



More Challenges Ahead...

By: Sheryl Loesch, Clerk of Court

With COVID “somewhat” behind us, the Middle District of Florida Bankruptcy Court continues to face challenges ahead. As if surviving the last two years wasn’t difficult enough, we now face the largest budget cut we’ve faced in a long time. Between now and the end of the fiscal year (September 30, 2022), we must reduce our staffing levels in order to operate with a \$1.3 million reduction to our “salaries account,” which takes effect October 1. So a number of our case managers have elected to retire. Not only is it sad to see these long-time, dedicated employees leave, but they also leave with a wealth of operational knowledge that will be dearly missed. The Court now faces a big question: “Where do we go from here?”

Our Court has always been at the forefront of innovating and developing technical efficiencies. This past year, we experienced a number of impactful changes to our operations. We transitioned to the new national case management system, NextGen, back in November. We also implemented a new cash register program, and we fully implemented remote court proceeding capabilities in all courthouses. This was all done during the pandemic.

More recently, our financial staff has undertaken the long-awaited process of paying the Chapter 7 Trustees for cases falling under the Bankruptcy Administration Improvement Act (BAIA). Our Court has more than 10,000 eligible cases for payments to be processed but only two financial staff members to handle these payments.

To say we are doing “more with less” is an understatement. I like to say we are now doing “everything with nothing.” This will become more apparent as we face the loss of a number of our hard-working and valued staff members. I want to thank all our trustees and attorneys who practice in our court for their support and patience as we face a time of dramatically reduced staff.

As is the case with every dire scenario, we try to see the lemonade instead of the lemons, and we know that our office will continue to provide the exemplary level of service everyone has been accustomed to. Our staff will still have smiles on their

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faces, and they will exhibit a “can do” attitude, because that is the type of staff we have. I am so proud of them.

To those staff who will be retiring, I know everyone joins me in wishing you all the best in this new phase of life and also in thanking you for a job well done and a career that I hope you are proud to have had because you certainly have made a difference in this world!

Let's all hope for a sunnier and happier rest of the year and in the year to come!



Judge Wilson, Chief Judge Delano, and Judge Williamson

Judge Delano Re-Ups for Second 14-Year Term of Public Service

By: Hon. Cathy Peek McEwen and Laura Stevenson

Toasts were in order in the late afternoon of June 15, 2022. Why? Chief Judge Caryl Emerson Delano had been “re-sworn-in” earlier in the day. You see, when a bankruptcy judge nears completion of his or her initial term of 14 years, he or she may request reappointment. Luckily for us, Judge Delano did, and the Eleventh Circuit, which appoints bankruptcy judges, agreed.

Circuit Judge Charles R. Wilson administered the Oath of Office. Judge Delano’s Tampa colleagues Judge Mike Williamson and wife Linda, Judge Cathy McEwen, Judge Roberta Colton, and retired judge Fr. Tim Corcoran joined Chambers Team Delano – Lisa Mills (courtroom deputy), Laura Stevenson (judicial assistant), and Cindy Turner (career law clerk) – to witness this special event. (No doubt chambers staff were pleased at the prospect of job security, too.) They all beamed as Judge Delano placed her left hand on the Bible (held by Judge Williamson), raised her right hand, and took the oath. In doing so, she committed to continue serving the public for years to come.

Beforehand, Judge Wilson made complimentary remarks about Judge Delano’s good service to date, and Father Tim’s invocation called upon the Lord to “renew and strengthen within her your gifts that have allowed her to successfully serve you and the people of the Middle District of Florida in her first term of office, especially your gifts of wisdom, understanding, courage, and patience.”

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Judge Delano was appointed to her first 14-year term as a judicial officer on June 25, 2008, to fill the duty station left open by Judge Paul M. “Bill” Glenn’s relocation to the Jacksonville Division. Her term ended on June 24, 2022. Her new 14-year term began the next day, so the Bankruptcy Court for the Middle District of Florida has her until June 2036 (and, who knows, maybe more if she asks for a third term!). This also means she can continue to serve as Chief Judge of the district.

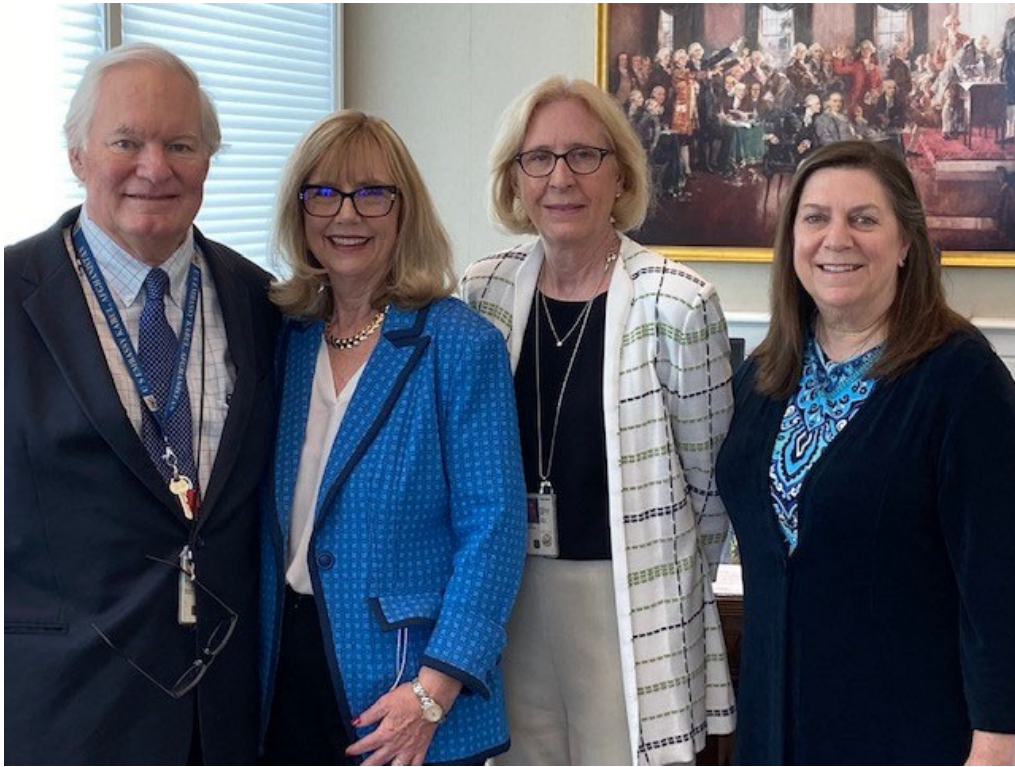
Since her initial appointment, Judge Delano has presided over more than 50,000 bankruptcy cases. In July 2012, she became the presiding judge of the Fort Myers Division and began traveling to Fort Myers once a month to hear cases. In 2017, the Southwest Florida Bankruptcy Professionals Association honored her with its Alexander L. Paskay Professionalism Award.

In October 2019, Judge Delano was the unanimous choice of her colleagues to become Chief Judge. Since then, she has faced unprecedented challenges: the pandemic, extraordinary budget cuts, the retirement of three judges, the appointment and onboarding of four judges, and the list goes on. Yet, through all these ups and downs, she has served as Chief Judge with composure, grace, and good humor.

Judge Delano was the judicial chair of the Local Rules Lawyers’ Advisory Committee for the Middle District from 2011 to 2020. She currently serves on the Middle District of Florida Bench Bar Fund Committee and Space and Facilities Committee and is a member of the Board of Directors of the Tampa Bay Chapter of the Federal Bar Association. She has been actively involved over the years in The Florida Bar Business Law Section and its Executive Committee, CLE Committee, and Bankruptcy/UCC Committee. She also participates in continuing education programs for local bar associations, The Florida Bar, and judges’ education programs for federal judges through the Federal Judicial Center. She served as the judicial chair of the Alexander L. Paskay Memorial Bankruptcy Seminar from 2015 to 2018.

At the end of her re-swearing-in day, Judge Delano convened a convivial non-court session with judicial colleagues, former law clerks, and her sister Clare Emerson Robbins for a champagne toast at a nearby venue. Thusly armed with wind-in-her-sails thanks and congratulations, Judge Delano has embarked on her next tour of duty.

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Judge Williamson, Chief Judge Delano, Judge Colton, and Judge McEwen



Chief Judge Delano and Fr. Tim

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Judge Colton, Judge Williamson, Chief Judge Delano, Judge Wilson, and Judge McEwen



Left to right: Laura Stevenson, Dana Robbins (former law clerk), Clare Emerson Robbins (sister of Judge Delano, no relation to Dana), Judge Delano, Phil Nodhturft (former law clerk), Judge McEwen, Fr. Tim.



Left to right: Judge Burgess, Judge Funk, Judge Brown, Chief Judge Delano, Judge Robson, Judge Geyer, Judge McEwen, Judge Vaughan, Judge Jennemann, and Judge Colton

Judge Robson's Investiture – June 21, 2022
By: Hon. Caryl E. Delano, Chief Judge

The Honorable Grace E. Robson's formal investiture ceremony was held in the ceremonial courtroom of Orlando's George C. Young Federal Annex Courthouse on Tuesday, June 21, 2022. A reception followed at The University Club.

In addition to the Middle District's actively serving bankruptcy judges, the ceremony was attended by retired Middle District Bankruptcy Judges Arthur Briskman and Karen Jennemann; Southern District Bankruptcy Judges Scott Grossman (Fort Lauderdale), Erik Kimball (West Palm Beach), and Mindy Mora (West Palm Beach); and Northern District Chief Bankruptcy Judge Karen Specie (Tallahassee). Other distinguished guests included state court judges and United States District Court Judges and Magistrate Judges.

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Stephanie Lieb emceed presentations from the Bankruptcy Bar Association of the Southern District of Florida (Alan Rosenberg, Treasurer); the Business Bankruptcy Committee of the Business Law Section of the ABA (Patricia Redmond, Former Chair); The Florida Bar Business Law Section (Katherine Donlon, Chair); Central Florida Bankruptcy Law Association (Jonathan Sykes, President); Orlando Chapter of the Federal Bar Association (Patrick Brackins, President); and the International Women's Insolvency & Restructuring Confederation (Leyza Blanco, Immediate Past Chair).

Judge Robson's sons, Owen and Lucas, led the audience in the Pledge of Allegiance. Her husband, Mark Robson, then gave a wildly entertaining, humorous, and self-deprecating speech in which he described Judge Robson and their relationship. For those who weren't able to attend the ceremony, you should know that Judge Robson is a member of the Justice League whose superpowers include incredible hearing, vision, and memory skills, and the ability to frequently solve the Wordle by the second try.

Judge Robson's former law partner, Ross Hartog, reflected on his experiences working with Judge Robson as an attorney, and Judge Vaughan formally "welcomed" Judge Robson to the bench.

Please join me in officially welcoming Judge Grace Robson to the bench!



Welcome to the Middle District's Two Newest Bankruptcy Judges:
Hon. Jason A. Burgess & Hon. Tiffany P. Geyer
By: Hon. Caryl E. Delano, Chief Judge

Please join me in welcoming the Middle District's two newest bankruptcy judges: Judge Jason A. Burgess (Jacksonville) and Judge Tiffany P. Geyer (Orlando). Judge Burgess and Judge Geyer, both of whom were sworn in as judges in March 2022, bring to the bench a wealth of bankruptcy experience.

Judge Burgess received a B.A. at The University of Alabama, a J.D. at Florida Coastal School of Law, and an LL.M. in Business Transactions, *magna cum laude*, from The University of Alabama School of Law. Before his appointment to the bench, he was managing partner of The Law Offices of Jason A. Burgess, LLC, and served as a Subchapter V Chapter 11 Trustee for both the Middle and Northern Districts of Florida.

Judge Burgess has been active in the legal community, as well. He is Past-President of the Jacksonville Bankruptcy Bar Association and served on the Middle District's Steering Committee and Local Rules Lawyers' Advisory Committee. His community involvement includes Wolfson Children's Hospital DreamCoat Society, and he is a certified youth baseball coach.

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Judge Geyer is an honors graduate of the University of Central Florida and of the University of Florida Levin College of Law. After serving as Judge Jennemann's career law clerk for eight years, Judge Guyer joined the Baker Hostetler law firm in Orlando, and was a partner in the firm.

Judge Geyer has been an active member of the Central Florida Bankruptcy Law Association and the International Women's Insolvency & Restructuring Confederation. She is also active in the Orlando community, having served on the Board of Directors of the Children's Home Society and worked with the Juvenile Diabetes Research Foundation.

Judge Burgess' and Judge Geyer's investitures will take place in early 2023.



Judge Delano and Laura Gallo

Tampa Attorney Laura M. Gallo Receives Thirteenth Judicial Circuit's Outstanding Pro Bono Service by a Lawyer Award
By: Hon. Caryl E. Delano, Chief Judge

On April 27, 2022, it was my honor to present the Thirteenth Judicial Circuit's 2022 Outstanding Pro Bono Service by a Lawyer Award to Laura M. Gallo. Ms. Gallo was nominated for the Award by the Tampa Hispanic Bar Association and Bay Area Legal Services' Volunteer Lawyers Program.

Ms. Gallo, the Managing Partner of Gallo Law, P.A., concentrates her practice in the fields of bankruptcy, immigration, and family law. During the course of her ten-year legal career, Ms. Gallo has provided almost 1,600 hours of pro bono service through her volunteer work with the Colombian Consulate, La Iglesia Nueva Vida, the Volunteer Lawyers Program (VLP), and the Tampa Bay Bankruptcy Bar Association, as well as from referrals from attorneys who know her passion for pro bono service.

Ms. Gallo has handled more than 60 pro bono bankruptcy cases. She works in the Tampa Bay Bankruptcy Bar Association's Pro Bono Clinic to assist pro se debtors. And if, during a hearing, a judge asks for a volunteer to assist Spanish-speaking bankruptcy debtors, Ms. Gallo always comes forward.

Ms. Gallo's contributions to pro bono service, the legal community, and to our country are exemplary. She was born in Colombia, South America, and came to the United States when she was 19 years old. Ms. Gallo learned English while working on her GED, and then attended college and law school. Not only did Ms. Gallo support herself while she attended school, she also helped support her parents and siblings.

Ms. Gallo's passion to serve her community, her commitment to pro bono service, her willingness to help others, and her fluency in Spanish have made her a significant asset to the legal community and to the Volunteer Lawyers Program. In fact, she joined the VLP in 2011—the same year that she was admitted to The Florida Bar. And when Ms. Gallo learned about the VLP's difficulty in finding bilingual pro bono attorneys to assist Spanish-speaking clients, Ms. Gallo requested that all the VLP's Spanish-speaking clients with bankruptcy issues be referred to her.

Over her decade-long career, Laura Gallo has shown a dedication to pro bono service, a passion for helping to make life better for others, and a willingness to provide legal services to a population in need. Please join me in congratulating her on being named the recipient of the 2022 Outstanding Pro Bono Service by a Lawyer Award.



Middle District of Florida Judges Return to In-Person Hearings

With the worst of the pandemic appearing to be over, many of the Middle District's bankruptcy judges are returning to pre-pandemic procedures for in-person hearings. Jacksonville and Orlando judges have posted Procedures Governing Court Appearances on their webpages located at www.flmb.uscourts.gov/judges.

Court-generated notices of hearing will provide information about the presiding judge's procedures regarding in-person, Zoom, and telephonic appearances. Effective immediately, attorney-prepared notices of hearing must include the same information. Below is the preferred language for notices of hearing for each judge. You may click [here](#) to view the complete Notice of Hearing by Attorney form on the Court's website.

[JUDGE BROWN] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court's policies and procedures for attendance at hearings by Zoom or telephone available at ([Procedures Governing Court Appearances - Jacksonville](#)). If the Court permits appearances by Zoom, the Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing.

[JUDGE BURGESS] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court's policies and procedures for attendance at hearings by Zoom or telephone available at ([Procedures Governing Court Appearances - Jacksonville](#)). If the Court permits appearances by Zoom, the Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing.

[JUDGE COLTON] UNTIL FURTHER NOTICE, parties may attend the hearing by Zoom or by telephone only. The Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through Court Solutions (<https://www.court-solutions.com/>) by 5:00 p.m. the business day preceding the hearing. NOTE: All parties should proceed to the website and select ‘Sign Up’. For unrepresented parties only, 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.

[JUDGE DELANO – FORT MYERS] Unless otherwise notified, Judge Delano will conduct all Fort Myers hearings by Zoom from Courtroom 9A, Tampa, and will enter a separate Order Establishing Procedures for Video Hearings. Parties may attend the hearing by telephone, by Zoom, or in-person in Courtroom 9A. Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing. UNLESS INSTRUCTED OTHERWISE, PARTIES MAY NOT APPEAR IN PERSON IN THE FORT MYERS COURTHOUSE.

[JUDGE DELANO – TAMPA] Parties may attend the hearing in person, by Zoom, or by telephone. The Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing.

[JUDGE FUNK] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court’s policies and procedures for attendance at hearings by telephone available at ([Procedures Governing Court Appearances - Jacksonville](#)). Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing.

[JUDGE GEYER] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court’s policies and procedures for attendance at hearings by Zoom or telephone available at ([Procedures Governing Court Appearances - Orlando](#)). If the Court permits appearances by Zoom, the Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through Court Solutions (<https://www.court-solutions.com/>) no later than 5:00 p.m. the business day preceding the hearing.

NOTE: All parties should proceed to the website and select ‘Sign Up’. For unrepresented parties only, 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.

[JUDGE McEWEN] Parties may attend the hearing in person, by Zoom, or by telephone. The Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through CourtCall (866-582-6878) by 5:00 p.m. the business day preceding the hearing.

[JUDGE ROBSON] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court’s policies and procedures for attendance at hearings by Zoom or telephone available at ([Procedures Governing Court Appearances - Orlando](#)). If the Court permits appearances by Zoom, the Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through Court Solutions (<https://www.court-solutions.com/>) no later than 5:00 p.m. the business day preceding the hearing.

NOTE: All parties should proceed to the website and select ‘Sign Up’. For unrepresented parties only, 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.

[JUDGE VAUGHAN] All parties may attend the hearing in person. Parties are directed to consult the Procedures Governing Court Appearances regarding the Court’s policies and procedures for attendance at hearings by Zoom or telephone available at ([Procedures Governing Court Appearances - Orlando](#)). If the Court permits appearances by Zoom, the Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must arrange a telephonic appearance through Court Solutions (<https://www.court-solutions.com/>) no later than 5:00 p.m. the business day preceding the hearing.

NOTE: All parties should proceed to the website and select ‘Sign Up’. For unrepresented parties only, 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.

[JUDGE WILLIAMSON] Parties may attend the hearing in person, by Zoom, or by telephone. The Court will enter a separate Order Establishing Procedures for Video Hearing shortly before the hearing. Parties permitted to appear by telephone must

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arrange a telephonic appearance through Court Solutions (<https://www.court-solutions.com/>) no later than 5:00 p.m. the business day preceding the hearing. NOTE: All parties should proceed to the website and select ‘Sign Up’. For unrepresented parties only, 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.



Upcoming Events in the Middle District **August – October 2022**

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|----------------------------|--|
| August 2
12:00 p.m. | CFBLA & USBC CLE Brown Bag Lunch
Hearing & Trial Practice: Part III – Trial Prep
<i>USBC, 5th Floor Training Room, Orlando</i> |
| | TBBBA Consumer Lunch
Elevate Your Practice – Ground Floor: New Clients
<i>Zoom</i> |
| August 19 | <u>JBBA Annual Seminar</u>
<i>Marriott Sawgrass Resort, Ponte Vedra</i> |
| August 24 | <u>CFBLA 28th Annual Seminar</u>
<i>The Citrus Club, Orlando</i> |
| August 30
12:00 p.m. | CFBLA & USBC CLE Brown Bag Lunch
Hearing & Trial Practice: Part IV – Examining Your Witness
<i>USBC, 5th Floor Training Room, Orlando</i> |
| September 6
12:00 p.m. | TBBBA Consumer Lunch
<i>Zoom</i> |
| September 15
12:00 p.m. | SWFBPA CLE Lunch
<i>United States Courthouse & Federal Building, Fort Myers</i> |
| September 16
10:00 a.m. | Citizenship & Constitution Day
<i>United States Courthouse & Federal Building, Fort Myers</i> |
| September 23
3:00 p.m. | Investiture of Hon. Jacob A. Brown
<i>Bryan Simpson United States Courthouse, Jacksonville</i> |

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- October 11-14 [**Association of Bankruptcy Judicial Assistants**](#)
Certified Bankruptcy Assistant Program and
Professional Skills Seminar
Rosen Centre Hotel, Orlando
- October 19-22 [**NCBJ 96th Annual Conference**](#)
Marriott World Center, Orlando



Tampa Reopens Pro Se Assistance Clinic

By: Barbara Hart, TBBBA President

The Tampa Bay Bankruptcy Bar reopened its in-person Pro Se Assistance Clinic on June 22, 2022. The Clinic is open on Wednesdays from 2 – 4 p.m. in Room 964 (the Attorney Resource Room) on the 9th Floor of the Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida. The TBBBA will also continue the virtual assistance option (accessed via tbbbaprobonoclinic@gmail.com).

Please consider taking at least one pro bono case this year or donating just one hour a month in the Clinic. The TBBBA will regularly recognize and reward our pro bono volunteers and will hold a quarterly prize raffle. Each attorney taking a pro bono case or providing an hour of pro bono service in the Clinic will be entered into the raffle. Each hour of service to the Clinic (in-person or virtual) equals a new entry into the raffle. Quarterly raffle drawings will be held at TBBBA CLE events.

We Love Our Pro Bono Volunteers!





**The TBBBA Congratulates Award Winners:
Quentin Poteralski, Lynn Sherman, and Scott Stichter
By: Barbara A. Hart, Esquire - Stichter, Riedel, Blain & Postler, P.A.**

After a three-year COVID hiatus, the TBBBA hosted its Annual Installation and Awards Dinner on June 8, 2022. The Annual Dinner coincides with transition in the TBBBA's leadership and is an opportunity to reflect on the accomplishments of years past and to look forward to the year ahead. We also recognize and honor our most diligent and talented colleagues with the presentation of the Judge Alexander L. Paskay Scholarship, the Douglas P. McClurg Professionalism Award, and the Don M. Stichter Award for Exceptional Service. The TBBBA congratulates its Award winners: **Quentin Poteralski, Lynn Welter Sherman, and Scott Stichter.**

The Judge Alexander L. Paskay Scholarship was established in 1994 by the Tampa Bay Bankruptcy Bar Association, the Florida Bar Business Law Section, and numerous judges, lawyers, and scholars throughout the country to honor Judge Paskay, then the Chief Bankruptcy Judge for the Middle District of Florida. Judge Paskay passed away in 2012 and, with a 48-year tenure on the bench, remains the longest serving bankruptcy judge in U.S. history, presiding over thousands of cases filed each year in Tampa and Ft. Myers. The Judge Alexander L. Paskay Scholarship is awarded annually to a second- or third-year law student who shows "outstanding aptitude in areas of bankruptcy law" and desires to specialize in the practice of bankruptcy, insolvency, or creditors' rights law. **Chief Judge Delano and Lynn Sherman** presented the **Judge Alexander L. Paskay Scholarship** to **Quentin Poteralski**. Quentin expects to graduate from the Stetson University College of Law in 2023 and was a federal judicial intern with the Bankruptcy Court in Spring 2022.

Douglas P. McClurg Professionalism Award. Douglas P. McClurg was one of the founding directors of the TBBBA and served as its second president in 1989-90. Doug was highly regarded for his extraordinary abilities and keen sense of professionalism. Doug was a leader in the Tampa Bay community and a highly decorated combat veteran. After his untimely passing in 2002, the TBBBA established the Douglas P. McClurg Professionalism Award as its highest honor. The "McClurg" is presented periodically to a member of the TBBBA that has demonstrated over a period of years the traits of professionalism exemplified by Doug during his lifetime. The McClurg Award's criteria are: outstanding effectiveness in the presentation of matters to the

Bankruptcy Court; a reputation for thorough preparation, civility, and courtesy to opposing counsel; appropriate courtroom demeanor; ethical conduct and professionalism at the highest level; and long-term service to the bankruptcy bar. **Judge Colton** presented the **Douglas P. McClurg Professionalism Award** to **Lynn Welter Sherman**. Judge Colton remarked that in law practice, Lynn is “a force to be reckoned with. She is smart, diligent, professional and an absolute joy to work with and against. Her clients are always well-represented, she has provided outstanding pro bono work, and she is a well-respected mediator. Her service to the bar is known far and wide, including chairing the ABI/Paskay seminar for the past few very difficult years.”

Don M. Stichter Award for Exceptional Service. Don M. Stichter was a founding member of the TBBBA and served as its first President. Regarded as the “Dean” of the Bankruptcy Bar, Don was among the most highly honored lawyers in Florida. The Don M. Stichter Award for Exceptional Service is presented periodically to a member of the TBBBA in recognition of having demonstrated over a period of years exceptional service to the bankruptcy bar and the community at large, as exemplified by Don during his lifetime. The Stichter Award’s criteria are “selfless devotion to the bankruptcy bar and the community through years of service far in excess of expectations; sustained contribution of time and resources to the bankruptcy bar and the community at large; commitment to living the Oath of Admission to The Florida Bar through demonstrated and unwavering support of the cause of the defenseless or oppressed.” **Harley E. Riedel** and **Joan Boles** of Bay Area Legal Service (BALS) presented the **Don Stichter Award for Exceptional Service** to **Scott Stichter**. To quote Joan Boles, “giving back is not only at the core of Scott’s identity, it is also part of his DNA. . . . He treats our clients with the utmost dignity and respect. When asked to help a client, he never says no – no questions asked. He is there for the client 1000%. . . .” To date, Scott has volunteered to handle 57 pro bono cases through BALS. Scott is also an active volunteer and instrumental participant with the TBBBA Pro Se Assistance Clinic.

A very sincere congratulations to Quentin, Lynn, and Scott.



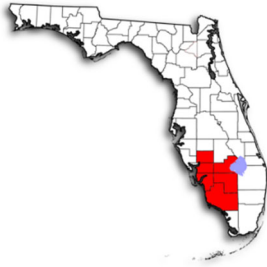
Left to right: Lisa Mills, Quentin Poteralski, Chief Judge Delano, and Laura Stevenson



Judge Colton and Lynn Welter Sherman



Scott Stichter (at the podium) and Harley Riedel



Southwest Florida Bankruptcy Professionals Association

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

We are in the process of starting up our normal monthly meetings since more and more hearings are now returning live or are at least Zoom-optional. Judge Delano is scheduled to hold in-person hearings in Fort Myers for the September 15th calendar, so we are in the process of finalizing a live speaker and CLE credit for the September 15th luncheon.

We are also beginning to plan for our annual golf tournament. This year's event will most likely be held on October 21st or October 28th. I believe the event is usually held in Naples, but I have received a few requests to hold it at a Fort Myers course. I will be sending out an email shortly requesting a vote on which location is preferred.

Finally, as most of you are aware, the annual View from the Bench CLE program was postponed earlier this year because a number of panelists tested positive for COVID. The new dates will be November 3rd (Tampa) and November 4 (Miami).

Looking forward to seeing everyone again soon.



Attorney Volunteer Help Needed:

Districtwide Virtual Pro Se Consults Are Coming!

By: Hon. Jacob A. Brown

I am honored that Chief Judge Caryl Delano asked me to chair a committee that is working to establish a districtwide virtual platform for pro bono consultations for

unrepresented/pro se parties in bankruptcy cases in the Middle District of Florida. The Committee includes representatives from each of the volunteer bankruptcy bar and legal aid associations in the Middle District.

Our Court is consistently in the top five in terms of the percentage of pro se parties. Since the start of the COVID pandemic, fewer people are using in-person pro se clinics in Jacksonville, Orlando, and Tampa. We are hoping those clinics start to see more people. The goal here is to lighten the impact pro se filers have on the Court by casting a wider net and supplementing the in-person pro se clinics. Orlando has recently gone live with its virtual consult platform, and we are hoping to go live districtwide in the next 45 days.

We need attorneys across the district to volunteer to accept these consults. We are working to confirm that these appointments will be through the appropriate legal aid organizations so that those associations' malpractice coverage will apply. Pro se parties will also be required to sign a waiver that provides that by receiving advice from a volunteer attorney, the pro se party waives any and all claims he or she may have against the attorney arising out of or related to the advice. We are also hoping that attorneys who take consults with pro se parties needing a little extra help to make their case a success will step up and see the case through to the end.

Serving those in need is part of the calling of our profession. If you are not already actively providing pro bono service, please step up and sign up to take a virtual consult at least once a month. And consider taking a few of those cases to conclusion if you are able. To sign up, please email Kathleen DiSanto at kdisanto@bushross.com and note that you are willing to volunteer. Additional requests to sign up will be forthcoming.

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Many thanks to the following individuals who are on the Committee or otherwise contributing to this project:

Nery Alonso, Bay Area Legal Services
Bethanie Barber, Executive Director Legal Aid Society of Orange County
Michael Barnett, Michael Barnett, PA
Hon. Jason Burgess, United States Bankruptcy Judge
Hon. Caryl Delano, United States Bankruptcy Judge
Kathleen DiSanto, Shareholder Bush Ross
Kameron Fleming, Law Clerk to Judge Brown
Barbara Hart, Shareholder Stichter, Riedel, Blain & Postler, P.A., Tampa Bay
Bankruptcy Bar President
Jodie Hollingsworth, Law Clerk to Judge Brown
Ryan Hyde, Partner Thames Markey, P.A.
Hon. Karen Jennemann, retired United States Bankruptcy Judge
Jim Kowalski, Executive Director Jacksonville Area Legal Aid
Andrew Layden, Partner Baker Hostetler
James LeMieux, Three Rivers Legal Services
Donny MacKenzie, Executive Director Florida Bar Foundation
Hon. Catherine McEwen, United States Bankruptcy Judge
Kathleen McLeroy, Shareholder Carlton Fields
Luis Rivera, Shareholder Gray Robinson
Jose Rodriguez, Chief Deputy Clerk United States Bankruptcy Court Middle District
of Florida
Andrew Roy, Shareholder Winders, Haines, Ward and Woodman
Michael Schumpert, CM/ECF Administrator United States Bankruptcy Court
Jonathan Sykes, Partner Nardella & Nardella, President Central Florida Bankruptcy
Law Association
Larri Thatcher, Pro Bono Director Legal Aid Society of Orange County
Frank Wolff, Frank Wolff Law P.A.
Allan Wulbern, Shareholder Smith Hulsey & Busey
Ryan Yant, Associate Carlton Fields



**ABJA Certified Bankruptcy Assistant
and Professional Skills Seminars
October 11-14 – Orlando**

The Association of Bankruptcy Judicial Assistants (“ABJA”) will present the annual Certified Bankruptcy Assistant Seminar and Exam on October 11-12, and the annual Professional Skills Seminar on October 13-14, at the Rosen Centre Hotel in Orlando.

The Certified Bankruptcy Assistant (“CBA”) program is aimed specifically toward legal assistants and paralegals in the bankruptcy field. The two-day certification program includes training workshops (and two exams) that cover grammar usage and writing; the Bankruptcy Code and Rules; ethics; and research and proper legal citation.

If you’re already a CBA in need of continuing education credits, or a legal assistant or paralegal who is interested in enhancing your professional development, the Professional Skills Seminar is your opportunity to join judicial assistants and bankruptcy professionals in learning best practices.

Speakers at both seminars include judges and practitioners from the Middle District, so you won’t want to miss these great educational opportunities!

For more information on the CBA or Professional Skills programs, please visit the ABJA’s website at www.abja.org or contact Laura Stevenson at Laura.Stevenson@flmb.uscourts.gov.

FLMB Law Clerks and Judicial Assistants

Judge Brown

Kameron Fleming, Law Clerk
Jodie Hollingsworth, Law Clerk

Judge Burgess

Taylor King, Law Clerk
Kristyn Leedekerken, Law Clerk

Judge Colton

Jennifer Deeb, Law Clerk
Tim Fox, Law Clerk

Judge Delano

Cindy Turner, Law Clerk
Laura Stevenson, Judicial Assistant

Judge Funk

Jodie Hollingsworth, Law Clerk

Judge Geyer

Megan Bittakis, Law Clerk
Alison Hale, Judicial Assistant

Judge McEwen

Lisa Scotten, Law Clerk
Dedra Gann, Judicial Assistant

Judge Robson

Chelsea Moore, Law Clerk
Caitlyn Myerson, Law Clerk

Judge Vaughan

Griffin Butler, Law Clerk
Jeanne Kraft Herdeker, Law Clerk

Judge Williamson

Ed Comey, Law Clerk
Mary Maddox, Judicial Assistant

W E L C O M E
To The Team

FLMB Welcomes New Law Clerks



Megan Bittakis, Orlando

I am excited to bring my eleven years of judicial clerking experience to the Court as Judge Geyer's law clerk. Before clerking for Judge Geyer, I was the Career Law Clerk for United States Magistrate Judge Gregory J. Kelly; and before that, I was a Senior Staff Attorney at the Ninth Judicial Circuit Court of Florida, which covers Orange and Osceola counties. I was also an associate professor of legal research and writing at Barry University School of Law. I love living in Orlando, reading, going to the beach, playing pai gow poker, and shuttling my kids to and from their extracurricular activities. I feel fortunate to be joining the collegial team here in the Middle District of Florida's Bankruptcy Court.

Taylor King, Jacksonville

I am the new term law clerk for Judge Burgess. I previously practiced at Mickler & Mickler from 2009 – 2022, primarily serving as debtor's counsel in chapter 11 cases. I became a member of the Florida Bar in 2009 after graduating from the University of Oklahoma College of Law as a member of the Order of the Coif. In my spare time, I enjoy running, cycling, and spending time with my wife, daughter, and two Havanese dogs. Last year, I completed a four-day adventure race spanning 300 miles along the path of the Hudson River.





Case Law Update for Q3 2022
Issue of the Court Connection

Editors:

Bradley M. Saxton, C. Andrew Roy, and Lauren M. Reynolds, Winderweedle, Haines, Ward & Woodman, P.A., with special thanks to summer associate Phillip Latham for his help with this issue

Bankruptcy Court Cases

Vista Money v. Stevenson (In re Stevenson)

2022 WL 1537457 (Bankr. M.D. Fla. Apr. 26, 2022) (Colton, J.)

After noting that, for purposes of § 523(a)(6), “willful” and “malicious” are distinct requirements, Judge Colton found that the debtor acted recklessly (as opposed to willfully and maliciously) when he made statements to third parties regarding Vista Money. Judge Colton found that the debtor honestly believed the statements he made were true, and he did not intend to injure Vista Money’s reputation when he made them. Judge Colton therefore concluded that § 523(a)(6) did not apply and that the debt was dischargeable.

In re Clements

2022 WL 1309948 (Bankr. M.D. Fla. Apr. 28, 2022) (Robson, J.)

Judge Robson dismissed a chapter 13 case because the debtor’s unsecured debt exceeded the § 109(e) limits. In making that determination, Judge Robson concluded it was appropriate to include a proof of claim that had been objected to. Judge Robson noted that the amount set forth in the proof of claim, which had been objected to based on its priority status, not the amount, was liquidated and readily ascertainable by the debtor.

Webber II v. Garcia (In re Valdes)

2022 WL 1309940 (Bankr. M.D. Fla. May 2, 2022) (Robson, J.)

The Chapter 7 Trustee sued to avoid and recover the debtor's transfer of her interest in homestead property. The debtor sought summary judgment on the Trustee's claims because, according to the debtor, the Trustee lacked standing since there was no unsecured creditor who could force the sale of the debtor's property. In response, the Trustee argued that the transfer could be avoided because the debtor had taken out an unsecured loan with a credit union to fund repairs or improvements to her homestead, which, according to the Trustee, is one of the recognized exceptions to the homestead exemption.

Judge Robson concluded that the "repair and improvement" exception to the homestead exemption applies narrowly to debt incurred by entities who perform the services that improve or repair the homestead—not to entities providing loans to pay for such improvements and repairs. So the Trustee did not have standing under § 544(b) to avoid the transfer of the debtor's homestead. And, since "a homestead cannot be fraudulently transferred" under Florida law, there was no "transfer" of an "asset" subject to avoidance under the UFTA.

In re Castillo

2022 WL 1537990 (Bankr. M.D. Fla. May 9, 2022) (Colton, J.)

Judge Colton permitted a retroactive extension of the deadline for the debtor to file a Subchapter V plan of reorganization under the more stringent standards of § 1189(b) because the debtor needed information from his businesses' tax returns to propose a feasible plan, and that information was not reasonably available before the plan filing deadline.

Pinero v. Rodriguez (In re Rodriguez)

2022 WL 1599970 (Bankr. M.D. Fla. May 10, 2022) (Colton, J.)

The plaintiff, a title agent who closed the sale of the debtors' home, sought to impose a constructive trust on a new home the debtors bought with the proceeds from the sale of their first home. The debtors had two mortgages on their first home: one with Wells Fargo and another with the Secretary of Housing and Urban Development. Because the debtors had only been paying Wells Fargo, they believed that is who both mortgages were with. And when the Plaintiff asked Wells Fargo for a payoff, the bank provided a payoff for only its mortgage—not the HUD mortgage. So the HUD mortgage was not paid off at closing, although everyone believed both mortgages had been satisfied.

HUD looked to the title agent for reimbursement. The title agent, in turn, looked to the Plaintiff, who sought a constructive trust against the debtors' new home, which they purchased and renovated (at least in part) with sales proceeds that should have gone to HUD. Because the facts showed that there was no fraud or egregious conduct by the debtors in obtaining the funds used to buy and renovate their home, rather it was an innocent mistake by all parties, Judge Colton refused to impose a constructive trust or equitable lien against the debtors' homestead property.

In re Carr

2022 WL 2176293 (Bankr. M.D. Fla. June 3, 2022) (Robson, J.)

Judge Robson was asked to reinstate a dismissed chapter 13 case. In considering the request, Judge Robson noted that reinstatement is a “judicially created fiction, designed to spare debtors the burden of filing a new case.” And, while reinstatement is a “common practice,” Judge Robson noted that there is no provision in the Bankruptcy Code or Bankruptcy Rules that provides for reinstatement of a dismissed case.

Looking to Bankruptcy Rules 9023 and 9024, which incorporate Federal Rules of Civil Procedure 59(e) and 60, Judge Robson concluded bankruptcy courts can vacate a dismissal order in its “sound discretion.” Exercising that discretion, Judge Robson concluded vacating the dismissal order would be in the best interest of all parties.

In re Purkiss

2022 WL 2442306 (Bankr. M.D. Fla. June 29, 2022) (Geyer, J.)

Judge Geyer denied a chapter 13 debtor's motion to reopen her case and expunge the case from the public records. The debtor contended that she had filed the case based on bad advice; after the case was dismissed, she paid all creditors; and the existence of the case was causing her irreparable harm. Noting that expungement is an extraordinary remedy, Judge Geyer rejected the debtor's argument. Judge Geyer explained that bankruptcy courts typically expunge cases only when they were filed without the debtor's knowledge or authorization. Although she was sympathetic to the debtor's plight, Judge Geyer denied the debtor's motion because the debtor had intentionally filed the chapter 13 case; actively participated in it; opposed its dismissal; and benefitted from the automatic stay.

Orlando Division's



The Orlando division kicked off its summer by celebrating National Fried Chicken Day with a potluck lunch. With fried chicken, of course, salads, beans, dirty rice, chips, dip, many sugary treats, AND a pot of gold (scratch off tickets), it was certainly a feast to behold. Plus, there was BINGO! And this was no ordinary game of bingo. Staff, which got their bingo cards two weeks before the potluck, had to complete certain tasks: for example, they had to open a bankruptcy case; wear a Halloween costume; visit the nurse; sing a song; and clear a printer jam, to name just a few. This got very competitive as participants found clever ways to complete these tasks.

After being away for more than two years, getting together for food, fun, and fellowship was very welcomed.

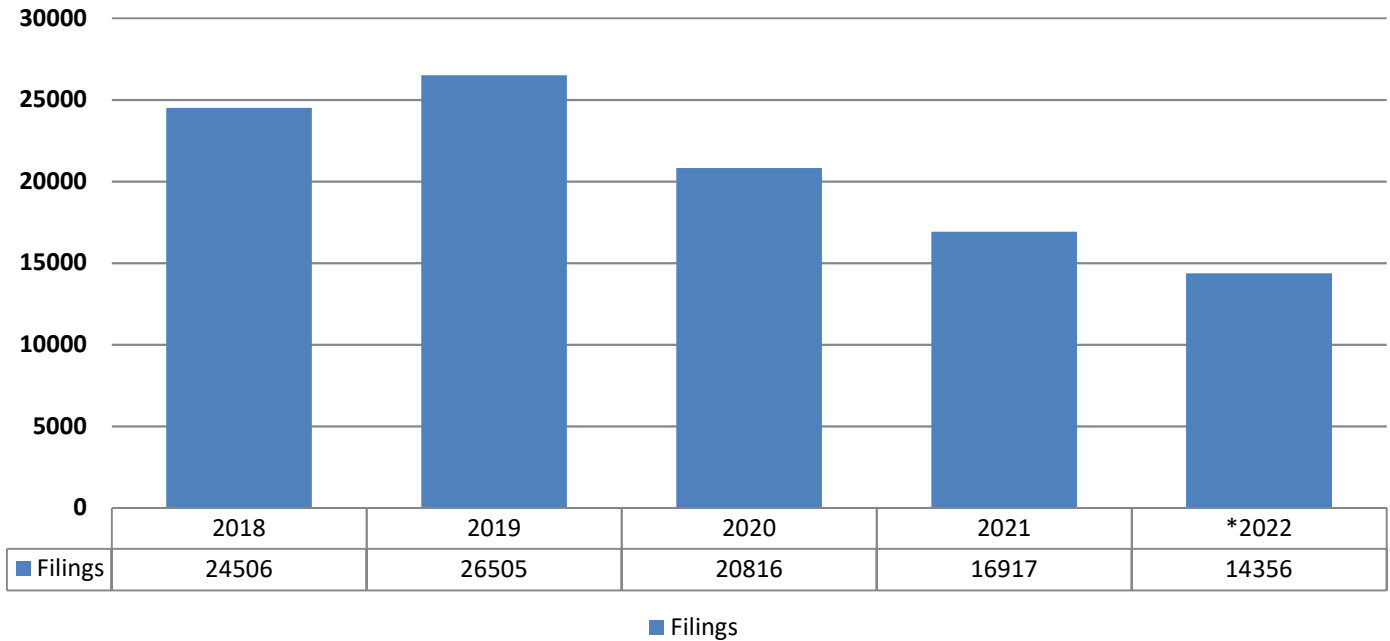


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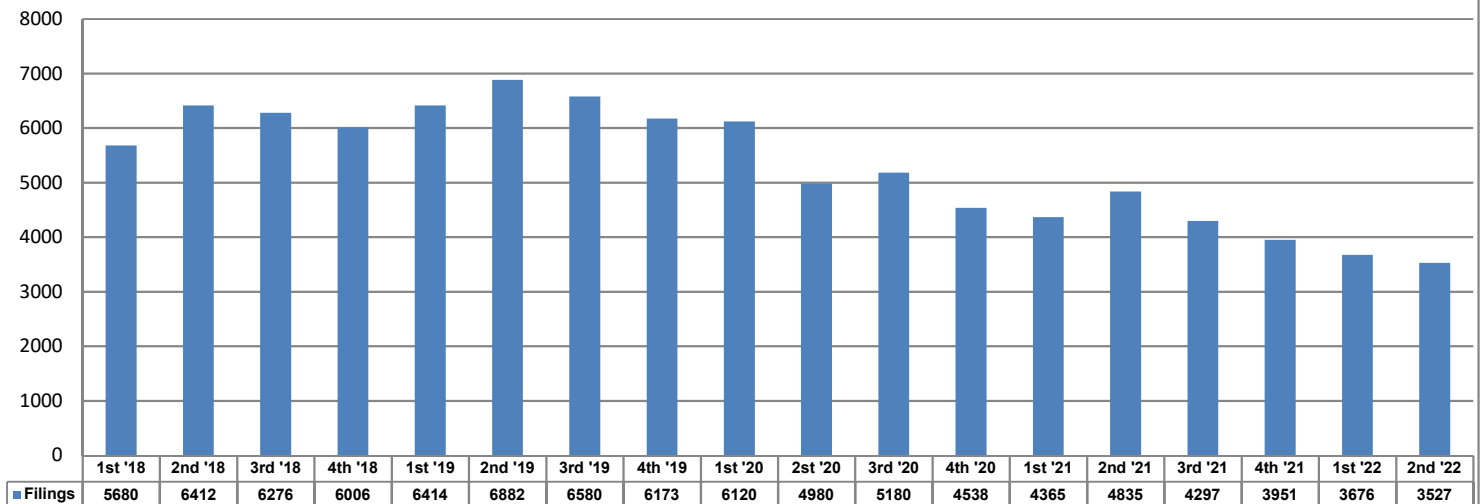
United States Bankruptcy Court - Middle District of Florida
Updated July 15, 2022 Meeting Data and Information
Statistics as of June 30, 2022

Annual Filings

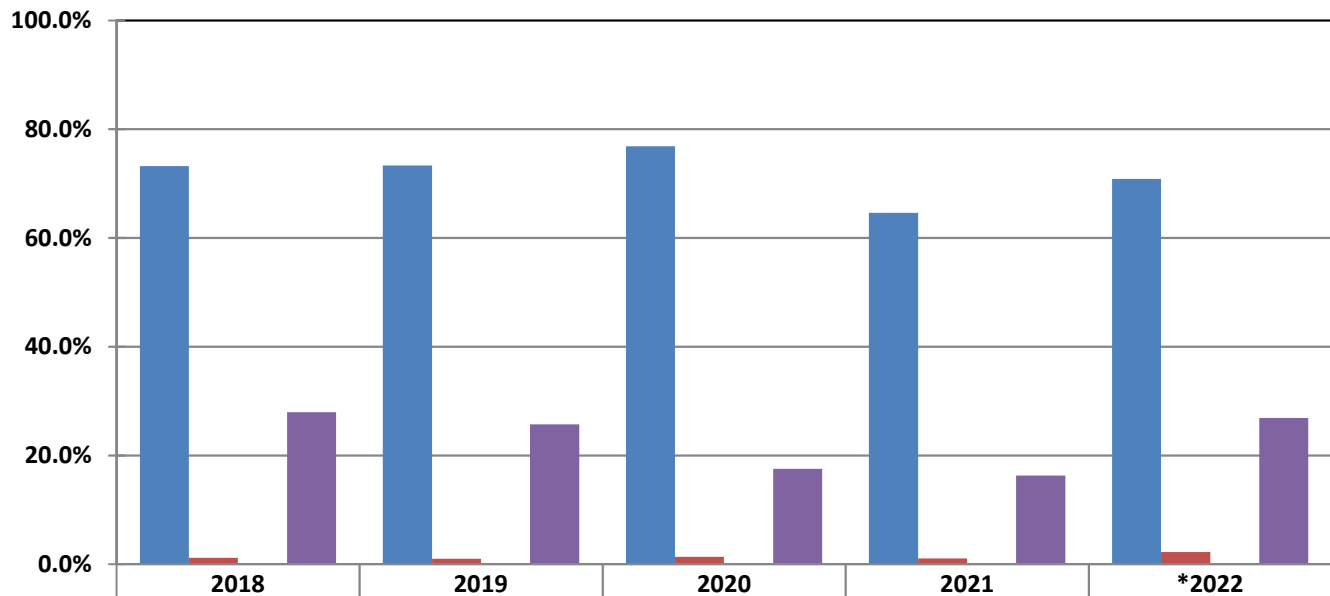


Year	Annual Filings	vs. 2015	vs. Prior Yr.
2018	24506		
2019	26505	8%	8%
2020	20816	-15%	-21%
2021	16917	-31%	-19%
*2022	14356	-41%	-15%

Filings by Quarter

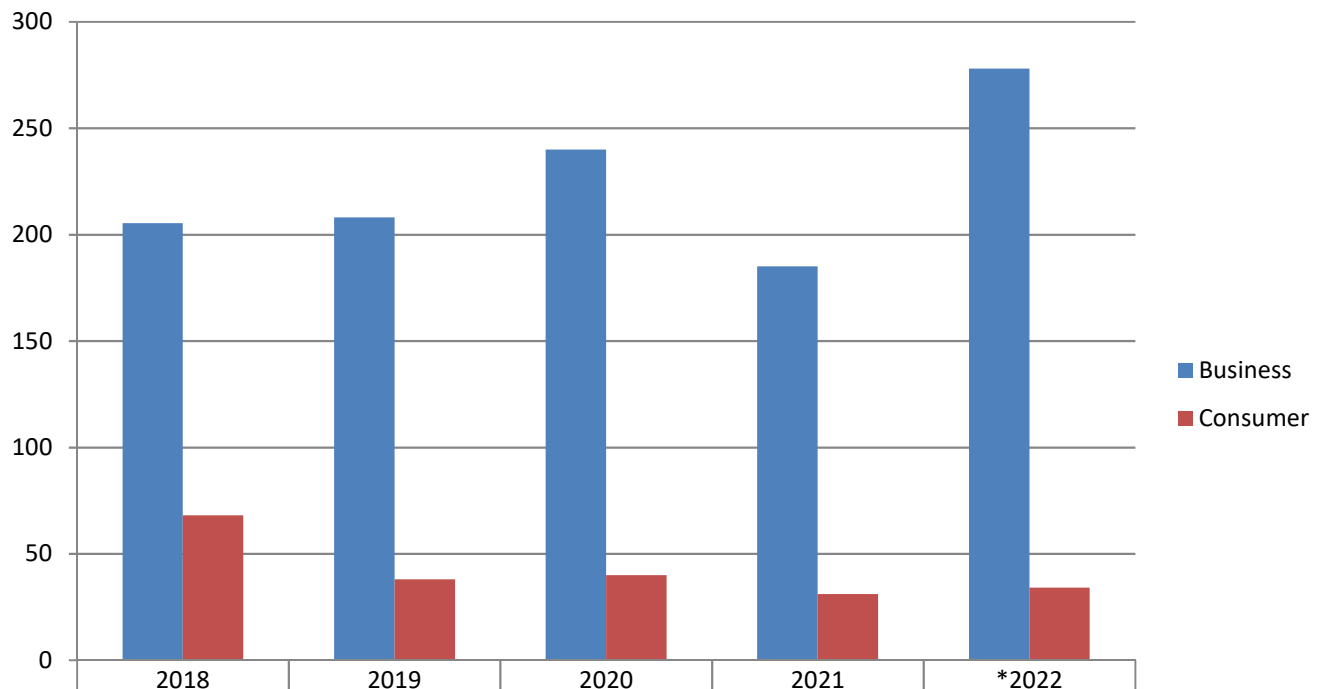


Filings by % of Chapter Type



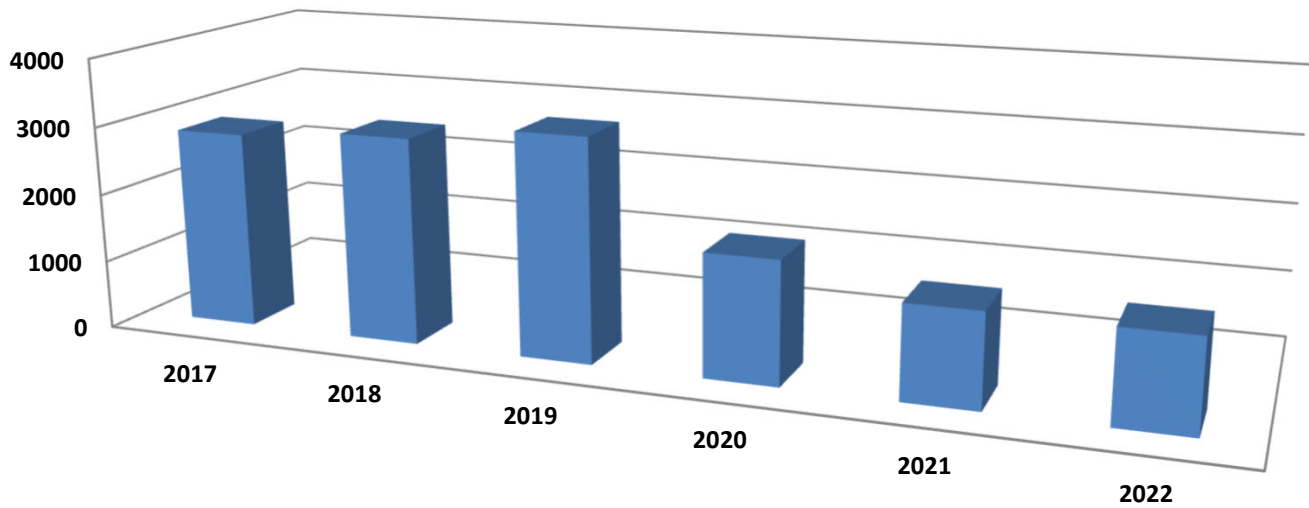
Chapter 7	73.2%	73.3%	76.9%	64.6%	70.8%
Chapter 11	1.2%	1.0%	1.3%	1.0%	2.2%
Chapter 12	0.0%	0.0%	0.0%	0.0%	0.1%
Chapter 13	27.9%	25.7%	17.5%	16.3%	26.9%

Chapter 11 Filings



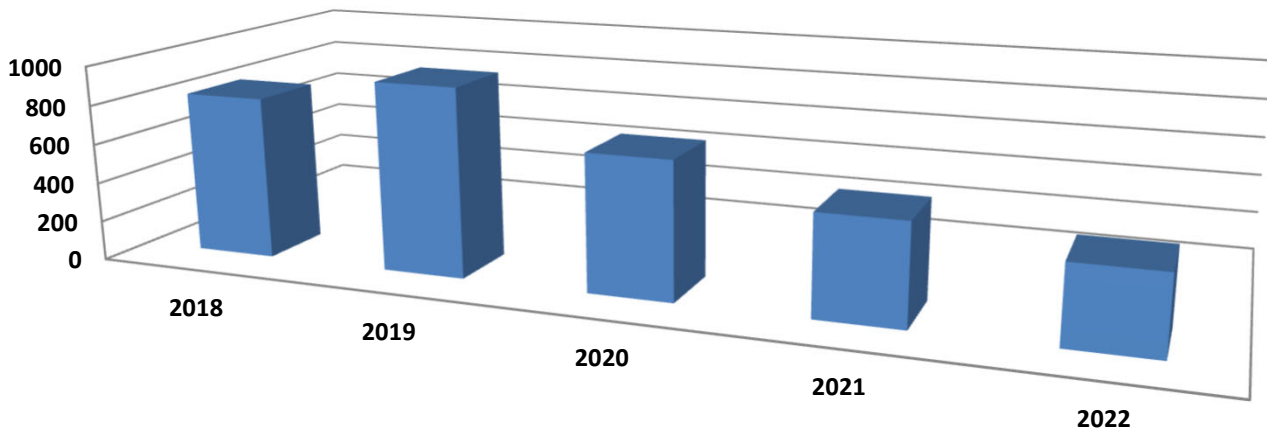
Business	205	208	240	185	278
Consumer	68	38	40	31	34

Pro Se Filings



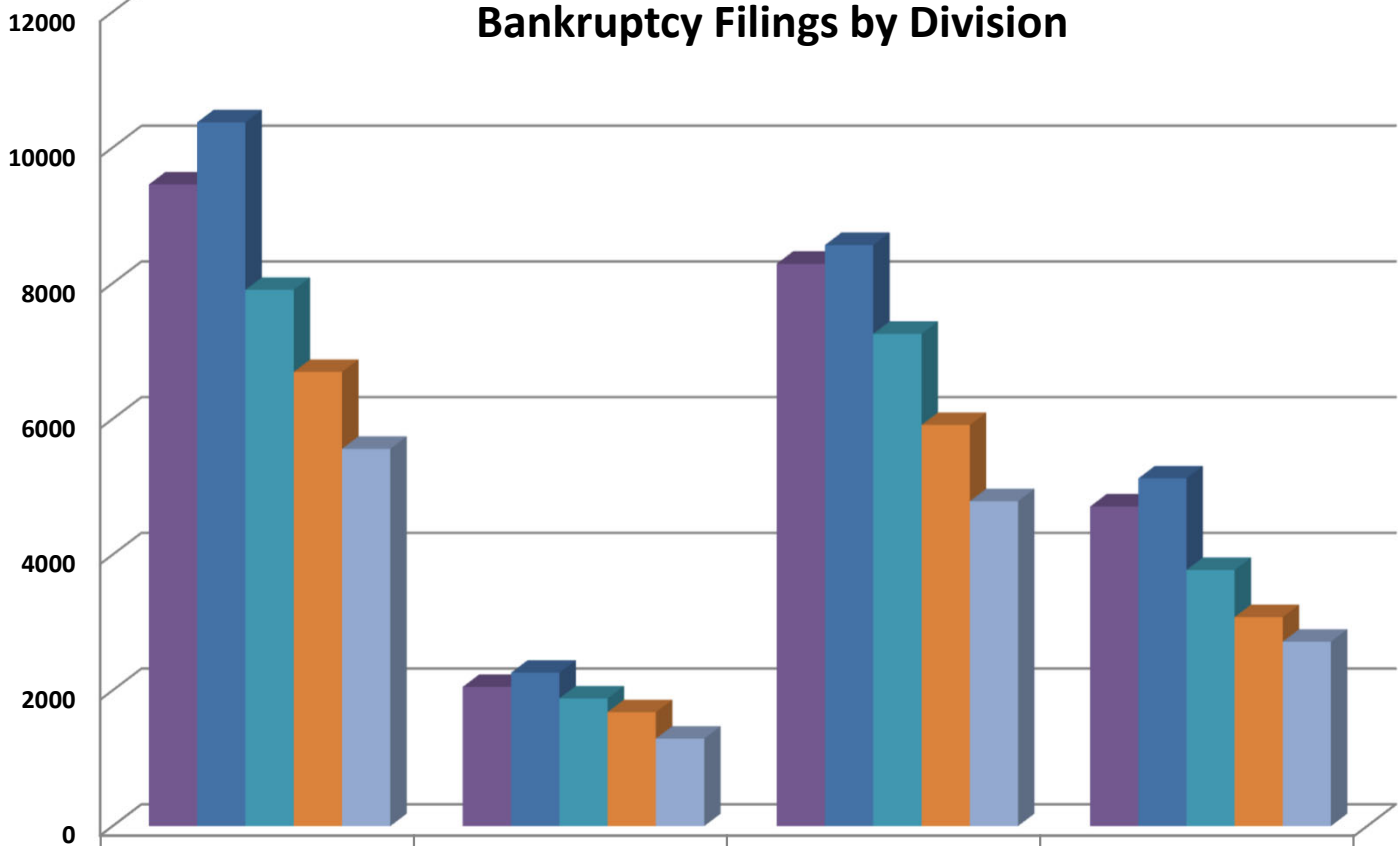
	2017	2018	2019	2020	2021	2022
■ Pro Se	2868	3006	3232	1779	1363	1338
% of All Filings	12%	12%	12%	9%	8%	9%

In Forma Pauperis Filings



	2018	2019	2020	2021	2022
■ IFP Granted	825	956	691	507	392
% of All Filings	3%	4%	3%	3%	3%

Bankruptcy Filings by Division



Note: Counts include reopen cases

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