



Clerk's Message By: Sheryl L. Loesch, Clerk of Court

I hope everyone had a safe and happy holiday season, and I wish everyone a Happy New Year.

I want to take a moment and acknowledge our Chief Deputy, Johnnie Prophet, who retired at the end of the calendar year after 40 years of service to the United States – 18 years working in both our Bankruptcy Court and District Court here in the Middle District of Florida, and 22 years serving in the Air Force. Johnnie was a beloved member of our Court family and is one of those people who “never knew a stranger.” Johnnie will always be remembered for the positive impact he had on both Courts. His expertise in the administrative side of the house—areas such as internal controls, budget and finance, and space and facilities—gained him a national reputation as a subject-matter expert, and other courts would routinely seek out his wise counsel. Aside from the “work side” of Johnnie, what I will always remember him for is his friendly, outgoing demeanor and his smile that would light up a room whenever he entered. Not many people know this about Johnnie, but he is a published author, and he is already well into the writing of his second book! We thank Johnnie for his years of service, and we want him to know that he will be missed.



Johnnie Prophet Receiving His Retirement Certificate – December 16, 2021
*Left to right: Clerk Sheryl Loesch, Chief Judge Delano, Johnnie Prophet,
Judge McEwen, Judge Colton, and Judge Williamson*

I want to introduce you to Jose Rodriguez, our Court's new Chief Deputy. Jose came to our Court after serving in the same position in the U.S. Bankruptcy Court for the Southern District of Florida, where he served as the Chief Deputy for seven years and as Director of Administrative Services for 11.5 years. We are so fortunate to have Jose join our Court family. Not only is he just an all-around great person, but he has strong experience in the position and will seamlessly be able to take over and carry on Johnnie's good work.



Jose Rodriguez, Chief Deputy

Who would have ever thought that we would still be talking about COVID as we enter 2022! In spite of COVID, our Court has just completed another year of accomplishments. I am so pleased to report that we had a successful transition to NextGen, our new case management system.

As with any new change, it came with some anticipated hiccups and some unanticipated hiccups, but our staff handled them with hard work, dedication, and finesse. I hate to sound cliché, but this change really did “take a village” to accomplish.

I want to personally thank Gull Weaver, who in addition to performing her regular job duties as Jacksonville Division Manager, served as our NextGen Project Manager. Gull did a fantastic job leading us through a structured and organized process to prepare for and implement NextGen. Our IT staff worked tirelessly alongside Gull, and I want to acknowledge the two programmers who worked on this project—Bill Miguenes and Tamami Sugimoto. Bill and Tamami worked their magic behind the scenes to make the transition happen. Our Director of IT, Richard (Rick) Jarrell, kept all the pieces of the puzzle moving and in place. Our two CM/ECF administrators, Christine Baker and Michael Schumpert, also worked to test the events and other aspects of the programming in NextGen. Kim Osment, our Systems Project Manager,

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and Marco Eguia, our Webmaster, stayed on top of sending out communications and updating our website. Sara Mason, our Data Quality Analyst/Trainer, was there to assist filers with problems as the transition was underway. Laurie Ellwood, our Tampa Systems Administrator and IT Security Specialist, was there to assist in trouble shooting problems and assisting project team members as needed. Laurie regularly brought forth solutions to issues when problems were discovered. She kept the team on track during the daily Scrum Meetings and review of outstanding issues. Laurie's contribution to the discussions and the solutions she proposed were a valuable asset to the team.

To let you know exactly what had to happen to make this transition possible, I want to refer you to the "Middle District of Florida's NextGen Story" that Gull and Rick put together for this edition of *Court Connection*. For any of you interested, it will give you a real sense of the effort that had to go into this transition.

Our Court has always been known for its team approach. You all have heard of our Court's motto, "One Court One Team." That approach, that philosophy, that mindset—whatever you wish to call it—is truly embedded in each and every one of our Judges and staff.

I recently read a book called, *The Five Dysfunctions of a Team*, by Patrick Lencioni. Mr. Lencioni has written several books on business management. This book was actually recommended to me by a hedge fund manager friend of mine of all people! The book is written in a story form about a struggling technology company trying to grow its customers. The senior level leadership/managers were not working as a team, and the result was negative morale. The book goes on to describe the various dysfunctions that built on each other and ultimately resulted in the negative morale.

To give you an idea of the essence of the highlighted dysfunctions, they are presented in a hierarchy form, with the absence of trust being at the base of the hierarchy pyramid (similar to Maslow's Needs Hierarchy). Next comes the fear of conflict, followed by lack of commitment, avoidance of accountability, and, finally, inattention to results at the top.

What hit home for me when reading this book was how our staff have avoided these dysfunctions thanks to the focus on the Court's "One Court One Team" mission. Our Court also listened to staff from the "bottom up," which gave our judges insight into the practicalities of how different practices impact staff. The adage that leadership is bound for failure without followship is well practiced in our Court.

Again, I wish each and every one of you all the best in this new year. Let's hope we can be mask free before the end of 2022 (yes, I am forever the optimist!).



**Florida Middle Bankruptcy
Implements the Next
Generation
of Case
Management/Electronic Case
Filing**

BACKGROUND

By now, you all have used the NextGen (CM/ECF) system. To those of us who have been around a while, so many changes have come our way that it's mind boggling. Think about this: over the past three decades, we have gone from paper and notebooks to fancy typewriters and large filing rooms to Word processing of court documents to scanning and archiving documents and then migrating them all over to CM/ECF. Now almost everything is done and stored electronically, from filing to reviewing, downloading, and uploading documents and exhibits to FTR courtroom recording to Zoom video court hearings. NextGen (CM/ECF) has combined this and more into one system, and it is becoming the standard in all federal courts.

THE FLMB EXPERIENCE

The race to NextGen was a marathon—not a sprint. FLMB staff planned and prepared for almost a full year. Ten IT members, along with administration, case management, and chambers staff, helped map the route and test the new applications. Beyond the FLMB team working together regularly for almost a year, more than a dozen helpers from the Administrative Office (AO), not to mention members of our mentor court (the U.S. Bankruptcy Court for the Southern District of Indiana) were part of the NextGen CM/ECF team that helped us get to the finish line.

The FLMB team met weekly for the last six months to ensure we were ready to implement NextGen, while the AO project team checked in on us monthly the last four months to help with lessons learned and strategies from other courts already using NextGen (CM/ECF).

In the Spring of 2021, we upgraded Test to NextGen. In doing so, we revealed some friction points that would need to be fixed as we prepared to upgrade to Live. Our

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Live date was set for November 22, 2021. Of course, it would not be as simple as loading the NextGen code provided by the AO and running it.

FLMB would need to modify. We needed to apply our local applications to the system (e.g., CHAP, ADI, OneClick, Aqua, and other programs). The local modifications would allow things to run more efficiently and save significant time completing our tasks. These local modifications needed to be altered to work with the new NextGen. It took well over a month of programming to ready the system for testing.

Once ready, the testers put the system through its paces to find potential issues. As issues were found, the programming team resolved them. By September, the team was feeling confident that all the issues were resolved.

After Testing Phase One was completed, the next hurdle was to prepare for the upgrade to the Live environment. The Live environment is always a little tricky—there are usually some unexpected turns and new routes—but FLMB was prepared.

Our window for closing process of the Live environment was Friday, November 19th at noon so that we could hit the ground running and finish the race by Monday, November 22nd. This was our Go time: two and a half days to move, maneuver, and migrate terabytes of data! Time to put the updates in place. Time to put the practice, testing, and lessons learned to the final test. FLMB felt confident in our successful completion of this race.

FLMB started on time, and the race was on. The teams ran through the checklists and ticked off the items and checkpoints completed. The upgrade was not without issue—there were a few unexpected turns—but the AO's National Support Desk and our two ace software programmers worked until the early morning hours on November 19 and 20 to get through them. The system was up and ready to test as scheduled.

By the morning of the 21st, the Live testers were diligently running through test cases in NextGen. The system was available to users on the 22nd, as promised. The diligence of the FLMB team and the support of the AO team carried the project to a successful completion.

FLMB is meeting weekly to go over any outstanding issues left for Live NextGen and is resolving issues and reporting results quickly. Through the dedication, commitment, and ongoing hard work of our IT team, we anticipate another few weeks of transition and modifications to local programs before we cross the finish line on implementing NextGen (CM/ECF) for FLMB.



Farewell

Thanks for the Memories

By: Hon. Karen S. Jennemann

Over 28 years ago, on November 3, 1993, Eleventh Circuit Judge Gerald Tjoflat swore me in as the first woman bankruptcy judge in Florida. Thirteen years later, in 2006, Laurel Isicoff joined me as a female colleague in the Southern District of Florida. On February 2, 2022, I will retire with an expected six women serving as bankruptcy judges in just the Middle District of Florida, and countless more throughout the 11th Circuit and the United States. This is just one change I lived.

The first time I held court in Orlando, I had to sit on a telephone book to see the litigants. The chairs were too short for me to see over the bench! We were in a commercial building where I rode the same elevator as the disgruntled parties that I would soon make very happy or very sad. We used typewriters and had paper files. Staff had to paperclip relevant pleadings to put on multiple carts holding the many files needed to prepare for a hearing. I signed every single order, including thousands of discharges. We got a lot of exercise, but we got it done.

In 2003, we thankfully converted to electronic filing, and the paper and carts disappeared, as did many of the staff who retired as we became more efficient. When the Bankruptcy Code was revised in 2005, we were ready for the influx in filings, serving cookies to the many people waiting in line to file their case before the new restrictions were implemented.

After the real estate crash and recession of 2008, we were busier than ever trying to help folks survive and keep their homes. In 2009, one of our creditor lawyers

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suggested we start a formal program to encourage debtors and their lenders to consensually modify their mortgages. And the Mortgage Modification Mediation program was born. Today, it is the national model used in numerous courts across the country. The program has helped thousands of families stay in and, more importantly, pay for their homes.

In 2011, I was honored and selected as Chief Judge for our district. During those years, I got the privilege of meeting and learning the jobs of our court family district wide. I also learned how important the bankruptcy bar associations are to our mission and saw the depth of professionalism, devotion, and talent of our attorneys. We collectively worked hard to unify our procedures and work together. As Judge Williamson coined the term, we are now “One Court, One Team.”

I presided over thousands of cases, saved numerous families from foreclosures, discharged untold millions in debts individuals could not pay, and kept businesses open for their employees. But more than that, the job brought challenges, joys, and meaning to my life for over 28 years.

As I leave, I want to thank every one of you who have enriched my life and upheld the integrity and importance of the work of the bankruptcy court. Special thanks go to:

- Every law clerk who worked in chambers as an intern, a term clerk, or a career clerk. I could not have issued our thousands of opinions without your help. I loved watching your careers and lives blossom.
- To the bankruptcy court staff, many of whom stayed with the court family for decades, doing whatever needed doing. A special thanks goes to Maggie Moyet, who supervised the Orlando office, and my personal chambers’ staff, including Kathy Deetz (in many roles), my trusted courtroom deputies, most recently Gena Whitsett (who figured out how to switch to remote hearings *virtually* overnight), and my long-time judicial assistant, Cindy Courtney.
- To my judicial colleagues, from those who I was invested with in 1994, Jerry Funk and Bill Glenn, to those who I serve with today under Chief Judge Delano’s leadership, including one of my former law clerks, Lori Vaughan, who will now preside over the Orlando Division. I leave the Court in very good hands.
- To all the attorneys who practice in this court and who make our bankruptcy court excel, whether it is by volunteering for a *pro bono* case, working with a bankruptcy bar association, especially the wonderful Central Florida

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Bankruptcy Law Association, or mentoring a new lawyer. You are the best of the best.

- And, finally, I want to thank Arthur Briskman, who taught me the ropes of judging, mentored me for years, and will remain a true and dear friend. We always agreed to rule similarly and never once in 28 years on the bench together ever disagreed. It was a joy to serve with him.

So, as I start a new adventure, whatever that may be, I will close with the lyrics Bob Hope made famous:

Awfully glad I met you
Cheerio and toodle-oo
Thank you
Thank you so much
For the memories.



JUDGE FUNK'S RETIREMENT LUNCHEON COMMEMORATES TWENTY-EIGHT YEARS ON THE BENCH

On November 3, 2021, the Jacksonville Bankruptcy Bar held a retirement luncheon at the River Club to commemorate Judge Funk's retirement after 28 years on the bench.



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There were over 200 people in attendance, including many judges, practitioners, and Judge Funks' former law clerks.





**Welcome to the Middle District’s Two New Bankruptcy Judges:
Jacob A. Brown & Grace E. Robson**
By Hon. Caryl E. Delano, Chief Judge

Please join me in welcoming the Middle District’s two newest bankruptcy judges: Judge Jacob A. Brown (Jacksonville) and Judge Grace E. Robson (Orlando), who were sworn in as judges on November 3, 2021. Judge Brown and Judge Robson bring to the bench a wealth of bankruptcy experience.

Judge Jacob Brown received his J.D. from Samford University Cumberland School of Law and his B.S. in Chemical Engineering, Pulp & Paper Science & Technology from North Carolina State University. Prior to law school, Judge Brown worked as a chemical engineer in manufacturing facilities throughout the southeast and in Alaska.

Judge Brown started his legal career by clerking for Judge Jerry A. Funk in the Jacksonville Division. Before joining the bench, Judge Brown was a partner with Akerman LLP in Jacksonville, where for over 20 years, he represented secured and unsecured creditors, committees, trustees, and debtors in bankruptcy, and handled commercial litigation and business law matters. *Chambers USA*, an independent research company that provides detailed rankings and insight into the world’s leading lawyers, noted he is “a deal-maker and an excellent advocate.”

In addition, Judge Brown is active in bar activities. He is a former chair of the Business Law Section of the Florida Bar and a past-president of the Jacksonville Bankruptcy Bar Association.

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Judge Grace Robson received her J.D. from the Benjamin N. Cardozo School of Law, Yeshiva University and her undergraduate degree from State University of New York at Albany.

Judge Robson is a Board-Certified Bankruptcy attorney with over 20 years of experience representing corporate debtors, trade and institutional creditors, trustees, receivers, and creditors' committees. Most recently, she was with the law firm of Markowitz Ringel Trusty & Hartog, P.A., in Miami. Judge Robson has been involved in all facets of reorganization-related representations, including pre-filing consultation, complex corporate bankruptcy cases, post-bankruptcy financing, asset purchase agreements, and providing pro bono representation to consumer debtors.

Judge Robson is also very active in bar activities. Before relocating to Orlando, she served on the board of directors of the Bankruptcy Bar Association for the Southern District of Florida, was the Broward Chair of the Southern District of Florida's *Pro Bono* Committee, the Broward Chair of the CARE Program Committee, and chair of the Southern District's Wellness Committee.



Upcoming Events in the Middle District
February – April 2022

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|--------------------------|--|
| February 1
12:00 p.m. | TBBBA Consumer Luncheon
Featuring Judge Catherine Peek McEwen
<i>Zoom</i> |
| February 4
4:00 p.m. | Hon. Karen S. Jennemann Portrait Ceremony and Reception
<i>George C. Young United States Courthouse, Orlando</i> |
| February 8
12:00 p.m. | TBBBA CLE Luncheon - Legislative Process: Perspective from The Florida Bar Business Law Section
Featuring Douglas Bates and Stephanie Lieb
<i>Zoom</i> |
| February 25
4:00 p.m. | Investiture of Hon. Lori V. Vaughan
<i>Sam M. Gibbons United States Courthouse, Tampa</i> |
| March 8
12:00 p.m. | TBBBA CLE Luncheon – The State of the District
Presented by Chief Judge Caryl E. Delano
<i>University Club, Tampa</i> |
| March 11
12:00 p.m. | CFBLA, OCBA Bankruptcy Committee and JBBA Joint CLE Program – The State of the District
Presented by Chief Judge Caryl E. Delano
<i>Zoom</i> |
| March 24
12:00 p.m. | SWFLBPA CLE Program – The State of the District
Presented by Chief Judge Caryl E. Delano
<i>United States Courthouse and Federal Building, Fort Myers</i> |
| March 24 | SWFLBPA Annual Judge Alexander Paskay Dinner
<i>Luminary Hotel, Fort Myers</i> |

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March 29 – 31 **46th Annual Alexander L. Paskay Memorial Bankruptcy Seminar**
Marriott Water Street, Tampa

April 5
12:00 p.m. **TBBBA Consumer Lunch**
Featuring Judge Michael G. Williamson
Zoom

April 19
12:00 p.m. **TBBBA CLE Luncheon**
University Club, Tampa

April 22 **TBBBA First Annual Paul M. Glenn Memorial Golf Tournament**
MacDill Air Force Base, Tampa



Central Florida Bankruptcy Law Association, Inc.
First Quarter News 2022

The 2022 CFBLA Board of Directors would like to thank the following members for their outstanding service and dedication to the Board over the last three years:

- Andrew Layden – 2021 President, 2020 Vice-President, 2019 Treasurer
- Jonathan Sykes – 2021 Vice-President, 2020 Secretary, 2019 Director
- Bob Branson – 2019-2021 Director
- Jack Brennan – 2019-2021 Director
- Nicolette Vilmos – 2019-2021 Director.

We would also like to welcome the 2022 CFBLA Board of Directors:

- Bob Branson
- Paul Mascia
- Lauren Reynolds
- Jonathan Sykes
- Benjamin Taylor.

CFBLA's new 2022 Officers are:

- Jonathan Sykes – President
- Frank Wolff – Vice-President
- Lauren Reynolds – Treasurer
- Camille Sebreth – Secretary.



Southwest Florida Bankruptcy Practitioners Association

By: Jonathan M. Bierfeld, Esq., President SWFLBPA

I hope everyone had a safe and happy holiday season. I know we said the same thing last year, but hopefully we will finally be getting back to close to normal in 2022. With that in mind, I want to take this opportunity to announce a couple of upcoming events that, to date, are still being held in person.

Judge Caryl E. Delano will be giving her annual “State of the District” presentation on Thursday, March 24th. The presentation will be held at noon in the Federal Courthouse at the usual spot in the 2nd Floor Juror Selection Room. March 24th is also a Chapter 7 and 13 hearing date, and hearings that day will be held both in-person and by Zoom.

The Alexander L. Paskay Memorial Bankruptcy Seminar will be returning to Tampa on March 29 – 31 at the Tampa Marriott Water Street. This is always one of the best and most informative events of the year, and the SWFLBPA is always well-represented at the seminar, both in terms of attendees and panelists. The seminar has traditionally been a great way to load up on CLE credits. This year is no exception, with 12.5 hours of General CLE Credit, including 1.5 hours of ethics.

We are currently back to planning our annual Alexander Paskay Dinner. I’ll be sending out a more detailed e-mail to everyone shortly, but this year we are planning on the dinner being held on March 24th at the Luminary Hotel in downtown Fort Myers, a block away from the Federal Courthouse.

I would like to thank Karen Russell, Valerie Jackson, and Randall Childs from the Internal Revenue Service for their excellent presentation to our members in November regarding tax issues that commonly arise in bankruptcy. Many people have reached out to me directly to say they did a wonderful job.

Finally, we currently have open positions for Vice-President and Secretary. If anyone is interested in volunteering to be an officer, please let me know.

I hope to see everyone again soon.



CASE LAW UPDATE FOR Q1 2022
ISSUE OF THE COURT CONNECTION

Editors:

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

Eleventh Circuit Cases

Jackson v. Le Centre on Fourth, LLC (In re Le Centre on Fourth, LLC)

17 F.4th 1326 (11th Cir. 2021)

The Eleventh Circuit held that when a creditor, through his attorney, received a copy of a plan and disclosure statement containing a release of non-debtor parties, due process was satisfied, even though a notice was not provided under Bankruptcy Rule 2002(c)(3), so long as the plan and disclosure statement contained the same information required by Rule 2002.

In *Le Centre on Fourth*, a creditor was injured by valet drivers at a hotel and sued the valet drivers and other parties in state court. The hotel owner filed for Chapter 11 bankruptcy and ultimately proposed a plan with broad releases of third parties, which was confirmed. Based on the releases, the non-debtor parties sought dismissal of the state court suit, which the creditor had obtained stay relief to continue pursuing. The creditor went to the bankruptcy court to modify the confirmation order to permit the suit against the non-debtors nominally to pursue insurance coverage. The creditor argued that he did not receive due process because the debtor did not provide a notice of the non-debtor releases as required under Rule 2002(c)(3). The bankruptcy court rejected this argument, and the district court affirmed. On appeal, the Eleventh Circuit also affirmed, relying on *Espinosa* in holding that receipt of the same information contained in the plan and disclosure statement was sufficient to satisfy due process.

Markland v. Davis (In re Centro Group, LLC)
2021 WL 5158001 (11th Cir. Nov. 5, 2021)

The Eleventh Circuit held that the bankruptcy court did not abuse its discretion in approving a bar order that released non-debtor third parties, concluding that the bankruptcy court correctly applied the *Munford* factors. In its opinion, the Eleventh Circuit explained that it effectively has two different standards for approving bar orders, depending on whether the bar order is sought in a settlement agreement (*Munford*) or in the context of a plan (*Seaside*).

Bankruptcy Court Cases

In re Defoor Centre, LLC
2021 WL 5829526 (Bankr. M.D. Fla. Dec. 7, 2021) (Williamson, J.)

Post-confirmation, a chapter 11 debtor sought discovery under Rule 2004 from a lender. The Rule 2004 discovery related to alleged prepetition claims the debtor had against the lender, which would fund the distribution to equity under the debtor's confirmed plan. The lender objected to the discovery because it believed the bankruptcy court lacked jurisdiction over the debtor's alleged claims. Judge Williamson declined to allow the requested discovery.

After acknowledging that a bankruptcy court must take into account its limited jurisdiction when considering whether to allow post-confirmation Rule 2004 discovery, Judge Williamson concluded the mere fact that the debtor's alleged causes *may* have fallen outside the bankruptcy court's limited jurisdiction was not, by itself, grounds for denying Rule 2004 discovery. Even so, Judge Williamson denied Rule 2004 discovery because the debtor failed to demonstrate the requisite good cause. According to Judge Williamson, Rule 2004 was intended to provide the debtor with the preliminary information it needed to file an adversary complaint, and Judge Williamson concluded the debtor already had that information. Allowing Rule 2004 discovery under those facts, Judge Williamson concluded, risked giving the debtor an unfair strategic advantage in what amounts to private litigation.

In re Le
633 B.R. 919 (Bankr. M.D. Fla. 2021) (Jennemann, J.)

A deficiency judgment entered after the foreclosure of the debtor's non-homestead real property may be avoided if it impairs a debtor's homestead.

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Judge Jennemann interpreted Bankruptcy Code § 522(f)(2)(C) as referring only to judgments authorizing the sale of a mortgaged premises, as opposed to non-consensual judgment liens such as deficiency judgments.

In re Rosinus

2021 WL 5627975 (Bankr. M.D. Fla. Nov. 17, 2021) (Delano, C.J.)

A chapter 7 debtor faced several complaints objecting to his discharge. After the chapter 7 trustee's original request for approval of a compromise was denied, a creditor substituted in the place of the trustee. The creditor, which had not previously challenged the debtor's discharge, sought approval of a new compromise in which its claim would survive the discharge and the other complaints would be dismissed. The U.S. Trustee objected. The Court declined to approve the new proposed settlement because it was unfair, provided no cognizable benefit to the estate, and violated the integrity of the bankruptcy process and public policy.



TENTH ANNUAL BENCH BAR CONFERENCE

By: Ana V. De Villiers, Esq., District-Wide Steering Committee Member 2019-2021

On November 10, 2021, the District-Wide Steering Committee hosted its 10th Annual Bench Bar Conference on November 10, 2021. Once again, circumstances dictated that the Committee host the Conference virtually. While the Committee has had to adjust to the new normal of hosting the Conference virtually, one thing has remained constant: how well attended the Conference was. Attendees included judges (including a couple of future judges), courtroom personnel, trustees, and attorneys from each division in the Middle District.

A small change in this year's Conference was that the discussion focused solely on one general topic: adversary proceedings.

The Conference kicked off with a general discussion of where we are and how the Middle District has been working through the pandemic and moving between live and virtual hearings and trials.

The first Conference discussion topic dealt with case management and scheduling issues for adversary proceedings. Adversary proceedings are an interesting hybrid of bankruptcy court and federal litigation. The issues boiled down to how to best balance everyone's desire to move a case forward efficiently while allowing enough time to properly advocate for your client. Some thoughts were that there could be different case "tracks" depending on the complexity of the case. There did seem to be a consensus that anything that could be agreed upon and stipulated to early on should be. This way, the actual issues to be litigated could be narrowed down, potentially saving both the Court and litigants time (and litigants money). Also discussed was the timing of pre-trial conferences and status conferences and whether they should be pre-set by the judge or agreed upon later on.

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The second session focused on more procedural matters. This session prompted significantly more discussion. One topic that always seems to come up during the Conference in one form or another is uniformity between the divisions in the Middle District. Interestingly enough, it appears that the practitioners were not as concerned with total uniformity as they were with being informed of the judges' preferences. While the idea of total procedural uniformity would be wonderful, most attorneys would be satisfied with each judge laying out his or her preferences for how the judge expects the case to run in his or her courtroom. Surprisingly, even after almost two years of practicing in the shadow of COVID, there was still lively discussion about the pros and cons of continuing virtual hearings versus reinstating in-person proceedings. Given technological issues, varying sophistication levels of witnesses, and other issues that go hand in hand with not having all the participants in the same room, there are still those who believe that in-person proceedings have a place in Bankruptcy Court. While technological advancements have allowed us to continue practicing in a time where consideration of everyone's health and safety need to be at the forefront, there is still a need to impart to everyone the significance and importance of what we do here. The key is working together as a district, and the annual Bench Bar Conference is always a great first step.



SWEARING-IN CEREMONY
OF
JUDGES JACOB A. BROWN AND GRACE E. ROBSON



On November 3, 2021, Jacob A. Brown and Grace E. Robson, the Middle District's two new bankruptcy judges, were sworn in by Judge Funk and Judge Jennemann in Judge Funk's courtroom.



Hon. Jacob A. Brown



Hon. Grace E. Robson



The date was especially significant because it was exactly 28 years after Judge Funk and Judge Jennemann were sworn in as bankruptcy judges by Judge Gerald Tjoflat of the Eleventh Circuit Court of Appeals.

Also of special significance is the fact that Judge Funk had the honor of swearing in Judge Brown, who began his career as Judge Funk's law clerk in 1998.

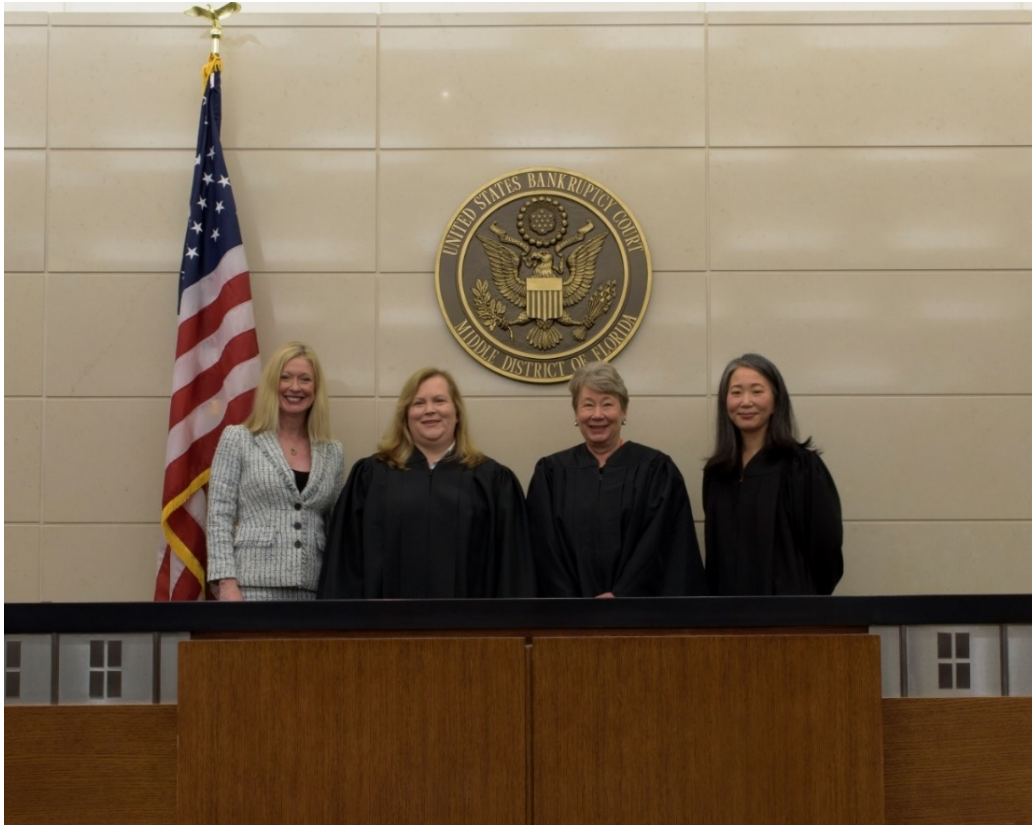


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While the swearing-in ceremony was, according to Judge Funk, “supposed to be a small affair with only a few family members and friends,” the courtroom was packed. And many more people attended by Zoom. The outpouring of support from family and friends highlighted what a special event this was. We look forward to many years of service from our two new judges.



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**A MESSAGE FROM
HON. JACOB A. BROWN**

I am honored to have been selected to serve as a United States Bankruptcy Judge for the Middle District of Florida in the Jacksonville Division and look forward to getting to know the members of the Middle District Bankruptcy Bar better in the coming months. Because there are many of you I have yet to meet, I welcome this opportunity to briefly introduce myself.

My first months on the bench have included training in many forms, adapting to my new role, and incorporating lessons learned from private practice into my judicial career. I am working with my career law clerk, Jodie Hollingsworth, to develop an online procedure manual that will be available on the Court's website. We intend the manual to be an evolving source of information and assistance for practitioners and welcome your feedback on it. You may reach out to Chambers with questions related to the manual. However, we expect practitioners to review the applicable procedural and local rules, the Court's administrative orders, and online resources before contacting Chambers.

As was the case in my private practice, I am committed to supporting strong pro bono programs and pro se clinics. I encourage all lawyers to volunteer at a pro se assistance clinic, take a pro bono case, or find some other means to help those who would benefit from the assistance of counsel but cannot afford it. I hope you will join me in considering how best to use the resources of the Court and members of the Bar to serve pro se litigants and alleviate the attendant strain they place on the judicial system, by sharing your thoughts on improving existing resources and programs.

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Especially amidst the continuing pandemic, we must continue to attend to our mental and physical well-being. The Florida Bar has suggestions for excellent mental health resources should you need them. In the spirit of New Year's resolutions, I encourage each of you to make physical and mental wellness a part of your daily routine. You will serve yourself, your clients, and the Bar better by taking care of mind and body.

Finally, I would like to express my gratitude to those of you who give your time and talents to bar organizations. You truly make a difference. If you are not already involved, please consider exploring the many opportunities the Florida Bar and its voluntary bar associations offer. My career, friendships, and life are better because of my commitment to these organizations, and I know yours will be as well.

I look forward to seeing and serving you in 2022.

MEMORY FROM THE PAST...

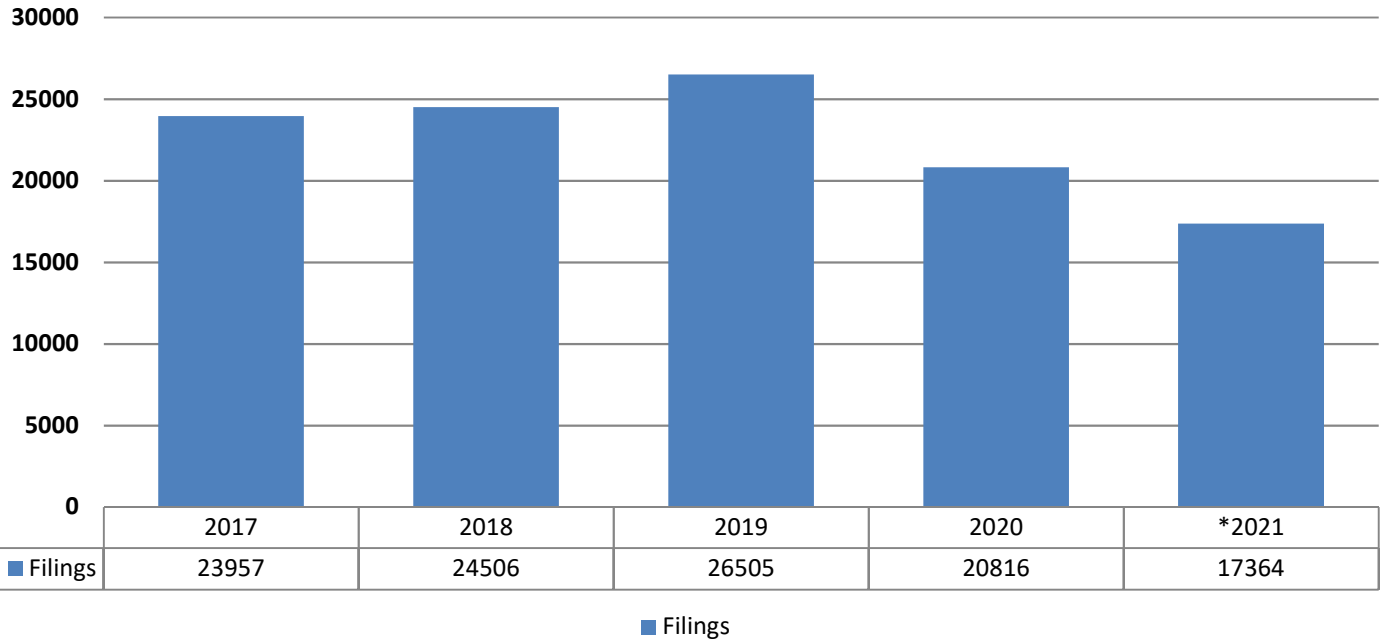
This photo was taken after the first winner of America's Funniest Home Videos was announced in 1990.



Pictured: Steve Paskay (one of the original producers), Rose Paskay, Bob Saget, and Hon. Alexander L. Paskay.

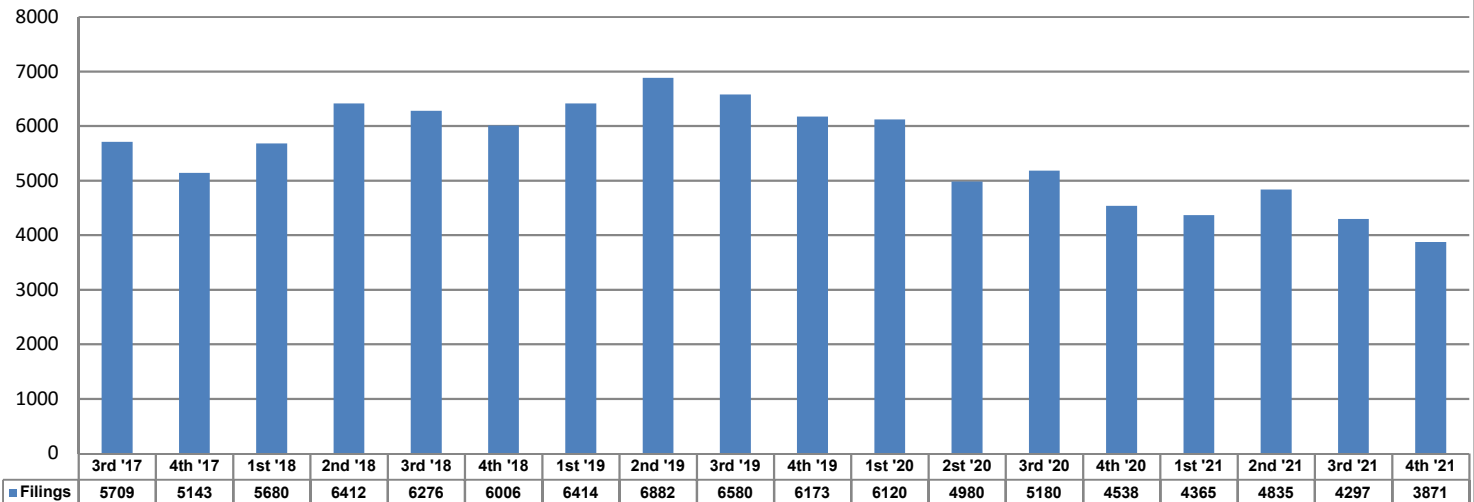
United States Bankruptcy Court - Middle District of Florida
Updated January 25, 2022 Meeting Data and Information
Statistics as of December 31, 2021

Annual Filings

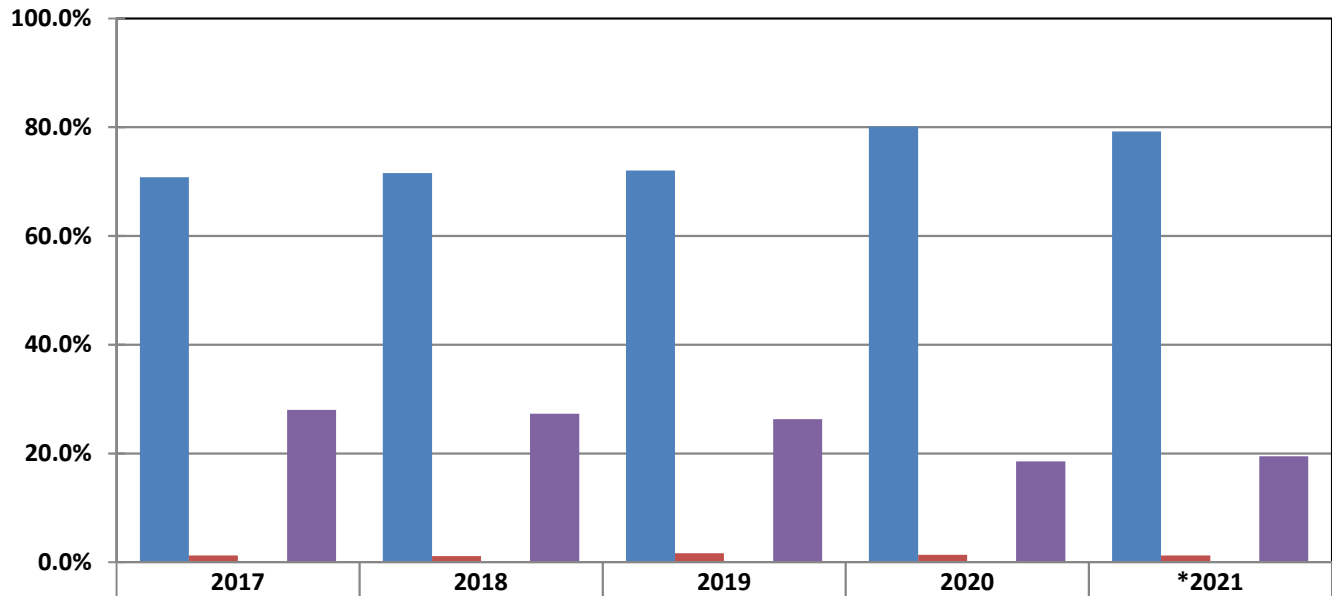


Year	Annual Filings	vs. 2015	vs. Prior Yr.
2017	23957		
2018	24506	2%	2%
2019	26505	11%	8%
2020	20816	-13%	-21%
*2021	17364	-28%	-17%

Filings by Quarter

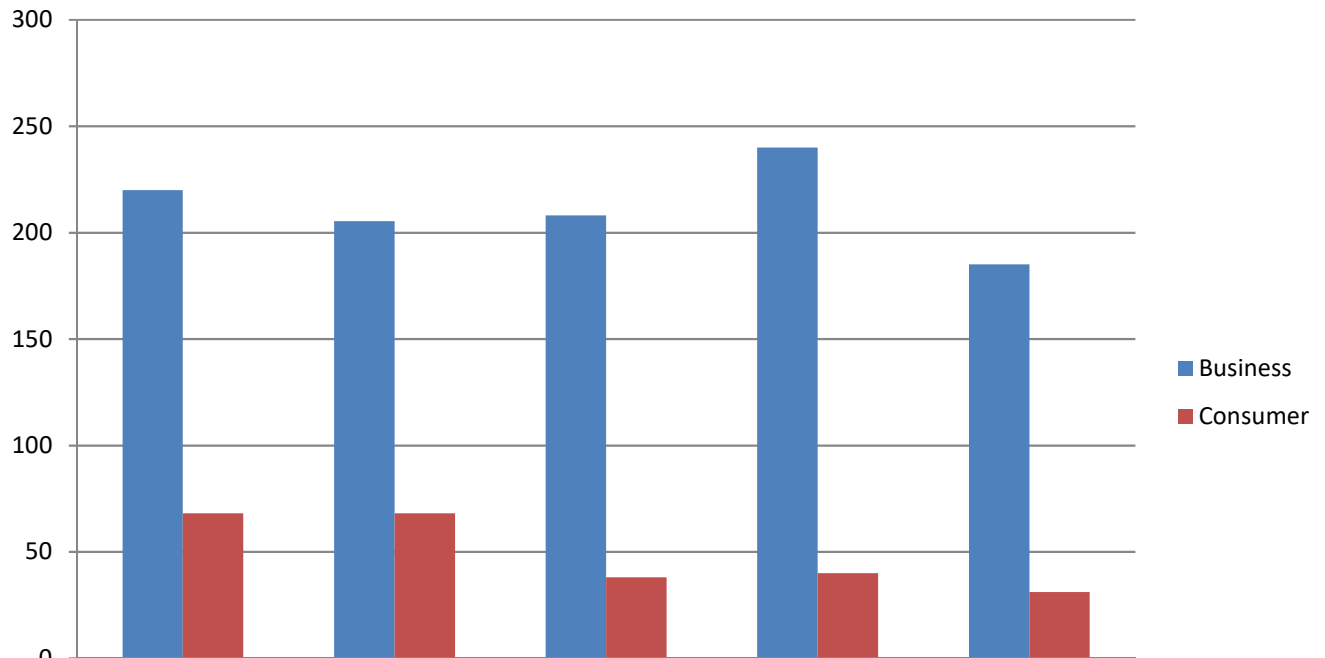


Filings by % of Chapter Type



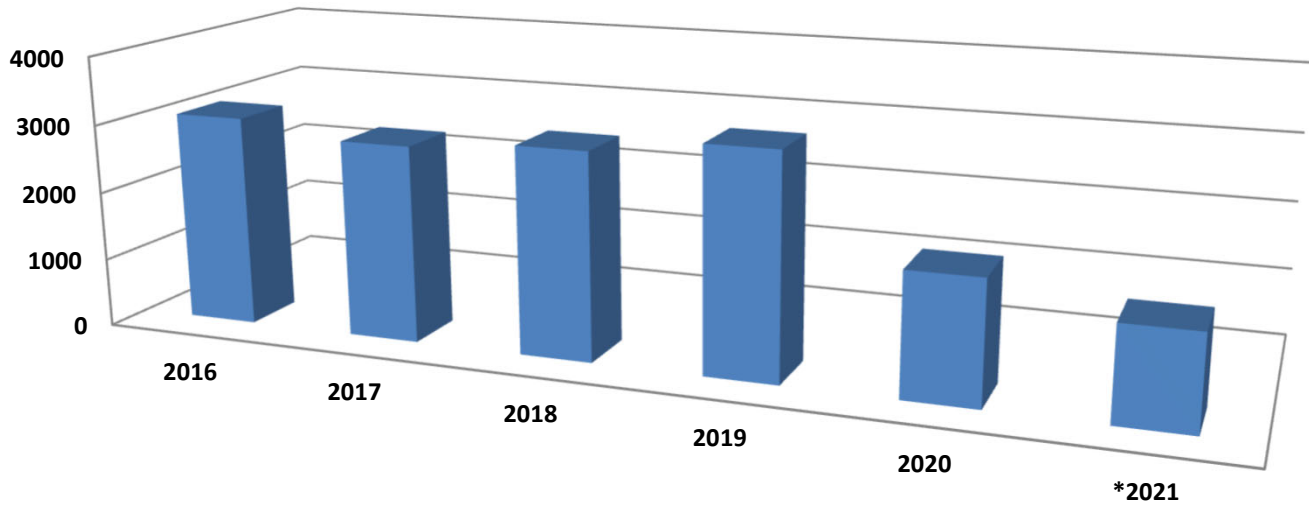
	2017	2018	2019	2020	*2021
Chapter 7	70.8%	71.6%	72.0%	80.1%	79.2%
Chapter 11	1.2%	1.1%	1.7%	1.4%	1.2%
Chapter 12	0.0%	0.0%	0.0%	0.0%	0.0%
Chapter 13	28.0%	27.3%	26.3%	18.5%	19.5%

Chapter 11 Filings



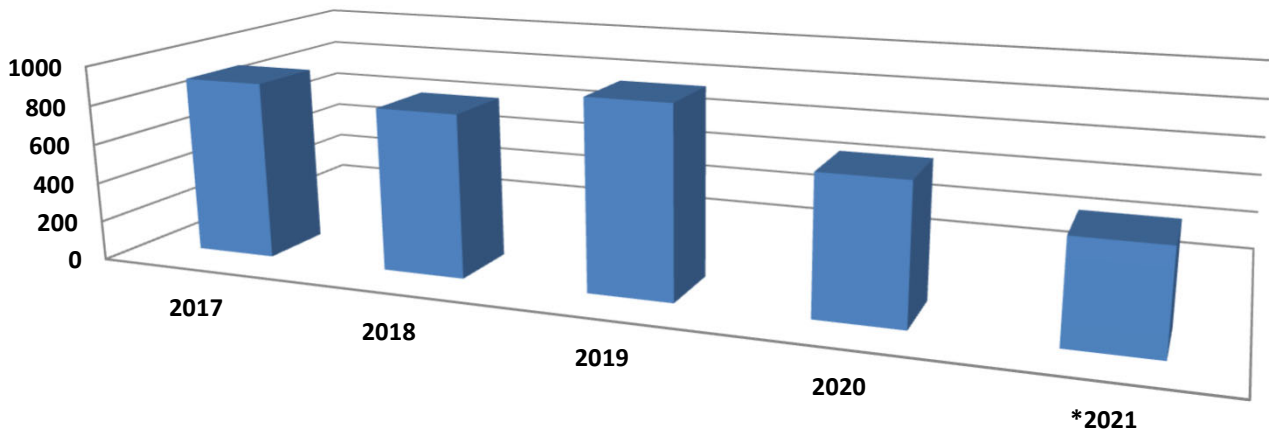
	2017	2018	2019	2020	*2021
Business	220	205	208	240	185
Consumer	68	68	38	40	31

Pro Se Filings



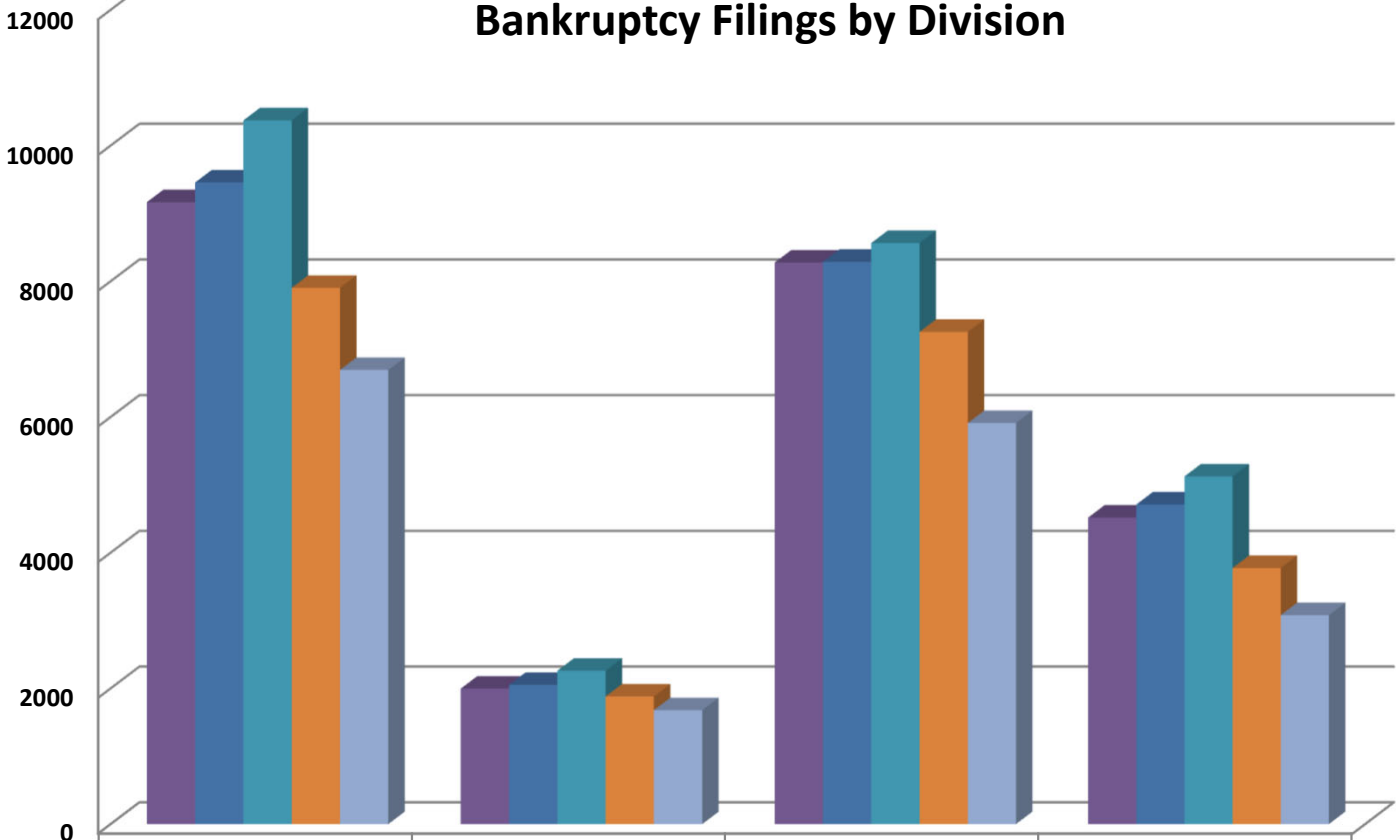
	2016	2017	2018	2019	2020	*2021
■ Pro Se	3079	2868	3006	3232	1779	1363
% of All Filings	13%	12%	12%	12%	9%	8%

In Forma Pauperis Filings



	2017	2018	2019	2020	*2021
■ IFP Granted	903	825	956	691	507
% of All Filings	4%	3%	4%	3%	3%

Bankruptcy Filings by Division



	Tampa	Ft. Myers	Orlando	Jacksonville
2017	9166	1997	8276	4518
2018	9456	2052	8288	4711
2019	10372	2260	8564	5124
2020	7904	1882	7255	3775
2021	6693	1680	5911	3080

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