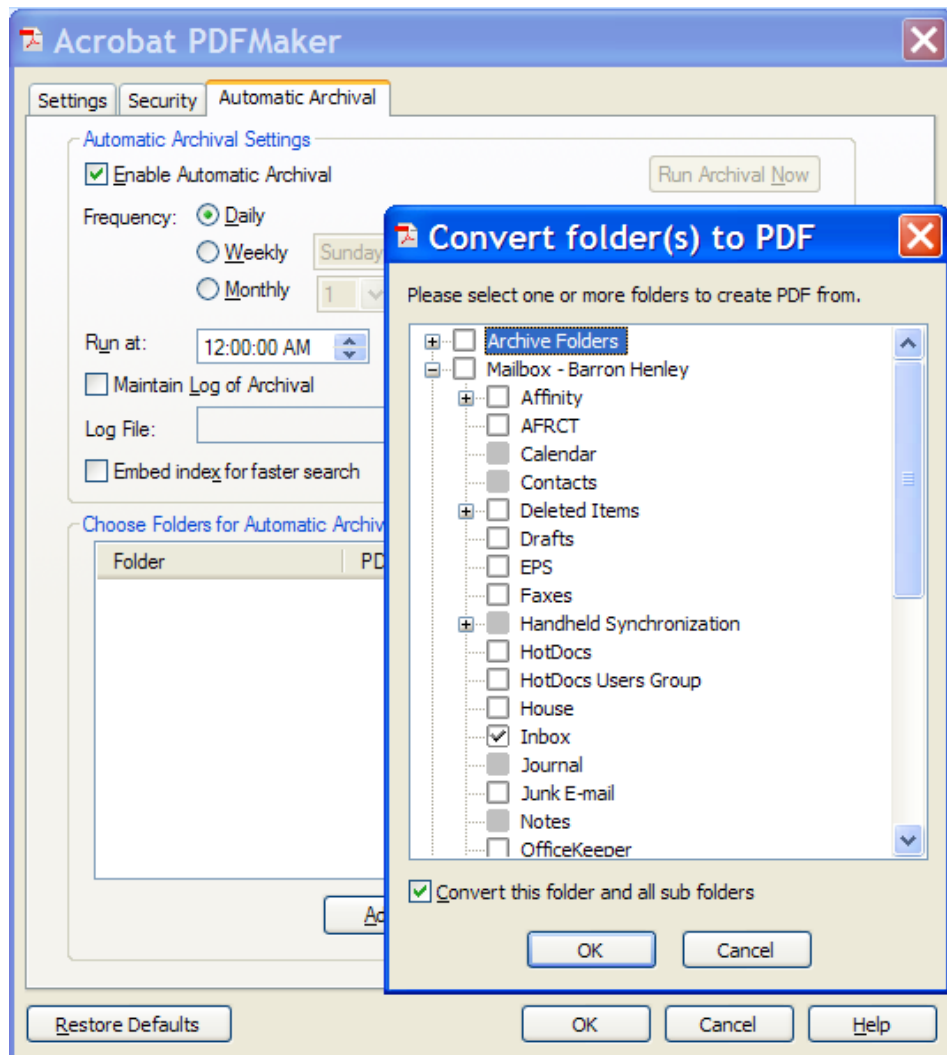


- a. **Acrobat - Creating PDFs from Individual Emails or Entire Folders:** Simply select individual emails (Ctrl + left click) or select entire folders; then click Convert Selected Messages or Convert Selected Folders. This will create a single PDF which contains all of the emails you've selected *and all of the attachments thereto*.
- b. **Acrobat - Adding Subsequent Emails to Existing PDFs:** If you receive additional emails which need to be added to an existing PDF archive, simply choose Append to Existing Adobe PDF.





- c. **Acrobat - Automatic Archival:** As you can see from the screen shot, you can also setup folders to automatically archive themselves. This would be particularly useful if you have setup Outlook rules to automatically sort your email into specific folders and then use Acrobat to automatically archive it.



- d. **Saving PDFs without Acrobat:** If you don't have Acrobat, you can still save email as PDFs. You're not going to get the slick Outlook

integration buttons and menus, but you can certainly open an email and create a PDF from it using any PDF creator program, several of which are free. For example, I would recommend either of the following free PDF makers.

- PDF995 - free - [www.pdf995.com](http://www.pdf995.com)
- PDFCreator - free - <http://sourceforge.net/projects/pdfcreator>

#### **G. Email Storage Tips:**

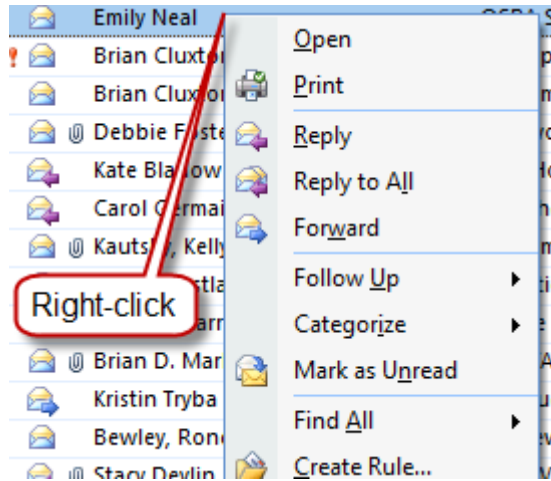
- 1. Store Email with Other Related Files:** Store the email in the same location as other electronic files related to any particular matter. Any system that requires you to save email separately from other electronic files related to a matter is inadequate.
- 2. Delete or Archive Email Once Stored:** After an email is stored into a folder or a document management system, delete or archive it. Keep Outlook as clean as possible.
- 3. Always Separately Save Attached Documents:** Outlook is NOT a document management system and should not be used as a document repository. Documents attached to Outlook emails are actually stored in a temporary folder structure that is incredibly convoluted and is normally hidden.
- 4. Stop Printing Email:** If you've saved email digitally, then they're easily searchable and printing them to throw in paper files only makes your paper files fatter, harder to manage and harder to search.

#### **H. Benefits of Storing Email Outside of Outlook:**

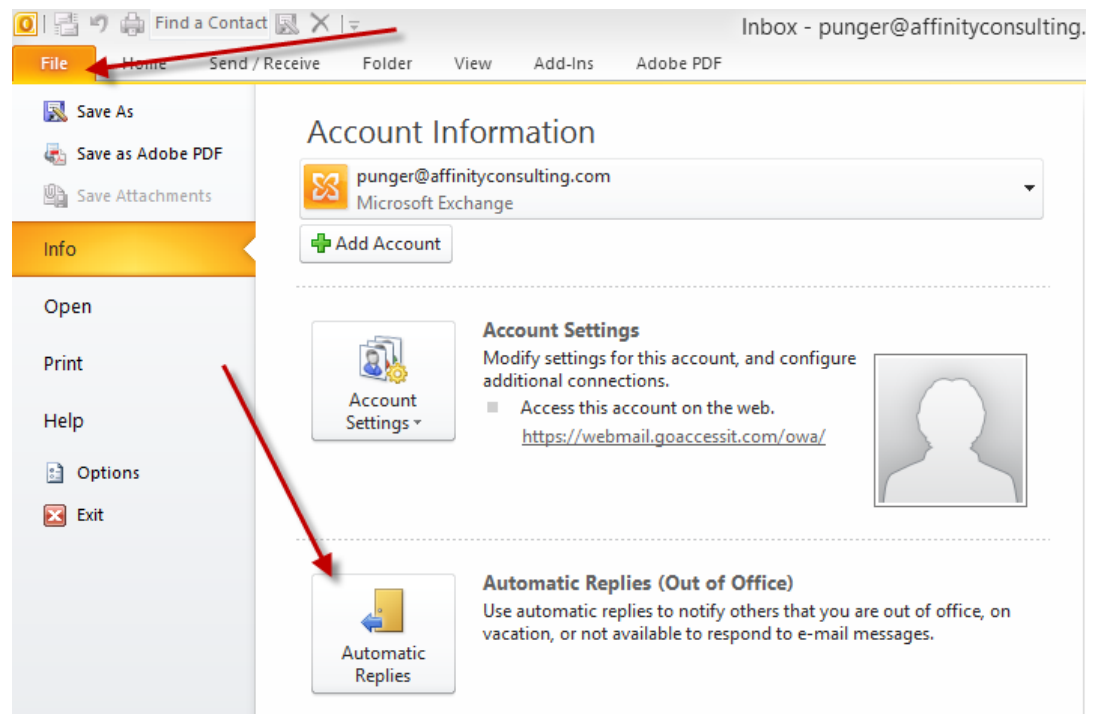
- 1. No Worry About Email Storage Limitations:** If you save email as separate files or in other programs, then you can free up mailbox space in Outlook and Exchange Server. As such, the IT folks will stop complaining that you're overloading the Exchange Server and your computer will operate faster.
- 2. Everyone Else Can Find Them Too:** Once saved as separate files, others in your office will be able to find these important client communications. You're on your way to building a complete digital file.
- 3. Searchable Like All Other Documents:** If you're saving into a document management system, then the content of all email stored therein is searchable. If the email is stored as separate files (PDFs, MSG files), then there are free or very inexpensive search programs that can help you find any of them by the words contained inside them.

## VII. OTHER OUTLOOK TIPS AND TRICKS

- A. **Create Contacts from Email:** Drag and drop an email to the Contacts button and Outlook will create a new contact card for that email sender.
- B. **Right-Click Email for All Possible Options:** Also known as alternate clicking, this feature will present very handy functions such as Open, Reply, Print, Forward, etc.

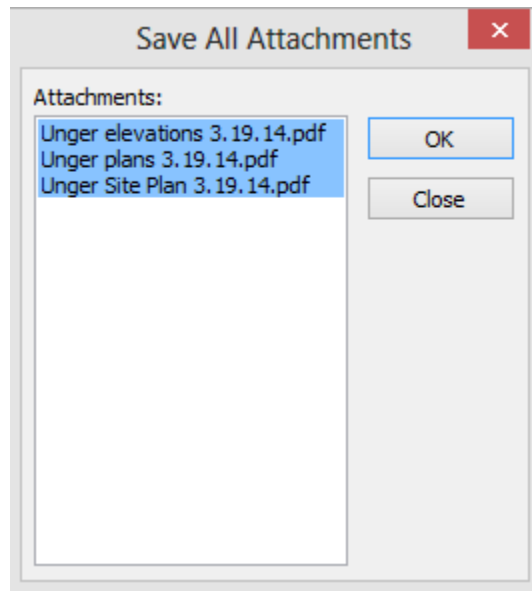


- C. **Out of Office Assistant:** If you're going to be out of the office, this is a way to automatically notify people who send you email. To turn on this feature, click **File** > **Automatic Replies**.



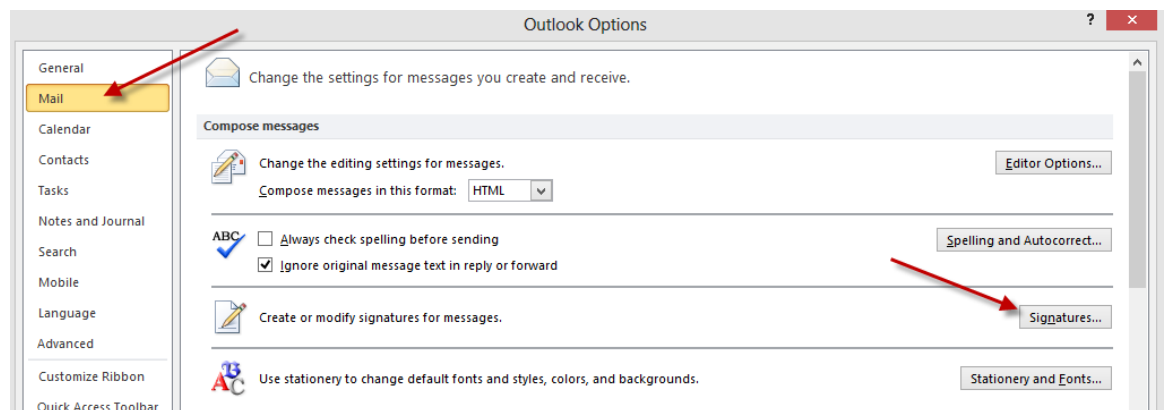
**D. Saving Attachments to Email:**

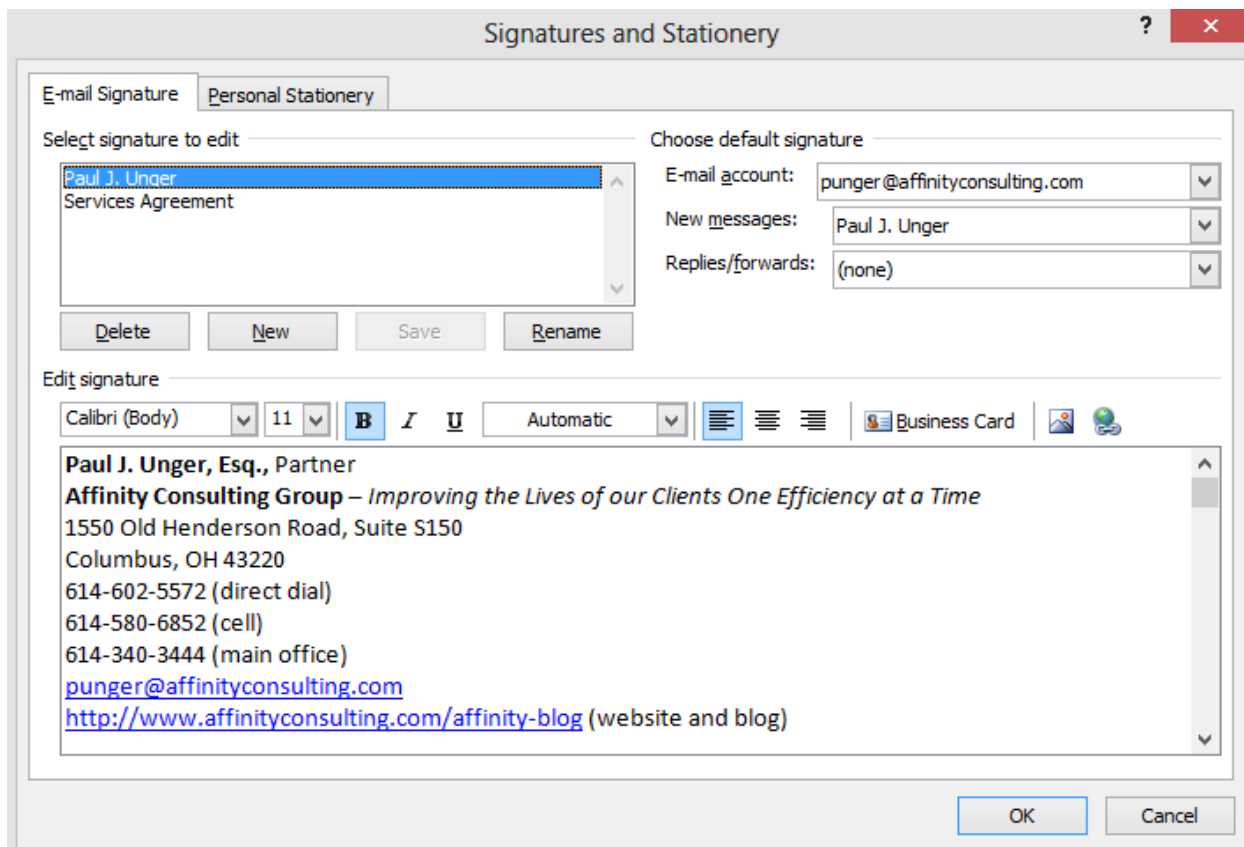
1. **One At A Time:** Open the email, right click the attachment and choose Save As.
2. **In Bulk:**
  - Outlook 2010/2013 – File button → Save Attachments



**E. Set up your Signature Block:**

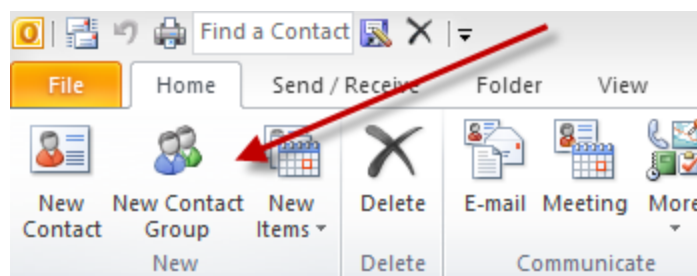
In Outlook, click the File menu → Options button → Mail tab (left side) → Signatures button.





**F. Distribution Lists in Outlook:**

If you routinely send email to a group of people, you can create a distribution list or contact group which will make it much easier. For example, I have a Contact Group called Affinity which automatically sends the email to 5 other people. All I have to type in the TO box is Affinity. Go to your Contacts in Outlook → New Contact Group button (Home ribbon) → name the group and add the appropriate email addresses.

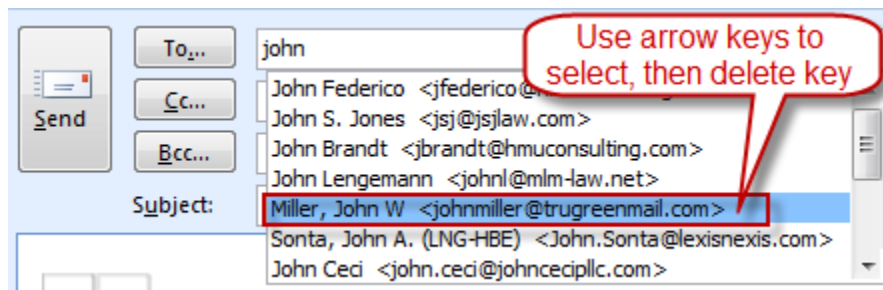


**G. Find Contacts Super Fast:**

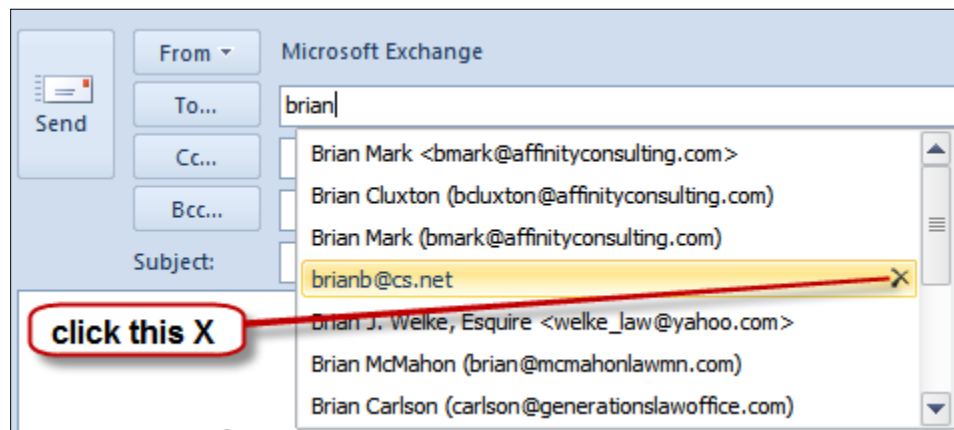
For the Quick Contact Search, just hit the F11 key and type in a first or last name.

**H. Edit The Auto-Complete List:**

If you send an email to a person one time, then Outlook will remember their email address the next time you start typing anything that begins with the first letters of that person's email address. This has resulted in lots of email being sent to the wrong person. Outlook auto-completes an email address and it's the wrong one. In Outlook 2007, if you want to get rid of that person from auto complete you only sent one email to, start typing a name in the TO box of a new email. When the list appears, use your **arrow keys** to highlight the one you want to delete, then hit your delete key.

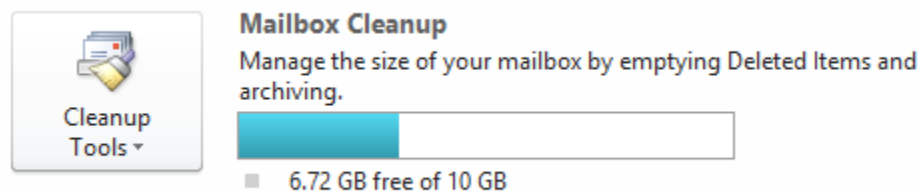


They've made this process easier in Outlook 2010 and 2013. Just start typing a name and when the auto-complete list of names appears, you can hover over the one you want to remove with your mouse and click the X that appears on the right side of each name:

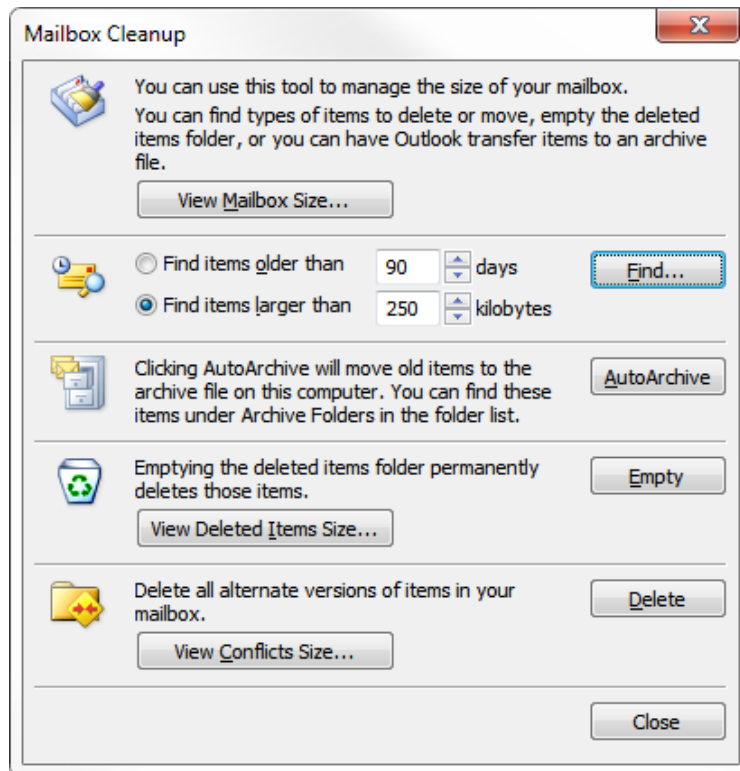


## I. Mailbox Cleanup:

From the File menu → Info tab (left side) → Cleanup Tools button.

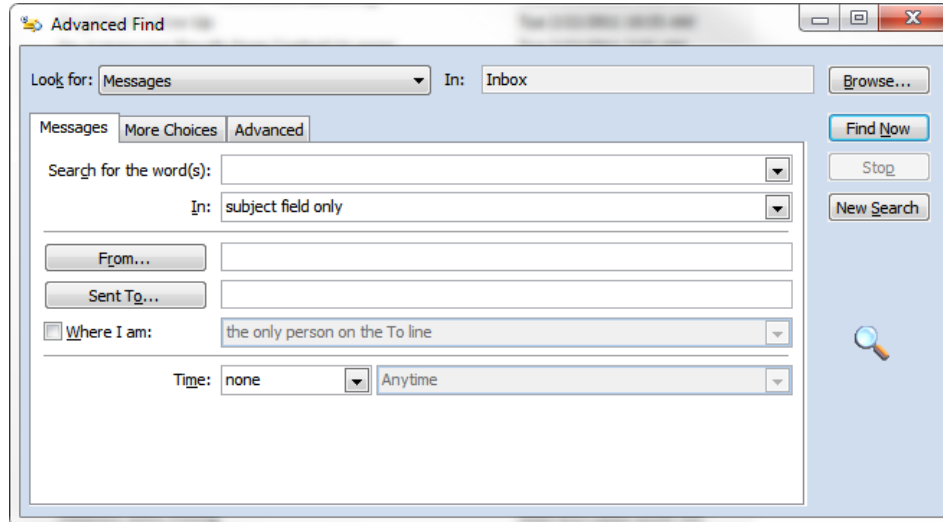


See below for all of the options it provides:



## J. Advanced Search Capability:

This feature gives you a tremendous number of options for searching through Outlook. Simply hit **Ctrl + Shift + F**.



## K. Email Quick Search:

At the top of each mail folder, you'll see a box like the one below:

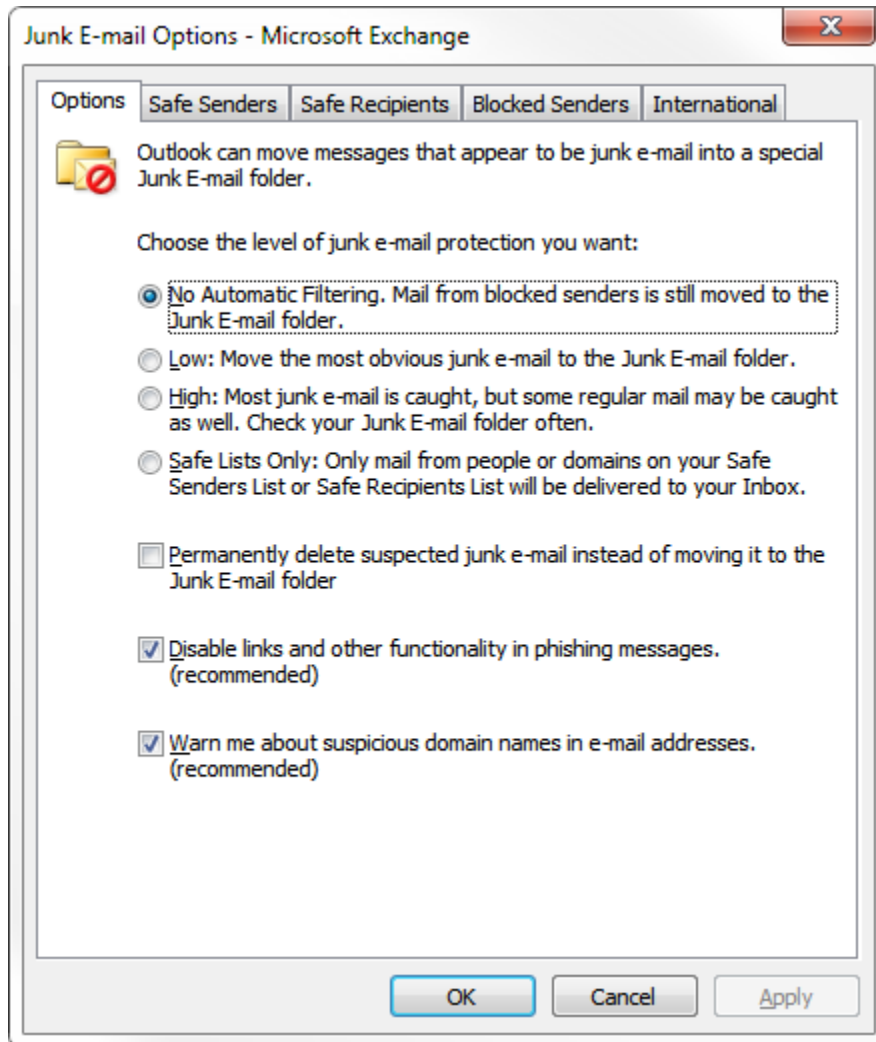


This will search for words you type in the email address or body of any email contained in that folder and it's *very* fast.

## L. Junk Mail Settings:

Click on Mail ➔ Junk button in the Delete group of the Home ribbon ➔ Junk Email Options.





**M. Block Senders:**

The easiest way to do this is to right-click an email from a sender you want to block in the future. Choose Junk ➔ Block Sender.

## VIII. GENERAL EMAIL TIPS AND NETIQUETTE:

- A. **Spelling and Grammar:** Use proper spelling and grammar. Emails that have proper spelling and grammar are more professional and easier to read. It will also reduce the risk of misunderstanding, which is quite common with email communication.
- B. **Always Include Contact Info:** Always include your contact information in your signature, even your replies. It just saves everyone time.
- C. **When in a Hurry, be Extra Careful:** While we are on the road, it is really easy for us to skim an email and miss something that is very important. Sometimes it is better to wait to reply until you have a moment to read the email carefully. Failure to do so can end of costing a lot of people, including yourself, a lot of time, money and drama.
- D. **Don't Be Rude:** Remember there is a human being on the other end of the email. It is easy to forget in this age of electronic communication. It is pretty easy to be rude when you aren't looking at them in the face.
- E. **Never Send an Angry Email:** Never send an email if you are angry or frustrated. Wait 10 minutes, an hour, or even overnight if necessary. Better yet, many times it might be better to pick up the phone and have a live conversation.
- F. **Use a Subject Line:** Clearly describe the message contents in the Subject line. A clear and concise description helps everyone organize their Inbox.
- G. **Don't Put the Whole Message In the Subject Line:** Contrary to some advice, do not start typing your message in the Subject line. I know some have recommended this as a time-saver. It can be, but it is also more difficult to organize and find email drafted in that manner.
- H. **Email Is Often Misinterpreted:** There are many studies which indicate that 50% or higher of emails are misinterpreted regarding tone. The problem is illustrated by the following passage.

"Don't work too hard," wrote a colleague in an e-mail today. Was she sincere or sarcastic? I think I know (sarcastic), but I'm probably wrong. According to recent research published in the Journal of Personality and Social Psychology, I've only a 50-50 chance of ascertaining the tone of any e-mail message. The study also shows that people think they've correctly interpreted the tone of e-mails they receive 90 percent of the time. "That's how flame wars get started," says psychologist Nicholas Epley of the University of Chicago, who conducted the research with Justin Kruger of New York University. "People in our study were convinced they've

accurately understood the tone of an e-mail message when in fact their odds are no better than chance," says Epley.<sup>2</sup>

Therefore, it is imperative that email (and instant messages, for that matter) are carefully worded. When appropriate, you should also consider using emoticons in order to clearly convey tone - ;)

- I. Beware of Forwarding Email:** Be cautious of forwarding emails. Read the entire email first. There may be derogatory statements from others deep in the string.
- J. Be Cautious About Blind Copying:** You can't trust the recipient to not hit REPLY TO ALL! You are probably better off sending the original and then forwarding a copy to desired party.
- K. Avoid Large Attachments:** Be cognizant of sending large attachments to people. Send links whenever possible using a client portal or a service like Dropbox, Box or Citrix ShareFile, when appropriate.
- L. Only Copy People Who NEED To See It:** Don't CC people or Reply to All unless it is absolutely necessary. You know how many unnecessary emails you receive a day. Don't be part of the problem – be part of the solution.
- M. Don't Forward Junk:** Don't forward jokes, spam or chain messages.
- N. No Caps:** Don't type everything in CAPITALS. In web-speak, this is equivalent to SHOUTING! If someone does this to you, it probably means he/she thinks you are an idiot.
- O. Don't Forward Virus Warnings:** 99.9% are hoaxes. If you are worried about a virus rumor and want to check, go to [www.snopes.com](http://www.snopes.com) or [www.hoax-slayer.com](http://www.hoax-slayer.com) to verify if the warning is legitimate.

## **IX. DOCUMENT AUTOMATION**

Very few technologies save time like automating the drafting of documents. There are five or six primary methods professionals utilize when drafting documents. They are broadly classified as follows:

- A. Cut and Paste/Search and Replace ("Search and Replace"):** When creating new documents, most professionals simply start with the last document they created for a similar client and then modify it (cut-and-paste, search-and-replace) to suit the new client. Although this is the most common approach, it has several significant disadvantages. The first is a high margin for error and the second is a lack of speed. The margin for error (and

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<sup>2</sup> *The Secret Cause of Flame Wars* by Stephen Leahy, Wired Magazine, February 13, 2006. See <http://tinyurl.com/2eu6un>.

therefore malpractice risk) arises from the fact that Search and Replace is unstructured, relies on memory, assumes the word processor will "catch" all of the items in need of replacement and requires many steps. Memories fail, word processors don't catch everything and more steps create more mistakes and slower drafting. Transcribing voice recordings or hand written notes and cobbling together provisions from other documents makes the process slow. Finally, particularly with negotiated documents (leases, contracts, settlement agreements, etc.), the old document you may be starting with has typically been compromised during the prior negotiation process. So unless you can remember exactly what compromises were made, it is actually a terrible document to start with on a new transaction. As a result of the foregoing, Search and Replace is characterized by disorganization, mistakes, and inefficiency; and should be avoided whenever possible.

**B. Plain Forms, Model Documents and Templates ("Plain Forms"):** Some professionals have taken the time to create model documents or templates which contain as many language options as possible. In the alternative, some have broken all of their documents down into component parts and assemble their documents by cobbling together unique clauses, paragraphs or phrases they've previously organized, categorized and labeled. The language from either approach may contain blanks and/or written instructions to the user as to what should be entered into any particular blank and under what circumstances optional language should be included or excluded. This is significantly better than Search and Replace, but is still slow and contains a margin for error unacceptable to many.

**C. Forms Plus Word Processor Automation ("Forms Plus"):** Some professionals take the Plain Forms approach, then improve it by adding in automation features available in their word processor (typically WordPerfect or Word). This can mean utilizing merge functions, "prompt" fields, macros to expedite the insertion of optional language, and/or better use of Word's AutoText or Quick Parts features or WordPerfect's QuickWords feature. It's fairly easy to create templates and utilize the tools that Word or WordPerfect provides you for automating those templates. Automating the fill-in of names and the like is fairly easy. However, unless you're a programmer, gathering lists (beneficiaries, trustees, personal representatives, etc.), making language conditional and calculating things (such as he/she, him/her, verb conjugation, list punctuation) is extremely difficult, particularly in MS Word. This approach also assumes that you have a mastery of your word processor and know, for example, how to utilize automatic paragraph numbering, auto-calculating cross references, automatic tables of contents and other higher-end features. If these things aren't built into your templates, then you end up spending a lot of time wrestling with formatting issues and paragraph numbering which can significantly off-set any efficiencies you may have otherwise gained by utilizing word processor automation features. Having said all of that, you should be utilizing this approach at a minimum. It is superior to Search and Replace and Plain Forms in almost every respect. Further, the Search and Replace method is enhanced by the fact that properly created templates control list and other formatting making pasting a much more productive step.

**D. Plain Forms + Practice Management Software:** Practice Management software primarily aids professionals in organizing case information and items related to a case like documents, emails, and phone calls. A sometimes overlooked fact is that most case

management vendors offer integration options for your Word or WordPerfect templates. In practice management or contact management systems, you can store your templates within that system. When a document is created within a specific matter, the equivalent of merge codes grabs key information (client names, pleading captions – indeed nearly any of the case related database fields). Though not a true “document assembly” option for many this is a strong candidate as the next step.

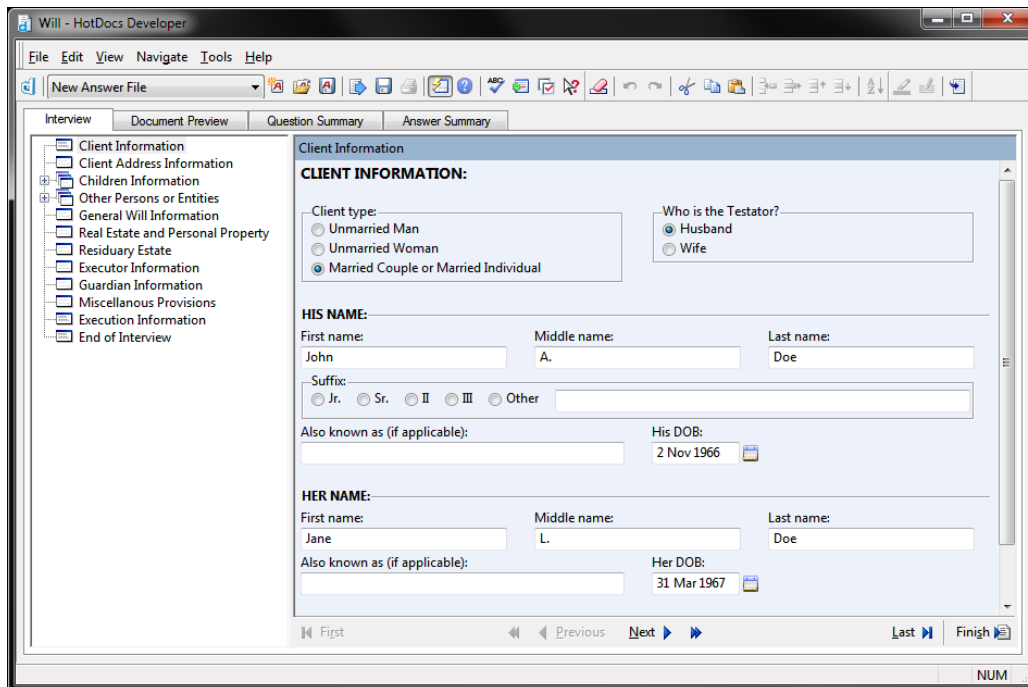
**E. Commercial Drafting Systems ("Commercial Systems"):** Having become frustrated with the inefficiency of Cut and Paste, or the amount of time necessary to develop and maintain the Plain Forms or Forms Plus approaches, some professionals simply buy or subscribe to a Commercial Systems.

Commercial Systems are widely divergent in terms of sophistication. For example, I have encountered estate planning drafting systems which enable the user to generate incredibly complex, customized documents which are valid in all 50 states. On the other end of the spectrum, I have seen systems which are nothing more than the most basic and simple forms with fill-in-the-blank technology. Sophisticated systems can cost as much as \$5,000+ per year; and simple ones can be as inexpensive as a one-time \$200 fee. Most Commercial Systems contemplate that you enter information about your client and in return, the system generates customized documents for that client. Some work in Word or WordPerfect; and some utilize their own custom-built word processor environment.

**F. Forms Plus Document Assembly Software ("Document Assembly"):** Finally, some will take the Plain Forms approach and raise it to another level by utilizing third-party document assembly software in conjunction with their word processor. In effect, these individuals are creating their own commercial drafting systems. In fact, many of the Commercial Systems available are exactly that: a combination of Word and/or WordPerfect and a home-grown or commercially available document assembly program.

1. What Is Document Assembly? Most document assembly programs integrate with your word processor and enable you to create sophisticated templates. Those templates typically generate an interview (series of questions) presented to the user. Upon answering the questions, a customized document is instantly generated. In addition to simply filling in blanks, document assembly programs support conditional logic (i.e., include the guardianship paragraph if the client has minor children or adult disabled children), infinite lists, and the ability to calculate text, numbers and dates.

The on-screen interview is quite powerful because the template designer can control everything about the sequence and content of the interview. With practice, you can reproduce your entire decision tree in the template and build in safe-guards that walk even novice users through the assembly process. An example of how an interview looks is shown below:



2. How It Works - Big Picture: Using HotDocs as an example, the program allows users to replace changeable text with variables (i.e., «Testator Name», «Testator Street Address»), make the inclusion of text (words, sentences, paragraphs, etc.) conditional, gather (infinite) lists, and automatically calculate dates, text and numbers.

By “lists”, I mean that the template can gather and process multiple records. This is particularly important with legal documents because there are almost always parties and you never know how many there will be. For example, in a deed, you have grantors and grantees. There could be more than 1 of each. In estate planning documents, there may be multiple children listed, executors/personal representatives, beneficiaries, guardians, or trustees. All of those things are lists. Good document assembly software lets you enter as many parties as necessary and based upon how many you enter, the template will produce correct language. For example, depending upon what the user enters into a list of children in a Will, the document may say:

“Barron Henley has no children.” or

“Barron Henley has one child, Ariel, age 16.” or

“Barron Henley has two children, Ariel, age 16 and Alexis, age 14.” or

“Barron Henley has three children, Ariel, age 16, Alexis, age 14 and Rylee, age 12.”

The point is that whatever the user enters, the template produces the correct language and verb conjugation; and it doesn’t matter how many there are.

With each new variable, you create a corresponding question (prompt) which is presented to the user during the assembly process. Generating a new document is a simple matter of

answering the questions presented by the template. After the questions are answered, the completed document appears on the screen (in Word or WordPerfect), ready edit, save, print, etc.

After a document is assembled, HotDocs allows users to save the answers entered for one document so that they can be used to assemble other documents which use the same information. In this manner, users simultaneously decrease the margin for error while eliminating time wasted on redundant data entry. The document produced by HotDocs is a plain word processor document and can be edited and stored like any other document.

3. Document Assembly Options: There are several available document automation applications and while each has its own unique way of handling the task, they all are very capable and able to achieve the objectives we discuss below. Each of them work with Word or WordPerfect or both. Some provide the ability to automate PDF forms. Because HotDocs continues to dominate the market and both of us are most familiar with it we refer to and show examples from HotDocs throughout this article but we could just as easily be referring to any of these applications. It is highly recommended that you explore the various options and decide for yourself which application best meets your needs in terms of availability, functionality and cost. Here are some options to explore:

- HotDocs - [www.hotdocs.com](http://www.hotdocs.com)
- ContractExpress - <http://contractexpress.com/>
- Rapidocs - [www.rapidocs.com](http://www.rapidocs.com)
- QShift - [www.ixio.com](http://www.ixio.com)
- Pathagoras - [www.pathagoras.com](http://www.pathagoras.com)
- Perfectus - [www.perfectussolutions.com](http://www.perfectussolutions.com)
- ActiveDocs - [www.activedocs.com](http://www.activedocs.com)
- Exari - [www.exari.com](http://www.exari.com)
- AmazingDocs - [www.amazingdocs.com](http://www.amazingdocs.com)

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

# PRIORITIES

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# GRATEFUL THOUGHTS

1. \_\_\_\_\_

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# FIGHT THE PAPER

ELIMINATING PAPER IN THE LEGAL OFFICE

Presented by: Paul Unger

# **FIGHT THE PAPER**

## **How to Eliminate Paper in the Legal Office**

**Paul J. Unger, Esq.**  
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Barron is an attorney who has over 20 years of experience in legal technology. After earning his B.S./B.A. (marketing and economics) and J.D. from The Ohio State University, Barron discovered his passion for helping lawyers fix problems within their practice. Today, Barron partners with our clients to make law firms and legal departments more efficient. Barron’s breadth of knowledge enables him to dive into the details of a firm’s operations. He is often the lead on Comprehensive Practice Analysis projects for clients that examine all aspects of making a firm more successful: technology, organizational design, process optimization and financial practices.

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# 1

## THE PROBLEM WITH PAPER

### INTRODUCTION

To achieve effective time, document and email management, we have to “get organized.” In order to be organized today, we absolutely must figure out how to manage digital information. According to one study, we receive via digital deliver (email, text, social media, on our phones, computers, etc.), the equivalent of 140 newspapers of information per day! This can be overwhelming, especially if you don’t have a system in place to process that digital information.

In most offices today, only 1 attorney in 10 have eliminated 90+% of the paper file. In other words, only 1 in 10 have stopped maintaining a paper file and rely solely on the digital file. While better than nothing, that needs to be significantly better.

The good news is that the tools necessary to eliminate paper are available, easy to use and inexpensive. Of course, this hasn’t always been the case. Back in the 90s, scanners were very expensive and relatively slow. Document management systems weren’t very easy to use, and they were also expensive and made primarily for large organizations. Electronic storage space on servers was also expensive. Since that time, the tools have steadily improved as their costs have declined. Secure cloud storage is a highly competitive market, and therefore, there are many solutions available at a reasonable cost. As a result, the benefits of paper reduction now far outweigh the costs of implementing such a system.

### PROBLEMS WITH PAPER RELIANCE

There is still a heavy reliance on paper for many users in most environments. I realize that some people generally don’t see paper reliance as a problem. Therefore, I want to explain why paper reliance represents an efficiency problem and needs to change.

**Paper Reliance Means Higher Operating Costs:** Most law offices are very interested in ways to save money. Operational efficiency means lower costs and improved profitability. Further, high efficiency and paper reliance are mutually exclusive. Creating paper files, maintaining them, updating them, moving and storing them all require non-billable labor. An organization’s number one cost is probably payroll, so paper management factors into that. The paper, toner and office supplies (such as folders) are all expensive. Redweld expanding files are \$10 for a 5 pack. Staples copy paper is \$46 per case. Avery file labels are \$26/pack (Staples); black toner for your copiers and printers is expensive. Further, a percentage of your offices are occupied by filing rooms and filing cabinets. So, you’re technically paying rent every month for those files.

The bottom line is that all of these things add up to a large amount of money per year. These costs are a primary reason that courts, banks and almost every business that previously dealt with a lot of paper is now all electronic. Law offices are not exempt from this economic reality.

**More Paper Means Limited Mobility:** Transporting bulky paper files is difficult and sometimes impossible (depending upon the number one needs). As a result, lawyers often feel tethered to the office because they can’t easily take the paper files with them if they need to work remotely.

**Too Easy to Lose Something or Drop a Ball:** If a lawyer or paralegal has stacks of files and paper all over his/her office, there is no way he/she knows what is at the bottom of those piles. Almost every person I’ve ever spoken

to who has a big mess of files in their office has claimed “I know where everything is.” However, if I pick up a random stack and ask them to tell me everything that’s in the pile, they have to admit that they don’t know.

**Digital Records Are Being Forced on Lawyers:** Much of what we do as lawyers, whether we like it or not, is already digital whether we like it or not. ALL documents that we create start out as digital files. They don’t start in typewriters! Why do we convert those to paper? Many courts have gone to electronic filing, governmental entities we deal with are electronic, documents are traded between attorneys and clients electronically, and more and more evidence and discovery is electronic. Lawyers who insist on operating with an analog/paper approach will have to keep printing more and more electronic documents in order to maintain a complete paper file. All professional service industries will eventually be electronic because that’s the form all of the information they deal with will take. Accountants, physicians, engineers, financial planners and architects are already there. The only question for offices who provide legal services is whether they’ll wait until the last minute and be reactive, or get out in front of it proactively.

**Overwhelming Volume of Communications to Manage:** We machine gun one another with electronic communications resulting in many more pieces of correspondence to keep track of. When I started practicing law 25 years ago, we received an occasional fax and no email. Most correspondence came in the form of letters received via USPS or FedEx. I might have received 3 to 5 pieces of mail a day related to cases I was working on. Today, it’s not uncommon for a lawyer to receive 150 emails a day related to their practice, some with attachments and most of which requiring an immediate response. Voice mails are often emailed as sound files and faxes are also often received as emailed PDF files. As a result of this, the volume has exploded and paper-based systems break down as volume increases.

**Hunting for Files Is Expensive:** All offices who maintain paper case files spend non-billable, administrative time looking for paper files every month. For example, files might be in your office (on the desk, under the desk, on the floor, in a cabinet or on a shelf), in a person’s office, on a counter in a hallway, on a ledge somewhere in the office, in a filing cabinet, in the wrong filing cabinet, in someone’s car, at someone’s home or in someone’s briefcase or bag. That’s a lot of places to look. The cost associated with finding files can be very high.

**Paper Files Can Only Be in One Place at a Time:** Generally, only one person can be in possession of a paper file at a time. However, the same electronic files can be accessed by multiple people simultaneously.

**Paper Files Are Not Sharable:** If you want to share a paper file, then you have no choice but to incur the additional time and expense of making more paper copies. This makes it difficult to collaborate with clients, experts, courts and co-counsel.

**Finding the Document Once You’ve Found the File:** Once you locate the paper file, now you begin the second search - finding the individual piece of paper within that file. If the file is really big, it may take just as long to find a document within the file as it took to find the file in the first place.

**Paper Files Are Not Searchable:** Obviously, you lose the search functionality an electronic file provides.

**The Paper File is not Complete and Neither is the Electronic File:** Almost everyone I talk with indicates that email is not getting saved into the digital file and some of the work product is not getting saved. Nearly everyone my polls indicate that they feel overwhelmed by email and there isn’t an easy way to save incoming and outgoing emails into the digital case file or paper file.



## ROADMAP / ESSENTIAL ELEMENTS TO ACHIEVE PAPERLESS

The following are the elements required in every successful paper reduction initiative. The good news is that most organizations have already implemented many of these steps. You may just need to help getting over the finish line with changes in process and some simple training.

- I. **Ensure You Have Solid I.T. Infrastructure, Redundant Backup Systems and Security:** You must have dependable servers, redundant data backup, and security systems and protocols in place if you are going to eliminate paper. If you implement a cloud-based system, much of this is simplified and solved as part of your monthly service fee. In fact, most reputable cloud providers have achieved and maintain security certifications that would be cost-prohibitive for most organizations. This is another reason most legal departments and law offices are migrating to cloud-based solutions. Within legal departments at corporations or colleges/universities, getting consistent I.T. assistance is tough because of the bureaucratic red tape that is involved and the high turnover of employees within the I.T. department. This makes cloud solutions even more attractive.
- II. **Confidence in your I.T. Department:** Unless and until your users have confidence in the people running the system, they will continue to rely on the security of paper. It is their safety blanket.
- III. **Acquire Desktop Scanners:** This is discussed below, but in short, your staff needs small, fast convenient desktop scanners so they can easily scan documents directly into the digital file right at their desk without having to get up and go stand in line to do their scanning.
- IV. **Automatic OCR Engine:** All PDFs must be searchable, and that process needs to be automatic. You should not use up staff time to run this process. It is too expensive, and it will not get done a great deal of the time, resulting in people believing that documents are searchable, but they are not. See below for discussion on software solutions that can do this for you (Symphony OCR, ndOCR, Content Crawler, etc.).
- V. **Document Management System (DMS):** This can be a software solution, or a do-it-on-your-own process by saving documents in a central organized manner within a Windows folder structure. Most experts today agree that with the volume of email and other digital content that we receive on a day to day basis, that we need software to assist us with document management.
- VI. **Procedural Requirements:**

**Digitize All Incoming Paper:** Everything that comes in the door must be scanned (excluding advertisements) and then the paper goes in one of three places (preferably #1, below):

1. The shredder
2. Send back to client
3. A very thin paper file you may maintain because a statute, regulation or rule requires that you keep the blood-signed original.

**Scan Paper Work Product:** For example, lots of lawyers like to write on legal pads. It's perfectly fine to continue doing that as long as the resulting notes are scanned into the electronic file with everything else. Also, think about utilizing tablet-based note taking (i.e., iPad + Notability, Surface Pro + OneNote), and not even having to scan pages torn from legal pads.

**All Digital Case Documents must be Stored in DMS or Digital File:** Every PDF, Word document, Excel spreadsheet, PowerPoints, ... everything, must be saved to the DMS or digital file and

properly categorized based on document type (correspondence, pleadings, agreements, memos, notes, etc.)

**Important Case/Matter Email Must Be Stored in DMS or Digital File:** All important email must be stored along with the rest of the electronic documents related to any particular matter. Some important **copies** of emails can still be in Outlook, but copies must be stored in the DMS where the rest of the office can easily access them. Note: One observation that I see people often make is that they to save every email into the digital file, and that just isn't necessary. Saving just the important emails is fine. When people aim for perfection or everything, it paralyzes them, not to mention that it results in time wasted and a ton of redundant emails. Most of the time, with the exception of emails with attachments, the last email in an email conversation contains the entire historical thread.

**Workflow Review Method.** There must be a process in place that insures that the intended recipients of the documents, and anyone else, (1) reviews the electronic information, and (2) tasks & deadlines get assigned based on that review. Most offices will have a legal assistant (or a scanning clerk) do the following:

- a. scan the document,
- b. save it into the proper case/matter,
- c. record & assign deadlines,
- d. and then forward a **link** to the person that needs to review the document.

- VII. **Dual Monitors:** Dual monitors are absolutely needed for effective paper reduction. I understand that there some may resistance to this idea, but the reality is that dual monitors have not only become standard issue for law offices and legal departments across the country, but this concept is also a key ingredient for helping to reduce reliance on paper. See discussion below on Dual Monitors.
- VIII. **Portable Hardware/Mobility:** If every lawyer is tethered to a desktop computer at the office, then the office loses out on a lot of the mobility benefits of being paper-reduced. For lawyers who go to court, meet with clients or work outside of the office, there must be a means for them to take the electronic file with them. Obviously, this is where notebook PCs, tablets or hybrids become very important. Think about adding iPads for some lawyers who are road warriors or who try cases would be extremely valuable.
- IX. **Conference Room Technology:** One reason that lawyers keep paper is to have the file available to them when they go to the conference room to meet with the client. To avoid this evil, you must have presentation technology in the conference room to review file information with the client on a large screen. Most firms today are using very large LED HD televisions/monitors and projecting wirelessly via their laptops.



- X. **Collaborative Technology:** If you want to share an electronic file with someone outside of your office, then there must be a means for doing that without printing and shipping everything. DMS systems provide some of this functionality. It is baked into some systems like NetDocuments because they are cloud-based. If not baked in technology, then consider solutions like Citrix ShareFile.
- XI. **Document Your Scanning Protocols:** Every firm needs a written "here's how we do it" manual. Process documentation allows new users to pick up the system quickly. Maybe more importantly, written policies make it much easier for the firm to gently remind users who have fallen off the wagon of what they previously agreed to do. We recommend Snagit ([www.techsmith.com](http://www.techsmith.com)) to document those processes by using screen shots and recordings, as well as process mapping your steps for ALL your important processes. We recommend Lucid Chart ([www.lucidchart.com](http://www.lucidchart.com)) or Microsoft Visio for mapping. This will become one handout for your training.
- XII. **Provide Training for all Lawyers and Staff:** This doesn't take long and isn't expensive, but it's critical to the success of any paper reduction initiative. Everyone needs to know how to play along. They also need to understand the "why". Without the right training, people do the craziest things (i.e., like print documents, sign it, scan and re-save as a PDF, and then send). Unless people know how to perform their core "paper" functions within a digital world, they will never give up the paper.

# 2

## PORTABLE DOCUMENT FORMAT (PDF)

### WHY PDFS ARE SO IMPORTANT

**Worldwide Standard:** Every electronic court filing site in the country now requires the filing of PDFs. This is our new reality. PDFs have become the worldwide standard for the distribution of electronic documents. Since they are so common, it's extremely uncommon for the recipient of a PDF to be unable to open it.

**Protect the Document:** Adobe Acrobat, and similar tools like Nuance PowerPDF, Foxit, PDFDocs, etc., allow you to protect a document so that the text cannot be altered. You can also control who may access it, whether it can be printed or opened, etc.

**Collaboration:** Today, PDF tools make it easy to solicit feedback, comments and proposed changes to a PDF document. This makes PDFs ideal for negotiating the language of a documents and the like.

**Easy Creation:** You can create PDFs from any computer program that will print (such as Microsoft Word). PDFs can also be created with a scanner.

**Easy Combination:** PDFs can be compiled from many sources and any PDF can be combined with another.

**Forms:** PDF Tools allow for the creation of fillable forms and makes it easy to collect the data that is entered into them.

### PDF FILE TYPES

#### PDF Files

PDF (Portable Document Format) is a file format that captures all elements of a printed document as an electronic image that you can view, navigate, print, or forward to someone else. PDF files are created using a PDF writer or print driver. To view and use the files, you need the free Adobe Reader (or other free or inexpensive PDF viewers), which you can easily download for free ([www.adobe.com](http://www.adobe.com)). Once you've downloaded the Reader, it will launch automatically whenever you want to look at a PDF file. PDF files have also become the de-facto standard method for distributing electronic forms on the Internet.

#### PDF/A?

PDF/A (archival PDF) is a type of PDF that is used for the long-term storage of documents. Standard PDF files rely on external information, such as font libraries, to be read, and this can pose problems for retrieval far in the future. PDF/A files, on the other hand, have all information embedded in the file and do not rely on external information. This is useful for archiving, as anyone with a PDF/A reader can view a PDF/A file without the need for appropriate external information. The drawback to this is that because all information must be embedded in PDF/A files, they tend to be larger than regular PDF files.<sup>1</sup> For a more detailed description of PDF/A, see the description provided by the Sustainability of Digital Formats Planning for Library of Congress Collections here:

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<sup>1</sup> What Is PDF/A? See <https://en.wikipedia.org/wiki/PDF/A>

<http://tinyurl.com/4wfwazy>. PDF/A matters to law firms because many of the electronic case filing systems require PDF/A or may require it in the future.

## Image Only PDFs

This type of PDF is visually an exact replica of the original document (whether the original document was electronic or paper-based), but it contains no text which could be searched by Acrobat or any other program. This also means that you cannot copy and paste text from the document. This is usually the type of PDF that you get when you scan a document using a copier, scanner or multifunction machine.

## Searchable PDFs

This type of PDF is also an exact replica of the original document, but it also contains a hidden layer of text so that you can search for any word on any page. PDFs created from other computer programs electronically are searchable by default. In other words, if I create a PDF from a Word or WordPerfect document, an Excel workbook or an email, they are always searchable. As mentioned above, PDFs created by scanning can be, but are not always searchable. The software you're using to scan will determine whether you can create searchable PDFs. So that you can easily find the PDF documents you're looking for, you want to use searchable PDFs. See below "Searching" for a discussion on programs that will automatically make image-only PDFs text-searchable.

## PDF PROGRAM OPTIONS FOR LAWYERS

There are a number of PDF programs on the market today. Here are my top recommendations that you should evaluate:

1. **Adobe Acrobat Pro DC:** There are two flavors here: Acrobat DC Pro "with services" which you can only rent; and Acrobat DC Pro desktop which you can buy. You can rent DC Pro with Services for \$179.88/year or \$24.99/month; and you can buy DC Pro Desktop for \$449. Only Pro is available for the Mac.
2. **Adobe Acrobat Standard DC:** There are two flavors here: Acrobat DC Standard "with services" which you can only rent; and Acrobat DC Standard desktop which you can buy. You can rent DC Standard with Services for \$155.88/year or \$22.99/month; and you can buy DC Standard Desktop for \$299. Standard is not available for the Mac.
3. **Nuance Power PDF Advanced:** Matches features of Acrobat Professional for only \$149.99. This has quickly become one of the best alternatives to Acrobat.
4. **Nuance Power PDF Standard:** Matches features of Acrobat Standard for only \$99.99.
5. **Foxit PhantomPDF for Business:** Very similar to Acrobat Pro for \$129.
6. **Foxit PhantomPDF Standard:** Strong match with Acrobat Standard for \$89.
7. **pdfDocs Pro by DocsCorp:** Very strong feature match with Acrobat Professional and recently completely revamped. A 12 month subscription is the only way to buy it and it's \$107 annually.
8. **Nitro Pro:** Matches the features of Acrobat Professional. They offer a Nitro Pro+ which is rental only for \$7.99/month (\$95.88 paid annually - no option to pay monthly) and Nitro Pro (desktop) which is \$159.99.

# 3 SCANNING

## LARGE CENTRAL SCANNERS VS. DESKTOP SCANNERS

In most offices, it is a mistake to solely rely on large central printer/copier/scanners in the copy room. We call this centralized scanning. It results in a back log of scanning because it is an inefficient way to scan most documents. Large central scanners are fine for large documents because of their speed, but they are terrible for most documents (1– 30 pages).

It takes on average 3-5 minutes to scan a 10-page document on a large scanner from start to final saving location, versus 45-60 seconds on a desktop scanner.

Today we are scanning less and less because so much is coming into our offices via email (or download) as PDFs. That said, we still receive quite a bit of paper, and until that stops, we will continue to need scanners. For most offices, we recommend desktop scanners for legal assistants, paralegals, and only those attorneys who express the desire to do some of their own scanning.

## ESSENTIAL FEATURES OF A DESKTOP SCANNER

- Must have an automatic document feeder which holds 25 pages or more;
- You don't need a flatbed scanner because you have your multi-function copier/scanner, which has a flatbed for the rarer situation that you have a bound book or magazine.
- It must be fairly quiet (users should be able to conduct phone conversations without yelling over the scanner);
- We recommend a USB 2.0 or 3.0 connection to your computer;
- It must be able to scan black & white, gray-scale and color;
- It must be able to scan legal and letter sized documents; and
- It must be fairly fast (recommend 20– 35 ppm).

## RECOMMENDED DESKTOP SCANNERS

**Fujitsu ScanSnap ix1500.** The ScanSnap scanner is small, fast (30 ppm single sided, 60 ppm double-sided), comes with the full version of Nuance PowerPDF, and can create searchable PDFs natively. It also has a 50 sheet automatic document feeder and also includes ABBYY FineReader which will allow you to convert paper documents into documents you can edit in MS Word. It costs between \$400 - \$440 from a variety of vendors. It's world-class software scanning interface is incredibly user-friendly. Because it is so easy, fast & reliable, this scanner (and it's predecessor, the ix-500) has made this scanner the most widely used desktop scanner in North America.



**Epson ES-400.** This is a TWAIN-compliant scanner that is also small and very fast (30ppm single sides, 60ppm double-sided). Because it is TWAIN-compliant, it can natively integrate with many programs, but the software for the end-user is not as easy to use as the Fujitsu ScanSnap Scan Manager software. I generally recommend the Fujitsu ScanSnap (above), but when TWAIN-compliance is required, I recommend this scanner.



If TWAIN-compliance is a requirement, and you are looking for a scanner with a higher duty cycle (example: the need to regularly scan over 1000 pages a day), then I recommend looking at these two models:

**Fujitsu fi-7160 Sheet-Fed Scanner:** This scanner is TWAIN-compliant and scans up to 60 ppm/120 ppm duplex black and white or grayscale. That is very fast for a desktop scanner. It has a 80-page Automatic Document Feeder (ADF) with enhanced hard and embossed card scanning (Example: credit or healthcare cards). This scanner usually retails for \$850.



**Fujitsu fi-7180 Sheet-Fed Scanner:** Up to 80 ppm/160 ppm duplex black and white or grayscale. 80-page Automatic Document Feeder (ADF) with enhanced hard and embossed card scanning (Example: credit or healthcare cards). This scanner usually retails for \$1,500.

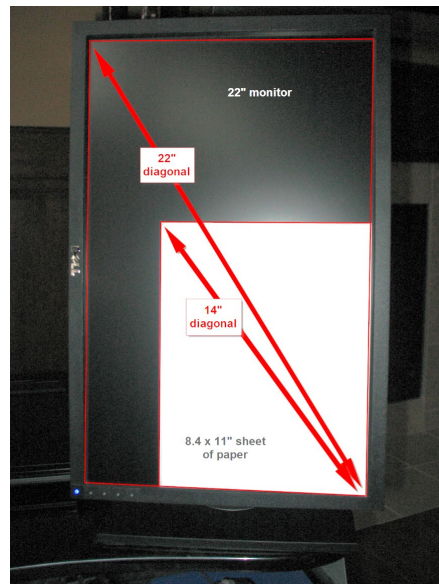




# 4 DUAL MONITORS

## DUAL MONITORS INCREASE PRODUCTIVITY & REDUCE PAPER

Dual monitors are absolutely needed for effective paper reduction. I understand that there some may resistance to this idea, but the reality is that dual monitors have not only become standard issue for law offices and legal departments across the country, but this concept is also a key ingredient for helping to reduce reliance on paper. Having 2 monitors simply allows you to spread out and see two things at once (like research and the document you're drafting based upon that research). Of course, it also eliminates a lot of the minimizing and maximizing of applications when you're working with two programs simultaneously. Overall, it's a big efficiency gain and I doubt you'll ever find someone with dual monitors who would ever consider going back to just one monitor. Monitors that rotate to portrait view has also turned out to be valuable to some to help review documents on the computer rather than hard copy. Many lawyers print documents in order to review them because they find it difficult to review documents on a computer screen. This difficulty typically arises out of the fact that when viewing a document on a monitor, one can only see a few paragraphs of each page because the monitor is landscape (wide) and the document is portrait (tall). To remedy this problem, we recommend buying monitors that rotate to portrait (see screen shot below). Monitors with this capability usually only cost a few dollars more than those without it and it is completely worth the extra money. As you can see below, a standard 22" monitor rotated to portrait not only allows a user to see an entire page of text at once, but it makes it nearly twice as big as it would appear if you printed it on 8.5 x 11" paper.



My recommendation is something like a Dell Professional 27" monitor (part number P2717H) which is \$258 on amazon.com (<http://www.dell.com/ed/business/p/dell-p2717h-monitor/pd>). These monitors are beautiful, bright, and I guarantee will increase productivity.



# 5 IPADS/TABLETS

## IPADS/TABLETS HAVE REVOLUTIONIZED PAPER REDUCTION

One of the primary reasons that lawyers hang on to the paper file is because they don't have an effective way to bring the case/matter information with them when they go visit a client or go to court. Simply put, the iPad (and now other tablets) solve this problem 9 times out of 10.

In the 8-9 years since Apple released the iPad, it quickly established itself as a very useful tool for lawyers, and one of the biggest innovations in legal technology to come along in some time. iPads (or tablets, generally) are instrumental if a lawyer wants to take "the file" out of the office without taking or maintaining a paper file. I believe the tablet or iPad was this missing tool in our "paperless movement", and the lack of it caused us to maintain a dual filing system (maintaining our electronic file and our paper file) for nearly 20 years. Now that we have tablets, there aren't many situations where we need the paper file. We can simply carry the case file with us on our iPad. In fact, you can carry thousands of banker's boxes on your iPad. Try carrying even one banker's box in one hand!

The iPad's design is ingenious. Its functionality is equally as nice and continues to improve as legal software developers create new and innovative apps for lawyers. Indeed, the iPad remains the tablet of choice for legal app developers, far outpacing Android and Windows tablets in the number of legal apps available. Two features of iPads and Android tablets that are so appealing are (1) it is instant "on" and connected to the internet, and (2) the size, sleekness and multi-touch screen makes it many times a better experience than handling paper.

If you carry around a legal pad and a lot of paper in a legal file or Redweld, the iPad can become your legal pad and digital folder. It is truly redefining the idea of the "paperless law office", allowing you to actually carry most of your office around with you, all in a very small, light device. For courtroom work, the iPad can be used to access exhibits, pleadings, legal research, depositions, and just about any document you might need in hearings or at trial.

The iPad has some drawbacks as a computing tool that make it unsuitable as a complete replacement for your desktop or laptop; however, I believe it is ideal for courtroom use and client meetings because it is so light and easy to hold and operate. It is very easy to understand and use, with little training required. In fact, if you already use an iPhone, as so many of you already do, you'll be able to start working with an iPad right away.

Among the often-cited negatives of the iPad are (1) that it has no USB port for plugging the tablet into other devices and (2) that the battery is not removable or replaceable. One of the reasons that the lack of a USB port is not troubling is that the iPad comes with Bluetooth capability, so keyboards, printers, and other devices can be connected wirelessly to the device. Also, a number of cloud providers (NetDocuments, Dropbox, Box, OneDrive and Tresorit, among others) make it easy for you to access all of your documents online, without needing to connect your iPad to anything.

The iPad Pro has a 12.9" screen. This is one of my favorite tablets. There are some compelling features that make it worthy of consideration (at least for some users, not all). In particular, with the Apple Pencil, notetaking/handwriting on this device is an incredible experience.

In my opinion, it is this ease of use that explains why iPads are rapidly catching on with lawyers. A laptop, netbook, or even the "traditional" convertible tablet PCs, which are useful at counsel table, cannot be carried

around the courtroom easily when the lawyer is standing at the podium or addressing the jury. We firmly believe the iPad is the preferred mobile device for litigators in particular, because the apps designed for use in the courtroom are very powerful, but also simple enough that they will not distract from actually trying a case.

Essentially, the iPad is just a little heavier than a paper legal pad and not nearly as heavy as the lightest netbook or laptop.

Tablets are now integrating themselves into the workflow of lawyers, irrespective of office size or practice area, and nowhere has this been more apparent than for litigators. Whether you need to take notes, mark and handle exhibits, or manage deposition transcripts, these little computers can supercharge your trial practice. But the iPad can make any lawyer more productive, regardless of practice.

I don't think every attorney needs a tablet. In short, I think those who do more courtroom work, litigation, and those who are very mobile. One could also use a laptop/tablet hybrid (like a Lenovo Yoga, a Dell 2-in-one, etc.), but in my experience, most lawyers prefer to have a tablet separate and apart from their laptop because (1) many times you want to do tablet functions (like handwritten note-taking) at the same time you look up information on your laptop (perhaps in Legal Server, as an example; and (2) sometimes you want to just grab the tablet and leave the laptop behind.

# 6

## SEARCHING YOUR DOCUMENTS

### SEARCH PROGRAMS

One of the most common technology problems facing lawyers today is difficulty finding their documents and email. We are forced to “re-invent the wheel” because we cannot tap into the intellectual capital of our (and others’) previous creations. We are constantly forced to do research over and over, and then re-write things from scratch, resulting in loss of productivity and sometimes inconsistent advice to clients.

Document management systems (DMS) solve this and many other document management problems, but a full blown DMS requires an investment of time and money. If a full robust document management solution (discussed below) is not in your budget at the moment, or just not needed right now, you would definitely benefit from a search engine or a search program in the interim. These programs crawl through entire folder structures and will create an index of every single word in every single text-searchable document going back to the beginning of time (late 80’s when word processors were first utilized). It is important to note that the document must be text-based/text-searchable (see discussion below on OCR Tools).

### WINDOWS SEARCH ENGINES

**Copernic Desktop Search:** See [www.copernic.com](http://www.copernic.com). There are three versions of Copernic, Home (FREE), Professional (\$49.95) and Corporate (\$59.95). Unless you’re installing it in a very large firm, you only need the Professional version. You can try the free home version, but one of the limitations of the free version is that it does not search network drives. So unless you’re keeping all of your files on the C:\ of the computer you’re using (I certainly hope you’re not doing this), the Home version will not help you very much. Copernic will search all of your files (Word, Excel, PowerPoint, PDF, HTML, WordPerfect, text and another 150 types of files). It will also search your Outlook email and any attachments to email.

**X1 Search Engine:** See <https://www.x1.com/products/x1-search/>. Very similar to Copernic, X1 will also creating an index that is searchable in seconds. X1 retails for \$96.

**dtSearch:** See [www.dtSearch.com](http://www.dtSearch.com) - \$199 - one of the most sophisticated and fast search engines I’ve ever seen. It provides the most search options and file types that it can recognize. If you need industrial strength search capability involving enormous numbers of documents, this is your program.

**Filehand:** See [www.filehand.com](http://www.filehand.com) - FREE. Instantly search for files on your computer, by content. See the extracts of the files you found, even for PDF files. Scroll through the extracts so you can quickly find the information you’re looking for. Find the file you are looking for, even when many files match, because Filehand Search sorts the results by relevance. Do complex Boolean searches and searches by phrase. Use it all the time because it is so simple to use!

**Windows Instant Search** (Windows 7 and 10): The Windows operating system has a basic, but powerful ability to search all folders.

## APPLE/MAC SEARCH ENGINES

**Spotlight Search (Mac OSX):** This is included with the Mac OSX operating system. For more information, see <http://support.apple.com/kb/HT2531>

**EasyFind:** If you are looking for something a little more robust than the Spotlight Search, EasyFind is one alternative. Free - see <http://easyfind.findmysoft.com/mac/>

**HoudahSpot:** \$15 - see <https://www.houdah.com/houdahSpot/download.html>.

## OCR TOOLS

As discussed above, in order for a document to be searchable, it must be text based. MS-Word documents, Word Perfect documents, Excel Spreadsheets, PowerPoint files are all natively searchable because they are natively text-based. PDFs may not be IF they are generated from a scanner or copier. PDFs are searchable if they converted to PDF (using an add-in, driver, or printed from Word, Excel, or PowerPoint. If a PDF is generated from a scanner, then there is an extra step that must be taken in order for that image-only PDF to become text searchable. That step is called Optical Character Recognition (OCR). This is a process that takes a short amount of time. On average, a 1-10 page document will take 5-30 seconds to OCR. That number increases significantly as the number pages increases. Generally, this is not a function that you want to require staff to perform. It is not a good use of their time, and as a practical matter, it just doesn't get done a huge part of the time, resulting in a bunch of documents that people can't search!

Many computer users don't even know what OCR means and they just assume the search tool is broken because it is "not finding my documents, and I know it is there!" Many of these image-only PDFs come from clients, or opposing counsel, or from a discovery production. Some come from your copier. As you may know, To address this problem, we strongly recommend a third-party back end OCR tool like SymphonyOCR or DocsCorp Content Crawler. These solutions will look at any PDF deposited in a document management system (for NetDocuments, Worldox and iManage), or a plain Windows folder structure and run the OCR function automatically. ndOCR is an add-on to NetDocuments that retails for about \$3/user per month. These solutions allow you to quickly scan PDFs into the system without the time-consuming process of converting them to searchable PDFs at the time they're added. It also will OCR all your old or legacy PDFs that are currently in Windows folders and Legal Server. This may not sound like a huge issue, but it will save you and your office hundreds of hours per year. See <http://symphonysuite.com>. The cost of Symphony is roughly \$45/user/year.

# 7 DOCUMENT MANAGEMENT SYSTEM

## DMS DEFINED

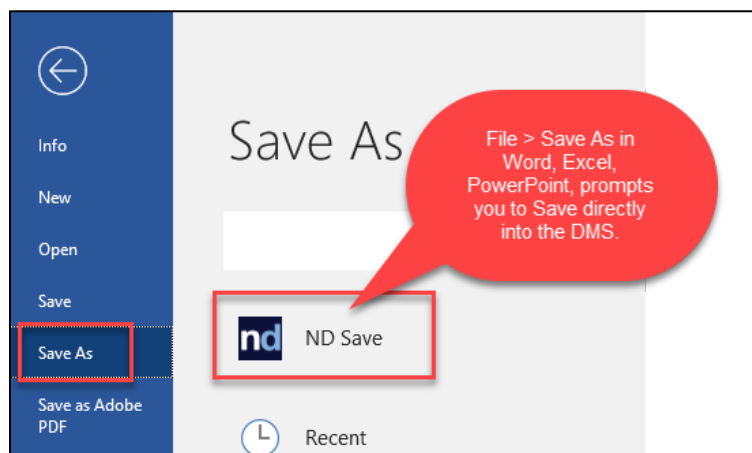
A Document Management System (DMS) is the combination of software/hardware tools which streamlines and automates the process of document & email management. Document management software has become so useful over the past 20 years, most organizations believe it is the true foundation for knowledge management and eliminating paper in the office.

Since DMSs only manage electronic documents, any paper documents must be converted (scanned) so that they can be managed by the DMS. In simple terms, your paper "Files" are just collections of paper documents related to a particular matter. Once all of that paper is in digital form, a DMS can organize it by matter just as your paper files are currently organized.

Legal document management software should have all the below **core functions/features**:

## EASY COMPLIANCE – INTEGRATION WITH MAJOR APPS

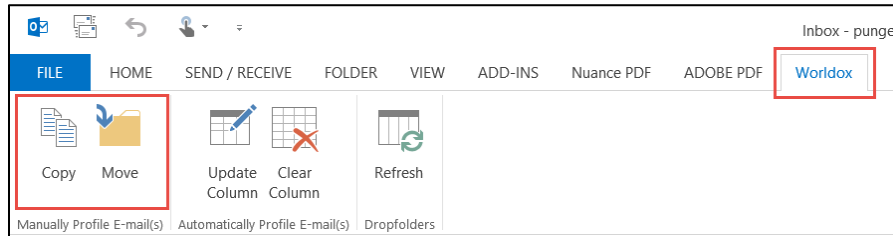
In order to be convenient to use, the DMS must integrate with Word, Acrobat (or pdfDocs, Nuance PowerPDF, Foxit, etc.), Excel and any other major application in which you save documents or files. For instance, when someone clicks the Save or Open button in Word, the DMS must intercept and ask the user to "profile" or save the document, or find the document within the DMS.



## EMAIL MANAGEMENT – INTEGRATION WITH OUTLOOK

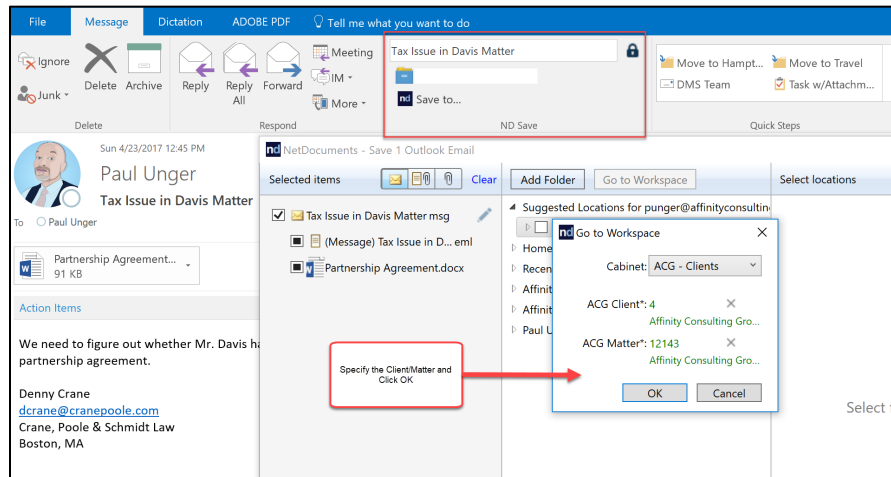
Email management is extremely important since most people feel crushed by email. A DMS is a full email management system (among other things). With a DMS, all emails related to a particular matter can be easily saved along with the other matter-related documents. Right now, without a DMS, users are saving emails in Outlook subfolders that no one else has access to, or they are saving emails to Windows folders through a very inefficient tedious process. Saving emails must be an easy process! Important features include:

**One-click Saving:** People do this constantly, every day. The process can't be time consuming, tedious or have too many steps. A good DMS solution will have integration with Outlook by selecting or opening an email and then simply clicking on a toolbar button to move a copy of the email into the DMS, as seen here in a screenshot from the Worldox document management system:



One selects an email and then hits with Copy to Worldox or Move to Worldox.

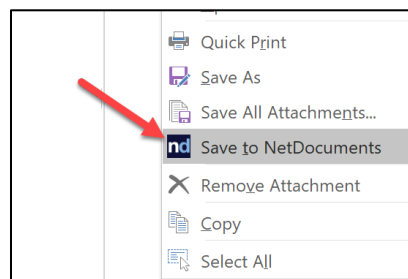
Here is a screenshot from the NetDocuments document management system:



The user simply selects an email or multiple emails and using the ndSave function, can select the correct client/matter or area/matter.

**Ability to save emails with attachments** embedded in the native email format from within Outlook without "exporting" them or saving them somewhere else before they're moved into the DMS.

**Ability to save only attachments** easily into the DMS from a right-click on the email attachment and use the Save to the DMS Command as seen here with the NetDocuments integration with Outlook:



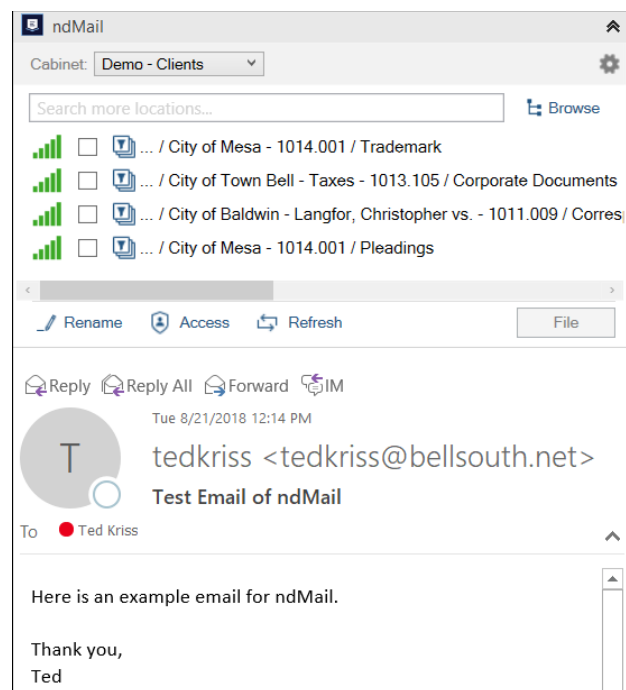


## SAVING EMAIL USING ARTIFICIAL INTELLIGENCE (AI)

The NetDocuments' DMS has launched a pretty amazing new feature that uses AI to help lawyers automate the saving of email, eliminating many clicks from the above process. The feature is called ndMail. It is an optional add-on module that enhances the email filing experience from Microsoft Outlook by drastically reducing the time and effort required to save email messages into the client/matter folder.

Core to the application is the predictive email filing component which uses machine learning to determine which matter each email message in your inbox should be filed against based on the sender, recipient, subject and content from the actual message.

As a user highlights an email message in Outlook, the integrated ndMail panel will display suggested matters that it has determined may be appropriate for that email. They are listed in order based on the its "confidence" of fit. The user can then make the decision to accept, override or ignore the suggested destinations:



Most importantly, ndMail "learns" each time a user in your firm files an email with ndMail, which significantly increases the accuracy of suggested destinations over time across the entire firm.

ndMail also provides an email de-duplication service during the email saving process, as it reviews each message and instantly notifies the user if that email has already been saved into the system previously by anybody else at your firm.

## FULL TEXT AND BOOLEAN LOGIC SEARCHING

If you have a document management program (like Worldox, NetDocuments, iManage or OpenText), you do not need to invest in a separate search engine (like Copernic, X1, dtSearch). The search engine functionality is part of the program, and within legal DMS programs, they are extremely powerful. Full text searching gives users wide-open access to their documents by framing searches based on concepts rather than categories. Users can search by many criteria - words, combinations of words, phrases, words within proximity of each other, expressions, etc. Each document matching the search terms is returned as a "hit" and the integrated file viewer will highlight each occurrence of a search term in the returned documents. This is exactly like doing a Lexis or Westlaw-type search through your own documents. When evaluating DMSs, you want the ability to view the documents in a viewer without actually opening them, you want to be able to use Boolean logic terms (and, or, not, near, etc.), and you want the search terms highlighted in the document the system found. This is a screenshot from Worldox, who has one of the best and cleanest advanced search dialog boxes:

## SIMPLE GOOGLE-TYPE SEARCHING

It is important for less tech-savvy people to have the ability to do quick simple searches with a "Google-Type" single search field, as best seen here in NetDocuments:

## METADATA SEARCHES

In the realm of document management, metadata is the critical additional information stored about the document (other than the file name).

Metadata includes, but is not limited to, information like:

- Name
- Comments
- User-defined “tags”
- Indexed full text
- Email From
- Email To
- Email Sent Date
- Doc ID
- Date Modified, Created, Accessed
- Cabinet
- Client
- Matter
- DocType
- Author
- Typist
- Date (actual date associated with the document)
- Date range

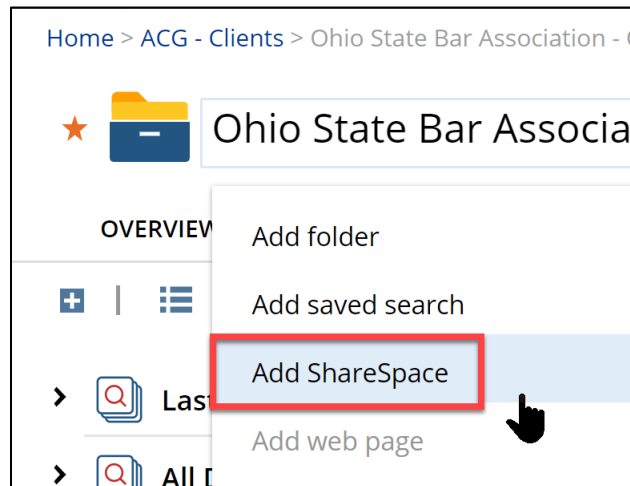
This search capability ensures continuity and a smooth transition when someone leaves or joins your office. For example, if someone unexpectedly (and suddenly) left your office, it would be pretty difficult to determine exactly what they were working on before they left. However, if a document management system were in use, it would be quite easy to find every single document or email that person touched in the last 90 days (for example). It's one thing to have a log or list of documents they were working on; it's quite another to actually be able to find those documents. Furthermore, the searches can be narrowed down considerably. For example, I could easily find every pleading (document type), containing the phrase "motion for summary judgment" (text in file), created by a particular employee (author), between 11/1/2008 and 11/1/2009 (date created range), for any matter having to do with the Jelson Electric, Inc. (client name). I imagine that it is presently impossible for anyone in your office to even contemplate a search like that

## OCR CAPABILITIES

As discussed above, the ability to OCR Image-Only PDFs to make them Text Searchable is critical. The DMS should be able to identify PDFs that are non-searchable and automatically OCR them to make them text searchable. This should happen on the back-end automatically, so users do not have to waste time running the OCR process on every PDF they scan or receive via email. Most DMS systems utilize add-on products like Symphony OCR or ndOCR to perform the OCR automatically.

## GIVE CLIENTS/EXTERNAL USERS SECURE ACCESS TO SOME DOCUMENTS

Systems like NetDocuments have collaboration tools natively built-in because they are designed using pure cloud architecture. In other words, you don't need to buy an add-on product like Citrix ShareFile in order to create a place to share documents with clients. This is a screenshot taken from NetDocuments, showing this feature, which they call Collaboration or Share Spaces:



## NO ACCIDENTAL DRAG & DROPS

A frequent issue reported to us is the cry for help when a document folder goes missing. Those folders are often accidentally dropped into a different folder and the user has no idea what happened. This is impossible with a document management system. Moreover, if documents do get moved accidentally, the audit trail would accurately identify what happened, when it happened, and who did it.

## DELETING DOESN'T HAVE TO MEAN DELETED

The office can set up a rule where deleted documents go to a 'trash' holding place where they can be auto deleted after a certain number of days or kept until an administrator empties the trash.

## ORGANIZE A LIBRARY OR BRIEF BANK

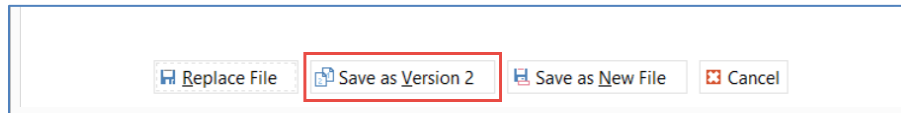
A document management system can be incredibly helpful when it comes to categorizing and protecting forms, templates, precedents and organizing a brief bank by topic that is fully text searchable. Create a dedicated cabinet that is fully searchable to tap into your organization's knowledge base.

## ABILITY TO SAVE MOST ANY FILE TYPE

The DMS must be able to hold any type of file you've created in-house as well as any type of scanned document (PDF, TIF or JPG) which will typically represent the documents you're received from the outside. A search must turn up all relevant documents regardless of physical location, format, and source application. For example, we have seen plenty of copier-based applications which only hold documents you scan. It does little good to have scanned documents in one system and all of the documents you've created in-house in another system. The idea is to get everything related to a matter in the same system, including documents you've created in-house, documents you've scanned, faxes, hand-written notes, email and attachments to email.

## VERSION TRACKING/MANAGEMENT

The DMS must be able to keep multiple versions of every document. This becomes very important when a document is undergoing revision and is being passed back and forth between attorneys. Most DMSs will keep over 100 versions of every document along with a detailed audit trail noting who did what to the file and when. When the revised document is saved within the system, it will prompt the user with the option to save it as another version, as see here with Worldox:



Once saved, whenever that document appears in a search result or list, the DMS groups all of the versions as one listing, and indicates that there are multiple versions available of that document, as seen here in a screenshot from NetDocuments:

Recent Documents ▾				
Show: <a href="#">All</a> Edited Opened Added 39 items   0 selected				
<input type="checkbox"/>	Name	Created by	Last modified by	Last modified date
<input type="checkbox"/> ★	marital settlement agreement	v1 WMU	WMU	6/15/2016 12:00 AM
<input type="checkbox"/> ★	DMS Team Agenda and Notes	v38 Chris Martz	Paul Unger	10/6/2017 9:33 AM

If users want to see all versions of the document, they can right-click and select list versions and see a complete history:

**VERSIONING SAMPLE Marital Property Agreement** Help

ID: 4824-7359-3993

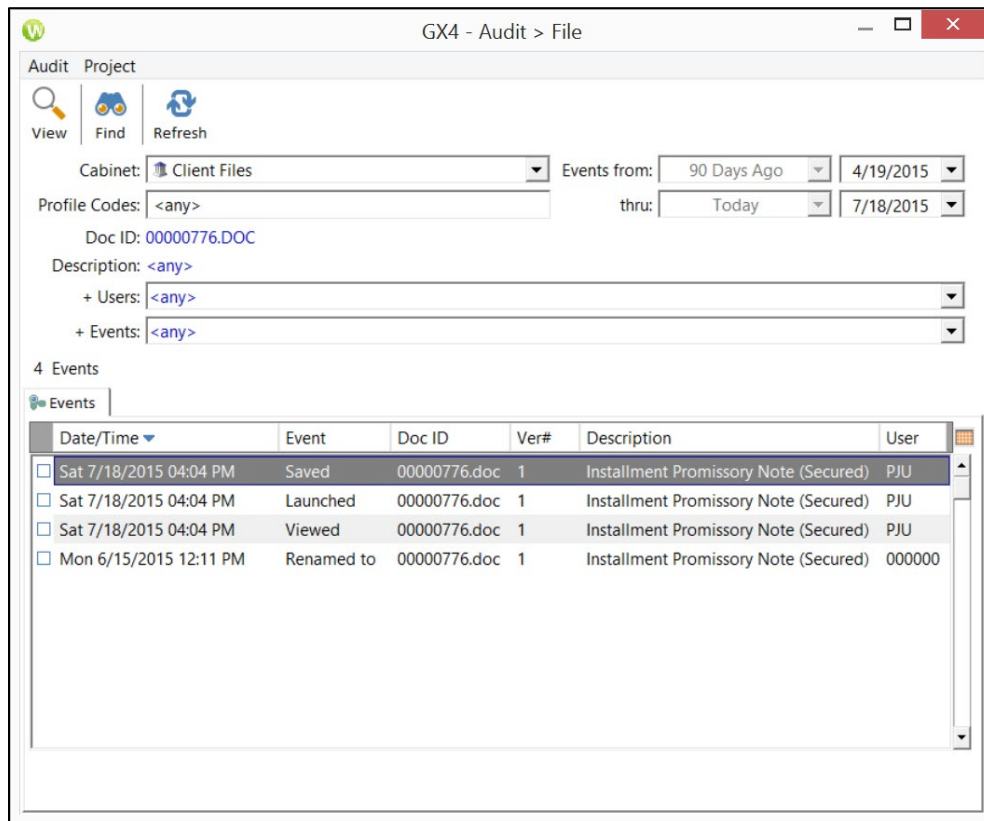
<ul style="list-style-type: none"> <li><input type="checkbox"/>  Version 8: Martial Agreement from Client - FINAL SIGNED <span style="float: right; border: 1px solid #000; padding: 2px;">Official</span> Created by Ted Kriss on 3/6/2019 Approved Agreement received 3-6-19</li> <li><input type="checkbox"/>  Version 7: Martial Agreement with Client Changes ready for Client SIGNATURE Created by Ted Kriss on 3/6/2019 Ready for Client Signature</li> <li><input type="checkbox"/>  Version 6: Martial Agreement with Client CHANGES with Attorney CHANGES Created by Ted Kriss on 3/6/2019 Send to client for approval</li> <li><input type="checkbox"/>  Version 5: Martial Agreement with Client CHANGES ready for Attorney REVIEW Created by Ted Kriss on 3/6/2019 Paragraph 2 has been removed per client requ...</li> <li><input type="checkbox"/>  Version 4: Martial Property Agreement with Client CHANGES Created by Ted Kriss on 3/6/2019 Client would like Paragraph 2 removed</li> <li><input type="checkbox"/>  Version 3: Martial Agreement Ready for Client REVIEW Created by Ted Kriss on 3/6/2019 Sent to client 3-6-9</li> <li><input type="checkbox"/>  Version 2: Draft Agreement for Attorney, Changes-Adjustments NEEDED Created by Legal User on 3/6/2019</li> <li><input type="checkbox"/>  Version 1: Draft Agreement for Attorney Review Created by Ted Kriss on 3/6/2019 Here is the draft document for initial ATTY revie...</li> </ul>	<p><b>Version 8: Martial Agreement from Client - FINAL SIGNED</b></p> <p>Created by: Ted Kriss 3/6/2019 10:47 AM Modified by: Ted Kriss 3/6/2019 10:47 AM Type: Portable Document Format (.pdf) Created from: Version 7: Martial Agreement with Client Changes ready for Client SIGNATURE Official version: Yes</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>Add Version</span> <span>Email copy</span> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <span>View in browser</span> <span>More options ▾</span> </div> <div style="border: 1px solid #ccc; padding: 5px; margin-top: 10px;"> <p>Approved Agreement received 3-6-19</p> </div>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## ABILITY TO COMPARE DOCUMENTS

Related to version tracking, users must also have the ability to compare different versions of a document or compare one document to another. In order to compare documents, some people use the compare features built into MS Word while others use 3rd party applications like CompareDocs or Workshare Professional (fka DeltaView). Since all of the documents being compared to one another will be stored in the DMS, the DMS must integrate with these functions in Word or 3rd party programs. Not all DMSs incorporate this functionality which is why this is an important question to ask up front.

## AUDIT TRAIL / DOCUMENT HISTORY

The DMS must be able to automatically audit all transactions related to a file saved within the system so it is easy to determine with files were first created, see everyone who touched it, and determine things like when files were copied, printed, emailed or deleted from the system.



## FOLLOWING A DOCUMENT

If you want, you should be able to have the DMS system notify you if a document has been reviewed or edited.

The screenshot shows a web browser window with the URL <https://vault.netvoyage.com/?envPath=%2fQ22%2f8%2fn%2f1%2fm%2f%7e16091...>. The dialog box is titled "When the following:" and has a dropdown menu set to "Users \* All Users \*". Below this, it says "edit or approve the document, notify me via:". There are two checked options: "Email" and "RSS feed". The "Email" option has a text input field containing "punger@affinityconsulting.com" and a hint: "Hint: Separate addresses with semicolons. A single email will be sent to all recipients." The "Message format" is set to "Standard" (radio button selected). The "RSS feed" option has a checkbox and a link: "Add <https://vault.netvoyage.com/neWeb2/alertFeed.aspx?feed=VAUL-T-punger%7c6795451uWo> to your RSS reader if you haven't already done so." Below these options, there are "Send alert options (this only applies to alerts sent via email):" with three radio buttons: "Do not send alerts to the recipient who triggered the activity" (selected), "Do not send alerts for activity triggered by the follow creator", and "Always send alerts, regardless of who triggered the activity". At the bottom are "OK" and "Cancel" buttons.

## ARCHIVING

Archiving is a means to move dated or unused files off the main storage medium to secondary storage. The DMS ensures that users can still search for information in the archived files and that there is a ready means to restore it. Many DMSs will allow site administrators to set "triggers" in the document profiles that enable automated archiving. For example, it may be desirable to set internal memos to be archived automatically after say, 24 months.

## OFFLINE ACCESS

The DMS must be accessible when you're not in the office or if you lose connectivity ... at least the most recent documents that you have touches. You will need to have full access to those recent documents. This functionality is called "mirroring" or "caching".

## REMOTE ACCESS

It is critical that lawyers have access to the system via the web, from an iPhone, iPad or other mobile device. All major legal document management programs (Worldox, NetDocuments, iManage and OpenText) offer these solutions and this incredibly convenient access.

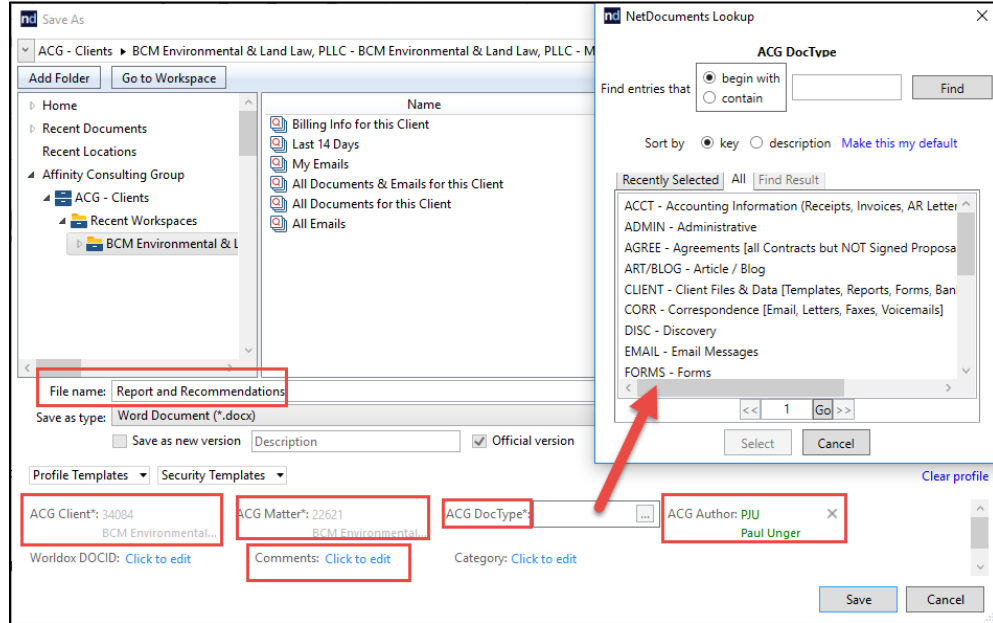
## SCANNING INTEGRATION

Scanned documents must be easily added to the DMS so that they are included in the document store and can be associated with matters, clients, and the like. All the major legal DMS programs have direct integration with the Fujitsu ix1500 desktop scanner. This is important because the ix1500 is the most popular desktop scanner in North America.



## CONSISTENCY

The system must ensure that documents are consistently labeled and stored. This means that profile fields are drop-down lists and people don't have to manually type document types, client and matter identification numbers, etc.



## LEGAL DMS MAIN PLAYERS

I've listed below the main players in the legal market, but there are many other options:

**NetDocuments:** See [www.netdocuments.com](http://www.netdocuments.com). This is a pure cloud-based option and is therefore going to be less expensive up front than the on-premise options. NetDocuments is easily the most mature cloud DMS platform on the market today. NetDocuments is currently one of the most popular DMS for most firms, and is a great choice for firms of all sizes.

**Worldox:** See [www.worldox.com](http://www.worldox.com). Worldox is also one of the most popular DMS options. It can also accommodate larger environments, but NetDocuments, iManage and OpenText are probably better suited for very large environments (over 350 users). Worldox's core product is terrestrial (on-premises), but they do offer a hosted hybrid cloud solution.

**iManage:** See <http://www.imanage.com>. iManage is an excellent program, but it tends to cater to large enterprises. iManage's core product is terrestrial (on-premises), but they do offer a hosted hybrid cloud solution.

**OpenText (formerly Hummingbird):** See <http://www.opentext.com>. Like iManage, OpenText tends to cater to large enterprises also. OpenText's core product is terrestrial (on-premises), but they do offer a hosted hybrid cloud solution.

# 8

## DOCUMENT MANAGEMENT WITHOUT DM SOFTWARE (HOME-GROWN DMS)

From a productivity standpoint, an enormous amount of time is collectively wasted daily in law firms and legal departments searching for documents when documents are managed poorly. Unfortunately, in our experience, most organizations, no matter the size, have poor document management practices if they do not have document management software. It's simply too hard to police and monitor to make sure that people comply ... ie. Saving documents in the central designated location and doing so in a consistent manner. As the firm size grows, so does the need and justification for a DMS. That said, sometimes there isn't money in the budget right now. So what can you do in the interim? What are the essential elements?

### CENTRAL FOLDERING THAT IS MATTER-CENTRIC

It is critical that documents are saved by **client/matter, or within a legal department by area/matter**, and not by user. Saving documents by user can create lots of problems, such as:

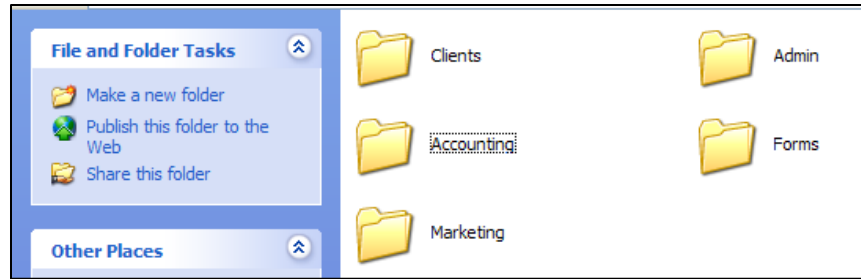
- Documents for one client being located in more than one folder.
- Revision conflicts.
- Losing things permanently if staff turns over. Turnover creates an administrative nightmare for everyone in managing those documents. Saving by user results in duplicate files and no one really knowing what is the authoritative version of a document or how matters were left.

Saving documents on a user's local hard drives is a big no-no as well. Those documents are not getting backed up! They need to be saved centrally on a file server or in the cloud, within one matter folder. You can create a logical directory layout, find documents easier, and it makes backing up your documents simpler. You can use Windows active directory security to limit access to folders based on users.

If S is your server drive where your documents are located, you may create something like:

- S:\Clients
- S:\Accounting
- S:\Marketing
- S:\Admin
- S:\Library

It would look something like this:



If S:\ is your server drive, you'd create a folder called S:\Clients, and sub-folders for each client thereunder:

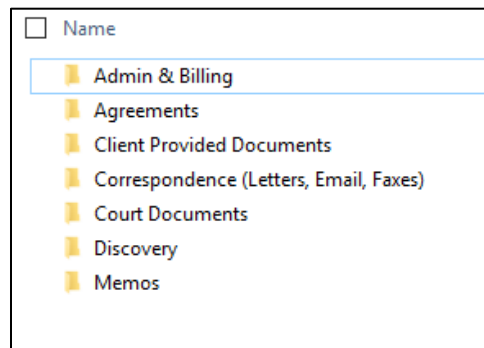
- S:\Clients\Carsey, Joe
- S:\Clients\Cochran, Doug

Within the specific client folder, you would have a subfolder for each matter.

S:\Clients\Smith, John\Real Estate - Sale of 123 Maple St

- S:\Clients\Smith, John\Real Estate - Purchase of 400 E Main St
- S:\Clients\Smith, John\Divorce

Within each matter, you would have a subfolder for each document type (correspondence, memos, pleadings, etc.)



We recommend keeping an empty set of these folders and then pasting them into each matter/case created so that you have a consistent folder structure for all of your matters/cases. This will also make it much easier later down the road if you decide to purchase a full-blown legal document management system. Migrating documents to the new system will be much easier.

## SOLID NAMING SCHEME

Just like the paper file, most people would like everything sorted by true chronological date. To accomplish this, precede every file name with a date, year first. If you enter the date month/day/year, then all of the January files (for all years) are lumped together, all of the February files are together, etc. Recommended naming convention:

**2020-10-30 - Letter to Rob Miller re Jared.docx**

**2020-09-10 – Letter to Jared re Paula.docx**

**2019-01-14 – Letter to Judge Smith re Nothing in Particular.pdf**

The date indicates the date the document was mailed out if it's a letter; and the longer description makes it clear what this document contains without even opening it.

## SEARCH ENGINE

If a full robust document management solution is not in your budget at the moment, or just not needed right now, you would definitely benefit from a search engine or a search program in the interim to find documents saved in the above-referenced folder structure. These programs crawl through entire folder structures and will create an index of every single word in every single text-searchable document going back to the beginning of time (late 80's when word processors were first utilized). See above *Searching Your Documents – Search Programs*.

# **Section Two**

# **Trial Skills You Can Use In or Out of the Courtroom**

**Betsy K. Greene**

Greene & Schultz Trial Lawyers  
Bloomington, Indiana

**Frederick W. Schultz**

Greene & Schultz Trial Lawyers  
Bloomington, Indiana

## Section Two

### **Trial Skills You Can Use**

**In or Out of the Courtroom..... Betsy K. Greene  
Frederick W. Schultz**

### PowerPoints

Use of Psychodramatic Tools for Trial Preparation – Betsy K. Greene

Effective Trial Preparation – Frederick W. Schultz

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a dynamic, layered effect. The text is centered on a white background that is partially framed by these blue shapes.

# USE OF PSYCHODRAMATIC TOOLS

FOR TRIAL PREPARATION

Betsy K. Greene



# WHAT IS PSYCHODRAMA?

- ▶ Psychodrama is an experiential form of therapy that allows for correction by re-experience and then dynamic improvement through expression and role reversal.
- ▶ The original form of group psychotherapy is psychodrama. Jacob Levy Moreno, the man who developed psychodrama, also coined the phrases "group therapy" and "group psychotherapy." At its core psychodrama uses deep action methods to explore and correct issues that have been identified in the group.
- ▶ Dan J. Tomasulo PhD., MFA, MAPP, "Psychology Today"

# Discovering the Story

Director

Protagonist

Auxiliaries

Stage

# PSYCHODRAMATIC TOOLS

- ▶ Scene Setting
- ▶ Role Reversal
- ▶ Soliloquy
- ▶ Doubling
- ▶ Mirror



# ROLE REVERSAL



# ROLE REVERSAL

# APPLICATION-PREPARATION

- Discovery- exploring the story
  - Emotional & factual
- Preparation of witnesses for depositions
- Trial preparation for the lawyer
- Preparation for cross-examination
- Focus group

# DOUBLING







SHARING



# APPLICATION-TRIAL

- ▶ Opening Statement
- ▶ Direct Examination
- ▶ Cross-Examination
- ▶ Closing

- ▶ MICHAEL TRAYNOR, JD, LCSW, TEP, Albany, New York, and Winter Park, Florida, facilitates weekly psychodrama groups and periodic psychodrama training workshops locally and nationally. He is board certified as a trainer, educator and practitioner of psychodrama, sociometry and group psychotherapy. He has served as a board member for the American Society of Group Psychotherapy and Psychodrama, and as an Executive Editor for the Journal of Psychodrama, Sociometry and Group Psychotherapy. Michael also teaches psychodrama methods for trial lawyers and their clients, and is a trial consultant
- ▶ CONTACT MICHAEL @ (518)339-5222 or email [traynormr@me.com](mailto:traynormr@me.com)

# Resources re: Psychodrama

- ▶ National Psychodrama Training Center  
<http://nationalpsychodramatrainingcenter.com/>
- ▶ Trial Lawyers College  
<https://www.triallawyerscollege.org/>
- ▶ Trial In Action Trial Guides

John & Shirley

▶ Indy Film Fest



Fred Schultz

GREENE & SCHULTZ TRIAL LAWYERS

# Effective Trial Preparation

## ▶ A Trial is a Story

- Our Brains are wired for Story
  - It's How We've Survived as a Species
  - We Have Similar Experiences
  - We Accept/Reject Stories based on our own personal experiences
  - Stories Connect Us to the Story Teller

## ▶ A Trial is a Story (continued)

- Use Discovery to Find the Story of the Case
  - Written Discovery
  - Depositions
  - Site Visits

## ▶ A Trial is a Story (continued)

- Every Trial Has A:
  - Beginning
  - Rising Action
  - A Spark (turning point)
  - Consequences (falling action)
  - Resolution



## ▶ A Trial is a Story (continued)

- A good story also has:
  - A Hero
  - A villain
    - Opposing Party
    - Inanimate Object
    - Unfair system

## ▶ Trial Preparation

- File a Trial Brief
  - Make the Judge's Job Easy
  - Address Points of Law You Are Relying On
  - Give Judge the Legal Framework to Make the Correct Decision

## ▶ Trial Preparation (Continued)

- Witness Preparation
  - Learn Your Story From Witnesses
    - What do they say about client
    - Set scenes with each witness
    - Introduce Your Client Through Other people
    - Ask Them to Tell Stories About Your Client
    - Meet Witnesses at Least Twice Before Trial

## ▶ Trial Preparation (continued)

- Evidentiary Issues
  - Stipulate to as Much Evidence as Possible
  - Identify Specific Evidentiary Issues in Dispute
    - Prepare in Advance
    - Bring Handbook of Evidence
    - Outline Evidentiary Foundations

## ▶ Trial Preparation (Continued)

- Focus Group Your Case
  - Doesn't Have To Be Fancy
  - Use Lawyer Friends and Focus Group Each Other's Cases
  - Prepare Pro and Con Submissions of the Evidence

## ▶ Communicate with Opposing Counsel

- Return calls
- Respond to Emails
- Cooperate in Discovery
- Don't Play "Hide the ball"

## Opening Statement v. Closing Argument

- Opening Statement is the story of the case.
- Closing Argument is the story of the trial
  - (how the evidence actually went in)

## Opening Statement

- Start with an undisputable Rule:
  - A Truck driver has a duty to look out for where they are going at all times and come to a complete stop at a stop sign. If they do not stop at the stop sign and someone gets hurt as a result, the truck driver is responsible for all the harms and losses they cause.



## Opening (continued)

- A clear rule sets the tone for the rest of the story
- The Factfinder's brain will understand the context of the facts you are providing in the story

## Opening (continued)

- A beginning
- Rising Action
- A Spark (the turning point)
- Consequences
- Resolution

## Opening (Continued)

- THE MOTH RADIO HOUR
- <https://themoth.org/radio-hour>

# Closing Argument

- Story of the Trial
  - Not always the same as the story of the case
  - Did a witness get caught in a misstatement
  - Did the evidence claimed by opposing counsel not materialize
  - “We told you that you would hear \_\_\_\_\_, but you also saw and heard...
    - the behavior of witnesses for opposing party
    - arguments made by opposing counsel

## Know Your Judge

- Anything particular about how the Judge conducts bench trials?
- How early should I be?
- Which side should I sit on?
- What is the name of the Court Reporter?
- Test Technology available in the courtroom

## Know Your Judge (continued)

- Be Professional
- Don't Make Any Assumptions
- Always Practice Like It's Your First Time Before the Judge

## ▸ You Are Your Client's Best Messenger

- Don't worry about how another lawyer would do it





# **Section Three**

# **Insurance Needs for Your Practice, Including Cyber Security Coverage and Best Practice**

**Eric C. Redman**  
Ritman & Associates, Inc.  
Noblesville, Indiana

**Section Three**

**Insurance Needs for Your Practice,  
Including Cyber Security Coverage  
and Best Practice..... Eric C. Redman**

PowerPoint Presentation



# Insurance Needs for Your Practice, Including Cyber Security Coverage and Best Practice

1

Presented by Eric C. Redman, Ritman & Associates

# Legal Malpractice Insurance

## ► Rules of Professional Conduct 27(g):

A professional corporation, limited liability company or limited liability partnership shall maintain adequate professional liability insurance or other form of adequate financial responsibility for any liability of the professional corporation, limited liability company, or limited liability partnership arising from acts of fraud, defalcation or theft or errors or omissions committed in the rendering of professional legal services by an officer, director, shareholder, member, partner, other equity owner, agent, employee or manager of the professional corporation, limited liability company or limited liability partnership.

- (1) “Adequate professional liability insurance” means one or more policies of attorneys’ professional liability insurance or other form of adequate financial responsibility that insure the professional corporation, limited liability company or limited liability partnership or both;
  - (i) in an amount for each claim, in excess of any insurance deductible or deductibles, of fifty thousand dollars (\$50,000), multiplied by the number of lawyers practicing with the professional corporation, limited liability company or limited liability partnership; and
  - (ii) in an amount of one hundred thousand dollars (\$100,000) in excess of any insurance deductible or deductibles for all claims during the policy year, multiplied by the number of lawyers practicing with the professional corporation, limited liability company or limited liability partnership.

# The Top Ten Malpractice Traps

- Lack of adequate documentation
- Inappropriate involvement in client interests
- Overzealous pursuit of past due legal fees
- Stress and substance abuse
- Technology Malpractice
- Missing deadlines
- Conflicts of interest and matter
- Client relations that stink
- Ineffective client screening
- Inadequate research and investigation

# Legal Malpractice Insurance

- Claims made and reported policy form.
- First made during policy period or extended reporting period
- No prior knowledge OR prior notice
- Act, error or omission AFTER the retro date
- All other terms and conditions of policy

# What are considered Legal Services?

- ▶ Services performed by an Insured for other as a:
  - Lawyer, arbiter, mediator, expert witness, title agent, notary public, etc., etc.
  - Can also include administrator, conservator, receiver, executor, guardian, trustee or fiduciary capacity
  - Also author of legal papers, or legal seminars
  - No standard policy language – each policy is unique
  - REVIEW YOUR POLICY FOR DETAILS



# Who is considered an insured?

- Current lawyers of the firm
- Current non-lawyer employees of the firm
- Former lawyers of the firm
- Former non-lawyer employees of the firm
- Current and Former Independent Contractor and Of Counsel Attorneys

**Firm only vs. Career Coverage**

## What other coverages does the policy include?

- ▶ Disciplinary Defense Coverage
- ▶ Subpoena Assistance Coverage
- ▶ Loss of Earnings
- ▶ Cyber/EPLI (Endorsement)

Every policy has different limits and conditions for these ancillary coverages. Review your policy for details. Typically not subject to a deductible.

# Common Exclusions

- Equity interest in a client
- Services as an Officer/Director/Manager
- Dishonest, Fraudulent, Criminal, or malicious act or omission
- Dispute of legal fees

**Please review your policy for further exclusionary language!**

## Extended Reporting Period (Tail Coverage)

- ▶ Firm is closing
- ▶ Attorney is departing the firm
- ▶ Retirement from practice of law, or private practice of law
- ▶ Death or Total Disability

**Endorsement covers claims that arise in the future based on prior legal services when no current policy is available to provide coverage.**

# Business Owner's Policy

- ▶ Can bundle property, liability and auto into one policy protecting you from fire, loss of business income and lawsuits due to a covered Loss.
- ▶ Can typically be tailored to meet specific needs of a law office. A Lawyers Broadening Endorsement can bulk up coverages important to law offices. (Valuable Papers, Accounts Receivable Records, Computers and Media, ect...)
- ▶ Endorsements for Cyber/EPLI/Employee Dishonesty

# Important Considerations for Law Firm Business Owners Policy

- ▶ Does your lease require you to carry general liability and insure your contents? Do they require specific limits?
- ▶ **Hired & Non-Owned Auto** coverage. If you ever rent a vehicle while on law firm business or have an employee drive their own vehicle on law firm business this is a must have coverage!
- ▶ If you have a client, vendor, visitor, mailperson slip, trip and fall while visiting your office you need general liability and medical expenses coverage provided by BOP.
- ▶ Did you leave the coffee pot on in your office and damage your leased premises? You need "Damage to Premises Rented to You" coverage



# Workers Compensation

- ▶ You are required by the State of Indiana to carry Workers Compensation coverage if you have even one part time employee.
- ▶ Do you have an Independent Contractor instead of an employee? Unless they have their own policy or have filed a waiver with the State of Indiana, if they get injured while doing work for your firm, the State will look to you to pay for their injuries and lost wages.

# Umbrella Coverage

- Your largest risk is driving on law firm business – to court, to clients, to the bank. A large loss can wipe out the limits of your general liability coverage.
- Purchase a minimum \$1,000,000 Umbrella.
- Umbrella sits on top of both your Business Owners Policy and Workers Compensation Policy.



# Cyber Risk Insurance

## **Rules of Professional Conduct: 1.1.6 Amendment: Maintaining Competence**

**[6] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevant to the lawyer's practice, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.**

# Where is Cyber Security Covered?

- ▶ Endorsement on General Liability or Professional Liability policy
  - Generally limited coverage and low limits of liability
- ▶ **Stand-Alone Cyber Risk policy**
  - Comprehensive coverage and ability to choose limits to fit your firm's needs

# Common Cyber Claims

- Disclosure of a client's Personally Identifiable Information or confidential attorney/client information
- Ransom and Extortion attacks
- Social Engineering Fraud attacks

# Cyber Risk Insurance: First Party Coverage

- **Computer Data Restoration:** Pays to replace or restore data and software due to malware, ransomware or virus resulting from a cyber attack.
- **Ransom/Extortion:** Pays ransom and related expenses resulting from threats to destroy or release protected information.
- **Social Engineering Fraud:** Reimburses the firm for money/securities lost through a social engineering or wire fraud scam.
- **Business Interruption:** Reimburses the firm for loss of income and operating expenses while unable to operate as a result of a cyber attack.

# Cyber Risk Insurance: First Party Coverage

- ▶ **Forensic Services:** Pays costs to determine the cause of a cyber breach and to secure the firm's computer system.
- ▶ **Privacy Breach Notification:** Pays the costs to notify the affected parties whose personally identifiable information has been compromised. This also provides credit monitoring.

# Cyber Risk Insurance: Third Party Coverage

- **Information and Privacy Liability:** Covers losses arising from claims against the firm related to the disclosure of Personally Identifiable Information or corporate/client confidential information.
- **Regulatory Fines & Penalties:** Pays the expenses associated with regulatory proceedings and violations of laws governing data protection and privacy.
- **Media and Privacy Liability:** Responds to claims of IP infringement, libel, plagiarism, defamation relating to the firm's website and social media content.
- **Network Security:** Pays for damages incurred by a third party as a result of your firm's unintentional infection of their network.



# Reducing Cyber Risk: Best Practices

- ▶ **Keep your protection software updated.**  
Software companies track the new hacking methods and reverse engineer solutions. Once they release them to their subscribers, you need to install them to have the latest deterrents on your system.

# Reducing Cyber Risk: Best Practices

- ▶ **Slow Down.** Most cyber issues occur because we are moving too fast. Review emails carefully for poor grammar, punctuation or odd word choices. Look closely at the email address of the sender. Ask yourself if it makes sense to be receiving this email.



# Reducing Cyber Risk: Best Practices

- **Only use secure internet.** Your local coffee shop or conference hotel do not generally have secure internet connections.
- **Use strong passwords.** The more complicated and abstract the password, the better. Be sure to use different passwords for different accounts. Change them frequently if possible.

# Reducing Cyber Risk: Best Practices

- **Back up your data frequently.** Test the backup to make sure that you can reload the data should you need to. Better to find out that your backups aren't working before you need them to keep your business open.
- **Make use of the risk management and informational tools available through your IT professional and/or insurance provider.**

# Other Coverages

- Crime
- Fiduciary
- Employment Practices Liability
- Directors and Officers Liability
- ERISA Bond

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# **Section Four**

# **The Practicalities and Challenges of Working from Home & Telecommuting**

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**Section Four**

**The Practicalities and Challenges of Working from Home & Telecommuting.....** **Meghann E. LaBadie**  
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**Krysten M. LeFavour**

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**Sample Policy for Working Remotely**

**The Practicalities and Challenges of Working from Home and Telecommuting**

Faculty: Meghann E. LaBadie, Reid F. Trautz, Krysten M. LeFavour

**A. Worker’s Compensation In the Remote Workplace**

By Krysten LeFavour

**I. Introduction**

Long before the pandemic, advances in technology made it possible for many people to work remotely on a full-time or partial basis. Remote work allows employers to retain talented workers, and businesses have found that it increases productivity, efficiency, and employee morale. Furthermore, employers can incur less overhead, do not need as much real estate, and have less employee turnover. Environmentally responsible companies have further touted the reduction of their carbon footprint because employees are not travelling back and forth to work.

According to the Bureau of Labor Statistics, 24% of employed people did some or all of their work at home in 2016. Over the last five years the percentage of remote workers grew by 44%. Dell Corporation expressed a goal to raise the number of remote work employees to 50% by 2020. The federal government passed the Telework Enhancement Act of 2010. Under this Act, the federal government provided authorization to its agencies to allow their employees to develop plans to work from home. These were all statistics prior to a pandemic that required employers to make the decision to work remotely

Working is no longer about going to a particular location and putting in hours from 9-5. Working is about serving clients, executing projects, creating programs, and managing or participating in a remote team with people from all over the world. In addition to employees who primarily work from home, many employees “log on” in the evenings or weekends to check emails or finalize projects. Many employees have access to their work on mobile devices, allowing them to work from anywhere. With the growing ability to communicate effectively through remote technology, remote work will continue to grow.

The growth in remote employment raises many questions regarding when an employee is in the course of his or her employment. Practical issues arise when an employee is injured while working from home. The majority of at home accidents will be unwitnessed. Therefore, the compensability of the accident will be based on the credibility of the injured employee. There are questions of law which will arise such as: Should the employee be treated as a travelling employee? How do we define a deviation from employment when an employee is at a home based location? Does the personal comfort doctrine still apply? What risk does an employer have when an employee is working in a hazardous environment and the employer has no control over the work premises? These questions and many others have not been specifically addressed by legislation or case law in Indiana, but they will be posed to attorneys and employers with increasing frequency as more workers work from home.



## **II. Remote work**

There are varying degrees of remote work which impact the analysis of whether an employee is in the course of employment and therefore entitled to worker's compensation. The question can depend on whether an employee works full-time from their home or whether they work from home on a sporadic or occasional basis, whether the employer's equipment is kept in the home, whether the work from home is merely for the convenience of the employee or for the benefit of the employer, and whether the employee is on call for more than certain hours of the day. For those employees who don't work from home full-time, but check emails or finish a project on an occasional basis, some jurisdictions have found that the employee is only in the course of their employment when they are performing duties which are directly related to their employment.

## **III. Is the Employee In the Course of Employment?**

The phrase "in the course of employment" refers to the time, place, and circumstances under which an accident occurs. Specifically, "an accident occurs in the course of employment when it takes place within the period of employment, at a place where an employee may reasonably be, and while he is fulfilling the duties of his employment or is engaged in doing something incidental thereto." *Wayne Adams Buick, Inc. v. Ference*, 421 N.E.2d 733, 735 (Ind. App. 1981).

"Arising out of" and "in the course of" are two separate and distinct elements; the "arising out of" element refers to the causal connection between the accident and the employment, while the "in the course of" element refers to the time, place, and circumstances of the accident. [West's A.I.C. 22-3-2-2\(a\)](#). Both the "arising out of" and the "in the course of" elements must be met before compensation is awarded, and the person seeking compensation bears the burden of proving the elements. *Arnold v. Rose Acre*, 966 NE. 2d. 107 (Ind. App. 2012). The proof by the employee of an element of a claim does not create a presumption in favor of the employee with regard to another element of the claim. Ind. Code 22-3-2-2.

The location where the employee should reasonably be is not limited to the "home office" unless there is an agreement between the employer and employee that the work be done at a particular location. The employee also does not need to be directly providing a service to the employer because the personal comfort doctrine or convenience rule can be applied which states that acts necessary to life, comfort, and convenience of a workman while at work, though personal to himself, are incidental to the work.

Another important element to determine if an employee is in the course of his or her employment is whether an accident occurs within the period of employment. When an employee works from home, there is often no defined work shift. The employee can potentially have the freedom to work when it is convenient for their schedule or they may be on call twenty-four (24) hours a day. This can raise a multitude of questions regarding whether an employee is in the course of their employment. Many courts that have addressed the issue of whether an employee is in the course of their employment while working from home will attempt to determine when the employee "typically" worked. This can be a very difficult task. Additionally, employers have to be cautious to remain compliant with the Fair Labor Standards Act (FLSA). The FLSA does not prevent remote work, but non-exempt employees are still entitled to overtime when they work more than forty hours per week and it is difficult to monitor the actual hours worked by a remote

work employee. Both of these motivations should encourage employers to set reasonable guidelines for work hours if possible when an employee works from home.

The final element pertains to the duties that the employee is performing at the time of the accident and whether they are in furtherance or incidental to the employment. This element becomes even more important when an employee is working remotely. If an employee is working on duties that are directly beneficial to the employer, the location and time elements are typically not necessary and the employee is found to be in the course of employment. The more difficult case is one where the activities are not clearly in furtherance of the employer's business.

The regularity of the work at home may be a strong factor in favor of finding in the course of employment because the home is recognized as part of the employment premises when the employee regularly completes their job duties at home. Workers' Compensation Law: Cases, Materials, and Text, Lex K. Larson, Arthur Larson (2013). Many employees who work from home are not considered "home-based" employees, they work from home only as needed to answer emails or because they have to put in extra hours. It is much more difficult to determine whether an employee is in the course of their employment when they do not regularly work from home.

In any analysis of whether an employee is in the course of their employment, if it is shown that the employee engaged in a purely personal deviation, they will not be considered in the course of their employment. An excursion or deviation from employment for employee's personal matters will effectively deny any compensation for injuries therein incurred. *Wayne Adams Buick, Inc. v. Ference*, 421 N.E.2d 733, 735 (Ind. App. 1981).

#### **IV. Practical Considerations: Defining the Employment Relationship**

With the number of employees working remotely on the rise, it is a benefit to both parties to define the boundaries of the work environment and duties. Some helpful measures include:

- a. Instituting a Remote work Agreement – This agreement can help communicate what each party expects. It can outline the location, time, and duties that the employee is expected to undertake.
- b. Guidelines for a home office – the employer and employee can agree to a designated work area, workstation setup, and safety measures, including ergonomics. The employer can also provide safe equipment which would limit the risk of injury.
- c. Periodic checks of the employee's home office and advice to identify and eliminate work safety hazards.
- d. Set fixed work hours, breaks, and lunches.

## **B. Work From Home Technology Tips & Tricks**

By Reid Trautz

### **I. Collaborating in Microsoft Teams**

Teams is part of your Office 365 subscription, which is quickly becoming the work collaboration platform for many small law offices. It allows distributed workers stay connected via a single application via various functions including chat/messaging, video calls, document sharing, among others. If you haven't learned about Teams yet or feel like you are not getting the most out of it, check out these Microsoft-provided training videos: <https://support.microsoft.com/en-us/office/microsoft-teams-video-training-4f108e54-240b-4351-8084-b1089f0d21d7> Check out YouTube for even more.

### **II. Improving Our Use of Videoconferencing**

If we are going to improve our use of video communication technology, then we must improve our understanding of the psychological aspects of the medium. We need to know how and why we react to the technology as we do.

While video communication technology has evolved, our understanding of the human reluctance to use the technology has not. If we feel more comfortable using the technology, then we will use the technology more often and look more confident when we do. We will feel as comfortable as when they visit our office. Let's delve into the psychological impediments and their solutions.

Self-awareness on camera: The biggest complaints about using video communication technology include fear of public speaking, not looking good on camera, and not meeting visual expectations of others (proper dress, environment, and physical appearance). All of these are really aspects of self-awareness. We don't act or appear differently on camera than in our regular office setting, but we become nervous or uneasy when we see ourselves on our computer screen. That's because the camera is often placed close to our face, and improved camera and screen resolution allows other viewers to see detail behind us too. The best solution for this is to avoid looking at ourselves. It is best to minimize or eliminate the screen showing our image. We can also take steps to improve the camera angles, background, and other factors that will be discussed further below.

For example, we mount cameras on our video monitor as a convenience to stay out of the way of our other work. In large conference rooms, we place cameras on the wall out of the way. In reality, we should improve the locations. If the image of a person is deemed too big, it is perceived as too intimate. If the person (or people) on camera is viewed as too small, then the benefits of visual cues are reduced.

The most pleasing angle for viewers to see you is at eye level. A laptop camera in a lap is too low, and a camera clipped to a bookshelf may be too high.

Desire to multitask: Conference calls using the phone have allowed participants to hide the fact that they are multitasking during the call. Many people are listening to a call while

catching up on email, eating lunch, or sorting mail. It is much harder to hide these activities when on a video call, hence the reason so many people turn off their camera during video calls. However, studies have shown us the myths of multitasking: It just isn't possible. We cannot fully participate in a conversation while simultaneously doing other tasks. Adding the video component to calls makes them instantly more productive as well as accountable to the other participant because it does make it difficult to do other tasks when people are watching. After all, isn't the point to be paying attention to the content or the call and respecting the input of all the participants? If participants feel the call is a waste of time, then look for ways to shorten the call—to make it more productive by using less time. This is another reason that a good agenda is important especially for videoconference calls. The agenda need not be complicated or long--it can just be an email or a text noting the reasons for the call or the item(s) to be discussed along with the estimated duration of the call.

Uneasy navigating the technology: A good number of lawyers and clients do not yet know how to use video communication technology. While it is becoming more widely used, participants learn just enough to log in and show up. They remain nervous or uncomfortable about more in-depth features of the communication hardware and software. Using a consistent video platform coupled with some basic training will help overcome this unease among clients and lawyers. Choosing a platform that is easy to use is a great first step. Make sure the features like passcodes, Internet connectivity, and participant dashboard are simple to use and understand. Remember, overcoming this psychological resistance will help unlock the tremendous benefits of video communication technology.

### **III. Video Etiquette**

In 2016, West Unified Communications surveyed 230 full-time U.S. employees about their videoconferencing experiences. Participants reported the following biggest annoyances:

- 76% Background noise or distractions
- 70% Late-joining participants
- 67% Participants talking over each other
- 57% Repeating information
- 48% Using filler words like “um” and “er”

Use these tips to train yourself to avoid being the annoying person, and consider creating a video etiquette training seminar for your staff:

- Arrive early to make sure you are familiar with the technology. Know where the controls are to “raise your hand”, mute your microphone, chat offline, and share your screen, as appropriate.
- Avoid distractions by silencing your phone and minimizing disruptions.
- If you are in a public location—airport, beach, house, use a headset or ear buds with microphone to reduce background noise and more easily mute your microphone as needed.
- Enter your name for display to others; encourage them to do the same.
- Avoid side conversations and activities that are often distracting.

- At times, look into the camera as if you were looking at the camera. Don't always be looking at your notes or scribbling notes.
- If you take notes, whether writing on paper or typing on your keyboard, know that video microphones are often in the computer keyboard or on the conference table, so be aware of the noise.
- Microphones today are smart and will adjust themselves for the distance between the speaker and the microphone. Be aware that you probably do not have to shout even if the microphone is several feet away.
- If you are participating in a video call from a home or other remote location, take steps to minimize disruptions from those around you.
- Sitting upright in your chair and facing the camera is the best position for showing you are attentive to the other participants.
- Avoid yawning. If you feel a yawn coming, take a sip of water from a nearby mug that contains water but no ice.

## **C. Managing Yourself and Remote Staff in a Pandemic**

By Reid Trautz

### **I. Five Quick Tips for a More Productive WFH Experience**

1. Create a permanent workspace in your home with appropriate and comfortable furniture: The dining room table only works for so long, as the chairs and table height are not made for hours of office work. Not only is furniture ergonomically important, but you also should have the right technology too. Do your best to mimic (or exceed) the set-up in your "real" office.
2. Set real work hours dressed in real clothes (not PJs): Let's be honest, we just aren't as productive in pajamas no matter how good it feels. Conversely, dresses, dress pants, ties, etc. are not that productive either. Find comfortable but professional attire to help power each and every workday. (Save the PJs for weekends!)
3. Avoid distractions: Recent studies have shown that if you don't regularly use your ability to focus and concentrate, your abilities will be greatly reduced. In today's digital world, email and other device distractions often prevent us from concentrating time and mental energy on larger projects such as trial preparation or brief writing. Loss of focus means time lost trying to get the job done. Eliminate unneeded emails include SPAM and BACN. (BACN refers to emails you request to receive, such as shopping alerts and newsletters, but rarely read.). Don't just delete them; stop them from hitting your inbox by reporting them as junk or redirecting them to trash. Change any settings that cause unnecessary dings and alerts on any device you use to work so as not to interrupt you when working. Do the same for your smartphone to. Next, review the placement of your computer screen to reduce distractions, such as looking out the window each time a car drives down your street.

4. Discover your high productivity times to do your best work: We all have certain times of the day we feel at our best. That may only be for an hour or two, so make the most of those. Work on your high priority items during this time each day.
5. Take short breaks and a lunch too: Don't short-change yourself, take time to move around and get quick chores done while at home. Use these 10-minute breaks to refresh from office work, then get back to work. Use lunch for a healthy meal and maybe a short walk or chance to start the laundry.

## **II. Redefining Your Commute**

In the United States, eliminating commuting saves workers about 89 million hours each week--much of which has been used unproductively as we work to establish positive new habits for that time. According to the HBR most of that saved time is being used for less productive tasks at work. Plus, workers have problems transitioning from work to home--there is no buffer between the two that a commute often provides. Here are several ideas to make your new day more productive:

Create a 15-minute personal "commuting buffer" at the beginning and end of your day to organize then clear your head.

In the morning, use that time to plan your day. What are your three biggest priorities today? What is on your schedule? What will make this day a success? Consider walking during that time.

Research shows that an active leisure (walk, workout, stretching, etc.) creates more happiness than passive leisure (watching TV, reading social media, etc.). At the end of your workday, before engaging with home and family, consider a workout or other active leisure activity. Make it something you enjoy to give you something to look forward to at the end of the day.

## **III. Knowing When Your Systems Need to Change**

A process and procedure that worked well pre-pandemic may not work as well today. Changes in remotely working, shifts in working hours, recent additions to office technology are the prime reasons. Processes and procedures do not need to change drastically, but they do need to be analyzed for effectiveness and efficiency, and updated to fit the new paradigm. Think of an office frustration over the past week. What caused it? What change in process or procedure can reduce or eliminate that frustration?

A simple approach to improve your processes and procedures is to apply a root-cause analysis that is known as the "Five Whys." Start with what office or workflow problem is bothering you, such as "I never can find the documents I need." Why is that? Answer that and ask "Why?" until you get through five "whys". Generally, you will reach some new insight about the problem that will lead you to finding a solution. Test the solution. If it works, adopt it in your firm cookbook/procedures manual.

Another approach to process improvement is to map your client matters one task, one phase, one case at a time. Start with an existing new client matter that is a common type of case in your office. Set an internal budget for each task and phase based on your experience. This is often just an experienced guess. Over the next weeks or months track the tasks and document the management steps in that case. How are these tasks linked to your existing workflow processes and procedures? What improvements can be made to the processes to make the case more efficient to handle the next time? Document those changes in your written office procedures.

#### **IV. Don't Forget Phishing Scams**

Phishing scams are up 6000% during the current pandemic. Yes, six thousand percent. That means internet criminals smell blood. Law firms have been an easy target in the past, so now is the time to re-check your security precautions.

Remember phishing scams are where criminals try to infiltrate your law firm computer files using spoofed or fake email addresses to entice you into opening their email. Unfortunately, the link in the email is often a link to a spoofed website or to malware or ransomware that will cause your firm untold headaches. By using trusted brands and advertising logos of respected companies, these scammers trick a surprising number of smart people, including lawyers. The phishing email directs users to visit a website (that is fake) where the email recipient is asked to confirm or update personal information. Of course, the website is fake and the cyber criminals now have your personal information. A variant on this scenario is the phone call supposedly from your bank or computer company like Microsoft, who will tell you that information is needed to correct a problem, or pay an outstanding invoice, or even collect a sweepstakes prize. No doubt you've also heard of the scam seeking money on behalf of a person supposedly trapped in a foreign country. The creativity of cyber criminals is almost endless.

Now that law firm employees are distributed outside a common office and working remotely, it is harder to simply turn to a colleague or supervisor to ask about a suspicious email. It's important to periodically remind lawyers, paralegals, and other staff, to be on the lookout for these phishing scams, and to report them when they surface--no matter how much harder it is when working remotely. Revise your current protocol to make sure employees and partners have a single person to quickly resolve these suspicious emails.

#### **V. How to Supervise a Remote Paralegal**

As law firms continue to have staff working remotely from home, the question arises about proper oversight of personnel. Many of us are used to seeing and interacting with staff throughout the day when working in the same office, so we have a sense of security knowing what each staff member is doing. However, most of us don't have that same interaction or sense of understanding when working remotely. Specifically, what must a lawyer do to properly supervise their non-lawyer staff when not working in the same office space?

Indiana Rule 5.3 sets out a lawyer's obligations to supervise non-lawyer (paralegal and administrative) staff. Paralegal conduct often deserves more attention than administrative

staff because of their frequent client interaction and ability to work independently. There are four aspects lawyers need to understand:

1. Firm managers must create and implement policies, procedures, and training to reasonably assure their behavior is compatible with your Rules of Professional Conduct. These include proper training and firm processes (preferably written) to make sure all rules are followed including confidentiality, unauthorized practice, and proper communications. For more guidance on policies related to technology and security, see this [article](#) from cybersecurity consultants, Sensei Enterprises.
2. All lawyers who supervise paralegals must be vigilant to make sure staff conduct is compatible with the Rules of Professional Conduct. This includes associates who interact and give work assignments to paralegals. The efforts to ensure paralegal compliance with the rules must be reasonable under the circumstances. In today's remote world, that may mean more telephone or video discussions about these topics with staff to replace the lack of in-person observation.
3. Lawyers can't ask paralegals to do something a lawyer themselves cannot do. At the risk of being Captain Obvious, you can't have a non-lawyer do things like solicit new clients for the firm when it would be prohibited under the rules for a lawyer to do the same. Enough said.
4. Lawyers must remediate the paralegal's conduct if they learn of behavior that is incompatible with the Rules of Professional Conduct. In Indiana the lawyer doesn't have to take action to remediate the paralegal's conduct unless they actually know of it occurring, but some states may lower that threshold to when a lawyer should have known about the conduct. Either way, often such conduct is detrimental to the firm so action would be taken anyway. For example, if a paralegal unintentionally sends a confidential document to the government, the lawyer will take steps to retrieve it to protect the client and ultimately the reputation of the firm.

Given these ethical requirements, here are several techniques and tools that will help managerial and supervisory lawyers properly supervise their conduct:

- Have regular videoconference check-ins with each staff member to discuss current tasks, set expectations, and improve the atmosphere to have an open and honest dialogue about work issues. Microsoft Teams that is part of Office 365 is excellent for this purpose.
- Set substantive work goals for daily, weekly, and/or monthly accomplishments. Discuss those goals at regular check-ins suggested above.
- Host monthly staff meetings to discuss firm operations with an emphasis on reinforcing current procedures and surfacing workflow problems that may have arisen.



- Regularly ask “How are things going?” or “Any problems I should know about?” It may seem silly to ask at first, but remember you are replacing observation with discussion.
- Micro-management of employees is usually inefficient and counter-productive, but it is certainly acceptable to periodically take a deeper dive into an assignment to see how it is being completed, what ethical procedures are being followed (from your firm’s written policies and procedures), and if the outcome reflects the time and quality put into the assignment.
- Rather than use email or a separate instant messaging product, try using MS Teams, a part of Office365 to create a more collaborative working environment. Teams provides for chats among and between staff. In addition, documents can be uploaded and shared for review and approval purposes. With the click of an icon you can go from a text chat to a video call via Skype that is integrated into Teams.
  -

# SAMPLE

## Policy for Working Remotely

Purpose: The purpose of this policy is to set forth requirements and best practices in the event conditions require firm employees to work remotely.

1. **Remote Work.** Define which employees are allowed to work remotely.
2. **All client information is confidential.**
  - a. You must ensure to maintain the confidentiality of all client information.
  - b. No one else is permitted access to any client information or review client information.
  - c. If you are using a computer to which other persons have access, you must ensure they cannot and do not access client information. Do not leave your computer unlocked when you are away from the computer.
  - d. Do not leave any thumb drive containing client information accessible to any person.
  - e. No client information should be stored on any computer, cloud, dropbox, or any other device or service other than those approved by the law firm.
  - f. Your remote location is not considered a secure environment and you should password protect any office related information.
3. **How you access client information is confidential.** Do not share with any person how you are accessing client information. Do not share any usernames or passwords with any person.
4. **Firm Property.** You will be provided equipment and supplies necessary to perform your job. It is your responsibility to return all firm property. If you need equipment or supplies, please email human resources. Do not purchase equipment or supplies without prior approval or you may not be reimbursed. The physical client files must remain in the office.
5. **Telephone Calls.** Telephone calls containing client information should not be held in the presence of any other person. Hold calls containing client information in a secure location to protect confidential information. You must be accessible to receive phone calls when you are clocked-in.
6. **Time.** You must keep an accurate record of the time you work. No employee is permitted to work over-time remotely. No employee is permitted to work more than 8 hours per day or 40 hours per week. If you are taking a sick or vacation day, please email human resources. and mark your time

accordingly. At the beginning of each week, you must email human resources of the hours you intend to work each day. You must clock-in at the beginning of your work-day, clock-in and clock-out for breaks and lunch, and clock out at the end of your work day.

7. **Meetings.** We will have firm-wide virtual staff meetings every morning at 10:00 a.m. via Zoom. There will likely be other virtual meetings with smaller groups as necessary during the work day.
8. **Internal Emails.** Please regularly monitor your firm email account during your regular work-day. During your work hours, it is expected you will respond to emails from co-workers within one (1) hour or less.
9. **Technical Problems.** If you are having any technical or computer difficulties, immediately email the designated person. If they cannot solve the problem, they will have one of the firm's consultants assist you. Do not contact the firm's consultants without prior approval.
10. **Cell Phone Numbers.** Take the current phone list containing the cell phone numbers of the firm's employees so that you can contact them as necessary.
11. **End of the Work-Day.** At the end of each work-day, please save all files opened remotely and exit them entirely. Also, you must disconnect from the remote access.
12. **File Managers –**
  - a. **Communication with Clients.**
    - i. When communicating via email with clients, only use your firm email address.
    - ii. Please send each of your clients an email advising them their case is important to us and your remote contact information. This is a priority.
    - iii. The initial email should also contain your email address, the hours you will be available during the work week, and the phone number by which they can contact you. You are not required to provide your personal cell phone number.
    - iv. Call your clients and give them peace of mind that you are dedicated to their case even though you are working remotely.
    - v. At least once a month, obtain an update from the client.
    - vi. Do not personally meet with any client without prior permission from a partner.
  - b. **Documentation.** It is more important than ever to put your notes into the case management program. If the information you obtain is not shared, it hurts the client and the firm.

- c. **Daily Tasks.** At the beginning of each day, compile a list of tasks you intend to accomplish during that day. Before 9:30 a.m., email your tasks list to the designated person.

**FIRM SPECIFIC ITEMS (IDENTIFY RESPONSIBILITIES CLEARLY – example from a personal injury firm):**

- d. **Complaints.** The supervising attorneys will be drafting the complaints. If a complaint has not been finalized within a week of being assigned, email the supervising attorneys. Getting complaints filed is still a priority.
- e. **Medical Records.**
  - i. Continue to request medical records and bills regularly.
  - ii. If you receive our client's medical records from a defendant via a limited authorization or non-party request for production, email the medical information to the file manager to be added to the MRS.
- f. **Discovery Served Upon Defendants.** Monitor the discovery served upon each defendant to ensure they are responding timely. If a defendant is a little late responding (1-3 weeks), please send an email asking when we can expect the responses. If a defendant is more than a month late, let the attorneys supervising the case know so they can decide what steps should be taken to obtain the responses.
- g. **Discovery Served Upon our Clients.** Monitor if the discovery served upon our clients has been answered. If a client is not responding to you, let the attorneys supervising the case know so they can decide what steps should be taken to obtain the responses. If there is a delay in responding to discovery that is preventing you from scheduling depositions or mediation, please let the supervising attorneys know.
- h. **Depositions.** Once the discovery has been answered, please schedule the deposition of the defendant. If you are unsure who to depose, ask the attorneys supervising the case. Unless otherwise indicated, all deposition will be performed remotely and all deposition prep meetings with the client should be scheduled with, and performed by, a supervising attorney virtually or by phone. You need to ensure the court reporter and videographer are aware it will be remote deposition. You must confirm whether the court reporter they will be coordinating the remote connections or you. If there is a problem with a defense lawyer on scheduling, please email the attorneys supervising the case.
- i. **Mediations.** Once depositions have been scheduled and the client is done treating, schedule mediation. Assume it will be conducted remotely. Once a case is scheduled for mediation, obtain a power of attorney from the client. Prepare settlement statements like you would normally while in the office – 7 days before mediation.

- j. **Narratives.** Once mediations have been scheduled, please ask the supervising attorneys if a narrative from a doctor is necessary and, if so, from whom. Put a draft together and forward to the supervising attorneys to review and finalize. We must have the narratives at least 30 days before the mediation.
- k. **Deadlines.** You must monitor the deadlines in each case. If something is coming due, it your responsibility to ensure it is completed. If it is an expert disclosure deadline, make sure you make the supervising attorneys aware at least 3 months in advance and ask them what experts are necessary.
- l. **Case Meetings.** Do not hesitate to have virtual case meetings with supervising attorneys or call or email a supervising attorney with questions.
- m. **External Email and Voicemails.** Please regularly monitor your firm email account during your regular work-day. You will likely be receiving emails and voicemails. Please respond to emails and voicemails during the same day during regular work time.
- n. **Demands.** If you think there should be a demand on a case (e.g. not enough insurance, client wants to settle because of financial problems, case has taken a bad turn, or any other reason), inform the supervising attorneys. Once a demand has been made on a case, obtain a power of attorney from the client. Prepare a settlement statement before attempting to obtain authority from the client to make a demand.
- o. **Distributions.** Prepare all cover letters being used to send checks to clients, medical providers, lienholders, and anyone else receiving a check from a settlement.

### 13. Document Management

- a. The mail will be scanned daily.
- b. The file manager will receive a notice that mail is available to be downloaded to the client's file or as necessary.

# **Section Five**

# **Plan Sponsor's Responsibilities**

**Susie M. Keaton, CPA**  
Principal, Tax Team  
Somerset CPAs and Advisors  
Indianapolis, Indiana

## Section Five

**Plan Sponsor's Responsibilities..... Susie M. Keaton, CPA**

PowerPoint Presentation

401(k) Plan Checklist



# Plan Sponsor's Responsibilities

Presented by: Susie M. Keaton, CPA

**SOMERSET**  
CPAs AND ADVISORS



# Self Employed Pension Plan (SEP)

- No annual filing requirement for employer
- Employer contributions only
  - Contributions due by filing of business income tax return including extensions
  - Maximum amount of contribution is 25% of compensation but no more than \$57K for 2020.
  - Contributions are an annual decision.

# Simple Plan

- No annual filing requirement for employer.
- Maximum contributions to the plan:
  - \$13,500 in 2020; participants age 50 or older can make additional contributions up to \$3,000 in 2020
- Required employer contribution for participating employees (fully vested)
  - match each employee's salary reduction contribution on a dollar-for-dollar basis up to 3% of the employee's compensation (not limited by the annual compensation limit), or
  - make nonelective contributions of 2% of the employee's compensation up to the annual limit of \$285,000 for 2020 (\$280,000 for 2019), subject to COLA in later years. If you choose to make nonelective contributions, you must make them for all eligible employees whether or not they make salary reduction contributions.
- Must be offered to all employees who have compensation of at least \$5K in any 2 preceding calendar years

# 401(k) Plan

- Annual Form 5500 to be filed by July 31<sup>st</sup>.
- May require annual nondiscrimination testing to ensure plan is not “top heavy”
- Annual maximum participant deferral contributions of \$19,500 or \$26K for participants age 50 or over.
- Employer/employee combined contributions are limited to the lesser of 100% of compensation or \$57K
- Must be offered to all employees who are at least 21 who worked at least 1000 hours in a previous year.

# 401(k) Plan

- Has your plan document been updated within the past few years?
- Are the plan's operations based on the terms of the plan document?
- Is the plan's definition of compensation for all deferrals and allocations used correctly?
- Were employer matching contributions made to all appropriate employees under the terms of the plan?

# 401(k) Plan

- Were all eligible employees identified and given the opportunity to make an elective deferral election?
- Are elective deferrals limited to the amounts under IRC §402(g) for the calendar year?
- Have you timely deposited employee elective deferrals?

# Safe Harbor Plan

- Annual Form 5500 required to be filed by 7/31
- Annual maximum participant deferral contributions of \$19,500 or \$26K for participants age 50 or over.
- A minimum amount of employer contributions is required each year. At least 3% match. Employer contributions are fully vested.
- Safe Harbor doesn't eliminate the need for ADP/ACP and top-heavy nondiscrimination testing. What it does is ensure that all Safe Harbor 401(k) plans automatically *pass* testing.
- Employer/employee combined contributions are limited to the lesser of 100% of compensation or \$57K
- Must be offered to all employees who are at least 21 who worked at least 1000 hours in a previous year.

# Solo 401(k) Plan

- A traditional 401K plan covering a business owner with no employees.
- An annual Form 5500-EZ is required if the plan has \$250K or more in assets at the end of the year.
- Elective deferral of \$19,500 or \$26K for age 50 and older; plus
- Employer nonelective deferral up to 25% of compensation (special computation for the self-employed).
- Total contributions cannot exceed \$57K for 2020



# Contact Information


Today's speaker:

**Susie M. Keaton, CPA**

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# 401(k) Plan Checklist

This checklist is *not* a complete description of all plan requirements, and should *not* be used as a substitute for a complete plan review.

Every year it is important that you review the requirements for operating your 401(k) retirement plan. Use this checklist to help you keep your plan in compliance with many of the important rules. Click on “(More)” in any of the following questions for additional information (including examples) on how to find, fix, and avoid each mistake. See [www.irs.gov/ep](http://www.irs.gov/ep) for online versions of the checklists, Fix-It Guides, and other resources for 401(k) and other plan types.

## For Business Owner’s Use

(DO NOT SEND THIS WORKSHEET TO THE IRS)

**1. Has your plan document been updated within the past few years?** Yes No

If your plan has not been updated to reflect recent law changes, the plan needs to be revised.

[\(More\)](#)

**2. Are the plan’s operations based on the terms of the plan document?** Yes No

Failure to follow the terms of the plan is a common problem encountered on audit.

[\(More\)](#)

**3. Is the plan’s definition of compensation for all deferrals and allocations used correctly?** Yes No

Because your plan may use different definitions of compensation for different purposes, it’s important that you apply the proper definition according to your plan document.

[\(More\)](#)

**4. Were employer matching contributions made to all appropriate employees under the terms of the plan?** Yes No

The terms of the plan must be followed when allocating employer matching contributions.

[\(More\)](#)

**5. Has the plan satisfied the 401(k) nondiscrimination tests (ADP and ACP)?** Yes No

Every 401(k) plan must satisfy yearly ADP/ACP nondiscrimination tests except for certain auto enrollment and 401(k) safe harbor plans.

[\(More\)](#)

**6. Were all eligible employees identified and given the opportunity to make an elective deferral election?** Yes No

By supplying your tax advisor with information regarding all employees who receive a Form W-2, you may reduce the risk of omitting eligible employees.

[\(More\)](#)

**7. Are elective deferrals limited to the amounts under IRC §402(g) for the calendar year?** Yes No

Failure to distribute deferrals in excess of the 402(g) limit may result in additional taxes and penalties to the participant and employer.

[\(More\)](#)

**8. Have you timely deposited employee elective deferrals?** Yes No

You should deposit deferrals as soon as they can be segregated from the employer’s assets.

[\(More\)](#)

**9. Do participant loans conform to the requirements of the plan document and IRC §72(p)?** Yes No

Defaulted loans or loans in violation of IRC §72(p) may be treated as a taxable distribution to the participant.

[\(More\)](#)

**10. Were hardship distributions made properly?** Yes No

If a plan allows hardship distributions, the terms of the plan must be followed.

[\(More\)](#)

**If you answered “No” to any of the above questions, you may have made a mistake in the operation of your 401(k) plan. This list is only a guide to a more compliant plan, so answering “Yes” to each question may not mean your plan is 100% compliant. Many mistakes can be corrected easily, without penalty and without notifying the IRS.**

■ contact your tax advisor

■ visit the IRS at [www.irs.gov/ep](http://www.irs.gov/ep)

■ call the IRS at (877) 829-5500



Department of the Treasury  
Internal Revenue Service

Publication 4531 (Rev. 11-2008)  
Catalog Number 48552T

# **Section Five**

# **Employer-Sponsored Retirement Plans**

**Christopher R. Norwood**  
Norwood Economics, Inc.  
Fishers, Indiana

**Elizabeth Norris**  
Norwood Economics, Inc.  
Fishers, Indiana

**Section Five**

**Employer-Sponsored  
Retirement Plans.....**

**Christopher R. Norwood  
Elizabeth Norris**

PowerPoint Presentation

Presented by Christopher R  
Norwood, CFA

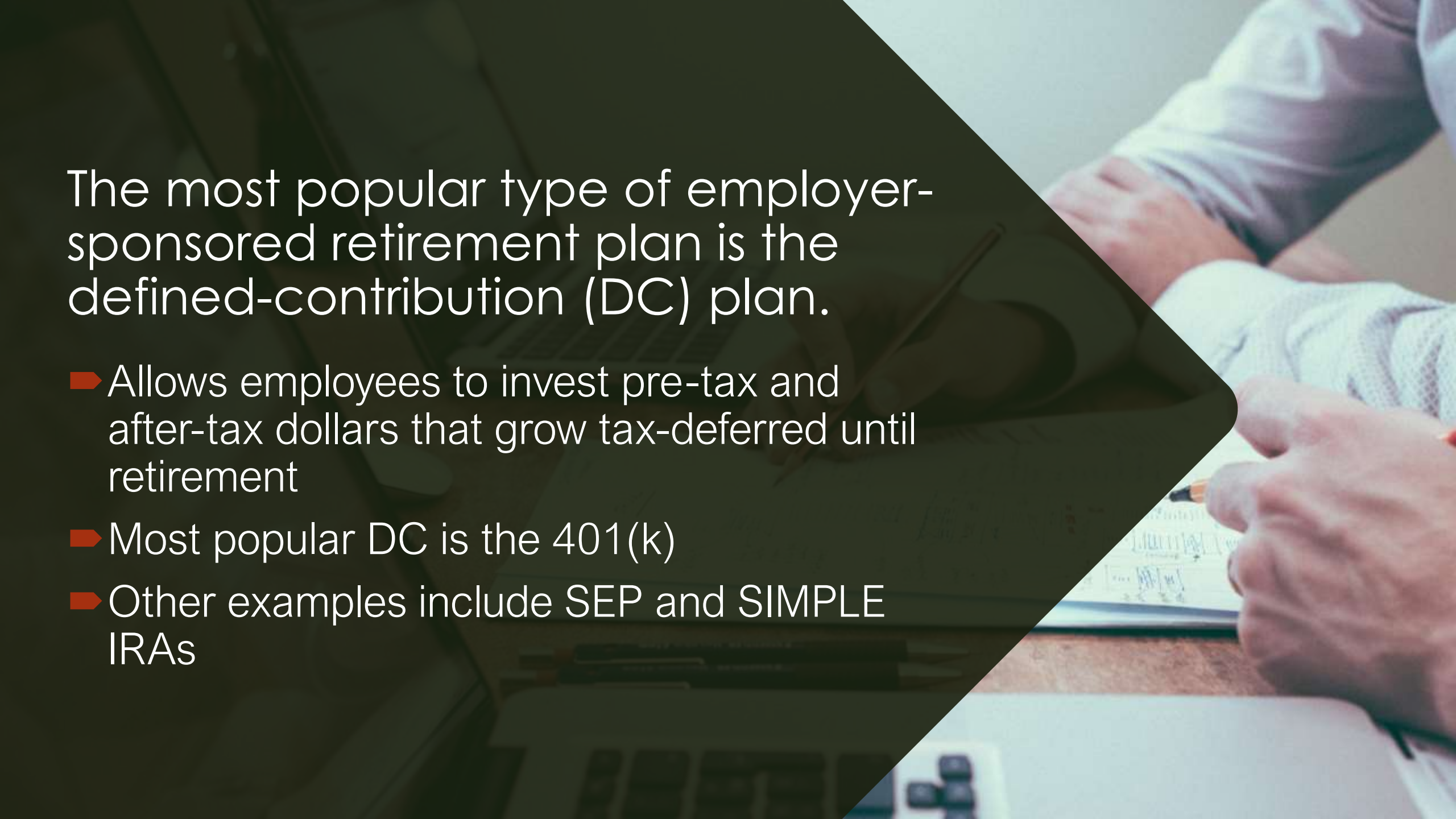
Prepared by Elizabeth Norris  
Norwood Economics.  
[admin@norwoodecon.com](mailto:admin@norwoodecon.com)

# Employer- Sponsored Retirement Plans



**What are employer-sponsored retirement plans?**



The image shows a person's hands writing in a notebook with a pen. The scene is partially obscured by a large, dark, diagonal shape that contains white text. The background is a soft-focus office setting with a laptop and a desk.

The most popular type of employer-sponsored retirement plan is the defined-contribution (DC) plan.

- Allows employees to invest pre-tax and after-tax dollars that grow tax-deferred until retirement
- Most popular DC is the 401(k)
- Other examples include SEP and SIMPLE IRAs



SEP v.  
401(k)

SIMPLE v.  
401(k)

Profit-Sharing  
and 401(k)s

Cash Balance  
Plan



## **employer-sponsored retirement plans**

What do I need to  
know?



# 401(K) v SEP IRA

What is best for you?

---

## 401(k)

---

Contributions are made primarily by the employee

---

Employers can contribute - \$57,000 limit on combined employer and employee contributions (\$63,500 if eligible for a catch-up contribution)

---

Employer has latitude in determining eligibility within ERISA guidelines – most restrictive requirements are age 21 and one year of service

---

Eligibility requirements apply for everyone, including owners

---

## SEP IRA

---

Contributions are made entirely by the employer, never the employee

---

Employers cannot exceed the lesser of 25% of an employee's compensation, or \$57,000 maximum for 2020

---

Most restrictive eligibility requirements are age 21, at least three years employment within the last five years, and a \$600 compensation minimum

---

Eligibility requirements apply for everyone, including owners



# 401(K) v SEP IRA

What is best for you?

---

## 401(k)

---

Allows loans

---

Allows Roth option

---

Employers get a tax deduction for their contributions to employees' accounts and for any plan fees paid directly

---

Catch-up contribution option for those 50 and older

---

## SEP IRA

---

Does not allow loans

---

Does not allow Roth option

---

Employers get a tax deduction for their contributions to employees' accounts

---

No catch-up contribution option for those 50 and older

SIMPLEs are easy to set up but have drawbacks compared to other retirement plan options

# 401(k) v **SIMPLE IRA**

Let's look at the differences



# 401(K) v SIMPLE

## What is best for you?

---

### 401(k)

---

Enjoy tax advantages available to you as the employer offering the plan

---

Employee contribution limit of \$19,500 for those under 50, catch up contribution of \$6,500 for those 50+

---

Can be rolled into a traditional IRA at any time after termination

---

Contributions are made primarily by the employee – employer may contribute at their discretion

---

---

### SIMPLE

---

Enjoy tax advantages available to you as the employer offering the plan

---

Employee contribution limit of \$13,500 for those under 50, catch up contribution of \$3,000 for those 50+

---

Must wait two years from entry date to roll money into a Traditional IRA or 401(k). 25% penalty on early rollovers unless you are age 59 ½

---

Employer is required to contribute each year either a: matching contribution up to 3% of compensation (not limited by the annual compensation limit), or 2% nonelective contribution for each eligible employee.

---



# 401(K) v SIMPLE

## What is best for you?

---

### 401(k)

---

Any employer with one or more employees – including owner

---

Employer has latitude in determining eligibility within ERISA guidelines – most restrictive requirements are age 21 and one year of service

---

Subject to annual compliance testing to ensure plan does not favor highly compensated employees – no testing for solo 401(k)

---

Fees vary by plan

---

### SIMPLE

---

Employer with 100 or fewer employees

---

Eligible employees are those who have compensation of at least \$5,000 in any prior 2 years, and are reasonably expected to earn at least \$5,000 in the current year

---

No annual tax filing requirements; annual plan details must be sent to employees

---

Fees vary

A profit-share feature can be added to any 401(k)

Employer contributions are discretionary

Employer decides how much to contribute

Great way to attract and maintain a talented workforce

# profit-sharing and 401(k)

contribution limit is lesser of 25% of employees' compensation or \$57,000



# Understanding the SECURE Act

Changes to your retirement



# What is the SECURE ACT

- The Setting Every Community Up for Retirement Enhancement Act of 2019, better known as the SECURE Act, was signed into law on Dec.19, 2019
- The far-reaching bill includes significant provisions aimed at increasing access to tax-advantaged accounts and preventing older Americans from outliving their assets



# SECURE ACT

What is it?



Substantial changes to retirement plans including:



Required Minimum Distributions (RMDs) now age 72



Traditional IRA contributions can be made indefinitely



401(k) plans can now offer annuities

Many part-time workers now eligible to participate in 401(k) - at least 500 hours of service each year for three consecutive years and age 21

Allow the use of tax-advantaged 529 accounts for qualified student loan repayments (up to \$10,000 annually)

Penalty-free withdrawals of \$5,000 from 401(k) accounts to fund the costs of having or adopting a child

# SECURE ACT

What is it?



# CARES Act Relief

## A response to COVID-19



## What is the CARES Act?

- On March 27th, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. New options are now available to provide financial relief to 401(k) plan participants. Here are a few key takeaways that you need to know.



# CARES Act Distributions

How much and  
what qualifies?

- ▶ The CARES Act allows penalty-free distributions of up to \$100,000 for qualifying coronavirus-related reasons.
  - ▶ Adverse financial consequences due to being quarantined, furloughed, laid off or having work hours reduced
  - ▶ Being unable to work due to a lack of childcare
  - ▶ Closing or reducing hours of a business owned or operated by the individual.

**CARES Act**  
Distributions  
more  
favorable than  
hardship  
withdrawals



Tax on the withdrawal may be paid over a three-year period



All contribution sources (other than money purchase pension plan sources) will be available



Repayments will not be subject to the retirement plan contribution limits



Participants may repay the amount withdrawn to an eligible retirement plan within three years



# RMD Waiver

Required Minimum Distributions (RMDs) are suspended for 2020

Applies to certain defined contribution plans (including 401 (k) plans) and IRAs.

Five-year distribution period that applies to certain beneficiaries will be determined without regard to calendar year 2020.



# Cash Balance Plans

## What are they?

A Cash Balance Plan is a type of IRS-qualified retirement plan known as a “hybrid” plan.

Department of the Treasury  
Internal Revenue Service  
**Tax Withholding and Estimated**

**SCHEDULE D**  
(Form 1040)  
**Capital Gains and Losses**  
2018

Department of the Treasury  
Internal Revenue Service  
OMB No. 1545-0047  
2018  
OMB No. 1545-0047

2018  
OMB No. 1545-0047

**Part I Short-Term Capital Gains and Losses—Generally Assets Held One Year or Less** (see instructions)

See instructions for how to figure the amounts to enter on the lines below.

The form may be easier to complete if you round off cents to whole dollars.

**a** Totals for all transactions reported on Form(s) 1099-B for which basis was reported to the IRS and for which you have no adjustments (see instructions). However, if you choose to report all these transactions on Form 8949, leave this line blank and go to line 1b.

**b** Totals for all transactions reported on Form(s) 8949 with **Box A checked**.

**c** Totals for all transactions reported on Form(s) 8949 with **Box B checked**.

**d** Totals for all transactions reported on Form(s) 8949 with **Box C checked**.

**e** Totals for all transactions reported on Form(s) 8949 with **Box D checked**.

**f** Totals for all transactions reported on Form(s) 8949 with **Box E checked**.

**g** Totals for all transactions reported on Form(s) 8949 with **Box F checked**.

**1** Net short-term capital gain or loss. Continue lines 1a through 1g in column (b). If you have any long-term capital gains or losses, go to Part II below. Otherwise, go to Part III on the back.

**Part II Long-Term Capital Gains and Losses—Generally Assets Held More Than One Year** (see instructions)

See instructions for how to figure the amounts to enter on the lines below.

The form may be easier to complete if you round off cents to whole dollars.

**a** Totals for all long-term transactions reported on Form 1099-B for which basis was reported to the IRS and for which you have no adjustments (see instructions). However, if you choose to report all these transactions on Form 8949, leave this line blank and go to line 8b.

**b** Totals for all transactions reported on Form(s) 8949 with **Box A checked**.

**c** Totals for all transactions reported on Form(s) 8949 with **Box B checked**.

**d** Totals for all transactions reported on Form(s) 8949 with **Box C checked**.

**e** Totals for all transactions reported on Form(s) 8949 with **Box D checked**.

**f** Totals for all transactions reported on Form(s) 8949 with **Box E checked**.

**1** Gain from Form 4797, Part I, long-term gain from Forms 2439 and 2523; and long-term gain or loss from Forms 4864, 4797, and 9824.

**2** Net long-term gain or loss from partnerships, S corporations, estates, and trusts from Schedule(s) K-1.

**3** Capital gain distributions. See the instructions.

**4** Long-term capital loss carryover. Enter the amount, if any, from line 10 of your Capital Loss Carryover Worksheet in the instructions.

In a Cash Balance Plan, each participant has a virtual account that grows annually in two ways:

- ▶ An employer contribution
  - ▶ An interest credit rate
- 
- ▶ Works in conjunction with an employer 401(k) plan
  - ▶ Significant tax savings for owners and HCEs
  - ▶ Contribution limits increase with age



# How much can you save with a Cash Balance Plan?

Are you a good  
candidate?

Any highly compensated individual who desires to contribute more than \$57,000 (\$63,500 with catch-up) to their retirement accounts



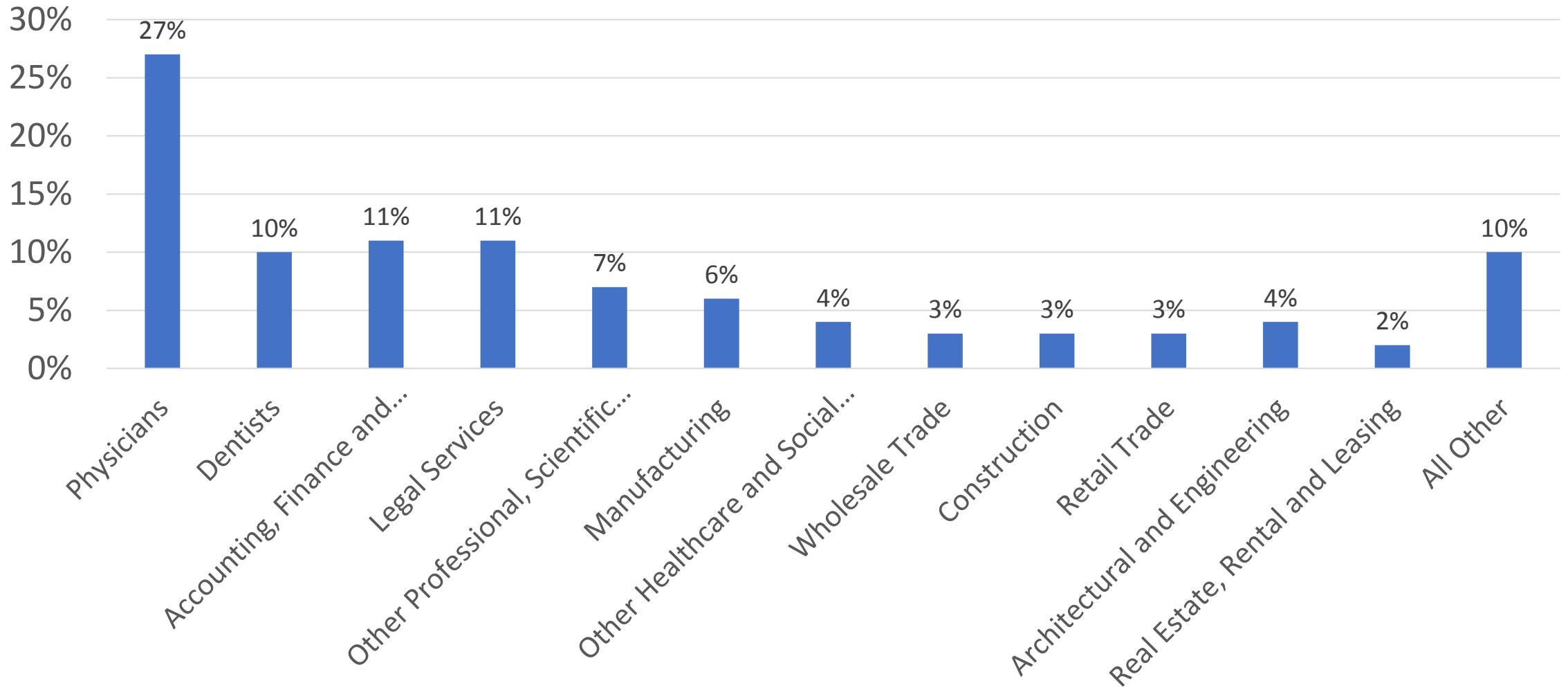
# 2020 CONTRIBUTION LIMITS

## 401(K) PROFIT SHARING AND CASH BALANCE PLANS

Age	401(k) with Profit Sharing*	Cash Balance	Total	Tax Savings**
Above 65	\$63,500	\$277,000+	\$340,500+	\$153,225
60-65	\$63,500	\$266,000+	\$329,500+	\$148,275+
55-59	\$63,500	\$207,000+	\$270,500+	\$121,725+
50-54	\$63,500	\$162,000+	\$225,500+	\$101,475+
45-49	\$57,000	\$126,000+	\$183,000+	\$82,350+
40-44	\$57,000	\$98,000+	\$155,000+	\$69,750+
35-39	\$57,000	\$77,000+	\$134,000+	\$60,300+
Under 35	\$57,000	Up to \$73,000	Up to \$130,000	Up to \$58,500

\*401(k): \$19,500; \$6,500 catch-up; \$37,500 profit sharing \*\*Assuming 45% tax. Taxes are deferred.

# Cash Balance Plans By Business Type



questions?  
need help?

we're here for you.

admin@norwoodecon.com  
www.norwoodecon.com  
(317) 559-2333



**NORWOOD ECONOMICS, INC.**  

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**BUILDING A BETTER RETIREMENT**

# **Section Six**

# **COVID-19 Employee Personnel Issues**

**R. Anthony Prather**  
Barnes & Thornburg LLP  
Indianapolis, Indiana



## Section Six

**COVID-19 Employee  
Personnel Issues..... R. Anthony Prather**

PowerPoint Presentation



# ICLEF 8<sup>th</sup> Annual Reality CLE

## COVID-19 Employee

### Personnel Issues

R. Anthony Prather

Partner

Barnes & Thornburg LLP

# Presentation Agenda

- Employee Leave
  - Families First Coronavirus Response Act [“FFRCA”]
    - FFCRA Litigation
- Employee Safety
  - OSHA Guidance
    - Preparing Workplaces for COVID-19
    - Returning to Work
      - OSHA Litigation
- Miscellaneous DOL Guidance
- Q & A

# Employee Leave: Families First Coronavirus Response Act

- Act requires covered employers [employ less than 500 employees] to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.
- Covered employers must provide to all employees:
  - Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
  - Two weeks (up to 80 hours) of paid sick leave at 2/3<sup>rd</sup> the employee's regular rate of pay because the employee is unable to work because of a bona fide

# Employee Leave: Families First Coronavirus Response Act

- need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.
- Passed in March 2020 as an emergency response to COVID-19.
- Had an effective date of April 1, 2020 and applies to leave taken between April 1, 2020 and December 31, 2020.
- FFCRA Based Litigation:
  - Employees wrongfully denied FFCRA paid leave benefits;
  - Employer interfered with employee efforts to obtain FFCRA benefits; and
  - Employees terminated in retaliation for requesting FFCRA benefits.

# Employee Leave: Families First Coronavirus Response Act

- FFCRA provides employees pursuing action against their employers to seek remedies allowed under the Fair Labor Standards Act – employees can seek to recover liquidated damages [an amount equal to what is owed in lost wages] for willful violations and attorney fees; and
- Individual managers and supervisors may be sued under the FFCRA in their individual capacities.
- Recent DOL Guidance:
  - In Question 94, the DOL noted that employers have some flexibility in returning an employee to work who has been self-quarantined under FFCRA if they have concerns over the spread of COVID-19; notwithstanding the obligation to return the employee to the same or equivalent position with the same or equivalent pay and benefits. Specifically, an employer could temporarily reinstate the employee to a position that requires less interaction with coworkers or require that the employee telework. Further, the DOL notes that employers can also require a negative COVID-19 test before allowing an employee to return to work.

# Employee Leave: Families First Coronavirus Response Act

- In Questions 95 and 96, the DOL states that employees are only entitled to a maximum of two weeks (80 hours) of 100% paid sick leave under FFCRA, even if the employee was furloughed for a period of time, after having used such leave and then returning to work after the furlough. Returning to work does not “restart” a new two-week opportunity; the total amount of paid sick leave under the FFCRA is limited to two weeks.

# Employee Leave: Families First Coronavirus Response Act

- Best Practices:
  - Designate someone in your office as FFCRA Expert – he/she responsible for keeping up-to-date with DOL and EEOC guidance, reviewing and responding to employees' FFCRA questions and requests for leave.
  - Train your managers/supervisors – each needs to know enough about the Act to assist direct reports to get the help they need.



# Employee Safety: OSHA Guidance

- Preparing Workplaces for COVID-19
- Develop an Infectious Disease Preparedness and Response Plan
  - Stay abreast of guidance from federal, state, and local health agencies and consider how to incorporate those recommendations and resources into workplace specific plans.
  - Implement Basic Infection Prevention Measures: for most employers, protecting workers will depend on emphasizing basic infection prevention measures including:
    - Promoting frequent and thorough hand washing;
    - Encourage workers to stay home if they are sick;
    - Encourage respiratory etiquette, including covering coughs and sneezes;
    - Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible;

# Employee Safety: OSHA Guidance

- Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the working environment.
- Develop Policies and Procedures for Prompt Identification and Isolation of Sick People, if Appropriate.
  - Encourage employees to self-monitor for signs and symptoms of COVID-19 if they suspect possible exposure;
  - Develop policies and procedures for employees to report when they are sick or experiencing symptoms of COVID-19;
  - Where appropriate, employers should develop policies and procedures for immediately isolating people who have signs and/or symptoms of COVID-19; and
  - Take steps to limit spread of respiratory secretions: provide face masks.
- Develop, Implement, and Communicate about Workplace Flexibilities and Protections.

# Employee Safety: OSHA Guidance

- Encourage sick employees to stay home;
  - Ensure that sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies;
  - Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or return to work;
  - Maintain flexible policies that permit employees to stay home to care for a sick family member; and
  - Be aware of workers' concern about pay, leave, safety, health, and other issues that may arise during infectious disease outbreaks.
- Returning to Work
    - Reopening should align with the lifting of stay-at-home or shelter-in-place orders and other specific requirements of the Federal Government, state and local governments as well as with public health recommendations from the CDC.

# Employee Safety: OSHA Guidance

- Guidelines for Opening up America Again include the following:
  - Phase 1 – Businesses should consider making telework available, when possible and feasible with business operations. For employees who return to the workplace, consider limiting the number of people in the workplace in order to maintain strict social distancing practices. Where feasible, accommodations should be considered for workers at higher risk of severe illness. Non-essential business travel should be limited.
  - Phase 2 – Businesses continue to make telework available where possible, but non-essential business travel can resume. Limitations on the number of people in the workplace can be eased, but continue to maintain moderate to strict social distancing practices. Continue to accommodate vulnerable workers as noted in Phase 1.

# Employee Safety: OSHA Guidance

- Phase 3 – Businesses resume unrestricted staffing of work sites.
- For all phases of reopening, employers should develop and implement policies and procedures that address preventing, monitoring for, and responding to any emergence or resurgence of COVID-19 in the workplace or community.
- OSHA Litigation:
  - Wrongful death;
  - Personal injury; and
  - Failure to provide safe workplace.

# Employee Safety: OSHA Guidance

- Best Practices:
  - Designate someone in your office as OSHA/COVID-19 Expert – he/she responsible for keeping up-to-date with OSHA and CDC guidance and reviewing and responding to employees' questions regarding workplace safety.

# Miscellaneous DOL Guidance

- Fair Labor Standards Act
  - In Question 14, the DOL answered that all hours teleworked are considered compensable work time for which hourly employees must be compensated. The DOL reminded employers that this includes even those hours worked remotely that the employer did not authorize. However, employers are not required to pay workers for hours worked if they have no reason to know about them – meaning they are not reported and there is no evidence that they were worked. The DOL cautioned employers to provide employees a reasonable means to report all hours worked to ensure that they are capturing hours. Given the importance of accurately reporting hours worked, especially for employees who traditionally have not been permitted to work remotely, employers should also consider training employees on this issue and provide a means for employees to confirm their time records before submission to payroll

# Miscellaneous DOL Guidance

- In Question 15, the DOL informed employers that it was applying a “relaxed” continuous workday standard. Normally, *all* time between the first work activity of the day and the last activity of the day is considered compensable work hours under the continuous workday standard (other than *bona fide* lunch breaks). However, under the current telework environment, the DOL wants to encourage employers to be more flexible as employees are often required to take longer breaks to address child care, homeschooling, and similar needs. As such, the DOL said it is acceptable for employers and employees to agree to alternate schedules (e.g., 7–9 a.m., 11:30–3 p.m., and 7–9 p.m. on weekdays) to allow breaks during the day to attend to home needs, **provided** the employee is paid for all hours actually worked.



# Miscellaneous DOL Guidance

- In Question 17, the DOL reminds employers and employees that there is no obligation to provide additional compensation under the FLSA to pay employees as “hazard pay,” even if the employees’ work places them in danger due to COVID-19. However, the DOL cautions employers that any “hazard” pay enhancement that is provided must be included in the employee’s regular rate of pay when calculating overtime owed.

# Q&A

- Thank You!

# **Section Seven**

# **Introduction to Family Law**

**Erin Maybee Durnell**  
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Indianapolis, Indiana

## **Section Seven**


**Introduction to Family Law..... Erin Maybee Durnell**

PowerPoint Presentation



# Introduction to Family Law

ERIN MAYBEE DURNELL



“ If it takes a family apart,  
puts it together, or deals  
with it before or after the  
fact, it’s family law. ”

Easy?

It takes a special kind of crazy.

# Overview of Topics

- ▶ Divorce
- ▶ Custody
- ▶ Parenting Time
- ▶ Child Support
- ▶ Third Party & Grandparent Visitation
- ▶ Adoption
- ▶ CHINS / Juvenile Court
- ▶ Discovery
- ▶ Local Rules & E-filing
- ▶ Taxes
- ▶ Relocation
- ▶ Collaborative Law
- ▶ Parenting During Pandemics

a day in the life of a family  
law attorney





# Divorce

## Spousal Support

Occupational

Disabled Child

Indiana Code 31-15-7-2 provides for the 3 scenarios where a court will order spousal maintenance

Alimony is allowed by agreement, but has fallen out of favor due to tax reforms

## Safety Issues

Protective Orders

## Property Division

Forensic/Business Valuations

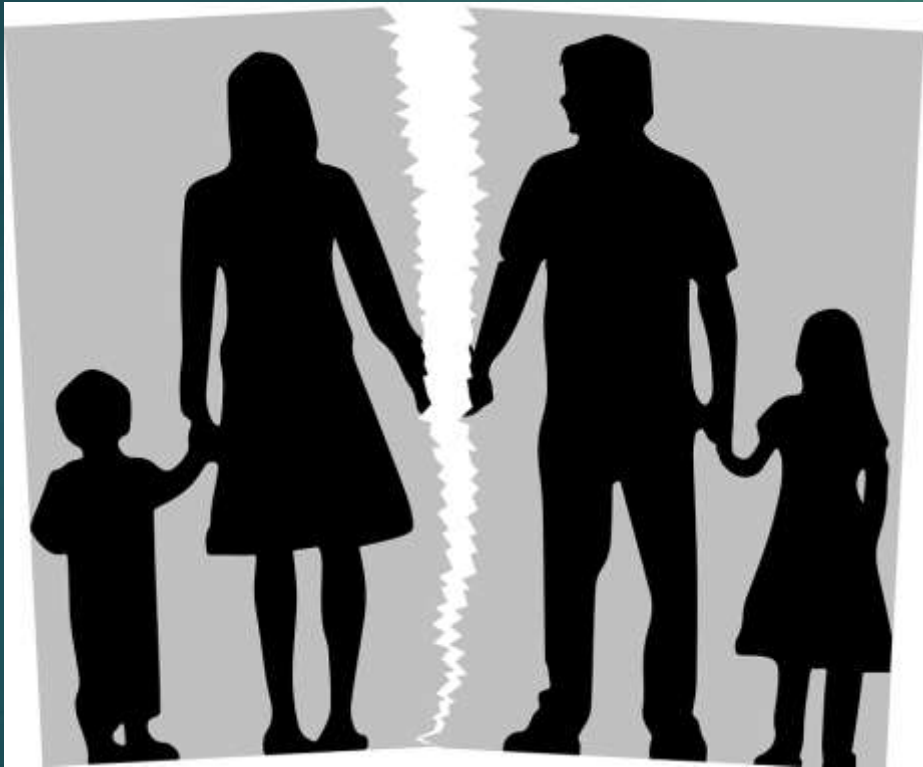
Appraisals:

Personal Property

Real Estate

Pension Valuations

# Custody



- ▶ Paternity Presumptions
- ▶ Divorce
- ▶ Custody Evaluations
- ▶ Guardian Ad Litem / CASA
- ▶ Ind. Code 31-17
- ▶ Ind. Code 31-14-13

# Parenting Time

## Indiana Parenting Time Guidelines

- ▶ Available at

<https://www.in.gov/judiciary/rules/parenting/>

- ▶ Parenting Time Restrictions
- ▶ Parenting Coordination – Section V

# Child Support

- ▶ Income shares model with credit for certain expenses and overnights
- ▶ Imputing Income
- ▶ Emancipation Issues
  - Ind. Code 31-16-6-6
- ▶ Support Master v. the State's online calculator
  - ▶ Online Calculator available at <https://public.courts.in.gov/csc#/practitioner-financials>



# Third Party & Grandparent Visitation

- ▶ Parents will always have the upper hand
- ▶ When can a 3<sup>rd</sup> party obtain custody?
- ▶ Grandparent Visitation Statute
  - ▶ Ind. Code 31-17-5

# Adoption

- ▶ Step-parent Adoption
- ▶ Home studies / periods of supervision
- ▶ Post-adoption visitation contracts
- ▶ Interstate Compact
- ▶ Ind. Code 31-19
- ▶ International adoptions (Hague Convention)



# CHINS / Juvenile Court

- ▶ DO NOT DABBLE IN CHINS WORK
  - ▶ All or Nothing
- ▶ Juvenile Cases are Special Cases
- ▶ Driven by statute
  - ▶ Always be sure to read the code carefully
  - ▶ Ind. Code 31-34

# Discovery

- ▶ Don't wait!  
Get it out the door right away
- ▶ You can always send additional requests later if you need to
- ▶ Depositions
- ▶ Requests for Admission



# Local Rules & E-Filing



- ▶ E-filing confidential information
- ▶ Co-Parenting classes (In person? Online? Choices?)
- ▶ Financial Declaration forms
  - Do you file them?
  - Offer them as exhibits?
- ▶ Mandatory mediation
- ▶ Know your judge!

# Taxes: Tax Cuts and Jobs Act

- ▶ Overview at: <https://www.smith-howard.com/2018-tax-cuts-jobs-act-overview/>
- ▶ Personal Exemption not available from 2018 to 2025
- ▶ Change in tax brackets
- ▶ Standard deductions are higher
- ▶ Be aware of allowed deductions when calculating income for child support purposes
- ▶ Child tax credits are available until child reaches 17
  - ▶ (\$2000, refundable up to \$1400), with phase-out beginning when AGI is >\$400,000 couples/\$200,000 single
- ▶ Family tax credits - \$500 nonrefundable credit for qualifying dependents other than qualifying children (a 17 year-old child or elderly parent)
- ▶ Alimony – orders issued after 12/31/2018 are no longer tax deductible to the payor (or taxable income to the payee)

# Relocation

- ▶ History of the Indiana Relocation Statute
- ▶ Where Relocation Currently Stands
- ▶ Ind. Code 31-17-2.2

# Collaborative Law

- ▶ Paradigm Shift
- ▶ Must be trained (CIACP)



# Parenting During Pandemics

- ▶ What if there are travel restrictions?
- ▶ What if the child gets ill?
- ▶ What if a parent is exposed?
- ▶ Encourage logic, safety, and fairness
- ▶ Discourage hysteria, recklessness, and vindictiveness

Isolation time with the family.  
What could go wrong?



# Final Tips

- ▶ Read the applicable code sections
- ▶ Make a checklist/timeline for each case
- ▶ Know your limits (local counsel, etc.)



# Erin Maybee Durnell



ATTORNEY

GUARDIAN AD LITEM & PARENTING COORDINATOR

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# **Section Eight**



**ESTATE PLANNING AND THE SECURE ACT**

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## Section Eight

### Estate Planning and The Secure Act.....Shawn M. Scott

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DISCLAIMER:

These seminar materials and this seminar presentation are intended to provide those attending with guidance in estate planning and related issues. The materials and the presentation by the author do not constitute, and should not be treated as, legal advice. Although every effort has been made to ensure the accuracy of these materials, neither the author nor Hall Scott P.C. assumes any responsibility for an individual's reliance on these materials. The seminar attendee should independently verify all statements made in the materials and during the seminar before applying them to a particular fact situation.

## **Estate Planning and The SECURE Act**

Shawn M. Scott

No matter the asset level and family situation, each individual's estate has nuances that must be appropriately and thoroughly addressed during the estate planning process. This article will outline the several documents that comprise the foundation of a comprehensive estate plan including asset transfer documents, such as wills, trusts, and beneficiary designation documents and disability documents, such as powers of attorney and advance directives. Additional documents are often added as complexities arise including the necessity for tax planning, planning for spendthrift beneficiaries and individuals with special needs, blended families and more. The documents that this article discusses include the Will, Trust, General Durable Power of Attorney, Appointment of Healthcare Representative, HIPAA Appointment of Personal Representative and Living Will. In addition to these documents, a comprehensive estate plan should include guidance for the client on how to coordinate asset titling and beneficiary designations with their plan. This article also discusses The SECURE Act which was enacted on January 1, 2020 and its impact on estate planning.

### **I. ASSET TRANSFER DOCUMENTS**

#### **A. Wills**

A will is the document that directs how the testator's (person creating a will) assets are to be distributed at his/her death by the personal representative. A personal representative, also sometimes referred to as an executor or administrator, is the individual responsible for administering an estate pursuant to the terms of the decedent's will or laws of intestacy. A will controls assets that are in the decedent's individual name at his/her death. In Indiana if an individual has more than \$50,000 in his/her individual name, formal probate administration is required.

A will should include several components including naming a personal representative and designating a preferred guardian for minor or disabled adult children, if applicable. A will should also direct the transfer of all the decedent's assets to beneficiaries.

It is important to name one or more successors to the named personal representative so that a succession is established should the named personal

representative not be available to act. Co-personal representatives may also be named. The will should also state whether the testator wishes for the personal representative to act with or without court supervision and whether a bond for the personal representative should be required. Most wills are drafted to authorize unsupervised administration of an estate because it can be more cost effective for the estate by allowing the personal representative to take certain actions including the sale and distribution of assets without a hearing on the same. Many wills are also drafted to not require the personal representative to post a bond. Some Indiana counties (including Marion), require a minimum bond by local rule even when bond is waived by the testator in the will. Language in the will indicating that the decedent desires that their personal representative serve without bond can often result in the judge ordering a minimum bond and not a bond to cover the entire amount of the probate assets, which can be costly to the estate.

There are specific statutory requirements for the execution of wills that must be followed. These requirements can be found in Indiana Code § 29-1-5 et seq. Generally, all wills must be made by an individual over the age of 18 and be in writing with some limited exceptions that are discussed further in the statute. The will must be signed by the testator in the presence of at least two (2) or more witnesses and the testator shall signify to the witnesses that the document is his/her will and sign the will, acknowledge his/her signature already made, or at his/her direction, someone else may sign his/her name. The witnesses must sign in the presence of the testator and each other. Wills should also have a self-proving clause attached to avoid the necessity of obtaining affidavits or testimony from witnesses at the time the will is admitted to probate. See Indiana Code §29-1-5-3.1 below:

**IC 29-1-5-3.1 Self-proving clause**

Sec. 3.1. (a) This section applies to a will executed before, on, or after July 1, 2003. When a will is executed, the will may be:

- (1) attested; and
- (2) made self-proving;

by incorporating into or attaching to the will a self-proving clause that meets the requirements of subsection © or (d). If the testator and witnesses sign a self-proving clause that meets the requirements of subsection © or (d) at the time the will is executed, no other signatures of the testator and witnesses are required for the will to be validly executed and self-proved.

(b) If a will is executed by the signatures of the testator and witnesses on an attestation clause under section 3(b) of this chapter, the will may be made self-proving at a later date by attaching to the will a self-proving clause signed by the testator and witnesses that meets the requirements of subsection (c) or (d).

© A self-proving clause must contain the acknowledgment of the will by the testator and the statements of the witnesses, each made under the laws of Indiana and evidenced by the signatures of the

testator and witnesses (which may be made under the penalties for perjury) attached or annexed to the will in form and content substantially as follows:

We, the undersigned testator and the undersigned witnesses, respectively, whose names are signed to the attached or foregoing instrument declare:

- (1) that the testator executed the instrument as the testator's will;
- (2) that, in the presence of both witnesses, the testator signed or acknowledged the signature already made or directed another to sign for the testator in the testator's presence;
- (3) that the testator executed the will as a free and voluntary act for the purposes expressed in it;
- (4) that each of the witnesses, in the presence of the testator and of each other, signed the will as a witness;
- (5) that the testator was of sound mind when the will was executed; and
- (6) that to the best knowledge of each of the witnesses the testator was, at the time the will was executed, at least eighteen (18) years of age or was a member of the armed forces or of the merchant marine of the United States or its allies.

\_\_\_\_\_  
Testator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

(d) A will is attested and self-proved if the will includes or has attached a clause signed by the testator and the witnesses that indicates in substance that:

- (1) the testator signified that the instrument is the testator's will;
- (2) in the presence of at least two (2) witnesses, the testator signed the instrument or acknowledged the testator's signature already made or directed another to sign for the testator in the testator's presence;
- (3) the testator executed the instrument freely and voluntarily for the purposes expressed in it;
- (4) each of the witnesses, in the testator's presence and in the presence of all other witnesses, is executing the instrument as a witness;
- (5) the testator was of sound mind when the will was executed; and
- (6) the testator is, to the best of the knowledge of each of the witnesses, either:
  - (A) at least eighteen (18) years of age; or
  - (B) a member of the armed forces or the merchant marine of the United States or its allies.

(e) This section shall be construed in favor of effectuating the testator's intent to make a valid will.

As of January 1, 2018, wills can also be executed electronically, although this is not (yet) in use by most Indiana attorneys. Additional information can be found at Indiana Code § 29-1-21 et seq.

## **B. Trusts**

There are several reasons an individual may wish to include a trust in his/her estate plan. Some of those reasons include holding assets in trust for beneficiaries who cannot take possession without a guardianship including minors and disabled persons, holding assets in trust for beneficiaries who should not take possession including young adults without financial sophistication, spendthrifts and individuals with creditor issues and probate avoidance. Trusts are also created for many more complex family and tax planning purposes that are outside the scope of this article.

A trust can be created within the terms of a will or separately as a stand-alone document. A testamentary trust is a trust created by will. A testamentary trust is not created until the death of the testator, probate of the will and subsequent funding of the trust. A revocable trust is created by a settlor (person creating a trust) during their lifetime and the terms of the trust are amendable and revocable by the settlor at any time prior to their incapacity or death.

The settlor of the trust names a trustee to carry out the terms of the trust and directs the transfer of all the trust's assets to its beneficiaries in accordance with its terms. Often the purpose of a trust is to hold monies for one or more beneficiaries for a period of time because the settlor did not wish for the beneficiary to receive assets immediately at his/her death. The criteria for distribution of assets to the beneficiaries must be included in the trust including when and how assets are to be distributed.

There are no specific statutory requirements for the execution of a trust other than the requirement that it be in writing and signed by the settlor or his/her authorized agent. See Indiana Code § 30-4-2 et seq.

## **C. Asset Titling and Beneficiary Designations**

A well thought out and precisely drafted estate plan is useless if the decedent's assets are not coordinated with the plan. All property an individual owns jointly will automatically become the property of the surviving joint owner(s) and therefore will not pass through the terms of a will or trust. Similarly, assets with a payable on death or transfer on death designation will automatically be distributed to the beneficiary and therefore will not pass through the terms of a will or trust (unless the estate or trust is the named beneficiary).

Many types of assets can be transferred to a beneficiary by designation form beyond those typically considered as beneficiary designated assets such as life insurance and retirement plans. Indiana's Transfer on Death Property Act, which can be found at Indiana Code § 32-17-14, allows for the transfer to beneficiaries of interests in contract rights, securities, tangible personal property, real estate (by a Transfer on Death Deed) and more.

## II. THE SECURE ACT

The enactment of The SECURE Act on January 1, 2020 significantly changed how a beneficiary of a retirement plan can take their distribution which required estate planning attorneys to reconsider their client recommendations for beneficiary designations and the drafting of trust language for distribution of retirement plans payable to a trust. Prior to the enactment of The SECURE Act, a beneficiary could elect to "stretch" their retirement plan distribution over their life expectancy in accordance with IRS actuarial tables. Trusts could also be drafted with "stretch distribution" language to require a trust beneficiary to stretch their distribution from a retirement plan over their lifetime or for a certain period of time. The SECURE Act significantly changed the applicable distribution period, the time period in which distributions must be withdrawn from the retirement plan account, by reducing it to only ten (10) years with certain exceptions.

During the 10-year period, the beneficiary is not required to take a required minimum distribution ("RMD") however they must withdraw the entire plan balance by the end of the period. The exceptions to the 10-year rule include the decedent's surviving spouse, minor children, disabled and chronically ill individuals, and individuals not more than ten years younger than the deceased retirement plan owner.

Planning recommendations with regard to leaving retirement assets to a spouse remain the same as there is no change with regard to a spouse as beneficiary. The spouse beneficiary can rollover the retirement plan into his/her own account and become the owner. No RMD is required until the year the spouse reaches age 72.

Minor children have RMDs based on their life expectancy until they reach the age of 18. Once a child reaches the age of 18, the 10-year rule applies and plan assets have to be paid out by the time the child reaches age 28.

If the eligible designated beneficiary is a disabled individual who is "unable to engaged in any substantial gainful activity by reason of any medically-determinable physical or mental impairment which can be expected to result in death or to be part of



long, continued and indefinite duration” or a chronically ill individual in accordance with IRC §7702B(c)(2), the distributions will be made based upon the life expectancy of the beneficiary in accordance with IRS tables instead of the 10-year rule. This stretch only lasts until the termination of the eligible designated beneficiary status and at that point the 10-year rule begins.

The required beginning date was also changed by The SECURE Act and it increased from the year the owner reaches age 70 ½ to the year the owner reaches age 72. There is no longer an age cap on contributions to traditional IRAs, however, you must still be earning income to contribute (prior the age cap was the year the owner reached 70 ½).

### **III. DISABILITY DOCUMENTS**

The primary purpose of disability documents, including powers of attorney and advance directives, is to authorize and empower designated individuals to act on an individual’s behalf if they require assistance handling their personal and financial affairs or need medical care.

#### **A. General Durable Power of Attorney**

A general durable power of attorney appoints an individual, the attorney in fact, to act as an agent of the principal, the person creating the power of attorney.

A power of attorney can be immediately effective or springing, meaning it goes into effect at a certain designated time such as upon the incapacity of the principal. If the power of attorney does not go into effect until the principal is incapacitated the agent must prove the incapacity of the principal in order to act on the principal’s behalf. It may be easier to have the power of attorney effective upon signing so that it can be more easily used by the agent. The agent has a fiduciary duty to act in the best interest of the principal, however the agent can conduct business transactions on behalf of the principal and so caution should be used when designating an agent.

An example of a general durable power of attorney that is immediately effective follows:

## GENERAL DURABLE POWER OF ATTORNEY

I, \_\_\_\_\_, being at least eighteen (18) years of age and mentally competent, do hereby create a general durable power of attorney under Indiana Code §30-5 et seq. and do hereby designate \_\_\_\_\_ (relationship), (317) \_\_\_\_\_, as my true and lawful attorney-in-fact.

### I. Powers

By this instrument, I confer upon said attorney-in-fact the following:

1. Authority to receive confidential tax-related information; to prepare, sign and file federal and state individual income tax returns; and to at any time perform any and all other acts before the taxing authorities of any jurisdiction.

2. Authority under Indiana Code §30-5-5 et seq., including but specifically not limited to each of the following:

- (a) General authority with respect to real property transactions;
- (b) General authority with respect to tangible personal property transactions;
- (c) General authority with respect to bond, share and commodity transactions excluding any authority to purchase puts, calls or commodities or to purchase any security on margin;
- (d) General authority with respect to banking transactions, including access to safe deposit box(es);
- (e) General authority with respect to business operating transactions;
- (f) General authority with respect to insurance transactions, excluding the right to change the beneficiary of any policy insuring my life;
- (g) General authority with respect to beneficiary transactions;
- (h) General authority with respect to gift transactions; however, this authority shall exclude the power to make gifts to any person other than my

**husband/wife** in excess of the then available exemption under Section 2503 of the Internal Revenue Code of 1986, as amended, or any successor code section thereto;

- (i) General authority with respect to fiduciary transactions;
- (j) General authority with respect to claims and litigation;
- (k) General authority with respect to family maintenance;
- (l) General authority with respect to benefits from military service;
- (m) General authority with respect to records, reports and statements;

(n) General authority with respect to estate transactions, including but not limited to specific authority to add, at any time or times, any or all of the property owned by me to any trust established by me and in existence for my benefit, provided that the income and principal of the trust shall either be distributable to me or to the guardian of my estate or be applied for my benefit during my lifetime;

(o) Specific authority with respect to any individual retirement account ("IRA") or any 401(k) plan, pension, profit-sharing or other qualified plan ("Qualified Plan"), including (1) authority to establish an IRA; (2) authority to make contributions to an IRA or Qualified Plan; (3) authority to initiate a direct tax free rollover from a Qualified Plan to an IRA; (4) authority to initiate a tax free spousal rollover; (5) authority to control the investments in an IRA or Qualified Plan; and (6) authority to elect the form and timing of distributions from an IRA or Qualified Plan;

(p) Specific authority with respect to higher education savings vehicles (for example, Section 529 qualified tuition programs and Section 530 Coverdell education savings accounts) including (1) authority to establish Section 529 and 530 plans; (2) authority to make contributions to the plans; (3) authority to control the investments in the plans to the extent allowed by statute; (4) authority to name and change plan beneficiaries; and (5) authority to elect the timing and distributions from the plans;

(q) General authority to delegate in writing all or any of the authority granted herein; provided, however, that the delegating attorney-in-fact and the

delegate shall be jointly and severally liable for the acts and omissions of the delegate, and provided, further, said delegate's authority shall be automatically terminated when the delegating attorney-in-fact ceases to serve hereunder; and

(r) General authority to perform any and all acts and execute any and all documents not herein excluded the same as I might do were I then present and competent.

With respect to subparagraph (h) above, I expressly authorize the person acting as my attorney-in-fact to direct the then acting trustee(s) of the \_\_\_\_\_ **Trust**, as amended from time to time, to distribute monies or other assets to effect gift transaction(s).

Notwithstanding the foregoing, I direct any person, other than my **husband/wife**, acting as my attorney-in-fact due to my mental disability or impairment to take any and all reasonable action necessary to transfer my business and investment assets to the \_\_\_\_\_ **Trust**, as amended from time to time, c/o the then acting trustee(s).

3. Notwithstanding the foregoing, my said attorney-in-fact shall **NOT** have the right to do any of the following without the express written approval of a court of competent jurisdiction:

(a) Make a will, codicil, trust or trust amendment for me;

(b) Alter, amend or revoke my will or any codicil thereto or any trust or amendment thereto in which I have an interest as settlor, beneficiary or trustee; or

(c) Change the beneficiaries of my life insurance policies, annuity contracts, IRAs or Qualified Plans.

4. My said attorney-in-fact may employ lawyers, investment counsel, accountants and other persons to render services for or to me or my estate and to pay the usual and reasonable fees and compensation of such persons for their services. My said attorney-in-fact may be reimbursed for expenses but shall not be entitled to a fee for services provided.

## **II. Effective Date; Durability; Full Faith and Credit**

This General Durable Power of Attorney shall become effective upon execution and shall not be affected by my subsequent disability or incapacity or by lapse of time. I intend for this General Durable Power of Attorney to be given full faith and credit in any jurisdiction or state in which it is presented.

### **III. Ratification of Acts; Binding Effect**

All acts done by my attorney-in-fact pursuant to this power during any period of my disability or incapacity shall have the same effect and inure to the benefit and bind me and my successors in interest as if I were competent and not disabled.

All actions of my attorney-in-fact shall bind me and my heirs, distributees, legal representatives, successors and assigns, and for the purpose of inducing anyone to act in accordance with the powers I have granted herein, I hereby represent, warrant and agree that if this General Durable Power of Attorney is terminated or amended for any reason, I and my heirs, distributees, legal representatives, successors and assigns will hold such party or parties harmless from any loss suffered or liability incurred by such party or parties while acting in accordance with this power prior to that party's receipt of written notice of any such termination or amendment or actual knowledge of my death.

### **IV. Revocation and Termination**

I hereby revoke any prior General Durable Power of Attorney made by me or any prior designation of an attorney-in-fact made by me.

I further reserve the right of revocation herein; however, this General Durable Power of Attorney shall continue in full force and effect until:

(a) I have executed and recorded in the Recorder's Office of the County of my domicile a written revocation hereof; or

(b) I have delivered written notice of revocation of this General Durable Power of Attorney to my then acting attorney-in-fact; or

(c) I have delivered written notice of revocation to such persons or entities who have relied upon this General Durable Power of Attorney or such persons or entities have actual knowledge of my death.

This General Durable Power of Attorney shall terminate upon my death.

**V. Health Care Power of Attorney**

The provisions of any health care power of attorney or similar document which has been executed by me and which has not been revoked or otherwise been made invalid shall control and take precedence over the provisions of this instrument regarding my health care. In the absence of a health care power of attorney or similar document containing provisions regarding my health care, I confer upon said attorney-in-fact general authority with respect to my health care, including without limitation the withholding or withdrawal of health care in accordance with Indiana Code §§ 30-5-5-16 and 17.

**VI. Successors**

In the event my \_\_\_\_\_ shall fail or cease to act as my attorney-in-fact under this instrument, I hereby designate \_\_\_\_\_, (317) \_\_\_\_\_, as first alternate, and \_\_\_\_\_, (317) \_\_\_\_\_, as second alternate, to serve as my attorney-in-fact. A successor attorney-in-fact shall have all power and authority granted to my first designated attorney-in-fact under this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_ day of \_\_\_\_\_, 2019.

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

STATE OF INDIANA                    )  
                                                  ) SS:  
COUNTY OF MARION                )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, an adult, who acknowledged the execution of the

foregoing General Durable Power of Attorney, and who having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarized Seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My Commission Expires: \_\_\_\_\_  
County

A Resident of \_\_\_\_\_

This instrument prepared by \_\_\_\_\_.

## **Health Care Power of Attorney / Appointment of Health Care Representative**

It is also important that clients designate one or more individuals to act on their behalf to make medical decisions if they are not able to do so for themselves.

Indiana has statutes that allow the appointment of a Health Care Power of Attorney under Indiana Code § 30-5-5-16 and 17 and for the appointment of a Health Care Representative under Indiana Code § 16-36-1-1. Often the appointment of both Health Care Power of Attorney and Appointment of Health Care Representative are done in one document because the rules are similar, will often be the same person and have overlapping provisions. Please see the following sample form:



## DURABLE HEALTH CARE POWER OF ATTORNEY

### I. Appointment of Health Care Representative

I, \_\_\_\_\_, being at least eighteen (18) years of age and mentally competent, do hereby create a durable health care power of attorney under Indiana Code §30-5 et seq. and hereby appoint \_\_\_\_\_ (relationship), (317) \_\_\_\_\_ (hereinafter "Health Care Representative"), to act on my behalf with regard to questions concerning any medical care, treatment, service or procedure to maintain, diagnose, treat or provide for my physical or mental well-being (my "Health Care") if at any time I should be incapable of communicating with regard to my Health Care. This appointment includes the power to consent to or withhold consent for any and all Health Care for me and the power of withdrawal of Health Care under Indiana Code §30-5-5-17.

Except when I am capable of making my own decision with regard to my Health Care, my Health Care Representative shall have priority to act in all matters regarding my Health Care and I hereby confer on my Health Care Representative general authority with respect to Health Care powers including, but not limited to, the power (i) to employ or contract with health care providers for me, (ii) to consent or refuse health care for me in accordance with Indiana Code §16-36-4 et seq. and Indiana Code §16-36-1 et seq., (iii) to admit or release me from a hospital or health care provider, (iv) access my medical records (see below), (v) make anatomical gifts on my behalf, (vi) request an autopsy and (vii) make plans for the disposition of my body. The provisions of subsections (v) to (vii) shall survive my death.

By accepting this appointment, my Health Care Representative affirms that **he/she** will act solely in my best interest without regard to the cost to any interested third party.

### II. Withdrawal or Withholding of Health Care

I authorize my Health Care Representative to make decisions in my best interest concerning withdrawal or withholding of Health Care. If at any time, based on my previously expressed preferences and the diagnosis and prognosis, my Health Care Representative is satisfied that certain Health Care is not or would not be beneficial, or

that such Health Care is or would be excessively burdensome, then my Health Care Representative may express my will that such Health Care be withheld or withdrawn and may consent on my behalf that any or all Health Care be discontinued or not instituted, even if death may result. For example, my Health Care Representative shall have the power and authority to direct my health care providers not to intubate me for any reason, even if death may result.

My Health Care Representative must try to discuss this decision with me. However, if I am unable to communicate, my Health Care Representative may make such a decision for me, after consultation with my physician or physicians and other relevant Health Care givers. To the extent appropriate, my Health Care Representative may also discuss this decision with my family and others, to the extent they are available.

### **III. Effective Date; Full Faith and Credit**

This appointment shall not become effective until such time as I become incapable of consenting to or withholding consent for Health Care as determined by my regular physician, and shall last only so long as such incapacity continues. In the event that my regular physician is unavailable or if consultation would be unadvisable due to an emergency, then my attending physician (i.e., the physician who has the primary responsibility for my treatment and care) shall determine the extent to which I am capable of making decisions with regard to my Health Care.

I intend for this Durable Health Care Power of Attorney to be given full faith and credit in any jurisdiction or state in which it is presented.

### **IV. Successor Health Care Representatives**

In the event my \_\_\_\_\_ is unavailable or refuses to act on my behalf, I authorize and appoint \_\_\_\_\_, (317) \_\_\_\_\_, to act on my behalf with respect to my Health Care. Further, in the event \_\_\_\_\_ is unavailable or refuses to act on my behalf, I authorize and appoint \_\_\_\_\_, (317) \_\_\_\_\_, to act on my behalf with respect to my Health Care.

In the event neither of the above-designated persons is available to act on my behalf, I confer general authority on them [ , and my adult children,] (by majority vote) to appoint some other competent adult in a signed and witnessed writing, to consent to, or withhold consent for, my Health Care during any period when I am incapable of consenting or withholding consent for my Health Care. Such delegation of authority shall not exceed the authority herein granted but may include such conditions as my Health Care Representative deems to be in my best interests.

**V. Revocation of Prior Appointment and Reservation of Power to Revoke**

I hereby revoke any prior Health Care Power of Attorney made by me or any prior designation of Health Care Representative made by me. This Durable Health Care Power of Attorney shall be in effect until it is revoked by me. I fully understand that I may revoke this appointment at any time.

I understand the full import of this appointment and I am voluntarily executing this document as a statement of my intent this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

STATE OF INDIANA                    )  
                                                  ) SS:  
COUNTY OF MARION                )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, an adult, who acknowledged the execution of the

foregoing Durable Health Care Power of Attorney, and who having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarized Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My Commission Expires: \_\_\_\_\_  
County

A Resident of \_\_\_\_\_

This instrument prepared by \_\_\_\_\_.

## **HIPAA Appointment of Personal Representatives**

The HIPAA Appointment of Personal Representatives is written authorization that will enable designated individuals to have access to medical information and the right to distribute the same. Please see the following sample form:

## HIPAA APPOINTMENT OF PERSONAL REPRESENTATIVES

Effective immediately, I, \_\_\_\_\_, being at least eighteen (18) years of age and of sound mind, hereby appoint each of \_\_\_\_\_ and \_\_\_\_\_, as my Personal Representatives for purposes of the Health Insurance Portability and Accountability Act of 1996, including regulations thereto and all future amendments and successors ("HIPAA").

### I. Scope of Authority

Each Personal Representative named above has the same power and authority with respect to the use and disclosure of my individually identifiable health information ("Identifiable Health Information") and protected health information ("Protected Health Information") that I would have if I acted personally. For purposes of HIPAA, I confirm that each individual named above shall be treated by all Covered Entities as my Personal Representative with respect to my Identifiable Health Information and Protected Health Information. I intend that my Identifiable Health Information and Protected Health Information include, without limitation, all medical records and information regarding my past, present or future physical or mental condition and information regarding diagnoses or treatment received or to be received by me for mental illness, drug or alcohol abuse, or communicable diseases.

Consistent with the preceding paragraph and all applicable regulations, I authorize each of my Personal Representatives to sign on my behalf and deliver, to any health care provider, health or life insurance company, health plan, pharmacy, laboratory, health care information clearinghouse, or other Covered Entity, one or more authorizations in a form complying with HIPAA, to authorize the disclosure of any of my Identifiable Health Information or Protected Health Information to my Personal Representative and to further authorize my Personal Representative to make redisclosure of my Identifiable Health Information or Protected Health Information free of any further restrictions.

If my Personal Representative signs an authorization on my behalf he or she may specify an expiration date for the authorization. If no expiration date is specified, the authorization will continue indefinitely until I revoke the authorization in writing or until a court of competent jurisdiction declares that the authorization has terminated or is invalid.

I understand that any information disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by federal

regulations governing privacy and confidentiality of health information (such as the HIPAA Privacy Rule).

## **II. Duration, Revocation and Amendment**

I hereby revoke any prior HIPAA Appointment of Personal Representatives made by me or any prior designation of Personal Representatives for purposes of HIPAA made by me.

The authority of my Personal Representatives to act under this Appointment will not be affected by my later disability, incapacity, or incompetence and will survive my death to the maximum extent permitted under applicable law and regulations.

The authority of my Personal Representatives under this Appointment supersedes any previous agreement that I may have made with health care providers to restrict disclosure of my Identifiable Health Information or Protected Health Information.

I understand that I may revoke the authority of one or more of my Personal Representatives under this Appointment at any time by written notice to the Personal Representatives. I understand that revocation of this authorization will not affect any action a health care provider took in reliance of this authorization and until a health care provider receives actual written notice of my revocation that health care provider is fully authorized to continue to comply with all authorizations signed by my Personal Representatives.

I understand that this Appointment is voluntary and that a health care provider cannot condition my eligibility for benefits, treatment, enrollment or payment of claims on the signing of this Appointment.

A copy of this Appointment is as valid as the original.

Dated: \_\_\_\_\_, 2019

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

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

Printed: \_\_\_\_\_

Printed: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This HIPAA Appointment of Personal Representatives was prepared by \_\_\_\_\_.



## **Living Will**

The living will declaration is a statement regarding whether an individual wants extraordinary measures used to sustain them artificially in the event they are suffering from an imminent, terminal condition. Please see the following sample form:

## LIVING WILL DECLARATION

I, \_\_\_\_\_, being at least eighteen (18) years old and of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and I declare:

### **I. Directions to Withhold or Withdraw Life Sustaining Procedures**

If at any time my attending physician certifies in writing that: (i) I have an incurable injury, disease, or illness; (ii) my death will occur within a short time; and (iii) the use of life prolonging procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the performance or provision of any medical procedure or medication necessary to provide me with comfort care or to alleviate pain, and, if I have so indicated below, the provision of artificially supplied nutrition and hydration.

(Indicate your choice by initialing or making your mark before signing this declaration):

No. 1 \_\_\_\_\_ I wish to receive artificially supplied nutrition and hydration, even if the effort to sustain life is futile or excessively burdensome to me.

No. 2 \_\_\_\_\_ I do not wish to receive artificially supplied nutrition and hydration, if the effort to sustain life is futile or excessively burdensome to me.

No. 3 \_\_\_\_\_ I intentionally make no decision concerning artificially supplied nutrition and hydration, leaving the decision to my health care representative appointed under Indiana Code §16-36-1-7 or my attorney in fact with health care powers under Indiana Code §30-5-5.

### **II. Permanent Unconscious State**

\_\_\_\_\_ In addition, if I have placed my initials on the line adjacent hereto, I wish my attending physician to withhold, or in the event that treatment has already commenced, to withdraw, the provision of artificially or technologically supplied nutrition and hydration, if I am in a permanently unconscious state and if my attending physician and at least one other physician who has examined me determine, to a reasonable degree of medical certainty and in accordance with

reasonable medical standards, that such nutrition or hydration will not or no longer will serve to provide comfort to me or alleviate my pain. For purposes of this declaration “permanently unconscious state” means a state of permanent unconsciousness that (to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by my attending physician and one other physician who has examined me) (i) I am irreversibly unaware of myself and my environment; and (ii) there is a total loss of cerebral cortical functioning, resulting in my having no capacity to experience pain or suffering.

### **III. Expression of Intention**

In the absence of my ability to give directions regarding the use of life-prolonging procedures, it is my intention that this Declaration be honored by my family, attending physician(s) and other health care providers and any health care facilities in which I am a patient as the final expression of my legal right to refuse medical or surgical treatment and that they accept the consequences of my refusal as I have. It is my further intention that, in the absence of my ability to give directions regarding the use of life-prolonging procedures, this Declaration be honored by my lawyer, my clergyman and any other physician(s) and other health care providers as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences of the refusal.

### **IV. Delivery of Declaration and Authorization to Release Medical Records**

I authorize the delivery of this Declaration to any physician, any health care provider, and any health care facility that may provide medical treatment to me and I authorize any physician having custody of this Declaration to release any needed medical information and to deliver any documents and information to any person as may be necessary or desirable to accomplish my intent as expressed herein.

### **V. Revocation of Prior Living Will Declaration and Reservation of Power to Revoke**

I hereby revoke any prior living will declaration made by me. This Declaration shall be in effect until it is revoked by me. I fully understand that I may revoke this Declaration at any time.

I understand the full import of this Declaration and I am executing this document as a statement of my intent this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
\_\_\_\_\_, Declarant

On the \_\_\_\_ day of \_\_\_\_\_, 2019, the declarant signified to me that this Living Will Declaration was being made by the declarant freely and voluntarily and, in my presence the declarant signed such declaration, and I, at the declarant's request, and in the declarant's presence and in the presence of the other witness hereto, signed my name in witness thereof. I further state that the declarant has been personally known to me, and is believed by me to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am not a parent, spouse, or child of the declarant. Further, to the best of my knowledge, I am not entitled to any part of the declarant's estate. I am not directly financially responsible for the declarant's medical care. I am competent and at least eighteen (18) years old.

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_

Printed: \_\_\_\_\_

Printed: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This Living Will Declaration was prepared by \_\_\_\_\_.

# **Section Nine**

# Bankruptcy Practice

**Mark S. Zuckerberg**

Bankruptcy Law Office of Mark S. Zuckerberg, P.C.  
Indianapolis, Indiana

## Section Nine

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**BANKRUPTCY**  
**Is All We Do!**  
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**BANKRUPTCY COURT SOUTHERN DISTRICT - OF INDIANA  
WEBSITE INFORMATION**

# Court Locations

Evansville

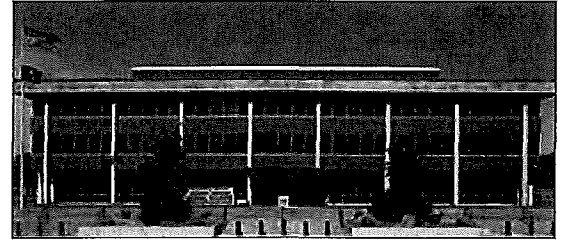
Indianapolis

New Albany

Terre Haute

**Street Address:**

Winfield K. Denton Federal Building & United States Courthouse  
101 Northwest Martin Luther King Jr. Boulevard  
Evansville, IN 47708 (map)



**Mailing Address:**

United States Bankruptcy Court  
352 Federal Building  
101 Northwest Martin Luther King Jr. Boulevard  
Evansville, IN 47708

**Counties Served in Evansville:**

Daviess, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick

**Phone:** (812) 434-6470

**Fax:** (812) 434-6471

Warning: Filing by fax is not allowed. Do not fax documents to any chambers or Clerk staff unless requested.

After 4:00 PM, the Bankruptcy Clerk may not be able to process new cases until the next business day.

**Business Hours:**

Monday - Friday 8:30 AM - 4:30 PM - CST

**Note:** The Evansville office is on Central time.

Closed weekends and Legal Holidays

Free **Parking** is available on many of the streets in the downtown area.

**Disability Access:**

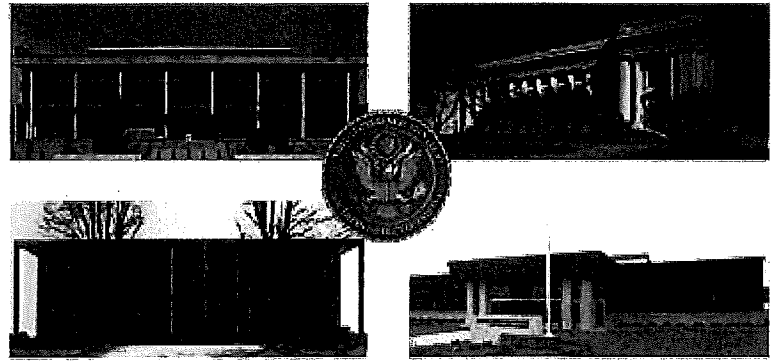
Disability access to the courthouse is located at the main entrance.

# Court Info

This section of the website provides court related information such as case assignment to staff, statistics, holiday closings, courthouse restrictions and etiquette, emergency closing and delay guidance, jurisdiction, where to file a case, office locations, and hours of operation.

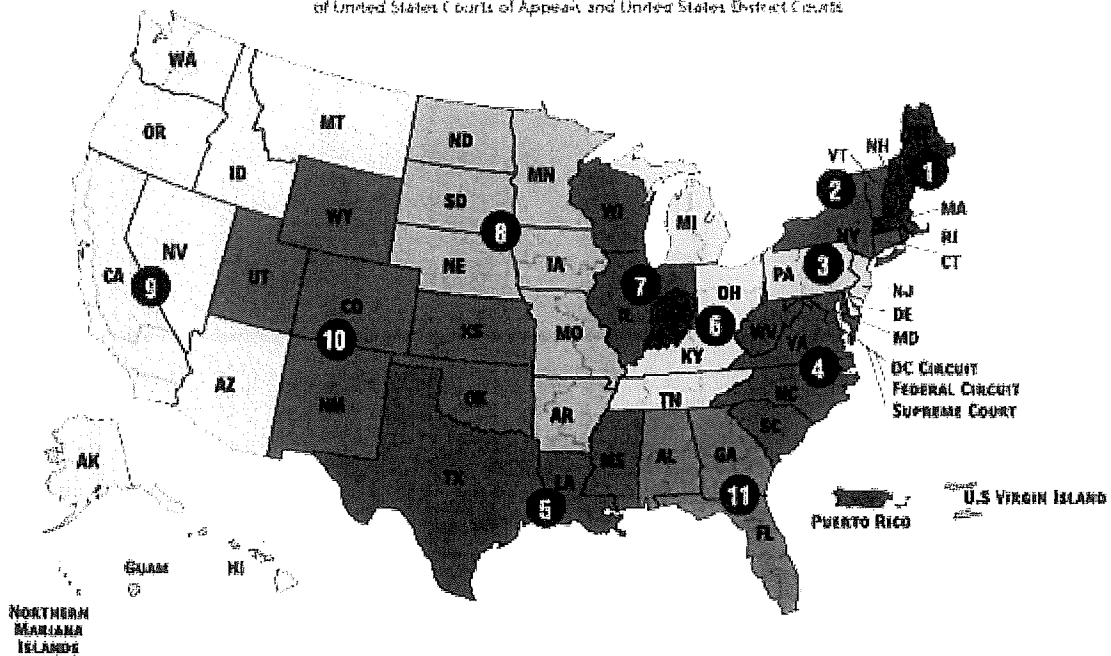
The United States Bankruptcy Court for the Southern District of Indiana has 4 active judges.

Court proceedings take place in Evansville, Indianapolis, New Albany, and Terre Haute. The Southern District of Indiana is one of 94 judicial districts in the federal court system. In addition, the Southern District serves 60 counties in Indiana beginning with Howard county and extending to the entire southern boarder of the state. Local Rules assist in governing the conduct of all actions filed in the Southern District. Information on this website is provided to assist the public and the Bar in conducting business with the Court. The Court will frequently update the website with news, announcements, rules, fees, and procedures. Welcome to our website.



## Geographic Boundaries

of United States Courts of Appeal and United States District Courts



# Jurisdiction & Where to File

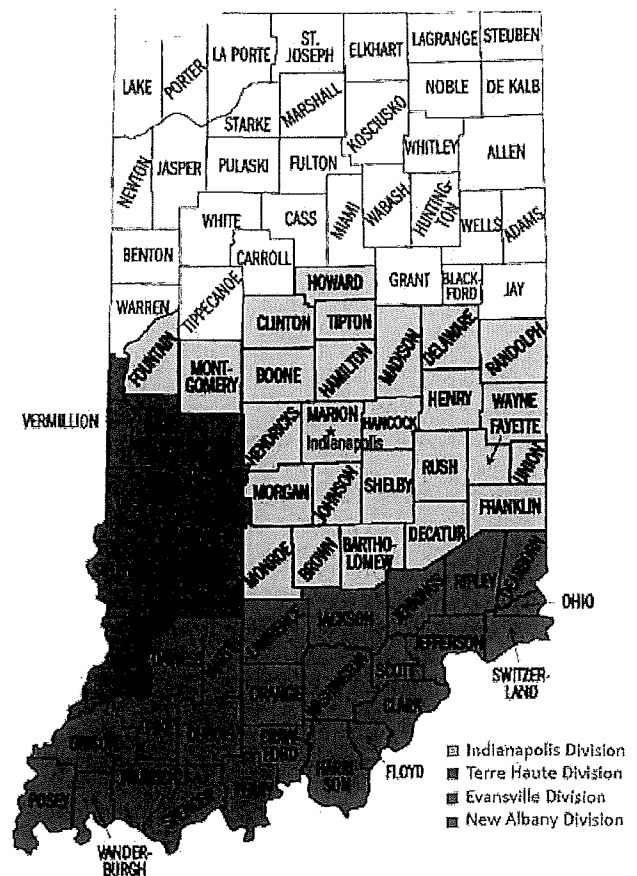
For cases filed non-electronically, all petitions, lists, schedules, statements and other documents required by the Bankruptcy Court to commence a case shall be filed with the Clerk's Office in the division where the principal place of business, domicile, residence, or principal assets of the debtor have been located for such period of time as required by 28 U.S.C. §1408. If the Court determines that a case has been filed in the incorrect division, the Court may transfer the case to the correct division without notice. All papers tendered for filing after the commencement of a case shall be filed with the Clerk's Office in the division where the case is pending. (Local Rule B-1002-1)

To locate the proper division for filing, select the county in which the residence or principle assets are located.

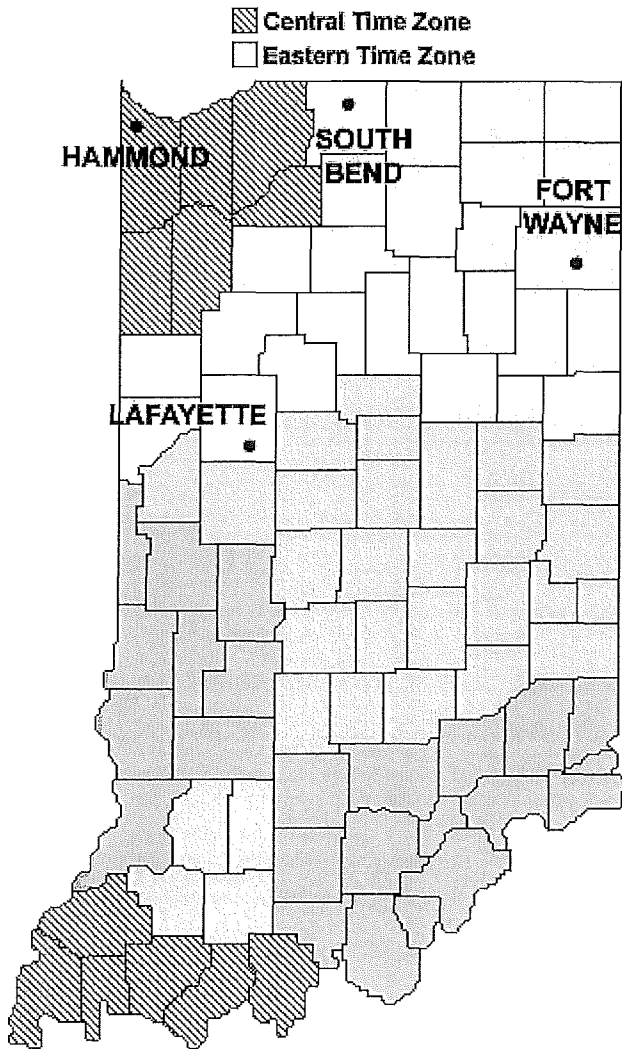
Note: cases from counties assigned to the Terre Haute Division that are not filed electronically must be filed in the Evansville Division.

## Counties:

Bartholomew	Franklin	Madison	Ripley
Boone	Gibson	Marion	Rush
Brown	Greene	Martin	Scott
Clark	Hamilton	Monroe	Shelby
Clay	Hancock	Montgomery	Spencer
Clinton	Harrison	Morgan	Sullivan
Crawford	Hendricks	Ohio	Switzerland
Daviess	Henry	Orange	Tipton
Dearborn	Howard	Owen	Union
Decatur	Jackson	Parke	Vanderburgh
Delaware	Jefferson	Perry	Vermillion
Dubois	Jennings	Pike	Vigo
Fayette	Johnson	Posey	Warrick
Floyd	Knox	Putnam	Washington
Fountain	Lawrence	Randolph	Wayne



# District Composition



**Fort Wayne:** Comprised of the counties of Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, LaGrange, Noble, Steuben, Wells, and Whitley.

**South Bend:** Comprised of the counties of Cass, Elkhart, Fulton, Kosciusko, LaPorte, Marshall, Miami, Pulaski, St. Joseph, Starke, and Wabash.

**Hammond at Lafayette:** Comprised of the counties of Benton, Carroll, Jasper, Newton, Tippecanoe, Warren, and White.

**Hammond:** Comprised of the counties of Lake and Porter.



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**➔ INDIANA SOUTHERN BANKRUPTCY COURT**  
**Login**  
 \* Required Information

**Username \***

**Password \***

**Client Code**

[Forgot password?](#) | [Forgot username?](#) | [Need an account?](#)

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*This site is maintained by the Administrative Office of the U.S. Courts, PACER Service Center.*

**BANKRUPTCY COURT - REQUIRED CHECKLIST FOR  
BANKRUPTCY FILING**



# Bankruptcy Forms

Form Number	Form Name	Category
B 101	<u>Voluntary Petition for Individuals Filing for Bankruptcy</u>	Individual Debtors
B 101A	<u>Initial Statement About an Eviction Judgment Against You (individuals)</u>	Individual Debtors
B 101B	<u>Statement About Payment of an Eviction Judgment Against You (individuals)</u>	Individual Debtors
B 103A	<u>Application for Individuals to Pay the Filing Fee in Installments</u>	Individual Debtors
B 103B	<u>Application to Have the Chapter 7 Filing Fee Waived</u>	Individual Debtors
B 104	<u>For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders</u>	Individual Debtors
B 105	<u>Involuntary Petition Against an Individual</u>	Individual Debtors
B 106 Declaration	<u>Declaration About an Individual Debtor's Schedules</u>	Individual Debtors
B 106 Summary	<u>A Summary of Your Assets and Liabilities and Certain Statistical Information (individuals)</u>	Individual Debtors
B 106A/B	<u>Schedule A/B: Property (individuals)</u>	Individual Debtors
B 106C	<u>Schedule C: The Property You Claim as Exempt (individuals)</u>	Individual Debtors
B 106D	<u>Schedule D: Creditors Who Hold Claims Secured By Property (individuals)</u>	Individual Debtors
B 106E/F	<u>Schedule E/F: Creditors Who Have Unsecured Claims (individuals)</u>	Individual Debtors
B 106G	<u>Schedule G: Executory Contracts and Unexpired Leases (individuals)</u>	Individual Debtors
B 106H	<u>Schedule H: Your Codebtors (individuals)</u>	Individual Debtors
B 106I	<u>Schedule I: Your Income (individuals)</u>	Individual Debtors
B 106J	<u>Schedule J: Your Expenses (individuals)</u>	Individual Debtors
B 106J-2	<u>Schedule J-2: Expenses for Separate Household of Debtor 2 (individuals)</u>	Individual Debtors
B 107	<u>Your Statement of Financial Affairs for Individuals Filing for Bankruptcy (individuals)</u>	Individual Debtors
B 108	<u>Statement of Intention for Individuals Filing Under Chapter 7</u>	Individual Debtors
B 113	<u>Chapter 13 Plan</u>	Individual Debtors
B 119	<u>Bankruptcy Petition Preparer's Notice, Declaration and Signature</u>	Individual Debtors
B 121	<u>Your Statement About Your Social Security Numbers</u>	Individual Debtors
B 122A-1	<u>Chapter 7 Statement of Your Current Monthly Income</u>	Means Test Forms

Form Number	Form Name	Category
B 309F1	<u>Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships)</u>	Meeting of Creditors Notices
B 309F2	<u>Notice of Chapter 11 Bankruptcy Case (For Corporations or Partnerships under Subchapter V)</u>	Meeting of Creditors Notices
B 309G	<u>Notice of Chapter 12 Bankruptcy Case (For Individuals or Joint Debtors)</u>	Meeting of Creditors Notices
B 309H	<u>Notice of Chapter 12 Bankruptcy Case (For Corporations or Partnerships)</u>	Meeting of Creditors Notices
B 309I	<u>Notice of Chapter 13 Bankruptcy Case</u>	Meeting of Creditors Notices
B 312	<u>Order and Notice for Hearing on Disclosure Statement</u>	Bankruptcy Forms
B 313	<u>Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof</u>	Bankruptcy Forms
B 314	<u>Ballot for Accepting or Rejecting Plan</u>	Bankruptcy Forms
B 315	<u>Order Confirming Plan</u>	Bankruptcy Forms
B 318	<u>Discharge of Debtor in a Chapter 7 Case</u>	Bankruptcy Forms
B 401	<u>Petition for Recognition of Foreign Proceeding</u>	Bankruptcy Forms
B 410	<u>Proof Of Claim</u>	Bankruptcy Forms
B 410A	<u>Proof Of Claim, Attachment A</u>	Bankruptcy Forms
B 410S-1	<u>Proof Of Claim, Supplement 1</u>	Bankruptcy Forms
B 410S-2	<u>Proof Of Claim, Supplement 2</u>	Bankruptcy Forms
B 411A	<u>General Power of Attorney</u>	Bankruptcy Forms
B 411B	<u>Special Power of Attorney</u>	Bankruptcy Forms
B 416A	<u>Caption</u>	Bankruptcy Forms
B 416B	<u>Caption (Short Title)</u>	Bankruptcy Forms
B 416D	<u>Caption for Use in Adversary Proceeding other than for a Complaint Filed by a Debtor</u>	Bankruptcy Forms
B 417A	<u>Notice Of Appeal And Statement Of Election</u>	Appellate Forms
B 417B	<u>Optional Appellee Statement Of Election To Proceed In District Court</u>	Appellate Forms
B 417C	<u>Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)</u>	Appellate Forms
B 420A	<u>Notice of Motion or Objection</u>	Bankruptcy Forms

Form Number	Form Name	Category
B 2310B	<u>Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan</u>	Bankruptcy Forms
B 2400A	<u>Reaffirmation Documents</u>	Bankruptcy Forms
B 2400A/B ALT	<u>Reaffirmation Agreement</u>	Bankruptcy Forms
B 2400B	<u>Motion For Approval of Reaffirmation Agreement</u>	Bankruptcy Forms
B 2400C	<u>Order on Reaffirmation Agreement</u>	Bankruptcy Forms
B 2400C ALT	<u>Order on Reaffirmation Agreement (Alt.)</u>	Bankruptcy Forms
B 2500A	<u>Summons in an Adversary Proceeding</u>	Bankruptcy Forms
B 2500B	<u>Summons and Notice of Pretrial Conference in an Adversary Proceeding</u>	Bankruptcy Forms
B 2500C	<u>Summons and Notice of Trial in an Adversary Proceeding</u>	Bankruptcy Forms
B 2500D	<u>Third-Party Summons</u>	Bankruptcy Forms
B 2500E	<u>Summons to Debtor in Involuntary Case</u>	Bankruptcy Forms
B 2500F	<u>Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding</u>	Bankruptcy Forms
B 2530	<u>Order For Relief in an Involuntary Case</u>	Bankruptcy Forms
B 2540	<u>Subpoena For Rule 2004 Examination</u>	Bankruptcy Forms
B 2550	<u>Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case (or Adversary Proceeding)</u>	Bankruptcy Forms
B 2560	<u>Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)</u>	Bankruptcy Forms
B 2570	<u>Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding)</u>	Bankruptcy Forms
B 2600	<u>Entry of Default</u>	Bankruptcy Forms
B 2610A	<u>Judgment by Default - Clerk</u>	Bankruptcy Forms
B 2610B	<u>Judgment by Default - Judge</u>	Bankruptcy Forms
B 2610C	<u>Judgment in an Adversary Proceeding</u>	Bankruptcy Forms
B 2620	<u>Notice of Entry of Judgment</u>	Bankruptcy Forms
B 2630	<u>Bill of Costs</u>	Bankruptcy Forms
B 2640	<u>Writ of Execution to the United State Marshal</u>	Bankruptcy Forms
B 2650	<u>Certification of Judgment for Registration in Another District</u>	Bankruptcy Forms
B 2700	<u>Notice of Filing of Final Report of Trustee</u>	Bankruptcy Forms
B 2710	<u>Final Decree</u>	Bankruptcy Forms

# General Orders

Looking for a General Order not on this list or have been rescinded or superseded? [Click here](#) for General Orders that have been archived and are now part of the Local Rules.

Date Posted	
06.16.20	<b>General Order 20-0008:</b> Order Regarding Chapter 13 Procedure Changes Resulting from CARES Act
04.21.20	<b>General Order 20-0007:</b> Order Regarding Revision to Interim Bankruptcy Rule 1020
04.07.20	<b>General Order 20-0006:</b> Order Requiring Trustee Use of ACH to Remit Funds to Court
03.31.20	<b>General Order 20-0005:</b> Order Extending 365(d)(1) Deadline
03.25.20	<b>General Order 20-0004:</b> Order Concerning Evidence at Telephonic Hearings
03.31.20	<b>General Order 20-0003:</b> Order Concerning Temporary Filing Procedures for Parties not Represented by an Attorney
03.23.20	<b>General Order 20-0002:</b> Order Concerning Temporary Waiver of Signature Requirement on Debtor's Documents
01.23.18	<b>General Order 18-0001:</b> Order Refunding Fees
11.15.17	<b>General Order 17-0003:</b> Order Concerning Installment Fees Payment Schedule
11.15.17	<b>General Order 17-0002:</b> Order Adopting Chapter 13 Plan Form
11.30.16	<b>General Order 16-0006:</b> Order Concerning Status and Maintenance of General Orders
10.14.16	<b>General Order 16-0004:</b> Order Regarding Deposit and Investment of Registry Funds
07.14.16	<b>General Order 16-0002:</b> Order Establishing Loss Mitigation Program for Chapter 13 Cases
11.05.14	<b>General Order 14-0006:</b> Order Waiving Fee for Motions for Protective Order Pursuant to FED.R.BANKR.P. 9037
10.16.14	<b>General Order 14-0005:</b> Order Setting Maximum Fee for Chapter 13 Cases Under Local Rule B-2016-1(b)
11.30.12	<b>General Order 12-0006:</b> Amended Order Adopting Interim Rule 1007-1
01.05.10	<b>General Order 10-0001:</b> Order Directing Informal Dispute Resolution in Chapter 13 Cases (New Albany Division Only)

**BANKRUPTCY COURT - FEE SCHEDULES**

**SCHEDULE OF BANKRUPTCY FEES**

All checks, money orders and certified funds must be made payable to "Clerk, U.S. Bankruptcy Court".

Ref: 28 U.S.C. Sec. 1930 - Bankruptcy Court Miscellaneous Fee Schedule

**NOTE:** The Clerk's Office will not accept checks or credit cards from debtors.

Chapter 7: <u>Total Cost</u> .....		\$	335.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	245.00
	Administrative Fee.....	\$	75.00
	Trustee Surcharge Fee .....	\$	15.00
Chapter 9: <u>Total Cost</u> .....		\$	1717.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	1167.00
	Administrative Fee.....	\$	550.00
Chapter 11: <u>Total Cost</u> .....		\$	1717.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	1167.00
	Administrative Fee.....	\$	550.00
Chapter 12: <u>Total Cost</u> .....		\$	275.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	200.00
	Administrative Fee.....	\$	75.00
Chapter 13: <u>Total Cost</u> .....		\$	310.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	235.00
	Administrative Fee.....	\$	75.00
Chapter 15: <u>Total Cost</u> .....		\$	1717.00
BREAKDOWN OF FEES:			
	Filing Fee .....	\$	1167.00
	Administrative Fee.....	\$	550.00
Abandonment .....		\$	181.00
Adequate Protection .....		\$	181.00
Adversary Filing .....		\$	350.00
Amendment to Schedules D or E/F or list of creditors .....		\$	31.00
Appeal/Cross Appeal, Filing and Docketing of .....		\$	298.00
Authorized Direct Appeal.....		\$	207.00
Certifying a document or paper .....		\$	11.00
Conversion: Chapter 7 to Chapter 11 filed by debtor.....		\$	922.00
Chapter 7 to Chapter 13.....		\$	no fee
Chapter 11 to Chapter 7.....		\$	15.00
Chapter 12 to Chapter 7.....		\$	60.00
Chapter 12 to Chapter 11.....		\$	no fee
Chapter 12 to Chapter 13.....		\$	no fee
Chapter 13 to Chapter 7.....		\$	25.00
Chapter 13 to Chapter 11 filed by debtor.....		\$	932.00
Copy cost (per page) .....		\$	.50
Copy of electronic record outside CM/ECF.....		\$	31.00
Exemplification of a document or paper.....		\$	22.00
Filing any document not in a case.....		\$	47.00
Payment returned for insufficient funds.....		\$	53.00
Pro Hac Vice, Motion to Appear.....		\$	100.00
Redaction of Personal Identifiers .....		\$	25.00
Relief from Stay, if not agreed to by all parties .....		\$	181.00
Reopening: Chapter 7 .....		\$	260.00
Chapter 9.....		\$	1167.00
Chapter 11.....		\$	1167.00
Chapter 12.....		\$	200.00
Chapter 13.....		\$	235.00
Chapter 15.....		\$	1167.00
Reproduction of recordings of proceedings (includes cost of materials).....		\$	31.00
Retrieval of a record from the Federal Record Center.....		\$	64.00
Retrieval of a second box of a record from the Federal Record Center .....		\$	39.00
Retrieval of electronic records from the Federal Record Center .....		\$	19.90
Retrieval of electronic records from the Federal Record Center copy costs (per page) .....		\$	.65
Search of records of the court.....		\$	31.00
Sell Pursuant to 11 U.S.C. Sec. 363(f), Motion to.....		\$	181.00
Termination of joint administration or consolidation			
Chapter 7.....		\$	335.00
Chapter 11.....		\$	1717.00
Chapter 12.....		\$	275.00
Chapter 13.....		\$	310.00
Transfer of Claim .....		\$	25.00
Withdrawal of Reference (to U.S. District Court) .....		\$	181.00

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# Local Rules

**Navigation: Browse the Local Rules from the left side of the webpage or below.**

**Click Navigation Tips for additional instructions.**

Local Rules PDF version **DISCLAIMER:** The PDF version is not the official version of the Local Rules but is a mirror image of those rules in a printable format. Every effort is made to ensure that this document is current and matches the official version exactly. **SEARCH** the rules by using the Printer Friendly version and using the Ctrl+F keys on your keyboard.

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**UNITED STATES TRUSTEE PROGRAM – REGION 10  
WEBSITE INFORMATION**

An official website of the United States government [Here's how you know](#) v

**Federal Judicial Districts Established for Indiana and Illinois**

The United States Trustee Program is the component of the U.S. Department of Justice that supervises the administration of bankruptcy cases. The United States Trustee for Region 10 serves the federal judicial districts established for Indiana and the Central and Southern Districts of Illinois. The regional office is located in Indianapolis, IN. The links on this site contain information about the regional office of the United States Trustee and the field offices within Region 10.

**IMPORTANT NOTICES**

**U.S. TRUSTEE PROGRAM EXTENDS TELEPHONIC OR VIDEO SECTION 341 MEETING**

Friday, August 28, 2020

The U.S. Trustee Program has extended the requirement that section 341 meetings be conducted by telephone or video appearance to all cases filed during the period of the President's "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak" issued March 13, 2020, and ending on the date that is 60 days after such declaration terminates. However, the U.S. Trustee may approve a request by a trustee in a particular case to continue the section 341 meeting to an in-person meeting in a manner that complies with local public health guidance, if the U.S. Trustee determines that an in-person examination of the debtor is required to ensure the completeness of the meeting or the protection of estate property. This policy may be revised at the discretion of the Director of the United States Trustee Program.

**USTP ISSUES NOTICE TO CHAPTER 7 AND 13 TRUSTEES REGARDING RECOVERY REBATES UNDER THE CARES ACT OF 2020**

Tuesday, April 7, 2020

[Read More](#)

**U.S. Trustee Program**

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**U.S. Bankruptcy Courts**

- [Southern District of Indiana](#)
- [Northern District of Indiana](#)
- [Central District of Illinois](#)
- [Southern District of Illinois](#)

**Bankruptcy Information Sheet**

The bankruptcy information sheet provides some general information about what happens in a bankruptcy case, and it is available in a number of languages on the following page: [Information for Individuals with Limited English Proficiency](#).

**Web Site Comments?**

The U.S. Trustee Program recently redesigned this Web site. If you are having trouble locating information or have comments on the redesigned site, please email us at [USTWeb](mailto:USTWeb).

**Questions?**

Please email questions concerning this Web site to: [USTP.Region10@usdoj.gov](mailto:USTP.Region10@usdoj.gov)

**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor

Debtor 2 Jane Ann Debtor  
(Spouse if, filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(if known)

**Official Form 410  
Proof of Claim**

4/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

<b>1. Who is the current creditor?</b>	<b>Bankruptcy Law Office of Mark S. Zuckerb</b> Name of the current creditor (the person or entity to be paid for this claim)  Other names the creditor used with the debtor _____	
<b>2. Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
<b>3. Where should notices and payments to the creditor be sent?</b> Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b> <b>Bankruptcy Law Office of Mark S. Zuckerb</b> <b>429 N. Pennsylvania Street - Suite 100</b> <b>Indianapolis, IN 46204</b> Name, Number, Street, City, State & Zip Code  Contact phone <u>317-687-0000</u> Contact email _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b>  Name, Number, Street, City, State & Zip Code  Contact phone _____ Contact email _____
<b>4. Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____	
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 2,830.00 Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

**Services performed** \_\_\_\_\_

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
Nature of property:  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
Basis for perfection: \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
Value of property: \$ \_\_\_\_\_  
Amount of claim that is secured: \$ \_\_\_\_\_  
Amount of claim that is unsecured: \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
Amount necessary to cure any default as of the date of the petition: \$ \_\_\_\_\_  
Annual Interest Rate (when case was filed) 0 %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition: \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ \_\_\_\_\_

Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ \_\_\_\_\_

Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ \_\_\_\_\_

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ \_\_\_\_\_

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)( Legal Fees ) that applies. \$ 2,830.00

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3:**

**Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date September 9, 2020  
MM/ DD / YYYY

/s/ Mark S. Zuckerberg  
Signature

Print the name of the person who is completing and signing this claim:

Name Mark S. Zuckerberg

Title Attorney for Debtors

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number, Street, City, State and Zip Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

**MODEL CHAPTER 13 PLAN**



**United States Bankruptcy Court  
Southern District of Indiana**

In re John Doe Debtor  
Jane Ann Debtor

Debtor(s)

Case No. \_\_\_\_\_

Chapter 13

**CHAPTER 13 PLAN**

■ Original

Amended Plan # \_\_\_ (e.g. 1<sup>st</sup>, 2<sup>nd</sup>)

\*\**MUST BE DESIGNATED*\*\*

**1. NOTICE TO INTERESTED PARTIES:**

The Debtor must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Include", if neither box is checked, or if both boxes are checked, the provision will be ineffective if set out later in the plan.

- |                                                                                                                                                                                     |                                   |                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------|
| 1.1 A limit on the amount of a secured claim, pursuant to paragraph 8.(b), which may result in a partial payment or no payment at all to the secured creditor.                      | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not Included |
| 1.2 Avoidance of a judicial lien or nonpossessory, non-purchase money security interest. Any lien avoidance shall occur by separate motion or proceeding, pursuant to paragraph 12. | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not Included |
| 1.3 Nonstandard provisions, set out in paragraph 15.                                                                                                                                | <input type="checkbox"/> Included | <input checked="" type="checkbox"/> Not Included |

**2. GENERAL PROVISIONS:**

- (a) **YOUR RIGHTS MAY BE AFFECTED.** Read these papers carefully and discuss them with your attorney. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed without further notice or hearing unless a written objection is filed before the deadline stated on the separate Notice you received from the Court.
- (b) **PROOFS OF CLAIM:** You must file a proof of claim to receive distributions under the plan. Absent a Court order determining the amount of the secured claim, the filed proof of claim shall control as to the determination of pre-petition arrearages; secured and priority tax liabilities; other priority claims; and the amount required to satisfy an offer of payment in full. All claims that are secured by a security interest in real estate shall comply with the requirements of Federal Rule of Bankruptcy Procedure ("FRBP") 3001(c)(2)(C).
- (c) **NOTICES RELATING TO MORTGAGES:** As required by Local Rule B-3002.1-1, all creditors with claims secured by a security interest in real estate shall comply with the requirements of FRBP 3002.1(b) and (c) without regard to whether the real estate is the Debtor's principal residence. If there is a change in the mortgage servicer while the bankruptcy is pending, the mortgage holder shall file with the Court and serve upon the Debtor, Debtor's counsel and the Chapter 13 Trustee ("Trustee") a Notice setting forth the change and providing the name of the new servicer, the payment address, a contact phone number and a contact e-mail address.
- (d) **NOTICES (OTHER THAN THOSE RELATING TO MORTGAGES):** Non-mortgage creditors in Section 8(c) (whose rights are not being modified) or in Section 11 (whose executory contracts/unexpired leases are being assumed) may continue to mail customary notices or coupons to the Debtor or the Trustee notwithstanding the automatic stay.
- (e) **EQUAL MONTHLY PAYMENTS:** As to payments required by paragraphs 7 and 8, the Trustee may increase the amount of any "Equal Monthly Amount" offered to appropriately amortize the claim. The Trustee shall be permitted to accelerate payments to any class of creditor for efficient administration of the case.
- (f) **PAYMENTS FOLLOWING ENTRY OF ORDERS LIFTING STAY:** Upon entry of an order lifting the stay, no distributions shall be made on any secured claim relating to the subject collateral until such time as a timely amended deficiency claim is filed by such creditor and deemed allowed, or the automatic stay is re-imposed by further order of the Court.

**3. SUBMISSION OF INCOME:** Debtor submits to the supervision and control of the Trustee all or such portion of future earnings or other future income or specified property of the Debtor as is necessary for the execution of this plan.

**4. PLAN TERMS:**

(a) **PAYMENT AND LENGTH OF PLAN:** Debtor shall pay \$ \$2,265.00 per month for 60 months to the Trustee, starting not later than 30 days after the order for relief, for 60 months, for a total amount of \$ 135,900.00 .

Additional payments to the Trustee and/or future changes to the periodic amount proposed are:

None.

(b) **INCREASED FUNDING:** If additional property comes into the estate pursuant to 11 U.S.C. §1306(a)(1) or if the Trustee discovers undisclosed property of the estate, then the Trustee may obtain such property or its proceeds to increase the total amount to be paid under the plan. However, if the Trustee elects to take less than 100% of the property to which the estate may be entitled OR less than the amount necessary to pay all allowed claims in full, then a motion to compromise and settle will be filed, and appropriate notice given.

(c) **CURING DEFAULTS:** If Debtor falls behind on plan payments or if changes to the payments owed to secured lenders require additional funds from the Debtor's income, the Debtor and the Trustee may agree that the Debtor(s) will increase the periodic payment amount or that the time period for making payments will be extended, not to exceed 60 months. Creditors will not receive notice of any such agreement unless the total amount that the Debtor(s) will pay to the Trustee decreases. Any party may request in writing, addressed to the Trustee at the address shown on the notice of the meeting of creditors, that the Trustee give that party notice of any such agreement. Agreements under this section cannot extend the term of the plan more than 6 additional months.

(d) **OTHER PLAN CHANGES:** Any other modification of the plan shall be proposed by motion pursuant to 11 U.S.C. §1329. Service of any motion to modify this plan shall be made by the moving party as required by FRBP 2002(a)(5) and 3015(h), unless otherwise ordered by the Court.

**5. PAYMENT OF ADMINISTRATIVE CLAIMS (INCLUSIVE OF DEBTOR'S ATTORNEY FEES):**

NONE

All allowed administrative claims will be paid in full by the Trustee unless the creditor agrees otherwise:

Creditor	Type of Claim	Scheduled Amount
Mark S. Zuckerberg 13815-49	Attorney Fees	\$2,830.00

**6. PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS:**

(a) **Ongoing Domestic Support Obligations:**

NONE

Debtor shall make any Domestic Support Obligation payments that are due after the filing of the case under a Domestic Support Order directly to the payee:

Creditor	Type of Claim	Payment Amount
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(b) **Domestic Support Obligation Arrears.**

NONE

The following arrearages on Domestic Support Obligations will be paid in the manner specified:

Creditor	Type of Claim	Estimated Arrears	Treatment
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**7. PAYMENT OF SECURED CLAIMS RELATING SOLELY TO THE DEBTOR'S PRINCIPAL RESIDENCE:**

NONE

As required by Local Rule B-3015-1(d), if there is a pre-petition arrearage claim on a mortgage secured by the Debtor's principal residence, then both the pre-petition arrearage and the postpetition mortgage installments shall be made through the Trustee. Initial post-petition payment arrears shall be paid with secured creditors. If there are no arrears, the Debtor may pay the secured creditor directly. Before confirmation, the payment to the mortgage lender shall be the regular monthly mortgage payment unless otherwise ordered by the Court or modified pursuant to an agreement with the mortgage lender. After confirmation, payment shall be as set forth below. Equal Monthly Amount and Estimated Arrears listed below shall be adjusted based on the filed claim and/or notice. Delinquent real estate taxes and homeowners' association or similar dues should be treated under this paragraph.

Creditor	Residential Address	Estimated Arrears	Equal Monthly Amount	Select One for Mortgages ONLY:
Freedom Mortgage	123 UnEasy Street Carmel, IN 46032 Hamilton County	\$8,000.00	\$1,500.00	X Trustee Pay Direct Pay

No late charges, fees or other monetary amounts shall be assessed based on the timing of any payments made by the Trustee under the provisions of the Plan, unless allowed by Order of the Court.

**8. PAYMENT OF SECURED CLAIMS OTHER THAN CLAIMS TREATED UNDER PARAGRAPH 7:**

**(a) Secured Claims as to Which 11 U.S.C. § 506 Valuation Is Not Applicable:**

NONE

Pursuant to Local Rule B-3015-1(c), and unless otherwise ordered by the Court, prior to plan confirmation, as to secured claims not treated under paragraph 7 and as to which valuation under 11 U.S.C. § 506 is not applicable, the Trustee shall pay monthly adequate protection payments equal to 1% of a filed secured claim. The Trustee shall disburse such adequate protection payments to the secured creditor as soon as practicable after receiving plan payments from the Debtor, and the secured claim will be reduced accordingly. After confirmation of the plan, unless otherwise provided in paragraph 15, the Trustee will pay to the holder of each allowed secured claim the filed claim amount with interest at the rate stated in column 5.

Creditor	Collateral	Purchase Date	Estimated Claims Amount	Interest Rate	Equal Monthly Amount
PNC Bank	2016 Jeep Cherokee	9/2019	\$16,500.00	5.00%	\$374.48

**(b) Secured Claims as to Which 11 U.S.C. § 506 Valuation Is Applicable:**

NONE

Pursuant to Local Rule B-3015-1(c), and unless otherwise ordered by the Court, prior to plan confirmation as to secured claims not treated under paragraph 7 but as to which § 506 valuation is applicable, the Trustee shall pay monthly adequate protection payments equal to 1% of the value of the collateral stated below. The Trustee shall disburse such adequate protection payments to the secured creditor as soon as practicable after receiving plan payments from the Debtor, and the secured claim will be reduced accordingly. After confirmation of the plan, unless otherwise provided in paragraph 15, the Trustee will pay to the holder of each allowed secured claim in the manner set forth below.

(1) Creditor	(2) Collateral	(3) Purchase Date	(4) Scheduled Debt	(5) Value	(6) Interest Rate	(7) Equal Monthly Amount
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**(c) Curing Defaults and/or Maintaining Payments:**

NONE

Trustee shall pay the allowed claim for the arrearage, and Debtor shall pay regular post-petition contract payments directly to the creditor:

Creditor	Collateral/Type of Debt	Estimated Arrears	Interest Rate
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**(d) Surrendered/Abandoned Collateral:**

NONE

The Debtor intends to surrender the following collateral. Upon confirmation, the Chapter 13 estate abandons any interest in, and the automatic stay pursuant to 11 U.S.C. § 362 is terminated as to, the listed collateral and the automatic stay pursuant to 11 U.S.C. § 1301 is terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in paragraph 10.(b) below. Upon confirmation, the secured creditor is free to pursue its *in rem* rights.

Creditor	Collateral	Surrendered/Abandoned	Scheduled Value
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**9. SECURED TAX CLAIMS AND 11 U.S.C. § 507 PRIORITY CLAIMS:**

NONE

All allowed secured tax obligations shall be paid in full by the Trustee, inclusive of statutory interest thereon (whether or not an interest factor is expressly offered by plan terms). All allowed priority claims shall be paid in full by the Trustee, exclusive of interest, unless the creditor agrees otherwise:

Creditor	Type of Priority or Secured Claim	Scheduled Debt	Treatment
Indiana Department of Revenue	11 U.S.C. 507(a)(8)	\$0.00	Notice Only
Internal Revenue Service	11 U.S.C. 507(a)(8)	\$6,000.00	Pay in full through plan

**10. NON-PRIORITY UNSECURED CLAIMS:**

(a) Separately Classified or Long-term Debts:

NONE

Creditor	Basis for Classification	Treatment	Amount	Interest
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(b) General Unsecured Claims:

Pro rata distribution from any remaining funds; or

Other: \_\_

**11. EXECUTORY CONTRACTS AND UNEXPIRED LEASES:**

NONE

All executory contracts and unexpired leases are REJECTED, except the following, which are assumed:

Creditor	Property Description
----------	----------------------

**12. AVOIDANCE OF LIENS:**

NONE

Debtor will file a separate motion or adversary proceeding to avoid the following non-purchase money security interests, judicial liens, wholly unsecured mortgages or other liens that impair exemptions:

Creditor	Collateral/Property Description	Amount of Lien to be Avoided
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**13. LIEN RETENTION:** With respect to each allowed secured claim provided for by the plan, the holder of such claim shall retain its lien securing such claim until the earlier of a) the payment of the underlying debt determined under non-bankruptcy law or b) entry of a discharge order under 11 U.S.C. § 1328.

**14. VESTING OF PROPERTY OF THE ESTATE:** Except as necessary to fund the plan or as expressly retained by the plan or confirmation order, the property of the estate shall revert in the Debtor upon confirmation of the Debtor's plan, subject to the rights of the Trustee, if any, to assert claim to any additional property of the estate acquired by the Debtor post-petition pursuant to operation of 11 U.S.C. § 1306.

**15. NONSTANDARD PROVISIONS:**

NONE

Under FRBP 3015(c), nonstandard provisions are required to be set forth below. Any nonstandard provision placed elsewhere in the plan is void. These plan provisions will be effective only if the included box in Paragraph 1.3 of this plan is checked.

Date: September 9, 2020

/s/ John Doe Debtor  
Signature of Debtor  
John Doe Debtor  
Printed Name of Debtor

/s/ Jane Ann Debtor  
Signature of Joint Debtor  
Jane Ann Debtor  
Printed Name of Joint Debtor

/s/ Mark S. Zuckerberg  
Mark S. Zuckerberg 13815-49  
Signature of Attorney for Debtor(s)

Address: 429 N. Pennsylvania Street - Suite 100  
City, State, ZIP code: Indianapolis, IN 46204  
Area code and phone: 317-687-0000  
Area code and fax: 317-687-5151  
E-mail address: filings@mszlaw.com

By filing this document, the Debtor(s), if not represented by an attorney, or the Attorney for the Debtor(s) also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form plan adopted by this Court, other than any nonstandard provisions included in paragraph 15.

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:  
SOUTHERN DISTRICT OF INDIANA

Case number (if known): \_\_\_\_\_

**Official Form 121**

**Statement About Your Social Security Numbers**

12/15

Use this form to tell the court about any Social Security or federal Individual Taxpayer Identification numbers you have used. Do not file this form as part of the public case file. This form must be submitted separately and must not be included in the court's public electronic records. Please consult local court procedures for submission requirements.

To protect your privacy, the court will not make this form available to the public. You should not include a full Social Security Number or Individual Taxpayer Number on any other document filed with the court. The court will make only the last four digits of your numbers known to the public. However, the full numbers will be available to your creditors, the U.S. Trustee or bankruptcy administrator, and the trustee assigned to your case.

Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**Part 1: Tell the Court About Yourself and Your spouse if Your Spouse is Filing With You**

**For Debtor 1:** \_\_\_\_\_ **For Debtor 2 (Only if Spouse is Filing):** \_\_\_\_\_

1. Your name

**John**  
First name  
**Doe**  
Middle name  
**Debtor**  
Last name

**Jane**  
First name  
**Ann**  
Middle name  
**Debtor**  
Last name

**Part 2: Tell the Court About all of Your Social Security or Federal Individual Taxpayer Identification Numbers**

2. All Social Security Numbers you have used

000-00-0001

000-00-0002

You do not have a Social Security Number

You do not have a Social Security Number

3. All federal Individual Taxpayer Identification Numbers (ITIN) you have used

You do not have an ITIN.

You do not have an ITIN.

**Part 3: Sign Below**

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

Under penalty of perjury, I declare that the information I have provided in this form is true and correct.

X /s/ John Doe Debtor  
**John Doe Debtor**  
Signature of Debtor 1

X /s/ Jane Ann Debtor  
**Jane Ann Debtor**  
Signature of Debtor 2

Date September 9, 2020

Date September 9, 2020

**Fill in this information to identify your case:**

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF INDIANA

Case number (if known) \_\_\_\_\_

Chapter you are filing under:

Chapter 7

Chapter 11

Chapter 12

Chapter 13

Check if this is an amended filing

**Official Form 101**

**Voluntary Petition for Individuals Filing for Bankruptcy**

04/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint* case—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, "Do you own a car," the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Identify Yourself**

**About Debtor 1:**

**About Debtor 2 (Spouse Only in a Joint Case):**

**1. Your full name**

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

**John**

First name

**Doe**

Middle name

**Debtor**

Last name and Suffix (Sr., Jr., II, III)

**Jane**

First name

**Ann**

Middle name

**Debtor**

Last name and Suffix (Sr., Jr., II, III)

**2. All other names you have used in the last 8 years**

Include your married or maiden names.

**3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)**

xxx-xx-0001

xxx-xx-0002

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**About Debtor 1:**

**About Debtor 2 (Spouse Only in a Joint Case):**

**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

I have not used any business name or EINs.

I have not used any business name or EINs.

Include trade names and *doing business as* names

Business name(s) \_\_\_\_\_

**DBA ABC Corporation**

Business name(s) \_\_\_\_\_

EIN \_\_\_\_\_

EIN \_\_\_\_\_

**5. Where you live**

**If Debtor 2 lives at a different address:**

**123 UnEasy Street**  
**Carmel, IN 46032**

Number, Street, City, State & ZIP Code

Number, Street, City, State & ZIP Code

**Hamilton**  
County

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

Number, P.O. Box, Street, City, State & ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason.  
Explain. (See 28 U.S.C. § 1408.)

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason.  
Explain. (See 28 U.S.C. § 1408.)



**Part 2: Tell the Court About Your Bankruptcy Case**

7. The chapter of the Bankruptcy Code you are choosing to file under *Check one.* (For a brief description of each, see *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)*). Also, go to the top of page 1 and check the appropriate box.
- Chapter 7
  - Chapter 11
  - Chapter 12
  - Chapter 13

8. How you will pay the fee  I will pay the entire fee when I file my petition. Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years?  No.  
 Yes.

District _____	When _____	Case number _____
District _____	When _____	Case number _____
District _____	When _____	Case number _____

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?  No.  
 Yes.

Debtor _____	Relationship to you _____	
District _____	When _____	Case number, if known _____
Debtor _____	Relationship to you _____	
District _____	When _____	Case number, if known _____

11. Do you rent your residence?  No. Go to line 12.  
 Yes. Has your landlord obtained an eviction judgment against you?

- No. Go to line 12.
- Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

**Part 3: Report About Any Businesses You Own as a Sole Proprietor**

12. Are you a sole proprietor of any full- or part-time business?

- No. Go to Part 4.
- Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code, and are you a small business debtor or a debtor as defined by 11 U.S.C. § 1182(1)?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor or a debtor choosing to proceed under Subchapter V so that it can set appropriate deadlines. If you indicate that you are a small business debtor or you are choosing to proceed under Subchapter V, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

- No. I am not filing under Chapter 11.
- No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.
- Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.
- Yes. I am filing under Chapter 11, I am a debtor according to the definition in § 1182(1) of the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention**

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

- No.
- Yes. What is the hazard?  
  
If immediate attention is needed, why is it needed?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property?

Number, Street, City, State & Zip Code

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**

**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

**About Debtor 1:**

*You must check one:*

- I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- I am not required to receive a briefing about credit counseling because of:
- Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
  - Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
  - Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

**About Debtor 2 (Spouse Only in a Joint Case):**

*You must check one:*

- I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

- I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- I am not required to receive a briefing about credit counseling because of:
- Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
  - Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
  - Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

**Part 6: Answer These Questions for Reporting Purposes**

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- No. Go to line 16b.
- Yes. Go to line 17.
- 16b. Are your debts primarily business debts? *Business debts* are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- No. Go to line 16c.
- Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts
- \_\_\_\_\_

17. Are you filing under Chapter 7?
- No. I am not filing under Chapter 7. Go to line 18.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?
- Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- No
- Yes

18. How many Creditors do you estimate that you owe?
- 1-49
- 50-99
- 100-199
- 200-999
- 1,000-5,000
- 5001-10,000
- 10,001-25,000
- 25,001-50,000
- 50,001-100,000
- More than 100,000

19. How much do you estimate your assets to be worth?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

20. How much do you estimate your liabilities to be?
- \$0 - \$50,000
- \$50,001 - \$100,000
- \$100,001 - \$500,000
- \$500,001 - \$1 million
- \$1,000,001 - \$10 million
- \$10,000,001 - \$50 million
- \$50,000,001 - \$100 million
- \$100,000,001 - \$500 million
- \$500,000,001 - \$1 billion
- \$1,000,000,001 - \$10 billion
- \$10,000,000,001 - \$50 billion
- More than \$50 billion

**Part 7: Sign Below**

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ John Doe Debtor  
**John Doe Debtor**  
Signature of Debtor 1

/s/ Jane Ann Debtor  
**Jane Ann Debtor**  
Signature of Debtor 2

Executed on September 9, 2020  
MM / DD / YYYY

Executed on September 9, 2020  
MM / DD / YYYY

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**For your attorney, if you are represented by one**

**If you are not represented by an attorney, you do not need to file this page.**

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ Mark S. Zuckerberg  
Signature of Attorney for Debtor

Date September 9, 2020  
MM / DD / YYYY

Mark S. Zuckerberg 13815-49  
Printed name

Bankruptcy Law Office of Mark S. Zuckerberg  
Firm name

429 N. Pennsylvania Street - Suite 100  
Indianapolis, IN 46204  
Number, Street, City, State & ZIP Code

Contact phone 317-687-0000

Email address filings@mszlaw.com

13815-49 IN  
Bar number & State

**Fill in this information to identify your case:**

Debtor 1	<b>John Doe Debtor</b>		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)	<b>Jane Ann Debtor</b>		
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF INDIANA		
Case number (if known)	_____		

Check if this is an amended filing

**Official Form 107**

**Statement of Financial Affairs for Individuals Filing for Bankruptcy**

4/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Give Details About Your Marital Status and Where You Lived Before**

1. What is your current marital status?

- Married
- Not married

2. During the last 3 years, have you lived anywhere other than where you live now?

- No
- Yes. List all of the places you lived in the last 3 years. Do not include where you live now.

Debtor 1 Prior Address:	Dates Debtor 1 lived there	Debtor 2 Prior Address:	Dates Debtor 2 lived there
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3. Within the last 8 years, did you ever live with a spouse or legal equivalent in a community property state or territory? (*Community property states and territories* include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington and Wisconsin.)

- No
- Yes. Make sure you fill out *Schedule H: Your Codebtors* (Official Form 106H).

**Part 2 Explain the Sources of Your Income**

4. Did you have any income from employment or from operating a business during this year or the two previous calendar years?

Fill in the total amount of income you received from all jobs and all businesses, including part-time activities. If you are filing a joint case and you have income that you receive together, list it only once under Debtor 1.

- No
- Yes. Fill in the details.

	Debtor 1	Debtor 2
	Sources of income Check all that apply.	Sources of income Check all that apply.
	Gross Income (before deductions and exclusions)	Gross Income (before deductions and exclusions)
From January 1 of current year until the date you filed for bankruptcy:	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips <input type="checkbox"/> Operating a business	<input type="checkbox"/> Wages, commissions, bonuses, tips <input checked="" type="checkbox"/> Operating a business
	\$30,000.00	\$15,000.00

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

	Debtor 1 Sources of income Check all that apply.	Gross income (before deductions and exclusions)	Debtor 2 Sources of income Check all that apply.	Gross income (before deductions and exclusions)
For last calendar year: (January 1 to December 31, 2019 )	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips  <input type="checkbox"/> Operating a business	<b>\$45,000.00</b>	<input type="checkbox"/> Wages, commissions, bonuses, tips  <input checked="" type="checkbox"/> Operating a business	<b>\$26,000.00</b>
For the calendar year before that: (January 1 to December 31, 2018 )	<input checked="" type="checkbox"/> Wages, commissions, bonuses, tips  <input type="checkbox"/> Operating a business	<b>\$43,000.00</b>	<input type="checkbox"/> Wages, commissions, bonuses, tips  <input checked="" type="checkbox"/> Operating a business	<b>\$24,000.00</b>

5. Did you receive any other income during this year or the two previous calendar years?  
 Include income regardless of whether that income is taxable. Examples of *other income* are alimony; child support; Social Security, unemployment, and other public benefit payments; pensions; rental income; interest; dividends; money collected from lawsuits; royalties; and gambling and lottery winnings. If you are filing a joint case and you have income that you received together, list it only once under Debtor 1.

List each source and the gross income from each source separately. Do not include income that you listed in line 4.

- No  
 Yes. Fill in the details.

Debtor 1 Sources of income Describe below.	Gross income from each source (before deductions and exclusions)	Debtor 2 Sources of income Describe below.	Gross income (before deductions and exclusions)

**Part 3: List Certain Payments You Made Before You Filed for Bankruptcy**

6. Are either Debtor 1's or Debtor 2's debts primarily consumer debts?  
 No. Neither Debtor 1 nor Debtor 2 has primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$6,825\* or more?

- No. Go to line 7.  
 Yes. List below each creditor to whom you paid a total of \$6,825\* or more in one or more payments and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

\* Subject to adjustment on 4/01/22 and every 3 years after that for cases filed on or after the date of adjustment.

Yes. Debtor 1 or Debtor 2 or both have primarily consumer debts.  
 During the 90 days before you filed for bankruptcy, did you pay any creditor a total of \$600 or more?  
 No. Go to line 7.  
 Yes. List below each creditor to whom you paid a total of \$600 or more and the total amount you paid that creditor. Do not include payments for domestic support obligations, such as child support and alimony. Also, do not include payments to an attorney for this bankruptcy case.

Creditor's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Was this payment for ...
PNC Bank 2730 Liberty Avenue Pittsburgh, PA 15222		\$9,000.00	\$16,500.00	<input type="checkbox"/> Mortgage <input checked="" type="checkbox"/> Car <input type="checkbox"/> Credit Card <input type="checkbox"/> Loan Repayment <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Other ___

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

7. **Within 1 year before you filed for bankruptcy, did you make a payment on a debt you owed anyone who was an insider?**  
*Insiders include your relatives; any general partners; relatives of any general partners; partnerships of which you are a general partner; corporations of which you are an officer, director, person in control, or owner of 20% or more of their voting securities; and any managing agent, including one for a business you operate as a sole proprietor. 11 U.S.C. § 101. Include payments for domestic support obligations, such as child support and alimony.*

- No  
 Yes. List all payments to an insider.

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment
----------------------------	------------------	-------------------	----------------------	-------------------------

8. **Within 1 year before you filed for bankruptcy, did you make any payments or transfer any property on account of a debt that benefited an insider?**  
Include payments on debts guaranteed or cosigned by an insider.

- No  
 Yes. List all payments to an insider.

Insider's Name and Address	Dates of payment	Total amount paid	Amount you still owe	Reason for this payment Include creditor's name
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**Part 4: Identify Legal Actions, Repossessions, and Foreclosures**

9. **Within 1 year before you filed for bankruptcy, were you a party in any lawsuit, court action, or administrative proceeding?**  
List all such matters, including personal injury cases, small claims actions, divorces, collection suits, paternity actions, support or custody modifications, and contract disputes.

- No  
 Yes. Fill in the details.

Case title Case number	Nature of the case	Court or agency	Status of the case
Freedom Mortgage 49D05-2008-MF-00001	Foreclosure	Hamilton County Superior Court 1 Hamilton Sq Noblesville, IN 46060	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

10. **Within 1 year before you filed for bankruptcy, was any of your property repossessed, foreclosed, garnished, attached, seized, or levied?**  
Check all that apply and fill in the details below.

- No. Go to line 11.  
 Yes. Fill in the information below.

Creditor Name and Address	Describe the Property Explain what happened	Date	Value of the property
---------------------------	------------------------------------------------	------	-----------------------

11. **Within 90 days before you filed for bankruptcy, did any creditor, including a bank or financial institution, set off any amounts from your accounts or refuse to make a payment because you owed a debt?**

- No  
 Yes. Fill in the details.

Creditor Name and Address	Describe the action the creditor took	Date action was taken	Amount
---------------------------	---------------------------------------	-----------------------	--------

12. **Within 1 year before you filed for bankruptcy, was any of your property in the possession of an assignee for the benefit of creditors, a court-appointed receiver, a custodian, or another official?**

- No  
 Yes



Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**Part 5: List Certain Gifts and Contributions**

13. Within 2 years before you filed for bankruptcy, did you give any gifts with a total value of more than \$600 per person?

- No  
 Yes. Fill in the details for each gift.

Gifts with a total value of more than \$600 per person	Describe the gifts	Dates you gave the gifts	Value
--------------------------------------------------------	--------------------	--------------------------	-------

Person to Whom You Gave the Gift and Address:

14. Within 2 years before you filed for bankruptcy, did you give any gifts or contributions with a total value of more than \$600 to any charity?

- No  
 Yes. Fill in the details for each gift or contribution.

Gifts or contributions to charities that total more than \$600 Charity's Name Address (Number, Street, City, State and ZIP Code)	Describe what you contributed	Dates you contributed	Value
----------------------------------------------------------------------------------------------------------------------------------------	-------------------------------	-----------------------	-------

**Part 6: List Certain Losses**

15. Within 1 year before you filed for bankruptcy or since you filed for bankruptcy, did you lose anything because of theft, fire, other disaster, or gambling?

- No  
 Yes. Fill in the details.

Describe the property you lost and how the loss occurred	Describe any insurance coverage for the loss Include the amount that insurance has paid. List pending insurance claims on line 33 of <i>Schedule A/B: Property</i> .	Date of your loss	Value of property lost
----------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------	------------------------

**Part 7: List Certain Payments or Transfers**

16. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone you consulted about seeking bankruptcy or preparing a bankruptcy petition?  
Include any attorneys, bankruptcy petition preparers, or credit counseling agencies for services required in your bankruptcy.

- No  
 Yes. Fill in the details.

Person Who Was Paid Address Email or website address Person Who Made the Payment, if Not You	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
Bankruptcy Law Office of Mark S. Zuckerb 429 N. Pennsylvania Street - Suite 100 Indianapolis, IN 46204 filings@mszlaw.com	Attorney Fees of \$1170 paid prior to filing with \$2830 to be paid through the chapter 13 plan. \$310 filing fee. \$20 credit counseling	8/2020	\$1,170.00

17. Within 1 year before you filed for bankruptcy, did you or anyone else acting on your behalf pay or transfer any property to anyone who promised to help you deal with your creditors or to make payments to your creditors?  
Do not include any payment or transfer that you listed on line 16.

- No  
 Yes. Fill in the details.

Person Who Was Paid Address	Description and value of any property transferred	Date payment or transfer was made	Amount of payment
--------------------------------	---------------------------------------------------	-----------------------------------	-------------------

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

18. Within 2 years before you filed for bankruptcy, did you sell, trade, or otherwise transfer any property to anyone, other than property transferred in the ordinary course of your business or financial affairs?  
Include both outright transfers and transfers made as security (such as the granting of a security interest or mortgage on your property). Do not include gifts and transfers that you have already listed on this statement.

- No  
 Yes. Fill in the details.

Person Who Received Transfer Address	Description and value of property transferred	Describe any property or payments received or debts paid in exchange	Date transfer was made
Person's relationship to you			

19. Within 10 years before you filed for bankruptcy, did you transfer any property to a self-settled trust or similar device of which you are a beneficiary? (These are often called *asset-protection devices*.)

- No  
 Yes. Fill in the details.

Name of trust	Description and value of the property transferred	Date Transfer was made
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**Part 8: List of Certain Financial Accounts, Instruments, Safe Deposit Boxes, and Storage Units**

20. Within 1 year before you filed for bankruptcy, were any financial accounts or instruments held in your name, or for your benefit, closed, sold, moved, or transferred?  
Include checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, pension funds, cooperatives, associations, and other financial institutions.

- No  
 Yes. Fill in the details.

Name of Financial Institution and Address (Number, Street, City, State and ZIP Code)	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
Chase Bank	XXXX-	<input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money Market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other__	5/2020	\$3.00

21. Do you now have, or did you have within 1 year before you filed for bankruptcy, any safe deposit box or other depository for securities, cash, or other valuables?

- No  
 Yes. Fill in the details.

Name of Financial Institution Address (Number, Street, City, State and ZIP Code)	Who else had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------	-----------------------	--------------------------

22. Have you stored property in a storage unit or place other than your home within 1 year before you filed for bankruptcy?

- No  
 Yes. Fill in the details.

Name of Storage Facility Address (Number, Street, City, State and ZIP Code)	Who else has or had access to it? Address (Number, Street, City, State and ZIP Code)	Describe the contents	Do you still have it?
--------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------	-----------------------	--------------------------

**Part 9: Identify Property You Hold or Control for Someone Else**

23. Do you hold or control any property that someone else owns? Include any property you borrowed from, are storing for, or hold in trust for someone.

- No  
 Yes. Fill in the details.

Owner's Name Address (Number, Street, City, State and ZIP Code)	Where is the property? (Number, Street, City, State and ZIP Code)	Describe the property	Value
--------------------------------------------------------------------	----------------------------------------------------------------------	-----------------------	-------

**Part 10: Give Details About Environmental Information**

For the purpose of Part 10, the following definitions apply:

- Environmental law* means any federal, state, or local statute or regulation concerning pollution, contamination, releases of hazardous or toxic substances, wastes, or material into the air, land, soil, surface water, groundwater, or other medium, including statutes or regulations controlling the cleanup of these substances, wastes, or material.
- Site* means any location, facility, or property as defined under any environmental law, whether you now own, operate, or utilize it or used to own, operate, or utilize it, including disposal sites.
- Hazardous material* means anything an environmental law defines as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, contaminant, or similar term.

Report all notices, releases, and proceedings that you know about, regardless of when they occurred.

24. Has any governmental unit notified you that you may be liable or potentially liable under or in violation of an environmental law?

- No  
 Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
--------------------------------------------------------------------	-------------------------------------------------------------------------	--------------------------------------	----------------

25. Have you notified any governmental unit of any release of hazardous material?

- No  
 Yes. Fill in the details.

Name of site Address (Number, Street, City, State and ZIP Code)	Governmental unit Address (Number, Street, City, State and ZIP Code)	Environmental law, if you know it	Date of notice
--------------------------------------------------------------------	-------------------------------------------------------------------------	--------------------------------------	----------------

26. Have you been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- No  
 Yes. Fill in the details.

Case Title Case Number	Court or agency Name Address (Number, Street, City, State and ZIP Code)	Nature of the case	Status of the case
---------------------------	----------------------------------------------------------------------------------	--------------------	-----------------------

**Part 11: Give Details About Your Business or Connections to Any Business**

27. Within 4 years before you filed for bankruptcy, did you own a business or have any of the following connections to any business?

- A sole proprietor or self-employed in a trade, profession, or other activity, either full-time or part-time
- A member of a limited liability company (LLC) or limited liability partnership (LLP)
- A partner in a partnership
- An officer, director, or managing executive of a corporation
- An owner of at least 5% of the voting or equity securities of a corporation

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

- No. None of the above applies. Go to Part 12.  
 Yes. Check all that apply above and fill in the details below for each business.

Business Name Address (Number, Street, City, State and ZIP Code)	Describe the nature of the business  Name of accountant or bookkeeper	Employer Identification number Do not include Social Security number or ITIN.  Dates business existed
ABC Corporation	Sales	EIN: 0002  From-To 2010 to Current

28. Within 2 years before you filed for bankruptcy, did you give a financial statement to anyone about your business? Include all financial institutions, creditors, or other parties.

- No  
 Yes. Fill in the details below.

Name Address (Number, Street, City, State and ZIP Code)	Date Issued
---------------------------------------------------------------	-------------

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**Part 12: Sign Below**

I have read the answers on this *Statement of Financial Affairs* and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ John Doe Debtor

John Doe Debtor  
Signature of Debtor 1

/s/ Jane Ann Debtor

Jane Ann Debtor  
Signature of Debtor 2

Date September 9, 2020

Date September 9, 2020

Did you attach additional pages to *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy* (Official Form 107)?

- No  
 Yes

Did you pay or agree to pay someone who is not an attorney to help you fill out bankruptcy forms?

- No  
 Yes. Name of Person \_\_\_\_\_. Attach the *Bankruptcy Petition Preparer's Notice, Declaration, and Signature* (Official Form 119).

**Fill in this information to identify your case:**

Debtor 1	<b>John Doe Debtor</b>		
	First Name	Middle Name	Last Name
Debtor 2	<b>Jane Ann Debtor</b>		
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF INDIANA		
Case number (if known)	_____		

Check if this is an amended filing

**Official Form 106Sum**

**Summary of Your Assets and Liabilities and Certain Statistical Information**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Fill out all of your schedules first; then complete the information on this form. If you are filing amended schedules after you file your original forms, you must fill out a new *Summary* and check the box at the top of this page.

**Part 1: Summarize Your Assets**

	<b>Your assets</b> Value of what you own
1. <b>Schedule A/B: Property</b> (Official Form 106A/B)	
1a. Copy line 55, Total real estate, from Schedule A/B.....	\$ <u>250,000.00</u>
1b. Copy line 62, Total personal property, from Schedule A/B.....	\$ <u>107,550.00</u>
1c. Copy line 63, Total of all property on Schedule A/B.....	\$ <u>357,550.00</u>

**Part 2: Summarize Your Liabilities**

	<b>Your liabilities</b> Amount you owe
2. <b>Schedule D: Creditors Who Have Claims Secured by Property</b> (Official Form 106D)	
2a. Copy the total you listed in Column A, <i>Amount of claim</i> , at the bottom of the last page of Part 1 of <i>Schedule D</i> ...	\$ <u>256,500.00</u>
3. <b>Schedule E/F: Creditors Who Have Unsecured Claims</b> (Official Form 106E/F)	
3a. Copy the total claims from Part 1 (priority unsecured claims) from line 6e of <i>Schedule E/F</i> .....	\$ <u>6,000.00</u>
3b. Copy the total claims from Part 2 (nonpriority unsecured claims) from line 6j of <i>Schedule E/F</i> .....	\$ <u>16,000.00</u>
<b>Your total liabilities</b>	\$ <u>278,500.00</u>

**Part 3: Summarize Your Income and Expenses**

4. <b>Schedule I: Your Income</b> (Official Form 106I)	
Copy your combined monthly income from line 12 of <i>Schedule I</i> .....	\$ <u>4,879.16</u>
5. <b>Schedule J: Your Expenses</b> (Official Form 106J)	
Copy your monthly expenses from line 22c of <i>Schedule J</i> .....	\$ <u>2,615.00</u>

**Part 4: Answer These Questions for Administrative and Statistical Records**

6. **Are you filing for bankruptcy under Chapters 7, 11, or 13?**
- No. You have nothing to report on this part of the form. Check this box and submit this form to the court with your other schedules.
- Yes
7. **What kind of debt do you have?**
- Your debts are primarily consumer debts.** *Consumer debts* are those "incurred by an individual primarily for a personal, family, or household purpose." 11 U.S.C. § 101(8). Fill out lines 8-9g for statistical purposes. 28 U.S.C. § 159.
- Your debts are not primarily consumer debts.** You have nothing to report on this part of the form. *Check this box* and submit this form to the court with your other schedules.

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

8. From the **Statement of Your Current Monthly Income**: Copy your total current monthly income from Official Form 122A-1 Line 11; OR, Form 122B Line 11; OR, Form 122C-1 Line 14.

\$ 5,250.00

9. Copy the following special categories of claims from Part 4, line 6 of *Schedule E/F*:

**From Part 4 on Schedule E/F, copy the following:**

**Total claim**

9a. Domestic support obligations (Copy line 6a.)	\$ <u>0.00</u>
9b. Taxes and certain other debts you owe the government. (Copy line 6b.)	\$ <u>6,000.00</u>
9c. Claims for death or personal injury while you were intoxicated. (Copy line 6c.)	\$ <u>0.00</u>
9d. Student loans. (Copy line 6f.)	\$ <u>0.00</u>
9e. Obligations arising out of a separation agreement or divorce that you did not report as priority claims. (Copy line 6g.)	\$ <u>0.00</u>
9f. Debts to pension or profit-sharing plans, and other similar debts. (Copy line 6h.)	+\$ <u>0.00</u>

9g. **Total.** Add lines 9a through 9f.

\$ 6,000.00

**Fill in this information to identify your case and this filing:**

Debtor 1	<b>John Doe Debtor</b>		
	First Name	Middle Name	Last Name
Debtor 2	<b>Jane Ann Debtor</b>		
(Spouse, if filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the: <u>SOUTHERN DISTRICT OF INDIANA</u>			
Case number _____			

Check if this is an amended filing

**Official Form 106A/B**  
**Schedule A/B: Property**

12/15

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In**

1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?

- No. Go to Part 2.  
 Yes. Where is the property?

1.1

**123 UnEasy Street**

Street address, if available, or other description

**Carmel**                      **IN**                      **46032-0000**  
City                              State                      ZIP Code

**Hamilton**

County

What is the property? Check all that apply

- Single-family home  
 Duplex or multi-unit building  
 Condominium or cooperative  
 Manufactured or mobile home  
 Land  
 Investment property  
 Timeshare  
 Other \_\_\_\_\_

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?	Current value of the portion you own?
<b>\$250,000.00</b>	<b>\$250,000.00</b>

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

**Tenancy by the entirety**

Who has an interest in the property? Check one

- Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another

Check if this is community property (see instructions)

Other information you wish to add about this item, such as local property identification number:

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

<b>\$250,000.00</b>
---------------------

**Part 2: Describe Your Vehicles**

Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.



Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles**

- No  
 Yes

3.1 Make: **Jeep**  
Model: **Cherokee**  
Year: **2016**  
Approximate mileage: \_\_\_\_\_  
Other information:

Who has an interest in the property? Check one

- Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another  
  
 Check if this is community property  
(see instructions)

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?	Current value of the portion you own?
<u>\$15,000.00</u>	<u>\$15,000.00</u>

**4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories**  
*Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories*

- No  
 Yes

5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>

\$15,000.00

**Part 3: Describe Your Personal and Household Items**

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?  
Do not deduct secured claims or exemptions.

**6. Household goods and furnishings**

*Examples: Major appliances, furniture, linens, china, kitchenware*

- No  
 Yes. Describe.....

**Household goods and furnishings**

\$2,000.00

**7. Electronics**

*Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games*

- No  
 Yes. Describe.....

**Electronics**

\$500.00

**8. Collectibles of value**

*Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles*

- No  
 Yes. Describe.....

**Elephant Figurines**

\$200.00

**9. Equipment for sports and hobbies**

*Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments*

- No  
 Yes. Describe.....

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**Golf Clubs** **\$50.00**

**10. Firearms**

*Examples:* Pistols, rifles, shotguns, ammunition, and related equipment

- No  
 Yes. Describe.....

**(2) Rifles** **\$500.00**

**11. Clothes**

*Examples:* Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- No  
 Yes. Describe.....

**Clothing & Shoes** **\$200.00**

**12. Jewelry**

*Examples:* Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver

- No  
 Yes. Describe.....

**Wedding Rings and Watch** **\$1,000.00**

**13. Non-farm animals**

*Examples:* Dogs, cats, birds, horses

- No  
 Yes. Describe.....

**(1) Dog** **\$0.00**

**14. Any other personal and household items you did not already list, including any health aids you did not list**

- No  
 Yes. Give specific information.....

**Tools and Lawnmower** **\$1,000.00**

**15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here .....**

**\$5,450.00**

**Part 4: Describe Your Financial Assets**

**Do you own or have any legal or equitable interest in any of the following?**

**Current value of the portion you own?**  
Do not deduct secured claims or exemptions.

**16. Cash**

*Examples:* Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition

- No  
 Yes.....

**17. Deposits of money**

*Examples:* Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.

- No  
 Yes.....

Institution name:

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

17.1. **Checking & Savings** Huntington Bank \$300.00

18. **Bonds, mutual funds, or publicly traded stocks**

*Examples: Bond funds, investment accounts with brokerage firms, money market accounts*

- No  
 Yes..... Institution or issuer name:

19. **Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture**

- No  
 Yes. Give specific information about them.....

Name of entity: ABC Corpoartion. This is a sales based business. No accounts receivable. Inventory worth approximately \$200. 1 bank account with Fifth Third Bank with \$2 balance % of ownership: 100 % \$0.00

20. **Government and corporate bonds and other negotiable and non-negotiable instruments**

*Negotiable instruments include personal checks, cashiers' checks, promissory notes, and money orders. Non-negotiable instruments are those you cannot transfer to someone by signing or delivering them.*

- No  
 Yes. Give specific information about them  
Issuer name:

21. **Retirement or pension accounts**

*Examples: Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans*

- No  
 Yes. List each account separately.

Type of account: 401(k) Institution name: Fidelity \$72,000.00

IRA Fifth Third Bank \$12,000.00

22. **Security deposits and prepayments**

Your share of all unused deposits you have made so that you may continue service or use from a company

*Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others*

- No  
 Yes. .... Institution name or individual:

23. **Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)**

- No  
 Yes..... Issuer name and description.

24. **Interests in an education IRA, in an account in a qualified ABL program, or under a qualified state tuition program.**

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

- No  
 Yes..... Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):

25. **Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit**

- No  
 Yes. Give specific information about them...

26. **Patents, copyrights, trademarks, trade secrets, and other intellectual property**

*Examples: Internet domain names, websites, proceeds from royalties and licensing agreements*

- No  
 Yes. Give specific information about them...

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**27. Licenses, franchises, and other general intangibles**

*Examples: Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses*

- No  
 Yes. Give specific information about them...

**Money or property owed to you?**

**Current value of the portion you own?**  
Do not deduct secured claims or exemptions.

**28. Tax refunds owed to you**

- No  
 Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

**29. Family support**

*Examples: Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement*

- No  
 Yes. Give specific information.....

**30. Other amounts someone owes you**

*Examples: Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else*

- No  
 Yes. Give specific information..

**31. Interests in insurance policies**

*Examples: Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance*

- No  
 Yes. Name the insurance company of each policy and list its value.

Company name:	Beneficiary:	Surrender or refund value:
<u>Whole life insurance policy through Gerber</u>	<u>Spouse</u>	<u>\$2,800.00</u>

**32. Any interest in property that is due you from someone who has died**

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

- No  
 Yes. Give specific information..

**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment**

*Examples: Accidents, employment disputes, insurance claims, or rights to sue*

- No  
 Yes. Describe each claim.....

**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**

- No  
 Yes. Describe each claim.....

**35. Any financial assets you did not already list**

- No  
 Yes. Give specific information..

**36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....**

**\$87,100.00**

**Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.**

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

37. Do you own or have any legal or equitable interest in any business-related property?

- No. Go to Part 6.
- Yes. Go to line 38.

**Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**  
 If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?

- No. Go to Part 7.
- Yes. Go to line 47.

**Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above**

53. Do you have other property of any kind you did not already list?

*Examples: Season tickets, country club membership*

- No
- Yes. Give specific information.....

54. Add the dollar value of all of your entries from Part 7. Write that number here .....

<b>\$0.00</b>
---------------

**Part 8: List the Totals of Each Part of this Form**

55.	Part 1: Total real estate, line 2 .....	<b>\$250,000.00</b>		
56.	Part 2: Total vehicles, line 5	<u>\$15,000.00</u>		
57.	Part 3: Total personal and household items, line 15	<u>\$5,450.00</u>		
58.	Part 4: Total financial assets, line 36	<u>\$87,100.00</u>		
59.	Part 5: Total business-related property, line 45	<u>\$0.00</u>		
60.	Part 6: Total farm- and fishing-related property, line 52	<u>\$0.00</u>		
61.	Part 7: Total other property not listed, line 54	<u>\$0.00</u>		
	+			
62.	Total personal property. Add lines 56 through 61...	<u>\$107,550.00</u>	Copy personal property total <u>\$107,550.00</u>	
63.	Total of all property on Schedule A/B. Add line 55 + line 62		<table border="1" style="width: 100%; text-align: center;"><tr><td style="padding: 5px;"><b>\$357,550.00</b></td></tr></table>	<b>\$357,550.00</b>
<b>\$357,550.00</b>				

**Fill in this information to identify your case:**

Debtor 1 **John Doe Debtor**  
First Name Middle Name Last Name

Debtor 2 **Jane Ann Debtor**  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

**Official Form 106C**  
**Schedule C: The Property You Claim as Exempt**

4/19

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

**Part 1: Identify the Property You Claim as Exempt**

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A/B</i></small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
123 UnEasy Street Carmel, IN 46032 Hamilton County Line from <i>Schedule A/B</i> : 1.1	\$250,000.00	<input checked="" type="checkbox"/> \$38,600.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(1)
2016 Jeep Cherokee Line from <i>Schedule A/B</i> : 3.1	\$15,000.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
Household goods and furnishings Line from <i>Schedule A/B</i> : 6.1	\$2,000.00	<input checked="" type="checkbox"/> \$2,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
Electronics Line from <i>Schedule A/B</i> : 7.1	\$500.00	<input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
Elephant Figurines Line from <i>Schedule A/B</i> : 8.1	\$200.00	<input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
<b>Golf Clubs</b> Line from Schedule A/B: 9.1	<u>\$50.00</u>	<input checked="" type="checkbox"/> <u>\$50.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>(2) Rifles</b> Line from Schedule A/B: 10.1	<u>\$500.00</u>	<input checked="" type="checkbox"/> <u>\$500.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>Clothing &amp; Shoes</b> Line from Schedule A/B: 11.1	<u>\$200.00</u>	<input checked="" type="checkbox"/> <u>\$200.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>Wedding Rings and Watch</b> Line from Schedule A/B: 12.1	<u>\$1,000.00</u>	<input checked="" type="checkbox"/> <u>\$1,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>(1) Dog</b> Line from Schedule A/B: 13.1	<u>\$0.00</u>	<input checked="" type="checkbox"/> <u>\$0.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>Tools and Lawnmower</b> Line from Schedule A/B: 14.1	<u>\$1,000.00</u>	<input checked="" type="checkbox"/> <u>\$1,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(2)
<b>Checking &amp; Savings: Huntington Bank</b> Line from Schedule A/B: 17.1	<u>\$300.00</u>	<input checked="" type="checkbox"/> <u>\$300.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(3)
<b>ABC Corpoartion. This is a sales based business. No accounts receivable. Inventory worth approximately \$200. 1 bank account with Fifth Third Bank with \$2 balance 100 % ownership</b> Line from Schedule A/B: 19.1	<u>\$0.00</u>	<input checked="" type="checkbox"/> <u>\$0.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(3)
<b>401(k): Fidelity</b> Line from Schedule A/B: 21.1	<u>\$72,000.00</u>	<input checked="" type="checkbox"/> <u>100%</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(6)
<b>IRA: Fifth Third Bank</b> Line from Schedule A/B: 21.2	<u>\$12,000.00</u>	<input checked="" type="checkbox"/> <u>\$12,000.00</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code § 34-55-10-2(c)(6)
<b>Whole life insurance policy through Gerber</b> <b>Beneficiary: Spouse</b> Line from Schedule A/B: 31.1	<u>\$2,800.00</u>	<input checked="" type="checkbox"/> <u>100%</u> <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Ind. Code §§ 27-1-12-14, 27-2-5-1(c)

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

3. **Are you claiming a homestead exemption of more than \$170,350?**  
(Subject to adjustment on 4/01/22 and every 3 years after that for cases filed on or after the date of adjustment.)

- No
- Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?
  - No
  - Yes



**Fill in this information to identify your case:**

Debtor 1 **John Doe Debtor**  
First Name Middle Name Last Name

Debtor 2 **Jane Ann Debtor**  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF INDIANA**

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

**Official Form 106D**

**Schedule D: Creditors Who Have Claims Secured by Property**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, number the entries, and attach it to this form. On the top of any additional pages, write your name and case number (if known).

**1. Do any creditors have claims secured by your property?**

- No. Check this box and submit this form to the court with your other schedules. You have nothing else to report on this form.
- Yes. Fill in all of the information below.

**Part 1: List All Secured Claims**

2. List all secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim. If more than one creditor has a particular claim, list the other creditors in Part 2. As much as possible, list the claims in alphabetical order according to the creditor's name.

		Column A Amount of claim Do not deduct the value of collateral. <b>\$240,000.00</b>	Column B Value of collateral that supports this claim <b>\$250,000.00</b>	Column C Unsecured portion if any <b>\$0.00</b>
<b>2.1</b>	<b>Freedom Mortgage</b> <small>Creditor's Name</small>  <b>907 Pleasant Valley Ave, Ste 3 Mount Laurel, NJ 08054</b> <small>Number, Street, City, State &amp; Zip Code</small>	<b>Describe the property that secures the claim:</b> <b>123 UnEasy Street Carmel, IN 46032 Hamilton County</b>  <small>As of the date you file, the claim is: Check all that apply.</small> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Nature of lien. Check all that apply.</b> <input checked="" type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input checked="" type="checkbox"/> Other (including a right to offset) <b>Principal Residence</b>		
	<small>Who owes the debt? Check one.</small> <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt	<b>Date debt was incurred</b> <b>2015</b>	<b>Last 4 digits of account number</b> <b>0000</b>	

<b>2.2</b>	<b>PNC Bank</b> <small>Creditor's Name</small>  <b>2730 Liberty Avenue Pittsburgh, PA 15222</b> <small>Number, Street, City, State &amp; Zip Code</small>	<b>Describe the property that secures the claim:</b> <b>2016 Jeep Cherokee</b>  <small>As of the date you file, the claim is: Check all that apply.</small> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed <b>Nature of lien. Check all that apply.</b> <input checked="" type="checkbox"/> An agreement you made (such as mortgage or secured car loan) <input type="checkbox"/> Statutory lien (such as tax lien, mechanic's lien) <input type="checkbox"/> Judgment lien from a lawsuit <input checked="" type="checkbox"/> Other (including a right to offset) <b>Vehicle Loan</b>	<b>\$16,500.00</b>	<b>\$15,000.00</b>	<b>\$1,500.00</b>
	<small>Who owes the debt? Check one.</small> <input type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another <input type="checkbox"/> Check if this claim relates to a community debt	<b>Date debt was incurred</b> <b>9/2019</b>	<b>Last 4 digits of account number</b> _____		

Debtor 1 **John Doe Debtor**  
First Name Middle Name Last Name

Case number (if known) \_\_\_\_\_

Debtor 2 **Jane Ann Debtor**  
First Name Middle Name Last Name

Add the dollar value of your entries in Column A on this page. Write that number here:  
If this is the last page of your form, add the dollar value totals from all pages.  
Write that number here:

\$256,500.00
\$256,500.00

**Part 2: List Others to Be Notified for a Debt That You Already Listed**

Use this page only if you have others to be notified about your bankruptcy for a debt that you already listed in Part 1. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the creditor in Part 1, and then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Part 1, list the additional creditors here. If you do not have additional persons to be notified for any debts in Part 1, do not fill out or submit this page.

Name, Number, Street, City, State & Zip Code

**Feiwell & Hannoy, P.C.**  
**P.O. Box 44141**  
**251 N. Illinois St., Ste. 1700**  
**Indianapolis, IN 46204**

On which line in Part 1 did you enter the creditor? 2.1

Last 4 digits of account number \_\_\_\_

**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor  
First Name Middle Name Last Name

Debtor 2 Jane Ann Debtor  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

**Official Form 106E/F**

**Schedule E/F: Creditors Who Have Unsecured Claims**

**12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY claims and Part 2 for creditors with NONPRIORITY claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on Schedule A/B: Property (Official Form 106A/B) and on Schedule G: Executory Contracts and Unexpired Leases (Official Form 106G). Do not include any creditors with partially secured claims that are listed in Schedule D: Creditors Who Have Claims Secured by Property. If more space is needed, copy the Part you need, fill it out, number the entries in the boxes on the left. Attach the Continuation Page to this page. If you have no information to report in a Part, do not file that Part. On the top of any additional pages, write your name and case number (if known).

**Part 1: List All of Your PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims against you?

No. Go to Part 2.

Yes.

2. List all of your priority unsecured claims. If a creditor has more than one priority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. If a claim has both priority and nonpriority amounts, list that claim here and show both priority and nonpriority amounts. As much as possible, list the claims in alphabetical order according to the creditor's name. If you have more than two priority unsecured claims, fill out the Continuation Page of Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3.

(For an explanation of each type of claim, see the instructions for this form in the instruction booklet.)

		Total claim	Priority amount	Nonpriority amount	
2.1	<b>Indiana Department of Revenue</b> <small>Priority Creditor's Name</small> <b>100 N. Senate Ave. Room N203</b> <b>Indianapolis, IN 46204</b> <small>Number Street City State Zip Code</small>	Last 4 digits of account number _____	\$0.00	\$0.00	\$0.00
		When was the debt incurred? _____			
As of the date you file, the claim is: Check all that apply					
Who incurred the debt? Check one.		<input type="checkbox"/> Contingent			
<input type="checkbox"/> Debtor 1 only		<input type="checkbox"/> Unliquidated			
<input type="checkbox"/> Debtor 2 only		<input type="checkbox"/> Disputed			
<input checked="" type="checkbox"/> Debtor 1 and Debtor 2 only		<b>Type of PRIORITY unsecured claim:</b>			
<input type="checkbox"/> At least one of the debtors and another		<input type="checkbox"/> Domestic support obligations			
<input type="checkbox"/> Check if this claim is for a community debt		<input checked="" type="checkbox"/> Taxes and certain other debts you owe the government			
Is the claim subject to offset?		<input type="checkbox"/> Claims for death or personal injury while you were intoxicated			
<input checked="" type="checkbox"/> No		<input type="checkbox"/> Other. Specify _____			
<input type="checkbox"/> Yes		<b>Notice Only</b>			

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

2.2 **Internal Revenue Service** Last 4 digits of account number                      **\$6,000.00** **\$6,000.00** **\$0.00**

Priority Creditor's Name  
**575 North Pennsylvania Street**  
**Room 469 Stop SB450**  
**Indianapolis, IN 46204**  
Number Street City State Zip Code

When was the debt incurred? 2018 & 2019

Who incurred the debt? Check one.

- Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another  
 Check if this claim is for a community debt

As of the date you file, the claim is: Check all that apply

- Contingent  
 Unliquidated  
 Disputed

Type of PRIORITY unsecured claim:

- Domestic support obligations  
 Taxes and certain other debts you owe the government  
 Claims for death or personal injury while you were intoxicated

Is the claim subject to offset?

- No  
 Yes

Other. Specify Income Taxes

**Part 2: List All of Your NONPRIORITY Unsecured Claims**

3. Do any creditors have nonpriority unsecured claims against you?

- No. You have nothing to report in this part. Submit this form to the court with your other schedules.  
 Yes.

4. List all of your nonpriority unsecured claims in the alphabetical order of the creditor who holds each claim. If a creditor has more than one nonpriority unsecured claim, list the creditor separately for each claim. For each claim listed, identify what type of claim it is. Do not list claims already included in Part 1. If more than one creditor holds a particular claim, list the other creditors in Part 3. If you have more than three nonpriority unsecured claims fill out the Continuation Page of Part 2.

4.1 **Capital One** Last 4 digits of account number 1234 **Total claim** **\$8,000.00**

Nonpriority Creditor's Name  
**PO Box 30285**  
**Salt Lake City, UT 84130-2085**  
Number Street City State Zip Code

When was the debt incurred? \_\_\_\_\_

Who incurred the debt? Check one.

- Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another  
 Check if this claim is for a community debt

As of the date you file, the claim is: Check all that apply

- Contingent  
 Unliquidated  
 Disputed

Type of NONPRIORITY unsecured claim:

- Student loans  
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
 Debts to pension or profit-sharing plans, and other similar debts

Is the claim subject to offset?

- No  
 Yes

Other. Specify Charge Account

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

**4.2 Chase** Last 4 digits of account number 0000 \$6,000.00  
 Nonpriority Creditor's Name  
**P.O. Box 15298**  
**Wilmington, DE 19850-5298**  
 Number Street City State Zip Code  
 Who incurred the debt? Check one.  
 Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another  
 Check if this claim is for a community debt  
 Is the claim subject to offset?  
 No  
 Yes  
 When was the debt incurred? \_\_\_\_\_  
 As of the date you file, the claim is: Check all that apply  
 Contingent  
 Unliquidated  
 Disputed  
 Type of NONPRIORITY unsecured claim:  
 Student loans  
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
 Debts to pension or profit-sharing plans, and other similar debts  
 Other. Specify Charge Account

**4.3 Franciscan Alliance** Last 4 digits of account number 1111 \$2,000.00  
 Nonpriority Creditor's Name  
**28044 Network Place**  
**Chicago, IL 60673-1280**  
 Number Street City State Zip Code  
 Who incurred the debt? Check one.  
 Debtor 1 only  
 Debtor 2 only  
 Debtor 1 and Debtor 2 only  
 At least one of the debtors and another  
 Check if this claim is for a community debt  
 Is the claim subject to offset?  
 No  
 Yes  
 When was the debt incurred? \_\_\_\_\_  
 As of the date you file, the claim is: Check all that apply  
 Contingent  
 Unliquidated  
 Disputed  
 Type of NONPRIORITY unsecured claim:  
 Student loans  
 Obligations arising out of a separation agreement or divorce that you did not report as priority claims  
 Debts to pension or profit-sharing plans, and other similar debts  
 Other. Specify Medical Services

**Part 3: List Others to Be Notified About a Debt That You Already Listed**

5. Use this page only if you have others to be notified about your bankruptcy, for a debt that you already listed in Parts 1 or 2. For example, if a collection agency is trying to collect from you for a debt you owe to someone else, list the original creditor in Parts 1 or 2, then list the collection agency here. Similarly, if you have more than one creditor for any of the debts that you listed in Parts 1 or 2, list the additional creditors here. If you do not have additional persons to be notified for any debts in Parts 1 or 2, do not fill out or submit this page.

**Part 4: Add the Amounts for Each Type of Unsecured Claim**

6. Total the amounts of certain types of unsecured claims. This information is for statistical reporting purposes only. 28 U.S.C. §159. Add the amounts for each type of unsecured claim.

		Total Claim	
Total claims from Part 1	6a. Domestic support obligations	6a. \$	0.00
	6b. Taxes and certain other debts you owe the government	6b. \$	6,000.00
	6c. Claims for death or personal injury while you were intoxicated	6c. \$	0.00
	6d. Other. Add all other priority unsecured claims. Write that amount here.	6d. \$	0.00
	6e. Total Priority. Add lines 6a through 6d.	6e. \$	6,000.00
Total claims from Part 2	6f. Student loans	6f. \$	0.00
	6g. Obligations arising out of a separation agreement or divorce that you did not report as priority claims	6g. \$	0.00
	6h. Debts to pension or profit-sharing plans, and other similar debts	6h. \$	0.00

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

6i. **Other.** Add all other nonpriority unsecured claims. Write that amount here.

6i. \$ 16,000.00

6j. **Total Nonpriority.** Add lines 6f through 6i.

6j. \$ 16,000.00

**Fill in this information to identify your case:**

Debtor 1	<b>John Doe Debtor</b>		
	First Name	Middle Name	Last Name
Debtor 2	<b>Jane Ann Debtor</b>		
(Spouse if, filing)	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF INDIANA		
Case number (if known)	_____		

Check if this is an amended filing

**Official Form 106G**

**Schedule G: Executory Contracts and Unexpired Leases**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the additional page, fill it out, number the entries, and attach it to this page. On the top of any additional pages, write your name and case number (if known).

- Do you have any executory contracts or unexpired leases?
  - No. Check this box and file this form with the court with your other schedules. You have nothing else to report on this form.
  - Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B:Property* (Official Form 106 A/B).
- List separately each person or company with whom you have the contract or lease. Then state what each contract or lease is for (for example, rent, vehicle lease, cell phone). See the instructions for this form in the instruction booklet for more examples of executory contracts and unexpired leases.

	Person or company with whom you have the contract or lease <small>Name, Number, Street, City, State and ZIP Code</small>	State what the contract or lease is for
2.1	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	
2.2	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	
2.3	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	
2.4	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	
2.5	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____	

**Fill in this information to identify your case:**

Debtor 1	<b>John Doe Debtor</b>		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)	<b>Jane Ann Debtor</b>		
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	SOUTHERN DISTRICT OF INDIANA		
Case number (if known)	_____		

Check if this is an amended filing

**Official Form 106H  
Schedule H: Your Codebtors**

12/15

Codebtors are people or entities who are also liable for any debts you may have. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, copy the Additional Page, fill it out, and number the entries in the boxes on the left. Attach the Additional Page to this page. On the top of any Additional Pages, write your name and case number (if known). Answer every question.

1. Do you have any codebtors? (If you are filing a joint case, do not list either spouse as a codebtor.)

- No  
 Yes

2. Within the last 8 years, have you lived in a community property state or territory? (Community property states and territories include Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, and Wisconsin.)

- No. Go to line 3.  
 Yes. Did your spouse, former spouse, or legal equivalent live with you at the time?

3. In Column 1, list all of your codebtors. Do not include your spouse as a codebtor if your spouse is filing with you. List the person shown in line 2 again as a codebtor only if that person is a guarantor or cosigner. Make sure you have listed the creditor on Schedule D (Official Form 106D), Schedule E/F (Official Form 106E/F), or Schedule G (Official Form 106G). Use Schedule D, Schedule E/F, or Schedule G to fill out Column 2.

**Column 1: Your codebtor**  
Name, Number, Street, City, State and ZIP Code

**Column 2: The creditor to whom you owe the debt**  
Check all schedules that apply:

**3.1**

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

- Schedule D, line \_\_\_\_\_  
 Schedule E/F, line \_\_\_\_\_  
 Schedule G, line \_\_\_\_\_

**3.2**

Name \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

- Schedule D, line \_\_\_\_\_  
 Schedule E/F, line \_\_\_\_\_  
 Schedule G, line \_\_\_\_\_



**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor

Debtor 2 Jane Ann Debtor  
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 income as of the following date:

\_\_\_\_/\_\_\_\_/\_\_\_\_

MM / DD / YYYY

**Official Form 1061**

**Schedule I: Your Income**

12/15

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Employment**

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

**Employment status**

**Occupation**

**Employer's name**

**Employer's address**

How long employed there?

**Debtor 1**

- Employed
- Not employed

Manager

Walmart

3221 W. 86th Street  
Indianapolis, IN 46268

7 Years

**Debtor 2 or non-filing spouse**

- Employed
- Not employed

Self Employed

ABC Corporation

123 UnEasy Street  
Carmel, IN 46032

15 Years

**Part 2: Give Details About Monthly Income**

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

	For Debtor 1	For Debtor 2 or non-filing spouse
2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.	\$ <u>3,916.66</u>	\$ <u>0.00</u>
3. Estimate and list monthly overtime pay.	+\$ <u>0.00</u>	+\$ <u>0.00</u>
4. Calculate gross income. Add line 2 + line 3.	\$ <u>3,916.66</u>	\$ <u>0.00</u>

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

	For Debtor 1	For Debtor 2 or non-filing spouse
4. Copy line 4 here	\$ 3,916.66	\$ 0.00

5. List all payroll deductions:

5a. Tax, Medicare, and Social Security deductions	5a. \$ 587.50	\$ 0.00
5b. Mandatory contributions for retirement plans	5b. \$ 0.00	\$ 0.00
5c. Voluntary contributions for retirement plans	5c. \$ 100.00	\$ 0.00
5d. Required repayments of retirement fund loans	5d. \$ 0.00	\$ 0.00
5e. Insurance	5e. \$ 350.00	\$ 0.00
5f. Domestic support obligations	5f. \$ 0.00	\$ 0.00
5g. Union dues	5g. \$ 0.00	\$ 0.00
5h. Other deductions. Specify: _____	5h.+ \$ 0.00	\$ 0.00

6. Add the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h. 6. \$ 1,037.50 \$ 0.00

7. Calculate total monthly take-home pay. Subtract line 6 from line 4. 7. \$ 2,879.16 \$ 0.00

8. List all other income regularly received:

8a. Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.	8a. \$ 0.00	\$ 2,000.00
8b. Interest and dividends	8b. \$ 0.00	\$ 0.00
8c. Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c. \$ 0.00	\$ 0.00
8d. Unemployment compensation	8d. \$ 0.00	\$ 0.00
8e. Social Security	8e. \$ 0.00	\$ 0.00
8f. Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify: _____	8f. \$ 0.00	\$ 0.00
8g. Pension or retirement income	8g. \$ 0.00	\$ 0.00
8h. Other monthly income. Specify: _____	8h.+ \$ 0.00	\$ 0.00

9. Add all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h. 9. \$ 0.00 \$ 2,000.00

10. Calculate monthly income. Add line 7 + line 9. Add the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse. 10. \$ 2,879.16 + \$ 2,000.00 = \$ 4,879.16

11. State all other regular contributions to the expenses that you list in Schedule J.

Include contributions from an unmarried partner, members of your household, your dependents, your roommates, and other friends or relatives.

Do not include any amounts already included in lines 2-10 or amounts that are not available to pay expenses listed in Schedule J.

Specify: \_\_\_\_\_ 11. +\$ 0.00

12. Add the amount in the last column of line 10 to the amount in line 11. The result is the combined monthly income. Write that amount on the Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data, if it applies 12. \$ 4,879.16

Combined monthly income

13. Do you expect an increase or decrease within the year after you file this form?

No.

Yes. Explain: \_\_\_\_\_

**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor

Debtor 2 Jane Ann Debtor  
(Spouse, if filing)

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(If known)

Check if this is:

- An amended filing
- A supplement showing postpetition chapter 13 expenses as of the following date:

\_\_\_\_\_  
MM / DD / YYYY

**Official Form 106J**

**Schedule J: Your Expenses**

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

**Part 1: Describe Your Household**

1. Is this a joint case?

No. Go to line 2.

Yes. Does Debtor 2 live in a separate household?

No

Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents?  No

Do not list Debtor 1 and Debtor 2.

Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

Son

13

No

Yes

No

Yes

No

Yes

No

Yes

3. Do your expenses include expenses of people other than yourself and your dependents?  No  Yes

**Part 2: Estimate Your Ongoing Monthly Expenses**

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

**Your expenses**

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ \_\_\_\_\_ **0.00**

If not included in line 4:

4a. Real estate taxes

4a. \$ \_\_\_\_\_ **0.00**

4b. Property, homeowner's, or renter's insurance

4b. \$ \_\_\_\_\_ **0.00**

4c. Home maintenance, repair, and upkeep expenses

4c. \$ \_\_\_\_\_ **100.00**

4d. Homeowner's association or condominium dues

4d. \$ \_\_\_\_\_ **0.00**

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ \_\_\_\_\_ **0.00**

Debtor 1 **John Doe Debtor**  
 Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

<b>6. Utilities:</b>		
6a. Electricity, heat, natural gas	6a. \$	250.00
6b. Water, sewer, garbage collection	6b. \$	40.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	300.00
6d. Other. Specify: _____	6d. \$	0.00
<b>7. Food and housekeeping supplies</b>	7. \$	900.00
<b>8. Childcare and children's education costs</b>	8. \$	40.00
<b>9. Clothing, laundry, and dry cleaning</b>	9. \$	100.00
<b>10. Personal care products and services</b>	10. \$	100.00
<b>11. Medical and dental expenses</b>	11. \$	75.00
<b>12. Transportation.</b> Include gas, maintenance, bus or train fare. Do not include car payments.	12. \$	300.00
<b>13. Entertainment, clubs, recreation, newspapers, magazines, and books</b>	13. \$	100.00
<b>14. Charitable contributions and religious donations</b>	14. \$	0.00
<b>15. Insurance.</b> Do not include insurance deducted from your pay or included in lines 4 or 20.		
15a. Life insurance	15a. \$	0.00
15b. Health insurance	15b. \$	0.00
15c. Vehicle insurance	15c. \$	120.00
15d. Other insurance. Specify: _____	15d. \$	0.00
<b>16. Taxes.</b> Do not include taxes deducted from your pay or included in lines 4 or 20. Specify: _____	16. \$	0.00
<b>17. Installment or lease payments:</b>		
17a. Car payments for Vehicle 1	17a. \$	0.00
17b. Car payments for Vehicle 2	17b. \$	0.00
17c. Other. Specify: _____	17c. \$	0.00
17d. Other. Specify: _____	17d. \$	0.00
<b>18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).</b>	18. \$	0.00
<b>19. Other payments you make to support others who do not live with you.</b> Specify: _____	19. \$	0.00
<b>20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.</b>		
20a. Mortgages on other property	20a. \$	0.00
20b. Real estate taxes	20b. \$	0.00
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00
20e. Homeowner's association or condominium dues	20e. \$	0.00
<b>21. Other:</b> Specify: <u>Misc</u>	21. +\$	50.00
<b>Pet Expenses</b>	+\$	100.00
<b>Gym Membership</b>	+\$	40.00
<b>22. Calculate your monthly expenses</b>		
22a. Add lines 4 through 21.	\$	2,615.00
22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2	\$	
22c. Add line 22a and 22b. The result is your monthly expenses.	\$	2,615.00
<b>23. Calculate your monthly net income.</b>		
23a. Copy line 12 ( <i>your combined monthly income</i> ) from Schedule I.	23a. \$	4,879.16
23b. Copy your monthly expenses from line 22c above.	23b. -\$	2,615.00
23c. Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c. \$	2,264.16
<b>24. Do you expect an increase or decrease in your expenses within the year after you file this form?</b> For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?		
<input checked="" type="checkbox"/> No.		
<input type="checkbox"/> Yes.	Explain here: _____	

**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor  
First Name Middle Name Last Name

Debtor 2 Jane Ann Debtor  
(Spouse if, filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: SOUTHERN DISTRICT OF INDIANA

Case number \_\_\_\_\_  
(if known)

Check if this is an amended filing

Official Form 106Dec

**Declaration About an Individual Debtor's Schedules**

12/15

If two married people are filing together, both are equally responsible for supplying correct information.

You must file this form whenever you file bankruptcy schedules or amended schedules. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

 Sign Below

Did you pay or agree to pay someone who is NOT an attorney to help you fill out bankruptcy forms?

No

Yes. Name of person \_\_\_\_\_ Attach Bankruptcy Petition Preparer's Notice, Declaration, and Signature (Official Form 119)

Under penalty of perjury, I declare that I have read the summary and schedules filed with this declaration and that they are true and correct.

X /s/ John Doe Debtor  
John Doe Debtor  
Signature of Debtor 1

X /s/ Jane Ann Debtor  
Jane Ann Debtor  
Signature of Debtor 2

Date September 9, 2020

Date September 9, 2020

**Fill in this information to identify your case:**

Debtor 1 John Doe Debtor

Debtor 2 Jane Ann Debtor  
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Indiana

Case number \_\_\_\_\_  
(if known)

**Check as directed in lines 17 and 21:**

According to the calculations required by this Statement:

1. Disposable income is not determined under 11 U.S.C. § 1325(b)(3).

2. Disposable income is determined under 11 U.S.C. § 1325(b)(3).

3. The commitment period is 3 years.

4. The commitment period is 5 years.

Check if this is an amended filing

**Official Form 122C-1**  
**Chapter 13 Statement of Your Current Monthly Income**  
**and Calculation of Commitment Period**

04/20

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for being accurate. If more space is needed, attach a separate sheet to this form. Include the line number to which the additional information applies. On the top of any additional pages, write your name and case number (if known).

**Part 1: Calculate Your Average Monthly Income**

1. **What is your marital and filing status?** Check one only.

Not married. Fill out Column A, lines 2-11.

Married. Fill out both Columns A and B, lines 2-11.

Fill in the average monthly income that you received from all sources, derived during the 6 full months before you file this bankruptcy case. 11 U.S.C. § 101(10A). For example, if you are filing on September 15, the 6-month period would be March 1 through August 31. If the amount of your monthly income varied during the 6 months, add the income for all 6 months and divide the total by 6. Fill in the result. Do not include any income amount more than once. For example, if both spouses own the same rental property, put the income from that property in one column only. If you have nothing to report for any line, write \$0 in the space.

	Column A Debtor 1	Column B Debtor 2 or non-filing spouse												
2. <b>Your gross wages, salary, tips, bonuses, overtime, and commissions</b> (before all payroll deductions).	\$ <u>4,000.00</u>	\$ <u>0.00</u>												
3. <b>Alimony and maintenance payments.</b> Do not include payments from a spouse if Column B is filled in.	\$ <u>0.00</u>	\$ <u>0.00</u>												
4. <b>All amounts from any source which are regularly paid for household expenses of you or your dependents, including child support.</b> Include regular contributions from an unmarried partner, members of your household, your dependents, parents, and roommates. Do not include payments from a spouse. Do not include payments you listed on line 3.	\$ <u>0.00</u>	\$ <u>0.00</u>												
5. <b>Net income from operating a business, profession, or farm</b>	<table border="1"> <thead> <tr> <th></th> <th>Debtor 1</th> <th>Debtor 2</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ <u>0.00</u></td> <td>\$ <u>1,833.33</u></td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>-\$ <u>0.00</u></td> <td>-\$ <u>583.33</u></td> </tr> <tr> <td>Net monthly income from a business, profession, or farm</td> <td>\$ <u>0.00</u></td> <td>\$ <u>1,250.00</u></td> </tr> </tbody> </table>			Debtor 1	Debtor 2	Gross receipts (before all deductions)	\$ <u>0.00</u>	\$ <u>1,833.33</u>	Ordinary and necessary operating expenses	-\$ <u>0.00</u>	-\$ <u>583.33</u>	Net monthly income from a business, profession, or farm	\$ <u>0.00</u>	\$ <u>1,250.00</u>
	Debtor 1	Debtor 2												
Gross receipts (before all deductions)	\$ <u>0.00</u>	\$ <u>1,833.33</u>												
Ordinary and necessary operating expenses	-\$ <u>0.00</u>	-\$ <u>583.33</u>												
Net monthly income from a business, profession, or farm	\$ <u>0.00</u>	\$ <u>1,250.00</u>												
	Copy here -> \$ <u>0.00</u>	\$ <u>1,250.00</u>												
6. <b>Net income from rental and other real property</b>	<table border="1"> <thead> <tr> <th></th> <th>Debtor 1</th> </tr> </thead> <tbody> <tr> <td>Gross receipts (before all deductions)</td> <td>\$ <u>0.00</u></td> </tr> <tr> <td>Ordinary and necessary operating expenses</td> <td>-\$ <u>0.00</u></td> </tr> <tr> <td>Net monthly income from rental or other real property</td> <td>\$ <u>0.00</u></td> </tr> </tbody> </table>			Debtor 1	Gross receipts (before all deductions)	\$ <u>0.00</u>	Ordinary and necessary operating expenses	-\$ <u>0.00</u>	Net monthly income from rental or other real property	\$ <u>0.00</u>				
	Debtor 1													
Gross receipts (before all deductions)	\$ <u>0.00</u>													
Ordinary and necessary operating expenses	-\$ <u>0.00</u>													
Net monthly income from rental or other real property	\$ <u>0.00</u>													
	Copy here -> \$ <u>0.00</u>	\$ <u>0.00</u>												

Debtor 1  
Debtor 2

**John Doe Debtor**  
**Jane Ann Debtor**

Case number (if known)

Column A Debtor 1	Column B Debtor 2 or non-filing spouse
\$ 0.00	\$ 0.00
\$ 0.00	\$ 0.00

7. Interest, dividends, and royalties  
8. Unemployment compensation

Do not enter the amount if you contend that the amount received was a benefit under the Social Security Act. Instead, list it here:

For you \$ 0.00  
For your spouse \$ 0.00

9. Pension or retirement income. Do not include any amount received that was a benefit under the Social Security Act. Also, except as stated in the next sentence, do not include any compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If you received any retired pay paid under chapter 61 of title 10, then include that pay only to the extent that it does not exceed the amount of retired pay to which you would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.

\$ 0.00      \$ 0.00

10. Income from all other sources not listed above. Specify the source and amount. Do not include any benefits received under the Social Security Act; payments made under the Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the coronavirus disease 2019 (COVID-19); payments received as a victim of a war crime, a crime against humanity, or international or domestic terrorism; or compensation, pension, pay, annuity, or allowance paid by the United States Government in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services. If necessary, list other sources on a separate page and put the total below.

\$ 0.00      \$ 0.00  
\$ 0.00      \$ 0.00  
+ \$ 0.00      \$ 0.00

Total amounts from separate pages, if any.

11. Calculate your total average monthly income. Add lines 2 through 10 for each column. Then add the total for Column A to the total for Column B.

\$ 4,000.00 + \$ 1,250.00 = \$ 5,250.00

Total average monthly income

**Part 2: Determine How to Measure Your Deductions from Income**

12. Copy your total average monthly income from line 11. \$ 5,250.00

13. Calculate the marital adjustment. Check one:

- You are not married. Fill in 0 below.  
 You are married and your spouse is filing with you. Fill in 0 below.  
 You are married and your spouse is not filing with you.

Fill in the amount of the income listed in line 11, Column B, that was NOT regularly paid for the household expenses of you or your dependents, such as payment of the spouse's tax liability or the spouse's support of someone other than you or your dependents.

Below, specify the basis for excluding this income and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page.

If this adjustment does not apply, enter 0 below.

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
+ \$ \_\_\_\_\_

Total \$ 0.00 Copy here=> - 0.00

14. Your current monthly income. Subtract line 13 from line 12.

\$ 5,250.00

15. Calculate your current monthly income for the year. Follow these steps:

15a. Copy line 14 here=> \$ 5,250.00

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

Multiply line 15a by 12 (the number of months in a year).

x 12

15b. The result is your current monthly income for the year for this part of the form. ....

\$ **63,000.00**



**16. Calculate the median family income that applies to you. Follow these steps:**

- 16a. Fill in the state in which you live. IN
- 16b. Fill in the number of people in your household. 3
- 16c. Fill in the median family income for your state and size of household. \$ 73,537.00  
To find a list of applicable median income amounts, go online using the link specified in the separate instructions for this form. This list may also be available at the bankruptcy clerk's office.

**17. How do the lines compare?**

- 17a.  Line 15b is less than or equal to line 16c. On the top of page 1 of this form, check box 1, *Disposable income is not determined under 11 U.S.C. § 1325(b)(3). Go to Part 3.* Do NOT fill out *Calculation of Your Disposable Income* (Official Form 122C-2).
- 17b.  Line 15b is more than line 16c. On the top of page 1 of this form, check box 2, *Disposable income is determined under 11 U.S.C. § 1325(b)(3). Go to Part 3 and fill out Calculation of Your Disposable Income (Official Form 122C-2).* On line 39 of that form, copy your current monthly income from line 14 above.

**Part 3: Calculate Your Commitment Period Under 11 U.S.C. § 1325(b)(4)**

18. Copy your total average monthly income from line 11. \$ 5,250.00
19. Deduct the marital adjustment if it applies. If you are married, your spouse is not filing with you, and you contend that calculating the commitment period under 11 U.S.C. § 1325(b)(4) allows you to deduct part of your spouse's income, copy the amount from line 13.
- 19a. If the marital adjustment does not apply, fill in 0 on line 19a. -\$ 0.00
- 19b. Subtract line 19a from line 18. \$ 5,250.00
20. Calculate your current monthly income for the year. Follow these steps:
- 20a. Copy line 19b. \$ 5,250.00  
Multiply by 12 (the number of months in a year). x 12
- 20b. The result is your current monthly income for the year for this part of the form. \$ 63,000.00
- 20c. Copy the median family income for your state and size of household from line 16c. \$ 73,537.00
21. How do the lines compare?
- Line 20b is less than line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 3, *The commitment period is 3 years.* Go to Part 4.
- Line 20b is more than or equal to line 20c. Unless otherwise ordered by the court, on the top of page 1 of this form, check box 4, *The commitment period is 5 years.* Go to Part 4.

**Part 4: Sign Below**

By signing here, under penalty of perjury I declare that the information on this statement and in any attachments is true and correct.

**X /s/ John Doe Debtor**  
John Doe Debtor  
Signature of Debtor 1  
Date September 9, 2020  
MM / DD / YYYY

**X /s/ Jane Ann Debtor**  
Jane Ann Debtor  
Signature of Debtor 2  
Date September 9, 2020  
MM / DD / YYYY

If you checked 17a, do NOT fill out or file Form 122C-2.

If you checked 17b, fill out Form 122C-2 and file it with this form. On line 39 of that form, copy your current monthly income from line 14 above.

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

### Current Monthly Income Details for the Debtor

**Debtor Income Details:**

Income for the Period **03/01/2020** to **08/31/2020**.

**Line 2 - Gross wages, salary, tips, bonuses, overtime, commissions**

Source of Income: **WalMart**

Year-to-Date Income:

Starting Year-to-Date Income: **\$6,000.00** from check dated **2/29/2020** .

Ending Year-to-Date Income: **\$30,000.00** from check dated **8/31/2020** .

Income for six-month period (Ending-Starting): **\$24,000.00** .

Average Monthly Income: **\$4,000.00** .

Debtor 1 **John Doe Debtor**  
Debtor 2 **Jane Ann Debtor**

Case number (if known) \_\_\_\_\_

### Current Monthly Income Details for the Debtor's Spouse

#### Spouse Income Details:

Income for the Period **03/01/2020** to **08/31/2020**.

#### Line 5 - Income from operation of a business, profession, or farm

Source of Income: **ABC Corporation**

Year-to-Date Income/Expenses/Net:

Starting Financial Statement Dated: 2/29/2020 .

Starting Year-to-Date Income: \$4,000.00 .

Starting Year-to-Date Expenses: \$500.00 .

Starting Year-to-Date Net (Income-Expenses): \$3,500.00 .

Ending Financial Statement Dated: 8/31/2020 .

Ending Year-to-Date Income: \$15,000.00 .

Ending Year-to-Date Expenses: \$4,000.00 .

Ending Year-to-Date Net (Income-Expenses): \$11,000.00 .

Total Income for six-month period (Ending-Starting): \$11,000.00 .

Average Monthly Income (Total Income divided by 6): \$1,833.33 .

Total Expenses for six-month period (Ending-Starting): \$3,500.00 .

Average Monthly Expenses (Total Expenses divided by 6): \$583.33 .

Total Net for six-month period (Total Income-Total Expenses): \$7,500.00 .

Average Monthly Net Income (Total Net Income divided by 6): \$1,250.00 .

# Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

## This notice is for you if:

**You are an individual filing for bankruptcy,**  
and

**Your debts are primarily consumer debts.**  
*Consumer debts* are defined in 11 U.S.C.  
§ 101(8) as "incurred by an individual  
primarily for a personal, family, or  
household purpose."

## The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under  
one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan  
for family farmers or  
fishermen

Chapter 13 - Voluntary repayment plan  
for individuals with regular  
income

**You should have an attorney review your  
decision to file for bankruptcy and the choice of  
chapter.**

## Chapter 7: Liquidation

\$245	filing fee
\$75	administrative fee
+	\$15 trustee surcharge
\$335	total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their nonexempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form—the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form—sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

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## Chapter 11: Reorganization

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	\$1,167	filing fee
+	\$550	administrative fee
	\$1,717	total fee

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

## Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

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### Chapter 12: Repayment plan for family farmers or fishermen

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	\$200	filing fee
+	\$75	administrative fee
	\$275	total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

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### Chapter 13: Repayment plan for individuals with regular income

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	\$235	filing fee
+	\$75	administrative fee
	\$310	total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

### **Warning: File Your Forms on Time**

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:  
[http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html#procedure](http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure).

### **Bankruptcy crimes have serious consequences**

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

### **Make sure the court has your mailing address**

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

### **Understand which services you could receive from credit counseling agencies**

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from:  
[http://justice.gov/ust/eo/hapcpa/ccde/cc\\_approved.html](http://justice.gov/ust/eo/hapcpa/ccde/cc_approved.html)

In Alabama and North Carolina, go to:  
<http://www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyResources/ApprovedCreditAndDebtCounselors.aspx>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

Case Name: John Doe Debtor  
Jane Ann Debtor

Case No.

**RIGHTS AND RESPONSIBILITIES OF CHAPTER 13  
DEBTORS AND THEIR ATTORNEYS**

It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights and responsibilities. It is also important that debtors know what their attorney's responsibilities are and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. In order to assure that debtors and attorneys understand their rights and responsibilities in the bankruptcy process, the following guidelines provided by the Court are hereby agreed to by the debtors and their attorney.

**BEFORE THE CASE IS FILED**

**The debtor agrees to:**

1. Provide the attorney with complete, accurate and current financial information.
2. Discuss with the attorney the debtor's objectives in filing the case.
3. Disclose any previous bankruptcies filed in the previous 8 years.
4. Unless excused under 11 U.S.C. § 109(h), receive a briefing from an approved nonprofit budget and credit counseling agency and provide the attorney with a copy of the certificate from the agency showing such attendance, as well as a copy of the debt repayment plan, if any, developed through the agency.
5. Disclose to the attorney any and all domestic support obligations.

**The attorney agrees to:**

1. Meet with the debtor to review the debtor's debts, assets, liabilities, income and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, provide debtor with the notice required under 11 U.S.C. § 342(b) if applicable, discuss both procedures with the debtor and answer the debtor's questions.
3. Explain what payments will be made to creditors directly by the debtor and what payments will be made through the Chapter 13 plan, with particular attention to mortgage and vehicle loan payments, any other debts that accrue interest, domestic support obligations and leases.
4. Explain to the debtor how, when and where to make payments, pursuant to the plan, to the Chapter 13 trustee and of the necessity to include the debtor's case number, name and current address on each payment item.
5. Explain to the debtor how the attorney and trustee's fees are paid and provide an executed copy of this document to the debtor.
6. Explain to the debtor that the first payment due under Chapter 13 must be made to the trustee within 30 days of filing of the bankruptcy petition.
7. Advise the debtor of the requirement to attend the Section 341 Meeting of Creditors and instruct the debtor as to the date, time and place of the meeting and of the necessity to bring both picture identification and proof of the debtor's social security number to the meeting.
8. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on leased vehicles or those securing loans, and of the obligation to bring copies of the declaration page(s) documenting such insurance to the Meeting of Creditors.
9. Advise debtors engaged in business of the necessity to maintain liability insurance, workers compensation insurance, if required, and any other insurance coverage required by law.
10. Timely prepare and file the debtor's petition, plan, statements, schedules, and any other papers or documents required under the Bankruptcy Code.



## **AFTER THE CASE IS FILED**

### **The debtor agrees to:**

1. Timely make all required payments to the Chapter 13 trustee that first become due 30 days after the case is filed. Also, if required, turn over any tax refunds, personal injury settlement proceeds or any other property as requested by the trustee.
2. Timely make all post-petition payments due to mortgage lenders, holders of domestic support obligations, lessors, and any other creditor that debtor agreed or is obligated to pay directly.
3. Cooperate with the attorney in the preparation of all pleadings and attend all hearings as required.
4. Keep the trustee, attorney and Court informed of any changes to the debtor's address and telephone number.
5. Prepare and file any and all federal, state and local tax returns within 30 days of filing the petition.
6. Inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the case.
7. Contact the attorney promptly with any information regarding changes in employment, increases or decreases in income or other financial problems or changes.
8. Contact the attorney promptly if the debtor acquires any property after the petition is filed. Such property might include, but is not limited to, personal injury proceeds, inheritances, lottery winnings, etc.
9. Inform the attorney if the debtor is sued during the case.
10. Inform the attorney if any tax refunds to which the debtors are entitled are seized or not returned to the debtor by the IRS, the Indiana Department of Revenue or any other taxing authority.
11. Contact the attorney to determine whether court approval is required before buying, refinancing or selling real property or before entering into any long-term loan agreement.
12. Pay any filing fees and courts costs directly to the attorney.
13. If the requirements of 11 U.S.C. § 109(h) were waived by the Court when the case was first filed, receive a briefing from an approved nonprofit budget and credit counseling agency within 30 days of the case being filed (unless the Court, for cause, extends such time) and provide counsel with the certificate from the agency stating that the debtor attended such briefing.
14. Unless such attendance is excused under 11 U.S.C. § 1328(f), complete an instructional course concerning personal financial management and shall promptly submit to the debtor's attorney a signed and completed Certification of Completion of Instruction Course Concerning Personal Financial Management.
15. Cooperate fully with any audit conducted pursuant to 28 U.S.C. § 586(a).
16. After all plan payments have been made, and if the debtor is eligible for a discharge, timely provide counsel with the information needed to complete any documents required by the Court before a discharge will be entered.

### **The attorney agrees to provide the following legal services:**

1. Appear at the Section 341 Meeting of Creditors with the debtor.
2. Respond to objections to plan confirmation and, where necessary, prepare an amended plan.
3. Timely submit properly documented profit and loss statements, tax returns and proof of income when requested by the trustee.
4. Prepare, file and serve necessary modifications to the plan.
5. Prepare, file and serve necessary amended statements and schedules, in accordance with information provided by the debtor.
6. Prepare, file and serve necessary motions to buy, sell or refinance property when appropriate.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor or trustee.
8. Represent the debtor in motions for relief from stay and motions to dismiss and/or convert.
9. Where appropriate, prepare, file, serve and notice motions to avoid liens on real or personal property.
10. Where appropriate, prepare, file and serve a summons and complaint to avoid a wholly unsecured mortgage.
11. Be available to respond to debtor's questions throughout the life of the plan.
12. Negotiate with any creditor holding a claim against the debtor that is potentially nondischargeable to determine if the matter can be resolved prior to litigation. Discuss with debtor the cost and advisability of litigating the dischargeability of the claim. The attorney is not required, however, to represent the debtor in any adversary proceeding to determine the nondischargeability of any debt pursuant to these Rights and Responsibilities.
13. Represent the debtor with respect to any audit conducted pursuant to 28 U.S.C. § 586(a).

Case Name: John Doe Debtor

Jane Ann Debtor

Case No.

14. Negotiate all reaffirmation agreements and appear with the debtor at any hearing on same.

15. After all plan payments have been made, and if the debtor is eligible for a discharge, prepare, file and serve any documents required by the Court before a discharge will be entered.

The total fee charged in this case is **\$4,000.00**. If this fee later proves to be insufficient to compensate the attorney for the legal service rendered in the case, the attorney has the right to apply to the court for any additional attorney fees. Fees shall be paid through the plan unless otherwise ordered. The attorney may not receive additional fees directly from the debtor other than the initial retainer. If an attorney has elected to be compensated pursuant to these guidelines, but the case is dismissed prior to confirmation of the plan, absent contrary order, the trustee shall pay to the attorney, to the extent funds are available, an administrative claim equal to 50% of the unpaid fee balance if a properly documented fee claim (for the entire fee balance) has been filed by the attorney and served upon the trustee.

Case Name: John Doe Debtor  
Jane Ann Debtor

Case No.

If the debtor disputes the legal services provided or the fees charged by the attorney, an objection must be filed with the Court.

Dated: September 9, 2020

/s/ John Doe Debtor  
John Doe Debtor  
Debtor

Dated: September 9, 2020

/s/ Jane Ann Debtor  
Jane Ann Debtor  
Debtor

Dated: September 9, 2020

/s/ Mark S. Zuckerberg  
Mark S. Zuckerberg 13815-49  
Attorney for Debtor(s)

**United States Bankruptcy Court  
Southern District of Indiana**

In re John Doe Debtor  
Jane Ann Debtor

Debtor(s)

Case No. \_\_\_\_\_

Chapter 13

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept _____	\$	<u>4,000.00</u>
Prior to the filing of this statement I have received _____	\$	<u>1,170.00</u>
Balance Due _____	\$	<u>2,830.00</u>

2. \$ 310.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor     Other (specify):

4. The source of compensation to be paid to me is:

Debtor     Other (specify):

5.  I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. Representation of the debtor in adversary proceedings and other contested bankruptcy matters;
- e. [Other provisions as needed]

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**Any services or advice except as set forth above.**

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

September 9, 2020

*Date*

/s/ Mark S. Zuckerberg

**Mark S. Zuckerberg 13815-49**

*Signature of Attorney*

**Bankruptcy Law Office of Mark S. Zuckerberg**

**429 N. Pennsylvania Street - Suite 100**

**Indianapolis, IN 46204**

**317-687-0000 Fax: 317-687-5151**

**filings@mszlaw.com**

*Name of law firm*

**United States Bankruptcy Court  
Southern District of Indiana**

In re John Doe Debtor  
Jane Ann Debtor

Debtor(s)

Case No. \_\_\_\_\_

Chapter

13

**VERIFICATION OF CREDITOR MATRIX**

The above-named Debtors hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: September 9, 2020

/s/ John Doe Debtor

John Doe Debtor

Signature of Debtor

Date: September 9, 2020

/s/ Jane Ann Debtor

Jane Ann Debtor

Signature of Debtor

JOHN DOE DEBTOR  
123 UNEASY STREET  
CARMEL, IN 46032

JANE ANN DEBTOR  
123 UNEASY STREET  
CARMEL, IN 46032

MARK S. ZUCKERBERG  
BANKRUPTCY LAW OFFICE OF MARK S. ZUCKERBERG  
429 N. PENNSYLVANIA STREET - SUITE 100  
INDIANAPOLIS, IN 46204

CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY, UT 84130-2085

CHASE  
P.O. BOX 15298  
WILMINGTON, DE 19850-5298

FEIWELL & HANNOY, P.C.  
P.O. BOX 44141  
251 N. ILLINOIS ST., STE. 1700  
INDIANAPOLIS, IN 46204

FRANCISCAN ALLIANCE  
28044 NETWORK PLACE  
CHICAGO, IL 60673-1280

FREEDOM MORTGAGE  
907 PLEASANT VALLEY AVE, STE 3  
MOUNT LAUREL, NJ 08054

INDIANA DEPARTMENT OF REVENUE  
100 N. SENATE AVE. ROOM N203  
INDIANAPOLIS, IN 46204

INTERNAL REVENUE SERVICE  
575 NORTH PENNSYLVANIA STREET  
ROOM 469 STOP SB450  
INDIANAPOLIS, IN 46204

PNC BANK  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

## ANNUAL BANKRUPTCY ROUNDUP

Written by: Mark S. Zuckerberg

### I. U.S. SUPREME COURT CASES

#### ***Taggart v. Lorenzen*, 139 S.Ct. 1795, 204 L.Ed.2d 129 (2019)**

Prior to filing bankruptcy, Taggart was involved in state court litigation with the Sherwood Park Business Center. He filed a petition under Chapter 7 of the Bankruptcy Code just prior to the trial in that matter. Taggart's bankruptcy case proceeded and the bankruptcy court eventually entered his discharge order. Subsequently, a judgment was entered against Taggart in the pre-petition state court matter involving Sherwood. Sherwood then filed a petition seeking attorney's fees incurred after Taggart's bankruptcy filing. All parties agreed that under the Ninth Circuit's decision in *In re Ybarra*, 424 F.3d 1018 (9<sup>th</sup> Cir. 2005), a discharge would normally cover and discharge post-petition attorney's fees stemming from pre-petition litigation – unless the discharged debtor “returned to the fray” post-petition. The state court agreed and held Taggart liable for roughly \$45,000 of Sherwood's post-petition attorney's fees.

Taggart returned to the bankruptcy court and argued that he had not returned to the “fray” under *Ybarra* in the state court matter. Therefore, he argued the discharge barred Sherwood from collecting the post-petition attorney's fees. Taggart sought to have Sherwood held in civil contempt as a result of its alleged violation of the discharge order. The bankruptcy court disagreed and concluded that Taggart had in fact returned to the fray. It refused to hold Sherwood in contempt. The district court reversed on appeal, and found Sherwood had violated the discharge.

On remand, the bankruptcy court held the creditors in this case were in civil contempt and applied a standard it described as akin to “strict liability” due to the standard's expansive scope. It held that contempt sanctions were permissible – irrespective of the creditor's beliefs – if the creditor was “aware of the discharge” and “intended the actions which violate[d]” it. As such, Taggart was awarded \$105,000 in attorney's fees and costs, \$5,000 in damages for emotional distress and \$2,000 in punitive damages.

Sherwood appealed and Bankruptcy Appellate Panel vacated the sanctions, which was affirmed by the Ninth Circuit. The Ninth Circuit disagreed with the standard applied by the bankruptcy court, and instead applied a subjective standard. In doing so, the Ninth Circuit concluded that a court cannot hold a creditor in civil contempt if it had a “good faith belief” that the discharge did not apply to the creditor's debt. The Court of Appeals opined this is true even if the creditor's belief was unreasonable, and therefore held the civil contempt sanctions were improper. Taggart subsequently filed a petition for *certiorari* with the Supreme Court which was granted. On the outset, the Supreme Court noted that there were two Bankruptcy Code sections which aided its efforts to answer the question as to the proper legal standard to apply in this case. First, Bankruptcy Code § 524(a)(2) provides that a discharge “operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset” a discharged debt. The second provision is Bankruptcy Code § 105, which



authorizes a court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”

The Supreme Court relied upon the longstanding interpretive principle that when a statutory term is “obviously transplanted from another legal source,” it “brings the old soil with it.” It was Bankruptcy Code §§ 105 and 524 which brought with them the “old soil” in this case that has long governed how courts have enforced injunctions. This includes the “potent weapon” of civil contempt. Under traditional principals of equity, courts have long used civil contempt sanctions to coerce defendants to comply with injunctions and compensate plaintiffs for their losses.

In its opinion, the Court noted that generally civil contempt is viewed as a severe remedy. Although a party’s subjective belief that she was complying with an order ordinarily will not insulate her from civil contempt, this does not mean that a party’s subjective intent is always irrelevant. It was from these basic principles that it developed the appropriate standard to apply in this matter. The Supreme Court disagreed with both the bankruptcy court and the Ninth Circuit as to the proper legal standard that should be applied in this matter. It found that neither a strict liability nor a subjective standard are appropriate when it comes to civil contempt proceedings for discharge violations. Instead, the Supreme Court held a court may hold a creditor in contempt for violation a discharge order if there is “no fair ground of doubt” as to whether the discharge barred the creditor’s conduct. Alternatively stated, civil contempt may be appropriate if there is no objectively reasonable basis for concluding the creditor’s conduct might be lawful. Since the Court of Appeals did not apply the proper legal standard, the Supreme Court vacated the judgment and remanded the case for further proceedings consistent with its opinion.

## II. AUTOMATIC STAY

### ***In re Zamudio Lopez*, Case No. 18-04903-RLM-11, Order Granting Motion for Relief from Stay (Bankr.S.D.Ind. Sept. 30, 2019)**

Debtor had purchased property on land contract. Debtor was required under the contract to keep the premises in good repair, not to commit waste, and to comply with all ordinances and regulations with respect to the property. Debtor’s plan had been confirmed and he was current on his payments to the trustee. The property also was insured with the seller named as loss payee. Property was in serious disrepair and seller became aware of condition and referred the matter to the Marion County Health Department. The County conducted an interior and exterior inspection and found several code vioaltions. The County inspected the property again in July and August and few of the repairs had been made. The Court did not find debtor’s testimony that the property was in disrepair when he moved in to be credible. Nor did the Court give credence to the debtor’s testimony that all the repairs had been made, given the photographic evidence presented by the seller. The property was in such disrepair that the seller’s interest had been diminished. The debtor asked for sanctions against the seller for contacting the County and referring the matter to it for inspection. The Court found that the seller’s actions were not in furtherance of debt collection but rather to determine whether the debtor was in compliance with the provisions of the land contract. The County was acting under its police and regulatory power and its actions were excepted from the stay under Code § 362(b)(4).

### III. DISCHARGE AND DISCHARGEABILITY

#### ***In re Arnetta Lynn Brown*, Adv. Proc. No. 17-3016, Case No. 3:18-CV-427 JD, Opinion and Order (N.D. Ind. August 1, 2019)**

Arnetta Brown collected unemployment benefits while falsely certifying that she was not working. After discovering her earnings, the State of Indiana required her to repay those benefits. It also imposed a penalty for her false statements. Brown then filed Chapter 7 bankruptcy, prompting the State to file an adversary proceeding seeking a declaration that the debt was nondischargeable pursuant to 11 U.S.C. §§ 523(a)(2)(A) and (a)(7). The bankruptcy court denied the relief sought by the State and held that the debt was discharged under both Code sections. The State then filed an appeal, arguing that the penalty was automatically nondischargeable under 11 U.S.C. § 523(a)(7). That Code section has three elements: (1) the debt must be a fine, penalty, or forfeiture; (2) it must be “payable to and for the benefit of a governmental unit”; and (3) it must not be compensation for pecuniary loss.

The District Court reversed the decision of the bankruptcy court and found in favor of the State. It found that nothing in the statute says that a penalty is automatically discharged if a related underlying debt is discharged. There is no intent element in 11 U.S.C. § 523(a)(7). Additionally, the District Court found that a determination into whether a debt meets the elements of 11 U.S.C. § 523(a)(7) does not require relitigating whether the debt should have been imposed in the first place. Finally, the District Court found the penalty was payable to and for the benefit of a governmental unit. There was no reason to conclude that funds are only payable for the benefit of a governmental unit if they are spent on administrative or operational expenses, though. The accounts into which the payments here were deposited are controlled by the government and are used to fund the government’s activities.

#### ***Indiana Dep’t of Workforce Development v. Beckley*, Adv. Proc. No. 17-50252, Findings of Fact and Conclusions of Law (Bankr.S.D.Ind. Sept. 30, 2019)**

DWD sought a determination that debtor’s obligation to repay DWD for an overpayment of unemployment benefits plus interest is nondischargeable pursuant to § 523(a)(2)(A) and to pay penalties to DWD is nondischargeable pursuant to § 523(a)(7).

The court determined that debtor did not have the requisite intent to defraud where (1) debtor did not submit the vouchers – another individual did on the debtor’s behalf; (2) debtor accurately described to that individual her temporary/part-time employment status; (3) vouchers were submitted based on the other individual’s advice that temporary/part-time work did not disqualify debtor from receiving benefits; and (4) debtor directed the individual to stop submitting vouchers as soon as her employment status changed to full-time and that individual complied.

As to the penalties, the court decided that it cannot and should not go behind the state’s determination to assess penalties to determine the propriety thereof. The penalties were imposed within Indiana’s statutory framework and should be challenged through the appeal process established by Indiana statute. Determining whether the debt meets the § 523(a)(7) standard does

not require relitigating whether the debt should have been imposed in the first place. Citing the *Brown* case discussed *supra*.

#### IV. CHAPTER 7 CASES

##### ***In re Echelbarger*, 600 B.R. 39 (Bankr. S.D. Ind. 2019)**

Chapter 7 debtor brought adversary complaint against creditor, the Department of Education, seeking to determine dischargeability of student loans. Creditor filed motion for summary judgment. The bankruptcy court held that debtor, who was 41 years old and healthy, was not entitled to “undue hardship” discharge of \$279,016.23 in student loan debt under Bankruptcy Code § 523(a)(8). The debtor had relevant work experience, and was well educated with a strong academic record. However, her alleged inability to repay the loans was rooted exclusively in her voluntary choice to abandon the more lucrative employment in the field for which is she educated, and debtor did not make a good faith effort to minimize her expenses, as she voluntarily contributed to her retirement savings, funded her son's largely private primary and secondary education, purchased a home, and did not seek any contribution from her now-adult son, who lived with her, in paying their household expenses. The court also held that assuming the Bankruptcy Code permitted court to partially discharge student loan obligation, on theory that debtor could repay portion of such loan without “undue hardship,” partial discharge of debtor’s student loans was not warranted.

#### V. CHAPTER 13 CASES

##### ***In re Fulton*, 926 F.3d 916, 929 (7<sup>th</sup> Cir. 2019), cert. granted**

In this consolidated appeal of four Chapter 13 bankruptcies, the 7<sup>th</sup> Circuit considered whether the City of Chicago may ignore the Bankruptcy Code's automatic stay and continue to hold a debtor’s vehicle until the debtor pays her outstanding parking tickets. Prior to the debtors’ filing for bankruptcy, the City impounded each of their vehicles for failure to pay multiple traffic fines. After the debtors filed their Chapter 13 petitions, the City refused to return their vehicles, claiming it needed to maintain possession to continue perfection of its possessory liens on the vehicles and that it would only return the vehicles when the debtors paid in full their outstanding fines. The bankruptcy courts each held that the City violated the automatic stay by "exercising control" over property of the bankruptcy estate and that none of the exceptions to the stay applied – including 11 U.S.C. §§ 362(b)(3) and (4). The courts ordered the City to return debtors vehicles and imposed sanctions on the City for violating the stay.

The 7<sup>th</sup> Circuit declined to overrule its decision in *Thompson v. General Motors Acceptance Corp.*, 566 F.3d 699 (7<sup>th</sup> Cir. 2009), which held that a creditor must comply with the automatic stay and return a debtor's vehicle upon her filing of a bankruptcy petition. Therefore, the 7<sup>th</sup> Circuit affirmed the bankruptcy courts' judgments relying on *Thompson*, and also agreed with the bankruptcy courts that none of the exceptions to the stay applied. The U.S. Supreme Court has granted certiorari to hear this case as this is an issue that has divided numerous Circuit Courts of Appeal.

***In re Thompson*, Case No. 18-06525-JMC-13, Order Overruling Objections to Confirmation with Findings of Fact and Conclusions of Law (Bankr.S.D.Ind. Apr. 8, 2019)**

Creditor holding a claim secured by a vehicle objected to plan confirmation because its equal monthly payments would not begin until approximately month 21 after the administrative expense claim for debtor's counsel's fees was paid in full. Creditor did not assert in its objection that such delay would cause the stream of payments not to have a present value equal to the amount of the claim.

Debtor relied on Judge Otte's 2006 opinion and the current practice in this district. Creditor relied on more recent opinions, including from other bankruptcy courts in the 7<sup>th</sup> Circuit that say equal monthly payments must start with the first payment after confirmation of the plan.

The court focused on whether the stream of payments would have a present value at least equal to the amount of the claim pursuant to § 1325(a)(5)(b)(ii) (it would), whether the administrative expense claim was being paid prior to or at the same time as the secured claim pursuant to § 1326(b)(1) (it was), and whether creditor would at any point in the case get less than the adequate protection amount pursuant to § 1325(a)(5)(B)(iii)(II) (it would not). The court overruled the objection.

Creditor appealed the order. On October 2, 2019, the district court affirmed the order.

***In re Wilkins*, Case No. 19-03392-JMC-13, Order Sustaining Objection to Proof of Claim No. 4 (Bankr.S.D.Ind. Sept. 25, 2019)**

The HOA filed a claim which asserted a secured claim for unpaid assessments, interest, fees and costs. However, the HOA failed to record a notice of the lien. The debtors objected to the HOA's proof of claim on the grounds that HOA's failure to record a notice of lien meant HOA's claim should be treated as unsecured and deemed satisfied in full upon plan completion and entry of discharge. Creditor countered that the unpaid assessments are a consensual lien arising from the Declarations and enforced pursuant to HOA's Delinquency Policy Resolution, and that because recordation is not a requirement of the Declarations or the Resolution, HOA has an effective lien and therefore a secured claim, notwithstanding the fact that the creditor did not record a notice of lien.

Using the analysis from the Boykins case, the court sustained the debtors' objection to the HOA's proof of claim. HOA's lien would not become effective or attached to the debtors' property unless and until HOA recorded a notice of lien in the county recorder's office. The HOA's lien had not attached or become effective as to debtor's property, so the court ruled that HOA held an unsecured claim.

VI. MISCELLANEOUS ISSUES

***In re Kelley*, Case No. 18-06330-RLM-7, Order on Motion to Show Cause (Bankr.S.D.Ind. May 22, 2019)**

Creditor who was correctly scheduled and whom the Bankruptcy Noticing Center had sent both the notice of filing/notice of 341 hearing and discharge order filed two separate small claims court cases post-discharge. The creditor indicated that it had not received notice of the filing or the discharge, but no mail was returned as undeliverable and the creditor gave no explanation of how or why such notices would have failed to reach the creditor twice. Debtor's attorney filed answers in the small claims cases, raising the bankruptcy discharge as an affirmative defense, and moved to continue further proceedings. The creditor maintained that the particular debts sued on "were different" than the debts listed on the schedules and that the debtor "had no other affirmative defenses under the bankruptcy umbrella." The debtor's attorney filed a motion to show cause why creditor should not be held in contempt of the discharge order in the bankruptcy court. It took the creditor nearly three weeks after the filing of the show cause motion to dismiss the small claims actions. Emails between counsel for the parties showed that the creditor did not deny receiving notice of the bankruptcy or the discharge. At most, the creditor contended in those emails that the debts sued on in small claims court post-discharge were "different debts" than the ones scheduled in the bankruptcy. Finally, despite being put on notice by the debtor's attorney of the bankruptcy discharge and violation of discharge injunction, the creditor did not dismiss its small claims cases until nearly three weeks after the motion to show cause had been filed. The court found that the creditor willfully violated the discharge injunction and awarded the debtor damages of \$87.06 for lost wages and \$3,623.00 in attorney fees.

***In re Butterly*, Case No. 17-08143-RLM-7, Order on Debtor's Motion for Order of Contempt (Bankr.S.D.Ind. 2019)**

Debtor failed to list creditor on his schedules. Post-discharge, the pro se creditor sued the debtor in state court. Debtor's state court counsel moved to dismiss on the basis the debt was discharged. The creditor maintained that the debt owed to her had not been discharged because it had not been scheduled. Creditor proceeded with the collection action. Debtor filed motion for sanctions in the bankruptcy case for violation of the discharge injunction. The creditor maintained that she relied on an attorney's advice that the debt owed to her had not been discharged because it had not been scheduled but offered no details as to with whom she spoke. Her daughter who lived out of state and with whom the creditor had contact had been listed on the debtor's schedules, but it was unknown whether the creditor learned of the debtor's bankruptcy through her. Nor had it been established as to when the creditor first became aware of the debtor's bankruptcy. The debtor had attached a copy of the discharge order to his motion to dismiss filed in the state court case. That order provided that "no one may make any attempt to collect a discharged debt from the debtor personally" as well as how "most debts" were covered by the discharge, but not all, and that among some of the debts not discharged were those that the debtor did not properly list.

The Court examined the creditor's actions in light of Taggart, which imposed sanctions for violation of the discharge injunction "if there is no fair ground of doubt as to whether the order barred the creditor's conduct." The court found that the creditor's understanding of the scope of the discharge was objectively unreasonable given the plain language in the discharge order which the creditor was made aware of at the time the debtor moved to dismiss the state court case. The court limited the amount of attorney fees to only those services rendered after the

motion to dismiss had been filed in the state court collection case, the debtor's lost wages for attending the hearing in bankruptcy court, and the fee the debtor paid to reopen the case.

***In re Ewick*, Case No. 19-04884-RLM-13, Order on Objection to Plan Confirmation (Bankr.S.D.Ind. Sept. 25, 2019)**

The debtor rented household goods from the creditor. While all of the rental agreements were not in the same format, they all contained the same relevant provisions. Each agreement was for a weekly rental and provided that the debtor could acquire ownership of the rented property after making a specified number of rental payments and after paying the "same as cash price." The agreements also provided for a formula to calculate what the debtor would need to pay to acquire ownership if the debtor opted to do so before making the specified number of rental payments. The agreements did not contain a choice of law provision to determine whether the agreement was a true lease. Using the definition of "security interest" under Ind. Code § 26-1-1-207(37), a lease is a security agreement if the lessee cannot terminate the lease at any time, the original term of the lease is at least as great as the remaining economic life of the goods, and the lessee can either renew the lease or purchase the goods for no additional consideration or for nominal consideration. The debtor here was able to terminate the lease at any time and was permitted to return the goods with no further penalty. The court found the leases to be "true" leases. As such, the court sustained the creditor's objection, thus requiring the debtor to cure the defaults and assume the leases under the plan if the debtor wanted to retain the property.

***In re Sullivan*, Case No. 18-07536-JMC-13, Order Regarding Debtor's Interest in Real Property (Bankr.S.D.Ind. Aug. 29, 2019)**

At the heart of these matters was the proper exemption that debtor could claim with respect to his undivided one-half interest in real property located in Indiana. Debtor claimed the homestead exemption of \$19,300.00 pursuant to Ind. Code § 34-55-10-2(c)(1). Trustee objected to debtor's claim of exemption on the grounds that the property was not debtor's residence as of the petition date. Creditor objected on the same grounds and on the grounds that debtor was not domiciled in Indiana as of the petition date. Also before the Court was debtor's motion to partially avoid the judicial lien of creditor.

Referring to an opinion by Judge Grant, the court differentiated between "domicile" and "residence." Based on the evidence presented, the court concluded that debtor was domiciled in Indiana on the petition date. However, based on debtor's voluntary move to Tennessee in 2017 and leasing the property in Indiana to friends for a term that included the petition date, the court concluded, notwithstanding that debtor maintained his Indiana driver's license and voter registration, had access to a room at the property when he visited and paid property taxes, that the property was not debtor's residence as of the petition date.

The court sustained the creditor's and trustee's objections to the debtor's claim of exemptions. Debtor could not claim a homestead exemption under Ind. Code § 34-55-10-2(c)(1); rather, debtor could claim as much of the "wildcard" exemption under Ind. Code § 34-55-10-2(c)(2) as possible. The court granted the debtor's motion to partially avoid the creditor's judicial lien, with the calculation based on the exemption under Ind. Code § 34-55-10-2(c)(2).

**INFORMATION FOR TELEPHONIC SECTION 341  
MEETINGS OF CREDITORS IN THE  
SOUTHERN DISTRICT OF INDIANA**

Bankruptcy Code section 343 requires each debtor to appear and submit to examination under oath at the meeting of creditors convened pursuant to section 341(a). Because of developing issues with the COVID-19 virus and the national declaration of emergency by the President of the United States, meetings of creditors will be conducted by telephone conference call as indicated on the Notice of the creditors' meeting issued by the Court. The dial-in number and participant code for the telephone conference line appear on the notice of meeting of creditors. The conference line is only for meetings of creditors. The trustee's contact information is listed elsewhere on the notice.

**Bankruptcy Information Sheet**

Prior to the meeting, the debtor must read the Bankruptcy Information Sheet, provided by their attorney or available at <https://www.justice.gov/ust/bankruptcy-information-sheet-0>.

**Identification Materials & Tax Return**

At least seven days prior to the meeting, the debtor must provide the trustee with a copy of (1) the most recently filed federal income tax return or a transcript thereof; (2) government-issued photo ID; (3) evidence of complete Social Security Number; and, (4) documentation listed on the Uniform Document Production list in chapter 7 cases. Contact the trustee to obtain instructions for submitting these materials. Failure to timely submit these materials may result in the meeting being rescheduled or the case being dismissed.

Acceptable forms of picture identification (ID) include: driver's license; U.S. government ID; state ID; student ID; passport (or current visa, if not a U.S. citizen); military ID; resident alien card; and, identity card issued by a national government authority. Acceptable forms of proof of social security number include: social security card; medical insurance card; pay stub; W-2 form; IRS Form 1099; and, Social Security Administration (SSA) Statement.

**Dial-In Instructions**

(1) Type of Phone. You must use a touch-tone telephone to participate. If you have a choice, use a landline phone rather than a cell phone.

(2) Limit Distractions and Background Noise. Make the call from a quiet area where there is as little background noise as possible. Do not use a speaker phone.

(3) One Phone Per Caller. Persons attending the meeting from the same location (e.g., joint debtors) should each use a separate touch-tone telephone to participate.

(4) Call at Appointed Time. Dial the telephone conference line number and then enter the participant code (7 numerals followed by a # sign). Do not call in more than five minutes in advance of your appointed meeting time. Once connected, place your phone on mute, remain on the line, and wait until your case is called prior to speaking, as another meeting may be underway. Do not announce your entrance to the call until you are called upon to do so.

**DIAL-IN INFORMATION FOR TELEPHONIC SECTION 341 MEETINGS  
IN THE SOUTHERN DISTRICT OF INDIANA**

Indianapolis:

<b>Presiding Trustee</b>	<b>Chapter</b>	<b>Dial-In Information</b>
Deborah J. Caruso	7	Conference Line: 877-937-0315 Participant Code: 6253564
Ann M. DeLaney (See the meeting notice issued by the Court to determine the correct line to call.)	13	Conference Line: 877-463-5301 Participant Code: 1123617 or Conference Line: 877-396-3190 Participant Code: 1241507
Gregory S. Fehribach	7	Conference Line: 877-996-5741 Participant Code: 6528582
Joanne B. Friedmeyer	7	Conference Line: 866-453-5078 Participant Code: 2171971
Jenice R. Golson-Dunlap	7	Conference Line: 866-527-7238 Participant Code: 8012859
Paul D. Gresk	7	Conference Line: 877-647-9149 Participant Code: 5600753
Joseph Hammes	7	Conference Line: 877-972-8766 Participant Code: 9829951
John M. Hauber (See the meeting notice issued by the Court to determine the correct line to call.)	13	Conference Line: 877-901-8051 Participant Code: 9465942 or Conference Line: 877-428-9062 Participant Code: 5008935
Michael J. Hebenstreit	7	Conference Line: 866-796-9459 Participant Code: 6552680
Thomas A. Krudy	7	Conference Line: 877-973-1674 Participant Code: 4686998
John J. Petr	7	Conference Line: 888-371-0464 Participant Code: 3624079
Gregory K. Silver	7	Conference Line: 877-929-9405 Participant Code: 9409157
Randall Lee Woodruff	7	Conference Line: 877-937-0203 Participant Code: 1881791



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
 )  
CHAPTER 13 PROCEDURE CHANGES ) GENERAL ORDER 20-0008  
RESULTING FROM CARES ACT )  
 )

**ORDER**

The Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) gives debtors new tools to address their changed circumstances. Section 4022 provides that a borrower experiencing a financial hardship due, directly or indirectly, to the COVID-19 pandemic may request forbearance on a Federally backed mortgage loan, regardless of delinquency status, by (a) submitting a request to the borrower’s servicer and (b) affirming that the financial hardship is COVID-19 related. Such forbearance shall be granted for up to 180 days and shall be extended for an additional period of up to 180 days at the request of the borrower, provided that, at the borrower’s request, either the initial or extended period of forbearance may be shortened (the “Forbearance Period”).

The CARES Act also added a new §1329(d) to the Bankruptcy Code. That section provides in part that a borrower experiencing a material financial hardship due, directly or indirectly, to the COVID-19 pandemic may request plan modifications, including an extension of time, not to exceed seven years after the first plan payment was due, within which to make plan payments. The new section applies only to cases with a plan confirmed on or before the effective date of the CARES Act – March 27, 2020.

To bring consistency to Chapter 13 cases in which a debtor seeks to use the tools made available by the CARES Act, the Court now ORDERS as follows:

1. A mortgage creditor shall file a Notice of Mortgage Forbearance (the “Notice”) as confirmation of the forbearance. The Notice shall state the length, including the beginning and end dates, of the Forbearance Period, and the amount of the current post-petition mortgage payments. The Notice is not effective as to a debtor who makes mortgage payments through the Trustee until the Court enters an order granting a debtor’s Motion to Modify Chapter 13 Plan (“Motion to Modify”) that reduces the monthly plan payments by the amount of the post-petition mortgage payments that would otherwise come due during the Forbearance Period. A Motion to Modify related to a Notice shall be served only on the Trustee, who shall have 7 days to object to the Motion to Modify. The Motion to Modify shall not include any proposed modification unrelated to the Notice. Any unrelated modification shall be sought by a separate Motion to Modify that complies with the

the COVID-19 outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or (B) December 31, 2020.

Date: June 15, 2020



ROBYN L. MOBERLY  
CHIEF BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
)  
TEMPORARY WAIVER OF ) GENERAL ORDER 20-0002  
SIGNATURE REQUIREMENT ON )  
DEBTOR'S DOCUMENTS )  
)

**ORDER**

The Court's ECF Administrative Policies and Procedures, which have the same effect as a local rule pursuant to Local Rule B-5005-4, provide that an attorney may use the accepted e-signature format for a debtor client on a document filed with the Court if the attorney possesses the original document with the debtor's wet signature.

Given the COVID-19 pandemic and recommended curtailment of travel, until further notice, the Court now ORDERS as follows:

1. The requirement that counsel have the original document with the debtor's wet signature before filing is waived until this General Order is rescinded.
2. Counsel for the debtor is required to establish practices that will ensure receipt before filing of an equivalent to the debtor's wet signature which the attorney believes in good faith establishes the identity of the debtor and confirms that the debtor has reviewed and authorizes the filing of the documents required to be signed.
3. Counsel for the debtor shall obtain the debtor's original wet signature as soon as practicable but no later than the date prior to the meeting of creditors pursuant to 11 U.S.C. §341. Counsel shall retain the document with that signature as required by the Court's ECF Administrative Policies and Procedures.
4. Counsel for the debtor shall be prepared to describe the steps taken to ensure that paragraph 2 above is satisfied, and to provide supporting documentation to prove compliance, if requested by the Court, the United States Trustee, any case trustee, or a party in the case.

Date: March 18, 2020

  
ROBYN L. MOBERLY  
CHIEF BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**OPERATIONAL CHANGES IN RESPONSE  
TO COVID-19 PANDEMIC**

Effective immediately, the Bankruptcy Court for the Southern District of Indiana has adopted the following procedural changes in response to the COVID-19 pandemic.

1. Clerk's office front counters remain open at all locations during normal business hours, but will be closed for one hour, from 12:00 noon to 1:00 PM, local time.
2. Starting the week of March 23<sup>rd</sup>, Chapter 13 hearings scheduled for omnibus Chapter 13 hearing days (Tuesdays in Indianapolis and New Albany, Wednesdays in Evansville, Thursdays in Terre Haute) will be conducted by telephone. Chapter 13 trustees or their representatives should appear at these hearings, unless a Judge directs otherwise.
3. Phone information for each Judge is found in the Communications section at the bottom of each Judge's page in the Judges' Info tab of the Court's website. Separate notices will not be issued in each case alerting to the change to a telephonic hearing. This change will continue until further notice. (Court staff will be alerting pro se parties to this change.)
4. Changes to the Court's noticing forms, particularly those generated in block scheduling, may take some time. Customers may continue to receive notices for dates after March 23<sup>rd</sup> that do not specify the hearing is telephonic. Presume a hearing in a Chapter 13 case set on the Court's omnibus 13 day is telephonic until the Court issues a new notice alerting to the return to in person hearings.
5. Each Judge may elect to change other hearings to telephonic. If a Judge issues general guidance on the change to telephonic, that guidance will be posted in the Communications section on the Judge's page of our website. If a Judge opts to change only some matters to telephonic, case-specific notices of the change, or a telephone call or email from the Court, will advise participants of such a change. Attorneys may ask to participate telephonically in any hearing not changed to telephonic.
6. For further information or to check the status of a particular hearing (not set on a Chapter 13 omnibus hearing date) feel free to contact the Courtroom Deputy for the Judge. Contact information appears on each Judge's page.
7. For telephonic hearings, attorneys should instruct their clients not to appear in person nor to participate in the teleconference unless the client is needed to give testimony.



**U.S. Department of Justice**

*United States Trustee, Region 10  
Central & Southern Districts of Illinois  
Northern & Southern Districts of Indiana*

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*101 West Ohio Street, Suite 1000      Phone: 317/226-6101  
Indianapolis, Indiana 46204      Fax: 317/226-6356*

## **NOTICE**

Effective immediately, all in-person chapter 7, 12, and 13 section 341 meetings scheduled through April 10, 2020, are hereby continued until a later date to be determined. Absent special circumstances, section 341 meetings may not proceed during this period except through telephonic or other alternative means not requiring personal appearance by debtors. Appropriate notice will be provided to parties in accordance with bankruptcy law and rules.

Meetings already noticed as telephonic meetings may proceed as scheduled.

**NOTICE TO CHAPTER 7 AND 13 TRUSTEES  
REGARDING RECOVERY REBATES PAID TO  
CONSUMER BANKRUPTCY DEBTORS  
UNDER THE CARES ACT OF 2020**

The federal government will soon begin issuing recovery rebates to qualified individuals under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (the “Act”). The rebates total at most \$1,200 per individual or \$2,400 per married couple filing jointly, with an additional \$500 paid for each qualifying child under the age of 17. The rebates are payable in full to qualifying individuals earning less than \$75,000, \$150,000 per married couple filing jointly, or \$112,500 for heads of household, and decrease by 5 percent of income exceeding those thresholds until completely phased out. Two bankruptcy questions have arisen about whether the rebates: (1) should be included in the calculation of current monthly income or projected disposable income; and (2) are property of the bankruptcy estate.

The Act explicitly answers the first question. Under Sec. 1113(b)(1) of the Act, which amends 11 U.S.C. §§ 101(10A)(B)(ii) and 1325(b)(2), “payments made under Federal law relating to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) with respect to the coronavirus disease 2019 (COVID-19)” are excluded from the statutory definitions of current monthly income and disposable income. Accordingly, recovery rebates received within six months before the filing of the petition should not be included in calculating a debtor’s currently monthly income in a chapter 7 or 13 case, and further should be excluded from projected disposable income available to pay creditors through a chapter 13 plan.

The Act is silent as to whether the recovery rebate is property of the estate. In chapter 7 cases, the “property of the estate” issue will only arise in cases filed after March 27, 2020, the effective date of the Act. Regardless of whether the rebate is property of the estate, the United States Trustee expects that it is highly unlikely that the trustee would administer the payment after consideration of all relevant circumstances, including: the modest amount of the recovery rebate; the applicability of state and federal exemptions; any interest of a non-debtor spouse in the recovery rebate; the cost to the estate of recovering and administering the recovery rebate, including litigation with debtors who may seek a judicial determination; and the extent to which recovering the recovery rebate will enable creditors to receive a meaningful distribution.

In rare chapter 13 cases filed on or after March 27, 2020, the recovery rebate may be relevant to the confirmation standard contained in 11 U.S.C. § 1325(a)(4). For chapter 13 cases filed before March 27, 2020, the recovery rebate is excluded from that analysis because it would not have been available for payment to creditors in a chapter 7 case.

Trustees are directed to notify the United States Trustee prior to taking any action to recover recovery rebates or objecting to a chapter 13 plan based on the treatment of recovery rebates.



THE UNITED STATES

**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Monday, April 13, 2020

## **U.S. Trustee Program Acts Quickly to Protect Public Health and Ensure Effective Functioning of the Bankruptcy System During Covid-19 Emergency**

In response to the COVID-19 pandemic, the Department of Justice's U.S. Trustee Program (USTP) has taken a number of steps to protect the health of the public and those involved in bankruptcy proceedings while ensuring that the bankruptcy system remains functional during the current public health emergency.

"Our first priority is the safety and health of the general public and all individuals involved in the bankruptcy process," said USTP Director Cliff White. "In partnership with the courts, private trustees, and other stakeholders, the U.S. Trustee Program has taken steps to protect safety while keeping the bankruptcy system functioning for businesses and consumers who need financial relief."

Actions taken by the USTP include:

- Halting about 60,000 already scheduled in-person administrative proceedings (known as section 341 meetings) that would have been attended by large numbers of debtors, creditors, and professionals;
- Mandating that future section 341 meetings be conducted by telephonic or other alternative means not requiring in-person attendance, while using best practices to preserve the evidentiary value of the debtor's sworn testimony;
- Suspending the audit of bankruptcy cases to limit the need for in-person contact by those involved in the audits; and
- Ensuring that debtors going through the bankruptcy process can keep the "recovery rebates" provided for in the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Section 341 meetings. To promote social distancing, in mid-March, the USTP postponed already scheduled section 341 meetings to enable them to be rescheduled telephonically or by other alternative means not requiring in-person attendance. At section 341 meetings, the debtor must appear and testify under oath, including answering questions from the U.S. Trustee, the case trustee appointed by the USTP, and creditors. These meetings are open to the public and typically are conducted in person with more than 50 parties in a meeting room at any given time. The USTP subsequently mandated that section 341 meetings for all cases filed through at least May 10, 2020, with meetings scheduled through early summer, be held telephonically or by other alternative means. In cooperation with the courts, special notices are being sent to more than one million parties. The USTP also has issued guidance on preserving the evidentiary value of testimony provided over the telephone and purchased 1,200 conference lines and other equipment to permit remote access to the meetings.

Debtor audits. By law, the USTP contracts with independent firms to perform audits of a sample of individual chapter 7 and chapter 13 cases. Because these audits require debtors to produce additional documentation and often to confer with counsel and financial institutions in responding to auditor requests and reports, the USTP suspended all audits

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE: )  
)  
CHAPTER 13 PROCEDURE CHANGES ) GENERAL ORDER 20-0008  
RESULTING FROM CARES ACT )  
)

**ORDER**

The Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) gives debtors new tools to address their changed circumstances. Section 4022 provides that a borrower experiencing a financial hardship due, directly or indirectly, to the COVID-19 pandemic may request forbearance on a Federally backed mortgage loan, regardless of delinquency status, by (a) submitting a request to the borrower’s servicer and (b) affirming that the financial hardship is COVID-19 related. Such forbearance shall be granted for up to 180 days and shall be extended for an additional period of up to 180 days at the request of the borrower, provided that, at the borrower’s request, either the initial or extended period of forbearance may be shortened (the “Forbearance Period”).

The CARES Act also added a new §1329(d) to the Bankruptcy Code. That section provides in part that a borrower experiencing a material financial hardship due, directly or indirectly, to the COVID-19 pandemic may request plan modifications, including an extension of time, not to exceed seven years after the first plan payment was due, within which to make plan payments. The new section applies only to cases with a plan confirmed on or before the effective date of the CARES Act – March 27, 2020.


To bring consistency to Chapter 13 cases in which a debtor seeks to use the tools made available by the CARES Act, the Court now ORDERS as follows:

1. A mortgage creditor shall file a Notice of Mortgage Forbearance (the “Notice”) as confirmation of the forbearance. The Notice shall state the length, including the beginning and end dates, of the Forbearance Period, and the amount of the current post-petition mortgage payments. The Notice is not effective as to a debtor who makes mortgage payments through the Trustee until the Court enters an order granting a debtor’s Motion to Modify Chapter 13 Plan (“Motion to Modify”) that reduces the monthly plan payments by the amount of the post-petition mortgage payments that would otherwise come due during the Forbearance Period. A Motion to Modify related to a Notice shall be served only on the Trustee, who shall have 7 days to object to the Motion to Modify. The Motion to Modify shall not include any proposed modification unrelated to the Notice. Any unrelated modification shall be sought by a separate Motion to Modify that complies with the



the COVID-19 outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or (B) December 31, 2020.

Date: June 15, 2020



ROBYN L. MOBERLY  
CHIEF BANKRUPTCY JUDGE

**TO:** ALL SDIN BANKRUPTCY DEBTORS' AND CREDITOR'S COUSEL  
**FROM:** JOHN HAUBER, CHAPTER 13 TRUSTEE  
**DATE:** APRIL 21, 2020  
**RE:** UPCOMING MEETINGS OF CREDITORS

Effective immediately, and until further notice, all section 341(a) Meetings of Creditors assigned to John M. Hauber as the Chapter 13 Standing Trustee will temporarily be conducted via Zoom videoconference (<https://zoom.us>). The attorney and debtor(s) are NOT required to physically be in each other's presence. The structure and criteria of a traditional meeting will still apply, including the requirement for debtor(s) through respective counsel to present appropriate identification at least seven days prior to the scheduled meeting of creditors. All identifying documents can be included with the required tax returns and emailed to [TaxReturns@Hauber13.com](mailto:TaxReturns@Hauber13.com).

In order to attend the hearing, you will require access to an appropriate camera, microphone, and speakers. Most laptop computers, tablets, and smartphones should be adequately equipped for this purpose; however, should you require additional time to obtain the necessary equipment please contact me personally through email ([JohnH@Hauber13.com](mailto:JohnH@Hauber13.com)) or telephone (317-636-1062 x 103).

Please visit this website in advance of the meeting to familiarize yourself with the process. If using a tablet or smartphone, please download the "ZOOM Cloud Meetings" app from the Apple App Store or Google Play Store in advance of the meeting. Additionally, please answer your clients' questions in advance of the meeting so that they understand how to use the Zoom application.

Prior to the date of the hearing, the debtor's attorney will receive the Notice of Section 341 Meeting of Creditors. The location will be via Teleconference with the call-in telephone number. The Zoom meeting links will be dependent on the telephone number as follows:

If the telephone number is 877-901-8051, then the Zoom Room A is: <https://zoom.us/j/5601809669> (or Meeting ID 560-180-9669);

If the telephone number is 877-428-9062, then the Zoom Room B is: <https://zoom.us/j/4855171321> (or Meeting ID 485-517-1321)

Please be sure to notify your clients of the date, the time, and the Zoom Room link (if the link is texted to a smartphone or emailed to a computer, all they have to do is follow the link).

At least five minutes before the scheduled time, please click the meeting link, follow the prompts to begin the meeting, and wait for the meeting to begin. Meetings will be scheduled every fifteen minutes. Due to the rigid nature of this scheduling, it is imperative that you be timely and prepared for your appointed time.

If you are a creditor who would like to attend a meeting, please use the same links to join the meeting.

We understand that this is a new and unfamiliar method of conducting meetings, but these are unique times and we must work together to ensure the continuation of the Chapter 13 process. We request your patience as we, too, become comfortable with this new technology, and your cooperation and understanding about its inherent lack of scheduling flexibility.

**NOTE: I WILL BE BETA TESTING BOTH ROOMS ON THURSDAY APRIL 23, 2020, FROM 9:00 A.M. THROUGH 10:30 A.M. PLEASE JOIN ME TO GO OVER THE PROCESS.**

If your client is completely unable to find access to a computer, laptop, tablet or smartphone, the United States Trustee has acquired telephone conference lines and my office will make reasonable accommodations to communicate and conduct the 341 meeting telephonically. However, I would still request that attorneys utilize the Zoom Room even if your client will be telephonic. Please contact my office at least seven days in advance of the meeting to let us know of the change.

Should you require assistance with any of the above, please contact my office at 317-636-1062.

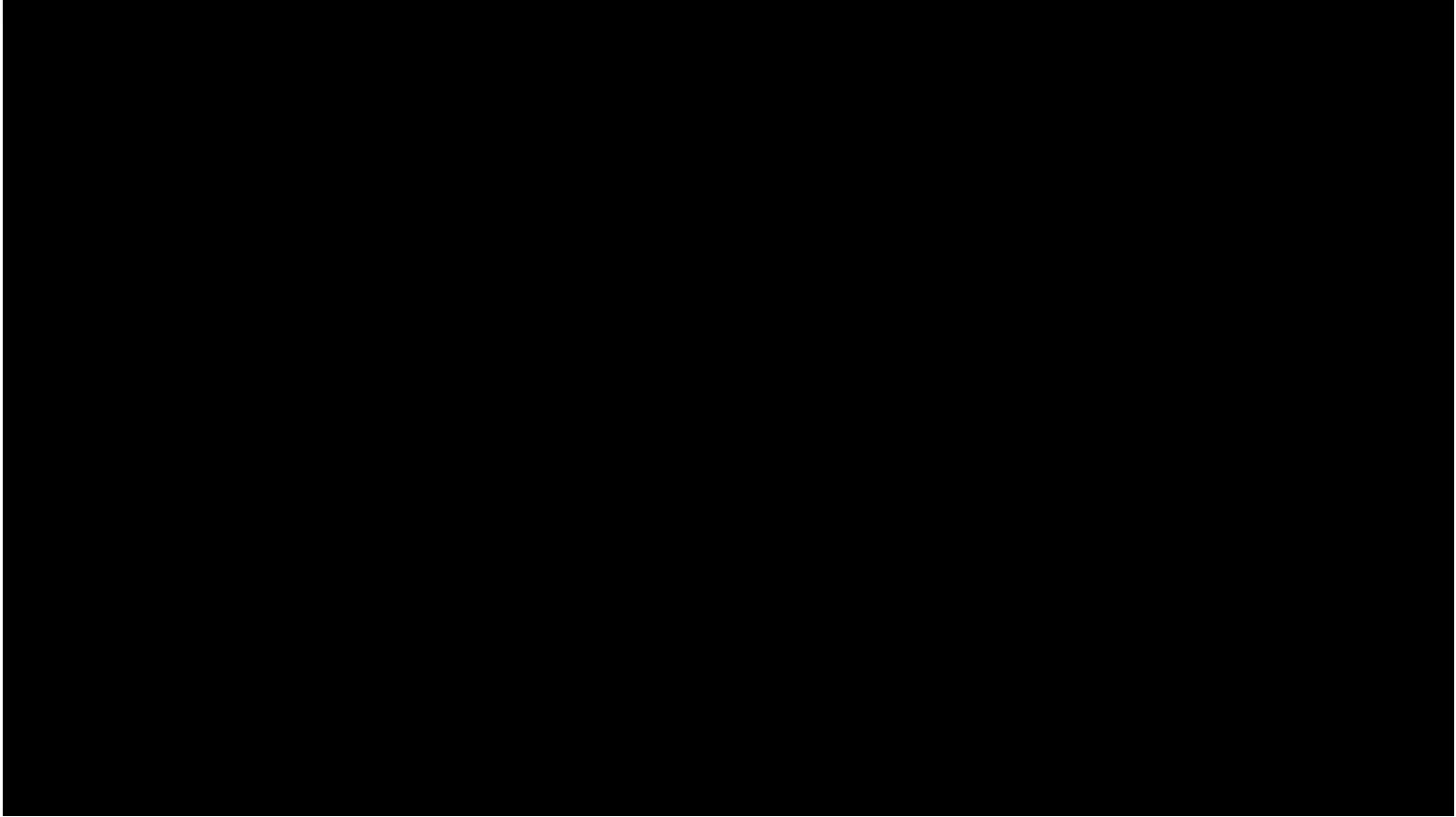
# Introduction

Class 1

# Famous Bankrupts

Ulysses S. Grant – 18<sup>th</sup> President  
Merle Haggard – Singer  
Dorothy Hamilton – Ice Skater  
M.C. Hammer – Singer  
Isaac Hayes – Singer  
H.J. Heinz – Ketchup King  
Sherman Hemsley – Actor  
Milton Hershey – Chocolatier  
LaToya Jackson – Singer  
Chaka Kahn – Musician  
Larry King – Talk Show Host  
Bowie Kuhn – Baseball Commissioner  
Cyndi Lauper – Singer  
Jerry Lewis – Comic  
Jerry Lee Lewis – Rockstar  
Meatloaf – Rockstar  
Joe Louis – Boxer  
Jackie Mason – Comic  
George McGovern – Politician  
Willie Nelson – Singer  
Wayne Newton – Singer  
Ted Nugent – Rockstar  
Tom Petty – Rockstar  
Rembrandt – Painter  
Burt Reynolds – Actor  
Debbie Reynolds – Actress  
Anna Nicole Smith – Playmate  
Leon Spinks – Boxer  
Mark Twain – Author  
Mike Tyson – Boxer  
Tammy Wynette – Singer  
Sinbad – Comic & Actor

Michael Vick – Football Star  
Ed McMahon – TV Host  
Abraham Lincoln – 16<sup>th</sup> President  
Benedict Arnold - Army General  
John Audubon – Painter  
PT Barnum – Circus owner  
Kim Basinger – Actress  
Frank Baum – Author of Wizard of Oz  
Melvin Belli – Famous Lawyer  
John Wayne Bobbitt - ....  
Bjorn Borg – Pro Tennis Player  
Toni Braxton – Singer  
Buffalo Bill – Wild West Showman  
Gary Burghoff – Radar O-Reilly in MASH  
Anita Bryant – Singer  
George Clinton – Rockstar  
Samuel Clemons – Author  
Francis Ford Coppola – Director  
Cathy Lee Crosby – Actress  
David Crosby – Singer  
Neil Carter – Singer  
John DeLorean – Car Manufacturer  
Walt Disney – Theme Park Pioneer  
Freddie Fender – Musician  
Mick Fleetwood – Rockstar  
Heidi Fleiss – Madam  
Henry Ford – Car Manufacturer  
William Fox – Co-Founder of 20<sup>th</sup> Century Fox  
Redd Foxx – Actor  
Zsa Zsa Gabor – Actress  
Marvin Gaye – Singer  
Andy Gibb - Singer

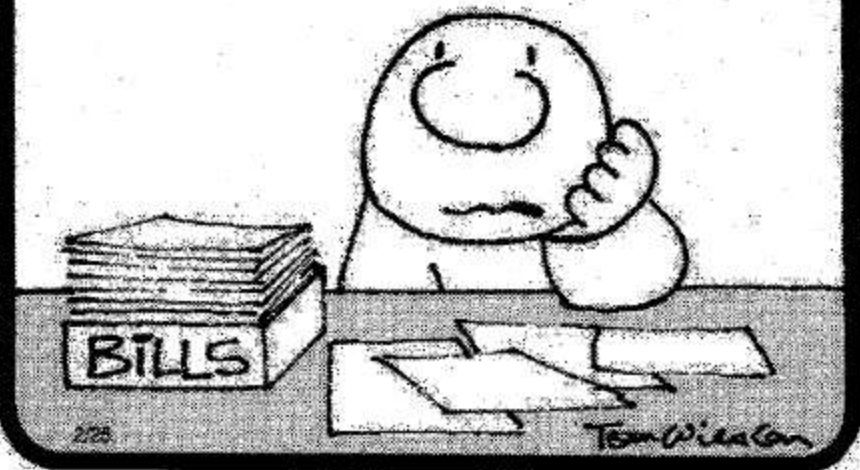


# ZIGGY

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...I DON'T HAVE A  
'SPENDING' PROBLEM.

...I JUST HAVE A  
'PAYING FOR IT' PROBLEM!!



# 6 Types of Bankruptcy

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13
- Chapter 9
- Chapter 15





# Filing Requirements

- Must meet eligibility requirements if there has been a previous bankruptcy
  - Lived in area for at least 91 days preceding filing
- or
- Principal place of assets
  - Do not have to be a citizen

# Prior Bankruptcy

Discharge Waiting Period	Current case:		
	Chapter 7	Chapter 11	Chapter 13
Prior case: Chapter 7	8 years from prior case filing	None	4 years from prior case filing (or prior case discharge)
Chapter 11	8 years from prior case filing	None	4 years from prior case filing (or prior case discharge)
Chapter 13	Current law (6 years from prior case filing; none with defined payout)	None	2 years from prior case filing (or prior case discharge)

# Chapter 7

- Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”)
  - Credit counseling course required 180 days prior to petition date
  - Debtor education course required within 60 days of first date set for meeting of creditors
- “Means Test” on Official Form 22A
  - Determines whether or not a presumption of abuse arises, *e.g.* whether or not there is a presumption that a consumer debtor has enough regular income to repay at least part of his or her debts in Chapter 13
  - Not required where majority of an individual’s debts are non-consumer in nature, *e.g.* if less than 50% of the total scheduled debt was incurred for personal, household or family purposes
  - Types of non-consumer debt: medical debt, taxes, business debt

# Chapter 7

- Median income levels after 5/1/2017 for Indiana
  - Family size 1 \$46,412.00
  - Family size 2 \$57,558.00
  - Family size 3 \$66,148.00
  - Family size 4 \$77,566.00
- Types of income required to be disclosed on the Means Test include:
  - Gross wages, bonuses, commissions, business income, pension and retirement income (not including Social Security), and any amounts paid by another person or entity on a regular basis – including spousal support or alimony

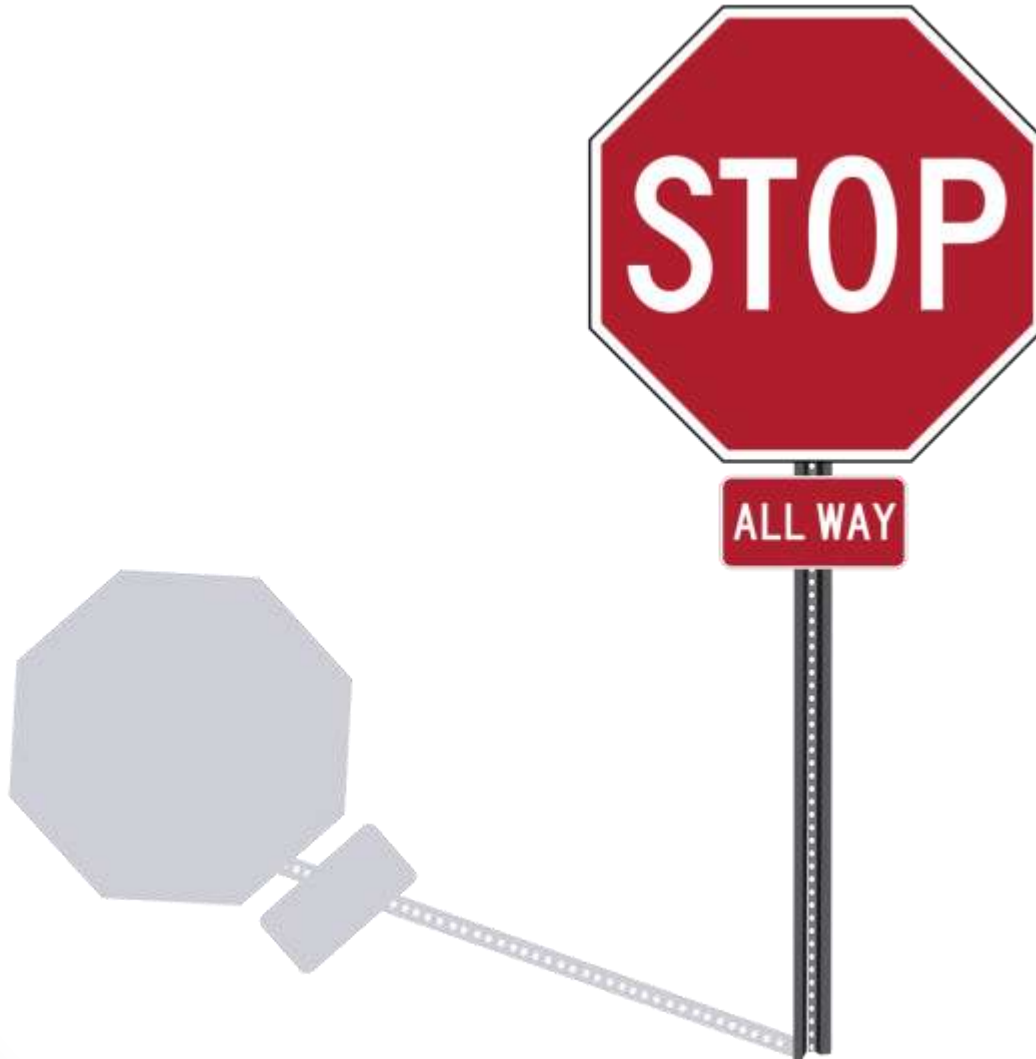
Census Bureau Median Family Income By Family Size

(Cases Filed On or After May 1, 2017)

The following table provides median family income data reproduced in a format designed for ease of use in completing Bankruptcy Forms 122A-1 and 122C-1.

STATE	1 EARNER	FAMILY SIZE		
		2 PEOPLE	3 PEOPLE	4 PEOPLE *
ALABAMA	\$43,476	\$52,970	\$60,367	\$70,940
ALASKA	\$62,326	\$85,281	\$86,944	\$97,831
ARIZONA	\$46,779	\$58,684	\$62,227	\$72,052
ARKANSAS	\$39,265	\$48,602	\$55,175	\$67,486
CALIFORNIA	\$52,416	\$70,245	\$75,160	\$84,059
COLORADO	\$55,858	\$72,037	\$81,496	\$95,117
CONNECTICUT	\$62,929	\$80,974	\$91,867	\$113,409
DELAWARE	\$51,703	\$68,041	\$77,862	\$93,811
DISTRICT OF COLUMBIA	\$51,907	\$99,046	\$99,046	\$113,478
FLORIDA	\$44,576	\$55,344	\$60,636	\$72,382
GEORGIA	\$43,274	\$56,301	\$62,483	\$73,202
HAWAII	\$81,057	\$73,656	\$85,099	\$98,059
IDAHO	\$46,779	\$55,532	\$57,240	\$71,195
ILLINOIS	\$50,765	\$66,487	\$76,406	\$91,216
INDIANA	\$46,412	\$57,558	\$66,148	\$77,566
IOWA	\$47,147	\$63,760	\$70,989	\$83,522
KANSAS	\$47,591	\$63,327	\$72,981	\$83,528

# Automatic Stay



# Automatic Stay

- **The automatic stay prevents:**
  - Commencement or continuation of any Court proceedings;
  - Execution by judgment-creditor against debtor or property of the estate;
  - Any action to obtain property of debtor or exercise control over property of debtor;
  - Any act to create, perfect or enforce a lien;
  - Any act to collect, assess or recover any claim against debtor that arose pre-petition;
  - Generally, any and all actions to enforce any kind of claim that existed pre-petition against the debtor.



# Automatic Stay: Enforcement

- Filing bankruptcy relief **DOES NOT** prevent:
  - Collection of DSO from property that is not property of estate;
  - Withholding of income that may be property of the estate for payment of DSO;
  - Withholding, suspension, or restriction of a driver's, professional or recreational license;
  - Reporting of overdue support owed by a parent to any consumer reporting agency;
  - Interception of a tax refund;
  - Enforcement of a medical obligation
  - When in doubt, get relief!



# Duration of Stay

- Case is closed
- Case is dismissed
- Discharge granted or denied
- Motion for Relief From Stay



# Property of the Estate

- All Assets Owned by Debtor
- Certain Assets Acquired Post-petition
  - After-acquired property
    - Property of the estate if debtor had it on the petition
    - 180 days after filing the bankruptcy
    - Acquired by:
      - inheritance;
      - property settlement; or
      - a life insurance policy
- Certain Assets Transferred Prepetition and Recovered by Trustee
  - Fraudulent Transfers
    - 2 years under Bankruptcy Law
    - 4 years under Indiana Law
  - Preferences



# 7 Duties

- Bankruptcy Code § 341 meeting of creditors
  - Debtors answer questions about their property and financial affairs while under oath
- Trustee investigates facts of case to ensure no bad acts or omissions
- “Asset” vs. “no asset” case determination
  - Asset cases:
    - Liquidate non-exempt assets and distribute proceeds to maximize return to unsecured creditors
  - No asset cases:
    - Trustee files report of no distribution and abandons assets from estate

# Categories of Debt

- Priority
  - Costs of Administration
  - Tax Obligations
  - Domestic Support Obligation
- Secured
  - Car
  - House
  - Business Equipment
- Unsecured
  - Credit Cards
  - Medical Bills
  - Hold Harmless Agreements



# Secured Property Treatment

- Redemption
- Reaffirmation
- Surrender



# Dischargeability

- **§523(a) – Exceptions to discharge**
  - 1. Tax**
  - 2. Money, property, services obtained by fraud**
  - 3. Unlisted creditors**
  - 4. Fraud while acting in fiduciary capacity**
  - 5. Domestic support obligation**
  - 6. Willful malicious injury by debtor to another**
  - 7. Fine, penalty or forfeiture payable to governmental unit**
  - 8. Student loans**
  - 9. Death or personal injury caused while intoxicated**
  - 10. Debt which was or could have been listed in prior case and discharge denied**
  - 11. Fraud while acting in fiduciary capacity with respect to depository institution or insured credit union**
  - 12. Malicious or reckless failure to fulfill commitment to a federal depository institution**
  - 13. Restitution under Title 18 of US Code**
  - 14. Money borrowed to pay taxes**
  - 15. Property settlement**
  - 16. HOA fees**
  - 17. Fee imposed on prisoner**
  - 18. Owed to a pension profit sharing plan**
  - 19. Violation of Federal Securities Law**



# DISCHARGE

- Voids any judgment
- Acts as permanent injunction against debtor
- Acts as injunction against property of debtor





# Exemptions

		Individual	Married Couple
1	Real Estate or personal property constituting personal or family residence	\$19,300	\$38,600
2	Other real estate or tangible personal property	\$10,250	\$20,500
3	Intangibles	\$400	\$800
4	Professionally prescribed health aids	100%	100%
5	<u>Any</u> interest in real estate held by tenants by entireties	100%	Not Applicable
6	Pre-tax retirement accounts	100%	100%
7	Money in medical care savings account	100%	100%
8	Money in health savings account	100%	100%
9	Money in qualified tuition program (§529 accounts)	- not excessive - made > 1 year ago - less than \$5,000	- not excessive - made > 1 year ago - less than \$10,000
10	Money in education savings account (§530 accounts)	- not excessive - made > 1 year ago - less than \$5,000	- not excessive - made > 1 year ago - less than \$10,000
11	Earned income credit	100%	100%



# Can You Find Better Exemptions ?

- Domicile
- 2 years
- lived between two to two and one-half years ago
- law of the state where you lived
- Apply federal exemption law (§522)



# CHAPTER 13





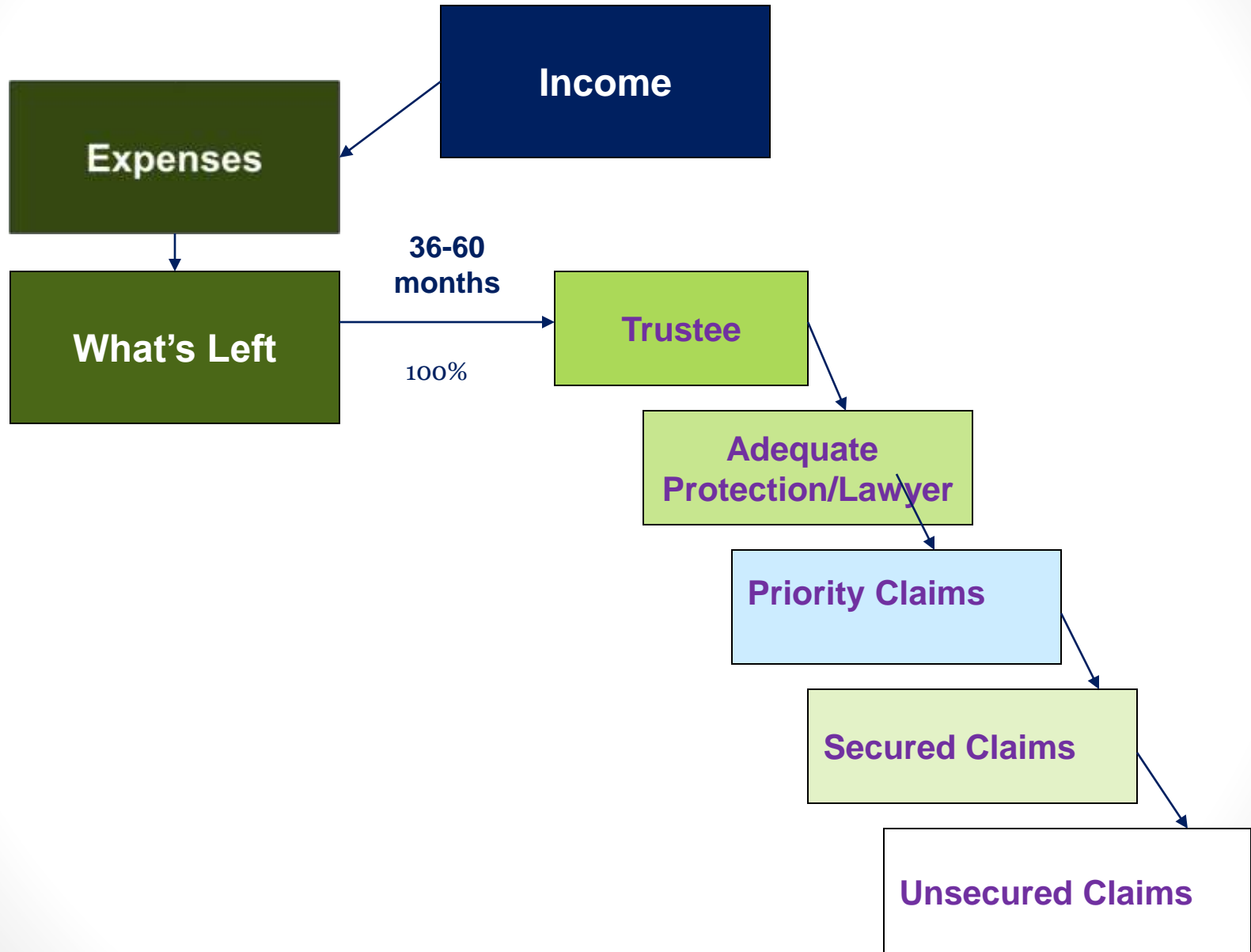
"Not scared yet? Just wait until I  
get to Chapter 13!"

# Chapter 13 Eligibility

- **Must be an individual**
- **Must have regular income**
- **Debt limit**
  - **\$394,725 in unsecured debts**
  - **\$1,184,200 secured debts 11 U.S.C. §109(e).**



# How Chapter 13 Works



# Dischargeability

- **§ 1328. Discharge**

- (a) Subject to subsection (d), as soon as practicable after completion by the debtor of all payments under the plan, and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid, unless the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter, the court **shall grant the debtor a discharge of all debts** provided for by the plan or disallowed under section 502 of this title, except any debt—
  - (1) provided for under section 1322 (b)(5);
  - (2) of the kind specified in section 507 (a)(8)(C) or in paragraph **(1)(B), (1)(C), (2), (3), (4), (5), (8), or (9) of section 523 (a)**;
  - (3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime;

# Dischargeability

- **§523(a) – Exceptions to discharge**
  1. Tax
  2. Money, property, services obtained by fraud
  3. Unlisted creditors
  4. Fraud while acting in fiduciary capacity
  5. Domestic support obligation
  6. **Willful malicious injury by debtor to another**
  7. **Fine, penalty or forfeiture payable to governmental unit**
  8. Student loans
  9. Death or personal injury caused while intoxicated
  10. Debt which was or could have been listed in prior case and discharge denied
  11. Fraud while acting in fiduciary capacity with respect to depository institution or insured credit union
  12. Malicious or reckless failure to fulfill commitment to a federal depository institution
  13. Restitution under Title 18 of US Code
  14. Money borrowed to pay taxes
  15. **Property settlement**
  16. **HOA fees**
  17. Fee imposed on prisoner
  18. Owed to a pension profit sharing plan
  19. Violation of Federal Securities Law

# Stripping Junior Mortgages

**House #1      \$100,000**

1<sup>st</sup> Mortgage \$100,000

2<sup>nd</sup> Mortgage \$10,000



**House #2      \$100,000**

1<sup>st</sup> Mortgage \$99,999

2<sup>nd</sup> Mortgage \$10,000





# Why Choose Chapter 13

- **Not eligible for Chapter 7**
- **Protect Co-Signers**
- **Strip off Wholly Unsecured Second Mortgages**
- **Cure delinquent mortgages**
- **Reduce interest rate on secured collateral**
- **Retain undersecured collateral (down)**
- **Protect non-exempt assets**
- **Priority debt payments**
- **Discharge property settlement**



# **FAMILY LAW**

```
graph TD; A[FAMILY LAW] --- B[Alimony]; A --- C[Maintenance]; A --- D[Support]; A --- E[Property Settlement];
```

**Alimony**

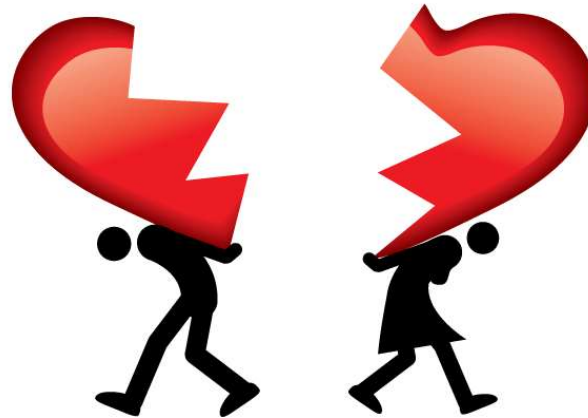
**Maintenance**

**Support**

**Property  
Settlement**

# Divorce

- Attorney fees
- Alimony, Maintenance Support vs. Property Settlement
- 180 day rule



# Support VS. Property Settlement

- Bankruptcy courts look at totality of circumstances, not just language:
  - Payments terminate on death or remarriage
  - Payments meant to balance disparate income
  - Payable in lump sum or over period of years
  - Intended to create a support obligation
  - Provide for daily needs of former spouse and/or children
  - Does assumption of debt by Husband ensure home for Wife and/or children

# Domestic Support Obligation (DSO) 11 U.S.C. § 101(14A)

(14A) The term “domestic support obligation” means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable non-bankruptcy law notwithstanding any other provision of this title, that is—

(A) owed to or recoverable by—

(i) a spouse, former spouse, or child of the debtor or such child’s parent, legal guardian, or responsible relative; or

(ii) a governmental unit;

(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child’s parent, without regard to whether such debt is expressly so designated;

**QUESTION:**                    - **Is payment of joint credit card debt DSO?**  
                                         - **Is payment of attorney fees DSO?**

(C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

(i) a separation agreement, divorce decree, or property settlement agreement;

(ii) an order of a court of record; or

(iii) a determination made in accordance with applicable non-bankruptcy law by a governmental unit; and (D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative for the purpose of collecting the debt.

# Automatic Stay: Domestic Matters



## **Filing bankruptcy DOES NOT operate as a stay with respect to:**

- The commencement or continuation of a civil action or proceeding for the following:
  - Establishment of paternity;
  - Establishment or modification of an order for domestic support obligations;
  - Concerning child custody or visitation;
  - Dissolution of marriage, except to the extent that such proceedings seek to determine a division of property that is property of the estate; or
  - Matters involving domestic violence

# CRIMINAL LAW & BANKRUPTCY

- Automatic stay does not apply to:
  - Commencement or continuation of criminal proceeding against debtor
  - Withholding, suspension or restriction of a driver's license, professional, occupational or recreational license
- Non-dischargeable debt includes:
  - Fines and penalties owed to governmental units;
  - Withholding or suspension of driver's, professional or recreational license;
  - Death or personal injury while intoxicated;
  - Restitution payments;
  - Willful or malicious injury to another or the property of another;
  - Embezzlement or larceny;
  - Bad checks



# Student Loans & Bankruptcy



- Non-dischargeable unless debtor can demonstrate exception would impose an undue hardship on debtor and his or her dependents. Bankruptcy Code § 523(a)(8)
- Seventh Circuit has adopted majority approach regarding “undue hardship” test
- Three-pronged test originally set forth in *Brunner v. New York State Higher Educ. Serv., Corp.*, 831 F.2d 395 (2d Cir. 1987)
  - (1) the debtor cannot maintain, based on current income and expenses, a “minimal” standard of living for herself or her dependents if forced to repay the loans;
  - (2) additional circumstances exist indicating that this state of affairs is likely to persist for a significant portion of the repayment period for the student loans; and
  - (3) the debtor has made good faith efforts to repay the loans.
- Partial or contingent discharge may be available to some debtors
- William D. Ford Federal Direct Loan Program repayment options



# Wills, Trusts & Estates:

## Bankruptcy

- **Spendthrift trusts**
  - Not property of the bankruptcy estate
  - Must meet all requirements of spendthrift trust under Indiana law to qualify for exception
    - (1) settlor may not be a beneficiary of the trust;
    - (2) beneficiary must not have any present dominion or control over the plan corpus; and
    - (3) trust must contain an anti-alienation clause which prevents the beneficiary from voluntarily or involuntarily transferring his interest in the trust
- **Inheritance**
  - Any inheritance received or entitled to be received in the 180 days after filing bankruptcy becomes property of the estate
- **Life insurance**
  - No dollar limit for exemption
  - *Citizens Nat'l Bank v. Foster*, 668 N.E.2d 1236 (Ind. 1996) held exemption was “constitutionally suspect” under Article I, Section 22 of the Indiana Constitution
  - “Necessities of life” test if exemption is challenged
- **Retirement accounts**
  - No dollar limit for exemptions
  - Exemptions apply to 401(k)s, PERFS, IRAs, etc.
  - *Clark v. Rameker*, U.S. Supreme Court (decided June 12, 2014)
    - Inherited IRAs are NOT exempt under Bankruptcy Code § 522
    - Unique features of inherited IRAs indicate they are not in fact retirement assets

# Collection Law & Bankruptcy

- Indiana's exemptions Ind. Code § 34-55-10-2(c)
  - \$19,300 equity in residential real estate;
  - \$10,250 tangible personal property and other real estate;
  - \$400 intangible property (cash, money in bank accounts, individual stocks, bonds, etc.);
  - Real estate held as tenants by the entireties except to the extent certain joint debts are to be discharged;
  - Health savings accounts;
  - Retirement accounts;
  - 529 college savings plans;
  - Life insurance
- Indiana has “opted out” of the federal Bankruptcy Code exemptions, but other federal exemptions still apply:
  - ERISA benefits pursuant to 29 U.S.C. § 1056(d)
  - Veterans' pensions pursuant to 38 U.S.C. § 5301; and
  - Social Security benefits pursuant to 42 U.S.C. § 407
- In the event of a joint bankruptcy filing, each debtor may individually claim the above exemptions.

# Collection Law & Bankruptcy

- Indiana's wage garnishment statute Ind. Code § 24-4.5-5-105
  - For any given work week, creditors are allowed to garnish the lesser of
    - (1) 25% of disposable earnings; or
    - (2) the amount a worker's weekly disposable earnings exceed 30 times the federal hourly minimum wage.
  - It has been held that earned but unpaid wages can be claimed exempt in a debtor's bankruptcy case pursuant to Indiana's wage garnishment statute
- Violations of automatic stay and discharge injunction



# Collection Law & Bankruptcy

- Fair Debt Collections Practices Act (“FDCPA”)
  - Prohibits abusive, deceptive and unfair debt collection practices
- Telephone Consumer Protection Act (“TCPA”)
  - Enacted to regulate use of “autodialers” by creditors
- Fair Credit Reporting Act (“FCRA”) & Fair and Accurate Credit Transactions Act (“FACTA”)
  - Ensures accuracy and fairness regarding credit reporting
  - Protects consumer’s right to privacy
  - Fights identity theft & gives consumers greater access to credit information
  - Reporting of bankruptcies:
    - 10 years for Chapter 7
    - 7 years for Chapter 13

# Taxes & Bankruptcy

- Priority taxes:
  - Income taxes
    - Return due date (including extensions) within three (3) years of the petition date;
    - Assessed within 240 days prior to the petition date (including tolling due to a prior bankruptcy case or an offer in compromise); OR
    - Not assessed before, but assessable after the petition date (generally involves pending audit or tax court case);
  - Property taxes assessed and last payable without penalty within 1 year of petition date;
  - Trust fund taxes (including withholding and sales tax)



# Taxes & Bankruptcy

## Non-dischargeable taxes:

- Priority taxes (but not all non-dischargeable taxes are priority)
- Taxes for which a return was not filed OR was filed (including any extensions) within 2 years of the petition date
  - *IRS position on late-filed returns*: it will not file objection to discharge if individual files return prior to completion of audit assessment
- Willful evasion of tax or fraudulent returns

# Medical Malpractice, Personal Injury & Bankruptcy

## Property of the Estate:

- Any interest of the debtor to file a personal injury or medical malpractice case becomes property of the estate upon the filing of a bankruptcy petition
- Trustee succeeds to any right of the debtor in the lawsuit
- Chapter 7
  - Trustee literally steps into the shoes of the debtor in the lawsuit
  - Trustee may abandon estate's interest in lawsuit back to debtor; or
  - Declare lawsuit an asset of estate
    - Trustee employs special counsel within bankruptcy case to litigate suit
- \$400 intangible exemption applies
- Chapter 13 may allow debtor to partially or wholly protect proceeds



# Common Questions

- If married, can just one spouse file?





- How long will a bankruptcy remain on a credit report?



- Will a Chapter 13 look better on a credit report than a Chapter 7?



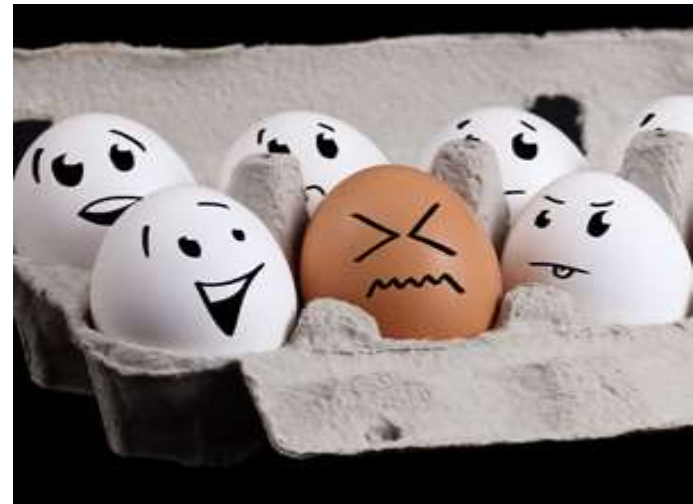
- How much does it cost to file a bankruptcy?



- Will the filing of my bankruptcy be listed in the paper?
- Will my friends or employer find



- May employers or governmental agencies discriminate against a person who filed for bankruptcy?





- What happens if a Debtor's income increases during the 3 to 5 year repayment period?

- What happens if a debtor inherits money, or is involved in a cause of action, likely to bring money to the debtor during the Chapter 13 repayment plan?



# **Section Ten**



# Advertising & Marketing Ethics

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## Section Ten

### **Advertising & Marketing Ethics..... James J. Bell**

3 Things to Know About Attorneys' Social Media

3 Things to Know About Legal Advertising

Third Party Comments or Tags on a Lawyer's Social Media

Lawyer Participation in Online Legal Referral Services

Lawyer Affiliation with Legal Services Companies and Out-of-State Law Firms

# Bell & Grass: 3 things to know about attorneys' social media

September 30, 2020 | [James J. Bell](#) and [Stephanie Grass](#)

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## 3 Things to Know About Ethics

James J. Bell

Stephanie L. Grass

Because our parents (who have trouble with remote controls) are now officially on Facebook, we can safely assume that close to all attorneys are using social media. Using social media is simply an inexpensive and convenient way to get the word out about your law firm. However, there is an element of risk that comes along with an attorney's use of social media. These risks were highlighted in July, when the Indiana Supreme Court Disciplinary Commission listed social media's many "minefields" in its third ever advisory opinion: Third Party

Comments or Tags on a Lawyer's Social Media. We address some of these warnings and share other cautionary tales in the following article.

### 1. If you can't say something ethically, then don't say it to the world on social media

As we all know, the Rules of Professional Conduct sometimes prohibit what an attorney can say to another. For example, under Rule 7.1, an attorney cannot make a false or misleading claim about one's legal services, and under Rule 1.6, an attorney cannot reveal information related to the representation of a client. Rule 4.2 prohibits talking to a represented person in many circumstances, and Rule 4.3 limits what an attorney can say to an unrepresented person.

Lawyers have been sanctioned for making impermissible statements on social media that would have also been sanctionable if the statements had been made in person. For one, a Nevada attorney received a six-month suspension from the practice of law for violating Nevada's Rule 8.4(d) for posting public comments on Facebook accusing a judge of bias and religious discrimination. *Matter of Discipline of Hafter*, 406 P.3d 23 (Nev. 2017). In another matter, an Indiana lawyer received a 30-day suspension from the practice of law for sending a threatening and obscene private social media message to a client's ex-husband in violation of Rules 4.4 and 8.4(d). *In re J.H.*, 53 N.E.3d 412 (Ind.

2016).

In the above cases, the attorney would have presumably been sanctioned whether or not the attorney's statements were made on social media. The use of social media, though, made the statements more easily provable and widely available. However, the latest advisory opinion from the Disciplinary Commission shows there are times when the format of social media itself can cause an ethical issue for an attorney.

## **2. Adopting a third-party comment can lead to a violation**

Unlike statements made in "normal life" (if there is such a thing anymore), statements on social media allow for third parties to contribute comments. What happens if the comments violate the Rules of Professional Conduct and the attorney "likes" or otherwise adopts these comments? According to the Disciplinary Commission, "[a]n attorney who responds to or 'likes' a third party's comment that contains prohibited content could be deemed to have adopted the third-party comment. Such action could subject the attorney to a rule violation. The failure by the attorney to delete prohibited content could be considered acquiescence and expose the lawyer to discipline." Advisory Opinion #1-20 at p. 2. The advisory opinion also advised that a "lawyer should also be careful to adjust privacy settings to avoid being 'tagged' to improper content which could show up on the lawyer's page and thereby be deemed adopted by the lawyer." *Id.*

It is unlikely that a lack of tech savvy will provide an excuse. Comment 6 to Rule 1.1 requires a lawyer to be well-informed of the "benefits and risks associated with technology relevant to the lawyer's practice ... ." Based on a lawyer's duty to supervise nonlawyer assistants under Rule 5.3, it is also unlikely that "my outside marketer did all this" will fly as a defense. So be careful with those "likes" and "retweets," and make sure you aren't endorsing prohibited content like the statements mentioned above. Finally, make certain that an attorney is monitoring your firm's social media platforms.

## **3. Prosecutors must be especially careful with social media accounts**

The Disciplinary Commission's advisory opinion also noted that "[p]rosecutors have the dual responsibility of keeping the public informed" and, under Rule 3.8 of the Indiana Rules of Professional Conduct, a duty "to 'refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused' which could affect the due process rights of criminal defendants." Advisory Opinion #1-20 at p. 3. Therefore, the advisory opinion also warns that "[a]llowing public comment to these posts adds an additional risk to the reputation and rights of the defendants." *Id.* In other words, a third party's statement could theoretically make a prosecutor's ethical statement in a post suddenly problematic. This is more reason to have an attorney monitor any social media activity, including the comments. The commission suggests

that for prosecutors' social media accounts, it is "best practice to simply disable comments on posts regarding pending criminal matters all together." *Id.*•

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# Bell & Gaerte: 3 things to know about legal advertising

September 23, 2013 | [James J. Bell](#) and [K. Michael Gaerte](#)

KEYWORDS [COURTS](#) / [INDIANA RULES OF PROFESSIONAL CONDUCT](#) / [NEGLECT](#)



The Indiana Rules of Professional Conduct define the term “advertising” broadly. Ind. Professional Conduct Rule 7.2(a) defines “advertising” as “*any* manner of communication partly or entirely intended or expected to promote the purchase or use of professional services.” (Emphasis added) Therefore, these rules cover communications on your website, blog and even social media. Regardless of whether or not you advertise on billboards,

you likely need to pay attention to the advertising rules. Here are three things to know about legal advertising.

## 1. The truth will not always set you free.

Indiana Rule of Professional Conduct 7.1 states that: “A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services.” This rule also states that a communication may be misleading if it “omits a fact” which makes the communication a material misrepresentation. Therefore, the fact that every representation included in a communication can be verified is not enough to satisfy the requirements of Rule 7.1. If you truthfully state in an advertisement that you have “never lost a jury trial,” that statement will be considered misleading if you have never actually tried a jury trial. Simply being literally truthful is not sufficient.

An illustration of a “misleading” advertisement can be seen via *In the Matter of Gerling*, 777 N.E.2d 1097 (Ind. 2002). In that case, a law firm’s billboard advertisement stated “Expect more from a Gerling attorney.” All of the individuals on the billboard were employees of the firm, but one was not a lawyer. Gerling argued that the material was not misleading because there was no claim that everyone pictured was an attorney. However, the court found that the advertisement was still misleading because not everyone on the billboard was an attorney – from whom you could “expect more.” *Id.* at 1097-98.

## 2. Advertise your “commitment” to obtaining results.

The Comment to Rule 7.1 prohibits “any reference to results obtained that may reasonably create an expectation of similar results in future matters.” The Supreme Court of Indiana disciplined an attorney who stated in his advertisement that he could “obtain the best possible settlement” because it likely created unjustified expectations by prospective clients. *Matter of Wamsley*, 725 N.E.2d 75-77 (Ind. 2000). However, the Supreme Court determined that the “commitment to obtaining the best possible settlement” was not impermissible. *Matter of Benke and Crawford*, 892 N.E.2d 1237, 1239 (Ind. 2008). In doing so, the court explicitly distinguished an advertisement’s promise to obtain a result from the promise to be committed to the same. In your marketing materials, emphasize your “commitment to results” and de-emphasize or eliminate your reference to the actual results themselves.

### **3. Don’t trust your final marketing product to a non-lawyer.**

Many attorneys have faced disciplinary issues because they delegated the task of producing an advertisement to an advertising agency or a non-lawyer staff member in his or her firm. Guideline 9.1 of the Indiana Rules of Professional Conduct states that “a non-lawyer assistant shall perform services only under the direct supervision of a lawyer.” Rule 5.3 of the Indiana Rules of Professional Conduct further discusses responsibilities regarding non-lawyer assistants. On a number of occasions, the Supreme Court of Indiana has found a lawyer’s conduct in violation of the Rules of Professional Conduct for the failure to supervise a non-lawyer.

For example, the court found that an attorney violated Rule 9.1 when he allowed his assistant to place an advertisement containing objectionable content. *In re Cartmel*, 676 N.E.2d 1047 (Ind. 1997). The advertisement was published multiple times before the attorney saw it, at which point he “promptly cancelled it.” *Id.* at 1049. However, the cancellation was too late for disciplinary purposes. The Supreme Court of Indiana emphasized that the attorney was ultimately responsible for any advertising material created on his behalf and if the material was objectionable he was ultimately responsible. The main lesson here is that all final products produced for an advertisement must be reviewed by a lawyer to ensure that the advertisement complies with the Rules of Professional Conduct. •

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# Third Party Comments or Tags on a Lawyer's Social Media

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OPINION #1-20

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## Question

Can a third party's addition to a lawyer's social media pages have ethical implications to the lawyer?

## Short Answer

It depends on the actions the lawyer has taken to prevent and/or rectify the situation.

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## Recommended Rules for Review

[Indiana Rules of Professional Conduct](#): 1.1; 3.6; 3.8; 5.1; 5.3; 7.1

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## Summary

An excellent rule of thumb for social media is if the attorney cannot do it in person, he/she cannot do it online. When it comes to third party comments, tags and endorsements, the same rule applies. If the rules prohibit the attorney from saying it, tagging it or endorsing it, then a third party, including the lawyer's staff, create ethical problems for the attorney by posting such content on the attorney's social media. Lawyers must prevent or remove content which would violate the professional rules.

## The Ethical Problems

Several rules guide lawyers on policing their social media accounts.

- A lawyer must be well-informed of the "benefits and risks associated with technology relevant to the lawyer's practice." **Indiana Professional Conduct Rule 1.1 [Comment 6]**.
- It is professional misconduct to violate the Rules through the acts of others. **Indiana Professional Conduct Rule 8.4(a)**.

These rules require the lawyer to be aware of the risks which use of this type of technology poses for rule violations, and to act proactively to ensure the use of social media accounts do not place the attorney in violation of the rules.

Several minefields in the area of social media create ethical problems for the attorney.



### Minefield #1: False or misleading claims.

Social media presents opportunities for third parties to comment on the attorney's page. Though glowing comments or testimonials from former clients may seem harmless, the rules prohibit statements, even truthful, made by third parties that the lawyer cannot make themselves.

Lawyers are constrained from making a "representation, testimonial, or endorsement of a lawyer or other statement that, in light of all of the circumstances, is intended or is likely to create an unjustified expectation about a lawyer or law firm or a person's legal rights". **Indiana Professional Conduct Rule 7.1 [Comment 2(3) and (8)].**

### Minefield #2: Claiming a non-authorized specialty.

Lawyers may not claim a specialty with limited exceptions enumerated in the Rule. **Indiana Rule of Professional Conduct 7.4.**

An endorsement on Linked In from a fellow lawyer claiming a non-authorized "specialty" or a comment by a client that the attorney is a specialist in a non-listed field could subject the lawyer who maintains that page to discipline. The lawyer must act proactively to cure violations through clarification or deletion.

### Minefield #3: Non-consensual disclosure of client confidences.

Tempting though it may be for legal staff to brag on social media about a court victory or the signing of a famous new client, a lawyer may not reveal attorney confidences without client consent. **Indiana Professional Conduct Rule 1.6.** Lawyers must supervise staff and subordinate attorneys to insure compliance with the rules. **Indiana Professional Conduct Rule 5.1; Indiana Professional Conduct Rule 5.3(c)(2).**

If a lawyer does post about an ongoing case within the parameters of **Indiana Professional Conduct Rule 3.6**, third-party comments to this post must not reference facts or opinions outside of those permitted by Rule 3.6.

### Minefield #4: Adoption of a third-party comment.

An attorney who responds to or "likes" a third party's comment that contains prohibited content could be deemed to have adopted the third-party comment. Such action could subject the attorney to a rule violation. The failure by the attorney to delete prohibited content could be considered acquiescence and expose the lawyer to discipline.

A lawyer should also be careful to adjust privacy settings to avoid being "tagged" to improper content which could show up on the lawyer's page and thereby be deemed adopted by the lawyer.

## Minefield #5: Prosecutors with social media accounts.

Criminal jury trials “will be most sensitive to extrajudicial speech.” **Indiana Professional Conduct Rule 3.6 [Comment 5]**. Prosecutors have the dual responsibility of keeping the public informed but also to “refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused” which could affect the due process rights of criminal defendants. **Indiana Professional Conduct Rule 3.8**.

While a prosecutor can provide valuable information to their constituents via social media post, it must be recognized that these posts will likely have widespread and lasting influence on potential jurors due to the nature of social media. Real care must be taken therefore to limit posts to information permitted by Rules 3.6 and 3.8.

Allowing public comment to these posts adds an additional risk to the reputation and rights of the defendants. Given the risks to the integrity of the system, it is best practice to simply disable comments on posts regarding pending criminal matters all together. Alternatively, strict guidelines regarding commenting should be clearly enumerated and regular monitoring and removal of comments that contain information outside that allowed by Rules 3.6 and 3.8 should be employed. Again, failure to do so could be perceived as adoption of the offending comments and result in discipline.

## Conclusion

The above minefields do not form an exhaustive list. As technology evolves, attorneys should continue to review the rules to ensure social media accounts do not violate attorney ethical rules.

A lawyer must act to amend, remove, block or reject additions to their social media pages that violate the Rules, or risk inaction being perceived as an adoption of those comments or endorsements, which in turn may subject the lawyer to discipline.

Lawyers must be aware of the risks of technology and police social media for false or misleading content. Attorneys should consider use of settings disabling third party posting or setting sites to require approval.

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*This nonbinding advisory opinion is issued by the Indiana Supreme Court Disciplinary Commission in response to a prospective or hypothetical question regarding the application of the ethics rules applicable to Indiana judges and lawyers. The Indiana Supreme Court Disciplinary Commission is solely responsible for the content of this advisory opinion, and the advice contained in this opinion is not attributable to the Indiana Supreme Court.*

# Lawyer participation in online legal referral services

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OPINION #1-18

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## Question

Can a lawyer participate in an online legal referral service where the lawyer must pay a “marketing fee” for each service completed?

## Short Answer

These arrangements risk violation of several Indiana ethics rules.

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## Recommended Rules for Review

[Indiana Rules of Professional Conduct](#): 1.2(c), 5.4(a), 5.4(c), 7.2(b), 7.3(d), 7.3(e).

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## Summary

Technology and increasing competition in the legal profession and business in general have driven the expansion of a variety of online legal services. Significant growth has been apparent among online service providers offering consumers fixed-fee, limited scope services provided by local attorneys. Typical business models set a fixed fee for various legal services with a local attorney performing the actual legal work. The company, not the attorney, defines the types of legal services offered, the scope of the representation, the fees charged, and other parameters of the legal representation.

Common features of these arrangements include: 1) prearranged fees established by the online company; 2) a “marketing fee” received by the online company; 3) addition of a local attorney to a database accessible to and used by the prospective client to select the attorney; and 4) a caution from the online company that an attorney may decline representation, but that repeated refusals could result in the removal of the attorney’s name from the database.

## The Ethical Problems

Business models such as these present the following potential ethical issues for Indiana lawyers:

### Improper Fee Splitting

**Indiana Rules of Professional Conduct Rule 5.4(a)** generally prohibits a lawyer from splitting fees with a non-lawyer. By allowing the online company to charge the lawyer a “marketing fee” every time the lawyer earns a fee, a lawyer risks violating this rule.

### Abdication of Professional Independence

**Indiana Rules of Professional Conduct Rule 5.4(c)** requires a lawyer to maintain his/her professional independence. These “referral” models risk violation of this rule by:

- Locking in the client’s legal needs without actual consultation. For instance, a client may select preparation of a simple will which may not be appropriate for the client’s estate planning needs. A lawyer cannot gauge the true legal needs of a client without meaningful prior consultation.
- The online company sets the fee based on an assumed time frame in which to complete the legal task. By allowing the online company to direct the length of time the lawyer should spend on representation, the attorney may be engaging in a process of agreeing to provide legal services which cannot realistically be performed within the allotted time.
- Many of the online referral businesses guarantee the client a full reimbursement of a fee if the client is not satisfied with the representation provided. This refund may occur regardless of the lawyer’s work product or the lawyer’s opinion of the quality of legal services rendered, creating additional concern that the lawyer has abdicated his/her professional independence to the non-lawyer referral service.

### Limited Representation

**Indiana Rules of Professional Conduct Rule 1.2(c)** provides that if the services to be performed are limited in scope, as is generally contemplated by many of the online legal referral businesses, the limitation must be reasonable and the client must be informed and give consent to the limitation and objectives of the representation. The “referral” business model raises concerns about meeting this obligation.

### Marketing Fee is Not Reasonable Cost of Advertising

A lawyer may not accept referrals from a for-profit referral service or pay a fee for a referral. A lawyer might suggest that the marketing fee charged by the online company should be viewed as an advertising cost. While the rules allow for “the reasonable costs of advertising,” these marketing fees charged by online companies fail to qualify as such because:

The fee is typically tied to the cost of the legal services provided and is not tied to the actual cost of advertising the individual lawyer's legal services.

Unlike advertising fees which are typically a one time or recurring charge for the actual advertising and communications permitted by the rules, the typical fee to an online company for "marketing" is only paid after the attorney renders a service to a client. Accordingly, these transactions are more akin to fee splitting or a referral fee, not payment for advertising.

For more information on the parameters of lawyer advertising, please refer to **Indiana Rules of Professional Conduct Rule 7.2 and 7.3.**

### Possible Misleading Communication Concerning a Lawyer's Services

Certain online companies may also violate Indiana's advertising rule requirements by falsely inflating the abilities of the attorneys to whom they make referrals. For instance, many online companies advertise "highly qualified" or "knowledgeable" or even specialized attorneys but allow counsel to accept cases without having any prior experience. This type of advertising may be misleading under **Indiana Rules of Professional Conduct Rule 7.1.**

## Conclusion

Though online referral services may differ in the details of the services offered, these business models raise several ethical concerns for the Indiana practitioner. A lawyer should carefully review the relevant rules and understand that participation in online legal referral services may put him/her at risk of violating multiple ethical rules and that the lawyer may be subject to discipline.

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# Lawyer Affiliation with Legal Services Companies and Out-of-State Law Firms

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OPINION #2-18

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## Question

Can an Indiana lawyer affiliate with a non-lawyer company or an out-of-state law firm to provide legal services to clients in Indiana?

## Short Answer

These arrangements risk violation of several Indiana ethics rules.

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## Recommended Rules for Review

[Indiana Rules of Professional Conduct](#): 1.2(c), 1.4, 1.5(e), 1.8(f), 5.3(b), 5.4(a), 5.4(c), 5.5(a), 8.4(a), and Guideline 9.1 and 9.3.

[Indiana Admission and Discipline Rule](#): 3(2)

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## Summary

Lawyers may find themselves being approached more and more by non-lawyer companies or out-of-state law firms looking to establish an ongoing affiliation for providing legal services in Indiana. Such offers may be attractive as a means of expanding the lawyer's practice and developing a recurring flow of business. Such offers might be in the area of debt settlement, mortgage foreclosures, estate planning, traffic violations or criminal expungements, but could touch any area of the law.

An out-of-state firm may want to enter an "Of Counsel" or other contractual arrangement to nominally make the Indiana lawyer part of their firm. The specifics can take many forms. However, the common feature of this business model is that the non-lawyer company or out-of-state law firm wants to offer legal services in Indiana on an ongoing basis without being licensed to practice law in Indiana. They then direct the cases to an Indiana lawyer for a portion of the fees charged, often while requiring relatively minimal work or involvement by the Indiana lawyer. This business model is known colloquially as the "license rental" model.

## The Ethical Problems

Affiliating with non-lawyer companies or out-of-state law firms to provide legal services in Indiana on an ongoing basis can present the following potential ethical issues for Indiana lawyers:

## Assisting the Unauthorized Practice of Law

Indiana Rule of Professional Conduct 5.5(a) prohibits a lawyer from assisting Indiana law practice by anyone who is not licensed in Indiana. A lawyer violates this rule by accepting work from a non-lawyer company which is selling legal services to clients. A lawyer also violates this rule by serving as local counsel for an out-of-state law firm in situations where someone from the out-of-state law firm is performing the bulk of the work or keeping the bulk of the fee without temporary admission under Indiana Admission and Discipline Rule 3(2). The goal of some "national" law firms is to "rent" the license of an Indiana lawyer to legitimize advertising their services in Indiana and to skirt the temporary admission rule.

## Abdication of Professional Independence

Indiana Rules of Professional Conduct 1.8(f) and 5.4(c) require a lawyer to maintain his/her professional independence. A lawyer risks violation of these rules when the non-lawyer company or out-of-state law firm dictates nearly all aspects of the representation, particularly the objectives and legal strategy. Some "license rental" models sell a "one-size-fits-all" approach to a legal problem without proper attorney consultation about the various legal options available and without regard to the true needs of the client.

## Improper Fee Splitting

Indiana Rule of Professional Conduct 5.4(a) generally prohibits a lawyer from splitting fees with a non-lawyer. When a lawyer is paid only a portion of the larger fee collected by the non-lawyer company, a lawyer risks violating this rule.

Indiana Rule of Professional Conduct 1.5(e) prohibits sharing a fee between lawyers who are not in the same firm without informing the client about how the fee is shared. Under the "license rental" model, it is often kept secret from the client that their local lawyer is getting paid a small portion of the much larger fee collected by the "national" firm.

## Lack of Client Communication

Indiana Rule of Professional Conduct 1.4 can be an issue when the non-lawyer company or out-of-state law firm takes responsibility for keeping the client informed but fails to do so. Often under the "license rental" model, the client never has a chance to meaningfully consult with their lawyer and is not properly informed about aspects such as the fee-sharing arrangement or the limited scope of the Indiana lawyer's representation.

## Limited Representation

Indiana Rule of Professional Conduct 1.2(c) provides that if the services the lawyer will perform are limited in scope, the limitation must be reasonable and the client must be informed and give consent to the limitation and objectives of the representation. The "license rental" model often

raises concerns about meeting this obligation. However, limited representation, even if the client is informed and consents, does not absolve a lawyer of potential rule violations referenced in this opinion.

### Failure to Supervise Non-Lawyer Assistants

Indiana Rule of Professional Conduct 5.3(b) and Guideline 9.1 for the Use of Non-Lawyer Assistants generally provide that a lawyer must directly supervise non-lawyer assistants and are responsible for their actions. A regular feature of the “license rental” model is that a significant amount of work is performed by paralegals and legal assistants, usually in another state, where they are difficult to monitor.

Guideline 9.3 for the Use of Non-Lawyer Assistants prohibits non-lawyers from establishing an attorney-client relationship, and/or setting the amount of the fee to be charged, and/or rendering legal opinions to the client. The “license rental” model often employs non-lawyers to contract with clients and commit them to a legal strategy before the lawyer gets involved. Such an approach would be problematic under Indiana’s rules.

### Assisting Ethical Violations

Indiana Rule of Professional Conduct 8.4(a) prohibits knowingly assisting another in violating the Rules of Professional Conduct. Lawyers may be held accountable if they know that a non-lawyer company or out-of-state law firm engages in practices that would be prohibited in Indiana, such as charging unreasonable fees or using misleading advertising methods.

## Conclusion

The “license rental” model can take many forms and presents many pitfalls for the Indiana practitioner. A lawyer should carefully review the relevant rules and understand that affiliation with a non-lawyer company or an out-of-state law firm may put him/her at risk of violating multiple ethical rules and that the lawyer may be subject to discipline.

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*This nonbinding advisory opinion is issued by the Indiana Supreme Court Disciplinary Commission in response to a prospective or hypothetical question regarding the application of the ethics rules applicable to Indiana judges and lawyers. The Indiana Supreme Court Disciplinary Commission is solely responsible for the content of this advisory opinion, and the advice contained in this opinion is not attributable to the Indiana Supreme Court.*



# **Section Eleven**

# **Business Practicalities and Pragmatics**

**Susie M. Keaton, CPA**  
Principal, Tax Team  
Somerset CPAs and Advisors  
Indianapolis, Indiana

**Reid F. Trautz**  
Firm Resolutions  
Annandale, Virginia

## **Section Eleven**

**Business Practicalities and Pragmatics..... Susie M. Keaton, CPA  
Reid F. Trautz**

Discussion Outline

PPP Forgiveness Ask the Regulator

Staffing Decisions During Tough Economic Times Worksheet

FFCRA Employee Paid Leave Rights

People Still Need Legal Stuff Done

## **Business Practicalities and Pragmatics**

October 29, 2020 - 45-minute presentation

Topical Outline:

- A. Overview of PPP Loan Forgiveness (15 minutes)
    - a. PPP Loan Forgiveness Basics
      - i. Eligible Costs
        - 1. Payroll Costs
        - 2. Business Rent Payments
        - 3. Mortgage Interest Payments
        - 4. Utility Payments
      - ii. Additional considerations
    - b. Loan Forgiveness Process and Timeline
      - i. Borrower Application Submission
        - 1. Form 3508EZ
        - 2. Form 3508
      - ii. Lender Review & Submission
        - 1. Four Forgiveness Decision options
          - a. Full/Part/Denied/Denied w/o Prejudice
      - iii. SBA Review & Remittance
      - iv. Borrower Documentation Requirements
    - c. Round Two (potentially coming before Nov.)
- 
- B. Best tax breaks for solos (5 minutes)
  - a. Retirement plans
    - i. Solo K
    - ii. SEP
    - iii. Spouse employed?
  - b. Vehicle through the business if use is over 50% at least
- 
- C. Collections/accounts receivable (5 minutes)
  - Non-paying clients
  - Slow paying clients
  - Dealing with unemployed clients
- 
- D. Staff & Payroll Issues (10 minutes)
  - Short term vision vs long term vision; taking a risk now to prevent a hole later; Hiring like normal when talent is available
  - Firings and furloughs?

- CARES Act – furloughs and paid-time-off
- Payroll taxes postpone/forgiven?
- w/h payroll payments

#### E. Office Space/Location (10 minutes)

Home office is primary now, is it deductible?

- Partners in a partnership may deduct home office expenses
- Sole proprietors reporting on a Schedule C
- S corporation shareholders are not able to take the deduction

Home office deductible expenses

- Simplified method
  - Based on multiplying prescribed rate, currently \$5, by the square footage (limited to 300 sq. foot)
  - Maximum deduction is \$1500
- Actual method
  - Mortgage interest
  - Repairs/maintenance
  - Utilities/insurance
  - Depreciation
  - All mileage deductible since base is home

WFH:

- Benefit
- Saving on space and cost
- Keep people who move away/keep talent
- Maybe more productive employees
- Furniture savings? What other investments does this cause – more technology purchase?
- Dumping your office space/lease



# Basics of Paycheck Protection Program (PPP) Loan Forgiveness and the Small Business Administration (SBA) PPP Loan Forgiveness Platform

## Speakers:

- ▶ **Bill Briggs, SBA**
- ▶ **Cailin Schmeer, U.S. Treasury**
- ▶ **Ginger Allen, SBA**
- ▶ **Ben Wallace, The Summit Group**
- ▶ **Marty Andrews, SBA**

September 3, 2020



## Welcome everyone

- **Today's session**
- **Questions:**
  - Email your question to: [asktheregulators@stls.frb.org](mailto:asktheregulators@stls.frb.org)
  - or
  - Use the "Ask Question" button in the webinar tool
- **This call is being recorded and will be available following the session.**
  - Archived recording can be accessed using the same link as today's webinar.
- **A survey will be delivered via email following the call. Let us know your thoughts or ideas for future sessions.**



# Overview of PPP Loan Forgiveness Process

September 3, 2020

## Ask the Regulators Session

This presentation is developed to provide a general, non-comprehensive review of PPP loan forgiveness. In the event of any inconsistency between this presentation and the CARES Act, the Paycheck Protection Program Flexibility Act of 2020, PPP IFRs, FAQs, Loan Forgiveness Applications and Instructions, and other PPP guidance (together, official guidance), the official guidance governs.







# What this Session Will Cover:

- 1 Overview of PPP Loan Forgiveness
- 2 Loan Forgiveness Platform & How To Submit Lender Decisions
- 3 Q & A with Panel

# PPP Loan Forgiveness Basics

Borrowers are eligible for forgiveness in an amount equal to **the sum of the eligible costs and payments during the 8-week or 24-week Covered Period:**

Eligible Costs		Additional Considerations
	Payroll Costs	<ul style="list-style-type: none"><li>• Payroll costs must account for at least 60% of the total PPP forgiveness amount or the amount of forgiveness will be reduced</li><li>• Salary / wage reduction can be no more than 25% during the Covered Period or the amount of forgiveness will be reduced (certain exemptions / safe harbors may apply)</li><li>• Borrower must maintain the average number of full-time equivalent (FTE) employees during the Covered Period or the amount of forgiveness will be reduced (certain exemptions / safe harbors may apply)</li></ul>
	Business Rent Payments <i>(lease effective prior to February 15, 2020)</i>	
	Mortgage Interest Payments <i>(incurred prior to February 15, 2020)</i>	
	Utility Payments <i>(service in place prior to February 15, 2020)</i>	

# Payroll Cost Considerations

**Timing:** To be eligible for forgiveness, payroll costs must be:

1. Incurred or paid during the Covered Period or Alternative Payroll Covered Period.
2. Incurred before the Covered Period or Alternative Payroll Covered Period, but paid during the Covered Period or Alternative Payroll Covered Period.
3. Incurred during the Covered Period or Alternative Payroll Covered Period, but paid on or before the next regular payroll date after the Covered Period or Alternative Payroll Covered Period.

# Loan Forgiveness Process and Timeline



# Borrower Documentation Requirements

## What documentation does the borrower submit to the lender with its forgiveness application?

In addition to the signed Forgiveness Application Form (SBA Form 3508, 3508EZ, or lender equivalent) borrowers are generally expected to submit the following (see SBA Form 3508 or 3508EZ instructions for specific details):

1. **Payroll: Proof of payment**
2. **Nonpayroll: Proof of obligation and proof of payment**
3. **3508 Only: PPP Schedule A and FTE Documentation**
4. **3508EZ Only: FTE Information (if applicable)**

For each form, there are certain documents that the borrower is required to maintain, but not submit. See Instructions to forms.

Additionally, all loans \$2 million and over will be subject to SBA loan reviews and additional documentation will be required.

# Borrower Documentation – Payroll

**Documents Must Provide Proof of Eligible Costs** (*e.g., that payments were made towards eligible payroll costs and within the eligible Covered Period or Alternative Payroll Covered Period*) with the following:

- 1. Bank account statements or third-party payroll service provider reports** documenting the amount of cash compensation paid to employees.
  - 2. Tax forms** or equivalent third-party payroll service provider reports.
  - 3. Payment receipts** documenting the amount of any employer contributions to employee health insurance and retirement plans.
- See Instructions to forms for other acceptable documents.

# Borrower Documentation – Non-Payroll

**Documents Must Provide Proof of Eligible Costs** (*e.g., that verify existence of eligible non-payroll obligations/services prior to February 15, 2020 and eligible payment from the Covered Period*) with the following if borrower includes nonpayroll expenses in the amount requested for forgiveness:

- 1. Business mortgage interest payments** – amortization schedule and receipts.
- 2. Business rent or lease payments** – lease agreement and receipts.
- 3. Business utility payments** – invoices from February 2020 and invoices paid during Covered Period and receipts.

See Instructions to forms for other acceptable documents.

# Borrower Forgiveness Application Submission FAQ

**Question:** Who can use the SBA Form 3508EZ forgiveness application?



**Answer:** (See Form 3508EZ instructions, page 1)

- 1) Self-employed individual, independent contractor, or sole proprietor who had no employees at the time of the PPP loan application and did not include any employee salaries in the calculation of their average monthly payroll (when determining their eligible loan amount); or
- 2) Borrower didn't reduce annual salary or hourly wages of any employee by more than 25% during Covered Period or Alternative Payroll Covered Period **and** didn't reduce the number of employees or the average paid hours of employees between 1/1/20 and the end of Covered Period; or
- 3) Borrower didn't reduce salary or wages of any employee by more than 25% during Covered Period or Alternative Payroll Covered Period **and** was unable to operate during Covered Period at the same level of business activity as before 2/15/20 due to compliance with HHS, CDC, or OSHA restrictions issued between 3/1/20 and 12/31/20 related to COVID-19.



# Borrower Forgiveness Application Submission FAQ

**Question:** May a borrower submit a forgiveness application before the end of their covered period?



**Answer:** Yes, if the borrower has used all the loan proceeds for which it is requesting forgiveness.

If borrower reduced annual salary or hourly wages by more than 25%, borrower must account for the reduction for the full Covered Period (either 8- or 24-week period beginning on the PPP Loan Disbursement Date).

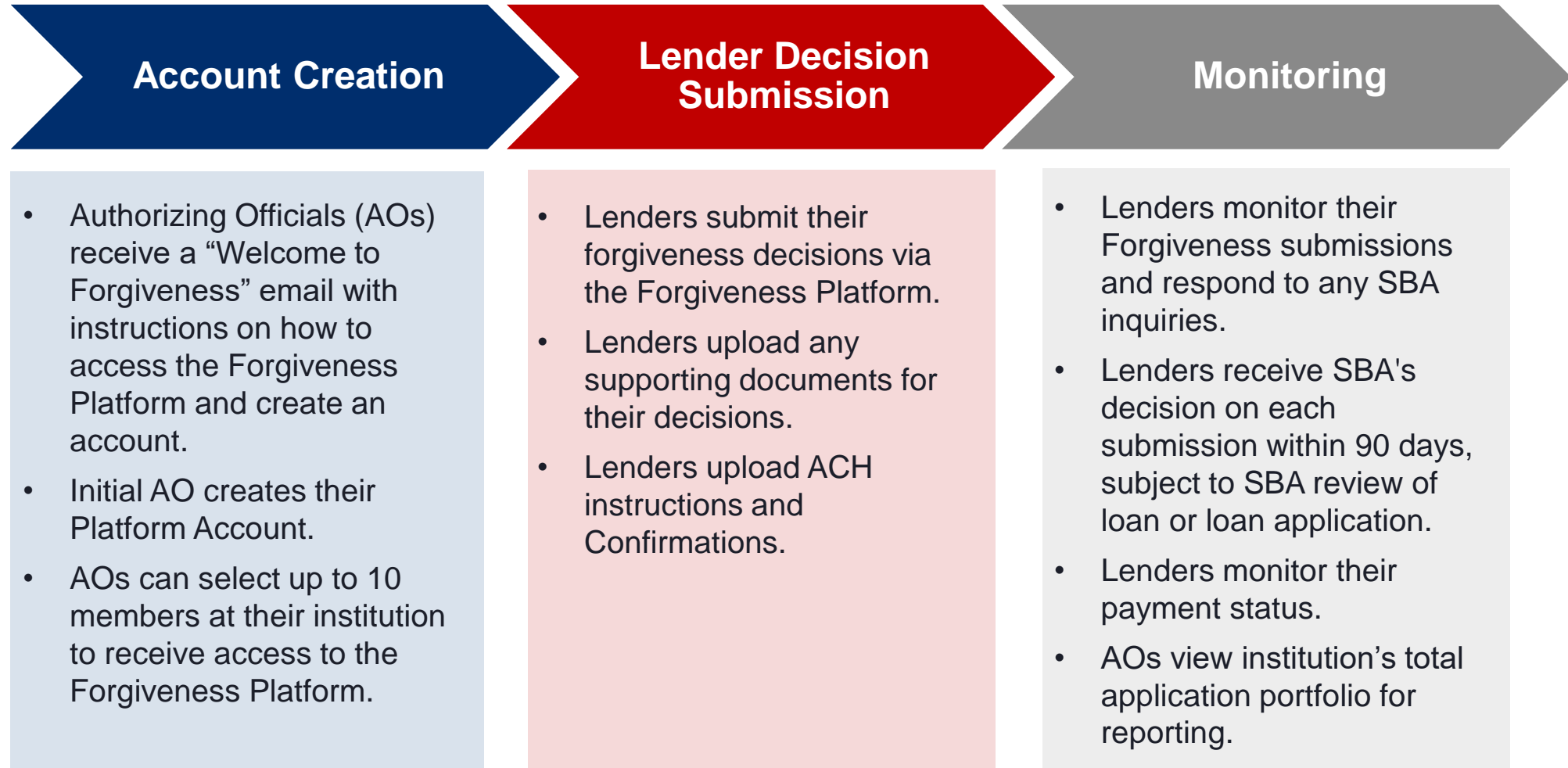
# Lender Reviews – Making a Forgiveness Decision

## Lenders Have Four Decision Options:

- Approved in Full** – Lender approved the full forgiveness amount requested by borrower, and the forgiveness amount requested by lender equals that amount.
- Approved in Part** – Lender did not approve the full forgiveness amount requested by borrower and the forgiveness amount decision by lender is less than the forgiveness amount requested by borrower.
- Denied** – Lender denied the entire forgiveness amount requested by the borrower.
- Denied without Prejudice** – Lender should use this status when SBA notifies the lender that a loan review is pending at the time the borrower submits a loan forgiveness application.

# Overview of Forgiveness Process

Lenders will use the Forgiveness Platform for all aspects of the forgiveness process:



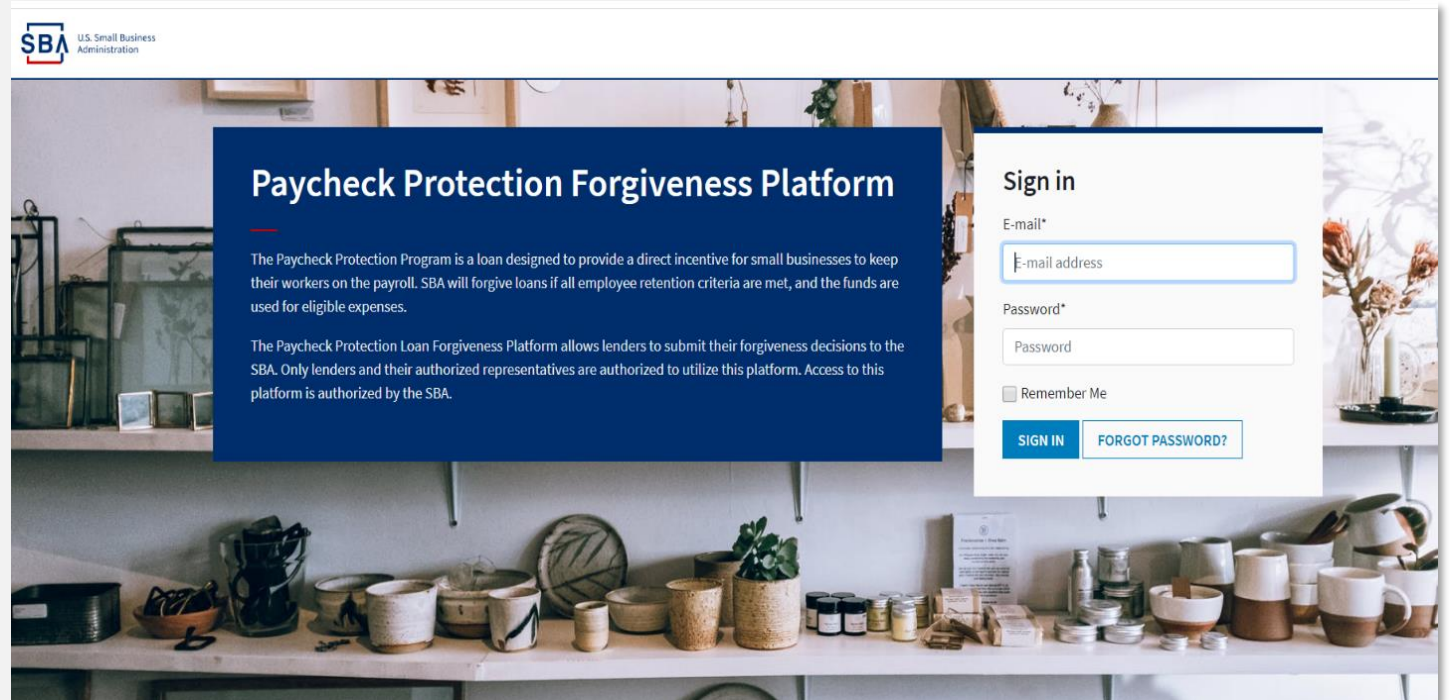
Information Current as of 9/3/20 – Visit [www.sba.gov/ppp](http://www.sba.gov/ppp) for the most up-to-date information.

# Forgiveness Platform

- The Forgiveness Platform can be accessed at [forgiveness.sba.gov](https://forgiveness.sba.gov).

- The Platform supports **three methods of submission** for lender forgiveness decisions:

1. Lenders can manually enter data and upload supporting documentation.
2. Lenders can connect via API and submit lender decisions in bulk.
3. Software Providers can connect via API and submit decisions on behalf of lenders.



- Use **MS Edge** or **Google Chrome** browsers for an optimal experience.
- **Complete information on APIs** can be found at <https://ussbaforgiveness.github.io/>.

# Forgiveness Platform – Resources

The screenshot shows the SBA Forgiveness Platform Resource Center. At the top left is the SBA U.S. Small Business Administration logo. At the top right are icons for user profile, group, settings, and a 'Sign Out' button. A dark blue sidebar on the left contains navigation links: Resources, Inbox, SBA Dashboard, Payment Dashboard, Lookup Disbursed PPP Loans, Submit New PPP Forgiveness Decision, All Forgiveness Submissions, Drafts, and Institution Settings. The main content area has a dark blue header 'Resource Center'. Below it is a welcome message: 'Welcome to the SBA Forgiveness Platform'. A bulleted list provides key information: 'The SBA Hotline is for Lenders ONLY, please do not share with Borrowers.', 'Looking for your API key? View the user guides pages and watch the Create API User video on the next tab.', 'Complete the Institution Settings to ensure timely payment to your Financial Institution.', and 'View our videos before you begin.' Below the list is a paragraph: 'This platform will allow the submission of lender decisions to the SBA. Please take the time to read the user guide, watch our introductory video, and read the FAQs and additional resources. We appreciate your continued efforts to support the small business community during these unprecedented times. Please let us know how we can continue to improve this platform and our services.' Underneath is a horizontal menu with links for 'User Guide', 'Videos', 'FAQ', and 'Additional Resources'. The 'User Guide' section is expanded, showing two items: 'Forgiveness Platform Lender User Guide' and 'Forgiveness Platform Lender Checklist', each with a document icon and a brief description.

Information Current as of 9/3/20 – Visit [www.sba.gov/ppp](http://www.sba.gov/ppp) for the most up-to-date information.



# Forgiveness Platform - Videos

**SBA** U.S. Small Business Administration

Resources  
Inbox  
SBA Dashboard  
Payment Dashboard  
Lookup Disbursed PPP Loans  
Submit New PPP Forgiveness Decision  
All Forgiveness Submissions  
Drafts  
Institution Settings

## Resource Center

Welcome to the SBA Forgiveness Platform

- The SBA Hotline is for Lenders ONLY, please do not share with Borrowers.
- Looking for your API key? View the user guides pages and watch the Create API User video on the next tab.
- Complete the Institution Settings to ensure timely payment to your Financial Institution.
- View our videos before you begin.

This platform will allow the submission of lender decisions to the SBA. Please take the time to read the user guide, watch our introductory video, and read the FAQs and additional resources. We appreciate your continued efforts to support the small business community during these unprecedented times. Please let us know how we can continue to improve this platform and our services.

[User Guide](#) [Videos](#) [FAQ](#) [Additional Resources](#)

### Helpful Videos

*The video tutorials are general platform functionality and not intended to be comprehensive. Please see the Forgiveness Platform Lender User Guide for detailed platform instructions and the FAQs or Additional Resources for additional information on Forgiveness Policy*

Choose Video

- Getting Started
- Admin Functions
- Decision Submission
- Monitoring Forgiveness
- User Management
- Create API User

POWERED BY  
**SBA** U.S. Small Business Administration

09:34

Information Current as of 9/3/20 – Visit [www.sba.gov/ppp](http://www.sba.gov/ppp) for the most up-to-date information.

# Forgiveness Platform – Payment Settings

The screenshot shows the SBA Forgiveness Platform interface. At the top left is the SBA U.S. Small Business Administration logo. At the top right are icons for user profile, team, settings, and a 'Sign Out' button. A dark blue sidebar on the left contains navigation links: Resources, Inbox, SBA Dashboard, Payment Dashboard, Lookup Disbursed PPP Loans, Submit New PPP Forgiveness Decision, All Forgiveness Submissions, Drafts, and Institution Settings. The main content area is titled 'Settings for Internal' and contains the following fields:

- Routing Number\*: 12345
- Account Number\*: 890000
- Account Type\*: Checking (dropdown menu)
- Taxpayer Identification Number\*: 12345
- Email Address for Email Notifications: Bank@bank.com

Below the email address field is a checkbox labeled 'Use Compound Interest for PPP Loan Payment Calculation', which is currently unchecked. A note below the checkbox reads: '\*Institutions that require the selection of compound interest are advised to contact the SBA at 833-572-0502. The lender will need to provide certification that the promissory note for the PPP loan allows for the payment of compound interest.'

A blue 'Save' button is located at the bottom of the settings form.



# Forgiveness Platform – Lender Decision Reminder

The screenshot shows the SBA Forgiveness Platform interface. At the top left is the SBA logo and "U.S. Small Business Administration". At the top right are user icons and a "Sign Out" button. A dark blue sidebar on the left contains navigation links: Resources, Inbox, SBA Dashboard, Payment Dashboard, Lookup Disbursed PPP Loans, Submit New PPP Forgiveness Decision, All Forgiveness Submissions, Drafts, and Institution Settings. The main content area has a red header bar and a "Back" button. The title "Before You Begin" is followed by a paragraph: "For a PPP loan to be eligible for submission, the loan must be reported as fully disbursed within the SBA system of record. Please use our [Lookup Tool](#) before submitting the decision and supporting documentation to ensure the SBA will allow for submission." Below this is a section "How To Use This Form" with a sub-header "The following form must be populated with data that supports the lender decision you are issuing to the SBA." There are four decision categories, each with an icon and a description: "Approved in Full" (star icon), "Approved in Part" (star icon), "Denied" (thumbs down icon), and "Denied without Prejudice" (hand icon).

**Before You Begin**

For a PPP loan to be eligible for submission, the loan must be reported as fully disbursed within the SBA system of record. Please use our [Lookup Tool](#) before submitting the decision and supporting documentation to ensure the SBA will allow for submission.

**How To Use This Form**

The following form must be populated with data that supports the lender decision you are issuing to the SBA.

- Approved in Full**  
If an "Approved in Full" decision is issued to the SBA, please ensure each of your entries match the line items in the borrower's signed 3508 or 3508EZ form.
- Approved in Part**  
If an "Approved in Part" decision is issued to the SBA, you must populate the form with the amounts for each entry that you have approved in your decision. You must enter your own data for any entry where you determined a different amount than the entry in the borrower's signed 3508 or 3508EZ.
- Denied**  
If a "Denied" decision is issued to the SBA, you must populate the form with zero values where appropriate. You must also upload a denial justification document outlining the reason(s) for denial. This justification document can be created by the lender and should provide sufficient justification to support your decision.
- Denied without Prejudice**  
If a "Denied without Prejudice" decision is issued to SBA, you should populate this form with the values from the borrower's 3508 or 3508EZ.



# Forgiveness Platform – Communication Tools

The screenshot displays the SBA Forgiveness Platform interface. On the left is a dark blue sidebar with navigation options: Resources, Inbox, SBA Dashboard, Payment Dashboard, Lookup Disbursed PPP Loans, Submit New PPP Forgiveness Decision, All Forgiveness Submissions, Drafts, and Institution Settings. The top right corner features a 'Sign Out' button and user profile icons. The main content area is titled 'Open Items' and includes a search bar with 'Message Type' and 'SBA Number' dropdowns, and 'Search' and 'Clear' buttons. A '+ New Message' button is also present. A light blue message states 'You have no messages.' Below this is a table with columns: Request, Context, Message Type, and Sent, each with a sort icon. The table shows 'Showing 0 to 0 of 0 entries' and 'Previous' and 'Next' navigation buttons.

# Forgiveness Platform Submission Process

## 1. Verify Loan Status

- Click “Lookup Disbursed Loans”
- Search for the loan

Lender Name	Borrower Name	SBA Number	Loan Number
UAT9999	MOCKDATAONLY-Oberbrunner Hettinger and Pollich	9999100032	9999115114

## 2. Create New Decision

- Four options
- Click “New PPP Decision Submission”
- Select an application form
- Enter loan information

Unless otherwise stated, all fields are required.

! This form does not autosave, if you are not ready to submit this form with a Lender Decision ensure you at least Save a Draft of your progress before navigating away.

## 3. Add Supporting Documents

- Signed Form 3508/3508EZ or lender equivalent
- PPP Schedule A for Form 3508
- Demographic Information Form (if provided)

Supporting Documents

All documents will be uploaded on the submission of this form.

File	File Name	Actions
<input type="text"/>	<input type="text"/>	<input type="button" value="Delete"/>

- Loan Application Supporting Docs (Payroll)
- SBA Form 3508
- SBA Form 3508EZ
- Borrower Note
- Transcript of Account
- Forgiveness Supporting Docs (Payroll)
- Forgiveness Supporting Docs (FTE)
- Forgiveness Supporting Docs (Rent/Lease Payments)
- Forgiveness Supporting Docs (Utility Payments)
- PPP Borrower Demographic Information Form
- PPP Schedule A
- PPP Schedule A Worksheet
- 3508-EZ Supporting Docs (FTE Certification)

# Forgiveness Platform Submission Process (cont'd)

## 4. Confirm Lender Forgiveness Decision

- Confirm that forgiveness decision criteria has been met
- Designate the decision
- Click “Submit Decision” if the application is complete

## 5. Monitor Forgiveness

- Click “All Forgiveness Submissions”
- Locate loans by filtering for status OR searching for the SBA Loan Number
- View the application status

**4** ✓ **Lender Confirmation**

By checking the “I confirm” box below, the Lender agrees that for each PPP loan included in this submission:

1. This submission accurately reflects the Lender’s decision regarding the borrower’s loan forgiveness application;
2. The information provided by the Lender to SBA with this submission accurately reflects the Lender’s records for the PPP loan;
3. The Lender has made its decision in accordance with the requirements set forth in Part III.2.a. of the PPP Interim Final Rule on SBA Loan Review Procedures and Related Borrower and Lender Responsibilities, as amended;
4. The PPP loan has not been cancelled or repaid; and
5. The Lender has not issued a previous loan forgiveness decision to SBA for this PPP loan, unless this is a resubmission following a rejection or a reconsideration of a denial without prejudice.

I Confirm


**5**




**All Forgiveness Submissions**

Filter by: [dropdown] [search] [clear] [Show 10 rows]

Lender Name	Borrower Name	SBA Number	Status
LENDER-SBA-UAT	Big J's Steak House	1119173797	Pending Validation
LENDER-SBA-UAT	Dan's Travel Depot	1119173795	Pending Validation
LENDER-SBA-UAT	ToyFresh	1119173794	Pending Validation
LENDER-SBA-UAT	Moron Towing Company	1119173796	Pending Validation
LENDER-SBA-UAT	Flower Sound Music Inc	1119173792	Pending Validation
LENDER-SBA-UAT	Milly's Dry Cleaners	1119173791	Pending Validation
LENDER-SBA-UAT	Erica's Popcorn Palace	1119173790	Pending Validation
LENDER-SBA-UAT	Momma Juv's Catering	1119173789	Pending Validation

# Forgiveness Monitoring






Sign Out

## Requests at Internal

**Total Eligible PPP Loans : 0**  
The total number of loans provided by the SBA that are eligible for forgiveness

<b>0</b> Pending Validation	<b>0</b> Under Review	<b>0</b> Fully Approved
<b>0</b> Payment Sent	<b>0</b> Payment Confirmed	<b>0</b> Payment Failed

**Total Forgiveness Submissions : 0**  
The total number of forgiveness applications that have been submitted to the SBA

<b>0</b> Not Approved	<b>0</b> Partially Approved	<b>0</b> Lender Additional Info Needed
-----------------------	-----------------------------	----------------------------------------

	Request Status								
	Pending Validation								
	Under Review								
	Fully Approved								
	Not Approved								
	Partially Approved								
	Lender Additional Info Needed								
	Payment Sent								
	Payment Confirmed								

Information Current as of 9/3/20 – Visit [www.sba.gov/ppp](http://www.sba.gov/ppp) for the most up-to-date information.



# SBA Loan Review Overview

**If a loan is selected for an SBA loan review, the lender will be notified via the Forgiveness Platform. See SBA Procedural Notice 5000-20038 (July 23, 2020), Procedures for Lender Submission of Paycheck Protection Program Loan Forgiveness Decisions to SBA and SBA Forgiveness Loan Reviews.**

# SBA Forgiveness Payment to Lender

## When SBA remits forgiveness payment to lender, lender must notify borrower of:

- Amount of forgiveness payment received (or that SBA determined no amount of the loan is eligible for forgiveness)
- Due date of borrower's first payment (if applicable)



# Economic Injury Disaster Loan (EIDL) FAQ

**Question:** How will a lender know the amount of the EIDL advance that will be automatically deducted by SBA?



**Answer:** If a borrower received an EIDL advance, SBA is required to reduce the borrower's loan forgiveness amount by the amount of the EIDL advance. SBA will deduct the amount of the EIDL advance from the forgiveness amount remitted by SBA to the lender. The lender will be able to confirm the amount of the EIDL advance that will be automatically deducted by SBA from the forgiveness payment by reviewing the borrower's EIDL advance information in the Forgiveness Platform.

# Remaining Balance FAQ



**Question:** How should a lender handle any remaining balance due on a PPP loan after SBA remits the forgiveness amount to the lender?

**Answer:** If a PPP loan is not forgiven in full (including if there has been a reduction in the forgiveness amount for an EIDL advance), any remaining balance due on the PPP loan must be repaid by the borrower.

- Lenders must notify borrower of the loan forgiveness amount remitted by SBA and the date on which the borrower's first loan payment is due.
- The lender must continue to service the loan.
- The borrower must repay the remaining loan balance by the maturity date of the PPP loan (either two or five years).

If a borrower is determined to have been ineligible for a PPP loan for any reason, SBA may seek repayment of the outstanding PPP loan balance or pursue other available remedies.



# General Forgiveness Process FAQs

- **How do lenders access the portal?**  
This platform can be accessed at [forgiveness.sba.gov](https://forgiveness.sba.gov).
- **How do lenders contact the SBA?**  
The SBA's PPP Lender Hotline is +1 (833) 572-0502.
- **Where can lenders find information about APIs?**  
A complete guide for Platform API use can be found [here](#).
- **How many Platform users can each institution have?**  
Authorizing Officials may create up to 10 active users for each institution. We recommend that no more than two users be Authorizing Officials.
- **Is there a maximum number of documents that can be uploaded with each application?**  
No, lenders may submit an unlimited number of documents with each application. The Platform supports pdf, xls,xlsx, csv, doc, docx, jpg, jpeg, and png files. The total document limit is 35 MB.
- **Which version of the forgiveness application should lenders use (3508EZ or 3508)?**  
When entering a forgiveness decision on the Forgiveness Platform, lenders should use whichever version of the form the borrower provided. Instructions on determining if a borrower is eligible to use the 3508EZ form can be found [here](#).

# General Forgiveness Process FAQs

- **How long will it take to receive an SBA forgiveness decision?**

SBA has 90 days to review and remit payment to the lender, subject to any SBA loan review.

- **Can documents be added to a forgiveness submission after it is submitted?**

No, submissions must be withdrawn and resubmitted with two exceptions:

- If a lender is using APIs, a lender generally has 24 hours after submission to add additional documents to the file. After the SBA picks up the review, the Platform doesn't allow additional documents or file changes.
- The Platform will allow a lender or API vendor to add additional documents if the SBA asks for additional documents as part of its review.

- **Should the Forgiveness Amount on Line 11 of the 3508 or Line 8 of the 3508EZ include the EIDL deduction?**

No, SBA automatically will reduce the Forgiveness Amount by the amount of any EIDL Advance before remitting the payment to the lender. Lenders should input the EIDL Advance information provided by the Borrower on the 3508/3508EZ, where requested in the Platform, but should not subtract it from the Forgiveness Amount.

- **Can a borrower appeal a final SBA loan review decision?**

Borrowers may appeal to SBA's Office of Hearings and Appeals (OHA) certain final SBA Loan Review decisions. Lenders do not have a right to appeal to OHA. Please see Interim Final Rule on Appeals of SBA Loan Review Decisions under the Paycheck Protection Program posted on 8/11/20 at [www.sba.gov/ppp](http://www.sba.gov/ppp).

# Helping Lenders Be Successful



**Phone:** SBA PPP Lender Hotline – +1 (833) 572-0502



**Email:** SBA Forgiveness Inbox – [help@ussbaforgiveness.com](mailto:help@ussbaforgiveness.com)



**Forgiveness Platform Resources:** <https://forgiveness.sba.gov>



**Web:** [www.SBA.gov/ppp](http://www.SBA.gov/ppp)

- FAQs
- Interim Final Rules & Guidance
- Loan Forgiveness Applications (3508 / 3508EZ) and Instructions



## To Ask a Question:

- Email your question to: [asktheregulators@stls.frb.org](mailto:asktheregulators@stls.frb.org)
- Use the “Ask Question” button in the webinar tool

Thanks for joining us.

**Staffing Decisions During Tough Economic Times Worksheet:** For most lawyers who own law firms, their biggest monthly expenses are office rent and staff payroll. When firm revenue drops dramatically—as it has for many firms during the COVID-19 pandemic—it is not an easy task to analyze which expenses to cut and which to maintain. This worksheet is a starting point to help small firm owners make good decisions whether to retain, furlough, or lay off staff. Be sure to add your own thoughts based on your firm’s circumstances.

Pros (Reducing staff)	Cons (Against reducing staff)
Reduction in payroll (after optional severance, often two weeks of pay) can significantly reduce overhead quickly.	Cost of lay-offs include Unemployment Insurance premium increases based on your history of unemployment benefits paid out to former employees
Reduction in health benefit costs, if paid as part of compensation, also reduces overhead.	Impact on loyalty if you want to later rehire
Non-exempt employees can generally have their hours reduced on a weekly basis without legal recourse. Of course, they can leave employment as a response.	Laying off admin/paralegal staff leaves lawyers to do the admin work—a poor return on your investment
Exempt employees must be paid the same salary each week even if they work 1 hour, but they can be furloughed for an entire week without pay. Such furloughs can be used if disruptions are substantial, but state law may require advance notice.	If a good worker, they could temporarily do deferred work in the firm, such as organizing workflows, building out the client portal, training staff on software or becoming a new “client service representative” to facilitate communication and help collect fees.
Review Shared Work options outlined by state law. This is where two people share the same position but work alternate times. Could any of my staff be moved into this?	Note that businesses with 100 or more employees should comply with the federal Worker Adjustment and Retraining Notification Act notice requirements.
Certain positions can be filled with less skilled workers quickly, so long as you have a good employee handbook. There will likely be many people looking for work when things return to normal.	Some states have similar WARN laws that often apply to businesses of 50 or more employees. Be sure to check your state laws if you must comply with additional notice requirements.
Review overall performance of individual staff members. Re-evaluate any underperformers based on skills, productivity, and attitude.	Evaluate overall performance of individual staff members. Which ones are invaluable to your firm?
Add other considerations impacting your practice:	Reduced capacity means that if and when things return to normal—an uncertain point in time—you may have to rehire or outsource work to get back up to speed.
	Employees take institutional knowledge with them if they haven’t written it up for you somewhere or trained others.
	Add other considerations impacting your practice:



## Wage and Hour Division

# Families First Coronavirus Response Act: Employee Paid Leave Rights

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined*

(pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[1] Most employees of the federal government are

covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

**Eligible Employees:** *All employees* of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.[2]

**Notice:** Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

**Qualifying Reasons for Leave:**



Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

**Duration of Leave:**

**For reasons (1)-(4) and (6):** A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

**For reason (5):** A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### **Calculation of Pay:**<sup>[3]</sup>

**For leave reasons (1), (2), or (3):** employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

**For leave reasons (4) or (6):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

**For leave reason (5):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum

wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period). [4]

[1] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).

[2] Under the Act, special rules apply for Health Care Providers and Emergency Responders.

[3] Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

[4] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

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<b>Topics</b>	<b>For Workers</b>	<b>For Employers</b>	<b>Resources</b>
<b>Interpretive Guidance</b>	<b>State Laws</b>	<b>News</b>	

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## **People Still Need Legal Stuff Done**

By Reid Trautz and Dan Pinnington

As people have adjusted to the new normal of social distancing, face masks, and hand sanitizer, most are still being careful with their personal interactions. Yet despite these limitations and the fears that cause them, people still need to go about their daily lives. People still need stuff done, and that includes help with legal problems. In fact, consumer surveys in April 2020 indicate that the demand for legal services has in fact fallen, as 49% indicate that if they had a legal issue, they would very likely delay reaching out for legal help until after the coronavirus pandemic has subsided. Yet 60% of consumers report they would still seek legal services from a lawyer rather than deal with it in some other way, and 13% say they anticipate legal issues directly related to coronavirus.

There is an important nuance in these answers - they are predicated on legal work being done face to face, as it has been done in a more or less unchanged manner for hundreds of years. But what if the work can be done remotely, or with little or no personal intervention? Most consumers are now far more accepting of online services in most aspects of life, so why not their legal services? In addition to the convenience of not visiting a law office, many now state they want to avoid the risk of infection. Online legal services offer the consumer experience people want.

The COVID-19 pandemic changed the status quo, literally overnight. Suddenly lawyers were scrambling to serve their clients at a distance. Clients in COVID quarantine or government lockdown could no longer visit a law office. Lawyers by the thousands were exploring working from home and remotely accessing their offices, testing video conference apps, scanning and creating digital documents and investigating electronic signature solutions, many for the first time. Traditional lawyers across the globe needed to become e-lawyers almost overnight.

In scrambling for virtual solutions many lawyers found solutions that allowed them to replicate their current processes while working from home. At the end of the day most lawyers didn't really change the way they are delivering legal services, and most of the virtual accommodations they adopted were not terribly innovative as they have been available in the marketplace for years.

In 2001 the Law Practice Division's eLawyering Task Force began to encourage lawyers to take legal services online. While relatively few lawyers moved into the online legal services space, others did quite successfully. Legal Zoom launched, fought multiple UPL complaints, and succeeded in creating a huge legal services company.

Fast forward almost twenty years and we've seen some growth in online legal services, but it remains a small part of the overall legal services market. Pioneers such as Richard Granat (DirectLaw), Charley Moore (RocketLawyer) and more recent entrants, Immigration Advocates Network (pro bono legal services) and Erin Levine of Hello Divorce have created a solid presence in the online legal services space, while most other lawyers have ignored this trend and kept practicing as we have for a century and more.

While it's hard to change directions while going 85 miles per hour, the pandemic has slowed things down and given you the opportunity to reimagine how you deliver legal services. Now is the time to analyze your practice and change the way operate and deliver legal services. Cater to the way clients want their legal services, not the way you want to provide them.

Is that harsh medicine or a prescription for a more viable future? Only time will tell, but know there are other lawyers taking this same medicine.

Natalie Elisha Gold, founded her trusts and estates law firm in 2014, recently adding an online component to her firm. In addition to her traditional firm, this online portal allows her to interact with new clients exclusively in a virtual environment, delivering wills and simple estate plans at a lower price point.

The number of people seeking wills has skyrocketed. As a New Yorker, she recently offered free wills for healthcare workers via her online portal. She had two hundred people take her up on the offer in a matter of days. "The blend of technology and law is the future--there's no going back," says Natalie. "I'm thrilled about making estate planning more accessible and more affordable for more people.

Silicon Valley-based Wilson Sonsini has launched a new company to make law more accessible to people. SixFifty is merging old-fashioned legal analysis with leading-edge technology to create online tools to make the law easier and cheaper to navigate for smaller companies and individuals.

According to their website "SixFifty is a group of lawyers and engineers that believe the law should be easier to navigate. Other industries have adopted technology to make life easier for users, often to great effect. The law shouldn't be any different. It's time to put technology to use to make the law easier for everyone."

Currently they have several privacy analysis products and are building others for asylum seekers, rental tenants and start-up companies. While they are "powered by Wilson Sonsini" they are led by Kimball Parker, former director of the LawX legal design lab of BYU Law School.

Boundless Immigration provides an online platform for consumers to complete various U.S immigration petitions and applications with the assistance of an independent attorney network. While new business since February has declined somewhat, those completing their online paperwork continues at about the same high pace this year. What has increased significantly is the number of emails, chat messages and calls from users who seem more anxious about the process but relieved they can get answers 24/7 from a combination of digital and human resources.

"We've been building the workflow and operations tools for three years now, so given the increased expectation for faster answers and greater availability, we're adjusting our

mindset to add additional communication tools to meet those new expectations,” according to CEO and Co-founder, Xiao Wang.

Wang also notes that in response to the current climate, Boundless has also adjusted their marketing message to focus on how their service is something customers can do safely from their homes rather than in person

Despite the COVID-19 infection curve flattening, the demand for e-lawyering will remain. When it comes to buying groceries, filling prescriptions, or having dinner delivered from a favorite restaurant, consumers are far more comfortable and willing use other online services. To remain relevant, the legal profession needs to make sure it improves the availability of legal services. As long as consumers need legal stuff done, lawyers need to evolve their business models to make sure we can meet that demand. That’s more than just an Office 365 subscription and a new Zoom account.

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The authors pen the *Future Proofing* column in the ABA’s Law Practice magazine. A version of this article appears in the September 2020 issue.

# **Section Twelve**

# **Challenges Facing the Small Firm in 2020 – New Clients, Administrative Matters, Cost Control & Expense Growth, Internal Efficiency, Rate Pressure – More for Less & Setting Yourself Apart from the Competition**

## **Panel**

**F. Anthony Paganelli**  
Paganelli Law Group LLC  
Indianapolis, Indiana

**Rebecca W. Geyer**  
Rebecca W. Geyer & Associates, PC  
Carmel, Indiana

**Frederick W. Schultz**  
Greene & Schultz Trial Lawyers  
Bloomington, Indiana

**Reid F. Trautz**  
Firm Resolutions  
Annandale, Virginia



**Section Twelve**

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New Clients, Administrative Matters, Cost  
Control & Expense Growth, Internal  
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the Competition.....**

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