



CORONAVIRUS AND THE COURT

By: Chief Judge Caryl E. Delano

Of all the situations or issues I thought I might be called upon to address during my tenure as Chief Judge, a global pandemic did not even make the list. Like so many of us, I completely took for granted all of the conveniences and freedoms that make up our way of life. As I write this column, I question when and to what extent we will begin to resume our regular lives. And I am very conscious of the fact that the COVID-19 pandemic has negatively impacted many of the attorneys who practice in our Court, their staffs, their families, and their clients.

Our Court’s Mission Statement is well known to most of you:

Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.

During this national crisis, my goal, and the goal of each of our judges, has been to maintain Court operations while living up to the ideals of our Mission Statement.

Effective March 16, the Court began conducting all non-evidentiary hearings by telephone. Judge Cynthia Jackson (Jacksonville) has conducted a few evidentiary hearings by video and Judge Lori Vaughan (Orlando) has conducted several hearings in a large Chapter 11 by video. “Stay tuned” as more judges may move to video hearings. On March 31, the Court clarified its telephonic hearing procedures with requirements for telephone etiquette—all designed to facilitate the hearings themselves and to create a better record. Click [here](#) to view the Court’s Telephonic Appearances Procedure.

Fortunately, years ago, the Court established a telework policy that has made it possible for nearly all of our Court employees to work from home. Our Clerk’s Office staff takes pride in their work and has risen to the challenge of working from home, with telephone and video conferencing as needed.

The Court has proactively addressed pandemic-related issues affecting cases, attorneys, and *pro se* parties. Starting in mid-March, the Court entered several Administrative Orders:

Administrative Order FLMB-2020-2. In light of the United States Trustee’s having postponed creditors’ meetings scheduled through April 10, 2020, the Court extended the deadlines under the Bankruptcy Code that are calculated from the date first set for the creditors’ meeting.

Administrative Order FLMB-2020-3. In order to better protect Court staff, attorneys, and the public, the Court closed its Intake Windows in the Jacksonville, Orlando, and Tampa Divisions and established procedures for *pro se* parties to file bankruptcy petitions and other papers by email, fax, and U.S. Mail or other delivery.

Administrative Order FLMB-2020-4. In recognition of social distancing policies, the Court suspended Local Rule 1002-1(e)’s requirement that Electronic Filing Users secure the original signatures of their clients on papers filed with the Court, provided that the Electronic Filing User followed designated procedures to assure that the clients had, in fact, signed the papers.

Administrative Order FLMB-2020-5. The Court modified the automatic stay to facilitate communications between secured creditors and debtors regarding the negotiation of forbearance agreements.

In other news, I had been looking forward to presiding (for the first time) at a judicial investiture, but regretfully, the Court postponed the scheduled investiture of the Middle District’s newest judge, Judge Lori Vaughan (Orlando). We hope to announce a new date in the near future. Some of you may know that Judge Vaughan’s first legal job was as a law clerk to Judge Karen Jennemann (Orlando). Judge Vaughan and Judge Jennemann feel that their lives have come full circle, and I know you all join me in welcoming Judge Vaughan to the bench.

Chapter 11 practitioners all know that the Small Business Reorganization Act and Subchapter V of Chapter 11 became effective on February 19, 2020. Implementation of the SBRA requires amendments to a number of the Federal Rules of Bankruptcy Procedure, which is normally a three-year process. In order to facilitate the SBRA, the Advisory Committee on Bankruptcy Rules requested that all bankruptcy courts adopt Interim Rules. And on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was signed into law. The CARES Act includes

Court Connection
Volume No. 9 – Issue No. 2
April 2020

temporary amendments to the definitions of “small business debtor” in 11 U.S.C. § 101 and “debtor” under Subchapter V, including an increase in the debt limit to \$7,500,000. This required an additional revision to Interim Rule 1020. Through Administrative Orders FLMB 2020-1 and 2020-6, the Middle District of Florida has adopted the Interim Rules. Click [here](#) to view the Interim Rules.

Finally, I would like to leave you with some words that I find very helpful as we work through numerous coronavirus frustrations. Under the stresses of staying “safer at home,” watching the television news, isolating oneself from friends and family members, and for many of you, homeschooling young children, it is very easy to let minor annoyances, at work or at home, escalate into major upsets. On April 7, 2020, United States District Judge Timothy Corrigan (Jacksonville) sent a memo to Jacksonville Courthouse Staff, and the attorneys who practice in the Jacksonville Division. He concluded with remarks that apply to judges, Court staff, attorneys, and law firm employees alike:

This is a time for the professionalism, civility, and collegiality of the bar to shine through. Disagreements over scheduling or other minor matters seem especially unimportant at the moment. We are all in this together. Let them say at the end of this that both the bench and bar performed in the highest traditions of our profession.

On behalf of all the judges of the Middle District of Florida, please take care of yourselves, your coworkers, your family, and your clients.



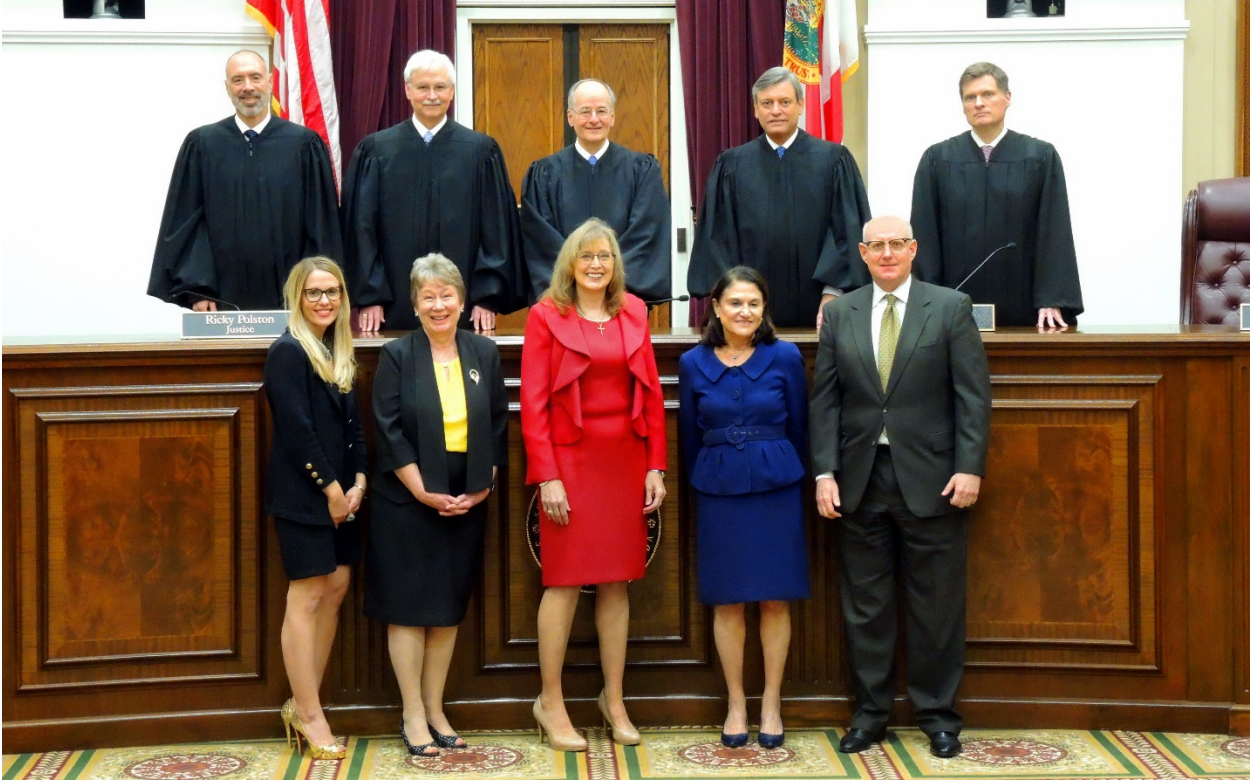
Congratulations to Judge Jennemann for Receiving the Distinguished 2020 Federal Judicial Service Pro Bono Award

On January 30, 2020, Judge Karen S. Jennemann of the Orlando Division was presented with the Florida Bar's 2020 Federal Judicial Service Pro Bono Award by Chief Justice Charles T. Canady at a ceremony at the Supreme Court of Florida in Tallahassee.

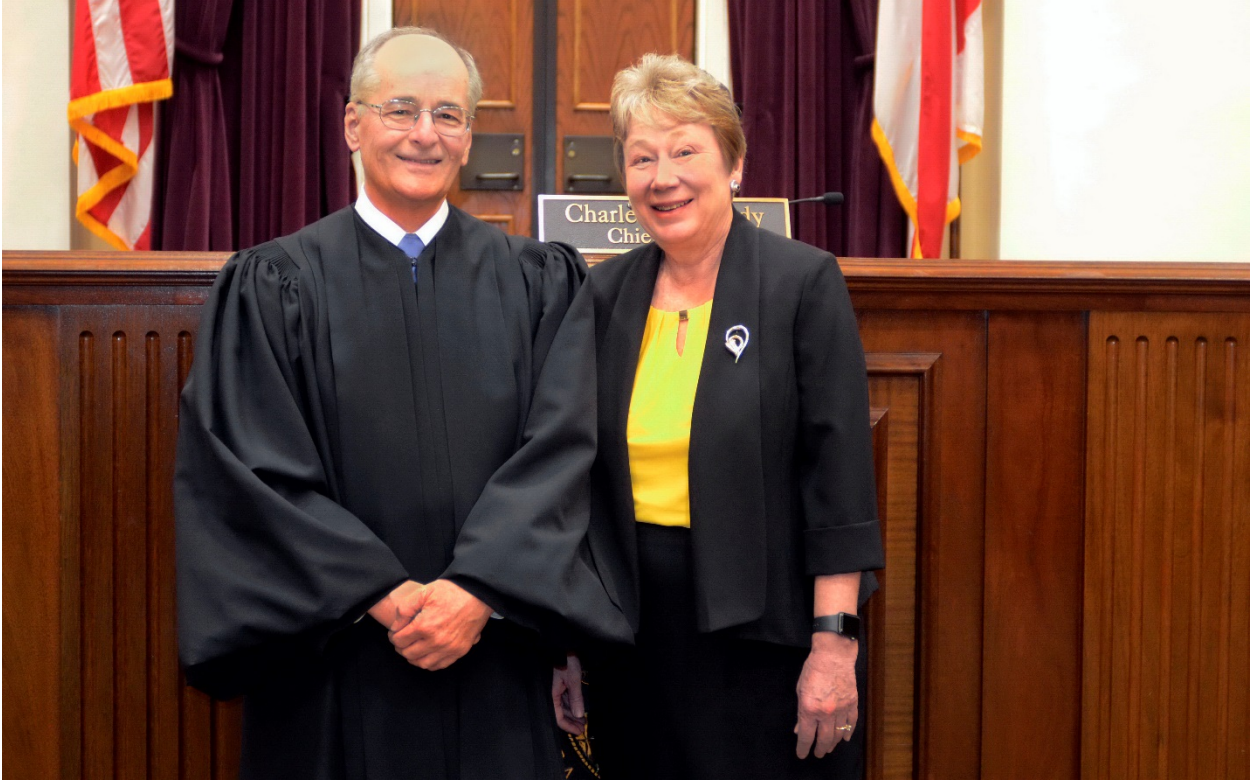
Click [here](#) to read the complete Florida Bar article.



Court Connection
Volume No. 9 – Issue No. 2
April 2020



Court Connection
Volume No. 9 – Issue No. 2
April 2020



Hon. Michael G. Williamson
Celebrates



on the Bench

On the afternoon of March 2nd, Judges, Chambers and Clerk's office staff gathered in Judge Williamson's courtroom to celebrate his 20th Anniversary on the bench. Afterward, Judge and Mrs. Williamson attended a celebratory dinner with the other judges.

The Eleventh Circuit Court of Appeals appointed Judge Williamson to the bench on February 29, 2000. Since that time, he has presided over more than 80,000 bankruptcy cases and authored over 200 published decisions. He served as Chief Bankruptcy Judge for the Middle District of Florida from 2015 to 2019 and in 2019 began a three-year term as a member of the Committee on Space & Facilities of the Judicial Conference of the United States. He is also an Adjunct Professor at Stetson University College of Law.

Judge Williamson's international work with the Commercial Law Development Program of the U.S. Department of Commerce, the Economic Growth and Governance Initiative, and USAID's Commercial Legal and Institutional Reform Program has taken him to Afghanistan, Ukraine, Bahrain, Bosnia-Herzegovina, Georgia, Zimbabwe, Uganda, Rwanda, Macedonia, and Azerbaijan. His extensive work in Afghanistan includes drafting the country's Insolvency Law and conducting judicial training.



*L to R: Judge Williamson, Marti Malone (Courtroom Deputy),
Mary Maddox (Judicial Assistant), and Ed Comey (Law Clerk)*



Hon. Lori V. Vaughan
Sworn In as Newest Bankruptcy Judge

On February 25, 2020, the Honorable Lori V. Vaughan was sworn in as the newest bankruptcy judge of the United States Bankruptcy Court for the Middle District of Florida. She is presiding in the Orlando Division and conducts hearings in Courtroom 6C of the George C. Young United States Courthouse.

Prior to her appointment, Judge Vaughan was a shareholder with Trenam Law in Tampa and a member of the firm's Bankruptcy, Creditor's Rights & Insolvency practice group. While there, she represented both debtors and creditors in business reorganizations, creditors' and equity holders' committees, and Chapter 11 and 7 trustees.

Judge Vaughan joined Trenam Law in 2007 after practicing in the business reorganizations group of Foley & Lardner, the last year of which was spent in its New York City office. Prior to that, she served as judicial law clerk to the Honorable Karen S. Jennemann. She graduated from Eckerd College with a degree in Political Science with high honors and received her J.D. with honors from the University of Florida Levin College of Law.

Judge Vaughan is past chair of the Bankruptcy/UCC Committee of the Florida Bar, Business Law Section and is an author of multiple chapters of the Florida Bar's publication *Creditors' and Debtors' Practice in Florida*. She has also served as a board member for the International Women's Insolvency & Restructuring Confederation and American Bankruptcy Institute bankruptcy litigation committee.



Orange County Bar Association Bankruptcy Committee
by Carina M. de la Torre, Esq., Chair

On February 28, 2020, Laurie K. Weatherford, the Chapter 13 Standing Trustee for the Middle District of Florida, Orlando Division, gave a presentation about recent developments and best practices in Chapter 13 practice in the Middle District of Florida, Orlando Division.

During the month of March, the Orange County Bar Association's North Orange Avenue location is undergoing renovations. We look forward to hosting future events in the renovated building!



CASE LAW UPDATE FOR Q2 2020
ISSUE OF THE COURT CONNECTION

Editors:

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

U.S. Supreme Court Cases

Allen v. Cooper, Governor of North Carolina

140 S.Ct. 994 (Mar. 23, 2020)

Addressing a case involving the Copyright Remedy Clarification Act of 1990, the U.S. Supreme Court discussed its prior rulings on the issue of sovereign immunity, particularly the opinion in *Central Virginia Community College v. Katz*, 546 U.S. 356 (2006), in which the Court upheld Congress’s abrogation of sovereign immunity in bankruptcy cases. This opinion discusses the “unique history” of the Constitution’s Bankruptcy Clause which led to the conclusion, in *Katz*, that Congress retained constitutional authority to abrogate state sovereign immunity within Title 11.

Roman Catholic Archdiocese of San Juan v. Feliciano

140 S.Ct. 696 (Feb. 24, 2020)

In an opinion which may have ramifications on the practice of bankruptcy courts issuing *nunc pro tunc* orders to retroactively approve actions, the U.S. Supreme Court rejected the use of such an order where the court issuing the order lacked jurisdiction. The Court explained that a *nunc pro tunc* order is valid only where a court announced a ruling without entering an order and that such an order cannot be used to “make the record what it is not.”

Ritzen Grp., Inc. v. Jackson Masonry, LLC

140 S.Ct. 582 (Jan. 14, 2020)

In a unanimous opinion, the U.S. Supreme Court held that an order from the bankruptcy court which unreservedly denies a motion for relief from stay constitutes an immediately appealable final order. In this case, the creditor’s motion for stay relief was denied, but the creditor did not file an appeal until after the plan was confirmed. The district court dismissed the appeal as untimely. The dismissal was affirmed by the Sixth Circuit and then by the Supreme Court. The Court noted the uniqueness of bankruptcy as a different “regime” which “embraces an aggregation of individual controversies.” The Court concluded that the adjudication of a stay relief motion “forms a discrete procedural unit within the embrace of bankruptcy case.”

First Quarter 2020 Pro Se Clinic Volunteers



Jacksonville

Lauren Box -1
Jay Brown -1
Eugene Johnson -1
Taylor King -1
Dinkins Grange -1
Amy Leitch -1
Edward Jackson -1

Orlando

Professor Linda Coco & Students from Barry University - 21
Alec Solomita - 11
Amy Goodblatt - 3
Joseph Mancuso - 2
Dan Valesquez - 1
Cameryn Rivera - 1
Cherrell Worsham - 1

Tampa

Petry, Kelley	6
Barnett, Michael	5
Boudreaux, Maria	5
Case, Kenneth	4
Stevenson, Traci	4
Levine, Dennis	3
Lim, Angelina	3
Markham, Mike	3
DeLeon, Robert	2
Gomez, Al	2
Hale, Matt	2
Hooi, Michael	2
Noah, Belinda	2
Oguntebi, Kemi	2
Robens, Mark	2
Sierra, Tim	2
Steen, David	2
Bachman, Michael	1
Dammer, Samantha	1
Ferrell-Anton, Becky	1
Fogarty, Dan	1
Halloran, Patti	1
Ketchum, Elena	1

W E L C O M E

To The Team

MDFL Welcomes New Law Clerks



Abraham Akbari – Shared Law Clerk, Tampa

Hi everyone, I recently began my position as a shared law clerk in the Tampa division of the U.S. Bankruptcy Court for the Middle District of Florida. I grew up in the D.C. area and attended the University of Maryland for undergrad and graduated from the George Washington University Law School last June. During law school, I completed multiple judicial internships and worked as a law clerk for a firm with a prominent creditors' rights practice. Outside of work, I like to get outside, whether that involves traveling or staying active by hiking, snowboarding, or playing softball. I also follow the Ravens, Capitals, and sadly, the Orioles and Wizards.



Griffin Butler – Shared Law Clerk, Jacksonville

Hi, everyone. I will be serving as a floating law clerk based out of Jacksonville for the U.S. Bankruptcy Court, Middle District of Florida. By way of background, I grew up in Idaho, went to Grinnell College for undergrad, and somewhat recently graduated from Northwestern Pritzker School of Law. Before coming to Florida, I clerked for the Fifth Judicial District of Iowa in Des Moines. When I'm not working, I enjoy traveling, travel shows, and following the NBA. I look forward to meeting all of my new co-workers and members of the Florida bar in Jacksonville and beyond!



Matthew McCabe – Law Clerk to Judge Vaughan

Hello everyone, I am a native of Orlando and am excited to be working as one of Judge Vaughan’s new law clerks. I attended UCF for undergrad and served in the U.S. Army before attending Barry University School of Law where I had an active role in the Bankruptcy Pro Se clinic here in Orlando. After graduating from law school and taking the Florida bar exam, I attended the Bankruptcy L.L.M. program at St. John’s University School of Law in New York and am currently finishing my studies remotely. In my personal time I like to visit Disney as well as the local movie theaters and beaches. I look forward to meeting everyone over the next couple of months and getting the most out of this wonderful opportunity.



Candice Mountz – Law Clerk to Judge Vaughan

I am a recent graduate from FAMU College of Law, graduating third in my class. During law school I interned with the Federal Public Defender’s office in their Orlando office representing a multitude of individuals with very different issues. Ultimately, I knew that I would find myself in the bankruptcy field, though. Prior to attending law school, I was a bankruptcy paralegal for over ten years – so it feels only natural that I follow this path in the bankruptcy court. I am excited to begin my legal career as a law clerk to Judge Lori Vaughan. My family is my world. I have been married to my wonderful husband for 12 years, and we have two amazing boys, Caleb (9) and Calder (5).



Brainstorming Ways to Stop Serial Abusive Filers

By Hon. Catherine Peek McEwen

On October 23, 2019, as part of Judge McEwen’s continuing series of quarterly mentoring programs, the Tampa Division hosted a town-hall type meeting for stakeholders to brainstorm ways we can curb abusive serial filers. Abusive serial filers cause unnecessary work for the staffs of both the bankruptcy court and the state court. And they hinder and delay creditors for no well-intentioned purpose. These filers use the bankruptcy system solely to stop a foreclosure and with no intent to complete the bankruptcy case and obtain the valuable relief bankruptcy can provide them. These filers often exhibit common traits, the filing of a bare-bones petition, with no filing fee paid. Their Holy Grail is a set of numbers constituting a bankruptcy case number. Some abusive serial filers ping-pong between judges with staggered filings by spouses, timed so as to prevent having to disclose a pending related case--because no related case is then pending, which allows the string of filings to escape detection by the judge who has just one of the two spouses in her fold.

Invitees to the program included representatives from all the state judicial circuits whose footprint is within or overlaps the counties within the Tampa Division’s territory as well as lawyers who represent debtors or creditors in consumer cases. The Court’s fifth-floor training room was pretty packed. In attendance was at least one state circuit judge and some representatives of state clerks’ offices.

One takeaway from the program was that creditors have to be more involved in bringing abusive serial filers to the bankruptcy court’s attention, especially when filings straddle two different bankruptcy judges. And creditors need to be more proactive in cluing in the state court clerks when the bankruptcy court has issued an order banning a subsequent filing and/or barring the automatic stay from going into effect (collectively, “Bar Order”).

Another, major, takeaway from the program was that state court clerks are not attuned to implementing a Bar Order—even when such order is filed in the state court record. One suggestion was that if a foreclosing creditor has entered an appearance in the bankruptcy case in which a Bar Order is entered, then the creditor should be ordered to file a copy of the Bar Order in the state court record with a title on the notice of filing that calls attention to what is being filed (e.g., Notice of Filing

Court Connection
Volume No. 9 – Issue No. 2
April 2020

Bankruptcy Court Order Preventing Bankruptcy Stay from Going into Effect to Stop a Foreclosure). Another suggestion was that the bankruptcy judges should serve a copy of the Bar Order on the Chief Judge of the state court and the state Clerk of Court's lawyer. Yet another suggestion was that the Bar Order be attached and referred to in a state court motion to set or re-set the foreclosure sale and that the proposed order setting the sale also include a copy of the Bar Order and refer to it.

And finally, a bankruptcy judge could include in a Bar Order a directive to the Clerk not to accept a petition from a banned debtor, in which case the quest for the Holy Grail will be stopped, as no case number would be available to show a state Clerk.

And the Punchline is...Delawhere???

Most folks know that Judge McEwen is an advocate for bankruptcy venue reform. As a gag gift, Bankruptcy Judge Laurel Isicoff (Chief Judge of the Southern District) delivered a new tee shirt to Judge McEwen (pictured) from Delaware Bankruptcy Judge Brendan Shannon during the ABI/Paskay seminar held in Tampa in January. Why is this amusing? Because bankruptcy venue reform would require big cases to be filed where the debtors actually operate and not in Delaware. Just goes to show that bankruptcy judges' camaraderie runs thicker than state borders. Incidentally, now the t-shirt is displayed on the table in front of the Courtroom 8B bench for all to see.





Courthouse Tour for Middle Schoolers Features Life Lessons by Judges By Hon. Catherine Peek McEwen

During National Judicial Outreach Week in March, the Tampa Division hosted a courthouse tour for approximately 30 young ladies from Ferrell Middle School. The tour was a collaboration between the George Edgecomb Bar Association, the Tampa Bay Chapter of the Federal Bar Association, and our Court.

Judge McEwen started the day's activities in her courtroom and welcomed the students and their teachers and chaperones with a short civics lesson on the importance of the Third Branch and how it operates independently and acts as a check against the other two branches from taking action contrary to our constitutional rights. Inasmuch as the primary election was later in the month, Judge McEwen also stressed that it is important that the students remind their parents to register to vote and vote if they are eligible to do so.

The students then left to tour three areas of interest in the courthouse—the civics kiosks on the third floor, the U.S. Marshal's office on the fourth floor, and the historical kiosks on the first floor.

Next up on the agenda was a talk with Magistrate Judge Chris Tuite, who had been a federal prosecutor before his judicial appointment. He kept the girls spellbound with his story about a case he prosecuted involving a drug ring operating out of the Central Park area in Tampa. A young lady had been used by the ring leaders to sit in the hot sun as a lookout. She later had the courage to do the right thing and inform on the ring leaders. The girls asked many good questions about the case, so many, in fact, that Judge Tuite barely had time to address them all.

The last stop was lunch, which the girls enjoyed while sitting through some talks about the career paths and jobs of others in the legal system. Our own Ellen Morton spoke about her path to becoming an intake clerk. The girls also heard from Joely Andrews, who is Supervisory Pretrial Services Officer, and RoseMarie Quiles Simon, an Investigative Analyst with the Marshal's office. These three speakers no doubt helped the girls learn that being a lawyer or a judge is not the only way one can work in the legal field.

The last speaker was Magistrate Judge Julie Sneed, who layered life lessons onto her personal back story. The values she spoke about—everything from hard work to a good spiritual life—were so compelling that we all could have heard a pin drop. Judge Sneed really brought her role-model "A-Game" with her that day.

Court Connection
Volume No. 9 – Issue No. 2
April 2020

In reflecting on her audience, Judge Sneed said, “I truly enjoyed speaking with the girls from Ferrell Middle School. I know among them is a future lawyer, judge, teacher, nurse, or doctor. If they continue to work hard and make good choices, they can achieve any goal they set for themselves.”

All in all, the tour was an experience that the girls likely will not forget.



Ferrell Middle School students visit during National Judicial Outreach Week in March



On Left: Magistrate Judge Christopher Tuite summarizes an interesting case

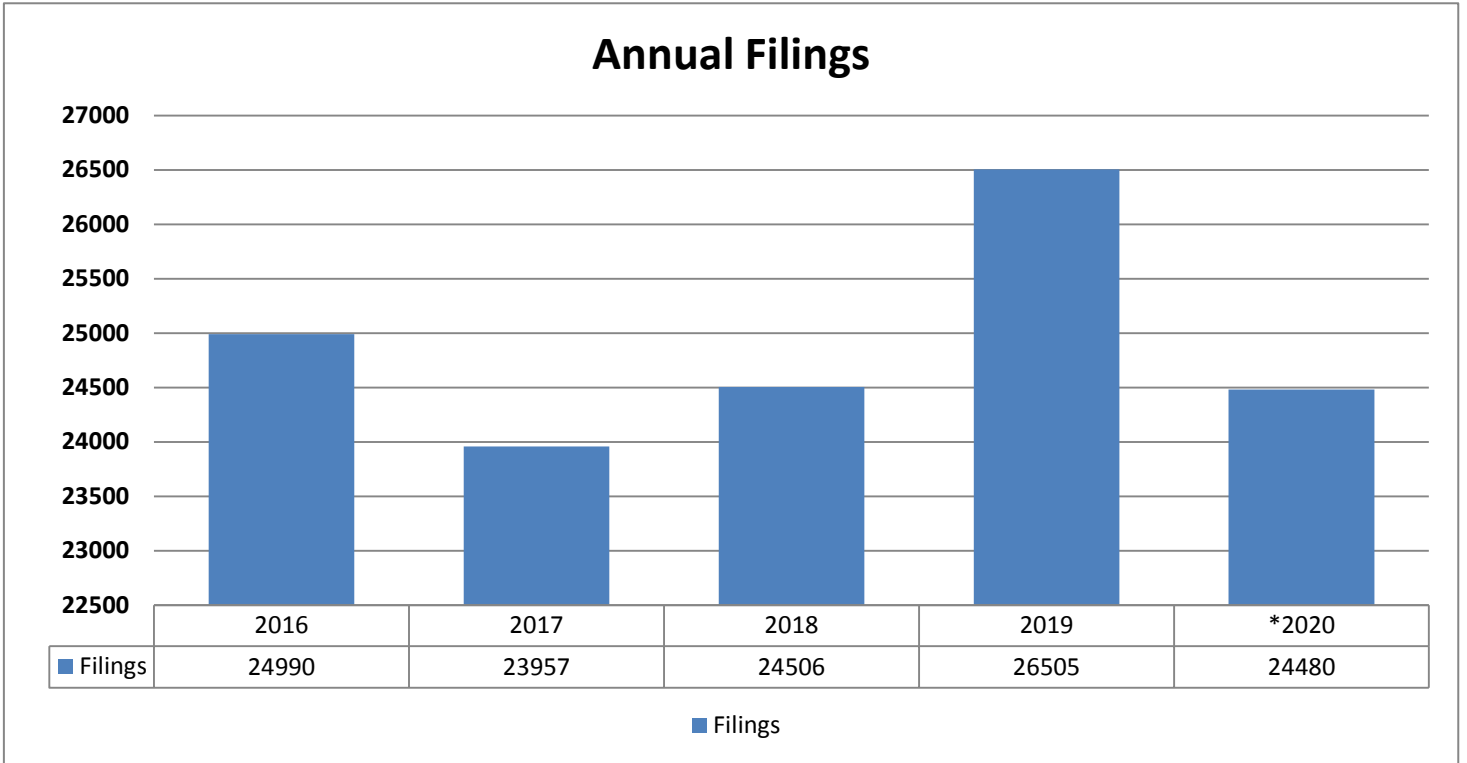


Magistrate Judge Julie Sneed
inspiring the students

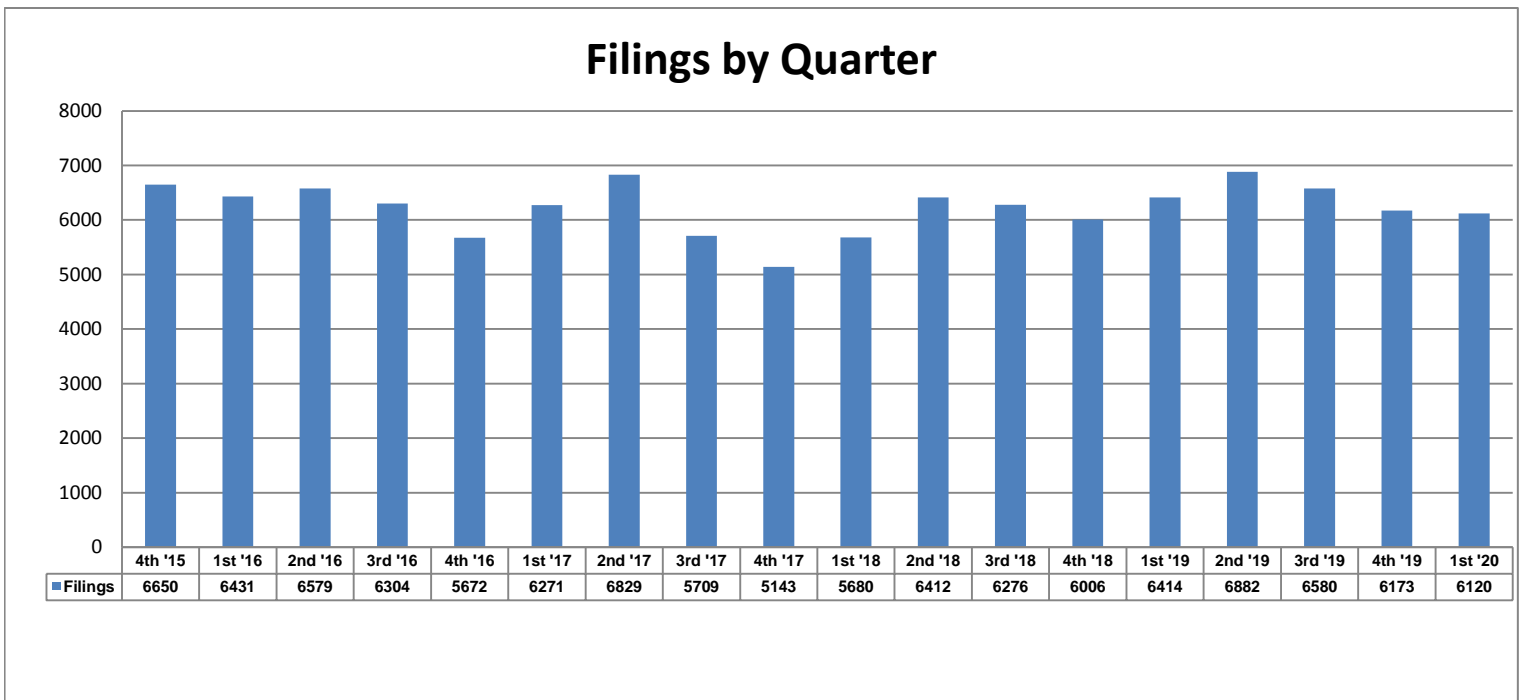


Ellen Morton, US Bankruptcy Intake Clerk
describes a normal workday

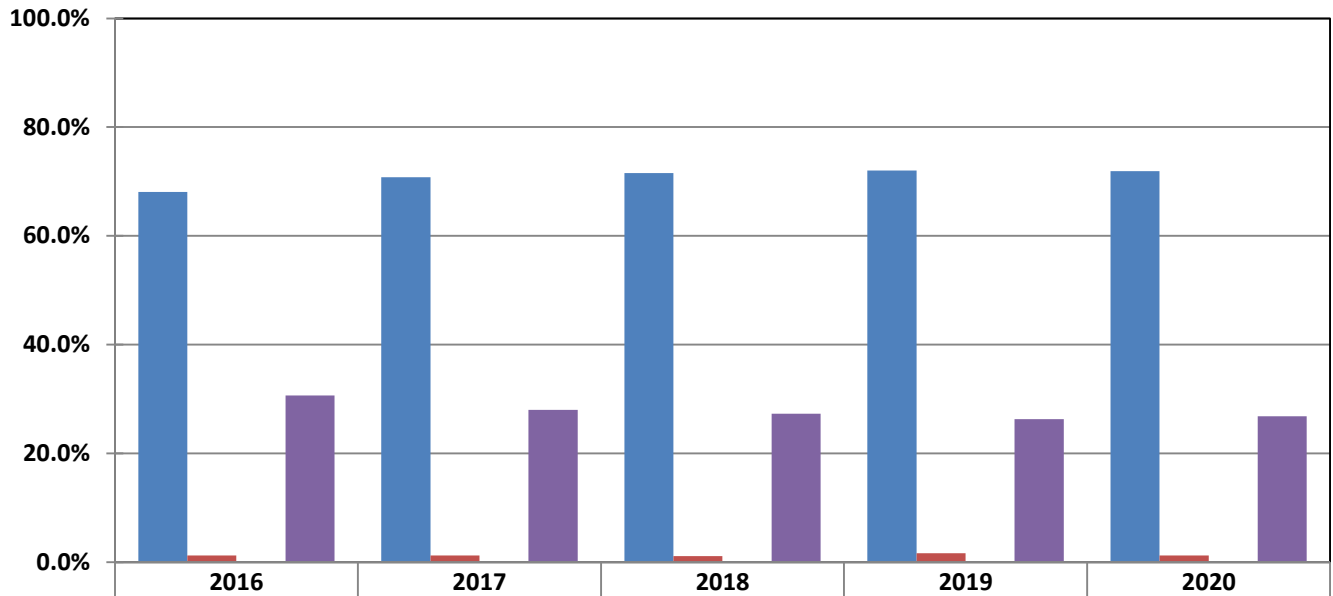
United States Bankruptcy Court - Middle District of Florida
Updated April 28, 2020 Meeting Data and Information
Statistics as of March 31, 2020



Year	Annual Filings	vs. 2015	vs. Prior Yr.
2015	30112		
2016	24990	-17%	-17%
2017	23957	-20%	-4%
2019	26505	-12%	11%
*2020	24480	-19%	-8%

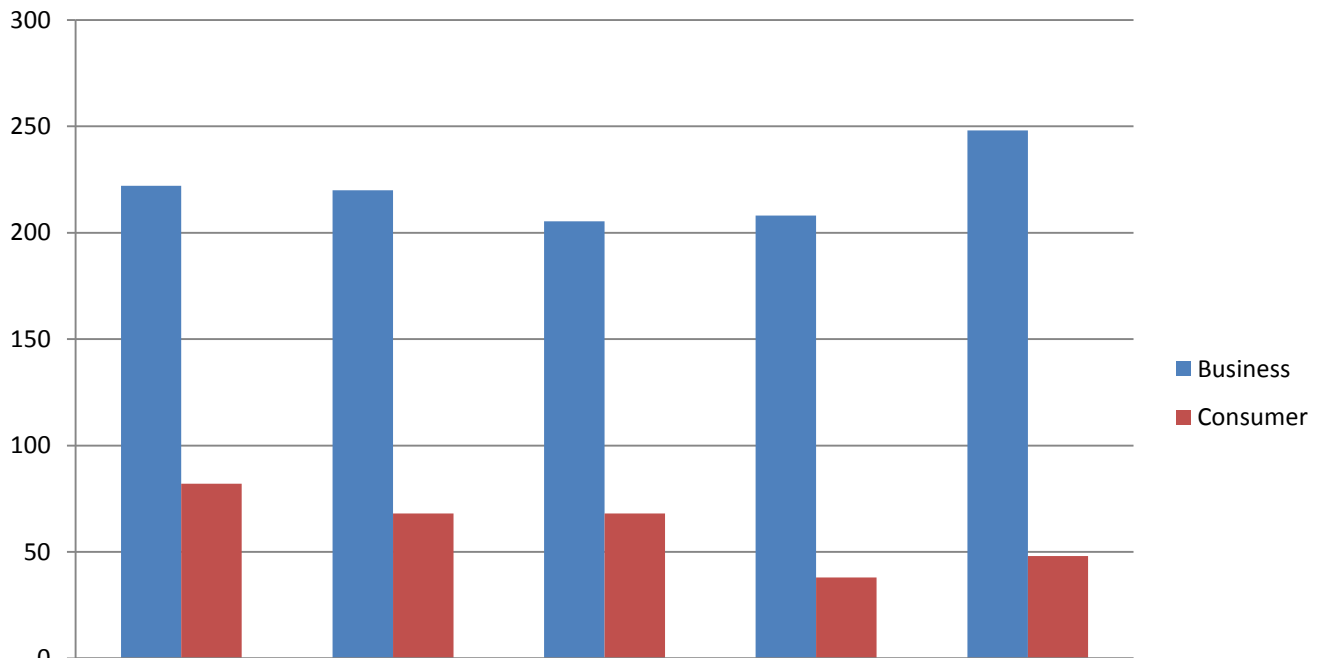


Filings by % of Chapter Type



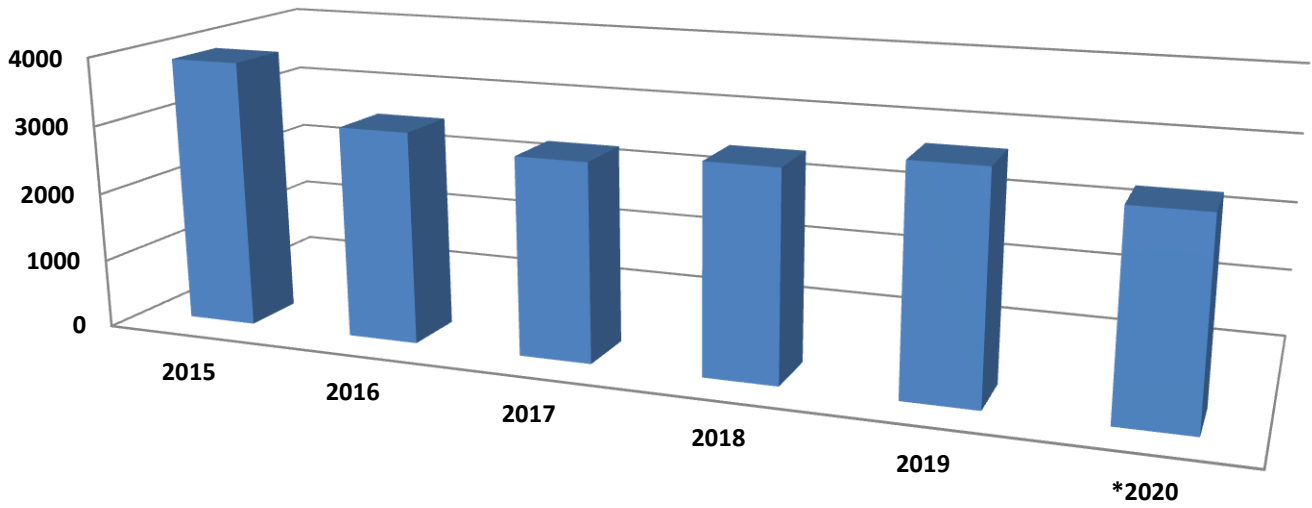
	2016	2017	2018	2019	2020
Chapter 7	68.1%	70.8%	71.6%	72.0%	71.9%
Chapter 11	1.2%	1.2%	1.1%	1.7%	1.2%
Chapter 12	0.0%	0.0%	0.0%	0.0%	0.0%
Chapter 13	30.7%	28.0%	27.3%	26.3%	26.8%

Chapter 11 Filings



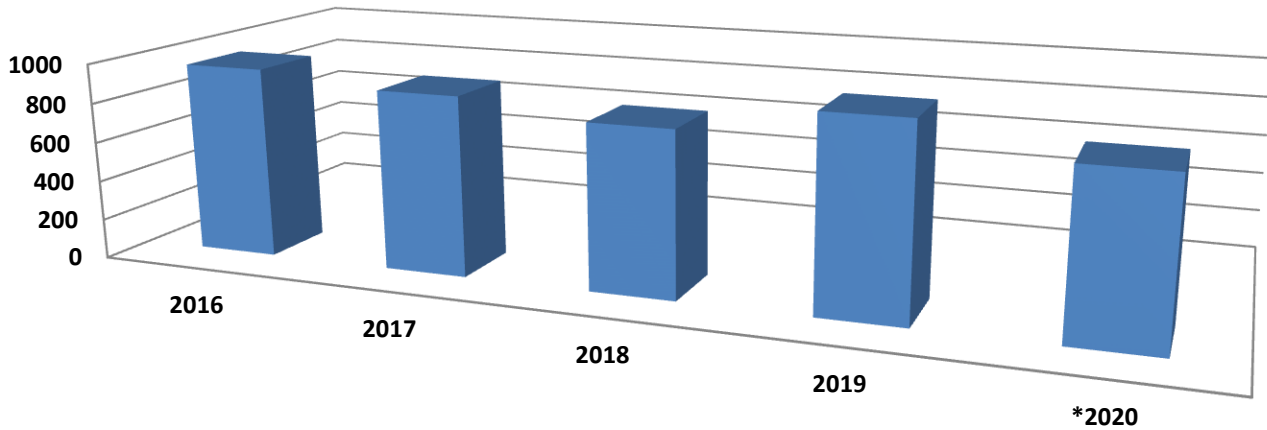
	2016	2017	2018	**2019	*2020
Business	222	220	205	208	248
Consumer	82	68	68	38	48

Pro Se Filings



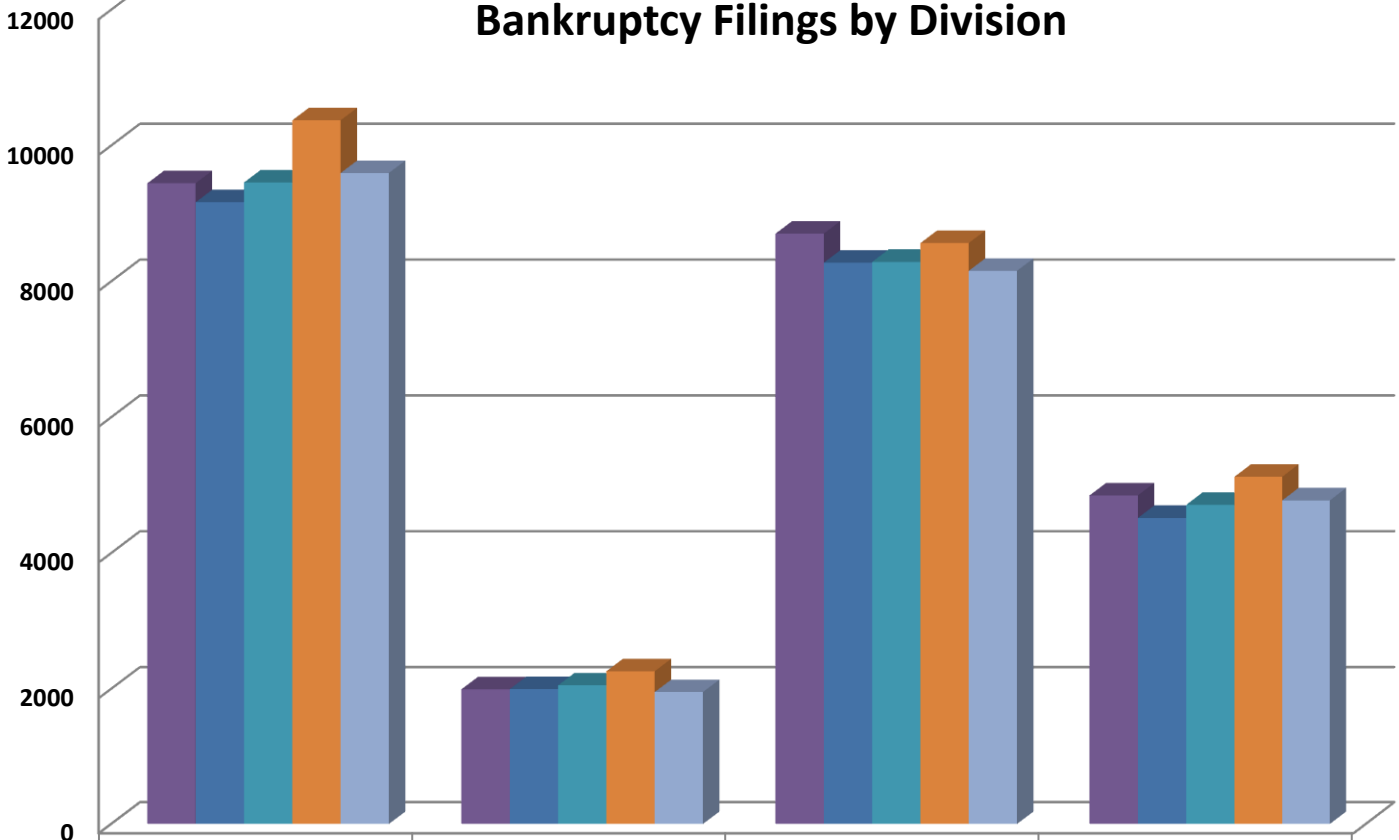
	2015	2016	2017	2018	2019	*2020
■ Pro Se	3902	3079	2868	3006	3232	2880
% of All Filings	16%	13%	12%	12%	12%	12%

In Forma Pauperis Filings



	2016	2017	2018	2019	*2020
■ IFP Granted	965	903	825	956	812
% of All Filings	4%	4%	3%	4%	3%

Bankruptcy Filings by Division



	Tampa	Ft. Myers	Orlando	Jacksonville
2015	9445	1993	8703	4849
2016	9166	1997	8276	4518
2017	9456	2052	8288	4711
2018	10372	2260	8564	5124
2019	9596	1952	8156	4776