

Court Connection

United States Bankruptcy Court
 Middle District of Florida
 Jacksonville, Orlando, and Tampa/Fort Myers Divisions

January 2014

The Court Connection

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MISSION STATEMENT

Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.

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A New Year – Time for Those Resolutions
By: Lee Ann Bennett, Clerk of Court

A New Year and it’s time once again to make those New Year’s resolutions. Like so many of you, I make resolutions every January; actually I love doing so as it challenges me to meet the goals I set for myself. The secret I’ve learned is to set goals (resolutions) I feel I can actually keep or meet. My personal resolutions usually center on my health, well-being, and staying in touch better with friends and family.

This year I decided to set New Year’s resolutions for the court that centers on court staff and members of the Bar. There’s been enough talk about doing more with less, cost containment, and downsizing. Let’s change the conversation to how best the court can serve you and how best to engage you in the work of the court. So, what are the resolutions for the court? They include the goals we set as a court last year but we need to continue to pursue. Let’s take a look:

1) Continue our focus on providing the best training and educational opportunities. In 2013, the Strategic Training Plan was introduced to the staff. Training was provided during each quarter of the calendar year and totaled 42 different training opportunities. This year the Training Committee will continue with their Strategic Training Plan and seek input from staff on needed training. Staff will also be given the opportunity to participate in the National Conference of Bankruptcy Clerks conference and attend the 3rd annual District off-site. Both of these events provide exceptional training opportunities. The

Clerk's Article (continued):

court feels training is one of the most important things we can offer. Not only does it provide a way for staff to grow their professional skills and better position them for promotional potential, it provides a more qualified and confident employee to offer help to the bar and the public. Educational opportunities were also made available for members of the bar. The court posted videos of various programs, many of which provide CLE credits. A total of 10 videos have been added to the court's website. The court also provides CM/ECF training modules and has provided Help Desk training to make information more accessible to attorneys and their staff. The court will continue to provide these type training opportunities to the bar.

"It's all to do with the training: you can do a lot if you're properly trained."

- Elizabeth II,
Queen of Great
Britain

2) Seek your input by listening to your needs and getting your involvement in committees. This year we hope to find opportunities to tap into your skills, abilities, and innovative ideas. The court will review its internal committee structure in order to streamline the process and release procedures more quickly. As members of the bar, there are several ways to share your thoughts and ideas with the court. First, via the Court Connection. Publication dates are the 15th of January, April, July, and October. Second, the Judicial Liaison meetings held in each division. Third, the Steering Committee. For 2014, the Steering Committee will work on two topics discussed at the Bench Bar Conference along with other procedural issues. Please relay your ideas through one of these channels.

3) Continue our focus on more efficient processes and procedures. This past year we streamlined our Help Desk process, allowed for the use of Filing Agents in CM/ECF (which allows more log-ins for support staff), expanded the negative notice list, and asked attorneys to serve orders. Also, all three divisions recognized the pro bono efforts being made by the bar. The court will continue to encourage the strengthening of all three pro bono programs. This coming year, we will streamline our corrective entry process in an attempt to improve ways to correct mistakes. We will start self-calendaring for Chapter 7 and Chapter 13 trustees and ask attorneys to notice hearings on motions they file. We will also move to non-judge team throughout the district. Jacksonville and Orlando have already moved to non-judge teams and Tampa will move in that direction this year. Non-judge teams allow for more staff to cover work in the event of an emergency or leave and allows the court to identify more quickly those procedures that are not uniformed. In addition, on February 27, a statewide summit will be held to identify what works well and what improvements are needed to the residential mortgage modification process being used in all three Florida courts.

"The only real mistake is one from which we learn nothing."

- John Powell

4) Find ways to celebrate what we've done. By "we" I mean the members of the court and the members of the bar. We will seek to find ways to celebrate and promote the innovations and improvements developed by bankruptcy staff, and the involvement and ideas by members of the bar. The Court Connection is a great avenue to share this information as well as continue to recognize

Clerk's Article (continued):

achievements at meetings and in emails

“Want to go really fast? Slow down and focus.”

- Tim Fargo

5) Continue our efforts to improve communications. Many of the ideas discussed above do just that, but there are other things that will be continued and pursued. On January 26, the court will release our new and improved website. Staff have worked hard at making the site more user friendly. In addition, the court will launch a Facebook and You Tube site for those who prefer obtaining information through these means. We hope to start a job shadowing program that will allow staff to work in other divisions to discover differences. Job shadowing could continue by allowing court staff and attorney staff to visit each other and experience work from the other side. We are also committed to more district-wide video staff meetings and more face-to-face meetings with staff in all divisions.

6) Provide an external procedures manual. This past year, the court posted its district-wide internal manual which currently contains 10 number of procedures. Our goal is to add many more procedures as the court becomes more uniformed. On July 1, 2014 we hope to release an external manual for your use.

I hope that the resolutions will excite you about the direction of the court. I truly think the resolutions reflect our commitment to our mission statement, goals, and values. Happy New Year to all!

Update from the Noticing Committee

By: Gull Weaver, Deputy-in-Charge (Jacksonville)

Little known fact: Hippopotomonstrosesquipedaliaphobia is the fear of long words.

Another little known fact: For the twelve months ending June 30, 2012 the Middle District of Florida sent out 9,586,113 notices. We have reduced notices to 6,575,702 for the twelve months ending June 30, 2013; a 31% reduction. This was accomplished by attorneys noticing orders, streamlining procedures of the court, and by combining and eliminating non-essential noticing.

To further reduce noticing, as of March 31, 2014, Jacksonville Trustees will start noticing all hearings for motions they file. This concept is not completely new to them as they have noticed their hearings for years; what will be different is that they will be using the Courts CHAP calendar function to set the hearing. This reduces the steps needed, making the process more streamlined for the trustees and the court.

Once the procedures are refined, the Orlando & Tampa Trustees will begin the same process.

Thank you all for making this process possible!

“The more you praise and celebrate your life, the more there is in life to celebrate.”

- Oprah Winfrey



**STATE WIDE SUMMIT
ON
RESIDENTIAL MORTGAGE MODIFICATION MEDIATIONS**

DATE: February 27, 2014

TIME: 1:00 pm

LOCATION: Jury Assembly Room

United States District Court

First Floor

401 West Central Boulevard

Orlando, Florida 32801

Residential Mortgage Modification Mediation Summit 2014

By: Laurie K. Weatherford, Chapter 13 Trustee (Orlando)

The title is long and the issues are complex, but on February 27, 2014, practitioners from all across the state, some from throughout the country, will gather in the Jury Assembly Room of the Federal Courthouse in Orlando, Florida (401 W. Central Boulevard) to discuss the Residential Mortgage Modification Mediation program. We will focus on what is working well, and why, and efficiencies that could be implemented uniformly throughout the state in the Bankruptcy Court programs. Mediators, Trustees, Judges and attorneys will combine their knowledge of practices, forms and pleadings to create a program that may serve as a national model.

Four years ago, Judge Karen Jennemann asked various attorneys to create solution to alleviate the backlog of Loan Modifications delaying bankruptcy confirmation hearings. The Chapter 13 Trustee, along with Debtor attorneys, Creditor attorneys and Mediators met over several months to create the Residential

Residential Mortgage Modification Mediation Summit 2014 (continued):

Mortgage Modification Mediation Program, culminating in a court-wide continuing education training session. The resulting effort has become one of the most successful Mortgage Modification Mediation Programs in the country. After the Middle District witnessed significant successes in both docket control and debtor relief, the program was duplicated in the Northern District and Southern District Bankruptcy Courts with modifications. Each District brought new and differing agendas to the basic program and new ideas for implementation. These ideas have been discussed informally and now necessitate the Summit.

The Summit will include an overview of the various programs for residential mortgage modification. The results of the statewide survey conducted by the Clerk of Courts of the Southern District will be discussed. The Summit will present a Debtors' Attorney perspective, a Lenders' Attorneys perspective and "Best Practices" for each. Further, the Summit will provide Mediators and Trustees with a "Best Practices" discussion group for Modification success.

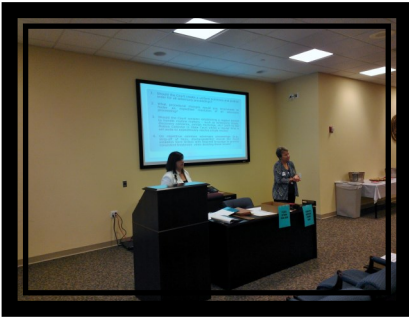
Liz McCausland will serve as moderator of the Summit. She is a veteran of more than 1100 mortgage modification mediations in bankruptcy and serves the Florida Bar's Leadership Academy Committee. Other speakers include debtor's attorneys, creditor's attorneys and mediators from all three districts. Judges from each District will also be in attendance. Additionally, The Chapter 13 trustees from throughout the state of Florida, as well as trustees from Georgia and Indiana, will be in attendance. We hope that various lenders will attend this constructive Summit.

Each area of practice will submit white papers available on the Summit's website for peer review and comment. These will form the basis for the Summit, but will not limit or control the Summit's ultimate content. While 4 hours of CLE is included, the Summit will no doubt be examined by other courts and states seeking a similar success to deal with the mortgage foreclosure crisis which began in 2008.

For additional information, visit the Summit's website beginning January 15, 2014 at www.mortgagemodsummit.com or send an email to mortgagemodsummit@gmail.com or steve@cl3orl.com. This website will include the various procedures, by District and Division, on which you will be able to comment. The white papers will be available February 1 on the website and you will also be able to comment on those.

THE SECOND ANNUAL BENCH BAR CONFERENCE

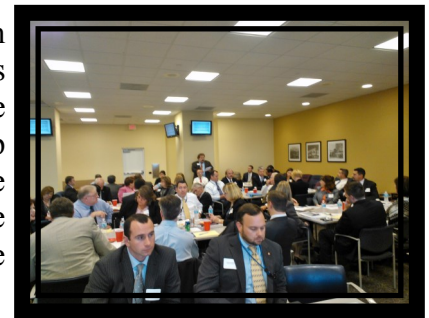
By: **Richard Johnston, Jr., Johnston Champeau, LLC**



On November 6, 2013, the District-Wide Steering Committee hosted its Second Annual Bench Bar Conference. The Conference was held in the grand jury room of the Sam Gibbons Courthouse in Tampa. The central aim of the Conference is to assist in the formulation of standardized practices and procedures for bankruptcy cases throughout the Middle District of Florida. The Conference serves as a sounding board and brainstorming session where our judges and invited guests discuss ideas on crucial procedural topics facing our District.

The Conference convened a diverse group of bankruptcy professionals from throughout the District, including judges, Chapter 7 Trustees, Chapter 13 Trustees, representatives from the U.S. Trustee's Office and Clerk of Court's office, and lawyers. The practices of the lawyers in attendance covered a wide substantive waterfront – trustees, consumer bankruptcy practitioners, creditor rights practitioners and business bankruptcy practitioners.

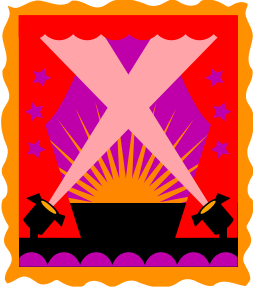
The participants were broken into table groupings with lawyers from different geographic areas within the District. A roundtable format was used. Each table of 8 to 10 participants was assigned a moderator, a scribe and a Committee member to assist in the discussions. Each table group reviewed and analyzed the topics presented and engaged in lively dialogue regarding possible ideas, issues and solutions for each topic. Each table group shared their ideas and thoughts regarding the topics to the other table groups so all heard in general fashion the ideas discussed at each table.



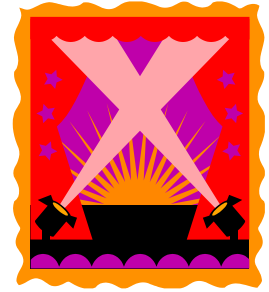
This year the Conference considered two topics. The first topic centered on adversary proceedings – uniform summons and pretrial orders; possible establishment of a regular docket to handle routine matters; and possible procedural changes for the more common adversary proceedings [e.g., lien stripping]. The second topic centered on certain issues related to discovery – e-discovery and 2004 exams. The matters considered were whether an additional District-wide local rule was needed to handle e-discovery issues; whether e-discovery was prevalent in Chapter 7 and 13 cases; and whether discovery issues in contested matters differed from those occurring in adversary proceedings. The 2004 exam issues addressed included possible establishment of a uniform noticing standard for 2004 exam motions; whether the court should treat examinations for debtors differently from those of non-debtors; how document production requests in the context of a 2004 exam should be treated; and how to manage procedural and inconvenience issues when multiple 2004 exams are scheduled in the same case.

The discussions at each table were lively and productive. The Steering Committee is in the process of reviewing the ideas and thoughts generated by the table groups in order to determine whether to make recommendations related to these topics for procedures or policies to be implemented on a District-wide basis by the Court.

The District-Wide Steering Committee will be hosting its Third Annual Bench Bar Conference in 2014, pursuant to the mandates of Administrative Order FLMB-2012-1. Practitioners who are interested in participating in the Conference should contact members of the Steering Committee to express their interest in future conferences.



Spotlight on Pro Bono



National Celebrate Pro Bono Week Reception on October 23, 2013 **By: Catherine Peek McEwen, United States Bankruptcy Judge**



Before I start my remarks to our guests, the lawyers, about this celebration, I have some thank you's to other people. First, I thank Mayor Alvin Brown of Jacksonville, Mayor Buddy Dyer of Orlando, and Mayor Bob Buckhorn of Tampa for the terrific proclamations you will hear in your respective locations after my remarks. I also thank the Hillsborough County Board of Commissioners for its proclamation declaring this week Pro Bono Week in Hillsborough County.

Next, I thank the Middle District of Florida's Bench Bar Fund for providing the funding for the reception that will follow my remarks.

Last, but certainly not least, I thank the Middle District of Florida's Outreach Committee for planning this nice event as well undertaking additional activities in recognizing this week's National Celebrate Pro Bono Week. Our staff members on this Committee across divisions have done a swell job and really live out one of our Court's core values, working as a district-wide team.

Now to the attorneys here, who are really what this event is all about:

On behalf of all the Bankruptcy Judges of the Middle District of Florida and on behalf of all members of the Clerk's staff and all chambers' staff, I give hearty and heartfelt thanks to the attorneys here in the courthouses, which are joined by video, and to those who couldn't be here, for establishing and volunteering in our courthouse clinics for unrepresented parties, for volunteering to take an adversary proceeding or contested matter through our Legal Assistance Program for Low-Income Persons (which is described on our website), and for accepting with a grace the random case assignment when you are drafted to do so in open court.

Now, the lawyers might say to me, "gee, Judge McEwen, why are you thanking us for doing something we gave our word we would do? After all, we *are* men and women of our word."

For the benefit of our Court staff, let me explain that every lawyer admitted to the Florida Bar, including your judges, took a solemn oath to serve the "cause of the defenseless and oppressed." Translated into practical terms, this oath means that *every* Florida lawyer has sworn – given his or her word – to provide legal service *free of charge* to the poor. The Latin term for such service is *pro bono publico*, meaning for the public good. We in the legal field shorten that phrase to *pro bono*.

So why are our staff and our judges thanking you lawyers? Two reasons:

Judge McEwen Article (continued):

First, because not every lawyer keeps his or her word. You did and you continue to do so. If every Florida lawyer kept their word, I daresay we would have very few pro se cases. That means that we could ensure access to the courts, access to justice for all Florida residents. Unfortunately, that is not happening. All we can do is hope that someday everyone will realize what a solemn oath means, and in the meantime thank, and thank, and thank, and thank again every lawyer who does take the oath seriously.

Second, we thank you because what you do helps not just your client but also us – the Court – as well as all litigants and all lawyers representing paying parties. You foster the Court's ability to handle its docket in an efficient manner for all involved.

You help our case managers by cutting down the time it takes to interpret and handle papers. Our case managers, already pushed to the max due to budget-driven downsizing suffered by all bankruptcy courts, have to devote more time to process pro se cases, which consumption of time slows down their processing of all other cases even more. Even if you don't represent a party throughout the entire case, you in the clinics help the judges by educating the unrepresented party on how to present their issues in Court, thereby helping us to move through our court calendars more efficiently. At hearings, unrepresented parties slow the pace of other hearings set at the same time or afterwards on the same day's docket.

To repeat for emphasis: Cases involving unrepresented litigants consume more bench time and Clerk of Court staff time than when all parties are represented by counsel. In their papers and in Court, unrepresented litigants can be unduly prolix or, at the other end of the spectrum, too terse to make it obvious just what relief is requested and why. So it takes more time for the Court and its staff to ascertain how to handle these filings. Unrepresented parties also tend to seek reconsiderations more often than their represented counterparts. And their unfamiliarity with evidentiary rules makes for a snail's pace trial. Because courts generally are lenient to unrepresented parties – in the Eleventh Circuit we are *required* by our case law to be lenient – and accord unrepresented parties some leeway both in open court and in the volume of papers they file, unrepresented parties impact any court's processing of all cases. The result of the policy of deference to pro se parties is that the opposing party generally experiences a disproportionate amount of attorney's fees and delay.

Let me show you in very real terms what we are facing in the Middle District of Florida's Bankruptcy Court by using the statistics of FYE 2013's pro se filings for our Court alone, and please recognize this data does not include pro se creditors. [See accompanying table.] Almost 20 percent of Orlando's filings are pro se. On whole, the district is at 15 percent. Those numbers aggregate 6,309 pro se cases. That's a lot of folks who need to get lawyered up. There are more bankruptcy attorneys practicing in our Court than this number of pro se filers. We could resolve this if everyone stepped up.

But you lawyers here *do* provide pro bono assistance to pro se litigants – you walk the walk, not just talk the talk. As substantial as they are, our numbers would be much worse without you. So for your cases, the drain on the Court's judicial and staff time and the trickle down consequences to the parties in those cases and, indeed, all other cases are avoided. So the judges, the Court's staff, and all practitioners and parties are grateful beneficiaries of your pro bono work.

To conclude, we thank you and we thank you again and we will continue to do so over and over again because we know you live *your* oath and will continue to do so.



CFBLA Receives Prestigious Award

CFBLA recently learned it was selected to receive the 2014 Chief Justice's Voluntary Bar Association *Pro Bono* Service Award for its outstanding efforts in providing of *pro bono* legal services. The award is given annually to only one bar association in the State of Florida that made significant *pro bono* contributions to the local legal community. Chief Justice Ricky Polston will present the award to the Clinic's founders, Justin Luna, Jeff Ainsworth, Kelly Crumbaker, and Jill Kelso, in Tallahassee on January 30, 2014.

David King - Pro Bono Hero

**By: Jason A. Burgess, President,
Jacksonville Bankruptcy Bar Association**



David King has practiced law for 31 years. Mr. King's only bankruptcy practice is representing clients *pro bono*. He takes no bankruptcy cases for money. Mr. King's efforts are greatly appreciated by Jacksonville Area Legal Aid, who nominated him for the 1998 Florida Bar Presidents Pro Bono Service Award for the Fourth Judicial Circuit. This award came for his many efforts, including assisting a woman in saving the home that she was about to lose because of the economic damage caused by her divorce.

Mr. King may need some additional wall space for all of the awards that he has been receiving, including the Outstanding Pro Bono Service Award from Jacksonville Area Legal Aid, and the Lamar Winegart Jr. Pro Bono Service Award from the Clay County Bar. In fact, Mr. King has received the Lamar Winegart Jr. Pro Bono Service Award four times so far.

David King's efforts extend beyond assisting those in need of filing for bankruptcy. In 2001, the legislature amended Florida Statutes §222.25 to add an exemption for the earned income credit (EIC) portion of a tax refund. David King felt it was an injustice that the earned income credit, provided to low income individuals, was being taken by bankruptcy trustees. He drafted a proposed bill to exempt EIC from creditors, followed it through the legislative process, and two years later it was enacted into law.

David King is a hero to those in need of pro bono help.

Pro Bono Bankruptcy Clinic to Start at FAMU

By: Alexis Leventhal, Law Clerk to the Hon. Arthur B. Briskman



The George C. Young Courthouse, housing the Orlando Division of the United States Bankruptcy Court for the Middle District, sits adjacent to Florida A&M University's College of Law (FAMU) in Orlando, Florida. These institutions not only share a view of downtown Orlando, they share a commitment to serve the legal needs of the Central Florida community. This common goal will be furthered thanks to a generous donation from the Bankruptcy Law Education Series Foundation (BLES) establishing a clinical program aimed at providing FAMU students pro bono internship, mentoring, and service opportunities in the field of bankruptcy.

BLES's financial support will serve to fund the necessary Adjunct Professor position to teach the clinical class and provide the requisite oversight to ensure students receive academic credit for their participation. FAMU students have long been active in the bankruptcy community in Central Florida, but have not been able to receive credit for their work. The clinic will provide FAMU students with even greater opportunities for practical application of their legal skills and education in the bankruptcy field as well as the option of earning academic credit for their efforts.

Mr. Erik Washington, an Orlando-based bankruptcy practitioner, has been selected to serve as the Adjunct Professor for the clinic. Mr. Washington is planning to model the clinic after the successful Bankruptcy Assistance Clinics now in place at other Florida Law Schools. Enlisting the assistance of FAMU graduates who regularly practice in front of the Middle District Bankruptcy Courts to serve as mentors for the clinical program, Mr. Washington hopes the clinic will help law students gain practical knowledge while providing representation to low income debtors seeking protection in Chapter 7 and Chapter 13 cases.

Both BLES and FAMU are founded on principles of educational advancement and public service. BLES was incorporated in December of 2012 by Bankruptcy Bar Associations from Central Florida and the United States Bankruptcy Court for the Middle District of Florida to foster bankruptcy legal education and public service projects relating to bankruptcy in the Middle District of Florida and provide attorney representation to qualifying persons seeking bankruptcy protection on a pro bono basis. The State of Florida authorized FAMU to establish a state-supported Law School in Central Florida with legislation specifically requiring the College of Law to develop and institute a program structured "to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service." Fla. Stat. § 1004.40.

With the generous assistance of BLES, the Middle District and FAMU will not only be next-door neighbors, but partners in advancing legal education, opportunity, and service to the Central Florida community.

Pro Bono Clinic Collier County

By: Stephany Carr, Esquire

In my practice, I noticed there were many people needing bankruptcy assistance who could not afford to pay. Bankruptcy attorneys performed pro bono services on an “ad hoc” basis. When Ave Maria School of Law moved to Collier County in 2009, I contacted them to offer assistance in establishing a bankruptcy clinic. The dean suggested I become an adjunct professor with the objective of establishing a bankruptcy clinic.

I had no idea how to do this. I spoke with State Representative and former Collier County Bar Association Kathleen Passidomo who suggested working with Jeff Ahern, the Director of Development/Pro Bono Coordinator for Legal Aid to establish this project.

At the suggestion of Judge Laurel M. Isicoff of the Southern District of Florida, Legal Aid applied for and received a grant from American College of Bankruptcy Foundation for \$10,000 to cover start-up costs such as purchase of computers, printer and software.

Legal Aid had been working with the Law School since shortly after the Law School arrived in Collier County. Jeff suggested we try a “beta” version of the clinic to determine how to establish the program. During the “beta” year, Legal Aid conducted all of the client intake. This did not work well. For example, one elderly couple’s only income was Social Security which meant they qualified for Legal Aid. However, they owned their mobile home and \$10,000 worth of personal property. They would have had to surrender \$8,000 worth of personal property if they filed Chapter 7.

The following year, Legal Aid conducted only the initial intake. In May, after law school exams but before Memorial Day, volunteer bankruptcy attorneys met with potential clients who had been pre-screened. The attorneys gave a brief overview of bankruptcy and then conducted “breakout” sessions with potential clients for consultation and evaluation. To keep it simple, we decided to accept Chapter 7 cases only. The attorney inquiry included preferences, fraudulent transfers, exemptions, etc.

This approach worked. The attorneys gave the students lists of documentation to gather. Client contact and input was conducted primarily through law students. The students input the information into the software with attorney guidance. This served the dual purpose of teaching law students about bankruptcy and giving them practical experience.

The law students represented the clients at the creditors’ meetings with the attorney present as well. One of the clients was so grateful she could not stop crying afterwards. Another client wanted to buy one of the law students a drink. I suggested he buy her a drink from Starbucks which she thought was a good idea.

Some of the challenges we encountered were:

1. The lag time obtaining necessary documentation from the client to start the bankruptcy petition. We repeatedly emphasized that the client would be dropped from the program if they did not provide the documents in a timely fashion. We included time deadlines in the attorney retainer agreements.
2. Storage of documents while students worked at the Legal Aid Office. Eventually we settled on letting the students keep the documents at the office of the supervising attorney.

Pro Bono Clinic of Collier County (continued):

3. Logistics of having the computers at Legal Aid's office while coordinating schedules of the attorney and the students to prepare the bankruptcy. I ended up allowing the law students to use my office for preparation of documents at a mutually convenient time.
4. Privacy of communication if the students communicate with clients via email. It is best for the students to conduct most interviews in person.
5. The Law School established a deadline of April 30 for student applications. The bankruptcy cases need to be filed around time school begins. Otherwise students will drop out of the program because they do not have the time to participate once classes begin.
6. There is no discount on software for pro bono programs. This needs to be changed. I allowed the law students to use one of the computers in my office since Legal Aid's subscription had expired.

**Elizabeth A. Green, Esquire, BakerHostetler, LLP
to be Inducted into the American College of Bankruptcy
By: Tiffany Payne, Esquire, BakerHostetler, LLP**



Life in the day of Elizabeth (“Liz”) A. Green—mother of five, grandmother of one, wife of a plaintiff’s attorney and an equity partner at the law firm of BakerHostetler, LLP— just got even busier.

In March 2014, Liz will be inducted into the American College of Bankruptcy (“College”) as a member of Class 25 (which number closely approximates the number of years Liz has devoted herself to the practice of bankruptcy and creditor’s rights).

Members of the College are selected on the basis of excellence in practice, professionalism, contributions to scholarship, and service to the legal community. Membership is highly selective and the review process is rigorous. Candidates are nominated by an existing member of the College and subjected to committee review. The final decision is made by the Board of Regents for the College, as governing board, based upon recommendations of the Circuit Admissions Council in each federal judicial circuit.

Near and dear to the heart of this Court, the College has an extensive pro bono program. Recently, the College, together with the American College of Bankruptcy Foundation (the “Foundation”) awarded a \$10,000 grant to the Orlando *Pro Se* Assistance clinic. The College and the Foundation award grants to legal services organizations fostering the institution and maintenance of legal aid facilities for the indigent.

Liz also was recently elected to Baker Hostetler’s Policy Committee, the governing body of the firm. Liz’s election comes at an exciting time for the firm; BakerHostetler recently entered into a strategic combination with Woodcock Washburn, one of the country’s leading intellectual property boutiques, adding offices in Atlanta, Philadelphia, and Seattle. BakerHostetler now has nearly 900 attorneys in 14 offices across the country.



Procedural Updates

New Procedures for Processing Motions for Relief from Stay

By: Allison Carroll, Law Clerk

Effective December 5, 2013, the Middle District implemented several new procedures for motions for relief from stay in cases.

Under the new procedures, if a motion for relief from stay is deficient, the Court, rather than striking or denying the motion, will abate the motion. During the abatement period, the automatic stay will remain in effect, pending the curing of the deficiency and further order of the Court. Deficiencies that will result in abatement include: lack of proper signature, failure to include a complete certificate of service, unpaid filing fees, and incorrect negative notice language. For guidance on drafting the negative notice legend, please refer to the most recent Negative Notice List and Local Rule 2002-4, available at www.flmb.uscourts.gov.

In Chapters 12 and 13, a motion for relief from stay may not be combined with a motion for relief from co-debtor stay. If these two motions are joined in a single motion, the Court will strike the motion for relief from co-debtor stay, and allow the motion for relief from stay to proceed alone. The moving party may then submit a separate motion for relief from co-debtor stay. Note that a different CM/ECF event applies to motions for relief from co-debtor stay.

Also in Chapters 12 and 13, if the motion for relief from stay includes an affidavit stating that the debtor's plan provides for the surrender of property or the payments to the secured creditor outside the plan, the motion need not be served using negative notice, and the Court will grant the motion without a hearing. However, if an affidavit is not filed, negative notice is required.

In Chapter 7 and 11 cases, motions for relief from stay no longer require a supporting affidavit. However, when the Court enters an order granting relief from stay on motions that are not supported by an affidavit, the order will not make any factual findings regarding the status of the loan, the amount in default, or the movant's being the holder or owner of the note and mortgage.

With these and other new District-wide procedures, the Middle District continues its initiative to achieve procedural uniformity and predictability. For more information on this initiative, see *Stay Tuned . . . a Story of How Change Happens* in the July 2013 issue.

ANNOUNCEMENT

Coming in July 2014, as part of its mission to better serve the public, the Court will commence publication of a guide to the Middle District's procedures for use by attorneys and members of the public.

Procedural Updates



Hot Off the Presses

Even Newer Procedures for Processing Stay Motions

By: The Honorable Karen S. Jennemann, Chief U.S. Bankruptcy Judge

On January 21, the Judges met to consider and, largely, approve the recent recommendations of the District-Wide Steering Committee relating to the procedures to be utilized for motions for relief from the automatic stay pending at the time of the dismissal or conversion of a case.

What happens when a stay motion is pending at the time a case is **converted** to another chapter?

Where a bankruptcy case is converted and a stay relief motion is pending, the Court will include language in the conversion order abating the motion until such time as the movant files an amended motion for relief from stay and serves the amended motion upon all appropriate parties, including the trustee appointed in the converted case. The Court then will process the amended motion in the normal course. The movant/creditor will incur no additional fee upon the filing of the amended motion for relief from stay.

What happens when a stay motion is pending at the time a case is **dismissed**?

Where a bankruptcy case is dismissed (with standard orders providing a 14-day period to convert the case) and a stay relief motion is pending, the dismissal order will confirm that the stay is terminated by operation of law and will deny all pending stay motions except those that seek prospective relief from the stay. If prospective relief is sought, the Court will retain jurisdiction to consider the request as well as to address any pending Order to Show Cause issued due to repetitive, abusive filings. Parties, of course, are welcome to submit orders on all pending motions *prior* to the time the dismissal order becomes final.

At this meeting, the Bankruptcy Judges also approved district-wide “form” orders granting stay relief in three situations: (1) After hearing, (2) After negative notice, and (3) Upon surrender of property in a Chapter 13 case. Look for these optional form orders, as well as a district-wide “form” Motion to Administratively Reopen Individual Chapter 11 Cases, when the Court issues its new and improved website on January 26, 2014.



Procedural Updates

Amendments to Rule 45 and New Form Subpoenas

By: Phillip Nodhturft, Esquire, Law Clerk to the Honorable Caryl E. Delano

In the arena of federal litigation, the subpoena power is granted to parties litigant and attorneys, as officers of the court, in Rule 45 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 45(a)(3). Yet, for its basic purpose, Rule 45 has never been easily construed. In an effort to clarify and simplify Rule 45, the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (“Committee”) decided that several amendments were in order. The amendments became effective December 1, 2013, and hopefully will eliminate some of the uncertainty that existed in the former version of the rule. Although the Committee’s official note discussing the 2013 amendments is lengthy, the major substantive revisions can be distilled into 5 main points.

1. Subpoenas are issued from the court where the action is pending and can be served nationwide.

The amended rule provides that the subpoena must issue from the court where the action is pending (i.e., the “issuing court”). Rule 45(a)(2). And in a related amendment, service of subpoenas can now be effectuated nationwide. *See* Rule 45(b)(2) (“A subpoena may be served at any place within the United States.”).

2. Geographic limits intended to protect subpoena recipients are now based exclusively on the location where compliance can be required.

Although a subpoena can now be *served* nationwide, there are still geographical considerations which limit the place of compliance. Rule 45(c)(1)(A) now states that a subpoena may command a person to attend a trial, hearing, or deposition only within 100 miles of where the person resides, is employed, or regularly transacts business in person. Alternatively, under Rule 45(c)(1)(B), a subpoena may command a person to attend a trial, hearing, or deposition anywhere within the state where the person resides, is employed, or regularly transacts business in person, but only if: (i) that person is a party or a party’s officer; or (ii) the person is commanded to attend a trial and would not incur substantial expense.

The primary effect of amended Rule 45(c)(1)(B) is to overrule the majority position as held in *In re Vioxx Products Liability Litigation*, 438 F. Supp. 2d 664, 667 (E.D. La. 2006), in which a party or a party’s officer was compelled to travel more than 100 miles or out of state to testify at trial. The Committee’s note clarifies, however, that depositions of parties and their officers and directors are still governed by Rule 30, with sanctions for failure to appear as provided in Rule 37. The Rule 45 amendments do not change the existing law under Rules 30 or 37.

¹ Credit must be given to the Jenner & Block law firm, and its attorneys Christopher Tompkins and Ethan Kent, who authored the article “Changes to Federal Rule of Civil Procedure 45 Effective December 1, 2013 Promise to Simplify Federal Subpoena Practice.” The instant summary of the 5 major amendments to Rule 45 tracks that article, which is available at: http://jenner.com/system/assets/publications/12431/original/Changes_to_Federal_Rule_of_Civil_Procedure_45_Effective_December_1_2013.pdf?1384530386



Procedural Updates

Amendments to Rule 45 (continued):

- 3. The primary forum for resolving subpoena disputes is the court for the district where compliance is required. However, a new provision expressly permits transfers to the court in the district where the case is pending.**

There are three provisions of Rule 45 which address subpoena-related motions. The first is Rule 45(d)(2)(B)(i), which concerns a motion to compel filed by the subpoenaing party in response to a written objection by the subpoenaed party. The second is Rule 45(d)(3)(A), which allows the subpoenaed party to file a motion to quash the subpoena. The third is Rule 45(e)(2)(B), which applies when a party has inadvertently produced privileged documents to the opposing party. The rule offers the party in receipt of the purportedly privileged documents the opportunity to challenge the producing party's claim of privilege.

In all three scenarios, the subpoena-related motion must be filed in the court for the district where compliance with the subpoena is required. However, under Rule 45(f), which was added anew as part of the 2013 amendments, the court where compliance is required may transfer the subpoena-related motion to the issuing court (i.e., the court where the action is pending). But, such transfer can occur only if (i) the person subject to the subpoena consents; or (ii) the transferring court finds that "exceptional circumstances" exist. The Committee note states that the burden of showing that such exceptional circumstances exist rests with the proponent of the transfer.

- 4. The amended rule highlights the notice and copy requirement to other parties.**

Rule 45(a)(4) now highlights in a separate provision the requirement that the subpoenaing party both give notice of the subpoena and serve an actual copy of the subpoena on each party before the subpoena is served on its intended recipient. This notice and copy requirement applies only where the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial.

- 5. The contempt provision was amended to clarify that contempt sanctions may be applied to a person who disobeys a subpoena-related order.**

Former Rule 45(e) stated only that the issuing court may hold a person who was served with a subpoena in contempt for failure to obey. The failure to obey was sometimes understood as being limited to failure to obey the commands of the subpoena itself. The amended contempt provision, now found in Rule 45(g), clarifies that contempt sanctions can be imposed for failure to obey the subpoena itself, as well as any subpoena-related orders. And either the court where compliance is required or, in the event of a transfer, the issuing court can make such contempt findings.

New Form Subpoenas for Use by Bankruptcy Practitioners

Because Rule 9016 of the Federal Rules of Bankruptcy Procedure incorporates Rule 45 in full, the form subpoenas used in bankruptcy cases and adversary proceedings have been updated to reflect the amendments to Rule 45. The three prior forms were withdrawn from use on December 1, 2013. In their place are four new forms:



Procedural Updates

Amendments to Rule 45 (continued):

- Form 254: Subpoena for Rule 2004 Examination
- Form 255: Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case (or Adversary Proceeding)
- Form 256: Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)
- Form 257: Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding)

These new form subpoenas, along with all of the other official forms, can be accessed at: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

New Filing Fee for Motions to Sell under Section 363(f)

By: Allison Carroll, Law Clerk

Effective December 1, 2013, bankruptcy courts will assess a filing fee of \$176 on motions to sell property free and clear of liens under 11 U.S.C. § 363(f). Only motions to sell free and clear of liens under Section 363(f) are affected; there is no filing fee for other types of sale motions.

This and other changes to the federal courts' miscellaneous fee schedule were approved during the September 2013 session of the Judicial Conference. For more information on the Bankruptcy Court Miscellaneous Fee Schedule, go to www.flmb.uscourts.gov and select "Forms and Fees."



Procedural Updates

Changes in Schedules I & J

By: Amir Shachmurove, Law Clerk

On December 1, 2013, all United States Bankruptcy Courts adopted new versions of Schedule I: Your Income (Official Form 6I) and Schedule J: Your Expenses (Official Form 6J). Generally, Schedule I requires information about the debtor’s dependents, employment, income from all sources, and anticipated changes in income. On Schedule J, the average monthly expenses of the debtor, his/her dependents, and any other people in his/her household whose income is included in Schedule I must be listed and reasonably estimated. The modifications are intended to make the forms more effective in determining whether the debtor is realistically capable of funding a proposed Chapter 13 plan prior to a hearing on its confirmation. The paragraphs below give only a snapshot of these changes, not a summary of every requirement, and filers should read both the new forms and instructions prior to filing either document.

The captions of Schedules I and J now contain two new checkboxes. (See Figure 1.) If the filer’s purpose is to change any information about the debtor that appeared in an earlier version, a filer should check the “amended filing” box. If the filer intends to offer more detail than previously provided, the “supplement showing” box should be checked instead.

Figure 1

Check if this is:

An amended filing

A supplement showing post-petition chapter 13

Schedule J has been further expanded by the addition of Part 1. Part 1 consists of three new questions. (See Figure 2.)

Question 1 requires joint debtors (also called “Debtor 1” and “Debtor 2”) who maintain separate households to file separate Schedule J forms, one for each debtor. In such cases, the third checkbox in Schedule J’s new caption—“A separate filing ...”—must be checked on both debtors’ Schedule J forms.

Figure 2

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 a separate Schedule J.

2. Do you have dependents? No

Do not list Debtor 1 and Debtor 2. Yes. Fill out this information for each dependent.

Do not state the dependents' names.	Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
_____	_____	_____	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes
_____	_____	_____	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes
_____	_____	_____	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes
_____	_____	_____	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself and your dependents? No Yes

(See Figure 3.) In addition, the total from line 22 of Debtor 2’s Schedule J should be added to the total expenses for Debtor 1 at line 22 on Debtor 1’s Schedule J; lines 23a, 23b, and 23c of Debtor 2’s Schedule J do not need to be completed. The total expenses listed in the Summary of Schedules and in Debtor 1’s Schedule J, however, should be the same and reflect the expenses of Debtors 1 and 2. Filers must make sure that the same person is listed as Debtor 1 in every document submitted.

Figure 3

Check if this is:

An amended filing

A supplement showing post-petition chapter 13 expenses as of the following date:

MM / DD / YYYY _____

A separate filing for Debtor 2 because Debtor 2 maintains a separate household

Question 2 requires four pieces of information about a debtor’s every dependent: the dependent’s initials, relationship to debtor, and age as well as whether the dependent lives with the debtor or not. The filer should not include a dependent’s full name and should not, in a joint case, list Debtor 2 as a dependent. For



Procedural Updates

Changes in Schedules I & J (continued):

example, in response to Question 2, a debtor living with a son named “John Doe” would check “yes” in the second column, write “J.D., son” in the third, his/her son’s age in the fourth, and check “yes” in the fifth. (See Figure 4.)

Figure 4

2. Do you have dependents? Do not list Debtor 1 and Debtor 2. Do not state the dependents' names.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill out this information for each dependent.....	Dependent's relationship to Debtor 1 or Debtor 2 J.D., son	Dependent's age [age]	Does dependent live with you? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes
---	---	---	--------------------------	--

Question 3 is another checkbox. It requires a filer to check “yes” if the expenses itemized in Part 2 of the debtor’s Schedule J include expenses of people other than the debtor and his/her dependents and “no” if they do not. (See Figure 5.)

Figure 5

3. Do your expenses include expenses of people other than yourself and your dependents?	<input type="checkbox"/> No <input type="checkbox"/> Yes
---	---

As always, a filer, whether the debtor himself/herself, the debtor’s counsel, or another, should strive to make Schedules I and J as accurate and complete as possible. If an amendment or a supplement appears necessary, one should be promptly filed, and if more space is needed, separate sheets should be attached. The amended Schedules I and J and instructions on how to complete them can be found by clicking the hyperlink “Part I – Official Forms, Instructions, and Committee Notes” at <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

Case Summaries

By: **Bradley M. Saxton, Esquire and C. Andrew Roy, Esquire,
Winderweedle, Ward, Haines & Woodman, P.A.**

Kulakowski v. Walton (In re Kulakowski),
735 F.3d 1296 (11th Cir. Nov. 15, 2013)

The Eleventh Circuit affirmed the dismissal of a Chapter 7 case as an abuse under sections 707(b)(1) and (b)(3)(B). The court looked to the “totality of the circumstances” and rejected the Debtor’s argument that as a matter of statutory construction the “totality of the circumstances” test should not consider all of her non-debtor husband’s income, but only the amount of his income that was contributed for her household expenses. Relying on the “inherent flexibility and wide breadth of the totality of the circumstances inquiry [.]” the court acknowledged that the bankruptcy court considered that the debtor and her husband were married for 21 years, acted as one financial unit, shared a joint checking account, filed joint tax returns, pooled their income and expenses, and the credit card debt sought to be discharged in her case was incurred during the marriage and in large part the charges benefitted the household generally and her husband specifically.

Colbourne v. Ocwen (In re Colbourne),
2013 WL 5789159 (11th Cir. Oct. 29, 2013)

The Eleventh Circuit held that the debtor in a “Chapter 20” case, who recently received a discharge in his prior Chapter 7 case and is therefore ineligible to receive a discharge in his current Chapter 13 case, cannot modify the rights of a secured creditor by cramdown of a partially secured lien on investment property.

In re J.C. Householder Land Trust #1,
501 B.R. 441 (Bankr. M.D. Fla. Oct. 23, 2013) (Williamson, J.)

In Chapter 11 case, debtor’s plan of reorganization proposed to repay secured lender by paying claim based on a 25 year amortization at 5% interest with a 5 year balloon payment. The secured lender objected to confirmation of the plan, arguing that (1) the cramdown interest was too low and (2) the debtor could not feasibly make the balloon payment. The bankruptcy court overruled the objection and confirmed the plan, finding that the debtor had met its burden of proof based on the preponderance of the evidence. As to the interest rate, the court first found that no efficient market existed for financing the debtor’s loan. Thus, under *Till*, the court was required to apply the formula approach of prime rate plus a risk adjustment. The court held, after rejecting the secured creditor’s expert testimony, that 1.75% was an appropriate risk adjustment, yielding a 5% cramdown interest rate. Second, because the debtor provided evidence that the debtor’s principals were working to improve their credit in order to help obtain refinancing of the debtor’s loan in order to satisfy the balloon payment, and because the debtor had equity in the property beyond the value of the loan, the court found that the debtor established that the balloon would be feasibly satisfied.

Dear POINT AND CLICK:

Q: What is the best way to request assistance from someone in the Clerk's Office?

A: On September 25, 2013, the Court introduced a new CM/ECF HelpDesk web tool designed to streamline the process of locating CM/ECF related information on the Court's website and requesting assistance from the Clerk's Office. The HelpDesk web tool can be accessed through the Court's website, <http://www.flmb.uscourts.gov/cmecf/helpdesk/>.

The HelpDesk homepage contains four sections: Support, Register for CM/ECF Log-in, CM/ECF On-Line Training and CM/ECF Live Log-in. The last three sections provide information on obtaining a login, completing the Court's training program and accessing the Court's live CM/ECF filing system. The Support section is the access point for our support library and categorizes the available resources into topics. If after review of the resources available on this page, you are unable to find the information you need, you can request assistance through a link located at the bottom of the resource page (<https://ecf.flmb.uscourts.gov/training/support.htm#>).

This page is designed to direct requests for assistance to the members of the Clerk's Office most qualified to answer, and contains five filters to accommodate this goal: Problems logging in to CM/ECF, Filing a New Case, Questions on case already filed with the court, Problem taking eTraining course to get login and System Issues.

In addition to providing a more efficient method of requesting assistance, this new program also provides a mechanism for the Court's use in determining what additional and updated web-resources might be beneficial to our electronic filers.

Comments on the new program are most welcome and can be directed to, district_training@flmb.uscourts.gov.

January 2014 Tech Tips

By: Richard Arendt, Assistant Systems Manager and Sarah Wiener, CM/ECF Training Coordinator/Data Quality Analyst

The new U.S. Bankruptcy Court, Middle Florida website reveal will take place the weekend of January 26, 2014. A few tips to keep in mind about the new site:

1. The site is designed to be simple with the purpose of easily drawing the viewer to the specific category of information they are looking for, by main heading, as can be seen below.



2. The snap shot of the new home page below, reflects main headings across the top of the page in red and down the sides in red and blue, such as: Attorneys, Creditors, CM/ECF, Court Calendar, Court Information, Court Resources, External Resources and Judges/Chambers, to name a few. By placing your cursor over a main heading such as Attorneys, a drop down menu alphabetically displays of the most frequently searched for items under that specific category. The Attorney heading will display items such as, After Hour Filing Procedure, Change of Address , Change of Law Firm and Password Recovery to name a few. When selecting a specific item, it will take you to that website page, or to an on-line form, as applicable.

3. Subsequent web pages will contain links along the left hand side of the screen. All main headings will be available should you need to move to another page. By placing your cursor over any main heading, a specific flyout menu will appear for you to choose a specific link, or again, you will be able to select the main heading to move to the full web page.

4. A Search feature is available at the top of the screen to search for more advanced information.

5. The pictures, midsite, are links and once selected, will take the viewer to the category where the information is housed. Below the pictures, the latest Announcement and News section is housed.

ATTORNEYS AND PARALEGALS

**JOIN THE COURT FOR OUR NEXT
BROWN-BAG LUNCHEON**

DATE & TIME:

February 21, 2014
12:00 NOON TO 1:00 PM

PLACE:

**UNITED STATES DISTRICT COURT
JURY ASSEMBLY ROOM – FIRST FLOOR
401 W. CENTRAL BOULEVARD
ORLANDO, FLORIDA**

TOPIC:

“Integrity of the Bankruptcy System”

PRESENTERS:

Charles R. Sterbach, Assistant United States Trustee
Jill Kelso, Trial Attorney, Office of the United States Trustee

1 HOUR GENERAL C.L.E.R. CREDIT – CREDIT HAS BEEN APPLIED FOR

Central Florida Bankruptcy Law Association Social Activities Winter 2013

CFBLA Fall Festival Lake Down Park November 16, 2013



CFBLA Holiday Party Orlando Science Center December 5, 2013



Central Florida Bankruptcy Law Association Social Activities 2014

State of the District Presentation
January 16, 2014



Presentation of the CFBLA Fall Book Award

Pictured from Left to Right: Hon. Cynthia Jackson, Chief Judge Karen Jennemann, Dean LeRoy Pernell, Alexandra (Ali) R. Kalman (CFBLA Fall Book Award), Hon. Arthur Briskman, and Jill Kelso, President CFBLA



Presentation of the 2013 Pro Se Clinic Volunteer Plaque

Pictured from Left to Right: Hon. Cynthia C. Jackson, Chief Judge Karen Jennemann, Justin Luna, Jeffrey Ainsworth, and the Hon. Arthur Briskman



Jacksonville Bankruptcy Bar Association Social Activities

JBBA Holiday Party The River Club December 11, 2013



State of the District Presentation The River Club January 8, 2014





Tampa Bay Bankruptcy Bar Association Social Activities

On December 6, 2013, the TBBBA hosted a tennis tournament at Harbor Island Athletic Club





News from the Orange County Bar Association's Bankruptcy Committee



OCBA- Bankruptcy Committee- Come Join Us For Lunch! **By: K. Hunter Goff, Esquire, Chairman, OCBA Bankruptcy Committee**



The Bankruptcy Committee of the OCBA meets on the last Friday of every month for a catered lunch coupled with informative and entertaining discussion of the current legal trends and news important to the local Bankruptcy Bar.

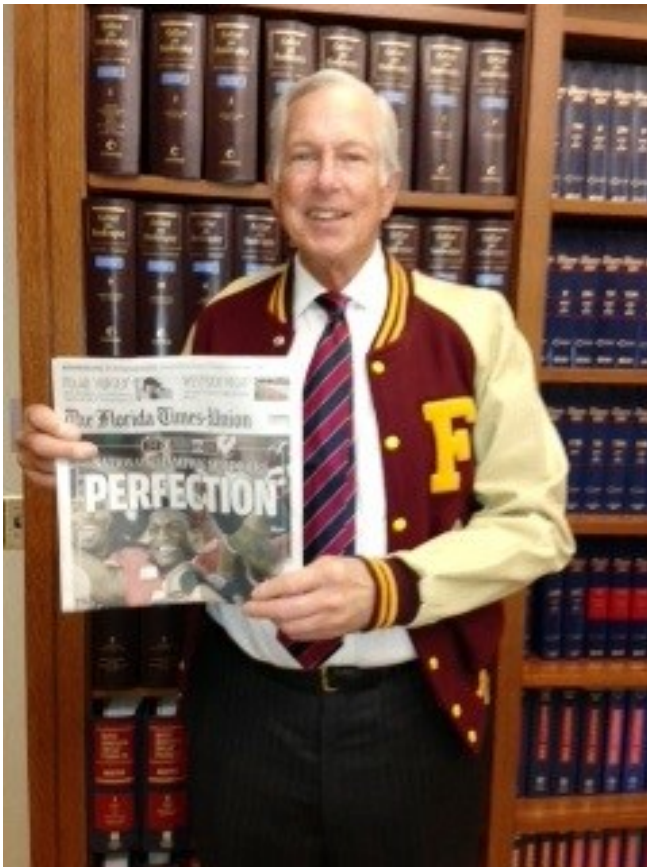
In recent meetings, the committee has hosted speakers such as Laurie K. Weatherford and Aubrey Ducker to comment on the intersection of family and bankruptcy law; Trial attorneys from the U.S. Trustee's office for a panel discussion on recent case law developments; and a look at how a lawyer should handle the ethical and legal issues created by the emergence of social media.

In upcoming months, we look forward to hosting more interesting speakers discussing wide ranging topics from how the Affordable Care Act is affecting our clients and our Firms, to how to attack a real estate appraisal in a bankruptcy case, to successfully handling difficult bankruptcy related IRS issues.

The meetings are held at the OCBA Building located at 880 N. Orange Ave., in Orlando. Meeting times and dates are subject to change, so please contact the co-chairs of the committee, K. Hunter Goff (hunter@khuntergoffpa.com) or Cynthia Lewis (CCLewis@JamesMonroePA.com) and request to be added to the mailing list to receive notice about current topics being discussed and dates and times of the meetings.



Judges' Corner



Bankruptcy Judge Paul M. Glenn Pays Homage to his Alma Mater—Florida State University

The Honorable Paul M. Glenn, FSU graduate and former member of the Men's Basketball Team, proudly wearing his FSU team jacket and holding the January 7, 2014 Florida Times Union commemorating FSUs' 14-0 football season with the headline: **PERFECTION.**

GO NOLES!

Court Committee Updates

IT Committee Update

By: Scott Lumpkins

The IT Committee has been busy in the month of December and early January. We have tested the following items:

- Tested the AQUA enhancement to the Docket sheet which shows who QC'd each item and if that item was sent thru CHAP. We ensured the information appeared and that it did not delete or lose information we wanted to remain.
- Tested the event "Chapter 13 Plan with Service via BNC" to ensure that an external user could not use this event.
- Tested the appeal event "Order by District Court/11th Circuit Court of Appeals" to ensure that a drop down box did not appear to select Order or Judgment.
- Tested the "Motion to Reopen" event to ensure that if the Motion was filed by the Debtor and an IFP flag is on the case that no fee would be due.
- Tested the Notice of Electronic filing to ensure internal staffs full name did not appear in the Docket entry or get sent out in the email notification. We found this still needs work and is still in the process of correcting.
- The Middle District Website is being updated and changed some. The IT Committee has been involved in looking over the new website before its launch to ensure the information and links are working properly.

Procedures Committee I

By: Christiane Thomas

We are in the process of finalizing the proposal for Amendments to Schedules and should have it to the Review Committee in the next week. We are also in the process of working up a proposal for conversions, specifically converting a Chapter 13 case to Chapter 7 case.

Procedures Committee II

By: Anel Merritt

Our Committee has completed a draft procedure for Motions to Assume or Reject Executory Contracts. We provided several suggestions for efficiencies and uniformity across the District. The draft procedure has been submitted to the Procedures Review Committee.

Court Committee Updates (continued):**Procedure Review Committee****By: Susan Carter**

The procedure review committee completed discussion of the following procedures since the October issue of the Court Connection: Objection to Exemptions, Transfer of Claims, and Chapter 13 Discharge.

The committee will commence discussion of Motions to Assume or Reject Executory Contract at their next meeting on January 15, 2014.

Training Committee**By: Ann Iannarelli**

The Training Committee wrapped up 2013 by developing a list of training activities our Court accomplished in 2013. We were excited to see the considerable number of training events hosted throughout the year. We thank the facilitators, those individuals who worked behind the scenes, and the participants for making 2013 an incredible year.

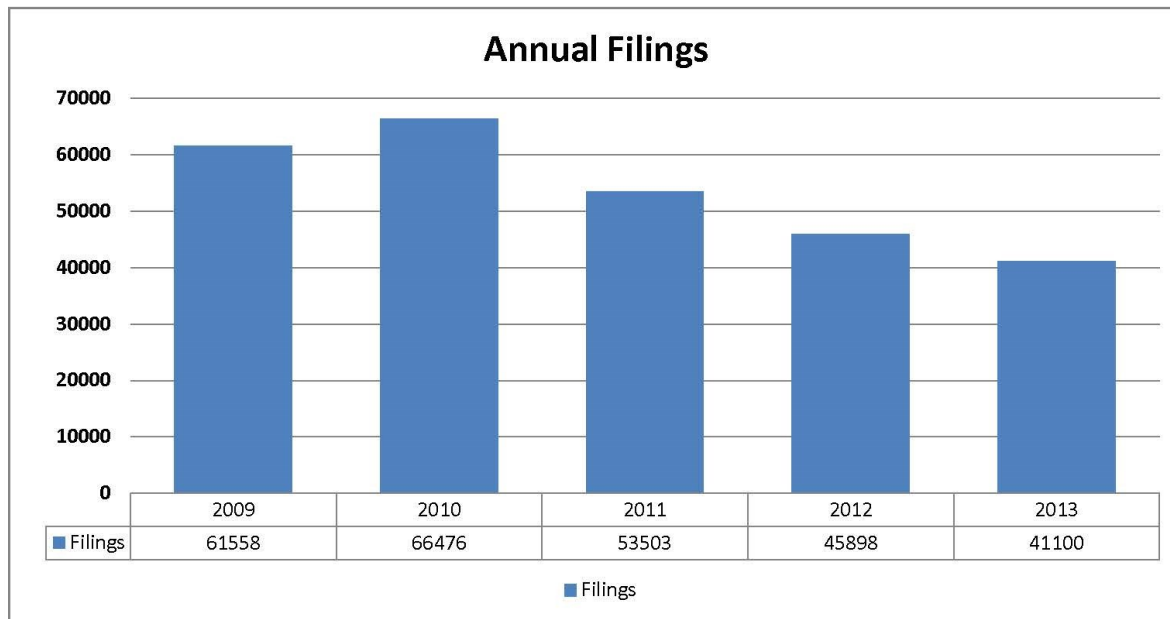
On January 9, we sent out a Training Survey to assess past training and to get feedback for the new year. We should have the results of the survey by the end of January.

Website Committee:**By: Brenton Pierce and Sarah Wiener**

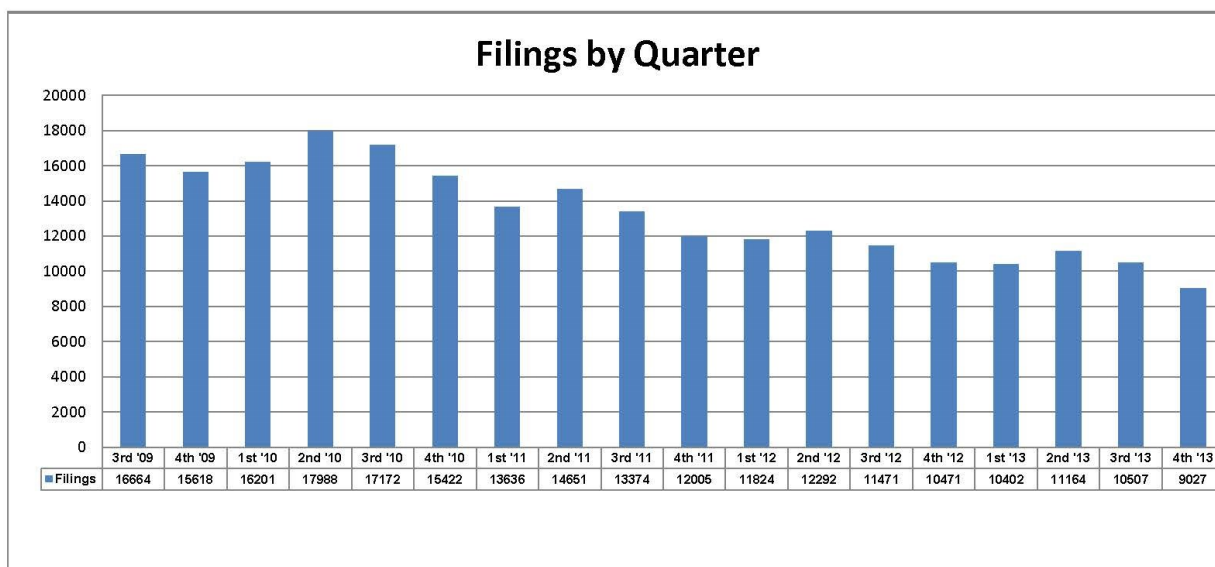
The website committee is happy to share some terrific news for the New Year! The new US Bankruptcy Court, Middle District of Florida website has a bold new look with easy to find information which will be released the week of Sunday, January 26, 2013. Suggestions and concerns were taken from users, as well as a website survey, which allowed the website committee to fine tune and re-design the new site. New categories have been added to the site, such as Courtroom Services, External Resources and Attorneys, and Electronic Filing. We hope you will find it easier to use and organized in a more effective and logical manner. Check out the Tech Tips article in this issue of The Court Connection for more details of our new site!

QUARTERLY STATISTICS AS OF DECEMBER 31, 2013, FOR THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA

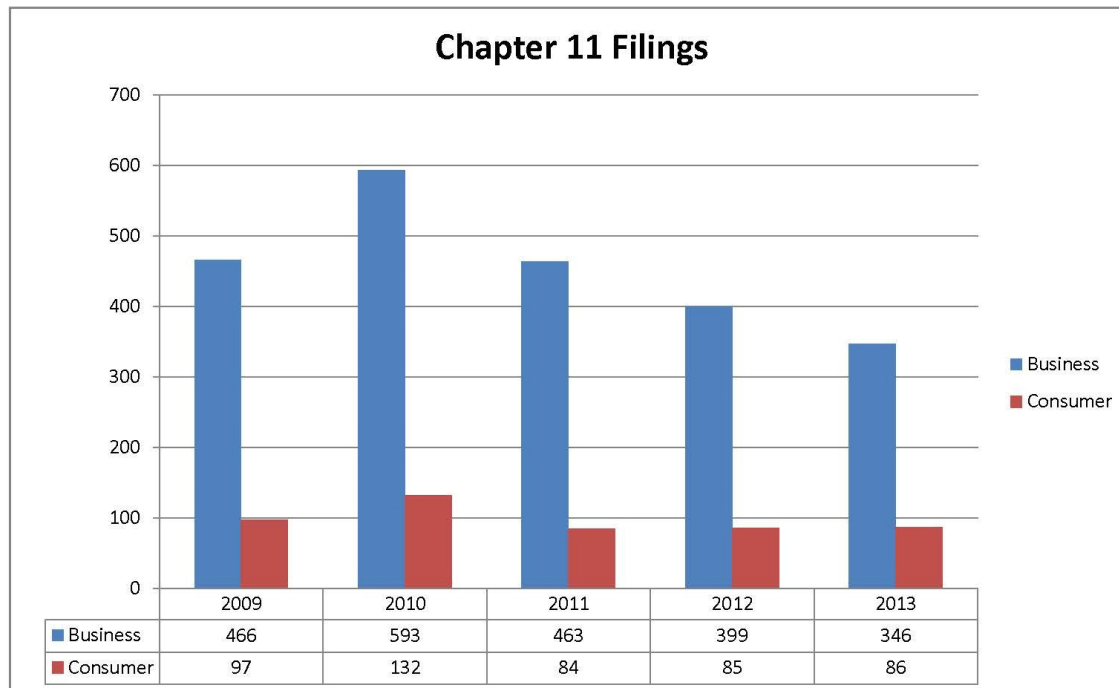
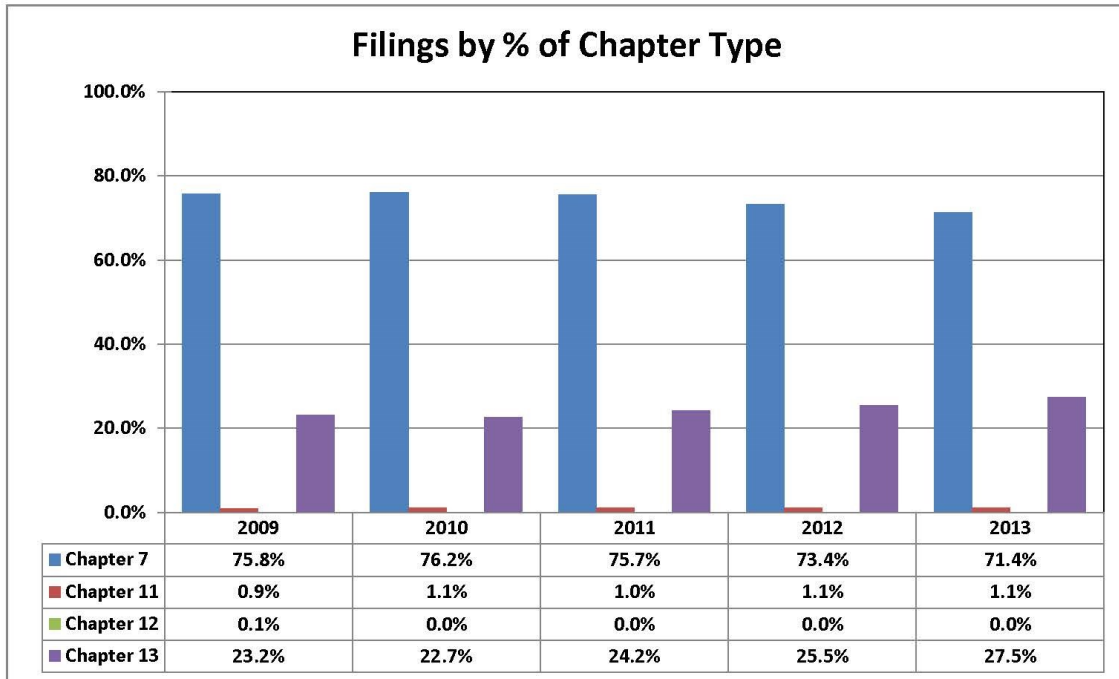
**United States Bankruptcy Court - Middle District of Florida
Updated January 15, 2013 Meeting Data and Information
Statistics as of December 31, 2013**



Year	Annual Filings	vs. 2009	vs. Prior Yr.
2009	61558		
2010	66476	8%	8%
2011	53503	-13%	-20%
2012	45898	-25%	-14%
2013	41100	-33%	-10%

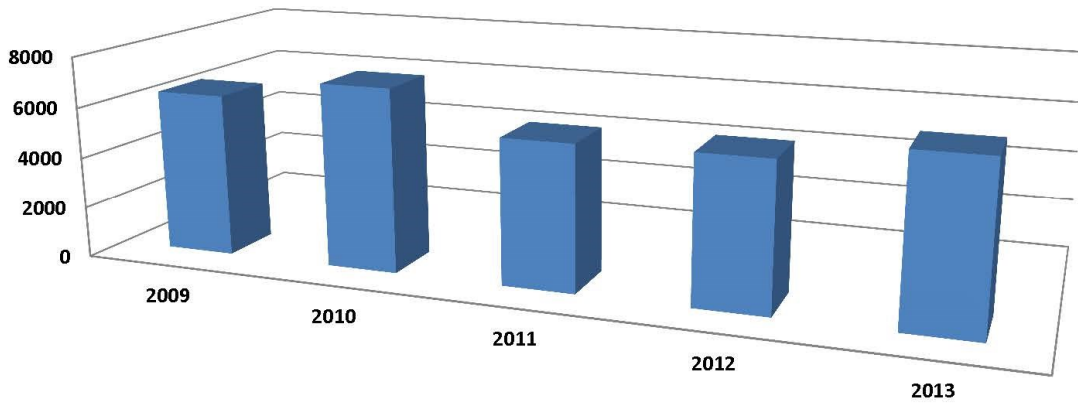


QUARTERLY STATISTICS AS OF DECEMBER 31, 2013, FOR THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA



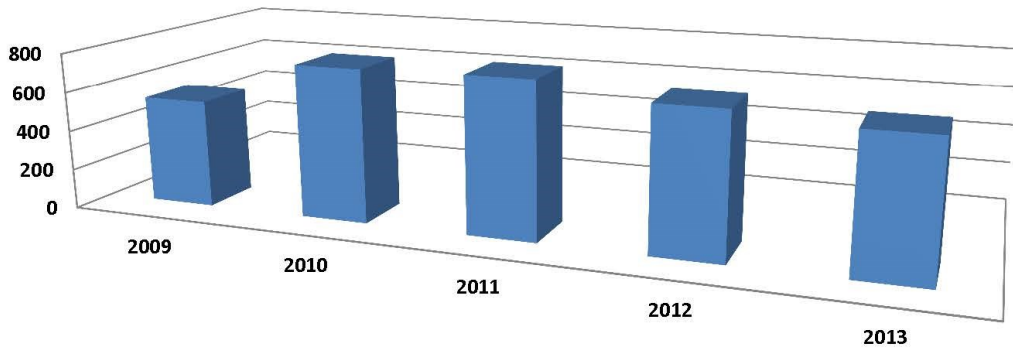
QUARTERLY STATISTICS AS OF DECEMBER 31, 2013, FOR THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA

Pro Se Filings



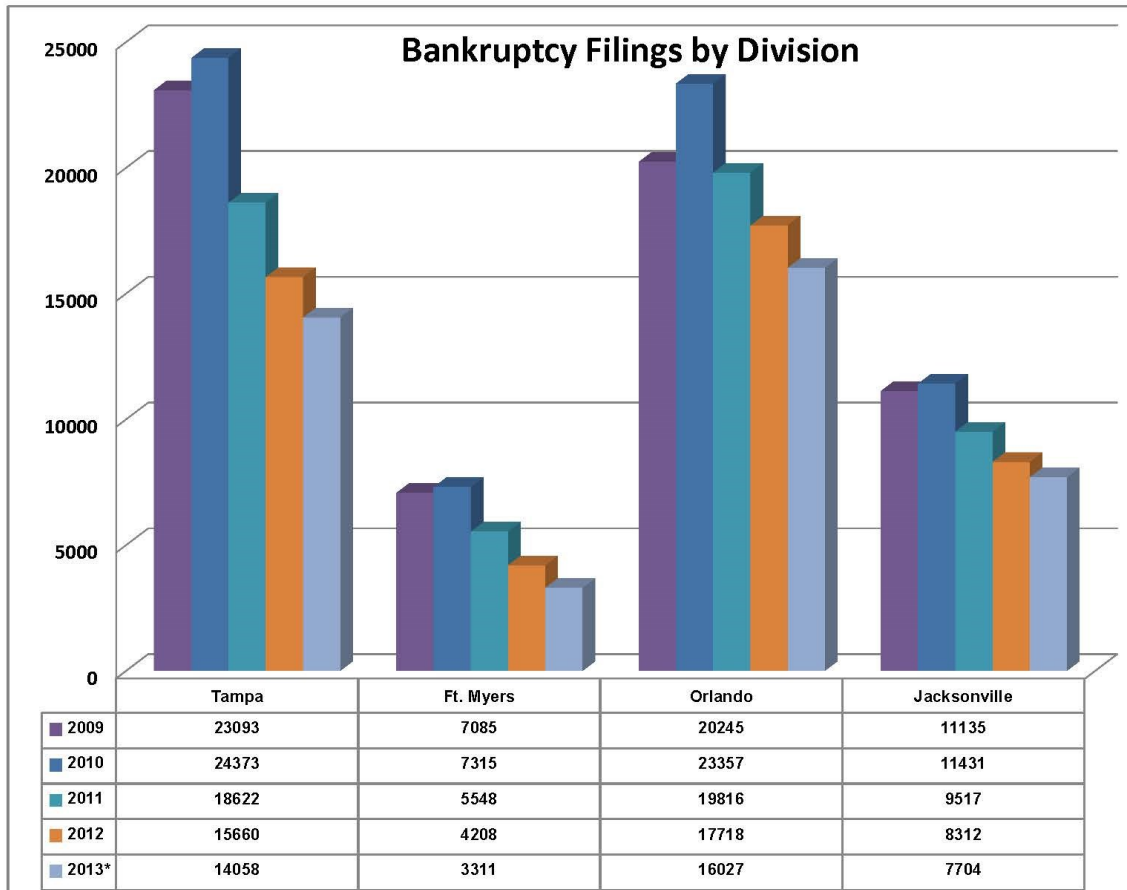
	2009	2010	2011	2012	2013
■ Pro Se	6413	7201	5682	5737	6435
% of All Filings	10%	11%	11%	12%	16%

In Forma Pauperis Filings

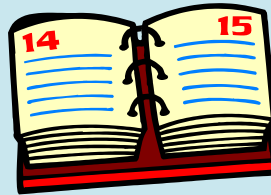


	2009	2010	2011	2012	2013
■ IFP Granted	544	771	781	711	668
% of All Filings	1%	1%	1%	2%	2%

QUARTERLY STATISTICS AS OF DECEMBER 31, 2013, FOR THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Chapter 11 and Pro se filings chart counts have been corrected due to a programming error.

*** * * HAPPENINGS AROUND THE MIDDLE DISTRICT * * *****FT. MYERS**

January 23 @ noon State of the District Presentation by Chief Judge Jennemann

JACKSONVILLE**ORLANDO**

February 20 @ noon CFBLA Monthly Luncheon (Case Law Update by Brad Saxton & Andrew Roy)
 February 21 @ noon Brown Bag Luncheon (CLE—Integrity of the Bankruptcy System; Location USDC Jury Room)
 February 27 @ 5:30 pm CFBLA Reception @ Ember
 March 20 @ noon CFBLA Monthly Luncheon

TAMPA

February 4 @ noon Consumer Luncheon (Speaker: Judge Williamson Location: 5th floor Training Room)
 February 11 @ noon State of the District Presentation by Chief Judge Jennemann (Location: University Club)
 March 4 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)
 March 11 @ noon TBBBA Luncheon (CLE—What do Boy Bands and Healthcare have in Common?)
 April 1 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)
 April 8 @ 11:45 am CLE 1/2 Day Joint Seminar with the HCBA (Location: HCBA)
 May 6 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)
 May 13 @ noon TBBBA Luncheon (CLE TBD)
 September 24 @ noon CFBLA Clerk Appreciation Luncheon (location: TBD)

OTHER**IMPORTANT DATES**

February 27, 2014 Statewide Residential Mortgage Modification Mediation Summit
 March 13-15, 2014 ABI/Stetson Seminar—Tampa, FL
 May 16, 2014 CFBLA Seminar (“Bankruptcy: Navigating the Valley”) at Embassy Suites, Orlando, FL
 June 24-28, 2014 Florida Bar Annual Meeting, Orlando, FL

**United States
Bankruptcy Court**

400 West Washington Street
Suite 5100
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