



The State of the District 2023

By: Hon. Caryl E. Delano, Chief Judge

In 2012, the Middle District's former Chief Judge, Judge Karen Jennemann, started the tradition of presenting an annual State of the District presentation, and Judge Williamson and I continued this tradition.

Pre-pandemic, the SOTD presentation provided the Chief Judge with a wonderful opportunity to visit with the attorneys in each of our Court's Divisions. After I became Chief Judge in October 2019, my last out of town trip before the COVID-19 shutdown was to give the SOTD presentation in Jacksonville. Due to the pandemic and other scheduling conflicts, I have presented the live version of the SOTD only once in Jacksonville, twice in Fort Myers, three times in Tampa, and never in Orlando. Believe me, I enjoy the interaction of a live audience much more than I enjoy looking at myself on a Zoom screen! This year, I gave the 2023 State of the District presentation live in Tampa and Fort Myers and by Zoom for Orlando and Jacksonville. If you missed one of the presentations, you can watch the Zoom version—for CLE Credit—on the Court's CLE webpage (<https://pacer.flmb.uscourts.gov/cle/index.asp>).

Here's a quick update on what's going on with the Court:

Our Judges



Judge Michael G. Williamson

Our Court and the entire bankruptcy bar continue to mourn the loss of former Chief Judge Williamson who passed away in November 2022. In addition to being a judge, Judge Williamson was a scholar, a leader, and a mentor to many. Judge Williamson was the founder of the Business Law Section of The Florida Bar's View from the Bench Seminar, which is presented annually in Tampa and Miami. In January 2023, the Executive Council of the BLS unanimously voted to rename the seminar the *Judge Michael G. Williamson View from the Bench Seminar*. And in March 2023, the Southwest Florida Bankruptcy Professionals Association posthumously awarded Judge Williamson its 2023 *Alexander L. Paskay Judicial Excellence Award*.

Judge Jerry A. Funk and Judge Karen S. Jennemann:

- Judge Funk (Jacksonville) "officially retired" in November 2021, but serves on recall.
- Judge Jennemann (Orlando) retired in February 2022; her influence on the Court remains, and she's been engaged in pro bono matters.

Judge Catherine Peek McEwen (Tampa)

- Member of the Judicial Conference's Advisory Committee on Bankruptcy Rules.
- Chair of a subcommittee on Business Rules.
- Liaison on the Advisory Committee on Civil Rules.
- NCBJ's Legislative Committee.

Judge Caryl E. Delano (Tampa and Fort Myers)

- Reappointed June 2022 for a second 14-year term. Sworn in on June 15 by 11th Circuit Judge Charles Wilson in Tampa.
- Appointed as the 11th Circuit Representative to the Bankruptcy Judges Advisory Group at the Administrative Office of U.S. Courts for 2023-2025 term.

Judge Roberta A. Colton (Tampa)

- Finally finished her work on the Puerto Rico PROMESA bankruptcy mediation team. Some months, put in 150 hours per month.
- Judicial Co-Chair of the Paskay Seminar.

Judge Lori V. Vaughan (Orlando)

- Serves as Judicial Chair, Local Rules Lawyers' Advisory Committee.

Judge Jacob A. Brown (Jacksonville)

- Formal investiture held September 23, 2022.
- Former law clerk to Judge Funk and partner at Akerman LLP.

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Judge Grace E. Robson (Orlando)

- Formal investiture held June 21, 2022.
- Board-Certified Bankruptcy Attorney and former partner at Markowitz Ringel Trusty & Hartog, P.A., Miami.

Judge Jason A. Burgess (Jacksonville)

- Formal investiture held February 2, 2023.
- Board-Certified Business and Consumer Bankruptcy Attorney, former Subchapter V Trustee.

Judge Tiffany P. Geyer (Orlando)

- Formal investiture held March 17, 2023.
- Former law clerk to Judge Jennemann and partner at BakerHostetler, Orlando.

Judge Denise Barnett (Memphis, Tennessee)

- Former Judicial Law Clerk to the Honorable George L. Proctor, Chief Judge Emeritus, United States Bankruptcy Court, Middle District of Florida
- Former trial attorney with the US Trustee Program in Tampa.
- Appointed November 8, 2021, as United States Bankruptcy Judge, Western District of Tennessee, Memphis Division.
- Formal investiture to be held on July 14, 2023, in Memphis.

Clerk's Office

Sheryl Loesch, Clerk of Court

- Clerk Liaison to the International Judicial Relations Committee (a Committee of the U.S. Judicial Conference)
- Immediate Past President of the International Association for Court Administration.

José Rodriguez, Chief Deputy

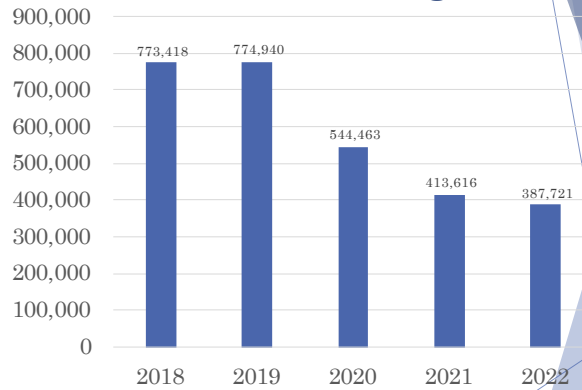
- Joined our Court in December 2021 after serving as Chief Deputy for the U.S. Bankruptcy Court, Southern District of Florida.
- SDFL Chief Deputy for seven years and Director of Administrative Services for 11.5 years.

Statistics

National

-6.3% from year ending
12/31/21;
-28.8% from year ending
12/31/20; and
-49.96% from year ending
12/31/19.

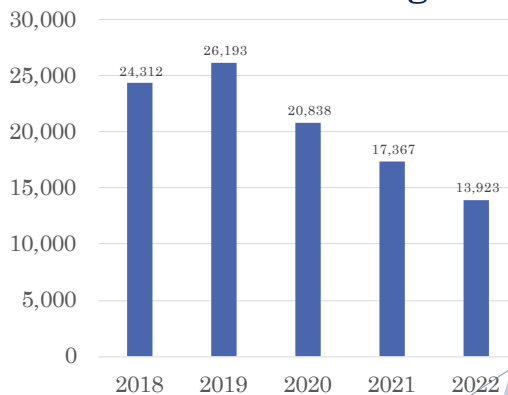
Total Filings



Middle District

-19.8% from year ending
12/31/21;
-33.2% from year ending
12/31/20; and
-46.8% from year ending
12/31/19.

Total Filings

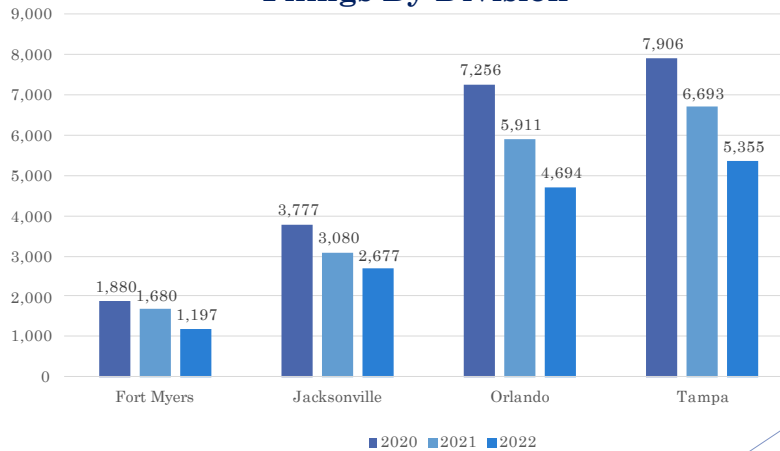


Filings – MDFL 2002-2022

2002	52,923	2012	46,004
2003	55,511	2013	41,167
2004	52,207	2014	36,268
2005	64,094	2015	30,077
2006	15,756	2016	24,968
2007	26,437	2017	23,895
2008	42,611	2018	24,312
2009	61,671	2019	26,193
2010	66,688	2020	20,838
2011	53,555	2021	17,367
2022		13,923	

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Filings - MDFL Filings By Division



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Filings 2019-2022

	2019	2020	2021	2022
▶ Chapter 7	18,873	16,653	13,753	10,016
▶ Chapter 11	349	282	226	290
▶ Chapter 13	6,971	3,891	3,382	3,593
▶ Other-12,15	20	12	6	24
▶ Total Filings	26,193	20,838	17,367	13,923
▶ APs	1,234	977	773	525



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Middle District Rankings

Nationally, for the year ending December 31, 2022,
Middle District of Florida ranked:

- 5th in total number of bankruptcy case filings;
- 2nd in total number of Chapter 7 case filings;
- 6th in total number of Chapter 11 case filings;
- 12th in total number of Chapter 13 case filings;
- 3rd in total number of adversary proceedings; and
- 5th in *pro se* filings per authorized judgeship.

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Middle District Weighted Caseload Average for the Year Ending December 31, 2022

- ▶ National average of weighted cases per authorized judgeship – 525.
- ▶ MDFL ranked 9th in the nation for a total of 700 weighted cases per authorized judgeship (9 total judgeships).
- ▶ For 8 authorized judgeships, 788 weighted cases per judge.

Small Business Reorganization Act – Subchapter V

Subchapter V Statistics

- Middle District of Florida Is #1 through December 31, 2022.
- 4,800 Subchapter V cases filed nationwide through December 31, 2022.
- 406 filed in the Middle District of Florida.

Subchapter V Cases by Division

- Tampa – 156 Cases
- Orlando – 141 Cases
- Jacksonville – 65 Cases
- Fort Myers – 44 Cases

Pro Bono

District-Wide *Pro Se* Virtual Clinic

- Funded by the Middle District's Bench Bar Fund and BLES.
- Court mails every *pro se* debtor a list of available pro bono resources in the division in which the case is filed.
- **The Virtual Clinic (www.bankruptcyproseclinic.com):**
Attorneys volunteer to provide 30-minute telephone or Zoom consultations with *pro se* parties, and *pro se* parties schedule consultations.
- Operations commenced in September 2022.
- Over 200 registered attorney volunteers.
- Averaging more than 20 consultations per month.

Coming Attractions

pay.gov
Self-Calendaring

New Developments

U.S. Trustee Update

- Director of U.S. Trustee Program: Tara Twomey

New Department of Justice Guidance on Student Loan Bankruptcy Litigation - November 17, 2022

- DOJ advises its attorneys to stipulate to the facts demonstrating that a debt would impose an undue hardship and recommend to the court that a debtor's student loan be discharged if three conditions are satisfied:
 - (1) the debtor presently lacks an ability to repay the loan;
 - (2) the debtor's inability to pay the loan is likely to persist in the future; and
 - (3) the debtor has acted in good faith in the past in attempting to repay the loan.