

Can We Have a "Do Over" for 2020?

By: Sheryl L. Loesch, Clerk

As we've all ridden this rollercoaster called COVID-19 since early Spring, I think we've all run the gamut of emotions – from disbelief, to concern, to fear, to perseverance, to hope, and back to concern and possibly fear again. We ask ourselves, when will this end? Will life ever return to normal? Will we ever feel comfortable going to a sports event or a concert again? Just going out to a restaurant causes some uneasiness for many people.

During the past few months, many articles have been written about the times in which we are living and how humans are dealing with this unprecedented situation. Being the tough and gritty Americans we are, we've seen people rise to the occasion and meet the challenges we now face. We've seen the bravery of our health care workers and researchers in facing this virus head on. We've seen teachers suddenly adapt to teaching students in a virtual environment. We've seen restaurants get creative with ways to provide takeout food that closely replicate the meals they regularly served in house. We saw many volunteers step up and design face masks because online supplies were exhausted. Yes, as Americans we adapt and overcome.

We've seen how our own Court has risen to and faced the challenge with creative ways to protect the lawyers, parties to cases, and the court staff while still ensuring that justice is carried out. Our judiciary is strong and will not fail the citizens it serves.

We've all been under stress; however, I recently read an article that quoted former Navy Seal, Brent Gleeson, where he said crisis makes us better leaders since it:

- Demands humility
- Combats complacency
- Expands comfort zones
- · Makes you agile
- Broadens perspective
- Forces organization
- Drives innovation
- Fuels resilience, and
- Prepares you for the next challenge

The author of the article, Janet G. Cornell, is a leadership consultant and former court employee. In her article, Ms. Cornell states that stress causes us to be on our toes and to be motivated. She mentions how this pandemic has caused us to "see lemonade everywhere" and that we have found opportunities for agility, trying new things, collaborations, and incredible efficiencies. This is true – we've seen this happen in our very own court.

We've learned a lot during these past several months. We've learned we don't have all the answers, and that's okay. We must contact others for ideas and answers. We must be humble, curious, productive, and "other" oriented. Together we can explore new ways of doing things. If we take risks, we can make things happen.

Personally, I see many of our new ways of doing things continue in the post-pandemic world. This pandemic has forced us all to think outside the box and become more efficient. Those efficiencies will benefit us later. Other positive results have occurred — we have more family time and more family activities. More pets have been adopted from shelters as pets have become companions to those who live alone. Air quality around the country has improved due to less traffic being on the road.

I hope that we see some light at the end of the tunnel and that we transition into whatever will become our "new normal." Whatever our "new normal" turns out to be, I know the Bankruptcy Court in the Middle District of Florida will meet that challenge head on and embrace it.

Please stay well and stay safe!

Happy Anniversary Chief Judge Delano Twelve Years on the Bench



June 25th marked Chief Judge Delano's 12th anniversary on the bench. Instead of having their usual anniversary lunch, she and her former law clerks celebrated virtually via Zoom. Everyone enjoyed catching up and looks forward to celebrating in person soon! Seen in the screen capture above are: Dana Robbins, Sandra Harrell, Kris Galloway, Andrew Layden, Chief Judge Delano, Kathleen DiSanto, and Phil Nodhturft.



Telephonic Appearance Procedures

In light of the ongoing Coronavirus crisis, the recommendations of the Centers for Disease Control, and the "Safer at Home" and "Stay at Home" orders of certain municipalities and counties in the State of Florida, effective Monday, March 16, 2020, and continuing until further notice, the Court has implemented the following policies:

A. Judges in all Divisions will conduct all non-evidentiary hearings by telephone. Attorneys should arrange to appear via CourtCall or CourtSolutions as set forth below. Both CourtCall and CourtSolutions have agreed to waive their charges for *pro se* parties. A party who is not represented by counsel and is unable to coordinate with CourtCall or CourtSolutions should contact the judge's courtroom deputy. Contact information is listed on each judge's webpage.

B. Individual judges may determine to continue evidentiary hearings and trials that are not time sensitive. In that event, Court staff will contact counsel for the parties, and the Court will enter an order continuing the hearing or trial.

C. Any party who has a valid basis for requesting the continuance of an evidentiary or non-evidentiary hearing may file a motion to continue. Motions to continue shall include a statement (i) that the movant has conferred with counsel for opposing parties concerning the requested continuance and (ii) summarizing the position of the other parties concerning the request.

Counsel and parties appearing telephonically are encouraged to review the following requirements for telephonic appearance.

1. Requirements for Telephonic Appearances

a. Except as set forth above, counsel resident in a Division of the Middle District generally must appear in person at all hearings and trials in that Division. Parties who are not represented by counsel may appear by telephone; parties who are represented by counsel may attend hearings by telephone in "listen only" mode.

- b. If possible, parties appearing telephonically should use a landline rather than a cell phone. Parties shall not use cell phones while in public spaces or while driving or riding in an automobile. If a cell phone is used, parties shall ensure that they have a strong cellular phone system or use the Wi-Fi calling option on their phones.
- c. Parties are strongly cautioned that the use and quality of Bluetooth technology, such as headphones and earbuds, may negatively affect the Court's ability to hear them and the ability of a court reporter to prepare an accurate transcription.
- d. Counsel shall not connect their clients to the telephonic hearing by "conference call." If the client wishes to listen in, the client must separately call into the hearing.
- e. When not addressing the Court, parties shall place their calls on "mute."
- f. When addressing the Court, parties shall not use the speaker phone or the "hands-free" feature of their phones.
- g. When addressing the Court, parties shall:
 - i. wait until they are called upon by the Court to speak;
 - ii. announce his or her name each time the party starts to speak;
 - iii. make an extra effort to speak slowly, clearly, and calmly;
 - iv. pause a moment before speaking as delays in the transmission of calls are common;
 - v. not "speak over" or interrupt another speaker.
- h. If the Court cannot understand an attorney attending a hearing by telephone, the Court may, in its discretion, continue the hearing, request the attorney to file a written argument, or rule on the matter before it without consideration of the attorney's statements.

2. CourtSolutions LLC - Judges Colton and Williamson

- a. Telephonic appearances before Judge Williamson and Judge Colton are through CourtSolutions LLC.
- b. All persons who wish to listen to or participate in a scheduled hearing telephonically must register for a CourtSolutions account by visiting the CourtSolutions website at https://www.court-solutions.com/. Note: For unrepresented parties using CourtSolutions, please proceed to the website and select "Sign Up." Before submitting the completed form, you must select "I am not an attorney" and "Certified Indigent." Once the information is submitted you will receive an email with further instructions.
- c. For administrative purposes, registered participants must submit a request to appear telephonically on the business day prior to the hearing date through their CourtSolutions account. Clerk's office staff will routinely approve requests for telephonic appearances conducted in compliance with these policies and procedures.
- d. CourtSolutions will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- e. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtSolutions does not place calls to counsel.
- f. Direct questions regarding charges and payment arrangements directly to CourtSolutions.

3. CourtCall – Judges Delano, Funk, Jackson, Jennemann, McEwen, and Vaughan

- a. Telephonic appearances before Judges Delano, Funk, Jackson, Jennemann, McEwen, and Vaughan are through CourtCall.
- b. Telephonic appearances must be arranged by contacting CourtCall at 866-582-6878 not later than 5 p.m., EST, on the business day prior to the hearing date.

- c. CourtCall will provide counsel with written confirmation of a telephonic appearance and give counsel a number to call to make that appearance.
- d. Counsel is responsible for dialing into the call by the time of the scheduled hearing. CourtCall does not place calls to counsel.
- e. Direct questions regarding charges and payment arrangements directly to CourtCall.

The Court's Telephonic Appearances procedures are posted in our Procedures Manual located on The Source page of the Court's website.

 $\underline{http://www.flmb.uscourts.gov/proguide/documents/Procedure/Telephonic_Appearanc}\\ \underline{es.pdf}$



Bankruptcy Lawyer Wins Prestigious Jimmy Kynes Pro Bono Service Award

Fehintola "Kemi" Folasade Oguntebi, a solo practitioner with a consumer bankruptcy practice, received this year's Jimmy Kynes Pro Bono Service Award from the Thirteenth Judicial Circuit Pro Bono Committee. Congratulations to her and thanks for her service!

This award recognizes a Hillsborough County attorney who for many years has made significant contributions to ensure legal services are available to persons who otherwise could not afford them. It is dedicated to the memory of Jimmy Kynes, who served as Florida Attorney General and later as General Counsel of the Jim Walter Corporation in Tampa. Following the establishment of Bay Area Legal Services' Voluntary Lawyers Program (VLP) in 1982, Mr. Kynes worked with the program to recruit local bar members to provide pro bono assistance. Mr. Kynes' own pro bono service over many years, as well as his recruiting efforts, inspired private attorneys (including corporate counsel from local companies) to interview and advise indigent clients at intake sessions. Mr. Kynes' commitment to the provision of pro bono assistance is reflected by, and continues through, the efforts of the recipients of his award.

Given Mr. Kynes' connection with the VLP, it is fitting that the VLP nominated Ms. Oguntebi for the award. Her involvement with the VLP dates back to 1999. Her passion for pro bono is evidenced by her consistent contribution of services to the VLP in the 20 years since then. For example, from 2000-2016, she regularly volunteered for VLP's Domestic Violence Assistance Project (DVAP) assisting pro se domestic violence litigants in completing their Petitions for Injunction packets. Throughout her time with the VLP, she has also continued to serve on its Mentor Panel by mentoring Bay Area Legal Services staff attorneys and volunteer attorneys and on its Case Referral Panel by accepting referrals of clients for consultation and representation in the areas of divorce/custody, adoption, and probate. She recently accepted four cases at one time when the VLP's Case Referral Manager reached out and let her know that the manager was going to have to turn away some clients whose cases had not been placed.

Aside from the VLP, Ms. Oguntebi consistently volunteers for other organizations. Over the years, she has devoted her time to the Florida legal profession through her involvement in a program entitled "Lawyers Helping Lawyers." Through this program, the Florida Bar refers young lawyers to more experienced lawyers so they can obtain advice and assistance in their efforts to represent clients. For more than seven years, she has also regularly volunteered for the Tampa Bay Bankruptcy Bar Association's Pro Bono Clinic in our courthouse, where she has provided advice and assistance with the preparation of court documents for pro se bankruptcy litigants. She has volunteered for this project for over seven years. She has also regularly participated in the Ask a Lawyer Project with Fox 13 since she began practicing over 24 years ago. She is an active member of the George Edgecomb Bar Association and participates in its pro bono events. Finally, she has participated in a number of speaking engagements to church groups, typically on the topics of immigration and estate planning.

Ms. Oguntebi received her J.D. degree from the University of Florida in 1994 and opened her solo practice in 1995. In addition to her consumer bankruptcy practice, she also handles family law, probate, guardianship, wills, and immigration matters.

Ms. Oguntebi is only the fifth member of the insolvency legal community to have received the award since its inception almost 30 years ago, the prior four being Kathy McLeroy (2004), Scott Stichter (2005), Judge Cathy McEwen (2008), and A.J. Stan Musial (2019).



Jacksonville Bankruptcy Bar Association

By: Katheryn Hancock, Esq., President

On August 14, 2020 at 11:30 a.m., the JBBA will host a webinar entitled: *The Many Perspectives of the SBRA*. There will be a short introduction to the SBRA, along with the CARES Act changes, followed by the different perspectives of an actual SubV through the eyes of a debtor's attorney, SubV Trustee, and the U.S. Trustee.

To register, email Jason Burgess (jason@jasonaburgess.com) with your name, telephone number, and email address. He will then email out the meeting link. CLE course credit has been applied for.



Central Florida Bankruptcy Law Association

By: Christopher Thompson, Esq., President

Despite the pandemic, the Central Florida Bankruptcy Law Association remains committed to providing its members and the Central Florida bankruptcy law community at large with monthly, high-quality CLE presentations. We are continuing to hold "regular" monthly meetings and CLE presentations by webinar every third Thursday of the month, at which Judge Jennemann and Judge Vaughan provide updates from the Court. The July 16th webinar meeting featured Denise Dell-Powell, of Dean Mead, and Tiffany Payne Geyer, of BakerHostetler, who covered the latest SBA guidance regarding Payroll Protection Program loans and how Bankruptcy Courts have addressed issues relating to debtors' attempts to obtain and utilize PPP loan funds.

The CFBLA has also launched a three-part Bankruptcy 101 Series, covering the basics of Chapter 7, Chapter 13, and Chapter 11 bankruptcies. Frank Wolff, of Latham, Luna, Eden & Beaudine, LLP, presented the first webinar in this series on Chapter 7 basics in June, and Laurie Weatherford, the Standing Chapter 13 Trustee for the Orlando Division, and Bob and Tammy Branson, of BransonLaw, presented on Chapter 13 basics on July 2nd. Both webinars are available for viewing at https://www.cfbla.org/, along with our past regular monthly meeting webinars dating back to May 1st. The final installment of the Bankruptcy 101 Series will be on August 6th at noon, with Andrew Layden, of BakerHostetler, Frank Wolff, of Latham, Luna, Eden & Beaudine, LLP, and Jason Johnson, of Roetzel & Andress, presenting on Chapter 11 basics. We hope to see you "there!"



Orange County Bar Association Bankruptcy Committee

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

On April 10, 2020, a virtual town hall was held on COVID-19 changes to bankruptcy procedures and operation, featuring a panel including: the Hon. Karen S. Jennemann; the Hon. Lori V. Vaughan; Robert B. and Tammy Branson of BransonLaw PLLC; Lori Patton, Chapter 7 Trustee and founder of the Law Office of Lori Patton, P.A.; and Laurie K. Weatherford, Chapter 13 Standing Trustee for the Middle District of Florida, Orlando Division. The presenters discussed the recent changes to bankruptcy practice and procedures in the Middle District of Florida in the wake of COVID-19 and reviewed new Administrative Orders, tips on telephonic hearings and 341 meetings, the impact of the CARES Act on Chapter 7 and Chapter 13 bankruptcy practice, and ways to effectively maintain your bankruptcy practice while working remotely.

On May 29, 2020, Andrew von Ramin Mapp, Founder and Managing Partner of Cyber Centaurs, educated members on what an early case assessment (ECA) is from an electronic discovery point. In essence, (ECA) refers to a process of quickly discovering and investigating clients' data as it relates to eDiscovery and potential litigation. Mr. Mapp also explained how this process can be utilized to members' advantage with the objective of improving a law firm's eDiscovery process, leading to greater efficiency and cost reduction.

We are excited to announce that Professor Linda Coco will be succeeding Carina de la Torre, of The de la Torre Law Office LLC, as Chair of the Orange County Bar Association's Bankruptcy Committee for the 2020-2021 year. We look forward to Professor Coco's leadership in the coming year!



Tampa Bay Bankruptcy Bar Association

On August 6 at noon, please join us for an online **Bankruptcy Judicial Town Hall: Practicing Bankruptcy in a Post-COVID-19 World**, sponsored by TBBBA, the Hillsborough County Bar Association, and the Federal Bar Association Tampa Bay Chapter. The webinar will feature Chief Judge Delano, Judge Williamson, Judge McEwen, and Judge Colton in an informative and interactive presentation regarding:

- Review of current administrative orders
- Best practices for appearing via Zoom or telephonically
- Tips for Conducting Trials via Zoom
- What live courtroom experiences may look like in a post-COVID 19 setting.

Click **HERE** to register.



FLMB's Outreach Committee and Virtual Staff Activities Play Starring Role in Recent FJC Program

By Honorable Catherine Peek McEwen

As part of the Federal Judicial Center's annual Workshop for Bankruptcy Judges, I was to host a roundtable discussion in Philadelphia this month on Community Outreach. The FJC typically holds one program in the west and one in the east. My counterpart for the western program, which was to be held in Santa Fe in April, is Judge Sandy Klein, a big supporter of community outreach in various forms in her home bankruptcy court in Los Angeles.

As Judge Klein and I started to prepare together in the Fall of last year, I bragged to her about our Court's active Outreach Committee and all the good works and camaraderie-creating events it has done over the years. And I suggested we profile some of its initiatives for use at our respective venues. To that end, I asked Nita Balames, a long-time and tireless member of the Outreach Committee, to research and come up with a visual presentation that I could use as a handout. She enlisted the help of Sara Mason and Anel Merritt who provided valuable technical and creative support. Together, they created a slick booklet of pictures and text that could serve as a model for other courts who would like to engage in community outreach but are not doing so presently. A copy of the booklet is appended to this article for all to enjoy (and for our "customers" to learn about the good deeds done). The booklet covers both internal outreach initiatives as well as what one might more typically think of as outreach, external initiatives. I looked forward to having Judge Klein share the booklet in Santa Fe and my crowing about it in Philly.

And then came COVID-19. Beginning in March, every big gathering anywhere in the United States was postponed indefinitely or canceled—the FJC Workshop in both venues included. Yet we had this lovely deliverable, the booklet, that should not go to waste!

So when the FJC tossed out the notion (bait?) that the Workshop faculty could do some of the sessions virtually, I asked Judge Klein if she was game. Of course, she was, and I knew she would be. Thus, the booklet would not go to waste after all! And we became the first session of the Workshop to be offered virtually, last month.

Our FJC virtual Community Outreach program needed a few tweaks from what we had planned for the in-person discussions because we had to shift our emphasis to activities that could now be done virtually or in small groups. Judge Klein and I highlighted judicial initiatives to the community at large that we had undertaken or that we knew of which could be re-tooled to a virtual platform and video or on a smaller scale. And we also highlighted internal outreach efforts, primarily focusing on our Court's Outreach Committee's events, as displayed in the booklet. We brought the booklet up on the screen, and I turned the pages electronically for all the attendees to see. By the time of the presentation, we had also gathered other examples of internal outreach in a pandemic setting, in the form of virtual staff meetings and activities. I was proud, again, to display to other judges around the nation our teleworking workout challenge and the staff scavenger hunt and pictures of the results (see the "Staying Connected While Social Distancing" article in this newsletter edition).

The FJC is going to post our program, which was recorded, and its handouts, including our Court's Community Outreach committee's booklet, on the FJC website to reach judges who could not attend the live presentation.

Now that the show is over, I invite our Court's Outreach Committee, present and alums, to a curtain call. Take a virtual bow. We judges are proud of your creativity and work, and we are proud that your work is now an example to other federal courts.

Please click here to view the Outreach Booklet.

Congratulations!



Judge McEwen and A'isha Muhsin, the Judge's former intern, at the WMU-Cooley Law School graduation earlier this year.



Make Me Smile Moments: Reaffirming the Value of a Frank Talk About Reaffs

By Honorable Catherine Peek McEwen

In this issue I report four success stories involving two pro se debtors and two represented debtors who initially *thought* they should reaffirm a debt. In three of the four cases (including the two in which the debtors were represented), the presumption of hardship was present due to those debtors' income versus expenses. When given a chance for a continued hearing after learning their options, here's what these smart debtors did:

- 1. A debtor who was about \$6,500 upside down on a car loan and had a 22.81 percent interest rate tried to negotiate with her lender for a principal reduction and/or interest rate reduction (a redemption loan was not an option for her). At her come-back hearing, she reported that her request fell on deaf ears. Too bad for the lender. The debtor used her noggin and elected to surrender the car. She said she will get another car that is affordable after she gets a discharge and take another form of transportation in the meantime.
- 2. A debtor who is a wedding disc jockey had a truck loan that exceeded the value of the truck by almost \$13,000 and had an interest rate of 25.1 percent. He couldn't get approved for a redemption loan, so he tried to bargain with his lender and reported back that the lender wouldn't budge. He decided the reaff was a bad deal for him, elected to turn in the truck, and thanked me for opening his eyes. He said he would rent a truck for his gigs, which are now rare given the pandemic and social distancing.

- 3. Debtors who were represented by counsel signed a reaffirmation agreement calling for repayment of a loan of a little more than \$28,000 secured by a late model car worth only \$12,300 (and at a 16.78 percent interest rate), an upside-down difference of nearly \$16,000! Clearly this was a case crying for an attempt at a redemption. Armed with information about redemption loans, this couple was ultimately able to redeem the car.
- 4. A debtor who was represented by counsel signed a reaffirmation agreement calling for repayment of a loan of almost \$22,000 secured by a late model car worth \$10,500 (and at a 16.78 percent interest rate), an upside-down difference of nearly \$11,500. Again, armed with information about the redemption alternative, the debtor was able to redeem the car at the \$10,500 figure, which was more than \$2,000 less than the value stated by the lender in the reaff!

Lessons to be learned from these examples:

- 1. Lenders might ought to negotiate lest they get caught holding the bag on an underwater loan.
- 2. Some lenders misstate the value in reaffs.
- 3. Debtors' counsel need to bone up on redemption lenders and the redemption process and not blindly recommend signing a reaff that is wildly upside down.
- 4. Pro se debtors listen, so judges should take the opportunity to speak.



MORE ON REAFFS...

By Honorable Catherine Peek McEwen

An interest rate reduction resulting from negotiating a reaffirmation agreement was a bright spot on a recent "come-back" reaff docket, especially given that the new rate was negotiated by the adult daughter of an older, pro se debtor who is hearing impaired and on a fixed income. That is what happened in a case of mine when the daughter was given a chance to come back (by phone) on another day after trying to do better for her mother. The daughter was able to reduce her mother's interest rate more than 15 points, from 25.72 percent to 10 percent! Good daughter, good result for Mom.

What are the odds that on the same come-back docket a debtor who is represented by counsel had negotiated a redemption, shaving off more than \$8,000 in principal, and deciding to forget about the reaff? Well, the odds are better than none if one takes the time to explore alternatives and negotiate instead of blindly pursuing approval of a reaff.

Staying Connected While Social Distancing

While practicing social distancing, we found some creative ways for our staff to stay connected. First, the staff received this teleworking workout challenge.

Telework Hourly Workout

The Challenge: Do the following every hour on the hour.



Monday	Tuesday	Wednesday	Thursday	Friday
- 10 Jumping Jacks	- Jog / March in Place (30 sec)	- 10 Jumping Jacks	- Wall Sit (30 sec)	- 10 Jumping Jacks
- 10 Squats	- 10 Arm Circles	- Plank (30 sec)	- 5 Push Ups	- 10 Squats
- 5 Forward Lunges (Each Leg)	(Forward and Backward)	- 10 Supermans	- 10 Weighted* Chest Press	- 10 Crunches
50 1	- 10 Weighted*	- Bridge (30 sec)		- Plank (30 sec)
 5 Backward Lunges 	Tricep Kickback		- 10 Weighted*	
(Each Leg)	- 10 Weighted*		Upright Row	
	Shoulder Press			
	(*Use water bottles, cans, body resistance for weights)		(*Use water bottles, cans, body resistance for weights)	

Modify Workout to your fitness level by increasing or decreasing number of repetitions









Your safety is important.

Please workout only to the level at which you feel comfortable and which causes no pain or injury. You can modify any exercise to your fitness level. If unsure, please check with your physician.

Next, the staff was challenged with a Scavenger Hunt where they were given a list of 25 items to find.

SCAVENGER HUNT LIST

- ☐ Sports jersey
- ☐ Gloves or mask
- Something round
- ☐ 3 Things that are green
- ☐ File folder
- ☐ Picture of your pet
- ☐ Article of clothing or tote bag with our court logo
- Coin with the court seal
- ☐ A book you are currently reading or would like to read
- ☐ Ticket Stub from last 3 years
- ☐ Something that makes you smile
- ☐ Red bowl
- ☐ Picture with your coworker or coworkers
- ☐ Tape dispenser
- ☐ Bankruptcy Code and Rule Book
- ☐ Find something that smells nice
- ☐ Something you are grateful for
- ☐ Find something that you made
- ☐ Clorox wipes
- ☐ Pair of fun socks
- □ Bankruptcy court mug
- ☐ Something that begins with the letter "B"
- ☐ Hand sanitizer
- Rubber band
- Device that displays time





Congratulations to Sabrina Mallow for finding 22 items and winning this challenge!





Items found by other participants:











Next up...Bankruptcy Bingo!





Dear Point and Click,

I have some questions about renewing my admissions.

Question 1: How do I pay my admission renewal fees?

Answer: Admissions and the payment of the required renewal fees are administered by District Court, not the Bankruptcy Court. According to information posted on the U.S. District Court for the Middle District of Florida's website, effective June 1, 2020, members of the Bar must pay a membership renewal fee of \$15 every five years. The current renewal fee is due between June 1 and August 31, 2020. A \$50 late fee will be applied to renewal fees paid between September 1 and September 30, 2020.

No renewal fee is due for members who were admitted on or after March 1, 2020. The renewal fee does not apply to a lawyer admitted pro hac vice.

A member must pay the renewal fee through District Court's CM/ECF System, not PACER and not through the U.S. Bankruptcy Court's CM/ECF System.

To pay your renewal fee:

- 1. Sign-in to CM/ECF. Your District Court CM/ECF login is your first initial, last name, and seven-digit Florida Bar number. If your Florida Bar number is fewer than seven digits, add leading zeros; for example, jdoe0012345. If you do not recall your District Court password, you can reset it through the following link: https://www.flmd.uscourts.gov/webforms/reset-your-cmecf-password
- 2. Left-click Civil from the blue Menu Bar.
- 3. Find the heading **FLMD Bar Members Only** on the right of the page.
- 4. Enter the portal **FLMD Membership Renewal** under the heading **FLMD Bar Members Only**.

Questions regarding the payment of renewal fees should be directed to District Court's Clerk's Office, during business hours.

Fort Myers: 239-461-2000 Jacksonville: 904-549-1900 Ocala: 352-369-4860 Orlando: 407-835-4200 Tampa: 813-301-5400

You may also want to review the following resource: Bar Membership Renewal - A Guide for Lawyers (PDF)

Question 2: What do I do if I miss my admissions renewal deadline, and how does it affect my ability to appear in the Bankruptcy Court?

Answer: A member who fails to pay the renewal fee to the District Court by September 30, 2020 must apply to the District Court for readmission and pay a \$196 initial application fee.

It is also important to note that failure to maintain your admissions in the U.S. District Court for the Middle District of Florida may place you in violation of our Local Rule 2090-1, which states in part "an attorney who wishes to appear or be heard as counsel for another in any case or proceeding in the Court must first be admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules for the United States District Court for the Middle District of Florida."

Question 3: I've heard that it is time to renew my admission. However, I did not receive a notification. What should I do?

Answer: Because admissions are administered by District Court and not the Bankruptcy Court, any notifications of renewal requirements would be generated by District Court. We recommend reviewing information on their website: www.flmd.uscourts.gov.

It is also very important to keep your address and contact information up-to-date in the U.S. District Court. Additionally, please be aware that an address change submitted to the U.S. Bankruptcy Court does not update your address on record in the District Court. Failure to maintain your current address with the District Court may result in failure to receive notifications.



CASE LAW UPDATE FOR Q3 2020

Editors:

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

Eleventh Circuit Cases

Medley v. Dish Network, LLC 958 F.3d 1063 (11th Cir. May 1, 2020)

Debtor filed suit against Dish Network, claiming violations of the Florida Consumer Collection Practices Act ("FCCPA") and the Telephone Consumer Practices Act (TCPA"), seeking damages under those acts for Dish's attempts to collect a discharged debt and by contacting her by phone after she had revoked her consent. District court granted summary judgment for Dish on all claims, but Eleventh Circuit reversed and remanded, with respect to the FCCPA claims, on the basis that district court erroneously concluded that a certain portion of the debt was not discharged, and to determine Dish's knowledge of whether the debt was invalid and whether debtor was represented by counsel. Moreover, the Court concluded that the failure to schedule an executory contract on Schedule G did not prevent the contract's "deemed rejection."

Bankruptcy Court Cases

Gateway Radiology Consultants, P.A. v. Carranza (In re Gateway Radiology Consultants, P.A.) 2020 WL 3048197, 2020 Bankr. LEXIS 1508 (Bankr. M.D. Fla. June 8, 2020) (Williamson, J.)

Judge Williamson addressed the ability of a debtor in bankruptcy to qualify for the government loan program adopted by Congress in the Coronavirus Aid, Relief, and Economic Security Act ("CARES" Act). Judge Williamson held that

the Small Business Administration violated the Administrative Procedures Act by exceeding its authority and was arbitrary and capricious in excluding debtors from the program.

In re Errico

2020 WL 3454242, 2020 Bankr. LEXIS 1625 (Bankr. M.D. Fla. June 22, 2020) (Delano, C.J.)

Debtor had filed nine bankruptcy cases between 2008 and 2019. Court granted stay-relief motions and dismissed Chapter 13 case where Court found that both the debtor's petition and plan were not filed in good faith. Further, Court issued a one-year prohibition against refiling a bankruptcy case.

In re Dupree

Case No. 6:19-bk-07126-KSJ (Bankr. M.D. Fla. June 16, 2020) (Jennemann, J.)

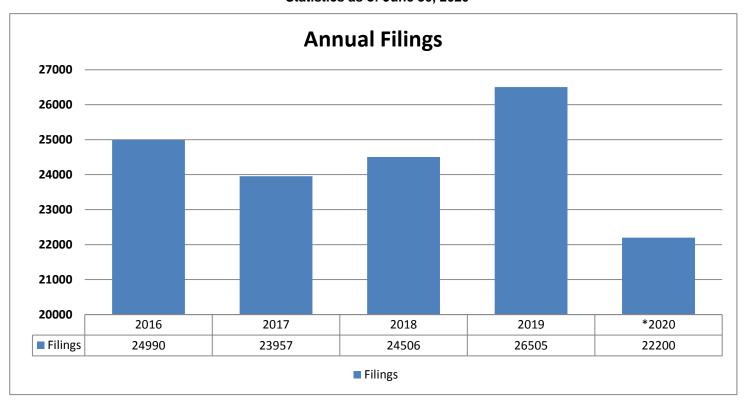
Court sustained Trustee's objection to exemption and resolved that the debtor cannot exempt a Child Tax Credit, which is granted under § 24 of the Internal Revenue Code, where section 222.25(3), Florida Statutes, only exempts federal credits received under § 32 of the Internal Revenue Code.

In re Ojeda

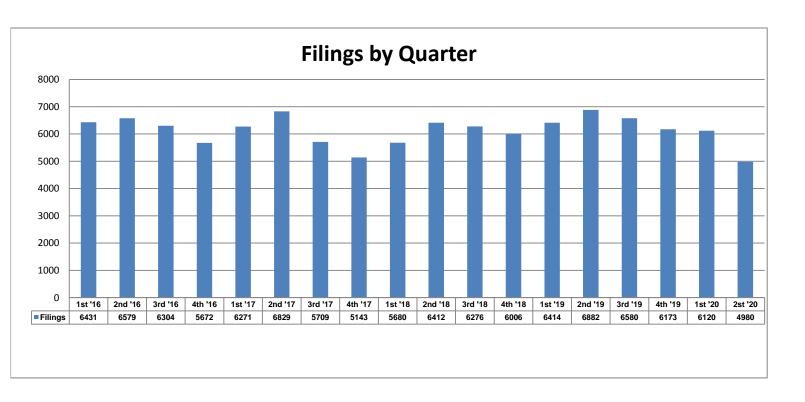
Case No. 9:19-bk-06611-FMD (Bankr. M.D. Fla. June 1, 2020) (Delano, C.J.)

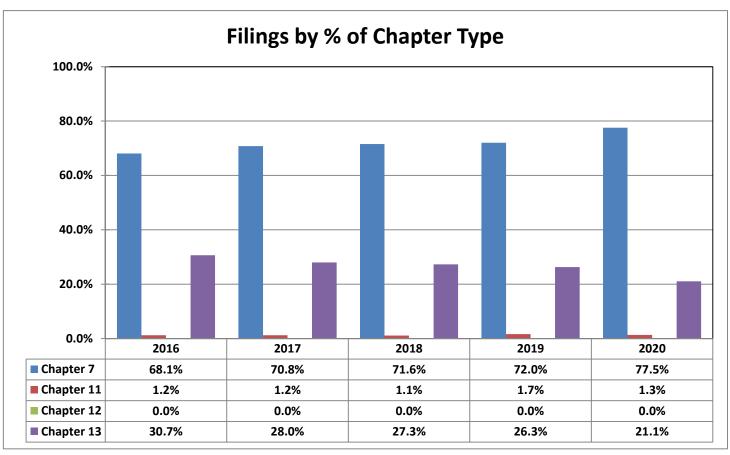
Court sustained objection to claim, finding that finance company does not have a claim secured by debtor's swimming pool. The Court analyzed chapter 679, Florida Statutes, Florida's UCC provisions, and concluded that a swimming pool is not a "good" and therefore cannot be a "fixture." Therefore, chapter 679 did not apply, and creditor does not have a security interest in the swimming pool.

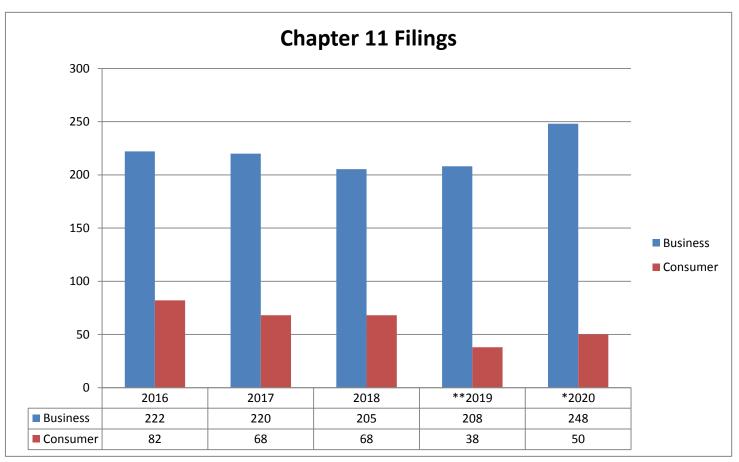
United States Bankruptcy Court - Middle District of Florida Updated July 15, 2020 Meeting Data and Information Statistics as of June 30, 2020

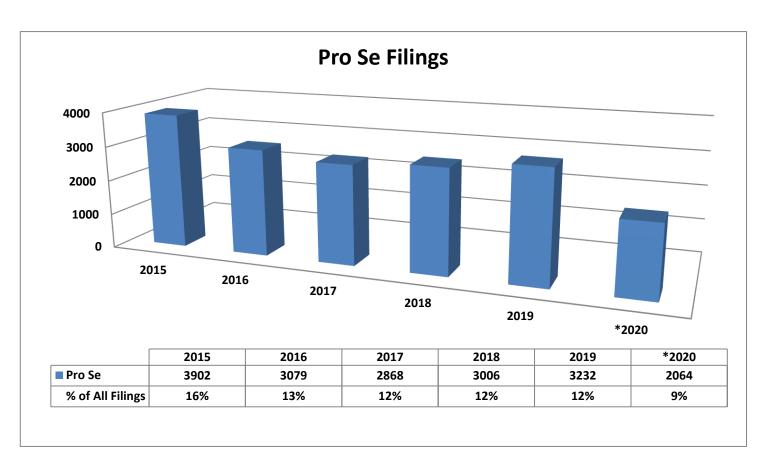


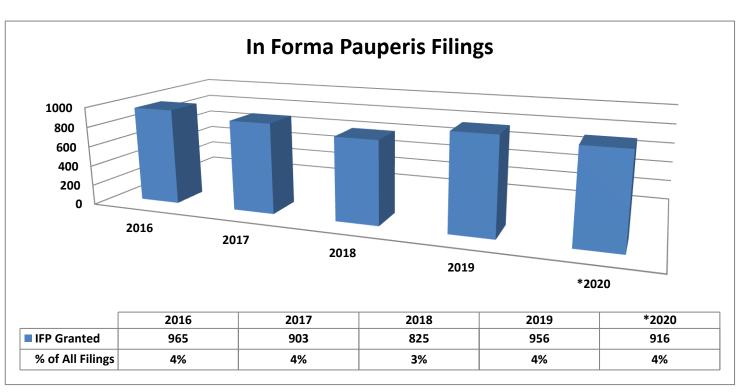
Year	Annual Filings	vs. 2015	vs. Prior Yr.
2015	30112		
2016	24990	-17%	-17%
2017	23957	-20%	-4%
2019	26505	-12%	11%
*2020	22200	-26%	-16%

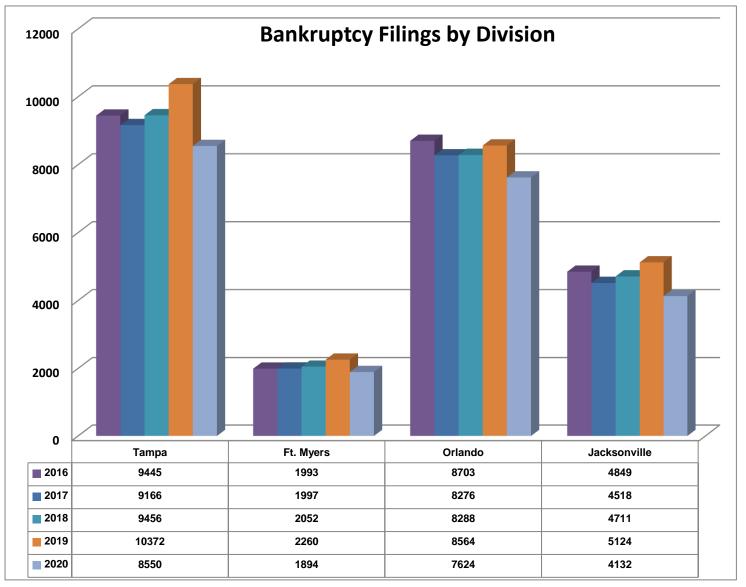












Note: *2019 Counts include reopen cases.

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