

A New Chapter

By Sheryl Loesch, Clerk of Court

As the new Bankruptcy Clerk of Court, I want to acknowledge my longtime friend and colleague, Lee Ann Bennett, for the legacy she left behind. As nationally known, the Bankruptcy Court for the Middle District of Florida is one of the largest courts in the nation, yet also one of the most efficient. This reputation is because of the exceptional quality of judges on the bench and the collegiality and collaboration they enjoy in conjunction with Lee Ann's leadership, business acumen, and talent.

During Lee Ann's leadership, the bankruptcy court fell upon hard times when caseloads began to fall and staffing levels were adversely affected. Tough decisions had to be made and creative ways of doing more with less (I prefer to say "doing everything with nothing") were needed. Lee Ann was never one to shy away from a challenge and encouraged her staff to find new ways to become more efficient so the business of the court would not suffer. Under Lee Ann's leadership, the court emerged from the "bad times" to what has become the new normal, a much smaller bankruptcy staff footprint.

The thought of trying to fill Lee Ann's shoes was daunting to me. After all, my nearly 29-year career with the federal judiciary was in the world of the district court, and aside from being familiar with bankruptcy appeals, I have never worked in the area of bankruptcy. The transition from district to bankruptcy court was eased thanks to the highly qualified and skilled staff Lee Ann assembled. Moving to the bankruptcy court was a big change for me, but I am excited about the opportunity to meet and work with new people.

It is normal for people to be nervous or even intimidated by change, but I believe change is good and can be a positive in one's life. This change was not just about me, it was a big change for the bankruptcy judges, the bankruptcy staff, and all who were used to working with Lee Ann. I am sure the staff wondered what kind of leader I would be and if I would make changes to office policies and practices. The big challenge for me is to earn the trust and respect from others who have never met me before.

I am excited about the new path my career has taken. I could not work with a more professional, dedicated group of people who consider themselves to be a team. I could not ask for a better work environment.

To help those of you who don't know me well, I would like to share with you a little bit about myself from the "non-work" perspective. I have sensed the court family is

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pro pet. So let me tell you about mine. I have a fur child named Gibbs, who is a Samoyed. He is an AKC champion. And I actually showed him in the ring! His AKC registered name really is Special Agent N.C.I.S. “Gibbs,” but unlike the real Gibbs, my Gibbs is rule adverse. My hobby is photography, especially travel photography, and I enjoy travel of all kinds. I’ve been involved in numerous rule-of-law programs around the world and have had the privilege of visiting some very off-the-beaten-path countries to assist their judiciaries, who wish to model their system of justice after ours, which is the gold standard of the world.

I look forward to working with the bankruptcy community for years to come, and I cannot thank each of you enough for making me feel so welcome and already a part of the bankruptcy court family here in the Middle District of Florida.



Announcements and Upcoming Events

August 25, 2017

JBBA Annual Seminar
Sawgrass at Ponte Vedra

*

October 8-11, 2017

National Conference of Bankruptcy Judges Annual Conference
Paris, Las Vegas, NV

*

October 19, 2017

Annual Alexander L. Paskay Memorial Dinner – Details TBA

*

October 17-20, 2017

2017 ABJA Certified Bankruptcy Assistant Seminar
Memphis, TN

*

Effective July 1, 2017

The Bankruptcy Judges of the Middle District of Florida have approved new and amended Local Rules

Click [HERE](#) to access the new and amended Local Rules.

TRUSTEE SPOTLIGHT

By Jill Kelso, Trial Attorney, Office of the U.S. Trustee

Orlando Office of the U.S. Trustee Program Welcomes Trial Attorney, Audrey Aleskovsky

Audrey May Aleskovsky joined the Orlando office of the U.S. Trustee on October 31, 2016. She was hired through the Attorney General's Honors Program, selected as one of eight new hires slated to join the program in 2016. Before joining the USTP, she served as a law clerk to U.S. Bankruptcy Judge Kay Woods in the Northern District of Ohio, Youngstown Division. She received her J.D. cum laude from Syracuse University College of Law before joining the Florida bar in 2013. While at Syracuse, Audrey was an extern for Chief U.S. Bankruptcy Judge Margaret Cangilos-Ruiz in the Northern District of New York, Syracuse Division, and volunteered in the U.S. Trustee's Office in Rochester, New York.

Before law school, Audrey graduated from University of Florida with her B.S. and Master of Accounting degrees, earned her CPA license, and served as a Sales and Use Tax Accountant for New Balance Athletic Shoe, Inc. in Boston, Massachusetts. Born and raised in Palm Beach Gardens, Audrey is thrilled to return to Florida with her husband Nathan and one-year-old son Daniel to be near family and friends.

Please take time to introduce yourself to Audrey when in Orlando.



Office of the U.S. Trustee Updated Staff Assignments

In light of recent and upcoming changes to office staff, the Office of the U.S. Trustee provides the following updated information regarding case assignments.

| Orlando Office of the U.S. Trustee Chapter 7 and 11 Cases for Orlando and Jacksonville Office Phone Number 407-648-6301 | | | |
|---|-----------------------------|-------------------------|--|
| Cases Assigned to: | USTP Trial Attorney | USTP Auditor | USTP Paralegal |
| Judge Briskman | Elena Escamilla, Ext. 127 | Bob Lynch, Ext. 135 | Donna Murray, Ext. 132 |
| Judge Colton | Jill Kelso, Ext. 137 | Bob Lynch | Ileraine Wolfgramm, Ext. 151 |
| Judge Funk | Miriam Suarez, Ext. 126 | Ana Rodriguez, Ext. 154 | Lori Luce, Ext. 140 |
| Judge Glenn | Scott Bomkamp, Ext. 150 | Ana Rodriguez | Lori Luce |
| Judge Jackson | Elena Escamilla | Bob Lynch | Donna Murray |
| Judge Jennemann | Audrey Aleskovsky, Ext. 130 | Bob Lynch | Cases Ending 00-49: Donna Murray Cases Ending 50-99: Ileraine Wolfgramm |

| Tampa Office of the U.S. Trustee Chapter 11 Cases for Tampa and Fort Myers* Office Phone Number 813-228-2000 | | |
|--|----------------------------|---|
| Cases Assigned to: | USTP Trial Attorney | USTP Auditor (Assigned by ending case number for all Judges) |
| Judge Williamson | Denise Barnett, Ext. 227 | |
| Judge McEwen | Nathan Wheatley, Ext. 235 | |
| Judge May | Nicole Peair, Ext. 223 | |
| Judge Delano | Benjamin Lambers, Ext. 228 | |
| | | Steve Pralle 00-33, Ext. 226 |
| | | Jill Sox 34-66, Ext. 218 |
| | | Lori Daniel 67-99 |
| <p>* Staff assignments for chapter 7 cases are determined by trustee. Please contact the office for information. Chapter 13 matters in Tampa are assigned to Steven Wilkes, Ext. 234 and in Fort Myers are assigned to Benjamin Lambers, Ext. 228.</p> | | |

Judges' Corner



The Judges' Retreat was held on June 4, 2017 in St. Augustine, Florida. Pictured from Left to Right: Judge Funk, Judge Colton, Judge May, Judge Jennemann, Chief Judge Williamson, Judge Glenn, Clerk Sheryl Loesch, Judge Delano, Judge McEwen, Judge Briskman and Judge Jackson

Judge Delano Celebrates Ninth Anniversary on the Bench!

Judge Delano, her chambers staff, summer interns, and former law clerk, Kathleen DiSanto, celebrated Judge Delano's ninth anniversary on the bench with lunch at Bella's on June 27th.



25th Anniversary NACBA Convention



The 25th Anniversary NACBA Convention was held in Orlando, Florida on May 25, 2017. An Ethics Panel, consisting of (Left to Right) Jill Michaux (Kan.), Judge McEwen, Jim Cossitt (Mont.), and Judge Cynthia Norton (Bankr. W.D. Mo.), posed ethics puzzlers to the audience.

2017 American Inns of Court Justice Games



And the winner goes to.....

(Left to Right): Judge McEwen as Forrest Gump character JFK, Doug McDonald as Forrest, and Tina Dunsford as Gump character LBJ, celebrate their Ferguson-White Inn's first place for pro bono sign-ups at the 2017 American Inns of Court Justice Games.

Tampa summer interns Kyle Jones (UNC) and Ashley Fredericks (Emory) enjoy their volunteer post at the beverage stand at Trinity Cafe, which feeds lunch to the homeless in a restaurant-style setting. Kyle and Ashley were joined by intern Will Paxton (UF), who served as the rover on beverage duty. The interns volunteered as part of a lesson on public outreach.



Pilot Program “Pep Talk” for First-Time Individual Pro Se Filers

The maxim “necessity is the mother of invention” proves true once more. Given federal budget limitations that preclude the hiring of a dedicated pro se law clerk for the Court, Judge McEwen is going to try the next best thing—a pilot program aimed at giving individual pro se debtors a better chance for success. She will set a status conference for first-time chapter 7 and chapter 13 pro se filers to make sure they understand their basic obligations and what’s needed to make their case a success. These hearings will be held in batches (based on chapter) at least ten days before the initial 341 meeting. The first batch is set for hearing later this month. Debtors are given the option of appearing by telephone.

“Call it a pep talk, of sorts,” said Judge McEwen, “but it’s really a way to triage a case before something bad happens as a result of the debtor’s lack of compliance—such as a debtor failing to file required papers, to provide required documents to the trustee in advance of the 341 meeting, or to use the correct form of a chapter 13 plan.” Judge McEwen will also point the debtor to useful places on the Court’s website, including the Bankruptcy Basics videos and the portal where residential mortgage modification procedures are found. Other trouble-shooting topics will include the importance of making chapter 13 plan payments on time (“pay to play, pay to stay,” is Judge McEwen’s familiar mantra) and what *not* to do with tax refunds (spend them).

“Our district has been Number 1, 2, or 3 in the nation, out of 90, over the last two years or more for pro se filings per judge,” said Judge McEwen. Without a pro se law clerk, and notwithstanding the generosity of the pro bono lawyers who staff the pro se courthouse clinics and otherwise represent indigent clients for free, she said that she didn’t believe that maintaining the status quo was any way to improve that bad statistic. If more filers are successful the first time, then the number of repeat filings should decrease. “I’m aiming for a higher rank by this same time next year, assuming this experiment works,” she said.

Judge McEwen is also hoping this process leads to fewer failures by good-faith filers. It may also help weed out individuals who file solely to gain time to challenge a state court foreclosure judgment, delay a foreclosure sale, or for some other improper purpose. Of course, she will remind the pro se filers that the best chance for success is to hire a lawyer! (And lawyers are welcome to attend.)

TBBBA Honor Role for April-July

Thanks to the following reliable stalwarts for staffing the pro se courthouse clinic in Tampa (your judges notice):

| |
|------------------------------------|
| Barnett, Michael |
| Petry, Kelley |
| Sierra, Tim |
| Malley, Anne |
| Case, Kenneth |
| Sills, Hilda (Paralegal - SRBP) |
| Rock, Daniel |
| Gatto, Karen |
| Oguntebi, Kemi |
| Kurtz, Serena |
| Noel, Nicole |
| Parwani, Rinky |
| Hart, Barbara |
| Sobotta, Jane |
| Solomon, James |
| Hooi, Michael |
| Denton Harris, Amy |
| Ferrell-Anton, Becky |
| Bowen, Chad |
| Hale, Matt |
| Stichter, Scott |
| Fogarty, Dan |

Notables:

--The top three names are in double digits for hours.

--Most of the folks on the list have more than one volunteer stint.

--The Stichter firm has eight employees on the list.

With the large number of members in the Tampa Bay Bankruptcy Bar Association, we sure would like to see more names next quarter. If we missed someone, let us know for the next issue of *Court Connection*.

Judge McEwen Appointed to Judicial Conference of the United States

Judge Catherine Peek McEwen has been appointed by Chief Justice John G. Roberts, Jr., to serve as the bankruptcy judge observer at sessions of the Judicial Conference of the United States for a two-year period beginning October 1, 2017.

The Judicial Conference is the national policy-making body for the federal courts. The current name took effect when Congress enacted 28 U.S.C. § 331. Before that, the body was known as the Conference of Senior Circuit Judges from its creation in 1922.

The Judicial Conference is charged with:

- Comprehensively surveying business conditions in the courts of the United States;
- Planning assignments of judges to or from courts of appeals or district courts, where necessary;
- Submitting suggestions to the various courts that promote uniform management procedures and the expeditious conduct of court business;
- Exercising authority provided in chapter 16 of title 28 United States Codes for the review of circuit council conduct and disability orders filed under that chapter; and
- Continuously studying the operation and effect of the general rules of practice and procedure in the federal courts, as prescribed by the Supreme Court.

The Chief Justice of the United States is the presiding officer of the Judicial Conference. By law, the Chief Justice is required to summon the Judicial Conference into session annually. Traditionally, the Chief Justice has called the annual meeting in September and a semi-annual session in March. The Conference generally meets in Washington, D.C., at the Supreme Court building.*

*Source: www.uscourts.gov. For more on the Judicial Conference, click [here](#).

Orlando Hosts Brown Bag Luncheon and Trivia Challenge

Judge Jennemann and Kathy Deetz led the Brown Bag Luncheon in Orlando on June 7, 2017. They updated the bar on local rules, procedures, the External Procedure Manual, and practice pointers. The room was packed! After quizzing the participants on FLMB judge related trivia, the teams from the United States Trustee's office and the Chapter 13 Trustee's office tied for first place.



Winners pictured from left to right: Sydney Jones, Lorne Durket, Ana De Villiers, Stuart Ferderer, Laurie Weatherford, Audrey Aleskovsky, and Jill Kelso.



United States Supreme Court
Rules on Two FDCPA Related Cases

By: Corey Friedman, Intern in Orlando

Midland Funding, LLC v. Johnson, 137 S. Ct. 1407 (2017)

Background

Petitioner, Midland Funding, LLC, filed a proof of claim in Aleida Johnson's Chapter 13 bankruptcy case (pending in Alabama) asserting that Johnson owed Midland for credit card debt. The last time any charge appeared on Johnson's account was over ten years ago. The statute of limitations to collect on this debt in Alabama is six years. Johnson objected to the claim based on the statute of limitations, and the bankruptcy court disallowed the claim.

Johnson then sued Midland in district court, alleging that filing a proof of claim for a debt that had exceeded the statute of limitations was false, deceptive, misleading, unconscionable, and unfair under the Fair Debt Collections Practices Act (FDCPA). The district court ruled that the FDCPA did not apply and dismissed the claim. The Eleventh Circuit Court of Appeals disagreed, reversed the district court, and held that Midland's actions violated the FDCPA. Midland filed a petition for writ of certiorari and noted a circuit split on the issue.

The United States Supreme Court granted the petition, considered the arguments, and reversed the Eleventh Circuit's decision. Justice Breyer wrote the majority opinion. Justices Roberts, Kennedy, Thomas, and Alito joined in the majority. Justice Sotomayor wrote a dissenting opinion. Justices Ginsburg and Kagan joined in the dissent. Justice Gorsuch took no part in the decision.

Holding

The Court held that filing a proof of claim in a Chapter 13 case that is obviously time barred is not a false, deceptive, misleading, unfair, or unconscionable debt collection practice under the FDCPA.

Analysis

Johnson argued that in a prior United States Supreme Court decision, the Court referred to a bankruptcy claim as "an enforceable claim." Johnson asserted that because the debt was not enforceable, it was deceptive or misleading to file a proof of claim based on that debt. But the Court reasoned that the word "enforceable" does not appear in the Bankruptcy Code's broad definition of "claim."

The Court noted that “claim” is broadly defined in the Code. A claim means a “right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.” A creditor may have a right to payment on the debt even after the limitations period has expired.

Because the creditor may still have a “right to payment,” the creditor may submit a proof of claim. And because the expiration of the statute of limitations is an affirmative defense, it is the responsibility of debtors or Chapter 13 Trustees to figure out what proof of claims may have valid defenses. Debtors who file for bankruptcy are seen as being knowledgeable enough, with the help of the Chapter 13 Trustee or counsel, to determine what proof of claims are allowable in the bankruptcy.

The Court noted this practice presented a closer question on whether it is unfair or unconscionable under the FDCPA. The Court again addressed the legal sophistication of Chapter 13 debtors and questioned whether these debtors would know to object to the claims based on expiration of the statute of limitations. Debtors may feel compelled to pay off the stale debt. In a Chapter 13 case, however, the Court concluded these issues are significantly diminished by the presence and participation of the Trustee’s office. The Court reasoned there is a better likelihood that the attempt to collect on a stale debt would be met with resistance.

Johnson claimed this behavior would give rise to a practice where debt buyers attempt to collect on stale debt hoping for careless Chapter 13 Trustees or debtors. The Court found this argument unpersuasive. The Court also stated that creditors asserting stale claims could benefit a debtor. Filing a proof of claim and disallowance of that proof of claim discharges the debt. A discharged debt no longer shows up on a credit report. The Court found this can help the debtor.

Dissent

Justice Sotomayor wrote that debt collectors act in a predatory manner by buying old debt for pennies on the dollar and attempting to get the debt repaid through “shady” practices—like filing proofs of claim on stale debt in bankruptcy cases. Debt collectors hope that debtors will not realize that the statute of limitations on the debt expired.

This practice started in small claims court where debt collectors would sue hoping the respondents would not know they could make a statute of limitations argument

or not respond to the claim. In these cases, Justice Sotomayor stated, over 90% of consumers did not respond to claims made against them.

The dissent believes that the majority's decision sets up a legal trap for unsophisticated debtors. Justice Sotomayor stated common sense dictates one "should not be able to profit on the inadvertent inattention of others." Debtors that file for bankruptcy, but are unable to notice these stale debts, will be worse off than if they had not filed at all.

Justice Sotomayor concludes by stating that if Congress wanted to—it could amend the FDCPA to make this practice subject to its regulations.

***Henson v. Santander Consumer USA Inc.*, No. 16–349, slip op. (2017)**

Holding

Justice Gorsuch wrote the opinion for the unanimous Court, which held that a company may collect debts it purchased without being considered a debt collector under the FDCPA.

Analysis

A company could be subject to the FDCPA if it collects debts as a third party on behalf of another. But if the company purchases the debt, it no longer collects the debt on behalf of another. The Court explained that the statute focuses "on third party collection agents regularly collecting for a debt owner—not on a debt owner seeking to collect debts for itself." The Court affirmed the Fourth Circuit's opinion.

CASE LAW UPDATE

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

Supreme Court Cases

Henson v. Santander Consumer USA, Inc.

Case No. 16-349 (June 12, 2017)

The Supreme Court held that under the plain language of the Fair Debt Collection Practices Act, one who purchases a debt is not a “debt collector” and is not subject to the FDCPA.

Midland Funding LLC v. Johnson

Case No. 16-348 (May 15, 2017)

The Supreme Court addressed the issue of the filing of time-barred or “stale” claims by debt collectors in bankruptcy cases. The Supreme Court reversed the recent Eleventh Circuit opinion from 2016 and held that a debt collector who files a claim that is clearly barred by the statute of limitations does not violate the federal Fair Debt Collection Practices Act.

Eleventh Circuit Cases

Pollitzer v. Gebhardt

Case No. 16-11506 (11th Cir. June 27, 2017)

The Eleventh Circuit affirmed both the district court and the bankruptcy court and held that §707(b) and its means test apply to a case that was initially filed under Chapter 13 but later converted to Chapter 7. Thus, where the debtor made payments under his Chapter 13 plan for two years, then converted to Chapter 7, his case would be dismissed where he failed to meet the means test.

Bankruptcy Court Cases

In re Roscoe

Case No. 8:13-bk-06517-RCT (Bankr. M.D. Fla. June 28, 2017) (Colton, J.)

Debtors, husband and wife, were performing under a Chapter 13 plan for several years when the debtor wife passed away. Debtor husband was then the beneficiary of life insurance proceeds. These proceeds arose more than 180 days after the petition date, so the debtor argued the proceeds were not property of the estate while the

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Trustee argued they were property of the estate. The Court analyzed the issue and sided with the majority of courts, and with the plain meaning of the bankruptcy code, that §1306(a) supports the Trustee that the insurance proceeds are property of the estate.

In re Howard Avenue Station, LLC

Case No. 8:12-bk-08821-CPM (Bankr. M.D. Fla. April 28, 2017) (McEwen, J.)

Attorney employed as special counsel to the estate had retainer paid by a third party and later had additional fees paid by a third party, which were not disclosed in accordance with §329(a) and Rule 2016(b). The Court acknowledged that “ample authority” exists that might compel a rigid “zero-tolerance” approach that would require the very severe sanctions of denial of compensation and disgorgement of fees already paid, but found this to be an exceptional case which required the Court to exercise discretion under a “case-by-case” approach based on sufficient mitigating circumstances.

In re Kraz

2017 WL 1401273 (Bankr. M.D. Fla. April 18, 2017) (Williamson, C.J.)

Where creditor failed to provide debtor with an accurate estoppel letter, and therefore forced the debtor to file Chapter 11 to stop the foreclosure, the Court determined that debtor is entitled to damages that would effectively put the debtor in the same position it would have been if an accurate estoppel letter was provided. Court awards \$1,180,000.00 in damages which is netted against the claim and provides an interesting discussion of the lender’s tactics operating under the FDIC’s shared loss agreement after it acquired the loan from a failed bank.

Dear Point & Click:

Submitted by Sara Mason, Sarah Wiener, and Raymond Waguespack

Dear Point and Click,

I have two questions regarding the filing of documents through the Court's CM/ECF System.

Question 1: My partner is not an electronic filer. Is it permissible to allow her to use my login and password to file a document in a pinch?

Answer 1: It is not. Local Rule 1001-2(c) addresses the restriction on the use of a filing login: No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User's password to be used by anyone other than an authorized agent of the Electronic Filing User. An attorney is not permitted to use another attorney's password to file a paper with the Court using CM/ECF.

The Court recognizes that situations arise when an attorney, who is not an electronic filer, may need to file documents. Pending completion of the Court's CM/ECF Training Program, the Court offers alternatives to non-electronic filing attorneys that allows them to file their documents, ensuring they meet any deadlines.

Question 2: My other partner is out of the office, unexpectedly, and has an emergency filing that needs to be done. May I file that document for him?

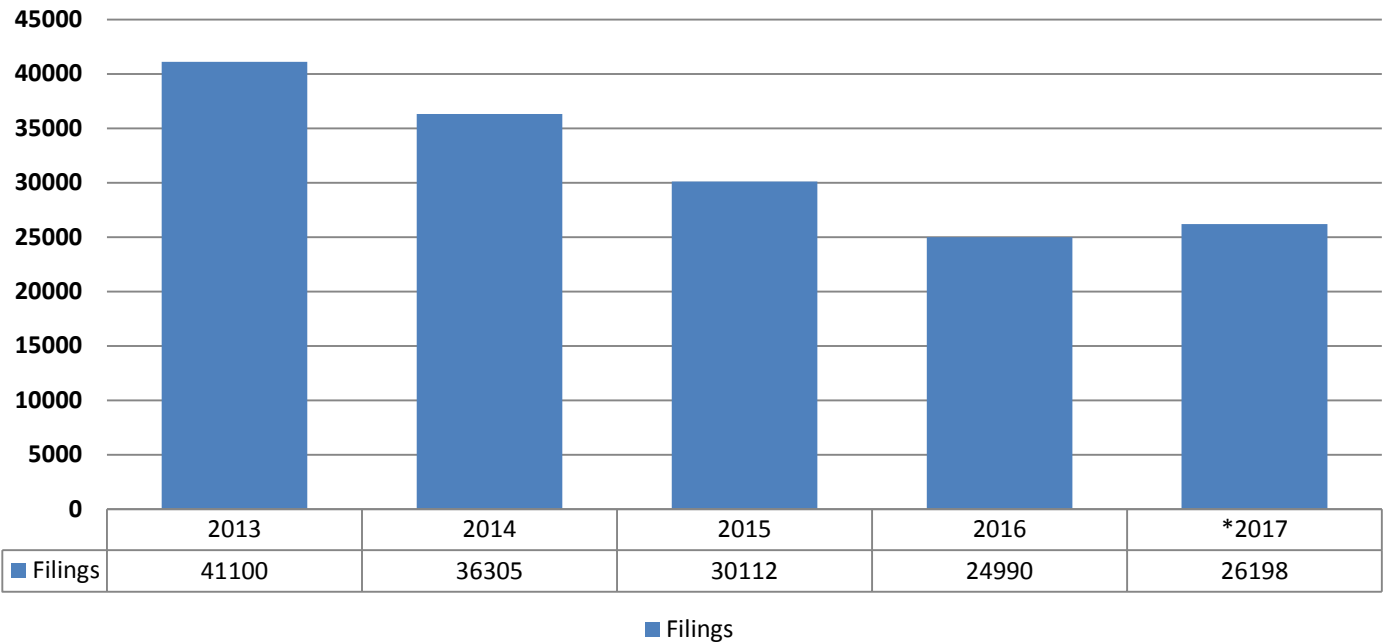
Answer 2: You may not. Local Rule 1001-2(e) addresses the subject of electronic signatures and logins: The name of the Electronic Filing User under whose login and password the document is submitted shall be preceded by "/s/" typed in the space where the signature would otherwise appear. The user login and password required to submit documents via CM/ECF serve as the Electronic Filing User's signature on all electronic documents filed with the Court. The name of the attorney who signed the document must match the name on the account that was used for filing.

Similarly, for firms where authorized agents are used to file documents on behalf of Electronic Filing Users, and those agents file documents for multiple Users, it is imperative that the agents verify they are "logged" in as the correct attorney prior to filing documents through the CM/ECF System.

All signature discrepancies cause delays in the processing of documents, and can lead to adverse action on your filing.

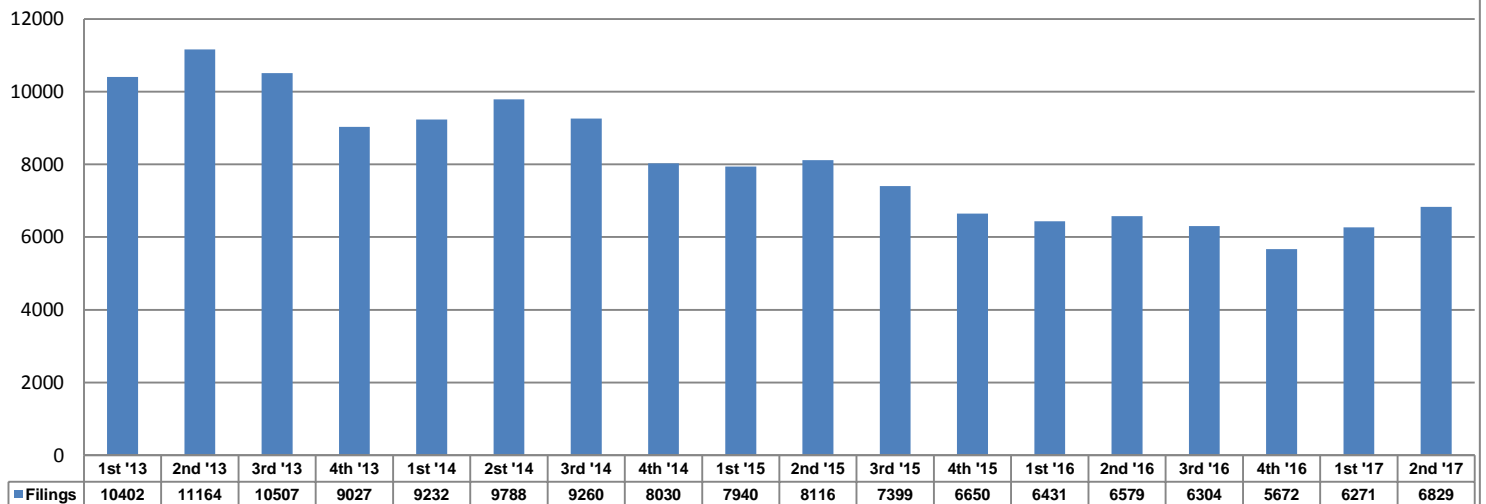
United States Bankruptcy Court - Middle District of Florida
Statistics as of June 30, 2017

Annual Filings

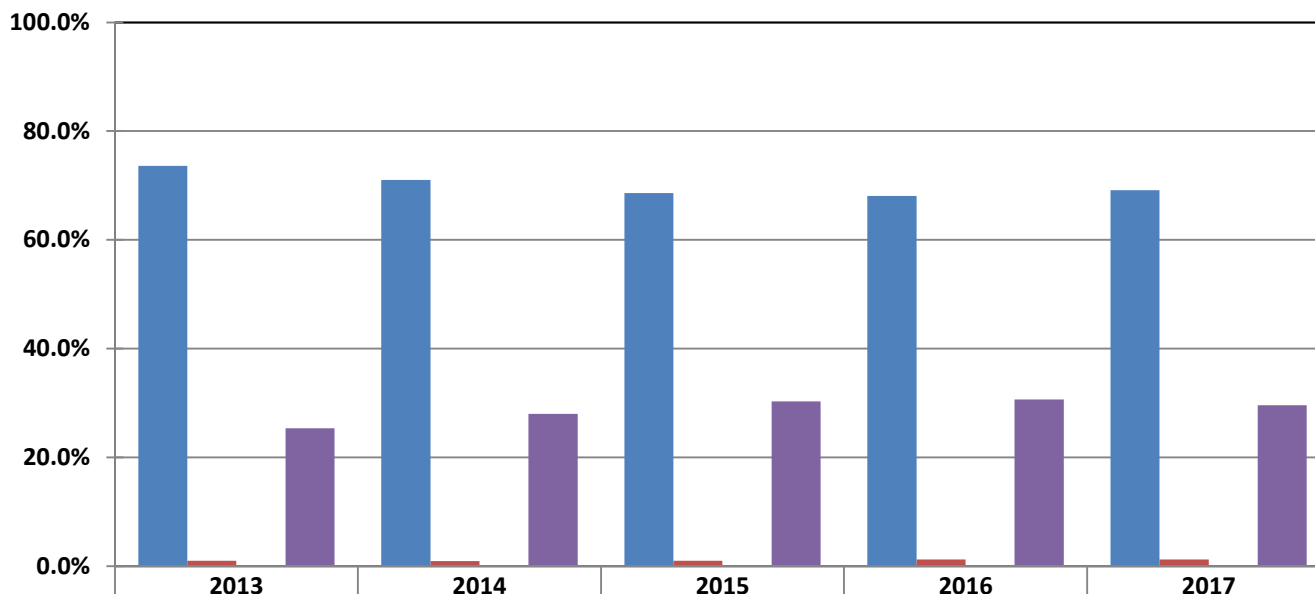


| Year | Annual Filings | vs. 2013 | vs. Prior Yr. |
|-------|----------------|----------|---------------|
| 2013 | 41100 | | |
| 2014 | 36305 | -12% | -12% |
| 2015 | 30112 | -27% | -17% |
| 2016 | 24990 | -39% | -17% |
| *2017 | 25084 | -39% | 0% |

Filings by Quarter

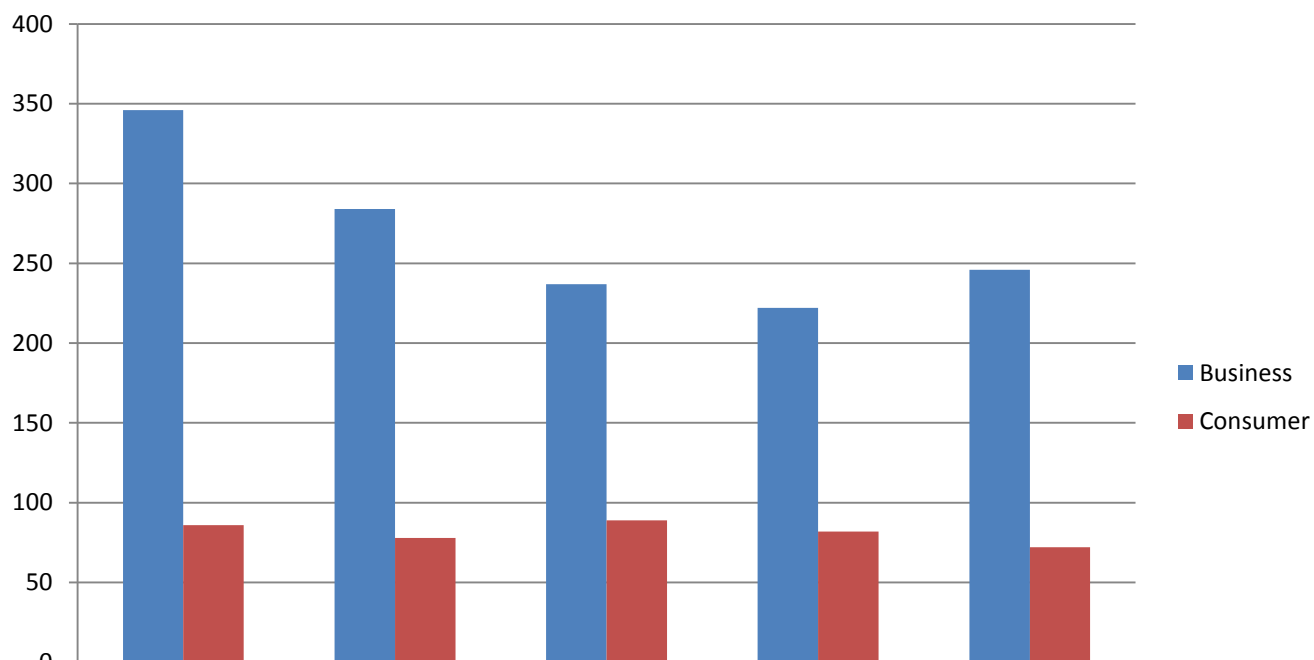


Filings by % of Chapter Type



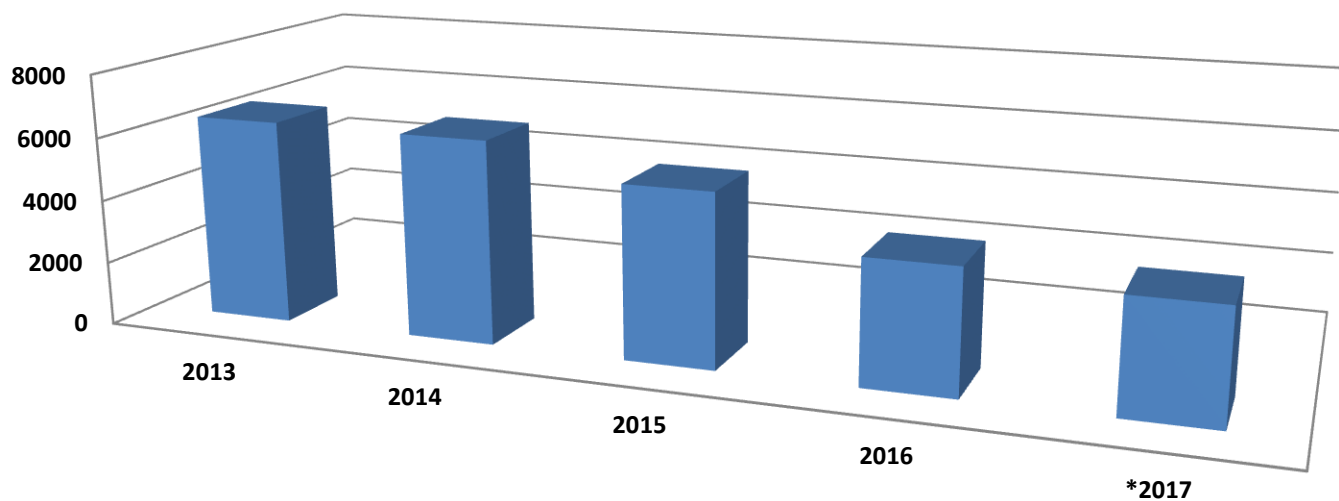
| | | | | | |
|------------|-------|-------|-------|-------|-------|
| Chapter 7 | 73.6% | 71.0% | 68.6% | 68.1% | 69.1% |
| Chapter 11 | 1.0% | 0.9% | 1.0% | 1.2% | 1.2% |
| Chapter 12 | 0.0% | 0.0% | 0.1% | 0.0% | 0.0% |
| Chapter 13 | 25.4% | 28.0% | 30.3% | 30.7% | 29.6% |

Chapter 11 Filings



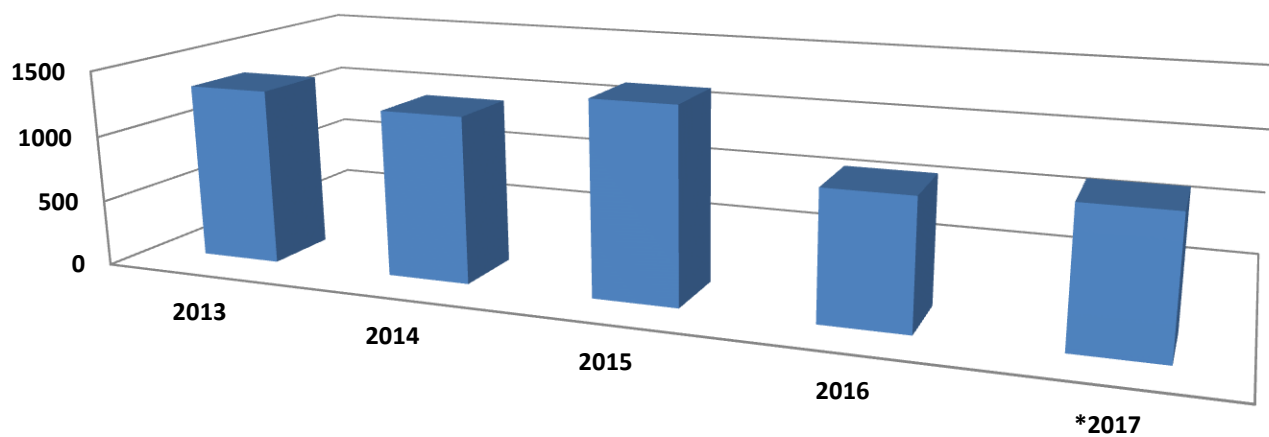
| | | | | | |
|----------|-----|-----|-----|-----|-----|
| Business | 346 | 284 | 237 | 222 | 246 |
| Consumer | 86 | 78 | 89 | 82 | 72 |

Pro Se Filings



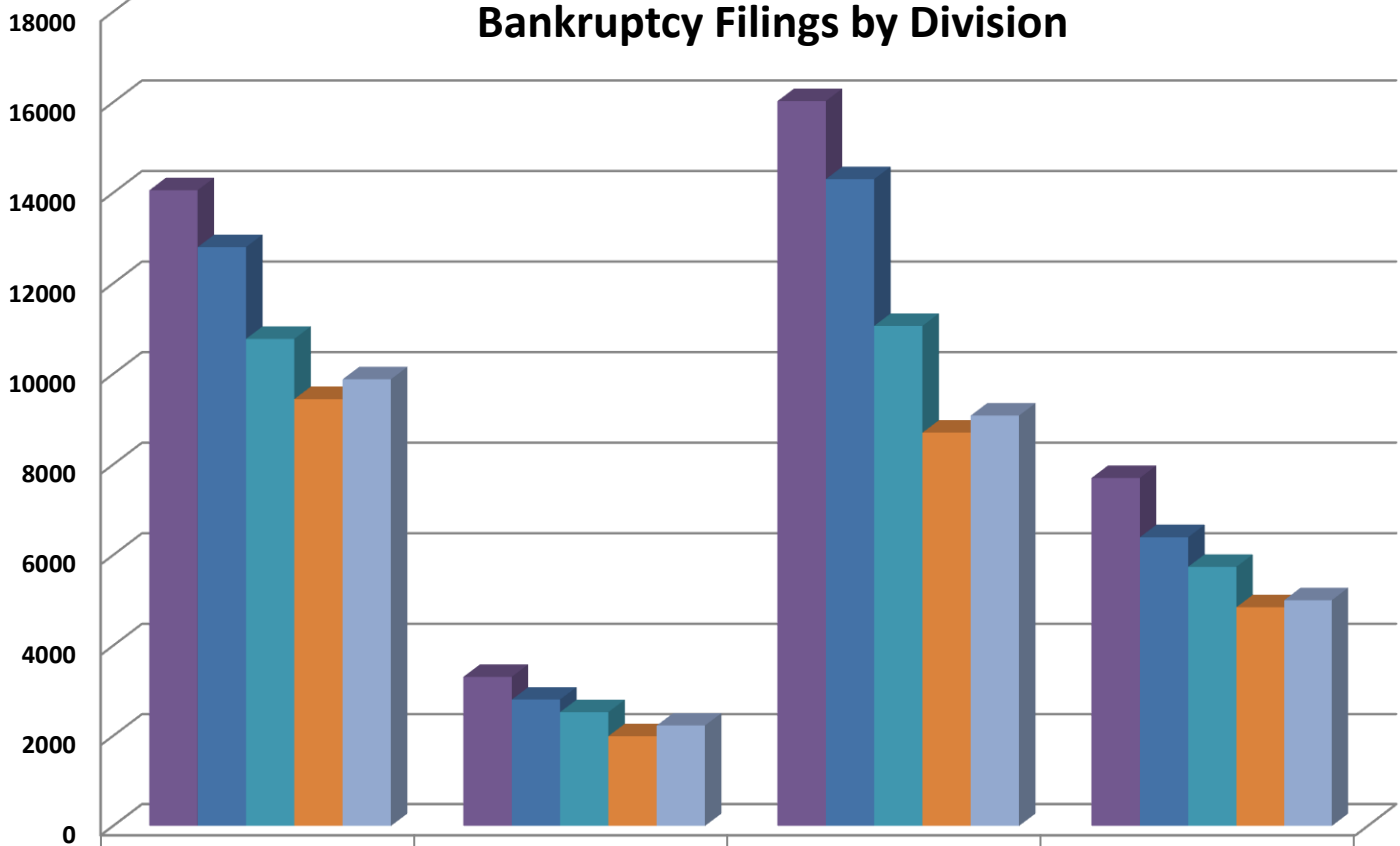
| | 2013 | 2014 | 2015 | 2016 | *2017 |
|------------------|------|------|------|------|-------|
| ■ Pro Se | 6435 | 6387 | 5416 | 3902 | 3546 |
| % of All Filings | 16% | 18% | 18% | 16% | 14% |

In Forma Pauperis Filings



| | 2013 | 2014 | 2015 | 2016 | *2017 |
|------------------|------|------|------|------|-------|
| ■ IFP Granted | 1334 | 1256 | 1456 | 965 | 1014 |
| % of All Filings | 3% | 3% | 5% | 4% | 4% |

Bankruptcy Filings by Division



Note: 2017 Counts are projected totals.

Order Granting IFP counts have been corrected to include approving language.

Jacksonville Bankruptcy Bar Association

By: Katherine C. Fackler, Esquire

On June 14th, the JBBA held its annual election luncheon at the River Club in Jacksonville. Officers for the 2017-2018 year were sworn in: Daniel Blanks, President; John Freeman, Vice President; James Eidson, Treasurer; Katheryn Hancock, Secretary; and Katie Fackler, Chairman. Directors at large include: Rob Heekin, Ed Jackson, Taylor King, Mark Mitchell, Kevin Paysinger, and Ellsworth Summers. Standing Chapter 13 Trustee Doug Neway will serve in a specially-created non-voting advisory role.

The JBBA is pleased to host its 25th Annual Seminar on Friday, August 25th, at the Sawgrass Marriott in Ponte Vedra, Florida. The seminar will feature a panel of Middle District of Florida bankruptcy judges discussing recent cases from the past year, as well as panels of judges and local practitioners discussing (among other things) Chapter 11 current events, the upcoming amendments to the Bankruptcy Rules, and ethical considerations in all chapters. Anyone interested in attending should email the JBBA's executive administrator, Allison Abbott, at allison.abbott@nelsonmullins.com. The JBBA looks forward to seeing you on August 25th.

Central Florida Bankruptcy Law Association

By: Ryan Davis, Esquire

CFBLA celebrates its 25th Anniversary this year! Thank you for the support of our members, the judiciary, and the courthouse staff over the years. It goes without saying that the CFBLA has helped create a camaraderie that has made the bankruptcy practice here in Central Florida unique and special.

On May 5, 2017, CFBLA held its annual seminar at the Citrus Club in downtown Orlando. This year the seminar was combined with the State of the District Address, which was presented by Chief Judge Williamson. Thank you to all of our speakers and attendees for what proved to be a very successful and informative event. Special kudos to our planning committee, Chris Thompson, Andy Layden, Esther McKean, Jack Brennan, and Noreen Shaugnessy-Benford, for all of their hard work in making this event happen!

CFBLA holds its general membership lunches on the third Thursday of each month. The lunches are hosted by the Gray Robinson firm in downtown Orlando. Upcoming speakers include Circuit Court Judge Julie O'Kane, Orange County Business Court, on July 20th, regarding Creditor's Rights issues in State Court and Professor Jeffrey Davis from UF on September 21st.

CFBLA is currently accepting nominations for the Jules S. Cohen Professionalism Award. CFBLA established this award in 2003 to honor an attorney practicing before the bankruptcy court in the Orlando Division of the Middle District of Florida who demonstrates, on a consistent basis, professionalism and civility in dealing with the court and opposing counsel, high ethical standards, competent legal representation of his or her clients, and sustained service to the bankruptcy community. Nominations will be accepted through August 31, 2017. Please submit your nominations to CFBLA President, Ryan Davis, rdavis@whww.com. **Nominations should be accompanied with a written statement setting forth the reasons for the nomination, along with any additional information that you would like considered by the board.** The award recipient will be selected by the board and recognized at an event later this year.

CFBLA provides its members with a number of CLE and networking opportunities that you won't want to miss. If you have not already done so, be certain to begin or renew your membership right away. Go to www.cfbla.org and click the membership application link. If you're new to CFBLA check out our website for some great information and learn how to become a member.

Orange County Bar Association
Bankruptcy Law Committee

By: Sophia Dean, Esquire, and Joshua Tejes, Esquire

We have a great CLE coming up with Chapter 13 Trustee Laurie Weatherford on August 25, 2017. The topic will be the effect of new case law on lien stripping and cramdowns. The CLE will cover new required language, what is proper service, and even a whole new category of property owners who could benefit from Chapter 13 bankruptcy. For example, the Court can now help a debtor value property even if the debtor is not in contractual privity with the lien holder. Because of the evolving case law on lien stripping and cramdown, the number of people Chapter 13 bankruptcy can help has greatly expanded.

We look forward to serving as the new chairs of the Committee for the coming year!

Southwest Florida Bankruptcy Professionals Bar Association

Judge Delano introduced new Clerk of Court, Sheryl Loesch, to SWFBPA members at its June monthly meeting. Clerk Loesch invited members to contact her if they had any questions or concerns regarding the Clerk's Office. Deputy-in-Charge Kathy Deetz (Orlando/Tampa/Fort Myers) also attended the meeting. Greg Champeau gave a timely presentation on recent Eleventh Circuit cases. As always, SWFBPA president Adrian "Ryan" Lynn videotaped the meeting, which will be available on YouTube.

Upcoming luncheon seminar meetings will take place on:

July 27th - Attorney Jacqueline Buyze will be discussing the mortgage modification mediation process;

August 31st - Attorney Carmen Dellutri will be discussing creditor violations of the automatic stay; and

September 28th - Attorney Robert Elgidely will be discussing bankruptcy fraud.

Also mark your calendar for the Annual Alexander L. Paskay Memorial Dinner to be held on October 19th - details to follow!

Tampa Bay Bankruptcy Bar Association

On April 21st, the TBBBA sponsored a half-day seminar focused on Chapter 13 issues. Speakers included Judge McEwen and Judge Colton.



Members attended a Rays game on May 4th. In addition to great food and friends, they enjoyed watching the Rays' beat the Marlins.



Finally, the TBBBA Annual Dinner was held on June 1st at Palma Ceia Country Club. Among the highlights of the evening were:

- The passing of the gavel from Outgoing President Kelley Petry to Incoming President Scott Stichter:



- Presentation of the Douglas McClurg Professionalism Award to Robert Soriano by Leonard Gilbert:



- And presentation of the Paskay Award to Jessica Hicks:



**TBBBA Annual Golf Tournament Held
April 28, 2017 at MacDill Air Force Base**

By: Minerva Granger,
Legal Administrative Assistant to Mike Markham and Angelina Lim

We had approximately 105 participants, beautiful weather, and a good time! We had 13 volunteers, including the President of the TBBBA, Kelley Petry, and a member of the military, Maria Boudreaux. Lou Harris was once again our host on the Base and everything went smoothly.

The first place winner was Steve Oscher's team:

Steve Oscher
Sol Fleischman
Rick Bowers
Michael LaPan

The team I sponsored was the worst and received a badminton set (to encourage them to take up another sport – all in good fun, of course). That team consisted of:

Don Price
Marwane Elomari
Lisa Crane
Elizabeth Reilly

We had four platinum sponsors (Bush Ross, Michael Moecker & Associates, Shumaker Loop, and David Steen, PA), two gold sponsors (Baker Hostetler and Equity Partners HG, LLC), two silver sponsors (Kapila Mukamal, LLP and Walt Driggers of Tranzon), three bronze sponsors (Anthony & Partners, Dave Jennis PA, and GlassRatner), and fourteen hole sponsors.

I'll see everyone next year!

Upcoming Bar Events

Fort Myers

- July 27 SWFBPA Luncheon Seminar featuring Attorney
Jacqueline Buyze - Mortgage Modification Mediation
Location: Federal Courthouse, 2nd Floor Jury Room
- August 31 SWFBPA Luncheon Seminar featuring Attorney Carmen
Dellutri - Creditor Violations of the Automatic Stay
Location: Federal Courthouse, 2nd Floor Jury Room
- September 28 SWFBPA Luncheon Seminar featuring Attorney Robert
Elgidely - Bankruptcy Fraud
Location: Federal Courthouse, 2nd Floor Jury Room
- October 19 Annual Hon. Alexander L. Paskay Memorial Dinner

Jacksonville

- July 26 Federal Bar Association Summer Series:
Lunch with the Honorable Paul M. Glenn
Location: Courtroom 4C, Bryan Simpson U.S. Courthouse
Note: Space is limited. Please click [here](#) to register.
- August 25 JBBA Annual Seminar
Location: Sawgrass at Ponte Vedra

Orlando

- July 20 CFBLA Luncheon featuring Circuit Judge Julie O’Kane,
Orange County Business Court - Creditor’s Rights Issues
in State Court
Location: Gray Robinson, 301 E. Pine Street, Suite 1400
- August 25 OCBA Bankruptcy Law Committee Meeting featuring Ch.
13 Trustee Laurie Weatherford - The Effect of New Case
Law on Proper Lien Stripping and Cramdowns
- September 21 CFBLA Luncheon featuring Professor Jeff Davis, Levin
College of Law
Location: Gray Robinson, 301 E. Pine Street, Suite 1400

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Tampa

September 19 and TBBBA CLE Luncheons
October 17 Location: University Club

Also of note:

National Conference of Bankruptcy Judges

Annual Conference - October 8-11
Location: Paris Las Vegas

Association of Bankruptcy Judicial Assistants

Certified Bankruptcy Assistant Program - Seminar and Exam - October 17-18
Professional Skills Seminar and Conference - October 19-20
Location: Hilton Memphis

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We are always seeking suggestions, articles, photos, news, or anything you'd like to share.

Please submit all items to be considered for the October 2017 edition by September 30, 2017 to:

newsletter@flmb.uscourts.gov