

STRATEGIC PLANNING COMMITTEE
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

**REFLECTIONS ON THE NINTH ANNUAL STRATEGIC
PLANNING SESSION**

SEPTEMBER 25 AND 26, 2006

The purpose of the United States Bankruptcy Court for the Southern District of New York is to provide, economically, a fair, consistent and effective forum for the protection and marshaling of estate assets, the discharge or adjustment of debts, and the timely distribution of property or securities, in accordance with applicable law.

INTRODUCTION

The United States Bankruptcy Court for the Southern District of New York held its ninth strategic planning session on September 25 and 26, 2006 in New York City.

Continuing with tradition, the committee consisted of a cross-section of court constituents and staff of the clerk's office, including representatives from the three divisions of the court located in Manhattan, White Plains and Poughkeepsie. The process is a collaborative effort among judges, clerk's office staff, representatives from the United States Trustee's and United States Attorney's Offices and members of the bankruptcy bar. The Federal Judicial Center and the Administrative Office of the United States Courts continue to play a valuable role in helping to support the process. This year representatives from the two *pro bono* programs jointly sponsored by the Eastern and Southern Districts of New York joined the committee to represent the interests of an ever increasing *pro se* population.

The committee reaffirmed its support of the court's purpose, values and critical functions established at previous strategic planning sessions. The mission of the court, together with the underlying constants, continue to serve as the foundation on which management decisions are made and goals for the court are identified.

The structure of the strategic planning process encourages information sharing and innovative thinking among participants. The strategic planning session identifies the framework for changes in policy and procedure necessary to guide the court in the future.

Hon. Stuart M. Bernstein, Chief Judge
United States Bankruptcy Court, SDNY

Hon. Burton R. Lifland
United States Bankruptcy Court, SDNY

Hon. Adlai Hardin
United States Bankruptcy Court, SDNY

Hon. Cecelia G. Morris
United States Bankruptcy Court, SDNY

Hon. James M. Peck
United States Bankruptcy Court, SDNY

Hon. Martin Glenn
United States Bankruptcy Court, SDNY

Kathleen Farrell-Willoughby
Clerk of Court
United States Bankruptcy Court, SDNY

Vito Genna
Chief Deputy Clerk
United States Bankruptcy Court, SDNY

Marlene Guercy, Deputy in Charge
United States Bankruptcy Court, SDNY

Mark Diamond, Operations Manager
United States Bankruptcy Court, SDNY

Livingstone Young, Administrative
Manager
United States Bankruptcy Court, SDNY

Trevor George, Info. Tech. Director
United States Bankruptcy Court, SDNY

Gemma Philbert, Assistant Operations
Manager
United States Bankruptcy Court, SDNY

Paul Dickson, Assistant Operations
Manager
United States Bankruptcy Court, SDNY

Milton Aguila, Assistant Deputy in
Charge
United States Bankruptcy Court, SDNY

Laura Brundage, Assistant Deputy in
Charge
United States Bankruptcy Court, SDNY

Brent Bush, Case Administrator
United States Bankruptcy Court, SDNY

Helene Blum, Courtroom Deputy
United States Bankruptcy Court, SDNY

Frances Fredericks, Courtroom Deputy
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Elizabeth Haas, Esq.
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Garrison LLP

William Kransdorf, Esq.
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Andrea Malin, Esq.
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Harold Novikoff, Esq.
Wachtell, Lipton, Rosen & Katz

Eric J. Small, Esq.
United States Trustee

Bruce L. Weiner, Esq.
Rosenberg Musso & Weiner

THE PROCESS

The focus of this year's session was on the strategic issues created by emerging trends and changing expectations of the court's stakeholders. The committee identified four aspects of a changing environment that the court's planning efforts should focus on in meeting its commitment to its core mission.

The committee looked at emerging trends in the political, economic, social and technological arenas that will serve as catalysts for change. These areas were studied and an assessment was made of their impact of the work of the court. Specifically, the focus was on how they affect the court's ability to meet its mission critical functions – dispute resolution; case management; marshaling and distribution of estate assets; education; and the processing and dissemination of information.

THE PLAN

The strategic plan emerging from this year's two-day session consists of goals developed and agreed to by the entire committee designed to help the court translate intentions into achievable goals. The committee clearly reaffirmed the court's commitment to excellence in each area and identified the criteria by which the achievement of each goal will be determined and measured.

CRITICAL FUNCTION - DISPUTE RESOLUTION

GOAL 1 - Uniformity in Court Processes.

The committee agreed that there is a need to continue its efforts to develop uniform guidelines and case management orders where feasible in an effort to achieve consistency and efficiency in all three divisions.

STRATEGY -

Create a broad-based standing committee to review the Bankruptcy Code and Federal Rules to develop guidelines and local rules to achieve uniformity to the maximum extent possible.

RESPONSIBLE PARTIES -

Chief Judge to appoint a standing committee of attorneys, judges and clerk's office staff as appropriate to review current practices for necessary amendments and to suggest new areas where uniformity can be achieved.

GOAL 2 - Improve service to *pro se* filers.

Enhance *pro se* interface with the bankruptcy system and ensure quality service from the clerk's office.

STRATEGY -

Enable *pro se* filers to review the progress of their cases and clerk's office staff to provide sufficient procedural materials and guidance to assist *pro se* filers through the bankruptcy process. Obtain permission from the Circuit Counsel and Administrative Office of the United States Courts to employ a *pro se* law clerk.

RESPONSIBLE PARTIES -

Clerk of Court, Information Technology Director and Chief Deputy Clerk, in consultation with the Administrative Office of the U. S. Courts, to develop a user-friendly system for *pro se* filers to file electronically.

CRITICAL FUNCTION - CASE MANAGEMENT

GOAL 3 - Create a "Virtual Courtroom".

Provide alternatives to requiring a physical presence in the courtroom by allowing remote access through the technology of a "virtual courtroom" for the convenience of the court's constituency, and to remain on the leading edge of technology.

STRATEGY -

Create two committees – one to investigate the cost and availability of the technological features needed to create a "virtual courtroom" and another to develop criteria, rules and regulations for the use of a "virtual courtroom."

RESPONSIBLE PARTIES -

Chief Judge to appoint and oversee the committees consisting of the Clerk of Court, Chief Deputy Clerk, Information Technology Director, attorney users of the court, others as deemed appropriate on an *ad hoc* basis. Clerk of the Court to explore obtaining funding from the Administrative Office of the United States Courts and to consult with them on the feasibility of implementation.

CRITICAL FUNCTION - MARSHALING AND DISTRIBUTION OF ESTATE ASSETS

GOAL 4 - Develop guidelines for distribution of assets in chapter 7 cases.

STRATEGY -

Develop software to assist in monitoring the distribution of assets in chapter 7 cases.

RESPONSIBLE PARTIES -

United States Trustee, representative panel chapter 7 trustees, clerk's office and Information Technology staffs to explore the possibility and perform a cost/benefits analysis of developing software to assist in monitoring the distribution of assets in chapter 7 cases.

CRITICAL FUNCTION - EDUCATION

GOAL 5 - Enhance educational opportunities for clerk's office staff.

STRATEGY -

Increase intra-court dialogue between chambers and staff of the clerk's office, especially with respect to the Bankruptcy Abuse Prevention and Consumer Protection Act and its ongoing changes to forms and procedures. Whenever possible, link clerk's office education with academia and professional associations to enhance technical and other relevant skills of the employees.

RESPONSIBLE PARTIES -

Chief Judge and Clerk of the Court to create a standing committee of judges and clerk's office staff to promote intra-court dialogue to achieve uniformity within the district. Assess training needs and identify and develop training programs to meet the demands of remaining on the leading edge of technology and to ensure correct information is being disseminated and the clerk's office is properly trained in all aspects of their employment.

CRITICAL FUNCTION - PROCESSING AND DISSEMINATION OF INFORMATION

GOAL 6 - Increase the ability to disseminate essential information regarding the bankruptcy system.

STRATEGY -

Enhance the ability of the “Help Desk” to provide accurate, consistent and current information by utilizing to its fullest capability, the “Help Desk” software to ensure consistent, accurate information is being provided to the public. Ensure the *pro se* manual is consistently updated. Explore the feasibility and possibility of making multi-lingual information available at the court and on the court’s web site.

RESPONSIBLE PARTIES -

Chief Judge and Clerk of the Court to form a committee to specifically identify where the court needs to improve and ensure the court’s constituents’ needs are being met.

CONCLUSION -

The court continues to work on goals set out in previous strategic plans that have not yet been achieved. Some of this year’s goals are an extension or modification of those goals.

Goals that have been met and have become standard practice in the court are removed. However, constant monitoring is done to insure that those practices continue.

The court is indebted to the members of the strategic planning committee for contributing their time, enthusiasm for the process, support and hard work in helping the court maintain its level of efficiency. The strategic plan continues to assist the court in remaining focused on a shared vision of the future.