

News from the District Wide Steering Committee

By: Tim Sierra, Esq.

Comprised of individuals from the Clerk of the Bankruptcy Court, the Office of the United States Trustee, the Chapter 7 panel trustees, the standing Chapter 13 trustees, members of the creditor and debtor bars, Chapter 11 practitioners, and business attorneys in all four divisions of the Middle District of Florida, the Steering Committee meets once a month to discuss topics for the annual Bench Bar Conference. The purpose and goal of the Committee is to find policies and procedures in the district that may be ripe for uniformity.

This year the Committee is looking at ways to increase diversity in the bankruptcy profession, identifying any racial bias in the bankruptcy system, providing pro bono services and the potential liability associated therewith, and Bankruptcy and Local Rules. The Committee will address these issues at the monthly meetings and then present a round table discussion with the judges of the Middle District at the Bench Bar Conference in November on the eve of the View from the Bench seminar.

At the 2017 conference, the Bench Bar looked for ways to search and improve The Source, which is the Court's one stop shop for practitioners found on the Court's website. The genesis of The Source was the Court's internal procedure manual – the Clerk's own method of addressing procedures for run of the mill matters and not so run of the mill ones. If your motion ever got stricken, the internal procedure manual had something to do with it! Now, The Source internal manual is external, and you can use it to your benefit. The procedure manual is very helpful because you can search for a motion, find Code and Rule references, and identify a filing checklist. The Court plans to move all procedures and forms into The Source. It is on the home page of the Court's website at <http://www.flmb.uscourts.gov/thesource/>. If you have suggestions, questions, see an error, notice an inconsistency, or otherwise want to comment on The Source, please contact flmb_procedures@flmb.uscourts.gov.

Chapter 13 was also a major topic as changes to rules for filing claims took effect on December 1 2017. The Committee discussed the impact of the shortened time frame to file proofs of claim and suggested moving the 341 hearing date to 45-50 days after the petition is filed, to allow the first confirmation hearing to be set beyond the claims bar date. The Committee also discussed whether a plan could be confirmed with a pending motion, claim objection, or loan modification and whether a district wide policy could be implemented to expedite confirmation by addressing these issues. The Committee will continue to review Local Rule 7001-1 concerning the time for service in adversary proceedings and will make recommendations to the

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judges. Lastly, the Committee discussed the disclosure of prepetition attorney's fees and the duty to disclose the receipt of a post-petition retainer. The Committee also discussed whether there is a duty to disclose the receipt of compensation from the trustee in a chapter 13 case or the receipt of interim compensation under an interim order. The bottom line is this: DISCLOSE, DISCLOSE, DISCLOSE.

Practitioners who are interested in participating in the Bench Bar Conference or who have comments or suggestions for the upcoming Bench Bar Conference can contact the Steering Committee's Chairperson, Kelley M. Petry, Esq., at kmpetrypa@aol.com.