

United States Bankruptcy Court, District of New Mexico
CPPG Revision Project

Minutes of Organizational Meeting, July 18, 2003
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Present: Kelly Albers (via telephone), James Burke, William Davis, Margaret Grammer Gay, Ronald Holmes, Paul Kienzle, Sharon Kologie, Dylan O'Reilly, Theresa Sanchez, Hon. James Starzynski, Thomas Walker

Absent: Ronald Andazola, Clark Coll, Annette DeBois, Patti Hennessy, Robert Jacobvitz, William Keleher, Manuel Lucero, Kelley Skehen, Scott Turner, Gerald Velarde

Start: 3:05 p.m.

1. Welcome from Clerk of the Court, [Norman H. Meyer](#). Thanks to the entire working group, the court's internal committee and Mr. Walker for volunteering to work on this project. The Court recognizes revising the CPPG is a priority and has dedicated three staff members to the project. Mr. Meyer advised that the group should feel free to comment about anything in the CPPG and to please direct all discrepancies or inaccuracies to Margaret Gay.
2. [Thomas Walker](#) welcomed the group and discussed how the CPPG is a very useful and valuable tool, but that there is a real need to have it updated. Mr. Walker indicated that the group would need to make determinations regarding the working group's needs.
3. [Margaret Gay](#) also welcomed and thanked the group for participating. Ms. Gay covered her role as the administrative pusher, coordinator of the project, and the Court's internal contact for any discrepancies in law or procedure that have been identified in the current CPPG. Ms. Gay reviewed the project plan and fall 2003 completion goal, reiterating the Court's mission and vision to provide information and ensure it is continually updated. The Court recognizes that the volunteers' time is valuable and will be considerate of that.
4. [Sharon Kologie](#) presented the new on-line format that the Court will use for the CPPG. To view a sample, see the Adobe Acrobat Guide in 4.0 (from the Help menu). Ms. Kologie covered the on-line design with regard to accessibility (American Disabilities Act), readability, navigation, and advantages of on-line publishing. The format with regard to the decimal numbering system for sections will remain the same. There will be hyperlinks within the document to take you to other sections of the CPPG, to forms referred to in the sections and to sources outside the Court's website. The document will be searchable using the Control F

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keys and will also be downloadable in WordPerfect format. Under Bookmarks, there will be a table of contents, index, official forms, and sample forms. "Hot tips" can also be inserted in the text if desired. Ms. Kologie viewed the Court's CPPG Revision Project Site on the Court's website, indicating that the section titles are abbreviated for the web page. Sending e-mails from the web page may require some additional set up on your browser (referred to hand-out for e-mail help). Lastly, Ms. Kologie requested that you e-mail her with any suggestions for site improvement. She also noted that users of Adobe 5.0 can view the Acrobat Guide (revised in version 5.0) from the Help menu by selecting "Acrobat Help."

5. [Margaret Gay](#) reviewed the **Working Group Guidelines** and reiterated that the group should keep the on-line format in mind, as well as the voice, tone, jargon, structural and substance. Send any suggestions to Ms. Kologie.
6. [Margaret Gay](#) reviewed the working document entitled "**Contents Revised**" at the bottom, wherein the Court already identified and made some section and topical changes. Please submit any suggestions to Ms. Kologie. Due to some confusion during the meeting regarding the "Contents Revised" document, Ms. Kologie said she would add the original "**Table of Contents, 1996 Version**" to the web page.
7. [Theresa Sanchez](#) identified her role as the project assistant to Ms. Gay and point of contact for meeting information, meeting coordination and document preparation. Ms. Sanchez is responsible for gathering and sorting all data received internally and organizing relevant materials.
8. [Mr. Walker](#) stated that no one in the group should feel pressured to review or work on the entire document. The Clerk's Office has already done a lot of behind the scenes work to get us to this place. Please call Margaret Gay with any suggestions for improvement of the CPPG or noted discrepancies in law or procedure. Brief discussion regarding how to assign tasks and reduce the need for group meetings. Mr. Walker will send an e-mail to the working group members regarding assignments and due dates. There were no objections to self-selection of sections to work on. Individuals outside the working group who wish to submit information/suggestions should go through the working group member they are associated with. Indications are that the next working group meeting will be approximately 5 weeks away.
9. Other comments/suggestions by the working group:

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- a. [Dylan O'Reilly](#) suggested going to support staff for suggestions, since they utilize the CPPG more than the attorneys.
 - b. [Mr. Walker](#) suggested getting feedback from geographically challenged offices.
 - c. [Mr. Davis](#) suggested we acclimate ourselves with the process by having two phases. Phase I would be reviewing the old document, and Phase II would cover reviewing the new sections.
10. [Mr. Walker](#) indicated that he would determine which sections were "critical needs" and send those out first to the working group with an 8/4 deadline to review.

Concluded: 4:45 p.m.

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District of New Mexico**

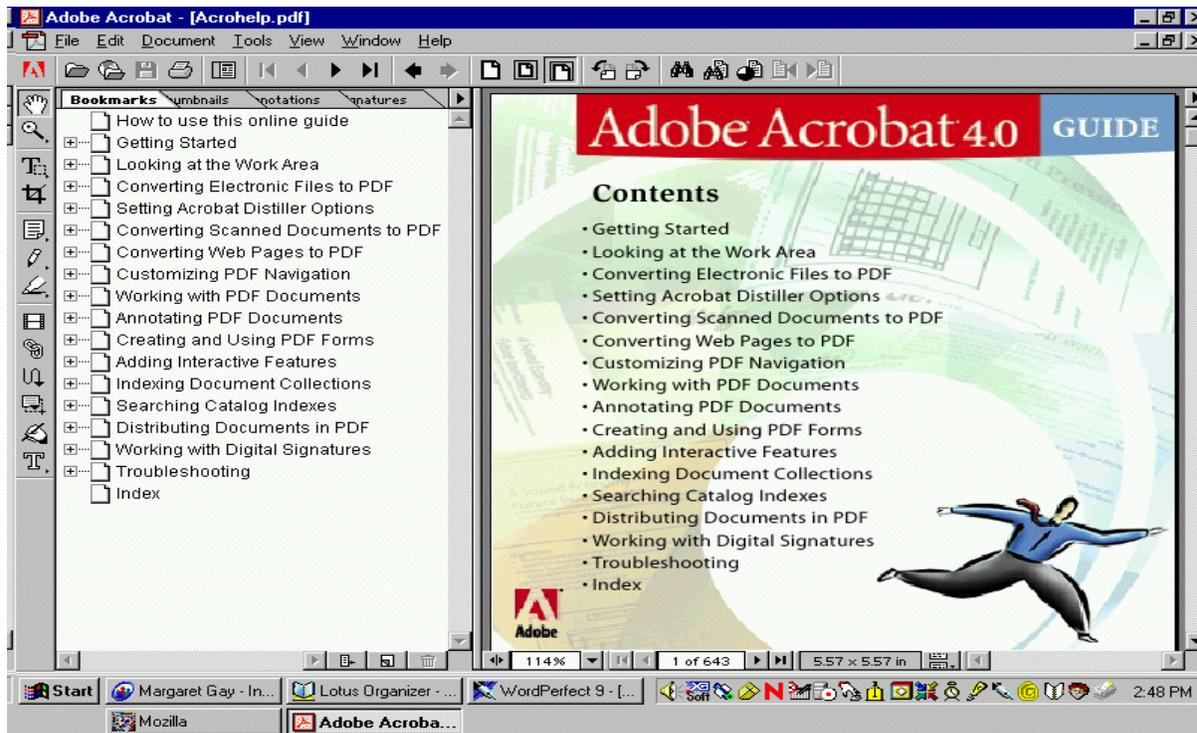
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Working Group Writing Guidelines

Vision:

The fall 2003 revision of the 1996 edition of the CPPG will provide a continuously-updated, online tool for use by bankruptcy practitioners, their support staff, pro se persons, and the court's staff. It will serve as an excellent resource guide which provides updated, clear, and precise instructions for practicing in the bankruptcy court and as a training tool for new hires in the law office and the court.

As working group members, you have several different roles to play. One is as a contributor of ideas; another is being a good writer. Approach your assigned sections with a critical eye, noting what you do not like and why. Please keep in mind the new electronic format, and how it will be different from the old paper format:



Please refer to the following guidelines when reviewing and revising your sections.

OVERALL

Our experience indicates that the CPPG has a very wide audience. It is used by highly experienced bankruptcy specialists, by law offices and our office for training new employees, by attorneys who very rarely practice in the bankruptcy court, and by persons representing themselves in bankruptcy court matters.

This broad spectrum of users presents a writing challenge – to what level do we speak? Our sense is that we should allow our vision to be our guide: *It will serve as an excellent resource guide which provides updated, clear, and precise instructions for practicing in the bankruptcy court and as a training tool for new hires in the law office and the court.* That view dictates that the concepts of clarity and precision should be our main goals, working from a perspective which appreciates all of the players at work in our system as a whole. Experts suggest that, "When you have multiple audiences, you probably want to target your strategies at your primary reader – or at the middle range of possible readers."¹ This advice would probably lead us to aim the level of writing at a lay person working in the legal field. If ". . . the ability to write about complicated matters in a straightforward manner is the art of lawyering,"² then the artists gathered in this working group will meet this challenge straight on.

STYLE

". . .all good writing must demonstrate . . . a clear sense of audience, purpose, organization, and paragraph and sentence structure."³

"Use standard written English and avoid slang, other kinds of informal speech, and overuse of contractions. Use simple, direct words and sentence structures. Your language should be responsive to your audience. Although you should write accurately about the law, you should also explain your message in good written English, using terms that a non-lawyer can understand."⁴

"Aim for economy and simplicity of phrasing."⁵

¹Shapo, Helen S., Marilyn R. Walter, and Elizabeth Fajans, *Writing and Analysis in the Law*, 3d ed., The Foundation Press, Inc., Westbury, New York, 1995, p. 215.

²Ibid., p. 163.

³Ibid., p. 1.

⁴Ibid., pp. 73-75.

⁵Ibid., p. 169.

In addition to these guidelines, we believe it is important for the tone of the guide to be helpful and customer service oriented. It is essential that we present information with the desired clarity and precision and to avoid a tone which is stilted or bureaucratic-sounding. There may be certain areas where a prescriptive tone is called for, such as where the judges' requirements are discussed. Overall, though, a helpful (but not too "chummy") tone is what we are looking for. It may be useful to think of yourself as teaching someone.

Other guidelines:

- Use the active voice instead of the passive voice:

Passive: A duty of care to the plaintiff was breached by the defendant when the slippery floor was left unmopped by the defendant.

Active: When the defendant failed to mop the slippery floor, she breached her duty of care to the plaintiff.

- Do not use legal jargon, or, where it is necessary to use specific language or terms of art, include definitions and explanations.

- Avoid the use of sexist language.⁶ Use the words person, individual, human, or people instead of "man." Use "spouse" instead of "wife" or "husband."

Example: The attorney must represent his client to the best of his ability.

Rewrite: Attorneys must use their best abilities in representing their clients.

Example: If an attorney solicits a client, he may be disciplined.

Rewrite: An attorney who solicits a client may be disciplined.

Example: The litigator must exercise his judgment in selecting issues.

Rewrite: The litigator must exercise judgment in selecting issues.

- Check your draft for unity, coherence, and transition. If it has unity, all of the sentences in each paragraph will contribute to the development of that paragraph's central idea, and all of the paragraphs will contribute to the development of the main topic. If the draft has coherence, the sentences and the paragraphs will flow smoothly from one to the next, and the relationship of each sentence or paragraph to the one before it will be clear. Coherence can be achieved in many ways, but especially by the careful use of transition devices and by the maintenance of a consistent point of view.⁷

⁶Ibid., p. 173.

⁷Brusaw, Charles T., Gerald J. Alred, and Walter E. Oliu, *The Business Writer's Handbook*, 4th ed., St. Martin's Press, New York, 1993, pp. xv-xvi.

SUBSTANCE

The focus here will be on providing precise descriptions of preferred practice in the bankruptcy court. Although the temptation may be to take the "Just tell me how to do it" approach, we believe it is very important to provide the "why" for everything. This may mean citing to authority (for rule and statutory requirements) or explaining (for requirements that have a technical basis or which have been imposed for efficiency). One good reason to provide the "why," particularly if it is a requirement of rule or statute, is to encourage the reader to investigate further.

A straightforward, factual recitation of procedures will enhance the accuracy of the guide. Although acknowledgment of differing approaches and tactics is helpful in some areas, the inclusion of lengthy philosophical discussions or arguments is probably not productive. Particularly in areas where different approaches are possible, it will be important to avoid giving legal advice, and your guidance and vigilance in this regard will be appreciated.

WHAT TO GIVE US:

1. Create the document in Word, WordPerfect, or as a Windows Notepad text file.
2. Format:
 - A. Include decimal outline; don't worry about indentation (let the decimal outline indicate what that will be).
 - B. Underline words that you want included in the index.
 - C. Highlight cross-references to other sections so they can be readily double-checked.
 - D. Include a paragraph at the beginning of the document which discusses any concerns you may have – identifying discrepancies in current text, suggesting additional subjects for discussion, putting forth other ideas you have, etc.
3. Send the file as an e-mail attachment to: sharon_kologie@nmcourt.fed.us.

FINAL THOUGHTS:

Obviously, we all have different skills, abilities and practical experiences. Office needs differ; the levels of training we are able to give our staffs differ; our expectations of others differ. We encourage you all to speak up and to let us know what you believe is needed in this guide. As far as your contributions are concerned, know that we appreciate them very much. If writing is not your forte, don't worry – just give us draft material and we will be glad to revise it. With your great ideas, we will work hard to make a great text.

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