



United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

MEMORANDUM

From: Hon. Caryl E. Delano, Presiding Judge of the Fort Myers Division

CD

To: All Attorneys Practicing in the Fort Myers Division

Re: New Procedures in Fort Myers

Date: June 19, 2012

On behalf of all of the bankruptcy judges of the Middle District, I would like to thank Judges Hopkins and Schermer, and Judge Adams before them, for their service to the Fort Myers Division. Their travel to Fort Myers once a month (and for Judge Adams, twice a month) was a personal sacrifice. Judge Hopkins' and Judge Schermer's assignment in Fort Myers was in addition to their existing duties in their home districts; their dedication to the Fort Myers cases has been exemplary.

As I am sure you know, I will assume responsibility for Judge Hopkins' caseload effective July 1, 2012. Judge Schermer's appointment has been extended until September 30, 2012, and effective October 1, 2012, I will be assigned the entire Fort Myers' caseload. Both Judge Hopkins' and Judge Schermer's appointments permit them to conclude, even after the last day of their appointments, any matters that they have taken under advisement during their terms of appointment.

Although I expect that there will be a certain amount of fine tuning over the next few months as I, my staff, and the bar adjust to the change in caseloads, I wanted to inform the practitioners in the Fort Myers Division of some of the changes that I plan to implement.

Hearings

I plan to hold "live" hearings in Fort Myers once each month, generally during the third week or fourth week of the month. My "live" hearing calendars through the end of 2012 are scheduled for the weeks of July 23, August 27, September 24, October 29, November 12, and December 17.

A template of the “live” hearing calendar is attached. As you will see, I plan to hold a full day of Chapter 11 hearings each month (as compared to the two half-day sessions presently scheduled). On Thursday mornings, I will hear reaffirmation agreements, motions in Chapter 7 cases, and motions in adversary proceedings, followed by Chapter 13 confirmation hearings and motions in the afternoon. Tuesdays and Fridays, and Mondays if necessary, will generally be available for final evidentiary hearings. This schedule will require the bar’s cooperation in keeping the Court informed when contested matters and adversary proceedings are settled in advance of their scheduled trial date.

I will conduct a second Fort Myers court calendar each month by video and telephone, with pre-trials scheduled for Wednesday mornings. I generally treat pre-trial conferences as scheduling conferences, and there should be no need for an in-person court appearance. Motions to dismiss (which would ordinarily be set for hearing with the pre-trial conference) may be heard at the pre-trial if the parties rely upon their filings with the Court. If extensive oral argument is requested, the motion to dismiss will be scheduled for a live hearing in Fort Myers. Chapter 13 confirmation hearings and motions will be heard by video on Thursday afternoons.

Emergency hearings will be scheduled in Tampa, with counsel permitted to appear by video and by telephone.

This schedule should allow me to maximize live hearing time in Fort Myers, and should permit most individual debtors and creditors to have their matters heard in Fort Myers before a live judge. To improve the quality of the video hearing experience, the Court is in the process of installing improved audio/visual equipment in both my Fort Myers and Tampa courtrooms.

Telephonic Hearing Policy

I will post a revised telephonic hearing policy on my website. Generally, my new policy will permit the liberal use of telephonic hearings via CourtCall. Counsel (wherever their offices are located) will be permitted to appear by telephone at any hearing. However, their participation will be limited to a short statement or argument in support of the relief requested, and counsel may not participate in the introduction of evidence or examination of witnesses by telephone. While it has always been my belief that an attorney’s effective representation of his or her client’s position may best be served by an in-person court appearance, I will leave it to the attorneys and their clients to determine when a telephonic or video appearance will be sufficient.

Staffing

I am delighted to announce that Paula Luce, formerly Chuck Kilcoyne’s administrative assistant, will be resident in Fort Myers as a shared employee with the District Court. Paula will serve as my on-site courtroom deputy during the “live” Fort Myers hearings, and will supervise the courtroom and audio/visual equipment when I attend hearings by video from my Tampa courtroom. My Tampa courtroom deputy, Lisa Mills, will schedule my hearings in my cases. Dedra Gann will continue to schedule Judge Schermer’s hearings through September 30, 2012.

I am looking forward to working with all of you. I welcome comments on these procedures, as well as suggestions on these and any other procedures. If you have any questions, comments, or suggestions, please feel free to email Chuck Kilcoyne.

CED/lr

FORT MYERS' HEARING TEMPLATE - DELANO

Live in Fort Myers – generally third week of the month, but may vary

	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 a.m.		No hearings but available for FEH's	Chapter 11	Reaffirmations Chapter 7 Motions Adv. Motions	No hearings set but available for FEH's
1:30 p.m.			Chapter 11	Chapter 13 Confirmations and Motions	

Live in Tampa, via Video or Telephone

	Monday	Tuesday	Wednesday	Thursday	Friday
9:30 a.m.			Adversary Pre-Trials		
1:30 p.m.				Chapter 13 Confirmation and Motions	