



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

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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.