



By: Hon. Caryl E. Delano, Chief Judge

One of the joys of sitting on the bankruptcy bench in the Middle District of Florida is working with my colleagues towards a common goal: to enable each of the constituencies with whom we work—lawyers, Clerk’s Office staff, our chambers staff, and pro se parties—to work efficiently and effectively so that we judges are able to rule on the merits on the issues and disputes before us. I am excited to serve as the Middle District’s seventh chief bankruptcy judge and look forward to assisting our Court to further this goal as we move into the next decade. I am grateful to our District Court judges—who are tasked by statute with appointing the bankruptcy chief judge—and to my colleagues for their support.

You all know that when Judge Karen Jennemann became chief judge in 2011, she started the District on the road to uniformity. What you may not know is that her successor as chief, Judge Michael Williamson, had worked towards uniform procedures in the Tampa Division starting with his appointment in 2000. When I came on the bench in 2008, I joined four other Tampa judges (Judge Paskay, Judge Williamson, Judge May, and Judge McEwen) at monthly meetings in which we reviewed our procedures and came to a consensus on most of them. Our experiences working together, with Judge Williamson’s guidance, proved to be invaluable when we started the same process with the four other judges in our District (Judges Glenn and Funk in Jacksonville and Judges Jennemann and Briskman in Orlando).

As chief judge, Judge Jennemann launched The Source – one-stop shopping on the Court’s website for the Bankruptcy Code and Rules, Local Rules and Administrative Orders, Negative Notice and Accompanying Orders Lists, Chapter 7 Trustee Pages, our Style Guide, CLE programs, our judges’ judicial opinions, and the View from the Bench Case Digest. When Judge Williamson was appointed chief judge in October 2015, he vowed to continue on with Judge Jennemann’s vision for uniform procedures. One of his goals was to implement a Procedure Manual with instructions and forms for attorneys and pro se parties. With Judge Jennemann’s continued assistance, in September 2017, we added our Procedure Manual & Forms to The Source.

CM/ECF users were recently sent a survey asking what they like about the Procedure Manual and what they would like to see in it. The good news is that those who use the Manual like it. You've asked for more procedures and forms. My first goal for 2020 is to work with the judges of all Divisions to expand and improve upon the Procedure Manual and to provide more sample motions and orders. We want The Source and the Procedure Manual to be the first place that attorneys and their assistants look when figuring how or what to file and before drafting a motion or an order. Stay tuned over the coming months for announcements regarding additions and revisions to the Procedure Manual.

On another note, I am proud of our Court's judges for so many reasons, not only for the work they do in our District, but also for the work they do to improve the bankruptcy system nationwide (and in at least one judge's case—guess who?—worldwide). Here is a quick rundown on our judges' recent activities:

In November, **Judges Karen Jennemann, Jerry Funk, and Arthur Briskman** will celebrate the 26th anniversary of their appointment to the Middle District's bankruptcy bench.

Judge Michael Williamson was recently appointed by Chief Justice John Roberts to a three-year term on the Space and Facilities Committee of the Judicial Conference of the United States (JCUS). This past summer, Judge Williamson traveled again to Afghanistan, this time to teach the Afghani bankruptcy code—that he drafted—to judges, attorneys, and bankers. How many of us can say we drafted a bankruptcy code?

Judge Catherine Peek McEwen has just completed her three-year term as the sole bankruptcy judge "Observer" to JCUS (this means she didn't vote and couldn't talk). She continues work in Washington, D.C., representing the bankruptcy courts, including working on the 2019 Bankruptcy Venue Reform Act. The Act would require businesses to file in the jurisdiction where the business actually operates—and not in Delaware or New York. And this month, Judge McEwen started a three-year term as the Governor for the Eleventh Circuit for the National Conference of Bankruptcy Judges.

Judge Roberta Colton is one of five court-appointed judicial mediators endeavoring to bring the Puerto Rico PROMESA bankruptcy case to a consensual resolution. Judge Colton is frequently asked how she likes spending so much time in Puerto Rico. The answer: she hasn't been there yet. Because the lawyers and bankers are located in or adjacent to New York City, all of the mediation sessions take place in Manhattan.

Effective February 3, 2020, **Judge Cynthia Jackson's** duty station will move from Orlando to Jacksonville to fill the vacancy created by Judge Glenn's passing. Although we are all saddened at the loss of Judge Glenn, we are delighted that Judge Jackson is able to return to her hometown. We expect the replacement for Judge Glenn's position, with an Orlando duty station, to be filled by the Eleventh Circuit's appointment in early 2020.

I would be remiss if I didn't mention how sad all the judges are by Judge Glenn's untimely passing. Judge Glenn was an incredibly thoughtful, intelligent, and positive person. He is very much missed by our entire staff.

Finally, I would like to thank Judge Williamson for his four years of service as our chief judge. The Middle District and the State of Florida have benefited from Judge Williamson's leadership—as a leading bankruptcy practitioner, as the founder of the View from the Bench annual seminar (coming up on its 36th year), as a moving force behind The Florida Bar's Business Law Section and UCC/Bankruptcy Committee, as an active member of the National Conference of Bankruptcy Judges, as a bankruptcy professor at Stetson University College of Law, and as a mentor to many. I am honored to succeed Judge Williamson as chief judge and grateful for his support.



Dear Point and Click:

By Raymond Waguespack and Sara Mason

What type of matters are handled by the Court's Help Desk and what matters should be directed to the Case Management or Chambers staff?

Answer: Before submitting a request for assistance to the Court's Help Desk or Case Management staff, it is always a good idea to review the docket (through PACER) if it is a case specific question. For more general matters, the

Court's website may be helpful as it contains a wealth of information and resources that would likely provide answers to your questions. Some of the website resources are highlighted below.

Guidelines for requesting assistance from the Clerk's Office.

For Case Managers: Case specific questions should be directed to a Case Manager. Those may include questions about:

- The status of a case but remember that the most up-to-date case status is available online through PACER.
- Corrective Entries/Error Notifications.
- Deficiency related orders and notices.
- Hearing related questions may be best addressed with a Case Manager; however, this type of question may be referred to Chambers. If you receive a message in CM/ECF that directs you to contact Chambers when filing a Notice of Hearing, those questions must be directed to the Court Room Deputy. The Case Management staff and Help Desk cannot assist with those issues.

A Staff Directory is available on the Court's website, under the Court Information - Locations / Phone Lists link. The directory includes a list of Chambers Staff and Case Managers and the case numbers which the Case Managers handle. Note: The two-digit number following the name of the Case Managers refers to the last two digits of all case numbers that Case Manager handles.

For the Help Desk: In general, the Court’s Help Desk addresses CM/ECF “How To” questions, troubleshooting matters, CM/ECF training questions, user registration questions, account maintenance questions, and other general technical questions concerning the electronic filing process. Such questions may include:

- What event to use when filing a specific paper in CM/ECF. Note that often the event can be determined by using the CM/ECF Search feature.
- Filing new Bankruptcy Cases, Adversary Proceedings, and documents within existing cases. Electronic Learning Modules are available to assist with the document-filing process.
- Login issues and password recovery questions.
- Attorney Change of Address or Change of Law Firm questions.
- Obtaining a CM/ECF user account, including registration and training questions.

The Help Desk addresses questions from all parts of the Middle District of Florida and may be reached by emailing ecfhelp@flmb.uscourts.gov.

Available Resources: The Court has an extensive website, which includes many resources. The Court strives to keep these resources current so they may assist you as you navigate our Court. Some of those resources include:

- **The Source Webpage:** Available via the Court’s main website. The page includes a procedures manual, links to the Court’s Local Rules, Administrative Orders, Opinions, Case Digest, and CLE Credit Training Videos.

The Source: <http://www.flmb.uscourts.gov/thefsource/>

- **CM/ECF Password Recovery:** If you forget your password to the Court’s electronic filing system, a recovery process is available on the Court’s website. To complete the recovery process, you must know your username/login and the primary email address associated with your account.

Password Recovery:

<https://pacer.flmb.uscourts.gov/fwxflmb/ecfpwd/ecfpw.fwx>

- **Change of Address / Change of Law Firm:** If you have a change of address, a name change, your firm relocates, or you change law firms, you must immediately notify the Court, even if you do not intend to maintain a Bankruptcy Practice with your new firm. Online forms are available on the Court's website to facilitate the process. You must also update your address or firm information with the Florida Bar, the United States District Court for the Middle District of Florida, and any other Court in which you may file. Programs used in conjunction with the preparation of documents to be filed in the Court may also require an update.

Change of Address: <http://pacer.flmb.uscourts.gov/cmecf/changeaddress.asp>

Change of Law Firm: <http://pacer.flmb.uscourts.gov/cmecf/changelawfirm.asp>

- **Court Announcements:** The Court's website includes recent announcements about many important topics such as updates to Local Rules, Administrative Orders, the Negative Notice List, and the Accompanying Orders List. Older announcements and email blasts may also be viewed through the appropriate links from the main webpage.

Court's Website: <http://www.flmb.uscourts.gov>

Database of prior email blasts:

<https://ecf.flmb.uscourts.gov/cgi-bin/getemailblast.pl>

Database of older announcements:

<http://www.flmb.uscourts.gov/announcements/>

You may also choose to subscribe to the Court's email blasts or follow us on social media.

Facebook: <https://www.facebook.com/bankruptcycourt>

Twitter: <https://twitter.com/floridamiddle>

Subscribe to email blasts:

https://public.govdelivery.com/accounts/USFEDCOURTS/subscriber/new?category_id=USFEDCOURTS_C94



Upcoming Bar Events

Fort Myers

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| October 17
6:00 p.m. | The 8th Annual Alexander L. Paskay Memorial Dinner
<i>The Edison</i> |
| November 21,
December 19, &
January 23
12:00 p.m. | SWFLBPA Meetings
<i>Federal Courthouse Building Jury Assembly Room</i> |

Jacksonville

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| October 24
12:00 p.m. | JBBA Luncheon feat. Ron Frechette and Eric Ellin of GoldSky
Cyber Security Solutions – “Caught in the Dark Web”
<i>River Club</i> |
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Orlando

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| October 25
12:00 p.m. | OCBA Luncheon feat. David McFarlin, Esq. – Small Business
Cases under the Bankruptcy Code and the Small Business
Reorganization Act of 2019
<i>Orange County Bar Association, 880 N. Orange Ave.</i> |
| November 14
6:00-8:00 p.m. | CFBLA Social Event
<i>TopGolf Orlando</i> |
| November 21
12:00 p.m. | CFBLA Luncheon feat. Stephanie Lieb, Trenam Law –
“Cryptocurrency”
<i>Akerman, LLP, 420 S. Orange Ave., Suite 1200</i> |

Tampa

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| November 5
12:00 p.m. | TBBBA Consumer Lunch
<i>Sam M. Gibbons Courthouse, 5th Floor Training Room</i> |
| December 3
12:00 p.m. | TBBBA CLE Luncheon feat. featuring Chris Meyers and Bill Maloney – “A Discussion on Retention Issues for Legal and Financial Professionals”
<i>University Club</i> |
| December 5
Time TBA | TBBBA Holiday Party
<i>Spain Restaurant</i> |
| January 7
12:00 p.m. | TBBBA Consumer Lunch
<i>Sam M. Gibbons Courthouse, 5th Floor Training Room</i> |
| January 14
12:00 p.m. | TBBBA/FBA Joint CLE Luncheon feat. Cary Ichter, Merrill Hirsh, and Thomas Icard, Jr. – “The Use and Efficacy of Special Masters”
<i>University Club</i> |

Also, of Note:

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| November 7 & 8:
Times TBA | Florida Bar Business Law Section View from the Bench Seminar
<i>Tampa (Nov. 7), Miami (Nov. 8)</i> |
| January 15-17:
Time TBA | 44th Annual Alexander L. Paskay Memorial Bankruptcy Seminar
<i>Westin Tampa Waterside</i> |



Jacksonville Bankruptcy Bar Association

By: James C. Eidson, Esq., President

On Friday, August 23, 2019, the JBBA held its 27th Annual Seminar at the Sawgrass Marriott in Ponte Vedra Beach, Florida. The JBBA had an exciting seminar, which included the current events panel featuring our Middle District bankruptcy judges and panel discussion topics ranging from the ethics of cloud-based practice management software, to mediation as a cost saving measure in Chapter 11 cases, to the appointment of Chapter 11 trustees for debtor-in-possession breaches of fiduciary duties.



(L to R): Doug Dennison, Sr. Project/Sales Manager of Fisher Auction Company, Leon Boyajan, III, Esq., and James C. Eidson, Esq.

The winner of a \$100 Ruth's Chris Steakhouse Drawing at the Seminar was Leon Boyajan, III, Esq. Taylor King, Esq. also won a raffle sponsored by Tranzon Driggers for an Apple Watch, with all proceeds to be contributed to the Chester Bedell American Inn of Court Scholarship In Remembrance of the Honorable Paul M. ("Bill") Glenn.

On Thursday, October 24, 2019 at noon, at the River Club, 1 Independent Drive, Suite 3500, Jacksonville, Florida 32202, Ron Frechette and Eric Ellin of GoldSky Cyber Security Solutions will present "Caught in the Dark Web" on issues relating to fraud and internet security.

The JBBA will host its annual holiday party in December at the River Club, 1 Independent Drive, Suite 3500, Jacksonville, Florida 32202 (date to be determined).









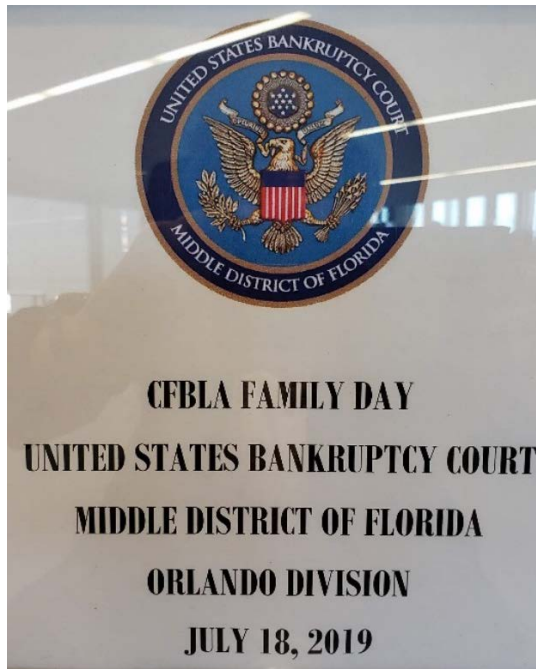
Events

JULY

On July 18, 2019, the Orlando Division of the United States Bankruptcy Court for the Middle District of Florida opened its doors to families of CFBLA's members, the Court, and the local U.S. Trustee's office. Judge Karen S. Jennemann and Judge Cynthia C. Jackson, with the support of Jeanne Kraft and Kathy Deetz, hosted an event that allowed family members of all ages to experience bankruptcy court. Judge Jennemann started the event asking the parent lawyers to recite their original Florida Bar oaths, as the children simultaneously recited a slightly revised children's oath prepared by Judge Jennemann. Guests had the opportunity to peek behind the scenes into the chambers of the bankruptcy judges and take a tour of the District Court.

The highlight of the day was the mock trial of *B.B. Wolf (a/k/a Big Bad Wolf) vs. Curly Pig*. Jason Johnson, Esq. with Lowndes, Drosdick organized the trial, and all of the children present participated by serving as attorneys, witnesses, judge, jury, courtroom deputy, and even the bailiff. Children had the pleasure of donning judicial robes to preside over the courtrooms and a mock jury deliberated. Judge Jackson opened up her courtroom to allow the children to see her preside over real hearings. Children participated in fingerprinting, and all were able to enjoy lunch with the extended Court family.

This was truly a memorable day for all families and CFBLA members to spend with the Court.





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AUGUST



As summer was sadly coming to an end, on August 15, 2019, Liz Green, Esq. spoke to CFBLA on *Can LLCs Play in the Bankruptcy Sandbox*. She provided an informative presentation on common issues arising in bankruptcy cases involving LLCs.

A big thank you to Liz Green, Esq. and Andy Layden, Esq. for assisting with this presentation.



SEPTEMBER

On September 26, 2019, CFBLA and the local FBA participated in a joint luncheon at the U.S. District Court. The event was well attended by the local District Court and Bankruptcy Court judges and their respective law clerks. Roger Handberg, Esq., Chief, Orlando Division, United States Attorney's Office, and Michael Goldberg, Esq., Chair of Akerman LLP's Fraud and Recovery Practice, discussed their work on the largest Ponzi scheme in the Middle District of Florida and other Ponzi schemes across the nation. Messrs. Goldberg and Handberg discussed how to determine if fraudulent activity amounts to a Ponzi scheme and how a Ponzi scheme may unfold in civil, criminal, and bankruptcy proceedings. Special thanks to Jill Kelso, Esq. who moderated the panel.





On September 29, 2019, members of CFBLA met for a Family Fun Day at the Winter Park Racquet Club. Children were able to swim, play on a super slide, kayak, paddle board, and fish. The kids were also able to have their faces painted. Members of CFBLA were able to enjoy lunch while overlooking Lake Maitland.









TBBBA'S CLERKS APPRECIATION LUNCHEON

On Monday, September 30th, the Tampa Bay Bankruptcy Bar Association sponsored a lunch to show their appreciation for the Bankruptcy Court staff. The delicious food, prepared by Spain Restaurant, was enjoyed by all!











For Another Amazing Luncheon!



Orange County Bar Association Bankruptcy Committee

By: Carina M. de la Torre, Esq., Chair

On July 27, 2019, Robert Branson, Esq. and Tammy Branson of Branson Law PLLC and Igor Roitburg of Default Mitigation Management LLC gave a presentation regarding the new Student Loan Modification Program in the Middle District of Florida, including its benefits, purpose, eligibility, rules, timelines, use of Student Loanify and the DMM Portal, and Chapter 13 Plan language.



July 27 Attendees



(L to R): Igor Roitburg, Tammy Branson, Robert Branson, and Laurie Weatherford, Ch. 13 Trustee

On September 27, 2019, Lauren Heatwole, Esq., gave a presentation on the Ninth Circuit Professionalism Panel and provided a comprehensive overview about how this Local Professionalism Panel, as promulgated by the Supreme Court of Florida, can help address professionalism issues in the bankruptcy bar in an educational, non-punitive way.

On October 25, 2019, David McFarlin, Esq. will speak about small business cases under the Bankruptcy Code and the Small Business Reorganization Act of 2019, which added a new subchapter V (Small Business Debtor Reorganization) to Chapter 11 of the Code.

SWFLBPA

Southwest Florida Bankruptcy Professionals Association

By: Jonathan Tolentino, Esq.

The Inaugural SWFLBPA Golf Tournament was held on September 7th, 2019, at TPC Treviso Bay in Naples, Florida. The brutally hot morning caused many planned attendees to forego the event. But four stalwarts set forth to brave the elements. The inaugural field of four included SWFLBPA members: Greg Champeau, Esq., Louis Erickson, Esq., Joseph Trunkett, Esq., and Jonathan Tolentino, Esq. This foursome was a ton of fun, and the gamesmanship was nonstop. What was lacked in skill that day was made up in camaraderie. As the front nine concluded, all of the competitors were within a few strokes of each other. On hole 13, Greg Champeau cautioned the group to avoid the water. Joe Trunkett unabashedly failed to heed Greg's warning and proceeded to hit into the water, which dashed his hopes of winning the tournament. On the following hole, Greg Champeau's stealthy approach shot missed the green causing a double bogey, which ended up causing him to drop out of contention. With three holes to play, Louis Erickson and Jonathan Tolentino were tied. Louis triple bogeyed hole 17, and yours truly ended up winning the event. Greg Champeau graciously sponsored a victory lunch for those that finished in the top four! Next year's event will be even better.



Front: Greg Champeau, Esq. Back Row L to R: Louis Erikson, Esq., Joseph Trunkett Esq., and Jonathan Tolentino, Esq.

JUDICIAL CONFERENCE RECEPTION



Taken at a reception after a JCUS (Judicial Conference of the United States) meeting on Constitution Day. Pictured left to right: Father Timothy Corcoran, Justice Brett Kavanaugh, and Judge McEwen





Judge Catherine Peek McEwen Sworn in for Second Term

**By: Hon. Caryl E. Delano,
Chief Judge**

On August 14, 2019, Judge Catherine Peek McEwen was sworn in by Eleventh Circuit Judge Charles Wilson for her second 14-year term as a United States Bankruptcy Judge for the Middle District of Florida. Judge McEwen's colleagues, family, and co-workers, including Judges Williamson and Delano, Fr. Tim Corcoran, sister, Rosemary Peek, nephew, George Peek, and her chambers staff, Denise Martin, Dedra Gann, and Lisa Scotten, gathered in Judge Wilson's chambers to witness this milestone event.

The Eleventh Circuit Court of Appeals first appointed Judge McEwen to the bench on August 22, 2005. Since that time, she has presided over more than 64,000 bankruptcy cases. Judge McEwen spearheaded pro bono initiatives in the Middle District and sponsors a quarterly Young Lawyers' Mentoring Program that provides continuing education programs to young and not so young attorneys alike. In addition, Judge McEwen has elevated the Court's student intern program to a new level, meeting with interns each semester to teach a Bankruptcy Basics class and coordinating pro bono and community service activities for the interns.

In 2017, Judge McEwen was appointed by Chief Justice John G. Roberts, Jr. to a two-year term as the non-voting bankruptcy judge Observer at the meetings of the Judicial Conference of the United States, the national policy-making body of the federal courts.

As the bankruptcy judge Observer, Judge McEwen has been the sole representative of the United States Bankruptcy Court at JCUS meetings and has reported on the meetings to the JCUS Committee on Administration of the Bankruptcy System and the National Conference of Bankruptcy Judges. Recently, Judge McEwen was elected as the NCBJ's Circuit Governor for the Eleventh Circuit for a three-year term.

Judge McEwen was elected into the American Law Institute in 2012. Among her other honors are the Stetson University College of Law Distinguished Alumnus Award

(2007), Hillsborough County Bar Association Jimmy Kynes Pro Bono Service Award (2008), the Stetson University College of Law J. Ben Watkins Award (2009), the Florida Association for Women Lawyers Leaders in the Law inaugural class designation (2010), the Tampa Bay Hispanic Bar Association's Luis "Tony" Cabassa Award (2012), the Hillsborough Community College Outstanding Alumnus Award (2012), the George Edgecomb Bar Association's Delano S. Stewart Diversity Award (2015), the inaugural Florida Supreme Court Chief Justice's Distinguished Federal Judicial Service Award (2016), the Stetson Lawyers Alumni Association Ben C. Willard Award (2016), the University of South Florida Distinguished Alumna Award (2016), and the Bay Area Legal Services, Inc. Judge Don Castor Justice Award (2016).

All the judges of the Middle District of Florida congratulate Judge McEwen on completing her first term of office. We look forward to working with her for (at least) the next fourteen years!



The following week, Judge McEwen celebrated the end of her first term by enjoying lunch with current and former chambers staff members.

L to R: Judge McEwen, Mary Morrison, Mary Maddox, Denise Martin, Lisa Scotten, Dedra Gann, and Laura Stevenson

ALL I CAN SAY IS...



SURVEY RESULTS - HOW TO IMPROVE OUR PROCEDURE MANUAL

By: Hon. Karen S. Jennemann, Kim Osment, and Jeanne Kraft

Roughly two years ago, the Bankruptcy Court started posting our procedures on The Source. We have made numerous improvements and changes to address the requests of our attorneys, paralegals, staff, and parties. Now, you can find the procedures (and much more) front and center on our website. But, we know we can do better! So, we sent out a survey to our users.

On May 30, 2019, we collected the survey results to learn how our website and particularly the procedure manual is working. We got numerous helpful suggestions. THANK YOU for your input!

Overall, we are pleased our attorneys and their staffs are using the procedure manual and appreciate the resource. Please spread the word, particularly to attorneys working at the *Pro Se* Clinics around the Middle District of Florida. The procedure manual is especially helpful to attorneys helping our unrepresented parties.

The most surprising revelation from the survey was that over 76% of the respondents did not know they could contact the procedure manual committee via email with comments, questions, or concerns. Please know you can send us suggestions ANYTIME to this email address: flmb_procedures@flmb.uscourts.gov. You need not wait for our annual survey to share your good ideas!!!

The committee reviewed and discussed each response and proposed ways to implement the recommended change or suggestion. Some recommended changes we can implement almost immediately. For example, starting NOW we will send a monthly eBlast to CM/ECF users and court staff highlighting specific updates or changes made to the procedure manual and external website. We want to keep you informed about improvements to the procedure manual as they occur.

Other changes or additions you requested require the Court to develop an internal procedure component that will take time. As soon as these internal procedures are complete, however, the committee will post the new external procedure. For example, we hope to post procedures on continuances and case reinstatements by January 2020.

Thank you to all individuals who completed the survey. Your comments and suggestions were appreciated.



Our NEW Student Loan Management Program Starts October 1, 2019

By: Hon. Karen S. Jennemann

In January 2019, the Bankruptcy Court formed a district wide committee of lawyers to evaluate and recommend ways to assist parties either repaying or collecting outstanding student loans involved in bankruptcy cases. The committee comprises Christie Arkovich (Tampa), Adina Pollan (Jacksonville), Robert Branson (Orlando), and Charles Moore (St. Petersburg). Tammy Branson is the Chair, Organizer, and Cheerleader for the group. We thank each of these committee members for their input and hard work. Representatives of the national student loan servicers and the Department of Justice were asked but declined to join the committee.

On March 6, 2019, the Committee recommended we move forward with a Student Loan Management Program incorporating a portal, called Loan Spotify, created by Default Mitigation Management, LLC to facilitate transparent communication between borrowers, lenders, guarantors, and servicers of student loans. Over the next few months, the Bankruptcy Judges, helped by the committee and valuable input from the Departments of Education and Justice, hashed out the details in the Third Amended Administrative Order Prescribing Procedures for Student Loan Management Program. The program is effective on October 1, 2019.

We hope parties with student loan issues will consider using the Student Loan Management Program and understand many other bankruptcy courts across the country are looking to implement similar programs. As we learn from our experiences over the next few months, we will continue to improve and refine the program. So, stay tuned.

And, if you want more information, Christie Arkovich wrote a companion article giving more background.



Why Do We Need the Student Loan Management Program?

By Christie D. Arkovich, Christie D. Arkovich, P.A.

To ensure debtors receive a “fresh start” and not a “false start,” the Bankruptcy Court for the Middle District of Florida (MDFL) has implemented a Student Loan Management Program (SLMP), which utilizes a transparent portal to obtain relief from federal and private student loans. The SLMP, which started on October 1, 2019, attempts to tackle the \$1.5 trillion student loan debt currently owed by forty-four million Americans. The goals of SLMP are threefold: 1) increase communication presently lacking between both federal and private student loan borrowers and their servicers; 2) raise awareness among borrowers and their counsel of available options; and 3) end unnecessary and costly forbearance during bankruptcy.

Rather than simply leaving these loans on hold to accrue capitalizing interest in a Chapter 13, the SLMP enhances communication, raises awareness of available options, and ends needless forbearance that causes larger loan balances. For instance, a debtor who owes \$100,000 in student loans with an interest rate of eight percent will owe over \$148,000 after a five-year plan if the loan is simply put on hold. The portal is also designed to accommodate settlements of private student loans via mediation. The automatic stay will be lifted on matters addressed via the portal.

In a similar vein, in 2010, the MDFL implemented a Mortgage Modification Mediation (MMM) Program to assist debtors in seeking mortgage modification. It has been a great success, has reduced litigation, and is recommended by mortgage creditors as a “model” for bankruptcy loss mitigation programs. It has been duplicated in many bankruptcy courts across the country and has saved thousands of borrowers from homelessness.

The MMM program uses a portal to exchange documentation and to communicate with mortgage servicers. The secure portal provided by DMM Portal at <https://www.dclmwp.com> has added a dropdown menu for student loan options now available in the Middle District of Florida. The debtor files a Notice of Participation and uploads the appropriate documents using the portal.

Neither the MMM program nor the SLMP program **REQUIRES** servicers to modify these loans. They merely encourage the parties to communicate effectively using a portal for transparency. Our experience has been that when a debtor files bankruptcy, they cannot submit the applications through the student loan servicer’s website, and only the debtor receives notifications of the progress of the process. Without an advocate on their side, loan balances continue to rise, as debtors fail to take advantage of various forgiveness programs or inadvertently default, which adds an additional 25 percent in collection costs to the often already high balance.

Why is there a need for such a program?

In 2017, the Consumer Financial Protection Bureau (CFPB) and five State Attorneys General sued the largest of the Department of Education's (ED) servicers, Navient, in which they alleged that Navient misallocated payments, steered borrowers away from Income Driven Repayment Program Plans (IDR), and failed to provide clear information on how to re-enroll in IDR plans.

According to an Inspector General's Audit of Federal Student Loan Servicers, it was found that 61 percent of the time student loan servicers are non-compliant with Federal Loan Servicing Requirements regarding forbearances, deferments, income driven repayment plans, etc. (February 12, 2019 ED-OIG/A05Q0008). We believe it would be beneficial for debtors to have their own advocate to review their options with them and then apply for the appropriate programs.

The report states that one of Federal Student Aid's (FSA) objectives is to include the implementation of processes, tools, and methods that protect the interests of students and to support FSA in making service providers accountable. The objective further states that FSA would ensure that its processes for resolving student issues are simple for customers to use and sophisticated enough to capture insights that can be used to refine student aid operations. SLMP has all these ideas wrapped into one program.

To us, this is a replay of the mortgage crisis: there are affordable student loan repayment plans available from the government, but student loan servicers have not been able to properly assist borrowers, just as the mortgage servicers could not. And there are multiple student loan repayment plans that often are confusing to borrowers. This led to the idea that we could use the same MMM process when debtors have student loan debt.

The SLMP is needed as Congress' intent is for debtors in bankruptcy to receive a "fresh start." Since most student loans are non-dischargeable, this is not the result when debtors have student loan debt. We believe a process is needed that works for all parties to assist debtors in enrolling in an available IDR. This would ultimately provide a greater income stream for the government as student loans are abated during bankruptcy and receive little pro-rata distribution from the trustee. This program will encourage debtors to sign repayment plans, which will cause increased distribution from the trustee, and such repayment will match the lender's requirements in the Department of Education's process.

We all agree there are significant problems that debtors face when they are in a bankruptcy case that has federally guaranteed student loans. Leaving this to the debtors to figure it out on their own, from the government's website is not working. Leaving it to the servicers, who do not represent the borrowers, is not working. Leaving Chapter 13 borrowers in forbearance for five years is not working. We should stop abating these loans and make progress towards a "fresh start" and not a "false start" with student loans. As acknowledged, ED and its servicers place these loans on a "HOLD" while in bankruptcy. This needs to change. A debtor who owes \$100,000 in student loans with an interest rate of eight percent will owe over \$148,000 after a five-year plan. This is a sad state of affairs that needs to be fixed.

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Just lifting the bankruptcy automatic stay alone will not work. The court and the trustee must supervise the debtor's Chapter 13 plan payments, considering many factors such as disposable income, unfair class treatment, and feasibility, to name a few. The government and the debtor cannot resolve these issues by themselves; it must be within the confines of the bankruptcy process.

SLMP is the best way to achieve this goal.

2019 Annual Judicial Retreat

The Student Loan Committee for the Middle District of Florida and Default Mitigation Management, the portal provider for our new Student Loan Management Program, had the honor of presenting to all the Middle District Judges at their annual judicial retreat in August.

Judge Isicoff, Chief Judge of the Southern District of Florida, and Judge Specie, Chief Judge of the Northern District of Florida, also attended to learn about the new program. Chief Judge Whinery, a Bankruptcy Judge from the District of Arizona, joined the group by video conference.



Front Row, Left to Right: Liz McCausland, Tammy Branson, Adina Pollan, Judge Jennemann, Christie Arkovich, and Chief Judge Delano.

Back Row, Left to Right: Chief Judge Specie (FLNB), Judge Colton, Judge Jackson, Judge Funk, Laurie Weatherford, Judge Isicoff (FLSB), Judge McEwen, Judge Williamson, Chuck Moore, Robert Branson, and Igor Roitburg.

CASE LAW UPDATE FOR Q4 2019
ISSUE OF THE COURT CONNECTION

Editors:

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

Bankruptcy Court Cases

In re Rodriguez-Martin

2019 WL 3948369 (Bankr. M.D. Fla. July 31, 2019) (Funk, J.)

Court sets aside a default judgment under the “good cause” standard of Fed. R. Civ. P. 55(c), where Court finds the attorney believed he was working with the Trustee toward settlement, and there would be no prejudice to the Trustee/Plaintiff.

In re Barker Boatworks

2019 WL 3365886 (Bankr. M.D. Fla. July 25, 2019) (Williamson, C.J.)

Debtor sought turnover of fiberglass boat molds. Court held that fabricator of molds, who was in possession of the molds, held an enforceable lien under F.S. 713.596, based upon possession, and was therefore entitled to adequate protection as a condition of turnover.

In re Fricks

603 B.R. 506 (Bankr. M.D. Fla. July 12, 2019) (McEwen, J.)

In dischargeability adversary proceeding, Court addressed the collateral estoppel effect of a prior state court judgment and held that where the prior judgment contained no factual findings, it could not grant summary judgment. Furthermore, factual issue with respect to the reasonableness of the creditor’s reliance precluded entry of summary judgment.

In re Zalloum

2019 WL 2754660 (Bankr. M.D. Fla. July 1, 2019) (Jennemann, J.)

Court grants stay relief under § 362(d), dismisses case, and imposes permanent injunction prohibiting debtor from filing any future bankruptcy case, where Court finds debtor has made a mockery of the judicial system for years and frustrated the claims of legitimate secured creditors.

Third Quarter 2019 Pro Se Clinic Volunteers



Jacksonville

Hannah Del Toro -1
Alison Emery - 1
Katie Fackler -1
Gregory Gilbert - 2
Edward Jackson -1
Taylor King -1
Bill McDaniel - 2
Kevin Paysinger -1
Adina Pollan - 2

Orlando

Marie Benjamin - 3
Robert Branson - 1
Prof. Coco & Students from Barry University Law School - 18
Edward Fitzgerald - 2
Justin Luna - 1
Allison Moscato - 3
Camryn Justice Rivera - 1
Brad Saxton - 1
Alec Solomita - 11
Joshua Tejes - 2
Frank Wolff - 9

Tampa

Attorney	July	August	September	Total
Barnett, Michael	2	2	1	5
Berman, Steve	0	1	0	1
Boudreaux, Maria	1	0	0	1
Case, Kenneth	0	2	2	4
Dammer, Samantha	3	0	2	5
DeLeon, Robert	0	0	3	3
DePaul, Wendy	0	0	1	1
Elliott, James	1	1	0	2
Fogarty, Daniel (SRBP)	1	0	0	1
Geller, Robert	0	2	0	2
Gomez, Al	1	2	0	3
Hamad, Sanad	1	0	0	1
Hart, Barbara	1	0	0	1
Joyner, Mary	0	0	1	1
Landkammer, John	2	0	0	2
LeVine, Dennis	0	0	1	1
Lim, Angelina	1	0	1	2
Markham, Michael	0	0	1	1
Murray, Megan	1	0	0	1
O'Brien, Kevin	3	0	0	3
Oguntebi, Kemi	2	0	2	4
Papa, Frank	0	1	0	1
Parwani, Rinky	0	0	1	1
Petry, Kelley	2	2	1	5



Chuck Kilcoyne, retired Deputy-in-Charge of the Tampa Division, volunteering on Mondays for the TBBBA Pro Bono Clinic.



Did you know?

The Tampa Courthouse Pro Bono Clinic that is managed by the Tampa Bay Bankruptcy Bar Association has a Clerk's Office computer terminal that permits free CM/ECF viewing during clinic hours. Therefore, there is no need for clinic volunteers to incur and bear the burden of PACER charges.

School Kids Learn About The Third Branch



Lucas Lieb and Clara Bridge like the view from the bench. They also liked the Junior Marshal badges that U.S. Marshal Zach Self gave them during a tour of the lock up facilities.



UNITED STATES TRUSTEE'S CORNER

By: Charles R. Sterbach, Assistant United States Trustee and
Jill Kelso, Orlando Office of the United States Trustee



Meet Guy A. Van Baalen, Assistant United States Trustee

Guy A. Van Baalen is the new Assistant U.S. Trustee for the Tampa Office, effective August 19, 2019. He succeeds T. Patrick (“Pat”) Tinker, who served as Acting Assistant U.S. Trustee for the Tampa Office since February 2018 and continues to serve as the Assistant U.S. Trustee in Wilmington, Delaware. As a 30-year veteran of the U.S. Trustee Program, Mr. Van Baalen served as a trial attorney and as the Assistant U.S. Trustee for Utica, New York from September 1996 until August 2019. He also served at varying times as the Acting Assistant U.S. Trustee for Brooklyn, New York and Central Islip, New York. Before joining the U.S. Trustee Program, Mr. Van Baalen was in private practice in Buffalo, New York for seven years.

Mr. Van Baalen received his J.D. from the University of Buffalo Law School in 1982, after graduating from the State University of New York at Albany in 1979. He began his practice with a small commercial law firm where he learned bankruptcy from a senior partner who was also a chapter 7 panel trustee.

Mr. Van Baalen is active in numerous professional associations and is a frequent speaker on bankruptcy and related topics for various bar associations and at the National Advocacy Center for the United States Trustee Program.

Mr. Van Baalen is also active in his community, volunteering for a number of non-profit organizations, including the Landmark Theater in Syracuse, New York, where he assumed the role of President of the Board of Directors. He also served as President of the Board for the Clinton (New York) School Board of Education. Mr. Van Baalen is also a current member and Major with the New York Guard, a state militia force, serving as Chief of Operations. He is the father of two grown children and two grandchildren. He loves the outdoors, athletic activities, motorcycle riding and spending time with his grandchildren.



By Hon. Catherine Peek McEwen

Regarding my cases, if you see a paper or pleading set for hearing that you don't think requires a hearing, say something! Please call the courtroom deputy to inquire and suggest why a hearing may not be necessary. Maybe I have seen something I want to hear more about, or, instead, it could have been set by mistake or oversight.



Another Make Me Smile Moment Regarding Reaffirmation Agreements

By Hon. Catherine Peek McEwen

Yet another pro se debtor succeeds in negotiating a better reaffirmation agreement after hearing detailed information about her options. The amount she originally signed on for was \$20,312.72. After negotiation, the credit union lowered the principal balance to the value of the vehicle, \$14,325, and kept the 3.49 percent interest rate intact. All it took was an informed and motivated debtor, a lender that exercises business judgment, and a continuance to allow them to explore options. (For this type of continuance, I allow the debtors to come back via telephone, so they don't have to miss work twice.)

P.S. I think the “reaff scoreboard” shows pro se debtors ahead of attorney-represented debtors when it comes to negotiating concessions. Anyone care to disabuse me of that notion? Send me your success stories!



A Make Me Smile Moment

Submitted by a Proud Case Manager

A case manager was in the elevator when a Debtor, who recognized her from working at the front counter, excitedly started telling her about the recent approval of her mortgage modification. She said “I just wanted to tell you, for years I’ve tried working with my mortgage company to get a modification and couldn’t get anywhere. I filed bankruptcy and in 30 days it was granted!” While telling the story the Debtor had a big smile and was practically bouncing in place. Yup, this is a nice place to work.



Tampa CARE Chapter Holds Kickoff Orientation

by Michael Hooi



A 2014 Standard & Poor's survey shows that slightly more than half of American adults are financially literate. The other half is at great risk of incurring high debt and saving less. The survey also finds that the young are a vulnerable group and an important target for financial-education programs. Credit Abuse Resistance Education (CARE) seeks to fill that need. CARE is a national, nonprofit organization that educates students and young adults about what it takes to make wise financial decisions. CARE volunteers give financial-education presentations in high schools, colleges, and community organizations. The CARE network of about 1,000 volunteers continues to expand.

So has the CARE curriculum. The Tampa Chapter has until now used one slideshow for CARE presentations. At our kickoff orientation in early October 2019, the 20 or so of us who attended reviewed CARE's current curriculum, which includes four different slideshows that focus on different financial skills. These include budgeting, obtaining and using credit, handling student loans, and reaching financial independence. A CARE volunteer can now pick a presentation most appropriate for a given audience.

The kickoff orientation included some sharing time. We had several veteran CARE volunteers share stories about their experiences. We were also honored to be joined by representatives from the Hillsborough County Public Schools and the Florida Council on Economic Education, who shared ideas about opportunities to make CARE presentations. We are excited about the opportunity to build relationships with these organizations.

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October 2019

Since 2007, CARE volunteers from the Tampa Bay Bankruptcy Bar Association have reached an estimated 5,000+ students and young adults in Hillsborough County alone. With an expanded curriculum and new friends, we look forward to building on our past success in reaching young people with CARE.





Pictured: Representatives from the Hillsborough County Public School System



Pictured: Representatives of the Florida Council on Economic Education



Our Court Has a New Michigan State University Graduate

L to R: Celia Rodenmeyer, Clerk Sheryl Loesch, Deanna Berrier, Johnnie Prophet, and Raymond Waguespack

On August 7th, Tampa Case Manager, Deanna Berrier, graduated from the Judicial Administration Noncredit Certificate Program sponsored by NCBC (National Conference of Bankruptcy Clerks) through Michigan State University. Deanna was one of 47 graduates to complete the program this year and was presented with her graduation certificate during the NCBC Conference in Chicago.

Deanna started the program in 2016, during the NCBC conference in Washington, DC. She attended three NCBC conferences and completed the remaining courses online after work. After the conclusion of the courses, participants must complete a Capstone Project paper. Deanna's project was "Teleworking Full-Time in the Judiciary."

The Judicial Administration program covers a wide range of federal judiciary topics from the *Purposes and Responsibilities of the Courts* to *Leadership*.

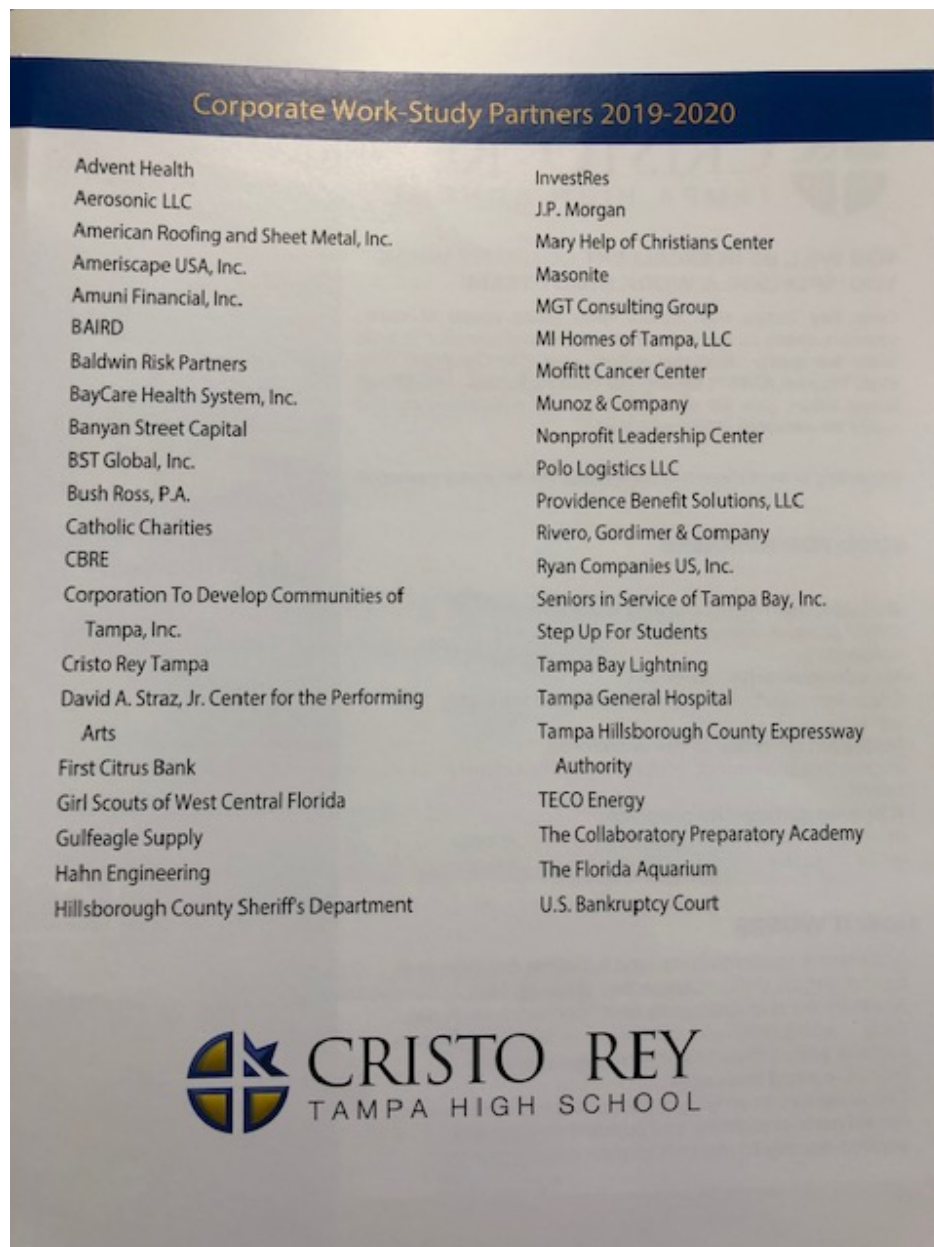
Numerous court employees have attended MSU courses through NCBC, but few complete the Capstone Project and graduate from the program. Deanna now joins current staff members Gull Weaver and Kathy Deetz with this honor.

Congratulations on this outstanding achievement Deanna!

Cristo Rey's Corporate Work-Study Program

Using a model known as Corporate Work-Study Program (CWSP), Cristo Rey Tampa High School establishes partnerships with local businesses to permit the students to work one day a week and attend school the other days. Our Court is one of the founding CWSP partners. The students serve our Court as part-time volunteer junior judicial assistants.

We are in good company of companies training high schoolers for the work force in the Cristo Rey Corporate Work-Study Program.



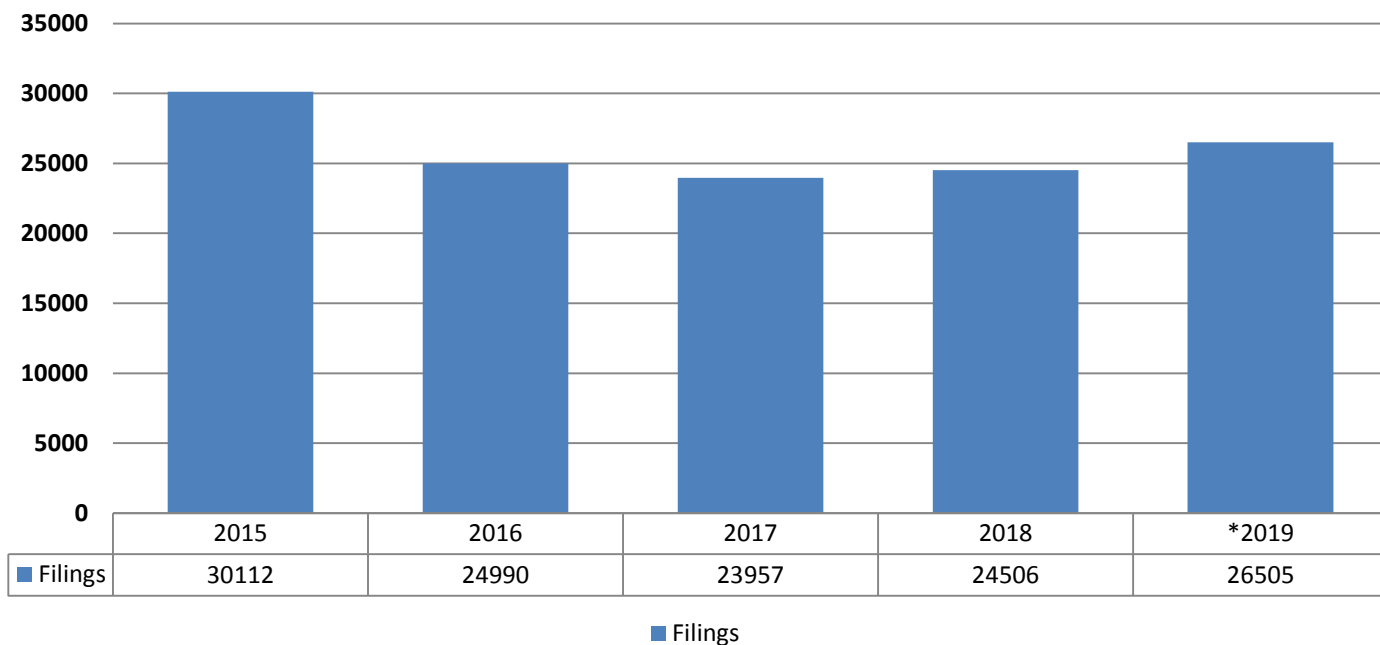
Summer Intern Reception at the old Tampa Federal Courthouse, Now Le Meridien





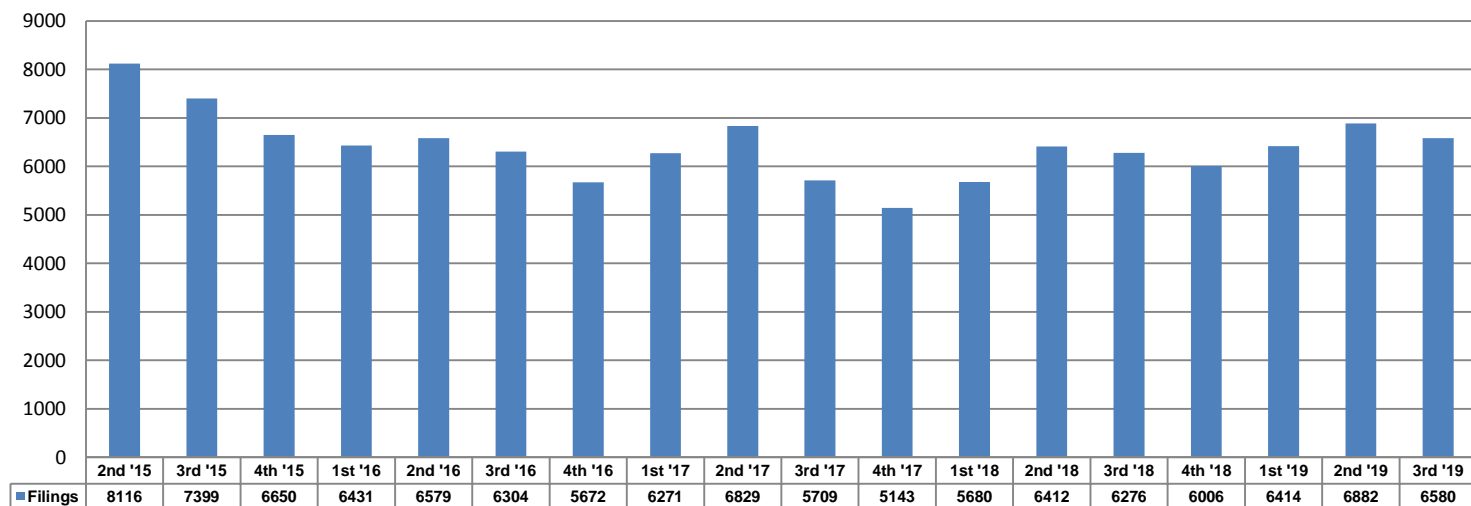
United States Bankruptcy Court - Middle District of Florida
Updated October 17, 2019 Meeting Data and Information
Statistics as of September 30, 2019

Annual Filings

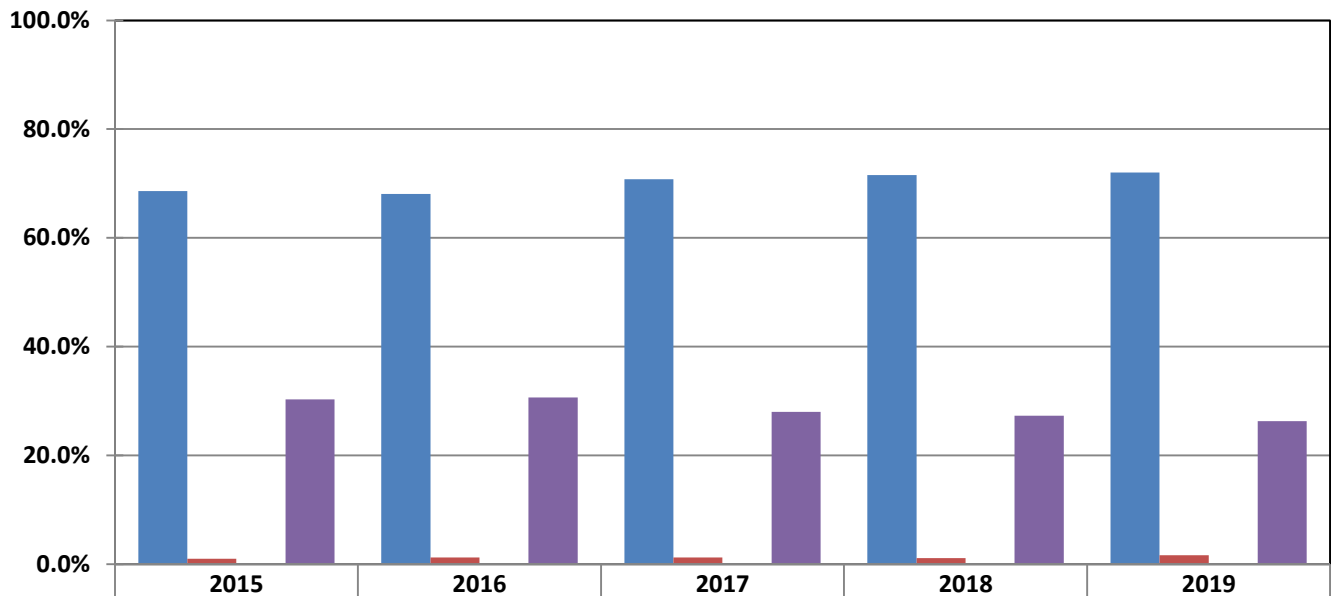


Year	Annual Filings	vs. 2013	vs. Prior Yr.
2014	36305		
2015	30112	-17%	-17%
2016	24990	-31%	-17%
2017	23957	-34%	-4%
*2019	26505	-27%	11%

Filings by Quarter

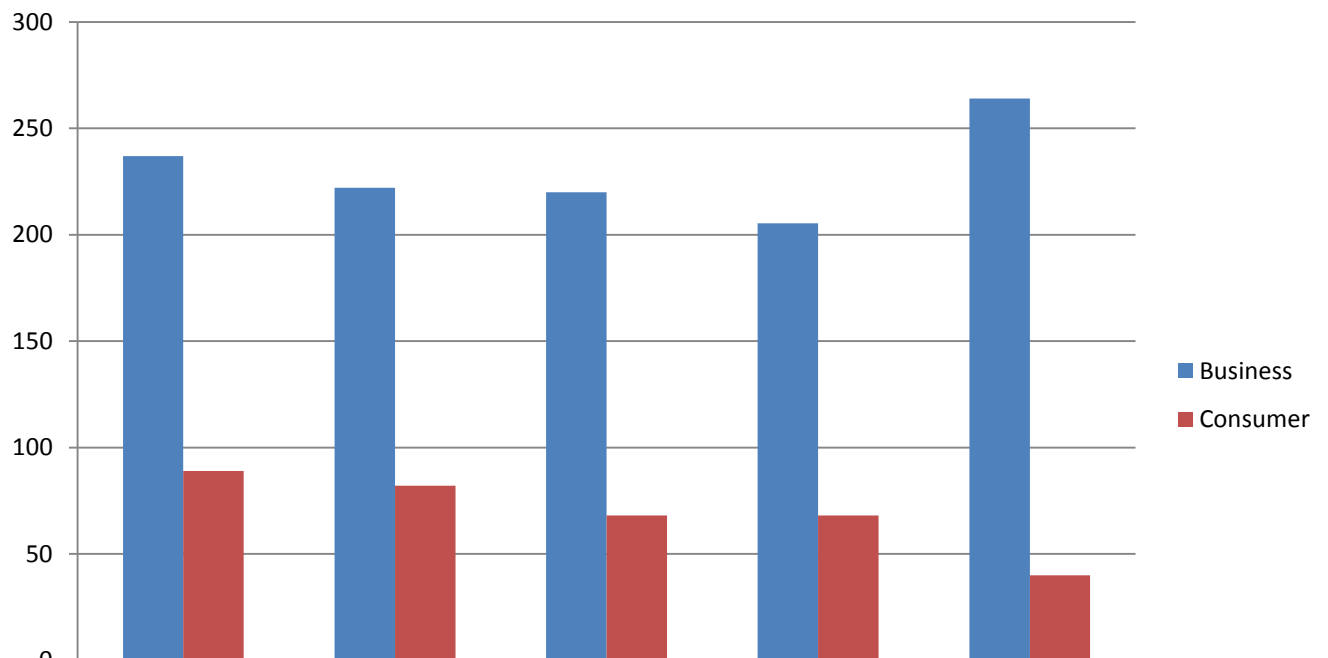


Filings by % of Chapter Type



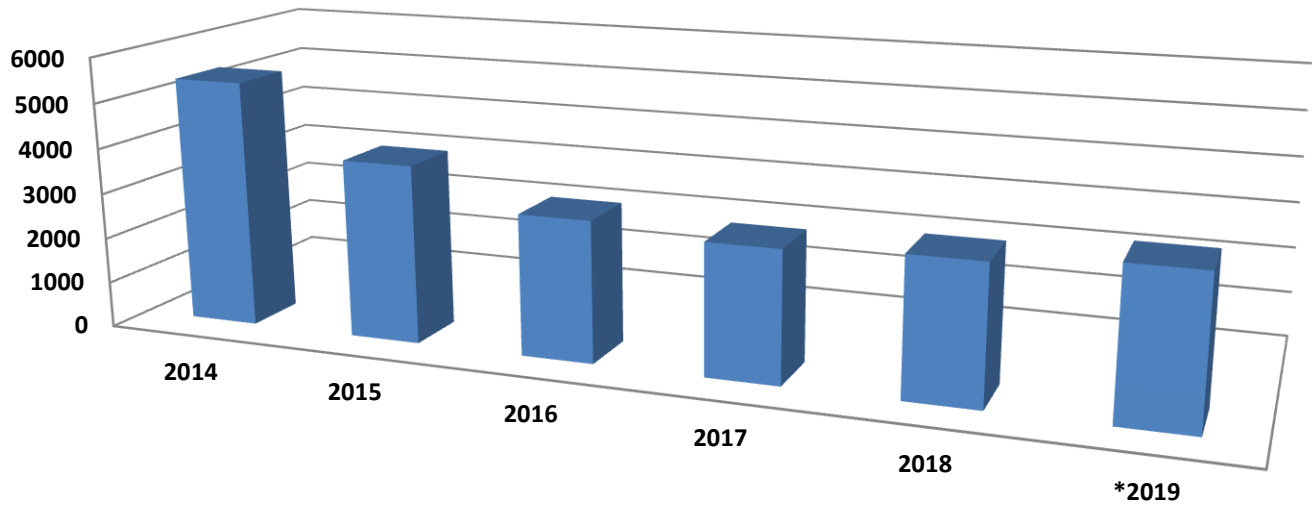
Chapter 7	68.6%	68.1%	70.8%	71.6%	72.0%
Chapter 11	1.0%	1.2%	1.2%	1.1%	1.7%
Chapter 12	0.1%	0.0%	0.0%	0.0%	0.0%
Chapter 13	30.3%	30.7%	28.0%	27.3%	26.3%

Chapter 11 Filings



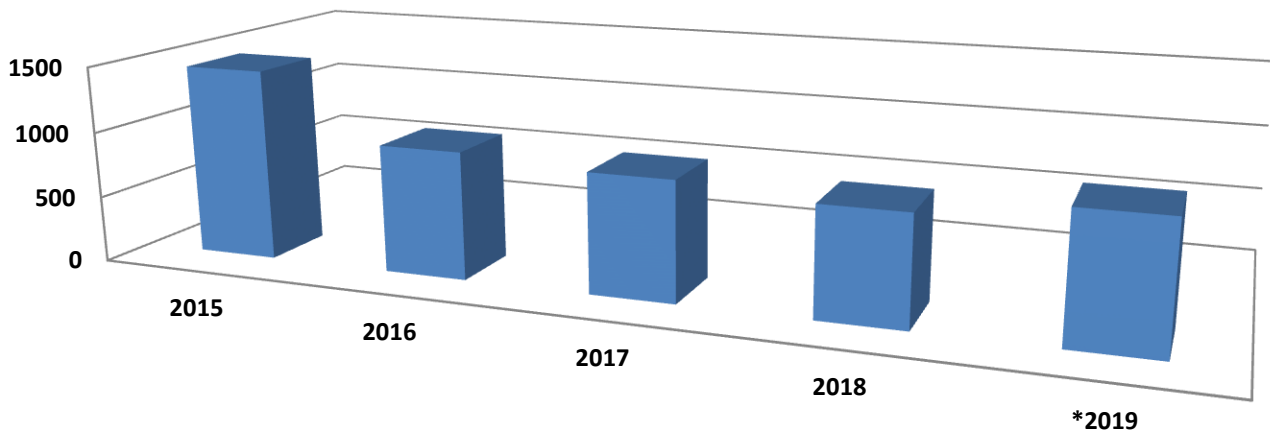
Business	237	222	220	205	264
Consumer	89	82	68	68	40

Pro Se Filings

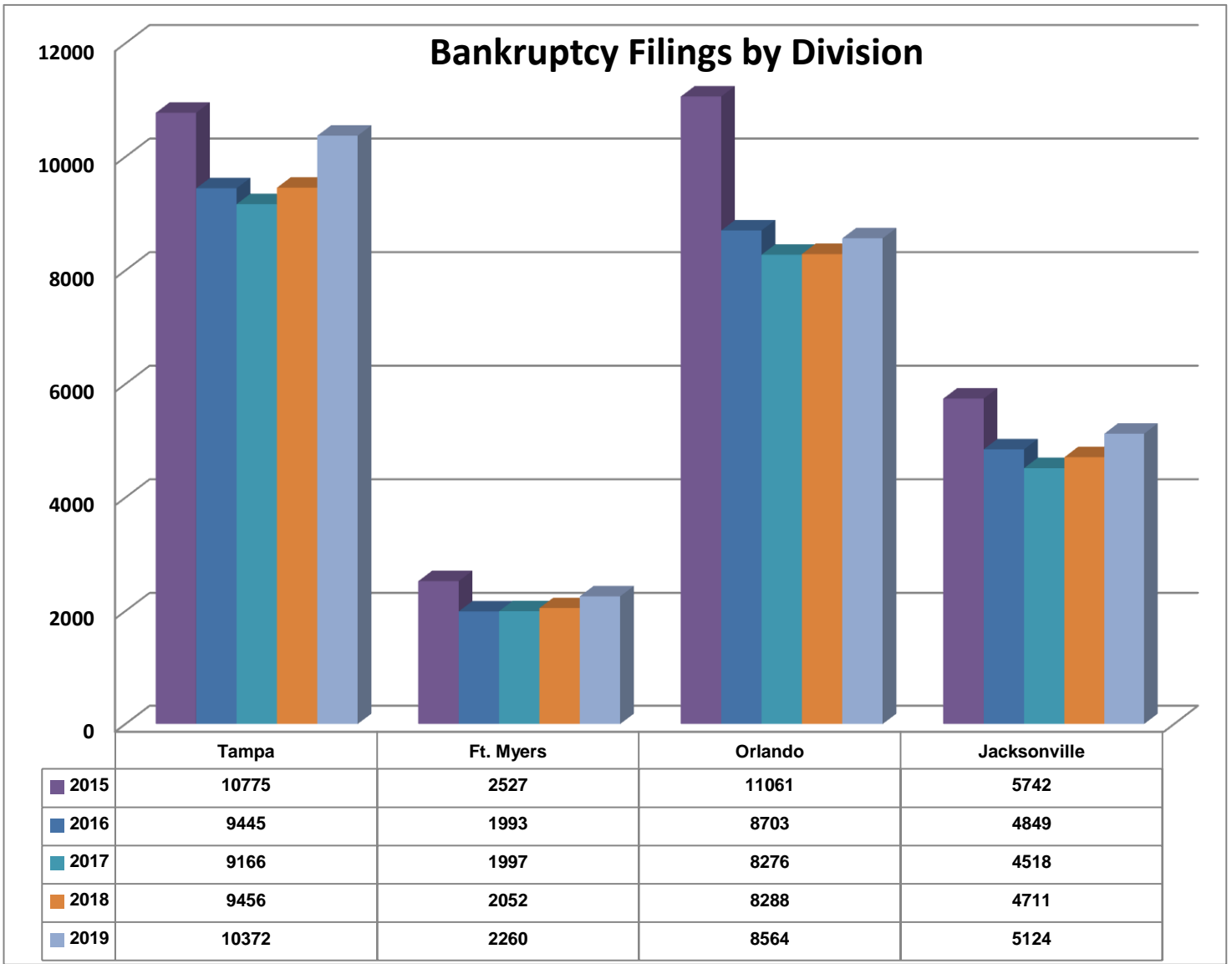


	2014	2015	2016	2017	2018	*2019
Pro Se	5416	3902	3079	2868	3006	3232
% of All Filings	18%	16%	13%	12%	12%	12%

In Forma Pauperis Filings



	2015	2016	2017	2018	*2019
IFP Granted	1456	965	903	825	956
% of All Filings	5%	4%	4%	3%	4%



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