Tribute to Chief Judge Karen S. Jennemann
By: Lee Ann Bennett, Clerk of Court

As "editor-in chief," Chief Judge Karen S. Jennemann, launched this newsletter in February 2012. Thus, it is only fitting that the lead article this quarter be a tribute to her!

On October 1, 2011, Judge Jennemann was appointed by the District Court as Chief Judge for the Middle District of Florida Bankruptcy Court. She approached this new role as she does most new adventures: with great thoughtfulness. Months before assuming her role, Judge Jennemann took time to reflect on the Court and her vision for the future of our Court. She embarked upon a "listening tour," spending numerous hours visiting with each member of the Court, including judges and Court staff, with local attorneys and bar leaders, and with judges and leaders of District Court and Circuit Court. From this listening tour, Judge Jennemann developed her vision for our Court, a vision of a District-led court rather than a Division-led court.

Judge Jennemann had the foresight to realize that, due to budgetary challenges, the Court would have difficulty thriving as a Division-led court. She also envisioned a court that would be better able to meet the needs of the legal community through uniform procedures that make it easier for attorneys and their staff to practice in any division of the Middle District.

Judge Jennemann realized that communication would be the key to successfully making the change to District-wide thinking. Each year since her appointment, she has conducted a State of the District address for the bar associations of each Division, followed by a State of the District address to Court staff. In her first article in this newsletter, Judge Jennemann shared with us her vision of thinking District-wide. She understood with all parties, judges, staff and lawyers working together, we could accomplish great things.

As we approach the end of Judge Jenneman's term as Chief Judge, we celebrate the accomplishments achieved under her leadership. A partial list includes:

A Court mission statement setting forth our values and goals
Court newsletter
Formation of Steering Committee, whose members have offered input on uniform procedures for adversary proceedings, stay procedures, reaffirmation agreement, 2004 examinations, and Chapter 13 procedures
District (and Statewide) residential mortgage modification mediation procedures developed at a statewide Mediation Summit
Permissive District-wide negative notice list
Permissive submission of proposed orders
Self-calendaring by trustees and noticing of hearings by attorneys

Improved external website (winning a "Top 10 Court Website Award")
Improved training of staff, with training off-sites held each year since 2012
Internal procedure manual, which includes 56 uniform procedures
External procedure manual (soon to be published)
Formation of Court staff committees to improve processes, outreach, and communication
IT advancements including eOrders, local modifications in CM/ECF, and improved ability to work across division lines
Bench-Bar annual meetings to discuss various procedures
Improved *pro bono* services through *pro se* clinics in Orlando, Jacksonville and Tampa

Judge Jennemann stayed the course, reminding us often of the reason to push towards uniformity and District-wide thinking. She understands the importance of planning for the future and embracing change. She listened, she cared, and she acted because of her love for this COURT.

Judge Jennemann, on behalf of the judges, the staff, and legal community of our Court, we thank you!

	United States Bankruptcy Court Middle District of Florida Sam M. Gibbons United States Courthouse 801 North Florida Avenue Tampa, Florida 33602
PRESS RELEASE	
Contact: Lee Ann Bennett Clerk of Court Phone: (813) 301-5050	FOR IMMEDIATE RELEASE Noon, EDT, June 12, 2015

WILLIAMSON TO BECOME MIDDLE DISTRICT'S CHIEF BANKRUPTCY JUDGE

TAMPA—United States Bankruptcy Judge Michael G. Williamson has been named Chief Bankruptcy Judge for the Middle District of Florida effective October 1, 2015, announced Judge Anne C. Conway, the Middle District's Chief Judge of the District Court. Judge Williamson succeeds Bankruptcy Judge Karen S. Jennemann, who will end her term as chief judge of the bankruptcy bench on September 30, 2015.

The District Court's appointment of Judge Williamson is for a four-year term, renewable at the option of the district court. The chief bankruptcy judge is responsible for the effective execution of court business and, therefore, facilitates and oversees numerous administrative matters.

Judge Williamson sits in the Tampa Division of the Middle District's bankruptcy court. He was appointed a judicial officer by the United States Circuit Court of Appeals for the Eleventh Circuit in 2000 for a 14-year term and was reappointed to a second 14-year term in 2014. He graduated from Georgetown University Law Center in 1976 and before that received his undergraduate degree from Duke University magna cum laude in 1973.

The Middle District Bankruptcy Court has nine bankruptcy judges presiding over four divisions, Fort Myers, Jacksonville, Orlando, and Tampa. The Middle District Bankruptcy Court is the third busiest bankruptcy court in the nation in total case filings, second busiest for business cases, first in unrepresented "pro se" filings per judgeship and second busiest in total number of cases with "pro se" filers. Due to the volume of its filings, the Middle District has advertised one new judicial officer position opening, with an application close date of June 15, 2015.

Judge Jennemann informed the bankruptcy court's staff of the upcoming change by stating, "I am thrilled that Judge Williamson will become our next chief judge." She added, "Judge Williamson brings years of experience, management skills, and a deep and abiding love of this Court that will take us further along our way to excellence. I am so thankful that he has agreed to serve."

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Introducing the Court Connection: e-Edition

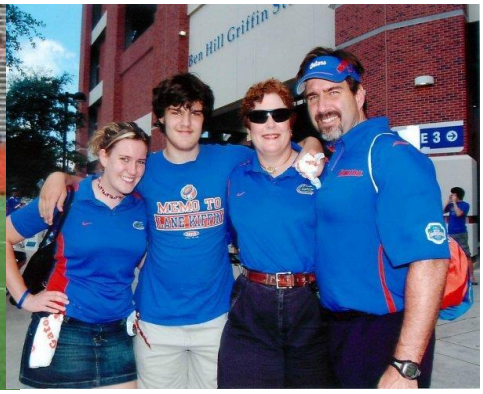
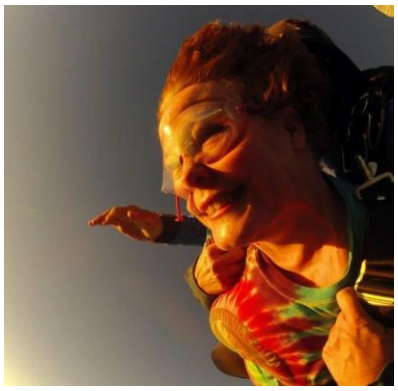
The Court is proud to share the first e-edition of the Court Connection with you. In an effort to better meet the needs and preferences of those who work with and within the Court, the Court adopted GovDelivery's electronic news distribution service to transform the Court Connection into a more accessible digital format that provides direct contact for Court-related news and information. The Court Connection will now be sent via e-mail to our readers and can be read on any platform—mobile, computer, or tablet—straight from your inbox. With the transition to an electronic format comes the introduction of short summaries of each article with links to read the full version online, enabling readers to quickly scan and jump to articles that interest them most. The newsletter will also provide links to photo galleries of featured pictures, updates of new developments and programs within the Court, and announcements about the Court community and upcoming events.

For readers who prefer to read the newsletter on paper, the newsletter can be printed in its entirety by downloading a full-text PDF version of the issue.

*GovDelivery is a government communication service through which public-sector organizations communicate with their subscribers.

TRUSTEE'S CORNER - MEET LAURIE K. WEATHERFORD, CHAPTER 13 STANDING TRUSTEE, ORLANDO

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

Laurie K. Weatherford, is the Chapter 13 Standing Trustee for the Middle District of Florida, Orlando Division. She was appointed in October of 1996. Prior to her appointment, she was of counsel with the law firm of Maguire, Voorhis & Wells, where she worked with the Honorable Michael G. Williamson and Samuel J. Zusmann, Jr. and represented primarily debtors and creditors' committees in Chapter 11 cases. In that capacity, she tried a preference action before a jury in the bankruptcy court and obtained a defense verdict for her client in the In Re Braniff Airlines bankruptcy case.

Laurie is an honors graduate of the University of Florida, where she obtained a degree in recreation, and the Cumberland School of Law. During law school she was an Honor Court Justice, a Member of the International Law Moot Court Team and Copy Editor for the Cumberland Law Review. She was a member of the Student Senate at the University of Florida. Laurie is currently a member of the National Association of Chapter 13 Trustees, where she serves on the Human Resource Committee. She previously served on the Board of Directors of the Central Florida Bankruptcy Law Association, and is a past Chairman of the Bankruptcy Committee of the Orange County Bar Association.

In speaking about her position as Chapter 13 Trustee, Laurie stated that, "in contrast to my previous positions as attorney and Chapter 7 Trustee, being a Chapter 13 Trustee provides me with the opportunity to look for ways to help honest debtors retain their dignity while they navigate their current financial problems. I have also enjoyed the opportunity to look for creative solutions to recurring problems in Chapter 13." In fact, Laurie was instrumental in developing the Mortgage Modification Mediation procedures in the Middle District of Florida, Orlando Division.

On a personal note, Laurie has been a Gator fan since she was 8 years old and has supported the worst and the best Gator teams. According to Laurie, Gator football is family time. While she enjoys quilting and scrapbooking, she also likes adventure. Any time she travels, she likes to do at least one thing out of her box, i.e., white water rafting, parasailing, paragliding, skydiving, snowmobiling, dogsledding, zip-lining, and waterfall repelling. She is also very involved in her church.

LAURIE'S PRACTICE POINTERS FOR ATTORNEYS:

- The calendar is your friend. Use it.
- Train your staff. It is the attorney who should answer questions about your practice, not the Chapter 13 Trustee's office.
- Work on your negotiating skills.
- Client control. If you intend to communicate with your clients primarily via email, let your clients know that, and let them know you would prefer an email question. Keep in touch with your clients. If an issue will take more time than you can devote at that moment, then relay that information to your client.
- While her office tries to be very helpful and accommodating in working with attorneys and paralegals to get cases confirmed and see them through to completion, please do not procrastinate until the last minute and then expect her office to "fix it."
- Have your cases ready for confirmation hearings and 341 meetings. Paralegals review files two weeks before hearings. Do not wait until the day before a hearing, forcing paralegals to re-review your case yet one more time.
- Just because your client has something specific in mind, doesn't mean you should do it without first researching and making sure it really is in the client's best interests.

Bankruptcy Paralegal, Tammy Branson, is awarded Paralegal of the Year
By: Liz McCausland

If you practice in the Middle District with any regularity, if you have secured a modification for a client in bankruptcy, or if you have attended almost any bankruptcy bar social event or CLE it is very likely that you have met Tammy Branson, a paralegal at Branson Law PLLC. If you have not met her, you should! Tammy is passionate about helping clients, attorneys, and other paralegals know everything there is to know about bankruptcy and mortgage modifications in bankruptcy. This, coupled with her community service and strong work ethic, is what led to Ms. Branson being nominated for the Paralegal of the Year award given out by the Orange County Bar Association's Paralegal Section.

The Paralegal of the Year Award recognizes a paralegal who goes above and beyond the call of duty. Without a doubt, Tammy Branson, does this daily. Mrs. Branson was nominated for the award by all three of the Bankruptcy Judges for the Middle District, Orlando Division, attorneys from four separate law firms, a paralegal from a fifth law firm.

The Middle District Judges stated in their nomination that Mrs. Branson deserved the award for three reasons. First, she is the heart and soul behind her firm's pro bono efforts. Second, she is the national leader in mortgage modification mediations, speaking at national conferences and saving literally thousands of people in the Orlando area from homelessness. Third, she is an extremely competent and effective paralegal and is a leader in the bankruptcy community for staff, other paralegals, and, not unusually, lawyers both at her firm and elsewhere.

The Judges' sentiments were echoed in the other nominations. Ana DeVilliers of Price Law, spoke of Tammy Branson's generosity: "Tammy is generous with her knowledge almost to a fault. Whenever anyone needs anything, she is the first to offer assistance." Additionally, Barbara Leach of Barbara Leach Law, PL stated that "Bankruptcy is a nuanced practice. One does not wake up one day and decide to be a bankruptcy lawyer. One needs hard-core, dedicated mentors to achieve that. Ms. Branson…is my mentor."

Ms. Branson is often found tirelessly working behind the scenes of many flagship events. Most notably, Ms. Branson almost single-handedly organized the Statewide Summit on the mortgage modification mediation program held in Orlando on February 28, 2014. She prepared the needed white papers and power point presentations, secured sponsors, took reservations, and coordinated the speakers. After the success of that summit, she then went on to organize the first ever National Loss Mitigation in Bankruptcy Summit in Chicago in October 2014. Several states have now adopted the mortgage mediation program in their area as a result of that summit and always with the help of Tammy Branson. To date, Ms. Branson has travelled to Chicago, S. Carolina, Nevada and all over Florida teaching attorneys how to help their clients by getting them a loan modification during bankruptcy. The Northern District of California has even started a Mortgage Modification Mediation program and as you might guess…Tammy is flying out to help them start it off correctly.

Bankruptcy is an area of law that is often underrepresented in local bar associations. We are simply outnumbered by litigators and transactional attorneys. If there is any recognition to be given, it is from our peers and others who practice bankruptcy. It is often recognition of the attorneys and not the paralegals in the trenches with them. This is why it was particularly nice to attend the awards ceremony held by the Orange County Bar Association and watch Tammy Branson receive her much deserved award. It was a small acknowledgment of her impact on her community and those around her. It was also a shout out to those "others" that we have a superstar in bankruptcy too and on that night, as well as every day, she is one.

Congratulations Tammy!

New Handicap Parking Space Location

It took just one limping lawyer in Tampa to get us our own federal courthouse handicap space. This lawyer felt the inconvenience of no handicapped parking space near the courthouse and expressed concern, not for herself, but rather for handicapped litigants who have been in a similar position. What you see is a result of the power of one who noticed a problem and sought to correct it

.

And thanks to the Mayor of the City of Tampa for paying attention. Maybe we should call the space the Bob Buckhorn Federal Court Physical Access to Justice Space? The space is in the 700 block of N. Florida on the east side right behind (south of) the bus stop and is protected by the bike lane, too.

(The pavement painting had not been done at the time of the picture.)

THE MEDIATION MINUTE
Vol. 2 – July 2015
By: Bradley M. Saxton, Esq.
Winderweedle, Haines, Ward & Woodman, P.A.

In 2013, the Judges of the Middle District adopted new Local Rule 9019-2 to respond to the development of the mediation process in the Middle District. The Mediation Minute will be a regular feature of The Court Connection and will feature select mediation topics.

THE OPENING SESSION

While mediation has become more and more common in bankruptcy cases, there appears to be a split among professionals concerning the importance of the opening session in the mediation. I have often heard comments, and much has been written in mediation literature, that the opening session is "useless" or "counter-productive", or that "we all know what this case is about so let's move right into the real mediation phase."

In my view, the opening session and opening statements by the parties are a valuable and often critical part of the mediation process. Certainly, there may be cases where having the parties sit in a room together is not advisable, particularly when there is a severe level of discord among the parties. In such instances, the mediator and the mediation participants should discuss this fact in advance of the mediation session and determine how best to proceed. But those instances are very rare, and even if the parties are not initially inclined to participate in a joint opening session because of the potential for inciting hostility and anger, an effective mediator can often control the situation and diffuse the hostilities to allow for a productive session. Of course, one of the hallmarks of the mediation process is that the parties are in control of the process and the mediator should initially communicate with the parties and their counsel to navigate the opening session in the most effective manner.

Parties involved in a mediation should be aware that it is important, and in fact required, to have some form of opening session where the mediator explains the mediation process to the parties. Rule 10.420(a) of the Florida Standards of Professional Conduct, for mediators, which is applicable to mediations in the Bankruptcy Court for the Middle District of Florida pursuant to Local Bankruptcy rule 9019-2(d), provides as follows:

> ***Rule 10.420 Conduct of Mediation***
>
> *(a)* ***Orientation Session****. Upon commencement of the mediation session, a mediator shall describe the mediation process and the role of the mediator, and shall inform the mediation participants that:*
> *(1) mediation is a consensual process;*
> *(2) the mediator is an impartial facilitator without authority to impose a resolution or adjudicate any aspect of the dispute; and*
> *(3) communications made during the process are confidential, except where disclosure is required or permitted by law.*

A typical mediation session will commence with an opening session with all parties and counsel present. The mediator will explain the above information, and often provide more detail regarding the process of the mediation, as well as information about himself or herself that will help the mediator gain the trust and confidence of the parties. Then, the opening session typically includes a presentation by each party about their case.

The primary arguments against having an opening session in this fashion is that it is "counter-productive" or a "waste of time." If one believes that the purpose of the opening statement is to convince the mediator or the other side that a party is "right" or that there side will "win" then that may be true. In most cases the parties are entrenched in their positions in the case, and have been arguing their positions to each other, and also to the Court, for several months or even years. The parties, or at least their attorneys, are aware of the strengths and weaknesses of the case. They have likely provided mediation statements to the mediator so the mediator is knowledgeable about the case.

But the purpose of the mediation is to attempt to settle the case. The opening statement provides a valuable opportunity to humanize your client and to speak directly to the other party. In most cases, prior to this time the other party has only heard what his/her lawyer has told them about you, your client, and your case. This is an opportunity to present your case directly to the other side, unfiltered by the language of the opposing lawyer. Conversely, it is also an opportunity for your client to hear the position of the other side directly from their lawyer and from the other party, and for your client to perhaps get a different perspective on the case or to better understand the position of your adversary.

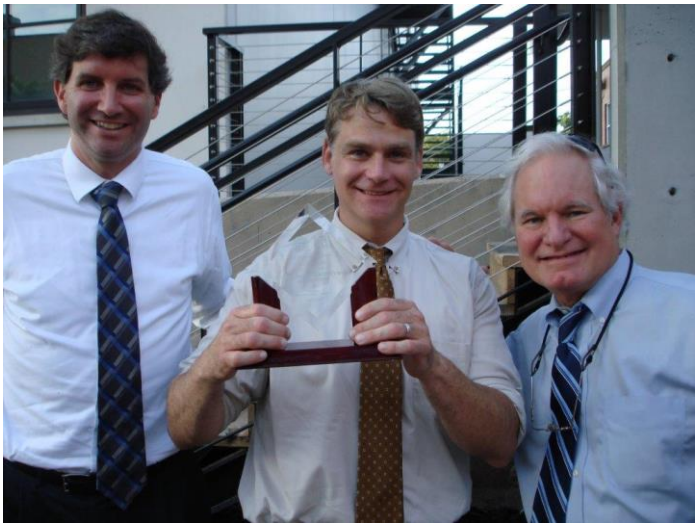
I had a recent mediation where the lawyer for one side was unexpectedly unavailable during the opening session and the parties agreed to commence the opening session with the lawyer on the phone. The opening session lasted much longer than typical opening sessions, with both clients speaking freely to each other. Because the lawyer was on the phone (again this was an unusual situation as I believe parties should always be present in person at mediation for the mediation to be effective) that lawyer did not appreciate the openness of the dialogue and attempted to cut off some of the dialogue from the opposing party. Notwithstanding the advice from his attorney, the client continued to engage in the direct discussions as he wanted to hear from the party on the other side. As is often the case, these two individuals had never directly communicated before. I believe this open dialogue facilitated the ultimate resolution of the case a few hours later.

Mediation is a process. Our recently enacted Middle District Local Rule on mediation defines mediation as "a confidential process that includes a supervised settlement conference presided over by an impartial, neutral mediator to promote conciliation, compromise and the ultimate settlement of a civil action." Local Bankruptcy Rule 9019-2(a). Additionally, Rule 10.210 of the Florida Standards of Professional Conduct for mediators defines mediation as "a process whereby a neutral and impartial third person acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informal and non-adversarial process intended to help disputing parties reach a mutually acceptable agreement."

The opening session is a critical first step in the fascinating process of mediation. If used appropriately and effectively, and not jettisoned because of the parties' disdain for each other or because it is simply viewed as a waste of time, it can pave the way for a negotiated, consensual resolution of the parties' dispute that will also serve to alleviate some of the strain on the busy bankruptcy courts in the Middle District of Florida.

Bradley M. Saxton served as the Chair of the subcommittee of the Local Rules Committee which drafted proposed amendments to Local Rule 9019-2.

PRO BONO CORNER



The TBBBA received the 13th Circuit Pro Bono Committee's award for the Best Pro Bono by an Organization. Pictured are: Edward Peterson, Jake Blanchard, and Judge Michael G. Williamson.

PRO BONO CORNER

2015 Community Legal Services of Mid Florida, Lake County Award Winner
By: Laurie K. Weatherford, Chapter 13 Trustee

Sam Pennington was awarded the Community Legal Services of Mid Florida, Lake County, Pro Bono Award for 2015. Mr. Pennington helped create the pro bono program for the Mid Florida Legal Clinic relating to bankruptcy issues. Chief Judge Karen S. Jennemann met with Mr. Pennington and the Mid Florida Legal Clinic staff as a kick-off for the program. The Legal Clinic meets with the clients to determine eligibility before assigning a bankruptcy attorney to help them in their case.

Mr. Pennington worked for the Chapter 13 Trustee for almost 10 years. He retired to focus more on his heart's desire, mission work. He discovered, while pursuing his mission work that there was much that needed to be done in his home county. Mr. Pennington's heart is evident by his Pro Bono service as recognized by this much deserved award.

PRO BONO CORNER

Pro Bono Assistance – from a Courtroom Deputy's Perspective
By: Pam Arciola, Judge McEwen's Back-up Courtroom Deputy

I've been a case manager for 24 years. Over the years, I've received a number of calls from *pro se* debtors seeking assistance by phone and more recently in person while working the Intake department.

We often hear the concern, fear, and uncertainty in their voice by phone and see it on their face in person while in Intake.

Referring debtors to the 9th floor courthouse clinic for their "free of charge" advice by Tampa Bay Bankruptcy Bar Association volunteers and the outside clinic run by Western Michigan University Cooley Law School has not only helped pro se debtors, but also the Clerk's Office staff due to the nature of the questions we simply cannot answer.

As a back-up courtroom deputy on June 23, 2015 for Judge McEwen, I had the privilege of seeing a much different angle with the WMU Cooley *pro bono* clinic in action. Debra Steele, a WMU Cooley law student (while supervised by Bert Savage) appeared at the hearing on behalf of a debtor. Each party stated their case; Judge ruled in the debtor's favor.

Judge McEwen later asked the debtor, who was also present in court, how she thought her lawyer was doing. First the smile, then the response "I think she's doing a great job!" There may have been a different outcome if the debtor had not had the *pro bono* assistance available.

PRO BONO CORNER

Pro Bono Spotlight: Helping Those Who Need to File Bankruptcy
By: Kathy Para, The JBA Pro Bono Committee Chair

Jacksonville Daily Record - Monday, June 15, 11:16 AM EDT

The Pro Se Bankruptcy Assistance Clinic launched in 2014 continues.

Jason Burgess and Ed Jackson served as the first pro bono attorneys to provide free legal guidance through 20-minute consultations for individuals representing themselves in the U.S. Bankruptcy Court for the Middle District of Florida. Many more have joined forces with them since then.

The Pro Se Bankruptcy Assistance Clinic is a collaboration of the Jacksonville Bankruptcy Bar Association, Jacksonville Area Legal Aid and Three Rivers Legal Services.

Gull Weaver, deputy-in-charge for the Middle District of Florida Jacksonville Division, has been instrumental in facilitating the clinic since its beginning. Judges and court staff are enthusiastically providing information to the litigant.

Fliers are available in courtrooms and in the reception area describing the clinic for members of the public. Pro se bankruptcy filers are encouraged to come to the clinic to meet one-on-one with a bankruptcy attorney to receive brief legal guidance.

The attendees do not need appointments. They sign statements verifying they understand the attorney is not agreeing to begin representation. They are simply providing insight and information on the process and options available.

The attorney can help the litigant understand the bankruptcy process and provide limited case-specific advice, but he/she cannot represent the litigant in court or file pleadings.

The litigant also receives information on available online resources, upcoming Ask-A-Lawyer events and the monthly "Is Bankruptcy Right for Me?" clinic held at Jacksonville Area Legal Aid, presented by Jackson.

In addition to Burgess and Jackson, these bankruptcy attorneys have served as pro bono advisers and/or are signed up to participate this year: Alison Emery, Rhan Khawaja, Kevin Paysinger, Jay Brown, Roger Cruce, Robert Bernard, Taylor King, Dinkins Grange, Amber Hines, Raye Elliott, Alex Dowding, Katie Fackler, Sarah Mannion, Rob Heekin and Ramona Chaplin.

More bankruptcy attorneys are needed to assist with this valuable resource. Experienced attorneys who would like to provide guidance from 11:30 a.m. to 1:30 p.m. on the second Wednesday of the month in rooms 4303 and 4403 of the federal courthouse should contact Para at kathy.para@jaxlegalaid.org.

The stated mission of the bankruptcy court is: "Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality and excellence, while treating everyone with dignity, integrity and respect."

By providing legal guidance and resources to those who are representing themselves in this process, pro bono attorneys are integral partners in fulfilling that commitment.

For more information on this and other pro bono opportunities throughout the 4th Judicial Circuit and beyond, attorneys are encouraged to contact Para at kathy.para@jaxlegalaid.org.

JUDGES' CORNER

Community Service Casual Day: Interns Serve Restaurant-Quality Lunch to Homeless

By: Judge Catherine P. McEwen

Pictured L to R: Matt McKenna (Vanderbilt), Morgan Constable (WMU Cooley), Judge McEwen, Saeed Bramwell-Gordon (Vanderbilt), Bryant Lee (Emory), and Dan Chehouri (Stetson)

Some of our summer interns changed up their field trip experience from forays into federal and state courtrooms to a community service opportunity at Tampa's Trinity Cafe, a restaurant that serves homeless adults and children in a "sit-down" dining atmosphere.

The Cafe's mantra is to treat guests with dignity and respect (similar to our Court's motto!). The group helped out as servers, table hosts, a bus boy, condiment stockers, and clean-up crew. And then they lunched on the same delicious fare that they had served the guests. Their last task was to help set up the dining room for the next day's guests. For information about Trinity Cafe and volunteering opportunities, go here: www.trinitycafe.org/.

Although they had to leave their serving aprons behind, the group took with them some good impressions about Trinity's operation and guests. Here are some observations from the interns:

Volunteering at Trinity Cafe was a truly eye-opening experience. Aside from serving those in need, it was rewarding to see the sense of community present between the volunteers and guests. One dedicated volunteer explained how incredible it is to see repeat guests get on their feet and share their success stories and overwhelming gratitude for the establishment. He explained that Trinity Cafe volunteers provide stability in the lives of the needy through their mission to serve. The positivity in the air was unforgettable. ***-Morgan Constable***

At Trinity Cafe, I felt that we were brightening days, one bite at a time. – ***Saeed Bramwell-Gordon***

*Volunteering at Trinity Cafe was a wonderful experience. For many people this is their only meal for the day, so to volunteer for an organization that helps people when they need it the most is really rewarding. What makes Trinity Cafe stand out in my mind, though, is the restaurant experience. The people served are not lucky enough to always enjoy a restaurant dining experience. However, the meal provided by Trinity Cafe allows them to forget about their situation for a little bit and enjoy the food like so many others. Trinity Cafe is a one of a kind place, and I look forward to volunteering more of my time there. –****Matt McKenna***

*Trinity Cafe serves not only the homeless but also the oft forgotten working poor. –****Bryant Lee***

*In an effort to make a positive difference in our community, Judge McEwen invited her legal interns to join her in helping serve lunch to the homeless at Trinity Cafe. Trinity Cafe offers free three-course meals during the week and a free breakfast on the weekends to those in need. Trinity Cafe is able to offer this charitable service thanks to donations raised from members around our community. As a first -time volunteer, I had no idea what to expect. Upon arrival, I observed a large group of community members congregating around the front doors. Next, I proceeded to walk into the Cafe. I was instantly greeted by some of the more experienced volunteers. After a brief tutorial on how the lunch was to be served, we were off to work. The volunteers were split into groups of two, and each group was responsible for one table. One volunteer was in charge of serving while the other volunteer was asked to sit and interact with the guests. Initially, I was apprehensive about having to interact with the guests. I was not sure what to talk about or if they would even want to talk at all. To my surprise, the guests I served were gregarious, outgoing, and positive. One guest in particular left me with a very memorable experience. This guest sat quietly at my table and kept to herself. The volunteer I was paired with attempted to interact with this guest but was unable to because of the language barrier. Once I noticed she could only speak Spanish, I jumped at the opportunity to help. As a child, I was raised by a single mother, who migrated here from Caracas, Venezuela. Financial struggles and language barriers were two things I was very familiar with at a young age. After getting to know this guest, I was immediately reminded of my past. She was a single mother who migrated here from Columbia with her son. She told me about how proud she was that her son was doing well in his school. About half way through her meal, she began to pack up the remains of her plate into a container. She looked at me and said that she saves her meals so she can feed her son after school. I was speechless. No matter what struggles she was currently facing, properly raising her son was her first priority, and I truly admired her for that. The experience I had at Trinity Cafe was as enlightening as it was memorable. I plan on returning to volunteer at the Trinity Cafe in the near future. -****Daniel Chehouri***

Thank you, interns, for being open to taking a break from the legal grind to share your positive, youthful energy with some of our unfortunate brothers and sisters!

Court Connection
Volume No. 3 – July 2015

United States Attorney A. Lee Bentley, III
Middle District of Florida

FOR IMMEDIATE RELEASE Friday, May 15, 2015
CONTACT: WILLIAM DANIELS (813) 274-6388
WWW.JUSTICE.GOV/USAO-FLM

HILLSBOROUGH COUNTY RESIDENT INDICTED ON BANKRUPTCY FRAUD, MAIL FRAUD, AND AGGRAVATED IDENTITY THEFT CHARGES

Tampa, Florida – United States Attorney A. Lee Bentley, III announces the return of an indictment charging David W. Griffin (44, Lutz) with one count of mail fraud, nine counts of bankruptcy fraud, two counts of making a false statement under oath during a bankruptcy proceeding, and one count of aggravated identity theft. If convicted, he faces up to 20 years in federal prison for the mail fraud charge, and up to five years on each of the bankruptcy fraud and false statement charges. A mandatory term of two years' imprisonment for the aggravated identity theft charge would run consecutive to the other penalties imposed.

According to the indictment, Griffin operated a foreclosure rescue scheme through his companies, Bay2Bay Area Holding, LLC and Business Development Consultants, LLC. The purpose of the scheme was to obtain quitclaim or warranty deeds from distressed homeowners facing foreclosure in return for false promises to rescue their homes from foreclosure by negotiating with creditors, renting the property back to the homeowner to obtain rental income, and falsely promising that the homeowner could repurchase the property from Griffin. To maximize his rental income, it was also a purpose of the scheme to prevent creditors and guarantors, including the Federal National Mortgage Association ("Fannie Mae") and the Federal Housing Administration, from pursuing lawful foreclosure and eviction actions against homeowners who had defaulted on their mortgages. This was accomplished by filing, or causing to be filed, fraudulent bankruptcies in the names of the homeowners without their knowledge or consent. These fraudulent bankruptcies generated mailings sent from the bankruptcy court to the victim homeowner via the U.S. Postal Service.

The indictment also alleges that Griffin lied under oath in sworn testimony before the Office of the United States Trustee and the bankruptcy trustee. Under penalty of perjury, Griffin stated that he had no knowledge of a bankruptcy petition filed in the name of his company, Bay2Bay Area Holding Group, when in fact, he prepared the petition and directed an individual to sign his name and file the petition with the United States Bankruptcy Court for the Middle District of Florida.

An indictment is merely a formal charge that a defendant has committed one or more violations of federal criminal law, and every defendant is presumed innocent unless, and until, proven guilty.

This case was investigated by the Federal Bureau of Investigation, the U.S. Postal Inspection Service, the Federal Housing Finance Agency - Office of Inspector General, and the U.S. Department of Housing and Urban Development – Office of Inspector General. It is being prosecuted by Special Assistant United States Attorney Chris Poor.

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Updates from the Clerk's Office

The new eOrders program helps simplify submission and tracking of proposed orders. Here are a couple of tips regarding the phrases "Not Used" and "In Process". "Not Used" means the order has been received but was not used or will not be used. "In Process" means just that, the Order has been received and it is somewhere in the system and no guidance can be given as to when it will be signed.

Look for new district wide Chapter 13 procedures to start on September 1, 2015.

IT NEWS

Security is Everyone's Business
By: Laurie Ellwood, Network Adminstrator

The Court was sharply reminded last month of just how vulnerable it is to data security threats. Some of our staff received the dreaded letter and have taken appropriate steps to protect themselves from further exposure. However, don't wait to be the next target. Examine your position in terms of risk to your own identity, credit, and financial information. While the OPM continues to investigate, being pro-active in data security will reduce the likelihood of exposure of your personal or professional information.

The precautions you take now can prevent you from becoming a victim. It cannot be stated enough, so we will restate a few of the actions you can take here. Monitor your financial and credit accounts and report anything suspicious immediately. Get your free credit reports from www.AnnualCreditReport.com. Place fraud alerts on your credit files, or place credit freezes to prevent opening or reviewing credit accounts without your consent www.consumer.ftc.gov/articles/0497-credit-freeze-faqs . Be aware of unsolicited emails or phone calls asking for personal or professional information. Be mindful of language and links in email and the security of the websites you visit (https:). **Install anti-virus software and keep it updated.**

Change passwords and create stronger ones. Most of all, stay informed. Use the resources available to you to better understand your risk. Here are a few that have been mentioned previously but of course worth mentioning again, www.Identitytheft.gov, www.us-cert.gov/ncas/tips, www.antiphishing.org, and www.ic3.gov.

IT NEWS

Dear Point and Click,

Q: I love the convenience of the new eOrder process to upload proposed orders directly into the CM/CF system. Where my difficulty lies is in determining when to use *Sua Sponte Order Upload* and when to use *Single Order Upload*. Also, I am unsure how to track proposed orders after I have submitted them. The old system gave a tracking number. Can you shed some light on these issues, please? Signed, Trying to get it right

A: We are happy to help.

When uploading orders through the CM/ECF eOrder system, it is important to understand what the *Order Upload* selection choices means, and when to use them. Tracking proposed orders is simple with the new submission process.

The Single Order Upload option should be used when submitting a proposed order that refers to a Motion, Application or Objection (an Objection that is treated as a Motion, such as an Objection to Claim, an Objection to Debtor's Claim of Exemptions, an objection that requires a Judge's ruling) that is pending and has not been previously ruled on.

The term *Sua Sponte* (pronounced sooh-uh spahn-tay), Latin and as a noun, has various meanings such as, on one's own accord, on the Court's own initiative or on the Court's own will. This term is generally applied to actions by Judges taken without a prior motion or request from an interested party. Therefore**, the Sua Sponte Order Upload** should be used when submitting an Order that does not specifically rule on a ***pending*** Motion, Application or Objection.

Tracking orders submitted through CM/ECF eOrders is simple and can be accomplished by running a Proposed Order Query Report using the below steps:

- Log into the CM/ECF system as if filing a document.
- Select Reports from the blue Main Menu bar.
- Select Proposed Order Query Report.
- To query all submitted proposed orders, left-click Next.
- To query a specific submitted proposed order, enter the case number and left-click Next.

IT NEWS

Dear Point and Click – Question 2

Q: When submitting a paper for filing in CM/ECF, how do I know when the paper is actually filed. There are times that I'm working late at night to meet a deadline, and it would be helpful to know when the system deems my paper filed.

A: A paper is actually deemed filed when it appears on the docket. The actual docket entry will reflect the filing date. You should be aware that the paper will not appear on the docket until final submission, meaning at the end of your filing process. It will not be deemed filed when you start the process. Therefore, please allow enough time to complete your transition before midnight unless the filing date doesn't matter.

COURT SERVICES

Online Continuing Learning Education (CLE)
By: Marco A. Eguía, Web Programmer

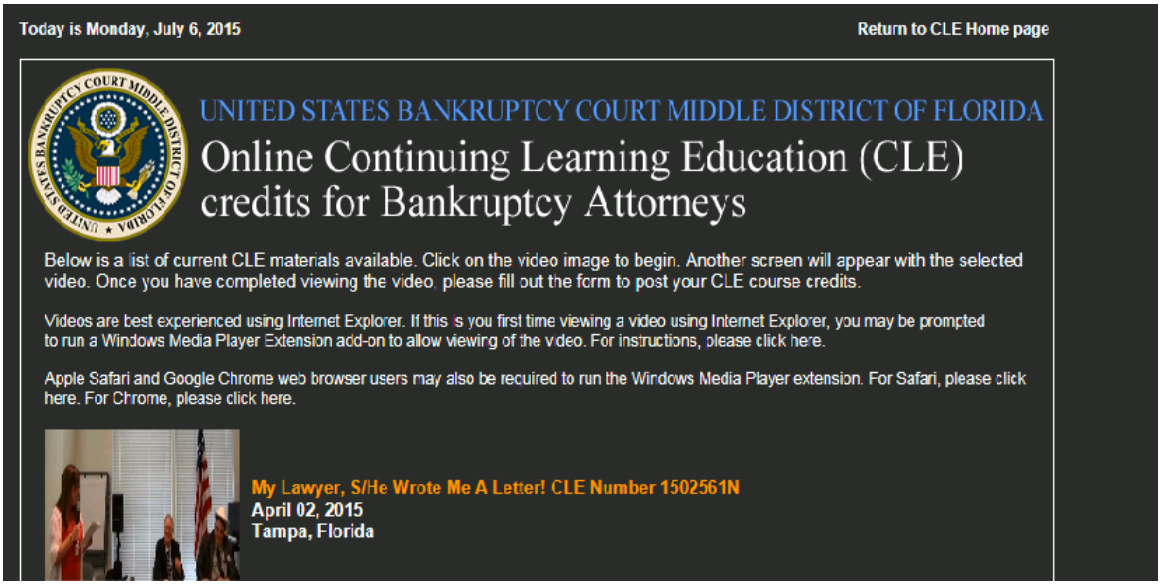
The United States Bankruptcy Court for the Middle District of Florida is proud to offer Continuing Learning Education (CLE) credits for attorneys registered in the Middle District of Florida.

The online, self-paced presentations consist of virtual CLEs (recordings of live training sessions). The presentations are available 24 hours a day, 7 days a week and cover a wide range of legal topics relevant to bankruptcy attorneys.

Go to our website http://www.flmb.uscourts.gov, access the **ATTORNEYS** menu and then select **CLE Attorneys Credits:**

To view videos and receive CLE credits, please enter your Court issued CM/ECF login ID (top right corner) to gain access to presentation materials.

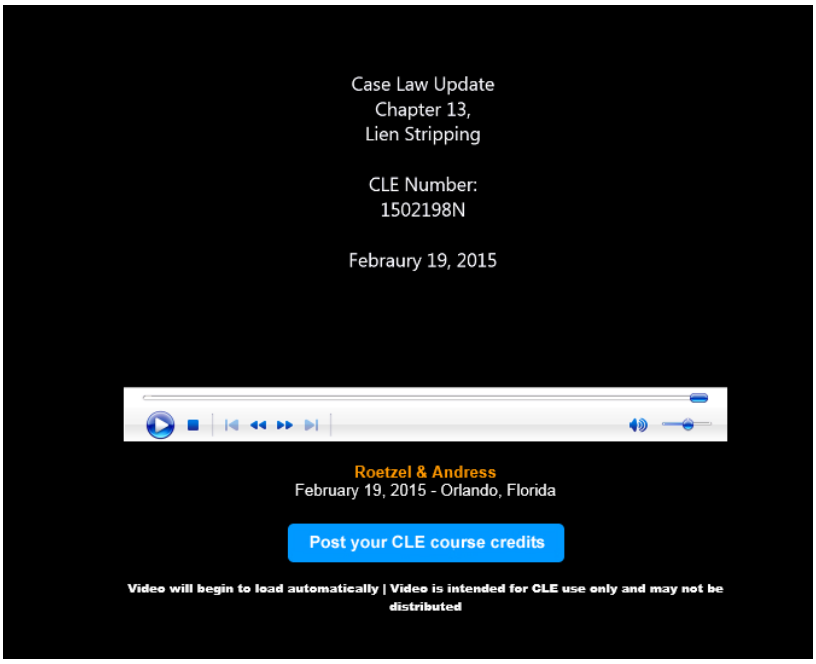
After login, you will be redirected to the presentation materials selection area:



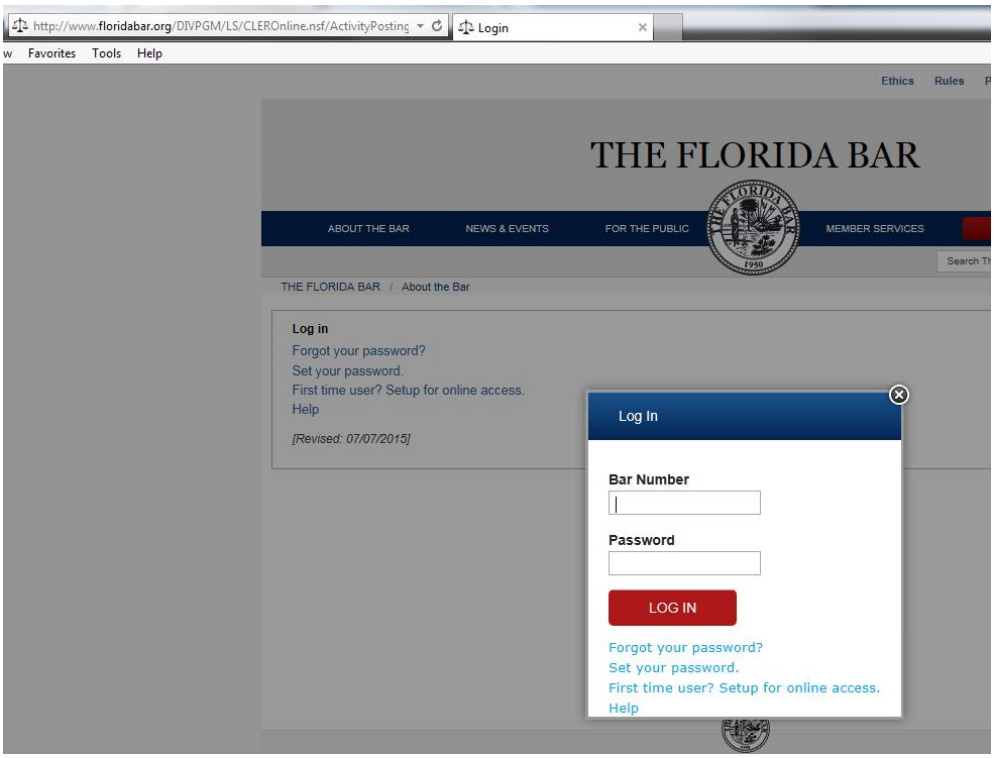
Apple Safari and Google Chrome web browser users may also be required to run the Windows Media Player extension.

a- For Safari, please go to: http://windows.microsoft.com/en-US/windows/windows-media-components-quicktime.
b- For Chrome, please go to https://support.google.com/chrome/answer/142064?hl=en&rd=1.

At the end of every training video, the credits are going to display the CLE number. Next, click **Post your CLE course credits**.



After the click, you are going to be redirect to the Florida Bar website and from there, login and post the earned CLE credits.



COURT SERVICES

"DeBN"

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

On June 29, 2015, the "Debtor Electronic Bankruptcy Noticing" or "DeBN" program went live. The program offers Debtors the opportunity to request receipt of court served orders and court generated notices via email, instead of through U.S. mail. Debtors are already beginning to utilize the "DeBN" program and the implementation has gone smoothly. An important step in setting up the account is that once an account is created a confirmation e-mail will be sent that requires the Debtor to activate the account by clicking the link in the confirmation e-mail. Some Debtors are failing to activate their accounts, so please remind your clients of this step, because accounts must be activated to begin receiving bankruptcy notices.

Additional information on the "DeBN" program can be found at http://www.flmb.uscourts.gov/debn/.

Florida's Local Professionalism Panels
By: Anna Wiand, Law Clerk

Have you ever wished for a way to mentor a wayward or unprofessional lawyer short of filing a formal grievance with The Florida Bar? Florida's newly created Local Professionals Panels may help fill this need.

The Florida Supreme Court directed circuit judges throughout the state to create local professionalism panels to address complaints of unprofessional attorney conduct including "substantial or repeated violations of the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, The Rules Regulating The Florida Bar, or the decisions of The Florida Supreme Court." *In re Code for Resolving Professionalism Complaints*, 116 So. 3d 280, 282 (Fla. 2013). Since 2013, the Chief Judges of the 11 judicial circuits in the Middle District of Florida have issued administrative orders establishing Local Professionals Panels.

The Local Professionals Panels are peer review programs. Proceedings are conducted in a confidential, non-punitive fashion unless there is *per se* violation of Florida bar rules. If such a violation occurs, panels can refer the complaint to The Florida Bar's Attorney Consumer Assistance and Intake Program (ACAP). Otherwise, complaints of unprofessional attorney conduct are resolved through informal constructive and educational means without formal grievances and sanctions. The panels do not have the power to discipline and the attorney's participation is voluntary, but failure to participate is considered when determining if the complaint should be referred to the ACAP.

Each Circuit Court determines the composition of its panel. Selection of panel members and the operation of the panel may be delegated to others, including a local bar association. Panel members are leaders in their local legal communities already adept at guiding wayward attorneys on professionalism. Some Circuit Courts transitioned an existing peer review program into the Local Professionalism Panel while others created new panels. Panels have between 3 and 18 members. The members must be in good standing with The Florida Bar and, often, must have practiced for a designated number of years. Sometimes, a pool of attorneys from the local legal community is maintained for the Chairperson or Chief Judge to select from and task with resolving a complaint. Panel members and panel staff persons enjoy immunity from civil liability "for all acts performed in the course of their official duties." *In re: Amendment to the Code for Resolving Professionalism Complaints*, 2015 Fla. LEXIS 163, *2 (Fla. 2015).

Anyone may initiate a complaint but the process for submitting and resolving a complaint varies panel-by-panel and within each panel depending on whether the complainant is a judge or quasi-judicial officer, an attorney, a non-attorney, or the ACAP. Complaints must be in writing, and some panels provide a form or dictate page limitations. An incoming complaint first is reviewed to determine if it warrants consideration by the panel, referral to ACAP, or no action. If the conduct requires panel action, the Chairman contacts the attorney to explain why the conduct is an issue, outlines the panel's process, and invites the attorney to meet with the panel. The panel may ask the attorney to respond.

Depending on the local procedures and the severity of the conduct, the panel's interaction with the attorney may be as informal as a phone call or as formal as mediation between the referring party and responding attorney. The meetings usually are between the attorney and the panel members. If the attorney is a no-show, the panel still meets to consider the reported conduct and prepare a recommendation. The recommendation and a summary of the meeting are sent to the attorney.

The panel may recommend any non-disciplinary solution it deems appropriate or necessary. To provide the attorney with proper incentives for professional improvement, a panel may issue an oral or written decision with recommendations or guidelines, refer the attorney to a local mentorship program or mentor, refer the attorney to an ethics program or training, refer the attorney to a program for assistance with drug, alcohol and/or emotional problems, or refer the complaint to ACAP. The review and resolution of a complaint ideally takes less than two months and all records produced usually are destroyed once the complaint is resolved.

The Florida Bar maintains a list of contacts for each local professionalism panel: www.floridabar.org/TFB/TFBResources.nsf/Attachments/F5D4864D5D5F543585257D3A0049BA96/$FILE/LocalProfessionalismPanelsCircuit_0220.pdf?OpenElement. The Bar also prepared a list of the local administrative orders establishing the panels: www.floridabar.org/TFB/TFBResources.nsf/Attachments/D931C65DE938BBD685257BB2004D1663/$FILE/lpp_administrative_orders.pdf?OpenElement. Information on the panels in each of the 11 Judicial Circuits in the Middle District of Florida is provided below with brief, panel specific, instructions on submitting complaints.

Local Professionalism Panels in the Middle District of Florida

Fort Myers Division

12th Circuit - De Soto County
Submit complaints online at www.jud12.flcourts.org/Portals/0/LPPComplaint.aspx
Administrative Order: www.jud12.flcourts.org/Portals/0/PDF/AdminOrders/Section02/14-08-2.pdf
Additional Information: Office of Court Administration, Sarasota County, (941) 861-7800, www.jud12.flcourts.org/Home/Attorney/LocalProfessionalismPanel.aspx

20th Circuit - Charlotte, Collier, Glades, Hendry & Lee Counties
Submit complaints using the form provided at www.ca.cjis20.org/home/main/professionalpeer.asp
Administrative Order: www.ca.cjis20.org/adminorder
Additional Information: Ita M. Neymotin, Esq., Regional Counsel, Chair of the Local Professionalism Panel, 2000 Main Street, Ste. 500, Fort Myers, FL 33901-5501, Phone: 239-533-1500, Fax: 239-533-1501, e-mail: ineymotin@flrc2.org, www.ca.cjis20.org

Jacksonville Division

3rd Circuit - Columbia, Hamilton & Suwannee Counties
Submit complaints via letter or email. Complaints from attorneys and non-attorneys are limited to 10 pages inclusive of exhibits.
Administrative Order: www.jud3.flcourts.org/Admin_Orders/All/2013-011-Third%20Circuit%20Professionalism%20Panel%20and%20Committee.pdf
Additional Information: Tina Seifert, (386) 243-8247, tseifert@seifertlaw.net, www.jud3.flcourts.org

4th Circuit - Clay, Duval & Nassau Counties
Submit complaints by mail to the Jacksonville Bar Association (1 Independent Dr., Ste. 2201, Jacksonville, FL 32202-5050) using the form provided online at www.jaxbar.org/wp-content/uploads/2014/04/Confidential-Referral-Form-for-Attorneys.pdf
Administrative Order: www.duvalclerk.com/adminOrders/Files/137990231.pdf
Additional Information: The Jacksonville Bar Association, (904) 399-4486, www.jaxbar.org/attorney-resources/attorney-professionalism/

5th Circuit - Citrus, Marion & Sumter Counties
Panels are established in each county. Submit complaints to the 5th Circuit's General Counsel Grace Fagan ((352) 754-4860 or (352) 253-1615, gfagan@circuit5.org).
Administrative Orders: 5th Circuit Order: www.circuit5.org/c5/wp-admin/ao/A2013-45.pdf
Citrus County Order: www.circuit5.org/c5/wp-admin/ao/C2013-46.pdf
Marion County Order: www.circuit5.org/c5/wp-admin/ao/M2013-49.pdf
Sumter County Order: www.circuit5.org/c5/wp-admin/ao/S2013-50.pdf
Additional Information: Judge Sue Robbins, Professionalism Committee Chair, (352) 401-7820, srobbins@circuit5.org, www.circuit5.org/c5/programs-services/professionalism-committee/

7th Circuit - Flagler, Putnam & St. Johns Counties
Submit complaints to the president of the county bar association using the form in the administrative order.

Flagler County Bar Association President:	Putnam County Bar Association President:	St. Johns County Bar Association President:
Ronald Hertel Chiumento, Selis & Dwyer, P.L. 145 City Place, Suite 301 Palm Coast, FL 32164 (386) 445-8900 rhertel@palmcoastlaw.com	Garry Wood Putnam County Bar Assn. P.O. Box 2112 Palatka , FL , 32178 (386) 326-3993 garrywood2011@hotmail.com	Alyssa Clayton Camper Attorney at Law PO Box 2175 St. Augustine, Florida 32085 (904) 201-1711 alyssacamper@camperlaw.com

Administrative Order: www.circuit7.org/Attorney%20Resources/P-2013-188-Local%20Professionalism%20Panel.pdf
Additional Information: www.circuit7.org/Attorney%20Resources/professionalism.html

8th Circuit - Baker, Bradford & Union Counties
Submit complaints using the form provided at circuit8.org/sites/default/files/Professionalism%20Referral%20Form.pdf
Administrative Order: circuit8.org/web/ao/10%2002%20%28v2%29%28s%29%20Local%20Professionalism%20Panel-signed.pdf
Additional Information: Raymond F. Brady, (352) 373-4141, rbrady1959@gmail.com, www.circuit8.org/professionalism

Orlando Division

5th Circuit - Lake County
Panels are established in each county. Submit complaints to the 5th Circuit's General Counsel Grace Fagan ((352) 754-4860 or (352) 253-1615, gfagan@circuit5.org).
Administrative Orders: 5th Circuit Order: www.circuit5.org/c5/wp-admin/ao/A2013-45.pdf
Lake County Order: www.circuit5.org/c5/wp-admin/ao/L2013-48.pdf
Additional Information: Judge Sue Robbins, Professionalism Committee Chair, (352) 401-7820, srobbins@circuit5.org, www.circuit5.org/c5/programs-services/professionalism-committee/

7th Circuit - Volusia County
Use the form in the administrative order to submit complaints to the Volusia County Bar Association President (Michael Woods, michael.woods@CobbCole.com).
Administrative Order: www.circuit7.org/Attorney%20Resources/P-2013-188-Local%20Professionalism%20Panel.pdf
Additional Information: www.circuit7.org/Attorney%20Resources/professionalism.html

9th Circuit - Orange and Osceola Counties
Submit complaints to the Chief Judge using the referral form (www.ninthcircuit.org/about/programs/local-professionalism-committee). Referrals from attorneys and non-attorneys are limited to two pages exclusive of exhibits.
Administrative Order: www.ninja9.org/adminorders/orders/2014-07%20-%20order%20establishing%209th%20circuit%20professionalism%20panel.pdf
Additional Information: Lisandra Acosta, (407) 843-8880, www.ninthcircuit.org

18th Circuit - Brevard & Seminole Counties
Brevard and Seminole Counties each maintain a panel. Complaints are submitted to the Chief Judge or the county professionalism committee chair using the form in the administrative order.
Administrative Order: http://brevardclerk.us/administrative-orders?ID=4be532fd-aa49-46a5-bd48-db92ccc9e7c8
Additional Information: Chief Judge John Harris, (321) 617-7287, http://brevardclerk.us

Tampa Division

5th Circuit - Hernando County
Panels are established in each county. Submit complaints to the 5th Circuit's General Counsel Grace Fagan ((352) 754-4860 or (352) 253-1615, gfagan@circuit5.org).
Administrative Orders: 5th Circuit Order: www.circuit5.org/c5/wp-admin/ao/A2013-45.pdf
Hernando County Order: www.circuit5.org/c5/wp-admin/ao/H2013-47.pdf
Additional Information: Judge Sue Robbins, Professionalism Committee Chair, (352) 401-7820, srobbins@circuit5.org, www.circuit5.org/c5/programs-services/professionalism-committee/

6th Circuit - Pasco & Pinellas Counties
Complaints are initiated by contacting the contact attorney:

Pinellas County	Pasco County
North: Robert Dillinger, (727) 464-6516, Pd6@wearethehope.org or Andrew Sasso, (727) 725-4829, lexsb@aol.com South: Lee Rightmyer, (727) 821-7000, lrightmyer@cfjblaw.com	West: Larry Hart, (727) 847-2737, lhart@carlsonmeissner.com East: Chip Mander, (352) 567-0411, Arm4law@manderlawgroup.com,

Administrative Order:
http://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/2013PDFFiles/2013-075.pdf
Additional Information: www.jud6.org

10th Circuit - Hardee & Polk Counties
Submit complaints via letter or email to the panel chairman. Complaints from attorneys and non-attorneys are limited to 10 pages inclusive of exhibits.
Administrative Order: www.jud10.flcourts.org/sites/all/files/docs/AO_1-48.0.pdf
Additional Information: K.C. Bouchillon, (863) 533-5525, kc@loblawyers.com, www.jud10.flcourts.org

12th Circuit - Manatee & Sarasota Counties
Submit complaints online at: www.jud12.flcourts.org/Portals/0/LPPComplaint.aspx
Administrative Order: www.jud12.flcourts.org/Portals/0/PDF/AdminOrders/Section02/14-08-2.pdf
Additional Information: Office of Court Administration, Sarasota County, (941) 861-7800, www.jud12.flcourts.org/Home/Attorney/LocalProfessionalismPanel.aspx

13th Circuit - Hillsborough County
Submit complaints via email to Local Professionalism Panel Chair (William Kalish, william.kalish@akerman.com).
Administrative Order: www.fljud13.org/Portals/0/AO/DOCS/S-2013-071.pdf
Additional Information: www.fljud13.org/Portals/0/Forms/pdfs/ProfessionalPanelBrochure.pdf

CASE LAW UPDATE

Book Three in the *Stern* Jurisdiction Trilogy: *Wellness International v. Sharif*

By Judge Michael G. Williamson

Last July I wrote an article for the Court Connection titled, "Book Two in the *Stern* Jurisdiction Trilogy: *Executive Benefits v. Arkison*."[1] I noted that the problem *Stern* created is it did not instruct us on how to deal with *Stern* claims which, while defined as core, cannot constitutionally be decided by bankruptcy courts. And because *Stern* claims also are not considered statutorily to be non-core, they arguably could not be decided by the non-core procedures in 28 U.S.C. § 157(c). In *Executive Benefits,* the Supreme Court closed this so-called gap by holding that *Stern* claims may be adjudicated as non-core within the meaning of § 157(c) based on the severability provision found in title 28.[2] This severability provision closes the gap created by *Stern* claims.

The article also set forth what *Executive Benefits* left for future consideration. Specifically, because the Supreme Court in *Executive Benefits* concluded that the district court did conduct a de novo review of the final judgment—which is all that *Stern* requires—the Court did not need to address whether from a constitutional perspective the petitioner could consent to the bankruptcy court's adjudication of a *Stern* claim. The Court reserved that question for another day. That day has now come with the Supreme Court's decision in *Wellness International v. Sharif.*[3]

In a 6-3 decision written by Justice Sotomayor in which Justices Kennedy, Ginsburg, Breyer, and Kagan joined and in which Justice Alito joined in part, the Supreme Court held in *Wellness International v. Sharif* that Article III is not violated when the parties knowingly and voluntarily consent to adjudication by a bankruptcy judge.

The decision evidences a pragmatic approach to some thorny constitutional concerns, which if analyzed through the prism of "formalistic and unbending rules"[4] rather than "with an eye to the practical effect,"[5] could have had a devastating effect on not only practice in the bankruptcy courts but on the magistrate system and the regime for out-of-court consensual dispute resolution through arbitration.

This pragmatic approach is evidenced in the majority's discussion of its reasoning. As explained in the majority opinion, Congress has authorized the appointment of bankruptcy and magistrate judges, who do not enjoy the protections of Article III, to assist Article III courts in their work. In fact, the number of magistrate and bankruptcy judgeships exceeds the number of circuit and district judgeships. "And it is no exaggeration to say that without the distinguished service of these judicial colleagues, the work of the federal court system would grind nearly to a halt."[6]

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[1] http://www.flmb.uscourts.gov/newsletter/volume3_issue3.pdf.
[2] *Executive Benefits Ins. Agency v. Arkison,* 134 S. Ct. 2165, 2173 (2014).
[3] *Wellness Int'l Network, Ltd. v. Sharif*, 2015 WL 2456619 (May 26, 2015).
[4] *Wellness*, 2015 WL 2456619, at *9.
[5] *Id.*
[6] *Id.* at *3.

Given this pragmatic context, the Supreme Court then looked to long-standing precedents supporting the conclusion that litigants may validly consent to adjudication by bankruptcy courts. For example, in 1878, the Court in *Newcomb v. Wood*[7] recognized "[t]he power of a court of justice, with the consent of the parties, to appoint arbitrators and refer a case pending before it." Fast forward to the 1986 "foundational case" of *Commodity Futures Trading Commission v. Schor*,[8] in which the Court explains, "[A]s a personal right, Article III's guarantee of an impartial and independent federal adjudication is subject to waiver, just as are other personal constitutional rights"—such as the right to a jury—"that dictate the procedures by which civil and criminal matters must be tried."[9]

This precedent makes clear that the decision to invoke a non-Article III forum is left entirely to the parties, and the power of the federal judiciary to take jurisdiction of these matters is unaffected. "In such circumstances, separation of powers concerns are diminished, for it seems self-evident that just as Congress may encourage parties to settle a dispute out of court or resort to arbitration without impermissible incursions on the separation of powers, Congress may make available a quasi-judicial mechanism through which willing parties may, at their option, elect to resolve their differences."[10] According to the majority, the lesson of *Schor* and the history that preceded it is plain: The entitlement to an Article III adjudicator is a personal right and thus ordinarily subject to waiver.

The majority admits that Article III also serves a structural purpose, barring congressional attempts to transfer jurisdiction to non-Article III tribunals for the purpose of emasculating constitutional courts and thereby preventing the encroachment or aggrandizement of one branch at the expense of the other. But, the Court reasons, allowing Article I adjudicators to decide claims submitted to them by consent does not offend the separation of powers so long as Article III courts retain supervisory authority over the process.

The Court then goes on to conclude that allowing bankruptcy litigants to waive the right to Article III adjudication of *Stern* claims does not usurp the constitutional prerogatives of Article III courts. After all, the Court acknowledges that bankruptcy judges, like magistrate judges, are appointed and subject to removal by Article III judges. Furthermore, bankruptcy courts possess no free-floating authority to decide claims traditionally heard by Article III courts. Their ability to resolve such matters is limited to a narrow class of common law claims as an incident to the bankruptcy courts' primary adjudicative function. Importantly, because the entire process takes place under the district court's total control and jurisdiction, there is no danger that use of the bankruptcy court involves a congressional attempt to transfer jurisdiction to non-Article III tribunals "for the purpose of emasculating constitutional courts."[11]

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[7] 97 U.S. 581, 583 (1878).
[8] 478 U.S. 833, 848-49 (1986).
[9] *Wellness*, 2015 WL 2456619, at *7 (quoting *Schor*, 478 U.S. at 848-49).
[10] *Schor*, 478 U.S. at 855.
[11] *Wellness*, 2015 WL 2456619, at *8 (quoting *Peretz v. U.S.*, 501 U.S. 923, 937 (1991) (internal quotation marks omitted)).

The Court notes that Congress could choose to rest the full share of the Judiciary's labor on the shoulders of Article III judges. But pragmatically, the Court notes that doing so would require a substantial increase in the number of district judgeships. Instead, Congress has "supplemented the capacity of district courts through the able assistance of bankruptcy judges."[12] And the Court concludes that so long as those judges are subject to control by the Article III courts, their work poses no threat to the separation of powers.

Importantly, the majority points to the language in *Stern* that precludes the expansive reading of the decision urged by the minority. In this respect, the Court in *Stern* took pains to note that the question before it was a "'narrow' one" and that its answer did "not change all that much" about the division of labor between district courts and bankruptcy courts.[13] The Court admits that it would be an unfair characterization of *Stern* that the decision meant that bankruptcy judges could no longer exercise their long-standing authority to resolve claims submitted to them by consent. The Court then concludes that interpreting *Stern* to bar consensual adjudications by bankruptcy courts would meaningfully change the division of labor in our judicial system, contrary to *Stern's* explicit limitations.

Having held that Article III is not violated when the parties knowingly and voluntarily consent to adjudication by a bankruptcy judge, the Court then goes on to consider whether that consent must be express or whether it may be implied. It is noteworthy that, as Justice Alito noted in his partial concurrence, there was no need to decide the question of implied consent because the respondent had forfeited any *Stern* objection by failing to present that argument properly in the courts below.

Consistent with the practical tenor of *Wellness,* the Supreme Court nevertheless addressed this issue given its great importance to the bankruptcy legal community. In reaching the conclusion that implied consent is sufficient, the Court points out that nothing in the Constitution requires consent to adjudication by a bankruptcy court be express. In a similar vein, there is nothing in the relevant statute, 28 U. S. C. § 157, that mandates express consent; it states only that a bankruptcy court must obtain the consent—in the Court's words "consent *simpliciter*"—of all parties to the proceeding before hearing and determining a non-core claim.

And, the Court reasoned, a requirement of express consent would be in great tension with the Court's decision in *Roell v. Withrow*.[14] That case concerned the interpretation of 28 U.S.C. § 636(c), which authorizes magistrate judges to "conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case," with "the consent of the parties." The Court concludes that the implied consent standard articulated in *Roell* supplies the appropriate rule for adjudications by bankruptcy courts under § 157. Applied in the bankruptcy context, that standard possesses the same pragmatic virtues—increasing judicial efficiency and checking gamesmanship—that motivated the Court's adoption of it for consent-based adjudications by magistrate judges.

[12] *Id.* at *10.
[13] *Stern v. Marshall*, 131 S. Ct. 2594, 2620, 2629 (2011).
[14] 538 U.S. 580 (2003).

The Court does, however, emphasize that a litigant's consent—whether express or implied—must still be knowing and voluntary. *Roell* makes clear that the key inquiry is whether "the litigant or counsel was made aware of the need for consent and the right to refuse it, and still voluntarily appeared to try the case" before the non-Article III adjudicator.[15]

It appears that black clouds of jurisdictional uncertainty created by *Stern* and the courts that have interpreted *Stern* have now been cleared. Business returns to the days before *Stern* when few questioned the bankruptcy court's power to enter final judgments in both core matters and in matters in which the parties consent to jurisdiction as established in the statutory framework of 28 U.S.C. § 157. So this concludes the *Stern* Trilogy. Hopefully, there will be no sequel.

[15] *Wellness*, 2015 WL 2456619, at *12 (quoting *Roell*, 538 U.S. at 590).

Court Connection
Volume No. 3 – July 2015

CASE LAW UPDATE

The Supreme Court's Ruling in *Harris v. Viegelahn* Reaches Into Debtors' Attorneys Pockets

By: Douglas W. Neway, Esq., Chapter 13 Trustee

The U.S. Supreme Court ruling in *Harris v. Viegelahn*, 2015 U.S. LEXIS 3203 (May 18, 2015) has had an appreciable and immediate impact on pending and future chapter 13 cases. As a standing trustee, I am in regular communication with chapter 13 trustees throughout the country and when the Supreme Court ruling in *Harris* came down, trustees nationwide were scurrying to revise their internal procedures to comply with the ruling. Essentially, the High Court decided to weigh in on what a chapter 13 trustee should do with the funds on hand upon the conversion of the chapter 13 case to a chapter 7 case. The court held that the debtor is entitled to the return of any post petition wages collected but not yet distributed by the chapter 13 trustee. In so finding, the court rejected the idea that the trustee's duty to "wind up" the affairs of the estate included a duty to distribute funds to the creditors. The Court found that the chapter 13 trustee's authority to provide services to the estate terminates at the moment of conversion. Because the bankruptcy code identifies the making of payments to creditors as one of the core "services", this service is terminated. In addition to the impact this ruling has on creditors and standing trustees, debtor attorney fees are an issue that will also be affected.

The chapter 13 trustee in *Harris*, argued that the creditor's interest in the funds vested when they came into the trust because the trust exists only for the benefit of the creditors. However, the Court was unimpressed with this argument and quoting one of the conflicting court of appeals decisions stated, "[N]o provision in the Bankruptcy Code classifies any property, including post-petition wages, as belonging to creditors." They further stated that "...wages may have been "property of the estate" while his case proceeded under chapter 13, but estate property does not become property of creditors until it is distributed to them."

Accordingly, the only conclusion I can reach is that any undistributed funds on hand at the time of conversion are not the property of any particular creditor, even an administrative claim. Thus, since the core services of the chapter 13 trustee have been terminated, I can only refund those funds to the debtor. The sole exception is when the funds on hand are traceable to the liquidation of a pre-petition asset. In that case, I believe Bankruptcy Rule 1019(4) would allow me to turn those funds over to the chapter 7 trustee. However, if the funds are traceable to the liquidation of a post-petition asset (e.g., post-petition inheritance or PI claim), then *Harris* prevents me from distributing those funds to creditors, absent a showing of bad faith or by application of Section 541(a)(5) which includes certain property acquired within 180 days of filing.

Under *Harris*, if chapter 13 trustees have no authority to make any determination as to how funds on hand are disbursed, other than to return said funds to the debtor, then all funds go back to the debtor if they are wages, absent a showing of bad faith. This is true regardless of whether or not the case is confirmed or unconfirmed, and also regardless of whether or not any debtor's attorney fees are due under the chapter 13 plan or other order of the court.

Therefore, the following are my determinations of where the balance on hand should be sent upon conversion of a chapter 13 case.

Confirmed or Unconfirmed cases that convert to chapter 7

* Wages on hand - return to debtor absent finding of bad faith

* Liquidated assets on hand of pre-petition asset- turnover to chapter 7 trustee

* Liquidated assets on hand of post-petition asset - return to debtor. If there is a finding of bad faith or if Section 541(a)(5) applies, then turnover to chapter 7 trustee

* Attorney fees due per confirmation order - cannot pay and funds are returned to the debtor

* Adequate protection payments due per plan - cannot pay and return funds to the debtor

While I acknowledge that there may be further incarnations to consider, these are the procedures my office has currently implemented.

As is often the result of Supreme Court rulings in bankruptcy cases, many ripples of the decision are sure to follow. One of those ripples is the potential conflict of interest that a debtor's attorney may have when unpaid fees are provided in the plan and the debtor requests a conversion. Additionally, the question of whether the unpaid debtor attorney fees in a chapter 13 plan are considered a pre-petition debt or an administrative claim will give rise to new questions. Should these fees be paid from the chapter 7 estate? What priority do they enjoy? When the refund to the debtor from the chapter 13 trustee is received, can the debtor's attorney accept direct payment from the debtor while the chapter 7 case is still pending, or is that a violation of the automatic stay? These are only some of the issues that will arise in converted cases. The chapter 13 trustee's office shouldn't be the only office to consider changes to procedures when a chapter 13 case is converted.

CASE LAW UPDATE

Eleventh Circuit Case Law Update
Analysis of Recent Cases in the Eleventh Circuit

By: Bradley M. Saxton, Esq. Winderweedle, Haines, Ward & Woodman, PA
C. Andrew Roy, Esq., Winderweedle, Haines, Ward & Woodman, PA

Supreme Court Cases

Bullard v. Blue Hills Bank
135 S. Ct. 1686 (May 4, 2015)

A bankruptcy court's order which denied confirmation of a chapter 13 plan but permitted the debtor leave to amend is not a "final" order that could be immediately appealed by the debtor.

Harris v. Viegelahn
135 S. Ct. 1829 (May 18, 2015)

Undistributed chapter 13 plan payments made by a debtor from his or her wages and held by the chapter 13 trustee at the time of the conversion of the case to chapter 7 must be returned to the debtor and not distributed to creditors.

Wellness Int'l Network, Ltd. v. Sharif
135 S.Ct. 1932 (May 26, 2015)

Parties can expressly or impliedly consent to a bankruptcy court adjudicating Article III "*Stern*" claims, and such consent does not run afoul of the separation of powers and the vesting of the judicial power in Article III courts only.

Eleventh Circuit Cases

In re Valone
--- F.3d ---, 2015 WL 1918138 (11th Cir. April 29, 2015)

Eleventh Circuit reversed bankruptcy court and district court, and upheld Chapter 13 debtors' claim of "wildcard" exemption under Florida law, finding that the automatic stay, not the Florida homestead exemption, was protecting debtors' interest in their home for purposes of determining whether the "wildcard" exemption was available.

Lorenzo v. Wells Fargo (In re Lorenzo)
--- Fed. Appx. ---- (11th Cir. June 4, 2015)

The 11th Circuit affirmed both the district court and the bankruptcy court which denied the debtor's motion for extension of time to respond to the creditor's adversary preceding complaint and granted creditor's motion for entry of default and also entered a default judgment against the debtor. The bankruptcy court properly concluded that debtor's failure to timely answer the complaint was willful and its refusal to set aside the default was based on the finding of willfulness and the lack of a meritorious defense. Further, the entry of a default judgment was proper because, as a result of the default, the debtor admitted the plaintiff's well-pleaded allegation of fact.

Coen v. Stutz (In re CDC Corporation)
--- Fed. Appx.---- (11th Cir. June 11, 2015)

The Barton doctrine applies and the plaintiff was required to obtain permission from the bankruptcy court to sue the general counsel of a liquidating trust under a chapter 11 confirmed plan, where the defendant was sufficiently connected to the bankruptcy estate, where, among other things, his employment was approved by the bankruptcy court.

Bankruptcy Court Cases

Estate of Jackson v. Gen. Elec. Cap. Corp.
(In re Fundamental Long Term Care, Inc.)
527 B.R. 497 (Bank. M.D. Fla. Mar. 20, 2015) (Williamson, J.)

In an interesting twist on the recent cases involving bar orders, the bankruptcy court turns to the All Writs Act and the Anti-Injunction Act for authority to issue an injunction prohibiting parties from future litigation where the enjoined litigation arises out of the same nucleus of facts before the court, and the injunction is necessary to preserve a compromise and bring finality to complex and lengthy litigation.

Henkel v. Brothers Mill, Ltd. and Henkel v. Eddy, et al. (In re Eddy)
2015 WL 1585513 (Bankr. M.D. Fla. April 3, 2015) (Jackson, J.)

Trustee proved at trial that transfers by debtor into trust were fraudulent and bankruptcy court avoided those transfers for the benefit of the chapter 7 estate. The court, however, declined to pierce the trust to expose all of its assets, beyond the fraudulently transferred assets, because it was an irrevocable trust.

In re Metzler
530 B.R. 894 (Bankr. M.D. Fla. May 13, 2015) (Williamson, J.)

The bankruptcy court interpreted the meaning of the term "surrender" in the context of both a chapter 7 case (interpreting §521 of the code) and a chapter 13 case (interpreting §1325(a)(5)(C)). The court holds that "surrender" means that a debtor must relinquish secured property and make it available to the secured creditor by refraining from taking any overt act that impedes a secured creditor's ability to foreclose its interest in secured property.

In re Fazzary
530 B.R. 903 (Bankr. M.D. Fla. May 21, 2015) (Glenn, J.)

Bankruptcy court found that debtor filed chapter 13 petition in bad faith and for an improper purpose. Upon creditor's motion for sanctions against the debtor and the debtor's counsel, bankruptcy court concluded that the court has authority to impose sanctions for a bad faith filing but those sanctions should be "limited to what is sufficient to deter repetition". The court concluded that the written finding of bad faith contained in the order dismissing the case was sufficient to deter the debtor and debtor's attorney from filing any future bankruptcy cases for an improper purpose.

In re Walls v. Hicks
530 B.R. 912 (Bankr. M.D. Fla. May 22, 2015) (Jennemann, C.J.)

Debtor's obligation to remit 10% of his military retirement pay to his ex-spouse is a debt which resulted from the enforcement of obligations imposed by a divorce decree and therefore falls within §523(a)(15) because it is "in connection" with the divorce decree and any judgment that results from the debtor's failure to pay is inseparable from the divorce decree and therefore is within the broad scope of §523(a)(15) and is not dischargeable.

In re Park
--- B.R. ---- (Bankr. M.D. Fla. June 19, 2015) (Delano, J.)

The bankruptcy court addressed the issue of whether a mortgage debt that was to be paid outside the plan in a chapter 13 case was "provided for" by the plan in accordance with §1328. The court held that where the chapter 13 plan does not modify the rights of the secured creditor and the rights of a holder of claim are left unaffected, the claim is not discharged. Therefore, the court denied the debtor's motion for an order to show cause why the mortgage holder and its counsel should not be held in contempt for continuing the creditor's suit against the debtors to foreclose the mortgage debt and collect on the underlying promissory note as a violation of the discharge injunction.

Digestive Health Center v. DeMasi (In re DeMasi)
2015 WL 3956135 (Bankr. M.D. Fla. June 26, 2015) (Williamson, J.)

Upon analysis of the prior State Court judgment which determined that the debtor defrauded his creditor, the bankruptcy court concluded that all of the elements of §523(a)(2)(A) are met and the State Court Judgement is entitled to collateral estoppel effect and full faith and credit and therefore the debtor's liability to the creditor is non dischargeable and creditor is entitled to summary judgment.

In re Curtis
2015 WL 4065260 (Bankr. M.D. Fla. June 30, 2015) (Jennemann, C.J.)

Bankruptcy court rejects the debtor's contention that following the confirmation of a chapter 13 plan, §1327 vests property of the estate in the debtors, and holds that upon conversion to chapter 7, §348(f) controls and the debtor's unencumbered, nonexempt personal property the debtor's still held after conversion is property of the estate and subject to administration by the chapter 7 trustee.


SAVE THE DATES
October 1-2, 2015
The Florida Bar Business Law Section's Inaugural
BUSINESS LAWYERS IN THE COURTROOM:
Trial Skills for Minority Lawyers
Orange County Courthouse
425 N Orange Ave., Orlando, FL 32801
October 1-2, 2015
8:30 a.m. - 5:30 p.m.
Opening Reception
September 30, 2015 at 5:30 pm
More details to follow
Space is limited to 24 participants
Faculty
Honorable Frederick J. Lauten, Chief Judge
Honorable Alice L. Blackwell
Honorable Bob LeBlanc
Honorable Lisa T. Munyon
Honorable Patricia A. Doherty
Honorable Faye L. Allen
Honorable John Antoon, II
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For questions about joining CFBLA or any CFBLA event, please email cfblabankruptcybar@gmail.com.

Upcoming Q3 2015 Events

July 16, 2015 – **Luncheon**, Megan Johnson Judd – The Importance of Appraisals

August 20, 2015 – **Luncheon**, Hon. Alice L. Blackwell – The Intersection of Bankruptcy and State Courts

September 20, 2015 – **Fall Festival**, at Mead Gardens

Sept. (date TBD) – **Table for Eight**, C. Andrew Roy and Jamie Blucher – Crab Boil

October 15, 2015 – **Luncheon**, Orlando Economic Development

CFBLA Q2 2015 News

Annual Bankruptcy Seminar – On April 23, CFLBA hosted its Annual Bankruptcy Seminar at the Embassy Suites in Downtown Orlando. The Seminar focused on Bankruptcy in a Recovering Economy. Approximately 120 attendees enjoyed presentations from guest speakers focusing on a wide variety of bankruptcy topics, including Ponzi schemes, developing Chapter 11 issues, mortgage modification, and student loans. Planning is already underway for the 2016 Annual Seminar.

Table for Eight – Justin Luna and his wife Victoria hosted another successful Table for Eight on April 30. The dinner was "Margaritaville" themed and fun was had by all.

Luncheons – At CFBLA's May luncheon, Jordan DeLoach presented on the Cancellation of Indebtedness Income. Jordan's informative presentation provided needed insight into the intersection of taxation and debt forgiveness. At CFBLA's June luncheon, Joe Towne presented on Time-Barred Debt, providing an outline of the current case-law surrounding statutes of limitations, statutes of repose, FDCPA, and other laws. All luncheon materials are available on CFBLA's website (www.cfbla.org).

eExhibit Training – On July 1, the Orlando Division Bankruptcy Court hosted a live training regarding the new eExhibit filing system as part of the Court's Brown Bag Series. Immediately following the Training, CFBLA members enjoyed a happy hour at Ember.

Court Connection
Volume No. 3 – July 2015

Jacksonville Bankruptcy Bar Association

23rd Annual Seminar

August 21, 2015

Sawgrass Marriott Resort & Spa
Ponte Vedra Beach, Florida

THE JACKSONVILLE BANKRUPTCY BAR ASSOCIATION CORDIALLY INVITES YOU TO ATTEND ITS TWENTY-THIRD ANNUAL BANKRUPTCY SEMINAR.

THIS CONFERENCE BRINGS TOGETHER LEADING JURISTS, EXPERTS, AND BANKRUPTCY PRACTITIONERS.

THIS FULL DAY BANKRUPTCY SEMINAR WILL BE PRESENTED ON FRIDAY, AUGUST 21, 2015.

REGISTRATION AND CONTINENTAL BREAKFAST BEGIN AT 8:15 A.M.

THE ANNUAL SEMINAR WILL BE HELD AT THE SAWGRASS MARRIOTT RESORT AND SPA LOCATED IN PONTE VEDRA BEACH, FLORIDA.

CLER: 7 CREDIT HOURS
HAVE BEEN APPLIED FOR:
GENERAL - 6 HOURS
ETHICS - 1 HOUR

IF YOU ARE UNABLE TO ATTEND THE SEMINAR BUT WISH TO PURCHASE THE MATERIALS, YOU MAY DO SO BY SENDING YOUR REQUEST ALONG WITH $50 TO:

Jeanne Breault
Lansing Roy, P.A.
1710 Shadowood Lane, Ste 210
Jacksonville, Florida 32207

Seminar Registration

To register please mail this form, together with a check in the appropriate amount payable to the JBBA, to:

JBBA
221 North Hogan Street, #349
Jacksonville, Florida 32202

*Name:*_____

Address: _____

_____

Phone: _____

Email: _____

JBBA Member: ***$225***

Non-JBBA Member: ***$250***

Government: ***$125***

Legal Assistant/Student: ***$75***

Accommodations

A limited number of Sawgrass Marriott rooms will be available **until July 31, 2015** at a special rate of $139.00 plus resort fee and sales tax . We recommend you use the online portal to make reservations:

https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=13746914

Alternatively, you may call **800-457-4653** and mention the "JBBA Seminar" to obtain this rate.

Court Connection
Volume No. 3 – July 2015

SCHEDULE

8:40 – 8:50
President's Remarks

Kevin Paysinger, Lansing Roy, P.A.

8:50 – 10:45
Recent Case Updates
Analysis of a wide variety of hot topics across the District and Nationwide, including recent Supreme Court Decisions

Honorable Karen S. Jennemann
Honorable Paul M. Glenn
Honorable Jerry A. Funk
Honorable Michael G. Williamson
Honorable Catherine P. McEwen
Honorable Cynthia C. Jackson
Honorable Karen K. Specie

Moderators:
David Otero, Akerman LLP
Jason Burnett, GrayRobinson

10:45 – 10:55 BREAK

10:55 – 11:55
e-Discovery in Bankruptcy: Why Should You Care?
Ethical and Practical Considerations for e-Discovery in Bankruptcy Matters

Honorable Michael G. Williamson
Chris Dix, Smith, Hulsey & Busey
Melissa Davis, KapilaMukamal, LLP

Moderator:
Leanne Prendergast, Smith, Hulsey & Busey

11:55 – 1:15 LUNCH BREAK

1:20 – 2:15
Preparing An Expert Witness for Deposition or Trial

Honorable Paul M. Glenn
Richard Thames, Thames, Markey & Heekin
John MacDonald, Akerman LLP

2:15 – 2:40 BREAK

Breakout Sessions 2:40 – 4:35

Track A

2:40 – 3:30
FDCPA Claims and Bankruptcy Considerations

Daniel Blanks, Nelson Mullins
Max Story, Max Hunter Story, P.A.

3:45 – 4:35
Chapter 7 Issues:
Pre-filing issues, preparing clients for examinations, exemptions, valuations encumbered property sales and more.

Jacob Brown, Akerman LLP
Eugene Johnson, Johnson Law Firm
Nina LaFleur, LaFleur Law

Track B

2:40 – 3:30
Assignment for the Benefit of Creditors:
What, why, how and why not just Chapter 7?

Honorable Michael G. Williamson
Mark Healy, Michael Moecker & Assoc.
Philip von Kahle, Michael Moecker & Assoc.

3:45 – 4:35
Chapter 11 Issues:
Pre-bankruptcy relief from stay provisions, recent SARE updates, dirt for debt and more.

Honorable Catherine P. McEwen
Mark Mitchell, Rogers Towers
Jason Burgess, Law Offices of Jason A. Burgess

4:45—6:00 RECEPTION

Immediately following the educational sessions, the JBBA would like to invite all attendees to stay for a reception featuring hors d'oeuvres and cocktails.

The JBBA would like to thank our

Platinum/Reception Sponsors

Rogers Towers, P.A.

Smith, Hulsey & Busey

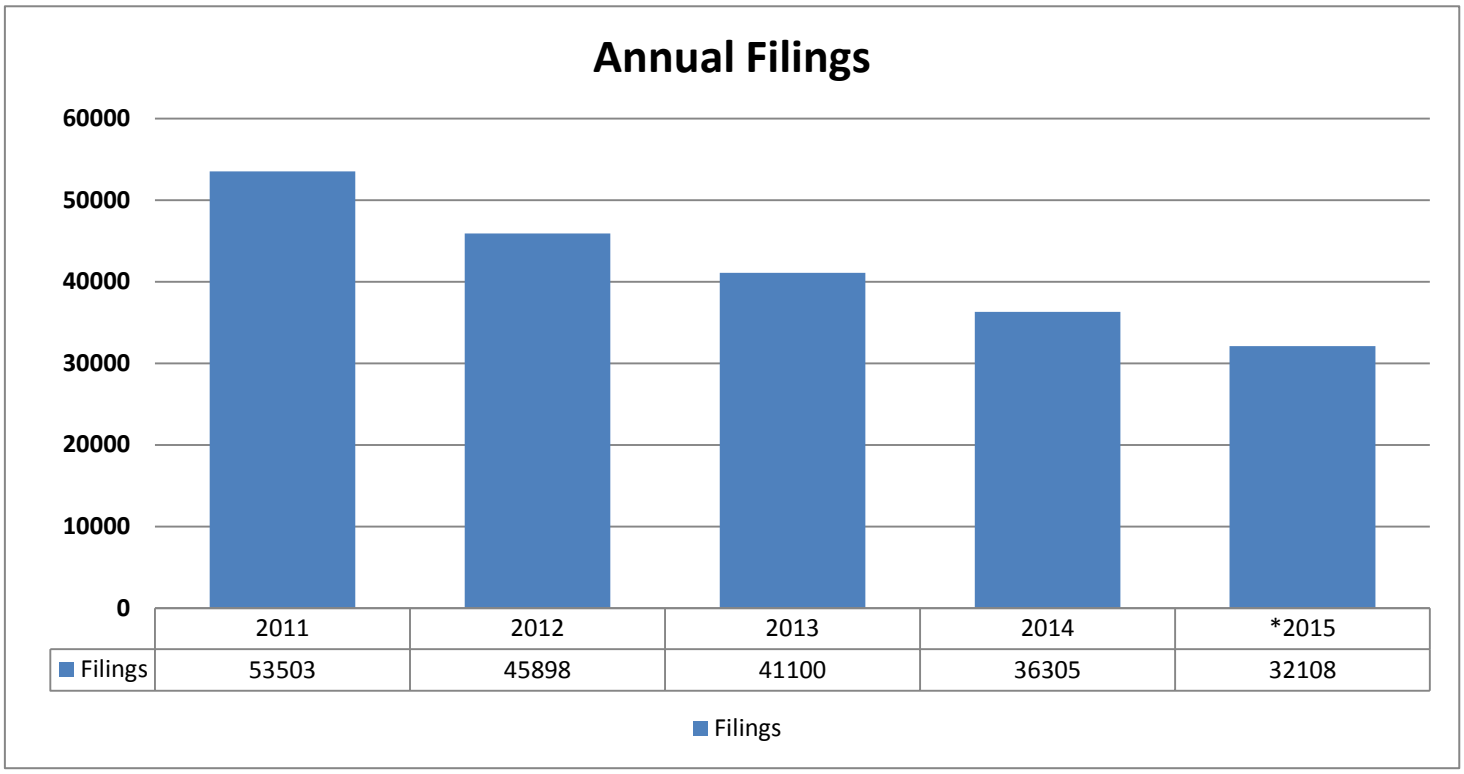
Nelson Mullins

Akerman, LLP

*Please contact Jeanne Breault if you are interested in sponsorship opportunities.

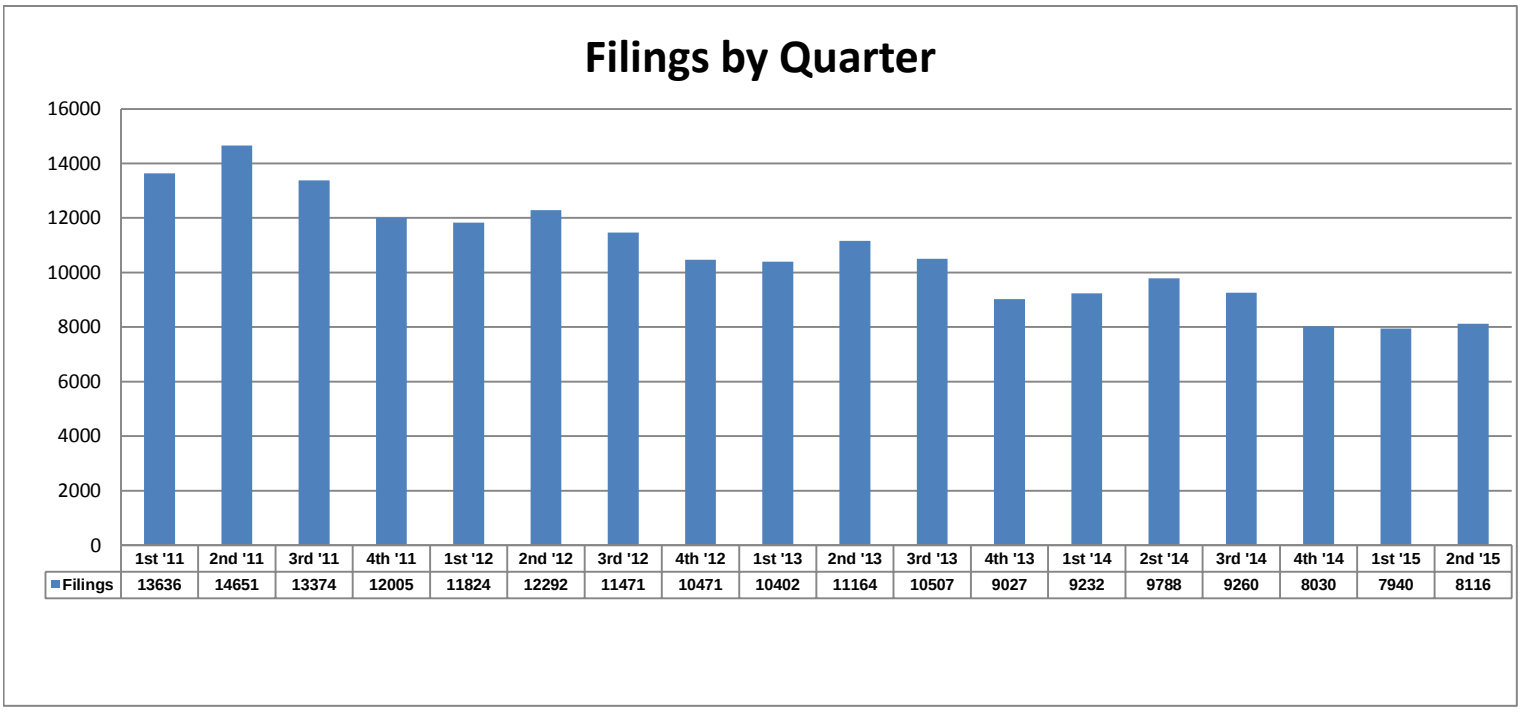
JBBA
Jacksonville Bankruptcy Bar Association

United States Bankruptcy Court - Middle District of Florida
Updated July 21, 2015 Meeting Data and Information
Statistics as of June 30, 2014

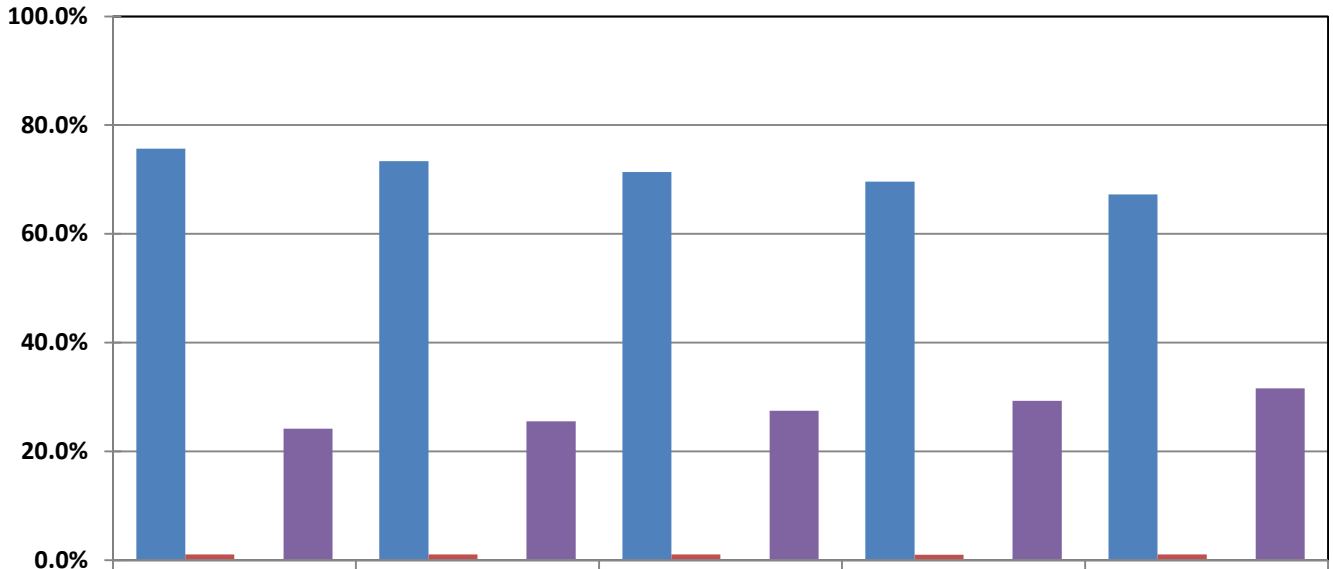


Year	Annual Filings	vs. 2011	vs. Prior Yr.
2011	53503		
2012	45898	-14%	-14%
2013	41100	-23%	-10%
2014	36305	-32%	-12%
***2015**	32108	-40%	-12%

* Projected Filing Statistics

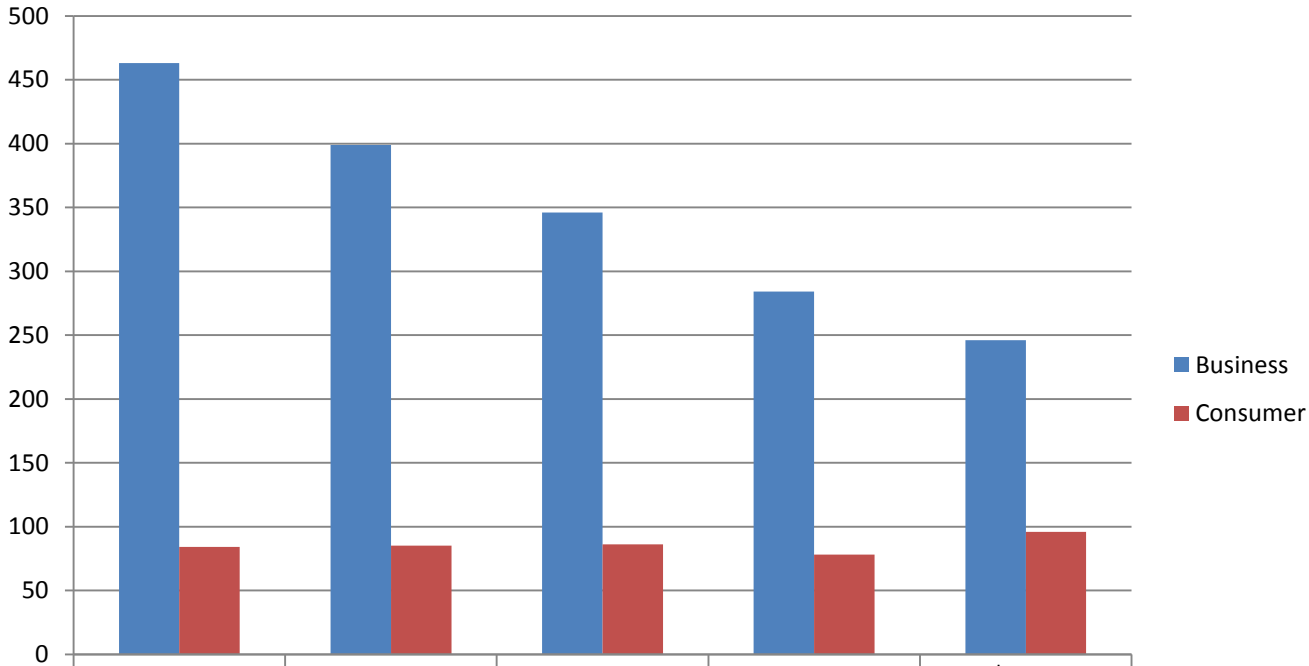


Filings by % of Chapter Type



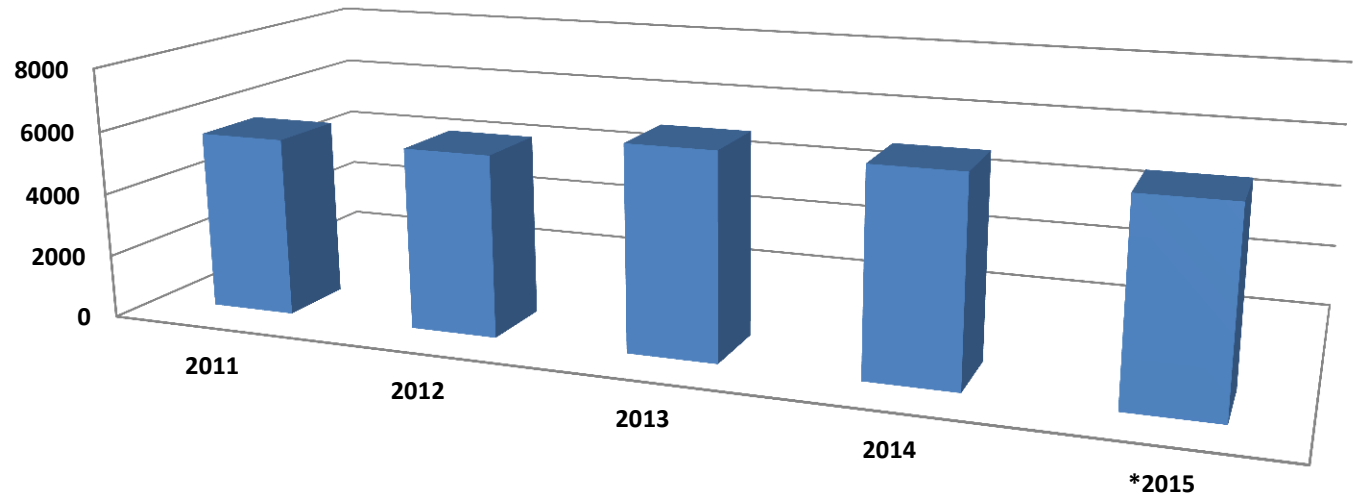
	2011	2012	2013	2014	*2015
Chapter 7	75.7%	73.4%	71.4%	69.6%	67.3%
Chapter 11	1.0%	1.1%	1.1%	1.0%	1.1%
Chapter 12	0.0%	0.0%	0.0%	0.0%	0.0%
Chapter 13	24.2%	25.5%	27.5%	29.3%	31.6%

Chapter 11 Filings



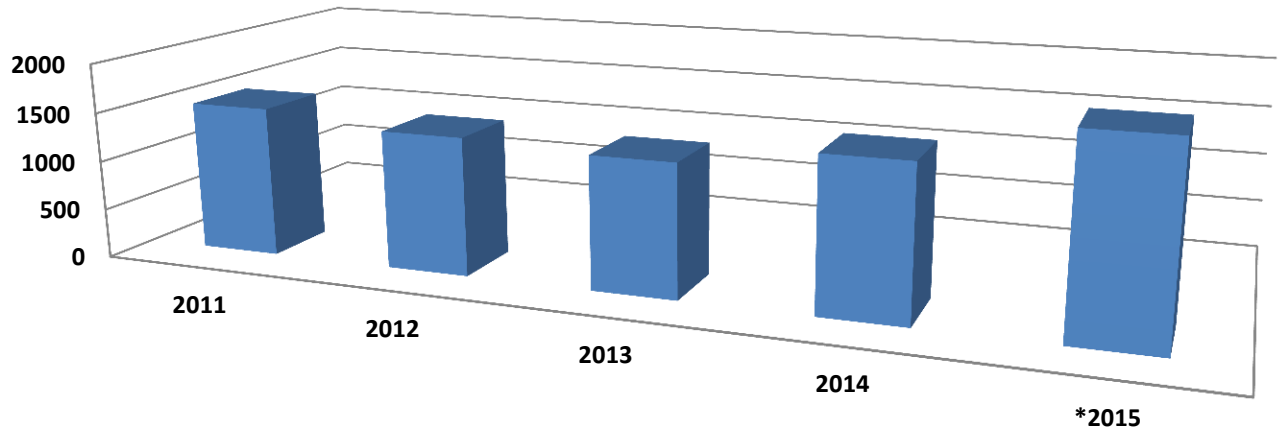
	2011	2012	2013	2014	*2015
Business	463	399	346	284	246
Consumer	84	85	86	78	96

Pro Se Filings

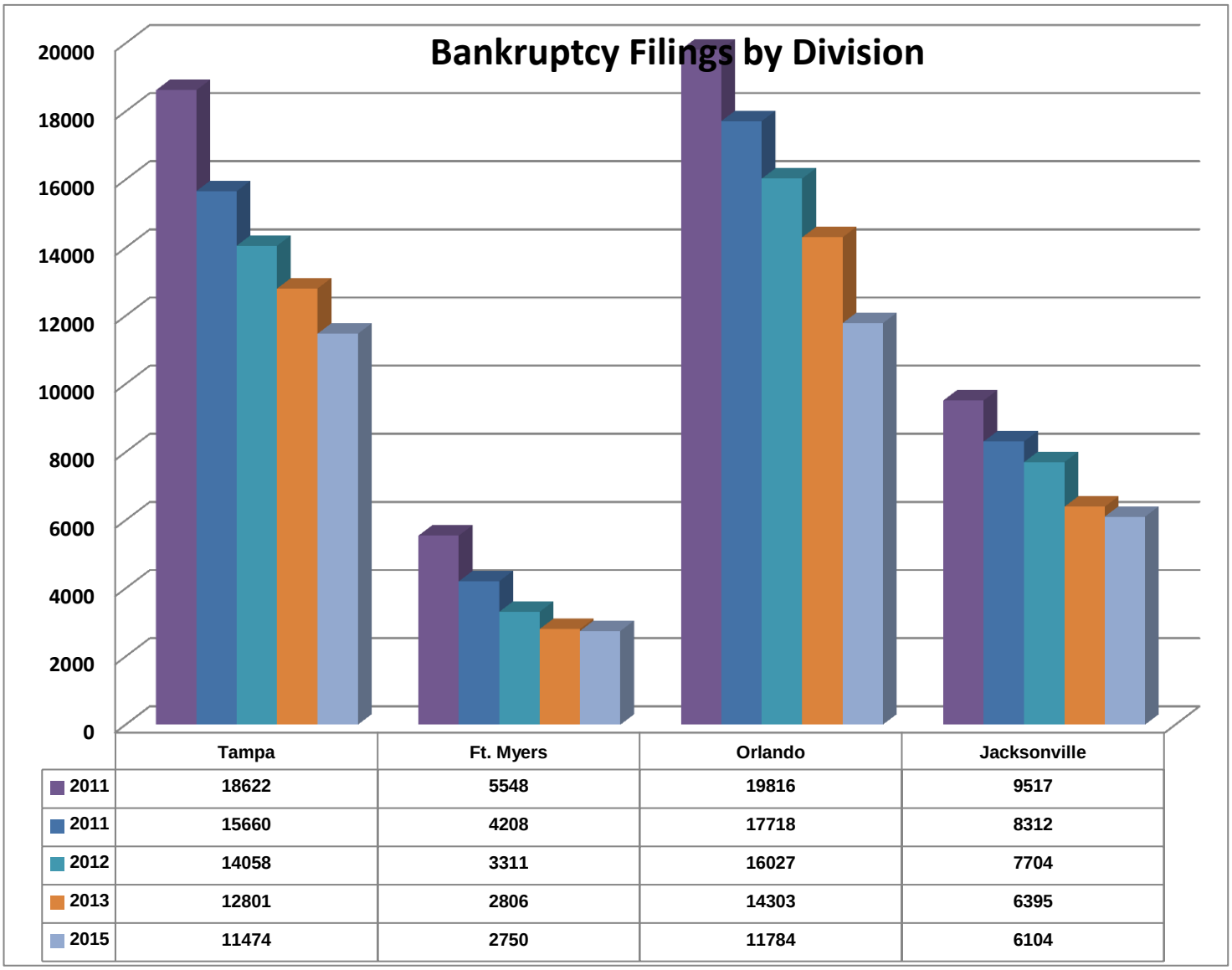


	2011	2012	2013	2014	*2015
Pro Se	5682	5737	6435	6387	6162
% of All Filings	11%	12%	16%	18%	19%

In Forma Pauperis Filings



	2011	2012	2013	2014	*2015
IFP Granted	1524	1396	1334	1529	1922
% of All Filings	3%	3%	3%	4%	6%



	Tampa	Ft. Myers	Orlando	Jacksonville
2011	18622	5548	19816	9517
2011	15660	4208	17718	8312
2012	14058	3311	16027	7704
2013	12801	2806	14303	6395
2015	11474	2750	11784	6104

Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Order Granting IFP counts have been corrected to include approving language.