

# The Cramdown

Tampa Bay Bankruptcy Bar Newsletter

Winter 2000

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## The President's Message

By John D. Emmanuel

### A CHANGING LANDSCAPE



I spoke recently at a continuing education program. The topics were interesting. One speaker gave tips on how to help families plan to turn their business over to the next generation. Another spoke on e-commerce. I spoke on Florida exemptions and limits on asset protection planning. Ordinary fare for a legal seminar, you say? There was one big catch, though. I was the only lawyer in the crowded room. This was a continuing education program for accountants.

Did the accountant speaking on business succession planning mention that a lawyer would be needed, or even helpful? No. In fact, he indicated he could do a much better job than attorneys. That was par for the course. The unstated premise for each topic seemed to be "we can do everything." Audits. Helping clients chose new information systems. Succession planning. A repeated theme was that accountants are respected and trusted

advisors, and who could be better suited to give the advice?

One speaker mentioned that he was upset that a certain large Florida law firm was branching out into "ancillary businesses" that overlapped with their services. During a panel discussion at the end of the program, I mentioned that it was we lawyers who thought the CPA's were encroaching on our turf. No one rose to the bait. Only one older gentleman on the panel commented that he longed for the "good old days" when accountants did accounting work, and lawyers did legal work, and we all worked together using our respective expertise to help our clients.

There has been much discussion lately regarding lawyers establishing ancillary businesses, sharing fees with non-lawyers, and the like. My participation in the program brought home to me that while we are debating these issues, other professions are claiming territories for themselves to our likely exclusion. Can you blame them?

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The Cramdown can be accessed via the internet at [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

*The President's Message (Continued from page 1)*

Not at all. Are their clients happy to accept their "one stop shopping" services? Apparently so. It reminds me somewhat of our country's embargo against Cuba. Whether you support the embargo or not, there is no denying that while we maintain it the Germans, French, and Canadians are busy building hotels, restaurants and other facilities that would otherwise have been mostly built by Americans. Cuba only needs so many facilities, and when we end the embargo we may find they have all already been built. Accountants can now argue their client's case in the U.S. Tax Court and state tax administrative tribunals. Is arguing a proof of claim in bankruptcy court just around the corner?

I do not have any magical answers. I do know, though, that while we are debating amongst ourselves, the landscape is changing and our options are being limited by others. We need to decide where we are going. However, we also need to go ahead and make up our mind before we find that our spot has already been taken when we get there.



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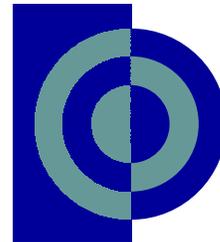


Additional copies of the 1999 - 2000 Membership Directory can be purchased for a nominal fee.

**Cost:** \$5.00, plus \$1.00 for postage.

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## View From The Bench

*By The Honorable C. Timothy Corcoran III*

The following article is reprinted by permission of the Hillsborough County Bar Association. This article originally appeared in the September issue of *The Lawyer*, the Hillsborough County monthly publication.

### FINDING PROFESSIONAL LESSONS IN THE STRANGEST OF PLACES

#### Learning from Others Never Stops Wherever One Might Be

Trial lawyers know that the three most important keys to success in court are preparation, preparation, and preparation. Yet we often forget an important corollary to these three keys: Be prepared to abandon your plan and execute a different one when events in court demonstrate that the original plan is not working. A lawyer who forgets this important corollary and continues with the original plan loses the case.

These words of professional lore came to mind when I was attending a hearing this summer in England. Here's what happened:

#### *London's Royal Courts of Justice*

While attending the American Bar Association's annual meeting in July, held in London this year, I visited the Royal Courts of Justice on The Strand beside old Temple Bar, the historical gateway to the City of London. "Bar," of course, refers to the chain that was once across the road and that barred the way, not a drinking establishment. The Royal Courts complex is the functional equivalent to our federal courthouse, the seat of the High Court and the Court of Appeal. A beautiful Gothic building, the main entrance hall appeared more like a medieval cathedral than a courthouse lobby.

After seeing some of the grand courtrooms that were copies of the ones in which "Rumpole of the Bailey" defended his clients, I wandered into Courtroom 28, a modern hearing room hidden behind the coffee shop. The small room was filled with barristers and solicitors obviously waiting for the beginning of a hearing. Barristers are the lawyers who traditionally have the right to appear and

argue in court and who are called "counsel;" solicitors are the lawyers who handle office practice. In litigation, the solicitors employ and prepare the barristers for court, thereby "instructing" them. There was one seat in the last of three rows, and I sat down there apologizing to those over whom I had to climb.

As I looked around to gain my bearings, I noticed that the front row contained barristers dressed in their robes and wigs. Several of the barristers wore silk gowns, the sign of Queen's Counsel, or QC, the senior rank of the barristers. The QCs were in the middle of the room in front of the bench and behind what I could recognize as a counsel table. The second row, right behind the barristers, held middle aged men and women in business attire, obviously the senior solicitors representing the respective parties who had engaged and instructed the barristers. Those around me in the third or last row were apparently young solicitors holding in their laps large binders -- called "bundles" -- of the key pleadings and exhibits to be used in the hearing. The clerks at the bench appeared to be making final preparations before bringing in the judge.

#### *A Surprising Find*

Trying not to be obvious, I looked at the open page in the bundle held by the young woman seated to my left. My eye immediately caught the words, "Diana, Princess of Wales" and "Al Fayed." I then noticed that the man seated in front of me was Mohamed Al Fayed, the owner of Harrods, the famous London department store, and the father of Dodi, the man killed with Princess Diana in the car crash in Paris three years ago. As I stared, I saw a handsome man in his sixties with sad, somber eyes wearing an impeccably tailored suit. He was speaking in soft tones with the man seated next to him, obviously the senior solicitor on his team.

When I inquired, the young solicitor to my left told me that Mr. Al Fayed was there seeking leave of the High Court to challenge the decisions of the Coroner for the Queen's Household and the Coroner for Surrey refusing his requests for joint in-

*(Continued on page 4)*

quests into the deaths of the Princess and Dodi. The Queen's Household Coroner was handling the inquest into the death of the Princess; the Surrey Coroner was handling the inquiry into the death of Dodi.

The clerk then called the opening of court and the judge took the bench in a manner little different from what we do here, although the judge wore a wig much like the ones worn by the barristers. Other than the expressions used, the barristers' arguments and the colloquy with the judge did not seem strange.

From the argument, I gleaned that:

A coroner's inquest -- a proceeding with no direct counterpart in Florida of which I am aware -- is used to determine the cause of death when a deceased has died a violent or unnatural death. This determination has important, collateral consequences and uses in other proceedings.

There were then pending two separate coroner's inquests, one into the death of the Princess and a separate inquest into the death of Dodi.

Mr. Al Fayed wanted to consolidate the two inquests. As a party in interest in only his son's inquest, Mr. Al Fayed would have more ability to control the scope and direction of a joint inquest than he would of a separate inquest into the Princess' death.

Mr. Al Fayed wanted a very broad inquest, perhaps even into conspiracy theories. The Princess' relatives wanted only a very narrow inquiry.

Both coroners had refused the requests for consolidation.

Neither coroner had taken active steps to begin an inquest. Each was awaiting the record from the inquiry by the French authorities before doing so.

In September of last year, the French authorities had determined that the deaths of the Princess and Dodi were the result of "loss of control,

speed and alcohol." Mr. Al Fayed appealed that decision. The French authorities would not release the record of their inquiry to the coroners until the French inquiry was concluded, including the completion of appellate proceedings.

The standard of review of a coroner's decision is a very strict one: whether a reasonable coroner could have made such a decision refusing consolidation.

### *The Argument Develops*

Mr. Al Fayed's barrister made a very conventional argument in favor of consolidation: the same facts and circumstances were involved in the deaths of both; economies and efficiencies mandated that they be considered together; inconsistent verdicts might result unless they were considered together; and intense public interest required that consistent verdicts be rendered only after the broadest inquiry.

From the beginning of the argument, it was obvious that the judge was not accepting this argument. He did not want to make a decision on the merits of consolidation when neither inquiry had really started and when the record from the French authorities had not been received. He viewed the issue being presented to him as an academic exercise not yet ripe for adjudication. When counsel for the Surrey Coroner began his argument, emphasizing the tough standard of review, the judge's hostility to Mr. Al Fayed's position solidified. The judge's reaction seemed to harden still more when the coroner's counsel further pointed out that the coroners themselves had committed to reconsider their decisions as to consolidation once their inquiries began and they had the benefit of the record from the French authorities.

Because of my physical position in the middle of Mr. Al Fayed's team of solicitors, I witnessed them react to the judge's comments. It was clear to me that they understood the judge was not sympathetic to their position. At one point, Mr. Al Fayed's senior solicitor obtained the agreement of the others and Mr. Fayed that they withdraw without prejudice

*(Continued on page 11)*



With the merger of Shackelford, Farrow, Stallings & Evans, P.A., into the law firm of Gray, Harris & Robinson, **John A. Anthony** has been appointed chair of the bankruptcy and creditor's rights practice area of the merged firm, with offices located in Orlando, Tampa, Lakeland, Tallahassee, and Melbourne.

Congratulations to **Laura R. Fernandez**, of Gray, Harris & Robinson, who gave birth to a beautiful little girl, Katherine Rose Fernandez, on September 30, 2000.

**Andrea Banman**, CPA/Chapter 7 Trustee, was selected by a local panel of business leaders and honored with the American Business Women's Association – Liberty Chapter "2000 Business Associate of the Year." The ABWA established this annual award to recognize outstanding business people.

**Greg McCoskey** of Glenn, Rasmussen, Fogarty & Hooker, P.A. a member of the Association who also maintains a probate and trust litigation practice, recently published *Death and Debtors: What Every Probate Lawyer Should Know About Bankruptcy* in a national law journal published by the American Bar Association. Although the article is written from the perspective of counseling the probate practitioner on certain bankruptcy issues, the article may be helpful to Association members in cases involving decedents' estate. The article is found at 34 Real Prop., Prob. & Tr. J. 669 (2000) or Greg will gladly provide copies upon request.

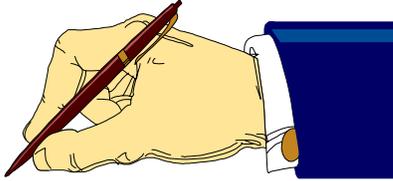


Please contact Amanda Hill with any news concerning TBBBA members. (813) 223-7000, (813) 229-4133 (fax) or ahill@carltonfields.com.



## Calendar of Events

| Date              | Event   | Time       | Location               |
|-------------------|---|------------|------------------------|
| Dec. 12, 2000     | <b>Holiday Social: To Benefit the Boy's and Girl's Club of Tampa/Salesian Youth Center</b>  | 5:30 p.m.  | Hyatt Regency          |
| Jan. 9, 2001      | <b>The Law Office of Perry Mason and the Worthless Hound Dog</b><br>Panel Discussion on conflicts, incorrect schedules, questionable valuations and more—By Judge Paul M. Glenn   | 12:00 p.m. | Hyatt Regency          |
| Feb. 13, 2001     | <b>Valentine's Day Special: Sex with Clients and Other Relationships Presenting Ethical Dilemmas</b><br>Professor Mark Yochum (Yep, that funny guy who visited us last winter!) (1 Hour of Ethics CLE to be applied for.) | 12:00 p.m. | Hyatt Regency          |
| Mar. 22-24, 2001  | <b>Southeastern Bankruptcy Law Institute</b>  |            | Atlanta, Georgia       |
| April [TBA], 2001 | <b>Florida Bar Business Law Section—Bankruptcy/UCC Seminar</b>  | [TBA]      | Tampa Airport Marriott |
| April 22-25, 2001 | <b>International Bankruptcy Symposium</b><br>Contact Stetson University College of Law to register  |            | Budapest, Hungary      |



## **A Letter from Patrick R. Smith Feinberg, Isaak & Smith, P.A.**

**Chairman of the Association's  
Community Relations Committee**

Dear Colleague:

The Tampa Bay Bankruptcy Bar Association ("TBBBA") by and through the TBBBA Community Relations Committee is currently developing a consumer bankruptcy pro bono referral program. At this point, this program will be limited to providing qualified pro se consumer debtors with much needed legal representation in matters that include the defense of objections to discharge (11 U.S.C. §727) and/or dischargeability of a debt (11 U.S.C. §523) as well as confirmation of a Chapter 13 plan (11 U.S.C. §1325). To that end, a listing of volunteer attorneys from which a bankruptcy judge may refer in order to assign at least one matter a year is being compiled on an ongoing basis. I have met with each Judge and have provided them with a list of current volunteers. However, those lists are quite short based on the amount of needed representation. I anticipate updating those respective lists as more TBBBA members join in our effort.

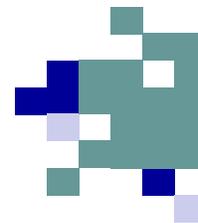
I would encourage all TBBBA members to participate in this extremely important project. Please do not allow inexperience in the consumer bankruptcy arena to discourage your involvement. Various pleadings, research references and direction may be obtained by contacting my office at (813) 229-2221, ext. 1216 or by mail

at P.O. Box 172239, Tampa, FL 33672-0239.

Please feel free to contact me at any time at the above phone number or address in order to discuss your participation or any questions and concerns regarding this effort. I look forward to hearing from you soon.

Thank you,

Patrick R. Smith



### **CLERK OF COURT APPOINTED**

The Judges of the United States Bankruptcy Court for the Middle District of Florida announce that Mr. David K. Oliveria has been selected to serve as the Clerk of Court. Mr. Oliveria brings to the Court an extensive background in managing and operating complex organizations. A former U.S. Navy Captain, Mr. Oliveria most recently served as the Naval Aide and Chief of Staff to the Under Secretary of the Navy as a Liaison Officer to the United States Congress and Congressional Analyst of the Secretary. During his Naval career, he commanded an aviation unit in Jacksonville, Florida, and completed numerous operational tours at overseas locations.

Presently, the Bankruptcy Court of the Middle District of Florida handles over 40,000 cases each year in four divisions: Tampa, Jacksonville, Ft. Myers and Orlando.



The Officers and  
Directors  
at the  
Tampa Bay Bankruptcy  
Bar Association  
Wish to Extend  
to You  
Best Wishes During the  
Holiday Season and a  
Happy and Prosperous  
New Year!



# TAMPA BAY BANKRUPTCY BAR ASSOCIATION

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## Holiday Reception

Tuesday, December 12, 2000  
5:00 PM – 8:00 PM

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Salesian/Boys and Girls Club Youth Center.  
All attendees are asked to bring a new book to  
benefit the Youth Center.

This would be an excellent opportunity to meet the new Clerk of the  
Bankruptcy Court for the Middle District David Oliveria

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## Application of Florida's Homestead Exemption to Citizens of Foreign Countries

By Donald Kirk

Florida's Homestead Exemption is codified in Article X, Section 4 of the Florida Constitution. Article X, Section 4 provides that Florida property "owned by a natural person" which is the "residence of the owner or his family" is exempt from that natural person's creditors. The term "natural person" does not preclude citizens of a foreign country from claiming Florida homestead exemption. See generally Public Health Trust of Dade County v. Lopez, 531 So. 2d 946 (Fla. 1988) (commenting on the 1995 Constitutional revision expanding persons entitled to the Florida homestead exemption from "head of family" to "natural persons").

Regardless of citizenship, a person is entitled to Florida's homestead exemption if that person has the requisite intent to permanently reside in a Florida residence. Citizenship is not a pre-requisite for claiming homestead exemption. In re Cooke, 412 So. 2d 340, 343 (Fla. 1982). Rather, citizenship is a factor to consider when determining the question of whether a person claiming the homestead exemption has the intent to permanently reside at the property. Crocker v. Crocker, 51 F.2d 11, 12 (5th Cir. 1931).

As a matter of law, a foreign citizen cannot have the requisite intent to permanently reside in Florida if that foreign citizen is a temporary guest in the United States. For example, in In Re Cooke the Florida Supreme Court held that a Canadian citizen who was temporarily visiting Florida, was not registered as a resident alien, and did not have a permanent visa could not possess the requisite intent to claim a Florida

homestead exemption. Likewise, a Canadian citizen who lost her E-2 visa and, therefore, did not have the right to permanently stay and work in the United States could not claim the Florida homestead exemption. In re Boone, 134 B.R. 979 (Bankr. M.D. Fla. 1991) (J. Paskay). In these cases, the temporary status of the foreigners stay in Florida precluded them for possessing the requisite intent to claim the homestead exemption.

The seminal Florida case concerning the application of Florida's homestead exemption to a foreign citizen's Florida residence is Juarrero v. McNayr, 157 So. 2d 79 (Fla. 1963). Cuban citizens fled to Florida and purchased a home in Naples. Id. at 80. The Cubans did not possess a permanent visa; rather, the Cubans possessed non-immigrant visas and were classified as "Cuban refugees. These visas did not permit the Cubans to remain permanently in the United States beyond their immediate need for political asylum. Id. The Cubans sought homestead protection for their Naples residence.

While stating that "citizenship is not a pre-requisite for claiming homestead exemption", the Court refused to extent the homestead exemption to the Naples home because the Cubans as a matter of law could not intend to permanently reside in that Naples home. Id. at 81. "[The Cubans] cannot legally intend to do that which by law and the temporary nature of their visas they are prohibited from doing." Id. The Court later commented, however, that a foreign citizen with a permanent visa could "have the freedom and right with certainty to make and declare a bona fide intention of permanent residence in the home owned and located in this state" and, therefore, enjoy the benefits of Florida's homestead property law. Id.

## Recent Eleventh Circuit Decisions Involving Bankruptcy Law

By Donald R. Kirk

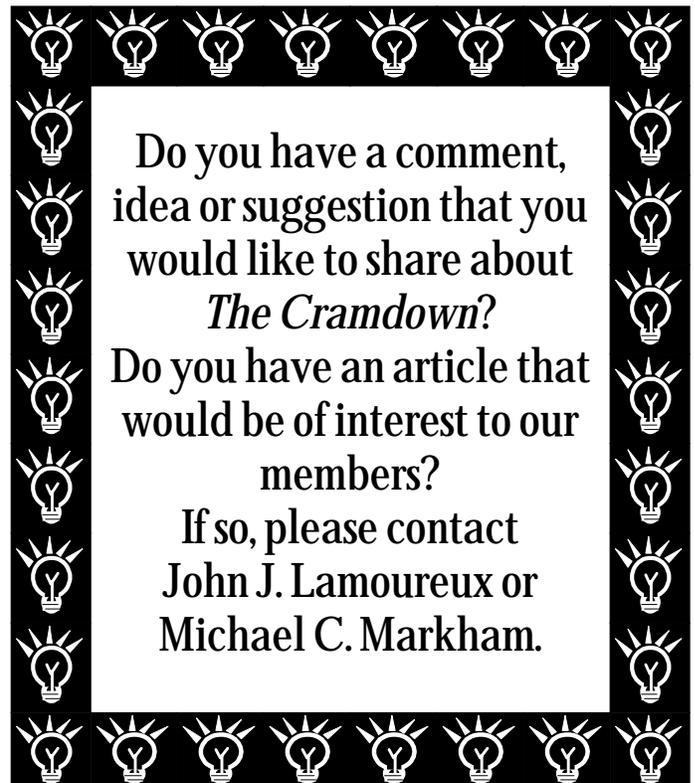
In re Tanner, 217 F.3d 1357 (11<sup>th</sup> Cir.)

The Eleventh Circuit held that the Supreme Court's ruling in Nobleman v. American Savings Bank, 508 U.S. 324 (1993), does not extend to wholly unsecured homestead lenders. In Tanner, the Ch. 13 plan proposed to (1) pay in full a secured creditor holding a senior mortgage in the debtor's residence and (2) treat a junior mortgage which was incurred as a debt consolidation and home improvement loan as an unsecured claim entitled to interest only. The debtor filed an adversary proceeding requesting the bankruptcy court to value the junior lender's interest in her home at \$0 and then "strip off" the lien as unsecured. The bankruptcy court held that because the junior lien was secured, it could not be stripped off. The district court affirmed. On appeal, the debtor challenged the bankruptcy court's holding that the junior lender's claim was a secured claim immune from modification. The Eleventh Circuit first noted that the Supreme Court in Nobelman left open the issue of whether its holding extends to wholly unsecured lenders. After noting the split of authority on this issue, the Court adopted the majority view and held that the anti-modification protection afforded by § 1322(b)(2) protects only under secured homestead lenders, and not wholly unsecured lenders.

In re Goldenberg, 218 F.3d 1264 (11<sup>th</sup> Cir. 2000)

The Eleventh Circuit certified to the Florida Supreme Court the issue of whether the cash surrender value of a debtor's annuity contract is exempt from legal process pur-

suant to Fla. Stat. §222.14. The Bankruptcy Court had held that §222.14 does not distinguish between proceeds received from a surrender of an annuity contract and the proceeds received after an annuity contract is annuitized, and rejected the objecting party's argument that the Florida legislature intended to treat the surrender value of an annuity contract differently than a life insurance policy. On appeal, the District Court found that the debtor actually possessed had option contracts to buy annuities at a future date. Additionally, the court noted that the debtor could revoke the options any time prior to maturity. Concluding that the case before it involved an unanswered question of state law, the Eleventh Circuit certified the above stated issue to the Florida Supreme Court. Pending a response, the Eleventh Circuit declined to address the parties' arguments regarding whether the objecting party could reach the post-bankruptcy increase in value of the annuity contracts if, in fact, they were not exempt under Florida law.



the application for leave to challenge. They never passed up those instructions to the barristers, however, and the leading barrister never rose to request that the application be withdrawn. Instead, they allowed the judge to rule -- and he did so, making the predictable decision to deny the application for leave to challenge the coroners' decisions because there was nothing to demonstrate that the coroners' decisions were arguably unlawful or incorrect. Fortunately for Mr. Al Fayed, the judge left the door open for further applications for leave to apply for judicial review on the merits if the coroners continued to refuse to consolidate the inquiries after they began and if Mr. Al Fayed still felt aggrieved.

### *Lessons to be Learned*

As a mere observer to these proceedings, there may be explanations for counsel's failure to request a brief recess to advise withdrawal when it was obvious that the original plan was not working. There may also be explanations for the solicitors' failure to inform counsel that Mr. Al Fayed was willing to withdraw his application. I certainly intend no criticism of either the barristers or the solicitors because I do not know all the facts and legal principles. Nevertheless, what I did witness suggested to me the vital importance of what I called in this article's lead paragraph "the important corollary": Be prepared to abandon your plan and execute a different one when events in court demonstrate that the original plan is not working.

In this case, the barristers and solicitors appeared to have forgotten this important corollary when they continued to execute their original plan even when it was clear the plan wasn't working. They continued to run up the middle when they should have passed. They could have had substantially the same result without having had the judge rule against them had they simply withdrawn the application. Who knows what damage may have occurred as to any future challenge because they unnecessarily forced the judge to grapple with these issues -- and begin to develop a mindset concerning them -- on a record that did not favor their client?

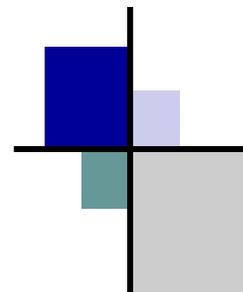
We always learn from others, especially in

professional matters from the British upon whose legal system our own is based. Among the many things I learned this summer is not to forget this important corollary. It was especially exciting to learn that lesson in the context of a case involving celebrities and with worldwide interest. I offer up that lesson to you for your professional benefit.

### *More Lessons to Learn*

On an unrelated closing note, Mohamed Al Fayed was not the only famous person I encountered while in London. One evening I wandered into the Music Room at Pizza in the Park for Richard Rodney Bennett's cabaret act featuring the music of Harold Arlen and the lyrics of Johnny Mercer. A few minutes before the show began, Paul McCartney and his new girlfriend, Heather Mills, a former swimwear model and now activist for the disabled (she lost part of a leg in an accident), took the table next to mine. We chatted with pleasant small talk between sets and after the show. I don't have any professional lessons to report from this encounter except that everyone likes nice people. On second thought, perhaps that's the highest kind of lesson for those of us who are lawyers and judges, a lesson more significant than the "three most important keys to success" and "the important corollary" about which I first wrote.

Judge C. Timothy Corcoran, III, a former president of the HCBA, has served on the bankruptcy bench in the Middle District of Florida since 1989. His work on the Council of the Section of Litigation of the American Bar Association brought him to London this summer from which he filed this article.





# *the Cramdown* surfs the net

## Websites for Bankruptcy Practitioners *By Cathy Peek McEwen*



*The Cramdown's* occasional column on useful internet websites returns in this issue. We welcome your suggestions for topical internet resources that make our practice easier. In fact, our lead website for this issue was suggested by an internet sleuth who shares her favorite site for finding proper agents for service of process on corporations and limited partnerships and persons who do business under fictitious names:

[www.sunbiz.org](http://www.sunbiz.org)

Before Katherine Harris became the busiest and best known woman in America, she was simply our Secretary of State. Her website, "Sunbiz," is the Florida Department of State's Division of Corporations' online information, research, and electronic processing service center. You can directly access the Division's business entity, lien information, and image databases. You can also download and print copies of filed documents and forms. The site index is a pull-down menu that quickly and directly links you to online information on corporations, limited partnerships, trademark owners, fictitious names and their owners, general and limited liability partnerships, and UCC and federal lien registrations. Here you can find registered agents and corporate officers, merger information that will alert you to a change of corporate identity, and other information to help you avoid having a contested matter dismissed for failure to serve the correct agent for service of papers. Put this site on your "favorites" list and never suffer the indignity of a rejection from a case administrator based on improper service again.

### ABI's Website and "Cracking the Code"

The American Bankruptcy Institute is, according to its website, "the largest multi-discipli-

nary, non-partisan organization dedicated to research and education on matters related to insolvency." Founded in 1982 with a purpose of providing Congress and the public with unbiased analysis of bankruptcy issues, the ABI counts among its 7,500 members a variety of bankruptcy professionals -- attorneys, auctioneers, bankers, judges, lenders, professors, turnaround specialists, and accountants.

The ABI's multi-featured website, [www.abiworld.org](http://www.abiworld.org), bills itself as the "Premier Site for Bankruptcy Information on the Web." With good reason: from the ABI's home page, a bankruptcy practitioner can access all manner of bankruptcy information. Links take you to bankruptcy news and headlines, Palm Pilot™ headlines, West's Bankruptcy Newsletter, Collier Bankruptcy Case Update (organized by circuits), legislative developments, court employment opportunities, international bankruptcy laws, online membership directory (making it easy to find someone to cover that out-of-state hearing for you), statistics, conferences, certification information, a public library, a Q&A section for consumers about finances, the ABI's "Cracking the Code" Interactive Newsletter, and much more. Some of the links are accessible by ABI members only, using their passwords. Indeed, members have access to a private online archive of more than 6,000 research documents. However, some links, including "Cracking the Code" and the West's Bankruptcy Newsletter and Collier Bankruptcy Case Update, are accessible by anyone.

"Cracking the Code" is a weekly newsletter of insolvency issues, written by bankruptcy lawyers, judges, and scholars. The helpful articles, searchable by key words, are digested by title with a brief

*(Continued on page 13)*

Websites (Continued from page 12)

synopsis, and the ABI permits readers to comment on the articles bulletin-board style. If you are analyzing a legal issue and want to find a good entry point for a broad-brush treatment of latest cases on the issue, "Cracking the Code" is a site to consider. Here is a sampling: "'Stripping off' Nobleman: What Has Happened to the Emperor's New Clothes?" Written by Mark P. Williams, the article's synopsis states, "The Eleventh Circuit Court of Appeals has joined the Third and Fifth Circuits in stating that the protection afforded to an under-secured home mortgage lender does not protect a wholly unsecured home mortgage." Click on the ABI's "Cracking the Code" link and see what else you have been missing.

### CaseStream® Alert!

CaseStream® is a fee-based suite of litigation docket information, a case-tracking service that brings notices of new filings right to your email queue. You can order notices from specific jurisdictions and limit them to specific types of cases or parties. For example, you can request notice of every Chapter 11 filing in the Middle District of Florida, Tampa Division. Within days of the filing of a Chapter 11 petition, you get an email alert that tells you the debtor's name and address, debtor's lawyer's name and address, the case number, and the judge to whom the case was assigned. The cost is transactional, or "pay as you go" based on usage. Although prices are subject to change, a recent price list suggests that chapter case notices cost \$2.00 per notification and a case summary costs \$1.00 per summary. Contact Case Stream® at [www.marketspan.com/DocketDirect](http://www.marketspan.com/DocketDirect). You may ask: "Why would I want that service?" If you have to ask, then perhaps you should schedule a visit with your marketing consultant!

### Just For Fun

Never be late for court again. Add the U.S. Naval Observatory Master Clock to your list of favorites: <http://tycho.usno.navy.mil/what.html>. Even computers sometimes lose time. You can update your computer's clock to within seconds of the "real" time (but do not forget that Judge Paskay's

courtroom clock is four minutes fast, and that clock is the "real" time in that venue).

*Next Issue: Configuring your default start-up page to Stetson University College of Law's user-friendly page of links to all types of substantive law...and more! Suggestions are welcome. Please email them to Cathy McEwen at [catmcewen@aol.com](mailto:catmcewen@aol.com) or [cmcewen@akerman.com](mailto:cmcewen@akerman.com).*



## **Behind on Reading Your Advance Sheets?**

### **Quick Fix Available**

The seminar materials from Judge Mary Davies Scott's Case Law Update From May 2000 are available for \$25.00. This price includes a Tampa Bay Bankruptcy Bar Association edition of Matthew Bender's 2000 Collier Portable Code and Rules, a Special 11th Circuit Edition Collier Bankruptcy Case Update, and a 142-page Collier Bankruptcy Case Update by Lexis Publishing containing case digests by Bankruptcy Code section for significant cases decided within the last six months.

You may send a courier, along with a check in the amount of \$25.00 made payable to the Tampa Bay Bankruptcy Bar Association, to pick up the package of materials, while supplies last, from:

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2000 - 2001

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## The Tampa Bay Bankruptcy Bar Association Committee Chairs For 2000-2001

*The Association is looking for volunteers to assist us this coming 2000-2001 year. If you are interested in getting more involved with the Association or one of the Standing Committees, please contact any one of the Association officers or the Chairperson(s) listed below.*

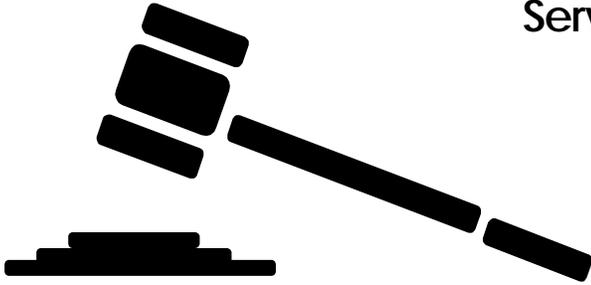
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### **CLE COMMITTEE NEEDS YOU!**

The CLE Committee could use your help with our monthly meetings and CLE programs. We are still in the planning stages for upcoming meetings and the annual half-day case law update as well as the semi-annual half-day seminar for paralegals. We also need to form a committee to plan the annual dinner and its theme. Please call Cathy McEwen (209-5017) or David Tong (224-9000) today to get involved.

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