

TNWB CLERK'S OFFICE NEWSLETTER

January 2023

Are you in need of a new book for your library?

Extending Justice: Strategies to Increase Inclusion and Reduce Bias, edited by The Honorable Bernice B. Donald and Professor Sarah E. Redfield (published November 2022). The first book in this series, *Enhancing Justice: Reducing Bias*, was written to increase awareness of implicit bias. This book goes the next step to offer practical strategies for interrupting unintentional bias. The authors are diverse in gender, gender orientation, race and ethnicity, age, ability, education, and profession.

Our own Chief Judge Jennie D. Latta is the author of Chapter Twenty-Four – *The Logic of Poverty: Rethinking Approaches to Socioeconomic Bias in Judicial Decision-Making*. The following is an excerpt from the chapter.

My friend Frances Riley tells the following story that I have recounted in numerous settings:

Many years ago, while working at a community center in a low-income area of Memphis, I drove an old clunker car. The guys playing on the neighborhood basketball court used to laugh at my car and occasionally cheer when it started. Cars have never been important to me, so it was friendly banter that I needed a new car. The only time I begrudged the car was when I had to take it though the city's mandatory annual auto inspection – a dreaded event. Eventually, I succumbed and purchased a new car.

I joked with my work mates that at least I no longer had to fear the auto inspection process. Shortly after my purchase, one of the basketball guys approached me and kindly offered to fix my car. I told him it didn't need fixing – it was a new car. He said, "No, I can fix it! I can fix it so it won't pass inspection." I was shocked. "Why would I want to do that?" I asked. I, after all, was relieved that I no longer had to dread the inspection experience. He was shocked at my shock. I obviously didn't know the utility of flunking inspection. It took a "meeting of the minds" for us to understand each other's position.

My middleclass view was that I could now fly through the process and not be concerned with minor obligatory repairs to my vehicle. His offer involved tweaking the new car so that it would fail the emissions test that was part of the inspection. Passing the annual inspection led to renewal of the auto tag. And renewal of the auto tag meant payment of a fee.

As I found out from him, if you failed the test, you were given a sheet of paper to display in your car's rear window. It identified that you had failed the inspection and granted you 30 days to fix the issue and return. What my

viewpoint had failed to comprehend was that the 30-day extension allowed you to drive on the city streets without fear of being pulled over and ticketed for driving with expired tags. I also discovered that you (at that point) could continue to repeat this process, obtaining additional delay before the day for payment.

My friend was offering me a glimpse into “economic survival” in South Memphis. The auto inspection process was free and failing it allowed you to drive on the streets without paying the annual registration fee. What I saw as an annual required fee for car tags, my friend saw as a major and unnecessary government expense that prevented him from using his limited cash for necessary living expenses. His process allowed him continued economic survival while balancing his very limited money for essential food and shelter.

I realized that his offer was a sharing of “survival wisdom” of which I had been completely unaware and a true act of kindness to a clueless person.

Fran identifies this story as one of “survival wisdom.” I tend to think of it as an example of the logic of poverty. From Fran’s middle-class perspective, her basketball-playing friend’s suggestion was illogical. Had she not taken the time to listen, her encounter might have reinforced a belief, either explicit or implicit, that “lower class” persons are uneducated, illogical, or unreasonable. In fact, her friend’s solution to a very pressing problem in his world was brilliant, and it points out to me an alternative approach to thinking about the potential for socioeconomic bias in judicial decision making.

Judge M. Ruthie Hagan – Changes & Reminders for Hearings

Effective January 1, 2023, for matters pending before Judge Hagan, out of town attorneys may only appear telephonically or by videoconference in limited circumstances which includes Chapter 11 status conferences/announcements (when traveling to the jurisdiction is an economic burden to the estate) and scheduling conferences in Adversary Proceedings (when traveling to the jurisdiction is an economic burden to the estate) if you file a motion to appear telephonically or by videoconference by **noon** the day before the hearing and the Court approves your motion prior to the hearing. You will not receive information as to the conference telephone number or Microsoft Teams Meeting invite unless the Court approves your motion prior to the hearing.

In Chapter 13 cases, counsel should continue to communicate settlements and requests for continuances to the Chapter 13 trustee by 2:00 pm the day before your hearing. In Chapter 7 and Chapter 11 cases, counsel should communicate settlements and requests for continuances to courtroom deputy by 2:00 pm the day before your hearing. Attorneys are responsible for making certain their clients and witnesses do not show up at the courtroom for any matters that have been settled or continued. As a reminder, please do not appear for any matter set on the 9:00 docket.

U.S. Bankruptcy Court – Western Tennessee Committees

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James E. Bailey, III
Timothy H. Ivy
Daryl J. Smith
Marianna Williams

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Rugena Bivins, Deputy in Charge
Adam C. Crider, Esq.
Lisa Haney, Clerk of Court
Sean Haynes, Assistant U.S. Trustee
Charles C. Exum, Esq.
Timothy H. Ivy, Chapter 13 Trustee
Mark D. Johnston, Esq.
Dawn Du Verney, Chief Deputy
Paul A. Randolph, Acting U.S. Trustee
Brian M. Glass, Esq.

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Lynda F. Teems, Esq.
Locke Houston Waldrop, Esq.
Jamaal M. Walker, Esq.
R. Lee Webber, Esq.

Bankruptcy Steering Committee

This committee, originally named the *Ad hoc* Reopening Committee, was created to coordinate the reopening of the Court and constituent offices in a systematic manner. As the Court and offices began to reopen, the committee was renamed and continues to meet every six to eight weeks to discuss COVID-19 issues that continue to impact the Court and our constituents.

Hon. Jennie D. Latta, Chairperson
Sylvia Brown, Chapter 13 Trustee
Frank Childress, Esq.
Dawn Du Verney, Chief Deputy Clerk
Charles Exum, Esq.
Lisa Haney, Clerk of Court
Sean Haynes, Assistant U.S. Trustee

Stephen L. Hughes, Esq.
Timothy H. Ivy, Chapter 13 Trustee
Jerome C. Payne, Esq.
Nancy Rigell, Esq.
Lynda F. Teems, Esq.
R. Lee Webber, Esq.
Marianna Williams, Esq.

Holiday Outreach Activity and Upcoming CARE Program for 2023

Employees of the U.S. Bankruptcy Court for the Western District of Tennessee undertook an outreach agenda that kicked off this holiday season with the *Purses and Backpacks with a Purpose* program. Through this program, court employees were able to provide toiletries and other necessary items to women and men in Memphis and Jackson who receive services from Catholic Charities, the Dorothy Day House in Memphis, and the Dream Center in Jackson. Anyone interested in learning more about or donating to this outreach program, please contact the Clerk's Office.

In the coming year, the court will also be partnering with **CARE (Credit Abuse Resistance Education)** to give presentations on financial literacy at K-12 schools, places of worship, nonprofit locations, and any other organizations that express interest. CARE is a national non-profit organization that provides students, young adults, and others with the skills they need to make smart financial decisions. For more information about CARE, visit www.care4yourfuture.org.

Mandatory Electronic Bankruptcy Noticing (EBN) Threshold Change

Pursuant to Fed. R. Bankr. P. 9036(b)(2)(B) (as amended effective December 1, 2021) (the "Rule"), the Director of the Administrative Office of the United States Courts is authorized to notify designated paper notice recipients that they must begin receiving electronic notices, and this designation may be adjusted annually. The previous threshold was 100 or more paper notices received monthly.

Effective December 1, 2022, the Director lowered the threshold number to 50 notices per month. Once the threshold paper notice amount is reached, the Bankruptcy Noticing Center (BNC) will notify the notice recipient that it must register for Electronic Bankruptcy Noticing (EBN) or that, if the recipient does not register within 45 days of the date of the notification, the BNC will establish an electronic address where the Director designates the recipient to receive its notices pursuant to the Rule.

To avoid any delays or inconvenience that may arise due to the enforcement of the Rule, high-volume paper notice recipients are encouraged to go [here](#) to register for EBN.

FOR THE COURT

Lisa H. Haney, Clerk of Court
United States Bankruptcy Court
Western District of Tennessee

Bankruptcy Court Employee Spotlight

Caroline Parish

Hometown: Huntingdon, TN

High School: Huntingdon High

Favorite Movie: Indiana Jones or Harry Potter

Favorite Book: Untamed by Glennon Doyle

Favorite Sports Team: UT Vols

Favorite Vacation: Japan

Caroline joined Judge Croom's chamber in 2019 and loves to travel, read, and spend time with friends. Her favorite music genres include current and 90's Country, and Bluegrass. She attended UT Martin and Mississippi College School of Law.

2022 Recent Retirees from the Clerk's office

Ricketta Bailey, Customer Service Clerk with 34 years of dedicated service, retired on 8/31/2022.

Kathleen Renee Monday, Case Administrator with 31 years of dedicated service, retired on 8/31/2022.

Mark Autry, Automation Support Specialist (Jackson Divisional Office) 27 years of dedicated service, retired 9/30/2022.