



What's Happening with Our Case Filings?

By: Chief Judge Michael G. Williamson

All the business news these days is that the economy is doing very well. Unemployment is at historically low numbers. The stock market is doing well. Yet, for some reason, for the first time in the last decade, our filings have started going up. Something is going on, and I can't figure it out.

Take a look at this table of yearly filings going back to 2004:

U.S Bankruptcy Court		
Middle District of Florida		
Filings 2004-2018		
Year	Filings	Inc./Dec. %
2018	24,366	2%
2017	23,943	-4%
2016	24,976	-17%
2015	30,070	-17%
2014	36,241	-12%
2013	41,100	-11%
2012	45,970	-14%
2011	53,554	-20%
2010	66,618	8%
2009	61,690	45%
2008	42,557	61%
2007	26,424	73%
2006	15,304	-76%
2005	63,778	23%
2004	51,736	

As you can see, there are significant year-to-year variations. The first is the jump from 51,736 cases in 2004 to the then all-time high of 63,778 in 2005, a 23% increase in filings. But that jump was not caused by the economy. Rather, it was caused by the fear among consumer lawyers that legislation advanced by the credit industry was going to make bankruptcy much more difficult for consumers. The legislation was the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. While BAPCPA may have curtailed some abuse, it was in no way a “consumer protection act.” A key feature of BAPCPA was a new “Means Test” that was meant to reduce bankruptcy filings by making debtors who could pay back their debts, ineligible for chapter 7.

Looking back at the table, you will also see that the huge number of filings in 2005 dropped significantly the next year to 15,304. This was the first year after BAPCPA was enacted. I suppose the law may have been effective in reducing filings, although it’s more likely everyone who needed bankruptcy during that time period filed the previous year, thus depleting the “inventory” of new cases in 2006.

As you can see from the table, the next major jump in cases occurred in 2010. You will recall that the “Great Recession,” which coincided with the downfall of many major financial institutions, occurred from roughly December 2007 to June 2009. The failure of major financial institutions meant consumers were unable to refinance their over-leveraged homes, resulting in record filings in 2009-2010: In 2009 and 2010, there were a total of 128,308 filings.

But then, in 2011, the economy started improving. And it continued improving year after year, with the stock market and unemployment rate achieving record positive numbers through 2017. Not surprisingly, our bankruptcy filings went down on a year-to-year basis for every month from 2011 to about September of 2018.

Then, for the first time, our filings started going up in October, November, and December of last year. And they continued to go up in January, February, and March of this year when you compare new filings in those months in the previous year.

Month	Current Year	Prior Year	Inc./Dec.	Inc./Dec. %
October 2018	2309	1871	438	23.4%
November 2018	1946	1643	303	18.4%
December 2018	1754	1630	124	7.6%
January 2019	1991	1765	226	12.8%
February 2019	1788	1662	126	7.6%
March 2019	2480	2246	234	10.4%

I don't know if this is an anomaly or if it is an indicator that we are entering the downside of an economic cycle. I've expected that the current good times couldn't continue forever given the history of ups and downs I've lived through going back to the late 70's, when I started my practice as a bankruptcy lawyer.

In the late 70's, you may remember, we saw interest rates at 20%. This was followed by a number of booms and busts—the run up of real estate investments as income-producing properties were flipped from one set of investors to another based on values that were propped up by tax laws that made losing money advantageous for high net worth investors. This changed with the Tax Reform Act of 1986, which eliminated many tax shelters. While disastrous for investors, it was booming times for lawyers who had a chapter 11 practice. We handled these cases in volume for the hotels, shopping centers, and office buildings that had been the subject of these investments.

What followed was the S&L crisis that resulted in the shutdown of many financial institutions. As a result, the real estate market died. During that time, I had the good fortune of working on the biggest case of my career—General Development Corporation, which was the largest land development company in Florida, with over 60,000 creditors owed more than \$1.5 billion in debt. Then we had the tech crash in the early 2000's followed the “Big Short” that brought everything down.

So, we don't know where things are going in this cycle. But maybe a “bounce” has occurred, and we are heading into another downturn. Interesting times we live in.



UPCOMING BAR EVENTS May – July 2019

Fort Myers

May 16, SWFBPA Meetings
June 20 & *Federal Courthouse Building Jury Assembly Room*
July 25
@ noon

Jacksonville

May 23 JBBA Clerk's Office Appreciation Luncheon
@ noon *Jacksonville Public Library Conference Center*

Orlando

June 14 CFBLA Annual Seminar
Citrus Club

Tampa

May 7 TBBBA Consumer Lunch – Give the Wheel a Spin: Ask Judge McEwen
@ noon *Sam M. Gibbons U.S. Courthouse, 5th Floor Training Room*

May 14 TBBBA CLE Luncheon – Social Media Evidentiary Issues with
@ noon Judge Williamson, Joe Varner (Holland & Knight), and Robert
Kelso (Forensic Pursuit); Brad Kimbro (Holland & Knight), moderator
University Club

May 30 TBBBA Annual Dinner & Installation of Officers
@ 6:00 p.m. *Palma Ceia Golf & Country Club*



Swearing in a New Attorney

Judge McEwen swears into the Bar, new lawyer Cynetra Jackson. Cynetra is a graduate of WMU Cooley Law School and had taken Judge McEwen's bankruptcy class.



Left to Right: Judge McEwen,
Kaden Jackson, and Cynetra Jackson



Left to Right: Cynetra Jackson, Judge McEwen



***JACKSONVILLE BANKRUPTCY BAR
ASSOCIATION***

By: John J. Freeman

On Wednesday, February 27, 2019, the JBBA held a Brown Bag CLE Luncheon titled “Chapter 13 District Wide Uniformity Re-Boot Camp: Re-visiting District Wide Uniformity after Entry of the Fifth Administrative Order Prescribing Procedures for Chapter 13 Cases, Recently Updated Chapter 13 Model Plan and Adoption of New Federal Rules of Bankruptcy Procedure Affecting Chapter 13 Cases.” The program was presented by the Office of Douglas W. Neway, Chapter 13 Standing Trustee.

On Thursday, March 7, 2019, the JBBA hosted the Honorable Chief Judge Michael G. Williamson for his annual “State of the District” address at the River Club.

And on Thursday May 23, 2019, the JBBA will hold its annual Clerk’s Office Appreciation Luncheon at the Jacksonville Public Library Conference Center. The luncheon will commence at 12:00 p.m. Both members and non-members are invited and encouraged to bring their office staff. Please contact Allison Abbott at Allison.abbott@nelsonmullins.com for more information and to R.S.V.P.



CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

By: Esther McKean and
Danielle Merola

At the CFBLA February luncheon, Judge Jennemann presented Justin Luna with this year's Kevin E. Mangum Memorial Volunteer Service Award in recognition of his outstanding service and dedication to the Bankruptcy *Pro Se* Assistance Clinic.



Judge Jennemann with Mangum Award Winner Justin Luna

Five CFBLA members formed a team to participate in the Orange County Bar Association's Inaugural "Amazing Race Judicata" on February 6, 2019. Team "Going for Broke" included Judge Jennemann, Jack Brennan, Jason Johnson, Danielle Merola, and Chris Thompson. The team raced through downtown Orlando competing against nine other teams in puzzle, picture, and eating challenges. While they ultimately came up short on winning the gold, the event was a fun experience. Team supporters gathered at Lion's Pride Orlando for a live stream of the event and to cheer on Going for Broke!



Left to right: Chris Thompson, Danielle Merola,
Jason Johnson, Judge Jennemann, Jack Brennan



ORANGE COUNTY BAR ASSOCIATION BANKRUPTCY COMMITTEE
By: Joshua Tejes

In February, Matthew O'Brien, Esq., of Bridge Legal gave a presentation regarding increasing productivity through automation. Specifically, Mr. O'Brien addressed using technology to help with converting marketing into leads, decreasing time spent inefficiently, and increasing firm revenue.

On March 29, 2019, we heard from one of our local chapter 7 trustees, Lori Patton, Esq., of The Law Office of Lori Patton, P.A. who gave a presentation titled "Chapter 7 Bankruptcy from a Trustee's Perspective." Specifically, Ms. Patton spoke about using the tenancy by entirety exemption in chapter 7 bankruptcy cases.

On April 26, 2019, Professor Linda Coco will speak about the recent *Taggart* decision out of the 9th Circuit which held that good faith is a defense to a discharge injunction violation.



Ferrell Middle Legal Magnet School Tour

By Honorable Catherine Peek McEwen

Judge McEwen and the George Edgecomb Bar Association (GEBA) hosted about 35 middle school girls from Ferrell Legal Magnet School in March during National Judicial Outreach Week. The girls toured our courthouse and attended a series of presentations. Judge McEwen welcomed them and previewed what they would see in the civics exhibits on the third floor. The girls then split up into three groups to rotate through the historical case exhibits in the atrium, the civics exhibits, and the U.S. Marshal's areas. Then they joined District Judge Charlene Honeywell in her courtroom. She showed them a video and led a discussion about drug crimes and sentencing. Last on the tour—while the girls had lunch, courtesy of GEBA—was a presentation about alternative legal careers. The girls heard from Chief Probation Officer Joe Collins, Deputy U.S. Marshal Shamia Pittman, and our own case managers Susan Miguenes and Anel Merritt.



Court Connection
Volume No. 8 – Issue No. 2
April 2019





MAKE ME SMILE MOMENTS

Submitted by Judge McEwen



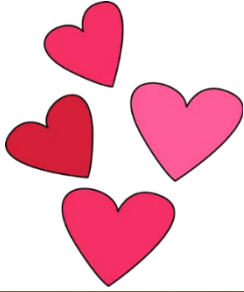
Make Me Smile Moment #1:

Good-hearted Patti Halloran helped a debtor in the clinic one recent afternoon and then came back down to the courtroom with the debtor after the clinic closed to help the debtor some more. Patti ended up staying a half hour past the time of her commitment. Thank you, Patti.



Make Me Smile Moment #2:

A pro se debtor in a hearing today: "The lawyers in the clinic are wonderful, especially Mr. (Robert) Geller and Mr. (Tim) Sierra."



Judge McEwen agrees to be Raymond's Valentine!



Court Connection
Volume No. 8 – Issue No. 2
April 2019



1st Quarter 2019

Attorney	Total
Geller, Robert	7
Sherman, Lynn	5
Boudreaux, Maria	4
Case, Kenneth	4
Dammer, Samantha	4
Joyner, Mary	4
Barnett, Michael	3
Landkammer, John	3
Sierra, Timothy	3
Sills, Hilda Portales	3
Stricker, Lauren	3
DeLeon, Robert	2
Gomez, Al	2
Halloran, Patti	2
LeVine, Dennis	2
Noel, Nicole	2
Parwani, Rinky	2

Petry, Kelley	2
Stevenson, Traci	2
Clark, Bryce	1
Elliott, James	1
Hale, Matthew	1
Lim, Angelina	1
Papa, Frank	1
Sharp, Susan	1
Harrison, Standley	1
Stichter, Scott	1
Vaughan, Lori	1

Thank You Volunteers!

We couldn't do it without you

In February, the Tampa Judges held a "Thank You!" luncheon to show their gratitude to the 2018 Tampa Courthouse Pro Se Clinic Volunteers.



"Alone we can do
so little; together
we can do so
much."

Helen Keller

V is for
volunteer, *n.* one who undertakes
a job voluntarily, one who enters into
any service of his/her own free will.

OUR VOLUNTEERS



Our definition of Pro Se Clinic....

People

Ready [to]

Offer

Someone

Exceptional

Consultations

Legal [assistance]

Identifying [their]

Needs or

Instructing [them how to]

Correct [the issues]









Certificates of
Appreciation
were awarded to
the volunteers



Left to Right: Judge McEwen, Judge Delano, Chief Judge Williamson, and Judge Colton

The Attorney Resource Room gets an



In addition to the front counter area of the Clerk's office in the Tampa Division, the 9th Floor Attorney Resource Room now has a computer available with public CM/ECF access.





LAW DAY EVENTS AROUND THE DISTRICT

[Clearwater Bar Association Law Day Luncheon](#)

May 10 @ 12:00 p.m. – Ruth Eckerd Hall

[Hillsborough County Bar Association Law Day Luncheon](#)

May 8 @ 12:00 p.m. – Hilton Tampa Downtown

[Lakeland Bar Association Law Day Program](#)

May 3 @ 11:30 a.m. – The Club at Eaglebrooke

[Lee County Bar Association Law Day Awards Ceremony and Luncheon](#)

May 3 @ 11:30 a.m. – Sidney and Berne Davis Art Center

[St. Petersburg Bar Association Annual Law Day Luncheon](#)

May 3 @ 11:30 a.m. – BridgePoint

[Sarasota County Bar Association Annual Meeting and Law Day Luncheon](#)

May 16 @ 11:45 a.m. – Michael's on East

[Seminole County Bar Association Annual Law Day Banquet](#)

May 3 @ 5:30 p.m. – Heathrow Country Club





CASE LAW UPDATE FOR Q2 2019
ISSUE OF THE COURT CONNECTION

Editors:

Bradley M. Saxton & C. Andrew Roy, Winderweedle, Haines, Ward & Woodman, P.A.

Eleventh Circuit Cases

In re Fundamental Long Term Care, Inc.

753 Fed. App'x 878 (11th Cir. Feb. 25, 2019)

Eleventh Circuit affirmed award of costs for deposition transcripts under Rule 7054(b) and 28 U.S.C. § 1920. In doing so, the Eleventh Circuit rejected an argument that costs were not recoverable because the transcripts were not used in the specific dismissal motion that resulted in the defendant/movant being dismissed from the adversary proceeding.

Bankruptcy Court Cases

In re Zalloum

2019 WL 548545 (Bankr. M.D. Fla. Feb. 11, 2019) (Jennemann, J.)

Bankruptcy court entered detailed order overruling debtor's objection to bank's claim to stop debtor from making "a mockery of judicial system for years by frustrating the claims of legitimate secured creditors" and prohibit the debtor from continuing to "manipulat[e] the bankruptcy system and wast[e] the time of numerous appellate and state courts hoping to get two free homes."

In re Anthony

Case 8:13-ap-00629-RCT (Bankr. M.D. Fla. Feb. 28, 2019) (Colton, J.)

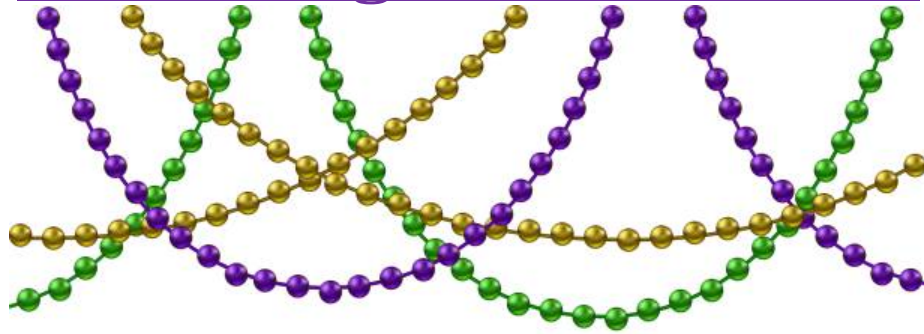
In case involving the infamous Casey Anthony, court granted the debtor/defendant's motion for summary judgment and concluded that plaintiff's defamation claim against her failed to meet the standard for nondischargeability under § 523(a)(6).

In re Malave

2019 WL 259427 (Bankr. M.D. Fla. Jan. 17, 2019) (Jennemann, J.)

Debtor failed to credibly explain why she transferred \$12,000 to an account she held with her son shortly before filing her bankruptcy case, and debtor listed account as having \$0 balance and solely owned by her son. Instead of amending her schedules, she removed herself (post-petition) from the account. The bankruptcy court denied the debtor's discharge.

2019 King Cake Winner



And the annual Baby King Cake winner is . . .

A year of good luck to Debbie Kerkes, who found the baby in her slice of King Cake.

On Fat Tuesday (March 5th), the Tuesday case management staff in Tampa participated in Judge McEwen's annual Mardi Gras celebration.







**PROPOSED NEW AND AMENDED
LOCAL RULES POSTED FOR
PUBLIC COMMENT**

The judges of the United States Bankruptcy Court for the Middle District of Florida are considering proposed amendments to the Local Rules. The proposals are posted on the Court's website for public comment. Click [here](#) to review the proposed new and amended rules and to access the comment form.

The public comment period runs from March 15, 2019 to April 30, 2019. When promulgated by the judges, the amended and new Local Rules will become effective on July 1, 2019.

Attorneys and parties who appear before the Court are encouraged to review the proposed amendments. The Court appreciates all comments and will consider them prior to the promulgation of the amended rules.

UNITED STATES TRUSTEE'S CORNER

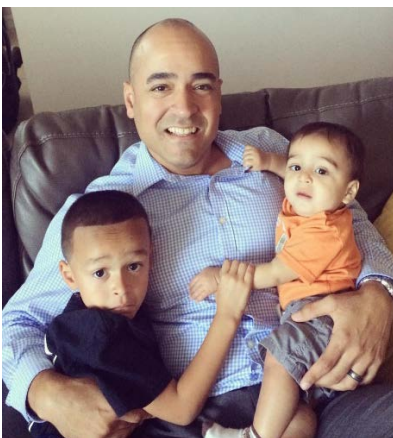
By: Jill Kelso, Orlando Office of the U.S. Trustee



Orlando Office of the United States Trustee to Host Region 21 Chapter 7 Panel Trustee Training in Orlando on June 6-7, 2019

The Orlando Office of the United States Trustee will be hosting training for approximately 95 Chapter 7 Panel Trustees located throughout Region 21, which comprises Florida, Georgia and Puerto Rico. The training will be held at Florida A&M University College of Law's downtown Orlando campus on June 6-7, 2019. The training will feature bankruptcy judges and various outside speakers to address a wide range of topics and current issues—including recent case law developments, civil enforcement, bankruptcy scams and criminal referrals, ethics and professionalism, and a workshop addressing common issues in chapter 7 cases.

Meet Daniel Munoz, Bankruptcy Auditor in the Orlando Office of the United States Trustee



Daniel “Dan” Munoz is the newest Bankruptcy Auditor in the United States Trustee’s Orlando Office. Dan brings years of bankruptcy and court experience to his new role. Starting in 2003, Dan took an intake position with the Clerk of Court for the United States Bankruptcy Court for the Southern District of Florida in Miami. In 2005, Dan moved to Orlando and worked as a case manager for The Honorable Karen S.

Jennemann. Dan subsequently left the Clerk's Office in 2007 and handled lending, security sales and retirement planning for Wachovia Bank / Wachovia Securities.

In 2010, Dan returned to work for the Clerk of the Bankruptcy Court as Judge Jennemann's Courtroom Deputy. During his time in chambers, Dan sat through hundreds of hours of hearings and was involved in the disposition of thousands of cases. He carried out his duties while earning his Masters of Science in Accounting and expecting his first child. Soon after graduation in 2013, Dan joined Michael Moecker & Associates (MMA), where he operated businesses and liquidated estates in bankruptcies, receiverships, and assignments for the benefit of creditors. During his tenure at MMA, Dan became a Certified Fraud Examiner.

As an auditor with the United States Trustee Program, Dan performs various responsibilities in Chapter 11 cases pending in front of The Honorable Jerry A. Funk in Jacksonville. In these cases, Dan conducts initial debtor interviews, attends Section 341 Meetings of Creditors, and analyzes plans for feasibility. He also reviews Chapter 7 cases for potential causes of action under 11 U.S.C. §§ 707(b)(2), 707(b)(3) and 727. Dan is very excited about his new role with the U.S. Trustee Program, and the Orlando Office is pleased to have him onboard!

Outside of the office, Dan is a martial artist and currently practices Brazilian Jiu-Jitsu at American Top Team, the world's largest producer of UFC fighters. He is happily married to Jenny and has two boys, Giovanni (3) and Nicolas (8). Dan is a Golden Panther, as he earned his B.A. from Florida International University.



PROCEDURE MANUAL COMMITTEE UPDATE

The Procedure Manual Committee was busy at the beginning of 2019. Our January update was delayed due to the partial government shutdown. We finished this update on March 15, 2019. We added nine new procedures, created seven new forms, and revised nine existing procedures. Remember, you can identify the new or updated procedures when there is red text next to the procedure in the Table of Contents.

Parties should note that we updated the negative notice legend to add this language: “You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated.” This addition is consistent with an upcoming change to the Local Rules. Please ask your staff to start using this new language now even though the new Local Rules will not be effective until July 1, 2019.

The next update will occur around April 15, 2019. You can expect several new procedures and forms. Most critical to the next update, the Procedure Manual Committee requests your assistance in completing a short survey. This survey will guide us on future procedures and improvements to The Source. Please take some time and participate. We truly value your input and suggestions. When the April update occurs, the survey will be sent by email to all CM/ECF participants and will also be available on The Source landing page.

Please contact us with any problems, concerns or suggestions at flmb_procedures@flmb.uscourts.gov.



Dear Point & Click: Answers to Technical Questions

Dear Point and Click,

I have a deadline to file a document and I am unable to access the Court's CM/ECF System. What do I do?

Local Rule 5001-2(b) (<http://www.flmb.uscourts.gov/localrules/Rules/5001-2.pdf>) provides that: "If CM/ECF is inaccessible, an Electronic Filing User's system is inoperable, or an emergency requires the paper filing of a document to meet a filing deadline, the Court will permit the after-hours filing of paper documents by facsimile. Non-Electronic Filing Users are also permitted to file paper documents by facsimile after hours to meet filing deadlines."

In addition, information to the Court's After Hours Filing Procedure can be found through the following link:

<http://www.flmb.uscourts.gov/proguide/documents.asp?ID=114>

This procedure shall only be used for the sole purpose of filing papers after Clerk's Office public hours of operation of 8:30 a.m. to 4:00 p.m. or when the CM/ECF System is unavailable. This procedure is not to be used as a convenience to any party. Accordingly, any paper received by facsimile between the hours of 12:01 a.m. and 4:00 p.m. on any business day will be discarded.

1. The first page and the signature page must be received by facsimile no earlier than 4:01 p.m. EST and no later than 12:00 a.m. [midnight] EST. **Only send these two pages of the document. If more than one document, send first and signature page of each document.**
2. The original document together with any required filing fee must be received and time stamped by the Clerk's Office no later than 12:00 p.m. [noon] EST on the following business day. Any paper received after midnight to 4:00 p.m. on a workday will be discarded

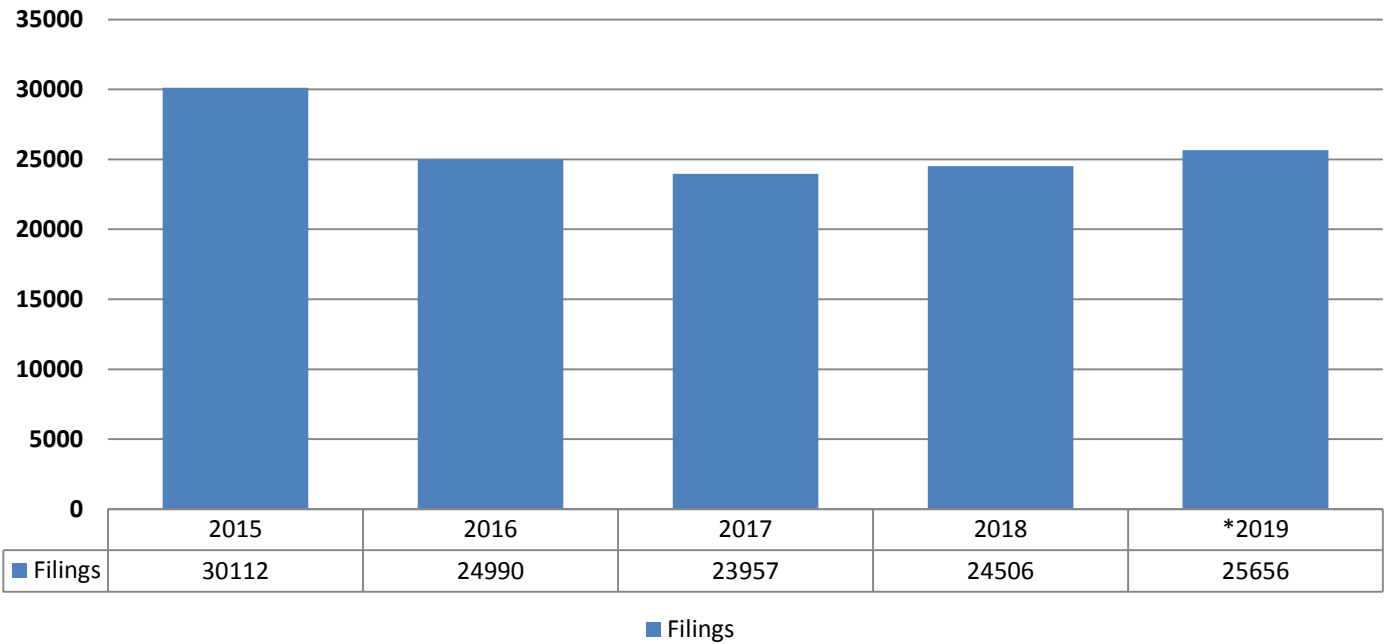
Court Connection
Volume No. 8 – Issue No. 2
April 2019

3. Upon receipt of the timely filed original document and required filing fee, the Clerk will file-stamp the document as if having been filed as of the date and time the faxed copied was received.
4. If the original document is not received timely, the Clerk will note the fact and the facsimile will have no force or effect.
5. The Clerk's Office will not assign a case number or adversary number to a document until the original is filed with the Court. The Clerk will not acknowledge the filing of the document to any creditor or other party until the original is filed.
6. Documents filed under the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Clerk's Office.

Tampa Facsimile Telephone Number – (813) 301- 5192
Orlando Facsimile Telephone Number – (407) 237-8005
Jacksonville Facsimile Telephone Number – (904) 301-6494

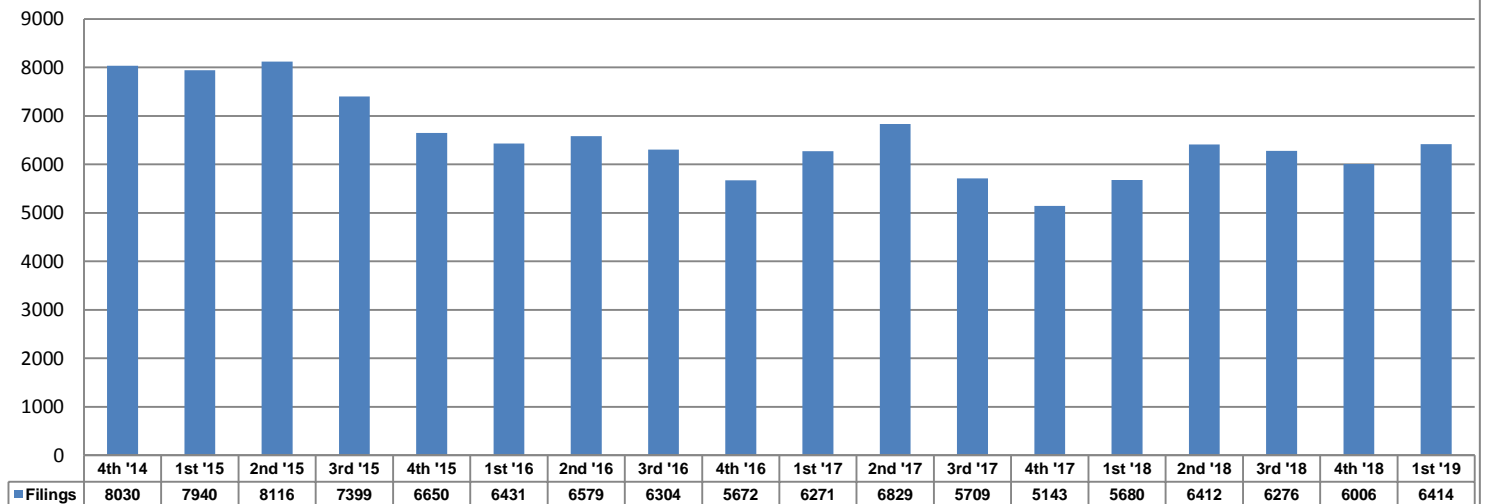
United States Bankruptcy Court - Middle District of Florida
Updated April 8, 2019
Statistics as of March 31, 2019

Annual Filings

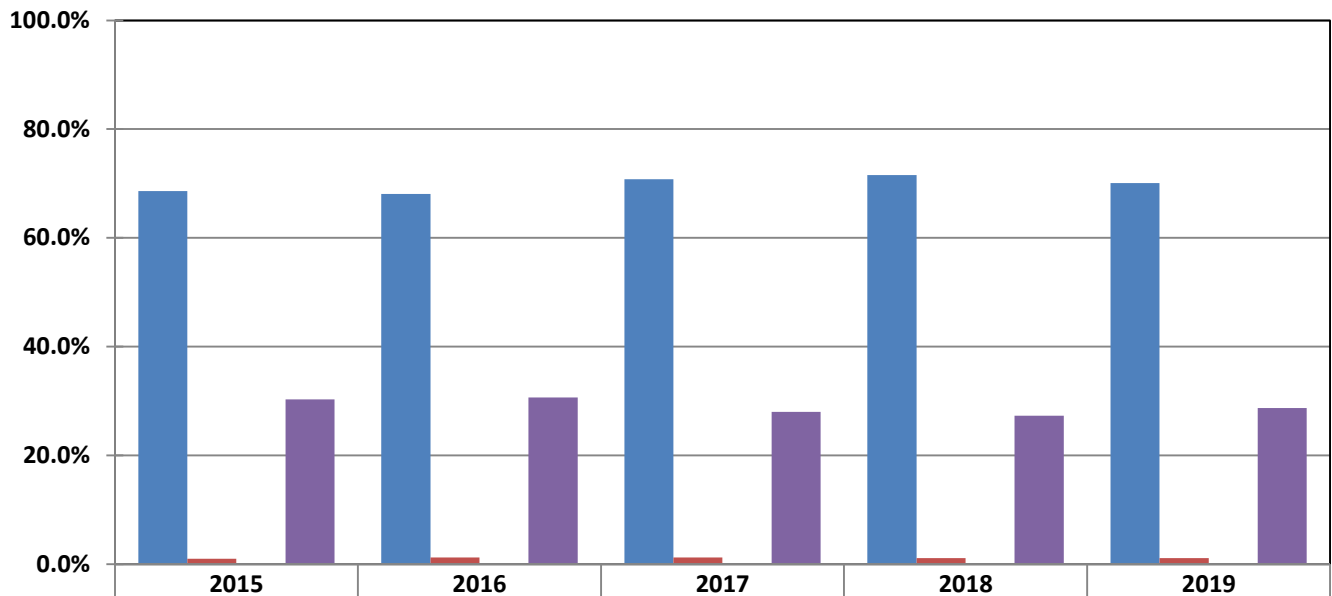


Year	Annual Filings	vs. 2013	vs. Prior Yr.
2014	36305		
2015	30112	-17%	-17%
2016	24990	-31%	-17%
2017	23957	-34%	-4%
*2019	25656	-29%	7%

Filings by Quarter

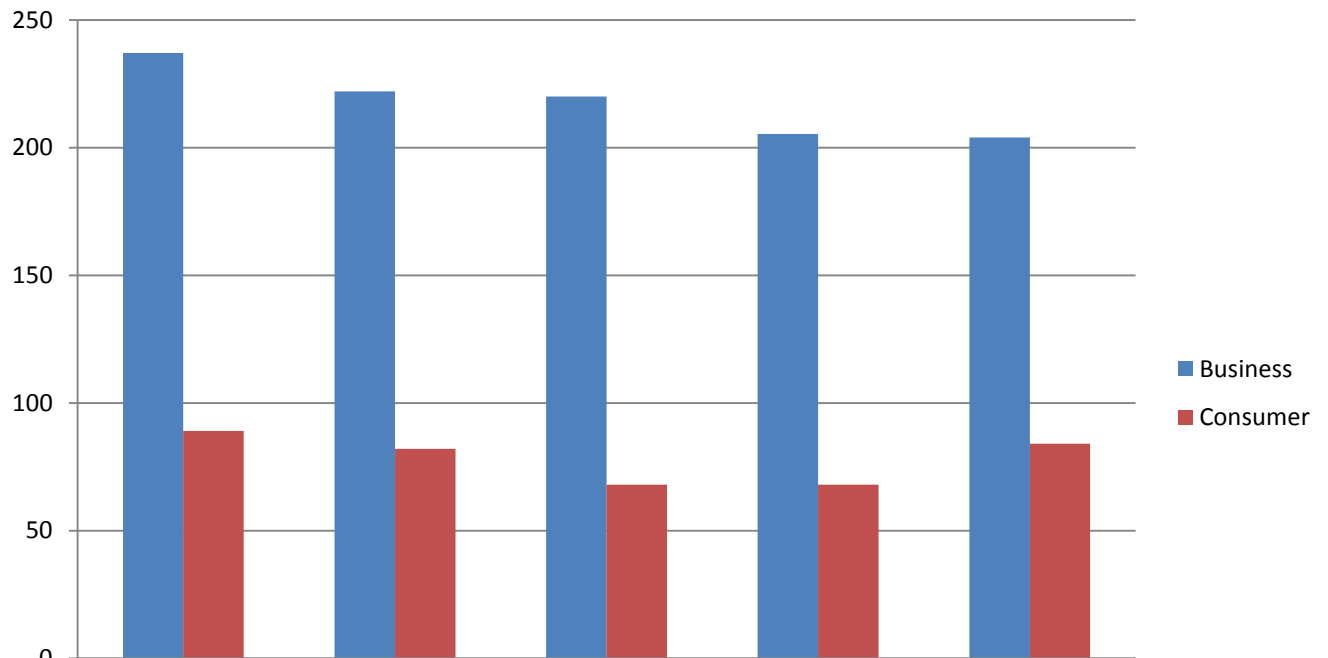


Filings by % of Chapter Type



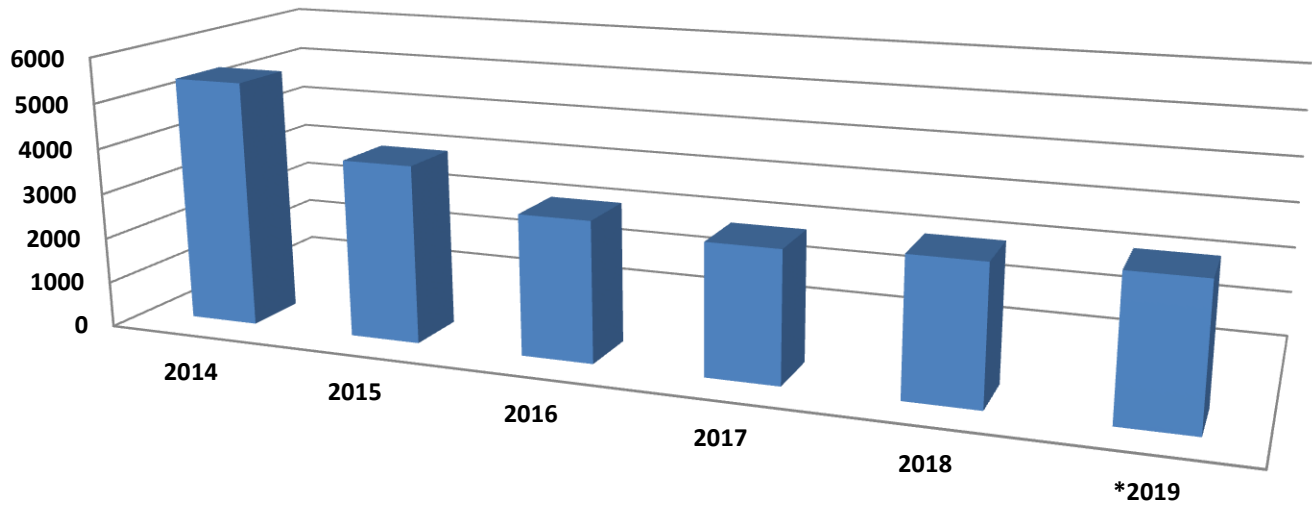
Chapter 7	68.6%	68.1%	70.8%	71.6%	70.1%
Chapter 11	1.0%	1.2%	1.2%	1.1%	1.1%
Chapter 12	0.1%	0.0%	0.0%	0.0%	0.0%
Chapter 13	30.3%	30.7%	28.0%	27.3%	28.7%

Chapter 11 Filings



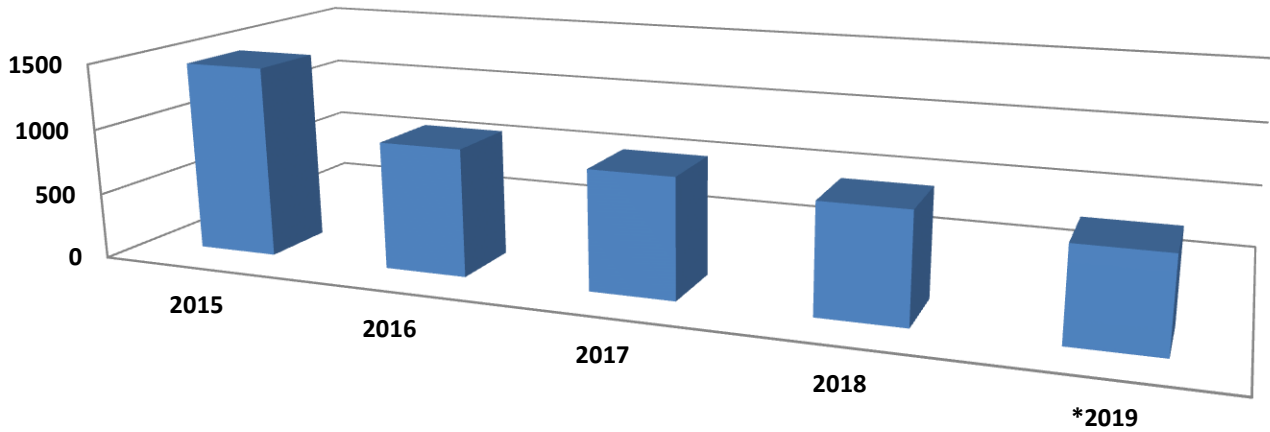
Business	237	222	220	205	204
Consumer	89	82	68	68	84

Pro Se Filings

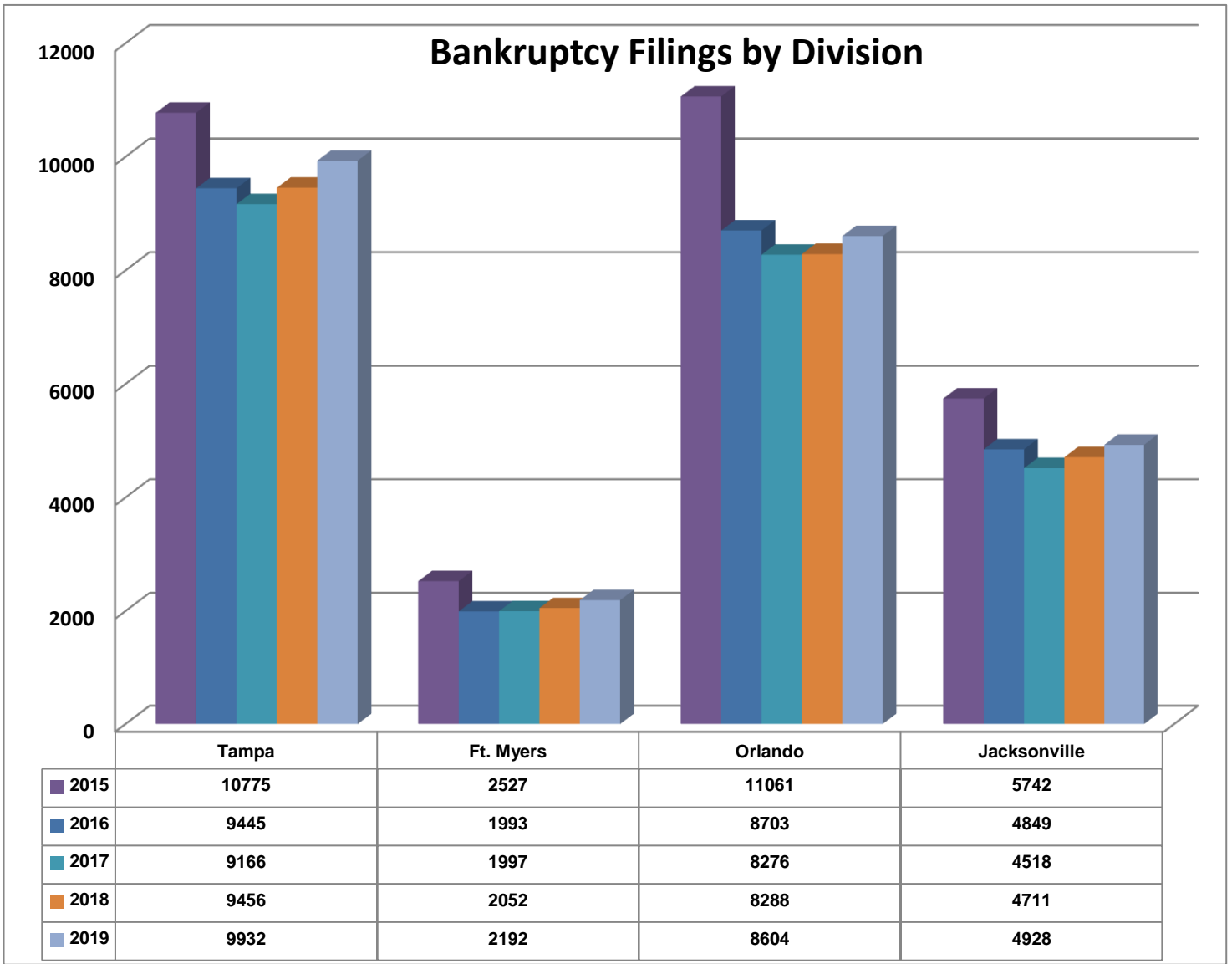


	2014	2015	2016	2017	2018	*2019
Pro Se	5416	3902	3079	2868	3006	3084
% of All Filings	18%	16%	13%	12%	12%	12%

In Forma Pauperis Filings



	2015	2016	2017	2018	*2019
IFP Granted	1456	965	903	825	700
% of All Filings	5%	4%	4%	3%	3%



Note: *2019 Counts include reopen cases.
 Order Granting IFP counts have been corrected to include approving language.