



# FLMB Newsletter

## United States Bankruptcy Court Middle District of Florida Jacksonville, Orlando, and Tampa/Fort Myers Divisions

**APRIL 2012**

Volume 1, Issue 2

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**MISSION STATEMENT**

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

\* \* \* \* \*



### WE ANTICIPATE CHANGE

**By: Chief Judge Jennemann**

As we work toward our goal of “thinking district-wide,” change is coming. Even positive changes can cause anxiety and uncertainty.

We recognize change is inevitable. The Court Family is used to ever-changing demands, whether it is due to increased or decreased filings or to budgetary shortfalls. Our internal focus groups listed “anticipating change” as one of our core values. We know that we must remain flexible, take initiative to meet change head-on, and be ever resourceful. We have learned to solve problems by talking and through technology.

As I look around, I see success everywhere in adjusting to a district-wide mentality. We are embracing change in tiny steps. We are learning how to think outside of our divisions and make us a unified district. I expect everyone close to the Court also is seeing change.

One change is the distribution of this *quarterly newsletter* on January 15, April 15, July 15, and October 15. In this edition of the newsletter, you will see many articles talking about the new path we are treading toward

thinking district-wide. My hope is that the newsletter will grow to include more information from each of our bankruptcy bar associations and events throughout the district. I encourage anyone with news of interest to forward it to me by the first of January, April, July, and October. Send me photos of events. Share your news and successes.

*Open Door Hours* are set in Tampa, Jacksonville, and Orlando for the rest of the year. Stop by for a chat, to see how a project is going, or to express your concerns. Although I cannot discuss any pending cases or help with personnel concerns, I do want to listen to your thoughts and suggestions.

We have a new *Operations Deputy*, *Raymond Waguespack*, who is our person responsible for guiding us toward one set of district-wide procedures. He has assumed a big job.

The Clerk has formed five *internal committees* to work on procedures, training, outreach, website, and IT. Over half of our staff volunteered to serve on these internal committees. I thank each and every one of you. Under Raymond’s leadership, the committees will now get to work. (Continued on next page)

## WE ANTICIPATE CHANGE (Continued from Page 1)

Change before you  
have to. Jack Welch

Only the wisest and  
the stupidest of men  
never change.  
Confucius

Let the great world  
spin for ever down the  
ringing grooves of  
change. Alfred Lord  
Tennyson

The *Steering Committee*, composed of bar representatives from throughout the district, has met three times. They are working on defining their intentionally ambiguous charge and are helping us plan a Bench Bar Conference for November 7. They also are helping us prioritize the issues the Court and the Judges need to address. The first issue they have asked us to discuss is problems that arise when attorneys take on more than they can competently handle, particularly in Chapter 11 cases. The judges will discuss this item at our next in-person meeting. I encourage the bar associations to work closely with their representative on the Steering Committee.

We issued an initial *Permissive Negative Notice List* that generated many questions and comments. We listened to your concerns and, in response, we are publishing a revised list effective today.

The revised list separates the papers allowed to be served by negative notice into Chapters 7, 11, 12, and 13. We wanted to make the list easier for all of us to follow.

The revised list deletes a few items, including Applications to Retain Professionals. We realized most parties simply submit proposed orders with retention applications and no negative notice was needed. We now are working on a list of papers and motions that are decided without notice or hearing. You will then know to just submit the proposed order at the time you file the paper.

The revised permissive negative notice list lastly clarifies other items, such as providing that negative notice is not allowed on motions to sell or lease property in chapter 7 cases if the sale is free and clear of interests or on motions for relief from stay in Chapter 11 cases.

Please take a look at the revised chart for the details and share the information with your staff.

Our folks are actually slowly starting to *work across division lines*. Over the last few weeks, staff in Jacksonville has assisted the people in Tampa. We hope to identify our differences, which we did. The experience taught us that although our similarities are many, more of these types of staff exchanges will benefit us all.

All of these new initiatives are challenging. Talking takes time. We certainly have made some missteps, and absolutely will make more mistakes. Alexander Pope aptly said, "To err is human; to forgive, divine."

Many of you may question why we are making all of this extra work for us and for you. What is that Steering Committee really going to do? Why do we have to adopt another division's procedure? Do I have to work on a committee?

I want to remind everyone why these changes are important. We want to make it easier for our staff, attorneys and litigants, both represented and *pro se*, to figure out the rules. We want to provide a one stop source for the rules, the forms, and the answers to your questions. We need to create a district-wide procedure manual with sections for both internal and external users that will integrate forms, CM-ECF efficiencies, rules and model pleadings. From the Court's perspective, we need to do it to meet future inevitable budgetary issues that will cause us to act differently.

We have the opportunity to get this right while we have the time, the resources, and the enthusiasm. So, as we leave the station and embark on our journey to a destination of uniform procedures, have patience. Expect some discomfort. We will hit bumps in the road. We will experience frustration. We do have to look at everything we do in a new way. But, these are just bumps on the journey.

Anticipate change. I will keep you informed as we make progress.

So far, we are doing great!

## RAYMOND WAGUESPACK SELECTED AS OPERATIONS DEPUTY



Starting on April 23, Raymond Waguespack will lead us toward our vision of thinking “district-wide.” He is our new project manager over the court committees created to unify our processes and procedures in all of our divisions. He will ensure that attorneys and our staff receive timely training as we move toward uniformity. Raymond will implement the changes we are making and then monitor our procedures over time to make sure we do not slip too far off the uniformity track.

Raymond is the ideal person to tackle this big project. Originally from Louisiana, he worked with the Clerk’s Office of both the Fifth and the Eleventh Circuit Court of Appeals as a Docket Clerk beginning in 1986. When given the opportunity, he jumped to the United States Bankruptcy Court in for the Northern District of Georgia in Atlanta working as a Case Administrator starting in 1991. There, he facilitated the creation of their mission statement and developed and then implemented their New Employee Orientation Program. He was named the Best Team Player.

In 1998, Raymond was promoted to CM/ECF Analyst. His court was one of the first courts in the country to use CM/ECF. Raymond wrote or assisted in writing training materials for the very first Attorney User’s Guide for CM/ECF. He and his team solved many problems that we never faced when we migrated to CM/ECF in 2004. Raymond continued to win awards for his work including Best Problem Solver (September 2001), Special Service Award (September 1999), and Employee Recognition Team Facilitator (1997-1998). He will need all of these skills in his new job.

In 2001, personal circumstances brought Raymond to Florida, and he joined us in the Tampa Division as the Team Supervisor for then Chief Judge Glenn’s team. He luckily joined us before we started using CM/ECF, and his experience was invaluable in our conversion to the new world of digital filing. During his tenure as Team Supervisor, Raymond received six special service awards for work with CM/ECF, BNC, and Performance Appraisals.

In 2008, Raymond was promoted to Deputy in Charge of the Orlando Division. He has led the office with distinction. He has a unique skill to understand procedures and then work with our IT folks to find a solution to a common problem. For example, he worked with one of our programmers, Mike Brown, to create an internal system we call “ADI” (Automatic Docketing Interface) that helps case managers save time on routine entries. He saw a problem and then worked on a solution.

Raymond has worked with numerous courts gathering the skills he needs to succeed in his new role. In making her decision to select Raymond as her Operations Deputy, Clerk Bennett said, “...He is very bright, personable, and well versed in court operations. Having worked with Raymond for many years, I have no doubt that he will do an outstanding job.” He will make an excellent Operations Deputy. Join me in congratulating him on his enthusiasm for tackling this new project.

There is nothing permanent except change.

The only sense that is common in the long run, is the sense of change and we all instinctively avoid it.  
E. B. White

## NAME SUGGESTIONS FOR OUR NEWSLETTER

Thanks to everyone for submitting these creative names for our quarterly newsletter:

A NEW BEGINNING  
BANK(ruptyc) NOTES  
BANKRUPTCY BONANZA  
BANKRUPTCY BREEZE  
BENCH NOTES  
BENCH VIEWS  
COURT COMBINE  
COURT CONNECTION  
COURT CRIER  
DEBTOR-CREDITOR NEWS

FLA MD BKCY CM/ECF TIPS,  
TACTICS, & PROCEDURES  
FLMB FORUM  
FLMB FRESH START  
FLMB NEWSLETTER  
FLMB's UNIFIED NEWS BRIEFS  
FLORIDA MIDDLE BANK-  
RUPTCY NEWS CORNER  
FRESH START BEACON  
FRESH THOUGHTS  
FULL COURT PRESS  
IN THE MIDDLE  
JOTFM NEWSLETTER  
MDFL STATEMENT OF AFFAIRS  
MIDDLE DISTRICT MEMO  
MIDDLE DISTRICT MENTIONS  
MIDDLE MERGER

MIDDLE MESSENGER  
MIDDLE MONITOR  
NEWS FROM THE BENCH  
ONE VOICE  
QUARTERLY DIVIDEND  
THE DISTRICT NEWSLETTER  
THE FLMB ADVISOR  
THE GAVEL  
THIS JUST IN!  
TITLE ELEVEN NEWS

The first job of the Outreach Team is to select the winner, who will receive special recognition in our next edition.

## WHAT'S IN A NAME?

Because things  
are the way they  
are, things will  
not stay the way  
they are.  
Bertolt Brecht



## CHIEF JUDGE JENNEMANN'S OPEN DOOR HOURS

By: Chief Judge Karen S. Jennemann

As reported in our first issue of our *FLMB Newsletter*—as part of our Court's goal to improve communication across the district, I plan to visit our three larger divisions every quarter. I invite anyone who has an idea, suggestion, or question to visit me directly during my visits. I extend this invitation to every staff person at the Court and to every member of our external "family", whether they be attorneys, trustees, accountants, or anyone else who frequents our Court.

All communications are confidential, unless I ask and you agree otherwise. No appointments are needed, but I certainly recognize the value of your time and will be glad to reserve time upon request.

Listed here are the upcoming Open Door Hours. If these times are not convenient, just call (407.648.6832) or e-mail me

(karen\_jennemann@flmb.uscourts.gov).

### ORLANDO DIVISION

APRIL 16, 2012  
JULY 23, 2012  
OCTOBER 29, 2012  
2:00—4:00 PM

FIFTH FLOOR CONFERENCE  
ROOM ACROSS FROM COURTROOM A

### TAMPA DIVISION

APRIL 24, 2012  
JULY 17, 2012  
OCTOBER 24, 2012  
2:00—4:00 PM

EIGHTH FLOOR ATTORNEY  
CONFERENCE ROOM—COURTROOM 8A

### JACKSONVILLE DIVISION

JULY 9, 2012  
OCTOBER 1, 2012  
2:00-4:00 PM

FOURTH FLOOR  
CONFERENCE ROOM

## **JBBA SPONSORS MOOT COURT TEAM FROM FLORIDA COASTAL LAW SCHOOL**

**By: Chapter 13 Standing Trustee Doug Neway**



The Jacksonville Bankruptcy Bar Association sponsored the Moot Court Team from Florida Coastal Law School to compete in the 20<sup>th</sup> Annual Duberstein Moot Court Competition at St. John's Law School in New York City. Prior to departing for the

competition, members of the JBBA volunteered to attend a number of the team's practices and coach them through the bankruptcy problem and act as judges in their mock presentations. It was the first time the school competed at this

competition and we are proud to report that they made the finals! The JBBA intends to continue to lend support to Florida Coastal Law School for its future moot court teams to attend this annual competition.

For time and the world do not stand still. Change is the law of life. And those who look only to the past or present are certain to miss the future.

John F.  
Kennedy



## **DEAR POINT AND CLICK**

**By: District Wide Training Team**

**Q:** The Florida Middle Bankruptcy Court seems to constantly evolve with changes to local rules, forms, court practices and even technological advancements. Any suggestions on how to keep up-to-date?

**A:** The Florida Middle Bankruptcy Court uses multiple outlets to engage the bar, public, US trustees and chapter trustees as to technological changes—new and improved as well as evolving bankruptcy practices.

One new tool is the use of a Twitter  account which allows the Court to broadcast or “tweet” announcements and news. For more information, please visit the Courts website at:

<http://www.flmb.uscourts.gov/twitter>

Sign up on Twitter to have announcements sent directly to a mobile device. Detailed information is available on:

[www.twitter.com](http://www.twitter.com)

The Court has a quarterly newsletter available (to be aptly named soon!) on the Court's website:

[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

under the “News and Announcements” section. Archived editions are also available. Find out the latest and greatest happenings

around our Middle District. The most “up-to-date” summaries of the latest mail blasts can also be found here—to include the ECF On-line Training Course and the list of Permissive Use of Negative Notice Chart.

Be on the lookout for red notations or asterisks on our site reflecting “new” information posted within one month's time from the date added.

The link titled “Information” on the Court's website contains links to the Florida Bar as well as local bar associations throughout the Middle District. Bar associations sponsor luncheons, some with speakers and some with seminars that qualify for Florida Bar continuing education credit and speak to the newest procedures within the Court.

In addition, e-mail blasts have been and still are a widely used method to disseminate information with regard to new events, procedures, local rule changes and even changes in location of links on the Court website. The primary and secondary email addresses in a filing users account are the email addresses that are used for email blasts. To be sure you do not miss out, please make sure your email addresses are always correct and again, up-to-date!

### FLORIDA BAR FEDERAL COURT PRACTICE COMMITTEE



Judge Caryl Delano recently was appointed to the Florida Bar Federal Court Practice Committee. She joins the prestigious group of judges and attorneys from our district on the Committee, including:

- Judge Paul M. Glenn
- Judge Gregory A. Presnell
- Judge Mary S. Scriven
- Magistrate Judge Anthony Porcelli
- Jackson Adams
- John Badalamenti
- Patricia Barksdale
- Lee Ann Bennett \*
- Ellen Collins
- James Craig
- Kimberly Gustafson

- Sheryl Loesch \*
- Stephanie Marchman
- Carol Mirando
- Marilyn G. Moran
- Sheila Norman

\*Public Member

The Committee serves as the Bar's liaison to the federal courts, federal bar organizations in Florida, the Eleventh Circuit Judicial Conference, and others interested in federal practice. Additionally, the Committee sponsors the Federal Round Table at the Annual Meeting of the Florida Bar.

### CHAMBERS AUTOMATION PROGRAM (CHAP)

Effective March 2012, all divisions of the Middle District of Florida are using the Chambers Automation Program (CHAP). CHAP is software that serves to streamline both scheduling for the Clerk's Office and calendar review for the Judges. Originally designed by the District of Utah and supported nationally, the Middle District of Florida

assists in updating, testing and modifying CHAP. It has been a productive and educational experience for everyone involved.

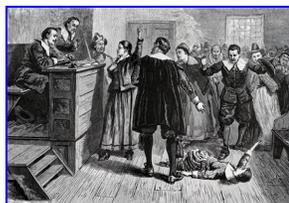
Many external users have begun to see CHAP's benefits as well. The Chapter 13 Trustee's Office in Orlando sets plan confirmation hearings using preset hearing dates. Also, all external users may view available future

hearing dates for their cases (and should select them, if available) when docketing a notice of hearing in CM/ECF. The Clerk's Office currently is researching other areas where external users may become a part of the scheduling process. We will keep you informed of our progress and request your input in the near future.



"I designed a program that allows me to run the entire plant from my computer. By the way, how's the weather back there?"

### FLORIDA LAW SCHOOLS DOMINATE 20TH ANNUAL DUBERSTEIN MOOT COURT COMPETITION



On May 10-12, 2012, our own Judge Michael G. Williamson was a judge at the 20th Annual Duberstein Moot Court Competition. We know that had no effect on who won:

**First Place:** University of Texas School of Law (Team 1)

**Second Place:** Stetson University College of Law (Team 1)

**Third Place Tie:** Stetson University College of Law (Team 2) and University of Florida Fredric G. Levin College of Law

Congratulations to Stetson and to the University of Florida teams!

### **GOT A MINUTE?**



Our last Newsletter contained some tips on time management from the Mayo Clinic website ([www.mayoclinic.com/health/time-management](http://www.mayoclinic.com/health/time-management)). Some additional strategies they suggest are listed below. Try one for two to four weeks and see if it helps you. If it does, consider adding another one. If not, try a different one.

**Delegate.** Take a look at your to-do list and consider what you can pass on to someone else.

**Take the time you need to do a quality job.** Doing work right the first time may take more time up-

front, but errors usually result in time spent making corrections, which takes more time overall.

**Break large, time-consuming tasks into smaller tasks.** Work on them a few minutes at a time until you get them all done.

**Practice the 10-minute rule.** Work on a dreaded task for 10 minutes each day. Once you get started, you may find you can finish it.

**Evaluate how you're spending your time.** Keep a diary of everything you do for three days to

determine how you're spending your time. Look for time that can be used more wisely. For example, could you take a bus or train to work and use the commute to catch up on reading? If so, you could free up some time to exercise or spend with family or friends.

**Limit distractions.** Block out time on your calendar for big projects. During that time, close your door and turn off your phone, pager and e-mail.

Any change, even a change for the better, is always accompanied by drawbacks and discomforts.  
Arnold Bennett

### **WELLNESS CORNER**

#### **10 APPS THAT COULD SAVE YOUR LIFE**

**(From: Parade Magazine January 22, 2012)**



1. **Noom Weight Loss Coach**—Record your calorie intake, track your exercise, even share your progress on Facebook. And for \$10 a month, a virtual personal trainer will provide daily activity tips.
2. **iBreastcheck**—This app uses slide shows and videos to demonstrate how to perform breast self-exams, lets you set up regular reminders, and helps you assess your risk.
3. **Pocket First Aid & CPR**—This text and video app walks you through what to do when someone's bleeding, bruised, bitten, burned, or no longer breathing.
4. **MelApp**—Snap a photo of a mole using MelApp and get a near-instant evaluation of potential melanoma risk. While no substitute for a

diagnosis, it can help you decide whether you should see a doctor.

5. **Restaurant Nutrition**—What's the healthiest option on the menu? This app dishes on the calories, fat, sodium, carbohydrates, fiber, sugar, and protein for offerings from virtually every fast-food chain.
6. **Brain Trainer** — Neuroscientists designed these games to enhance cognitive performance, increase your attention span, sharpen your memory, and boost your mood.
7. **iTriage**—With iTriage, you'll find possible causes, treatments, and nearby medical help for a number of symptoms. The app also stores health records.

8. **Livestrong MyQuit Coach**—MyQuit Coach will create a personalized plan to help you stop smoking, assist in tracking your progress, and hook you up with other would-be quitters for additional support.
9. **5Star Urgent Response**—In an emergency, one tap on 5Star connects you to a live operator who will zero in on your location, suss out the situation, and call for 911 assistance as needed. Truly a lifesaver.
10. **Endomondo Sports Tracker**—Record your time and distance and measure calorie burn for dozens of activities, from running to biking to kayaking.



Intelligence is the ability to adapt to change.  
Stephen Hawking

## ALL TECH—ALL THE TIME

By: **Bill Miguenes**

### Quick Tip – Internet Explorer shortcuts

Internet Explorer and other major browsers support the use of keyboard shortcuts to help the user quickly open new links on web pages. Try this quick shortcut to help you rapidly open new web pages. To open a new Internet Explorer Windows press and hold the SHIFT key and click on any web link. If you press and hold the CTRL key this tells Internet Explorer to open the link in a new TAB instead of a new window.

### IT Security Tip April 2012 - Staying Safe on Social Networking Sites

Social networking sites, such as Facebook and Twitter, build upon the concept of traditional social networks where you are connected to new people through people you already know. The purpose of some networking sites may be purely social, allowing users to establish friendships, while others may focus on establishing business connections.

### How can you protect yourself on social networking sites?

- **Limit the amount of personal information you post** - Do not post information that would make you vulnerable, such as your address or information about your schedule or routine. If your connections post information about you, make sure the combined information is not more than you would be comfortable with strangers knowing. Also be considerate when posting information, including photos, about your connections.
- **Remember that the internet is a public resource** - Only post information you are comfortable with anyone seeing. This includes information and photos in your profile and in blogs and other forums. Also, once you post information online, you can't retract it. Even if you remove the information from a site, saved or cached versions may still exist on other people's machines.

- **Be wary of strangers** - The internet makes it easy for people to misrepresent their identities and motives. Consider limiting the people who are allowed to contact you on these sites. If you interact with people you do not know, be cautious about the amount of information you reveal or agreeing to meet them in person.

- **Evaluate your settings** - Take advantage of a site's privacy settings. The default settings for some sites may allow anyone to see your profile, but you can customize your settings to restrict access to only certain people. There is still a risk that private information could be exposed despite these restrictions, so don't post anything that you wouldn't want the public to see. Sites may change their options periodically, so review your security and privacy settings regularly to make sure that your choices are still appropriate.

- **Be wary of third-party applications** - Third-party applications may provide entertainment or functionality, but use caution when deciding which applications to enable. Avoid applications that seem suspicious, and modify your settings to limit the amount of information the applications can access.

- **Use strong passwords** - Protect your account with passwords that cannot easily be guessed. If your password is compromised, someone else may be able to access your account and pretend to be you.

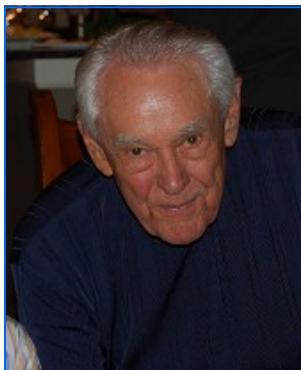
- **Keep software, particularly your web browser, up to date** - Install software updates so that attackers cannot take advantage of known problems or vulnerabilities. Many operating systems offer automatic updates. If this option is available, you should enable it.

- **Use and maintain anti-virus software** - Anti-virus software helps protect your computer against known viruses, so you may be able to detect and remove the virus before it can do any damage. Because attackers are continually writing new viruses, it is important to keep your definitions up to date.



**JUDGE ALEXANDER L. PASKAY**

Any change, even a change for the better, is always accompanied by drawbacks and discomforts.



Our beloved Judge Paskay is recovering from pneumonia. He welcomes cards from his admirers and old friends to speed him along to better health. You may send your well wishes to him:  
 Hon. Alexander L. Paskay  
 c/o Chuck Kilcoyne  
 United States Bankruptcy Court  
 Sam M. Gibbons U.S. Courthouse  
 801 N. Florida Avenue  
 Tampa, FL 33602-3826

**FILING PROOFS OF CLAIM**

When filing Proofs of Claim by the debtor on behalf of a creditor, please select Debtor in the "Filed By" box. Claims filed by the debtor on behalf of a creditor are incorrectly being docketed as filed by Creditor. The Clerk's Office is directed to

prepare a Notice when a claim is filed by the Debtor or Trustee on behalf of a creditor. Making the appropriate selection alerts the Clerk's Office to issue the needed notice.

It is change, continuing change, inevitable change, that is the dominant factor in society today. No sensible decision can be made any longer without taking into account not only the world as it is, but the world as it will be. Isaac Asimov

**TRUSTEE PRO BONO REPRESENTATION PROJECT**

**By: Jules Cohen**

There are some Chapter 7 cases where the trustees have a ground to file an objection to discharge but are unable to do so because there are no assets in the case to pay an attorney to represent the trustee.

Creditor lawyers have a difficult time doing pro bono work for debtors because of their conflicts from their representation of creditors.

On Judge Jennemann's suggestion and with the cooperation of the Central Florida Bankruptcy Law Association and the Bankruptcy Committee of the Orange County Bar Association, 26 creditor lawyers have volunteered their services to bankruptcy trustees in the Orlando Division to file such objections to discharge in no asset cases.

These lawyers' names have been sent to all the Chapter 7 trustees in the Orlando Division.

Trustees who need such a lawyer and additional creditor lawyers who want to be on the panel may contact Jules Cohen, [jules.cohen@akerman.com](mailto:jules.cohen@akerman.com), 407-419-8512.



### Bench to Bench Initiative

By: Judge Catherine Peek McEwen

The Public Outreach Committee of the National Conference of Bankruptcy Judges has an initiative for outreach to our state court brethren, and our Tampa Division judges have been very active in the initiative. Sometimes known as a Bench-Bench or Bench to Bench program, the end product is a series of papers and publications and live lectures that seek to demystify the intersection of bankruptcy and state court proceedings.

Since jumping on the initiative, the Tampa Division judges have presented Bench-Bench programs to state circuit and county judges in Pinellas, Pasco, Hillsborough (twice), Manatee, Sarasota and Desoto Counties. They have pending requests for repeats in Pinellas and Hillsborough Counties and are working on set-

ting up a program for state court judges in Polk and Hardee Counties.

The materials produced by the Tampa Division judges for these programs are posted at the NCBJ's website for other bankruptcy courts to replicate and use in their own programs. In fact, most of the state court outreach materials posted on the NCBJ's site come from FLMB. The materials include a newspaper-like flyer in which bankruptcy judges can insert their own contact information and then send to state court judges to provide them a personal contact. To view the FLMB's materials, go here: [http://www.ncbj.org/PublicOutreach/Outreach\\_State\\_Court\\_Judges.aspx](http://www.ncbj.org/PublicOutreach/Outreach_State_Court_Judges.aspx).



### **SETTLEMENT BY THE DEPARTMENT OF JUSTICE AND STATES ATTORNEY GENERALS AS TO MORTGAGE MODIFICATION**

By: Robert Branson, Chairperson

Orange County Bar Association Bankruptcy Committee

We are excited to report that we have received our first mortgage modification as a result of the recent settlement by the Department of Justice and States Attorney Generals with the three largest mortgage companies, Bank of America, Chase, and Wells Fargo. The modification included a principal forgiveness of \$185,000.00! We are hopeful that this is the first of many more.

Additionally, on March 9, 2012, the Obama Administration announced that the Making Homes Affordable program has officially been extended to December 31, 2013, and starting June 1, 2012, the HAMP program has been expanded to two tiers to help struggling homeowners obtain relief and avoid foreclosure. HAMP Tier I targets borrowers when their current mortgage payment is higher than 31% of their gross income and only applies to primary residences. Tier II is for borrowers that fail Tier I. Tier II payments can be calculated as low as 25% of gross income. Tier II also expands eligibility to mortgages secured to rental properties.

Change is inevitable.  
Change for the better is a full-time job.  
Adlai E. Stevenson



### **Father C. Timothy Corcoran, III**

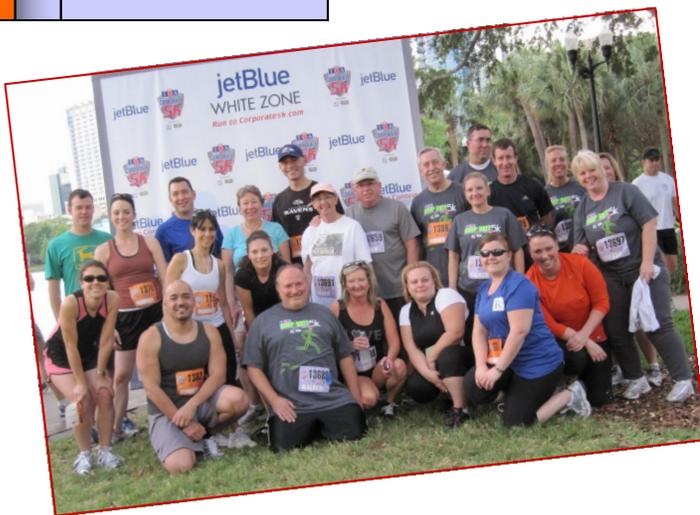
Tim Corcoran, retired bankruptcy judge for FLMB, will be ordained a Catholic priest on May 19, 2012, at 11:00 a.m. at St. Jude's Cathedral in St. Petersburg. All are welcome to attend. His first assignment will be at Our Lady of Lourdes Catholic Church in Dunedin.

**A GOOD IDEA TRAVELS FROM JACKSONVILLE TO ORLANDO**

**CFBLA Starts Introducing Court Staff at Monthly Luncheons**

This past February, the JBBA hosted the annual Clerk's Appreciation Luncheon, and in keeping with Chief Judge Jennemann's challenge to increase and improve collegiality and communication with fellow attorneys, other divisions, and the Clerk's Office, they began a new initiative where an attorney introduced a member of the Court staff and told a little about them. CFBLA has decided to also implement this good idea, and at their March luncheon, Brad Saxton introduced both Cindy Courtney and Dan Munoz from Chief Judge Jennemann's staff, sharing a little information about each of them. They intend to continue this tradition at every future luncheon until everyone is introduced.

**Members of the Orlando bankruptcy bar and several of our Bankruptcy Court staff took part in the Orlando CORPORATE RUN on April 12th. Our CFBLA provided a tent and lots of drinks and refreshments to enjoy after the race!**



Failure is not fatal,  
but failure to change  
might be.  
John Wooden

Change alone is eternal,  
perpetual, immortal.  
Arthur Schopenhauer.



## **HOW TO MAKE A CASE MANAGER SMILE**

1. **Amending a Paper or Motion.** Indicate the reason for the change on the front page. Case managers otherwise have to compare the amended version to the original version.
2. **Withdrawals of Representation.** Local Rule 2091-1 requires 14 days notice to the party or client affected by the withdrawal. Case managers cannot shorten the time so make sure motions to withdraw are filed at least 14 days in advance of a hearing.
3. **Continuances.** Let us know why you need a continuance. Local Rule 5071-1(b) requires you to include this information:

All motions for continuance should set forth the date and time of the hearing to be continued, the amount of time requested to elapse before the matter is to be rescheduled and the reasons therefor, the reasons for the continuance, a statement that the movant has conferred with counsel for opposing parties concerning the requested continuance, and the position of other parties concerning the motion for continuance.



To improve is to change; to be perfect is to change often.

## **DISTRICT-WIDE STEERING COMMITTEE UPDATE**

The District Wide Steering Committee has held three meetings since its inception. Chief Judge Jennemann and Lee Ann Bennett, Clerk of the Court, attended the inaugural meeting where Judge Jennemann explained the Committee's mission—to plan the Bench Bar Conference on November 7, 2012 and to prioritize substantive issues that will help us reach our goal of district-wide uniformity.

The Committee already has identified one issue of concern—inadequate counsel representing debtors, particularly in Chapter 11 cases. Not only does inadequate counsel impact debtors who are often prejudiced, but creditors, counsel and the U.S. Trustee as well. The Committee requested that the judges discuss uniform measures across the District to address this issue without penalizing debtors in the process. At the Committee's request, this issue will be an agenda item at the next in person Judges' Meeting. In addition, the Steering Committee is looking at other issues to prioritize for uniformity purposes including motions for relief from stay, motions to strip liens, mortgage modification mediations, Chapter 13 procedures, and Chapter 11 officers' salaries.

Should you have ideas that you would like to share with the Committee, please contact one of its members: Robert Edward Tardif, Jr., Elena P. Ketchum, Jerrett M. McConnell, Robert B. Branson, Denise Dell-Powell, Charles R. Sterbach, Douglas W. Neway, or Bethann Scharrer.

The Steering Committee will meet at noon on the second Thursday of each month with the exception of November. The Bench Bar Conference is scheduled for Wednesday, November 7, before View from the Bench in Tampa. The meeting dates for 2012 are:

May 10  
June 14  
July 12  
August 9  
September 13  
October 11  
Bench Bar Conference is on November 7  
December 13



There is nothing so stable as change.  
Bob Dylan

**REVISED NEGATIVE NOTICE LIST****Effective April 16, 2012**

The Court has revised the Permissive Use of Negative Notice List (see below) to more clearly describe those motions and papers which may be filed using negative notice as permitted by Local Rule 2002-4. In order to assist practitioners, the Negative Notice List is now categorized by bankruptcy chapter (7, 11, 12 and 13). Motions and papers that are not described on the Negative Notice List will be set for hearing or, if appropriate, granted or denied without a hearing.

**Chapter 7**

Application for Payment of Administrative Expenses (Interim)
Motion for Relief from Stay
Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) <b>(14-day notice)</b>
Motion/Notice of Intent to Abandon Property filed by Trustee
Motion to Compel Abandonment
Motion to Approve Compromise or Settlement
Motion to Avoid Lien on Exempt Property
Motion to Assume Lease/Executory Contract
Motion to Determine Property is of Consequential Value to Estate filed by Trustee (362(h)(2))
Motion to Determine Secured Status /Value Property <b>(30-day notice required)</b>
Motion to Dismiss for Failure to Attend 341 Meeting filed by Trustee
Motion to Redeem
Motion/Notice to Sell or Lease Property (does not apply to sales free and clear of interests)
Motion for Turnover of Property by Trustee <b>(30-day notice required)</b>
Objection to Claim <b>(30-day notice required)</b>
Objection to Exemptions (On objections relating <b>solely</b> to the value of personal property claimed exempt, the Court will enter an order sustaining the objection without a hearing, except in Jacksonville. Other objections, and all objections in Jacksonville, may be filed on negative notice.)

**Chapter 11**

Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) <b>(14-day notice)</b>
Motion to Avoid Lien on Exempt Property
Motion to Approve Compromise or Settlement
Motion to Administratively Close Individual Chapter 11 Case
Objection to Claim <b>(30-day notice required)</b>

**Continued on Next Page**

**REVISED NEGATIVE NOTICE LIST**  
**Effective April 16, 2012 (Continued)**

**Chapter 12 and Chapter 13**

Motion for Relief from Co-Debtor Stay (if plan surrenders property or payments are made outside plan) **(14-day notice)**

Motion for Relief from Stay as to the Debtor, but if the plan surrenders collateral or payments are made outside the Plan, neither a hearing nor negative notice is required if the motion is accompanied by an affidavit to that effect (This does not apply in Jacksonville)

Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) **(14-day notice)**

Motion to Avoid Lien on Exempt Property

Motion to Approve Compromise or Settlement

Motion to Approve Chapter 7 Trustee's or Trustee's Attorney's Application for Quantum Meruit Compensation

Motion to Assume Lease/Executory Contract

Motion to Determine Secured Status /Value Property **(30-day notice required)**

Motion to Determine Secured Status/Strip Lien on Real Property **(30-day notice required)**

Motion to Dismiss for Failure to Attend 341 Meeting filed by Trustee

Motion to Modify Confirmed Plan (Except in Tampa and Ft. Myers)

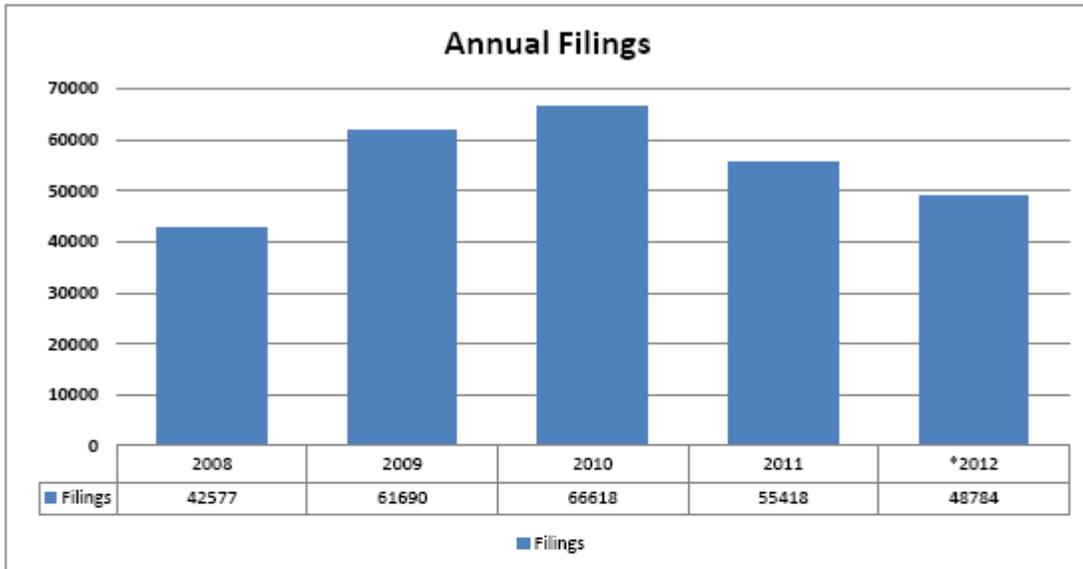
Motion to Modify Mortgage

Motion to Sell or Lease Property

Objection to Claim **(30-day notice required)**

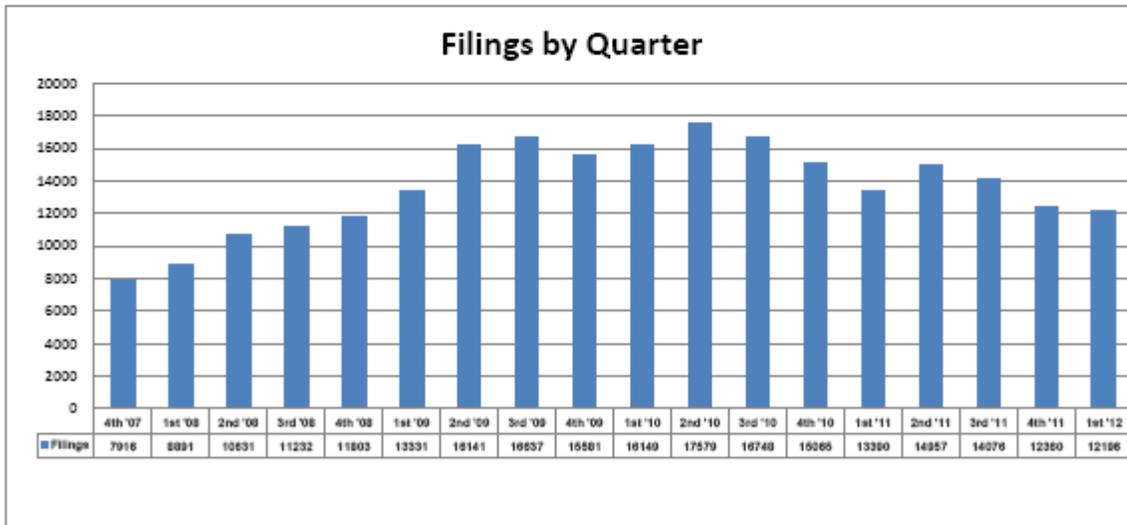
**QUARTERLY STATISTICS AS OF MARCH 31, 2012, FOR THE  
UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**

United States Bankruptcy Court - Middle District of Florida  
Updated March 9, 2012 Meeting Data and Information  
Statistics as of March 31, 2012

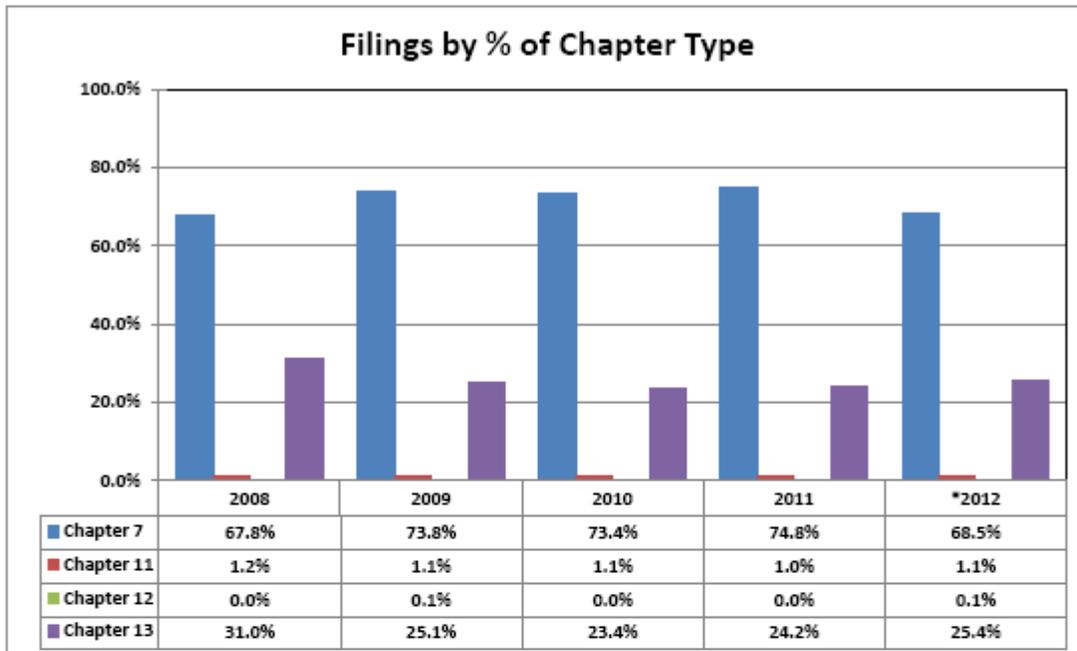


Year	Annual Filings	vs. 2008	vs. Prior Yr.
2008	42577		
2009	61690	45%	45%
2010	66618	58%	8%
2011	55418	30%	-17%
*2012	48784	15%	-12%

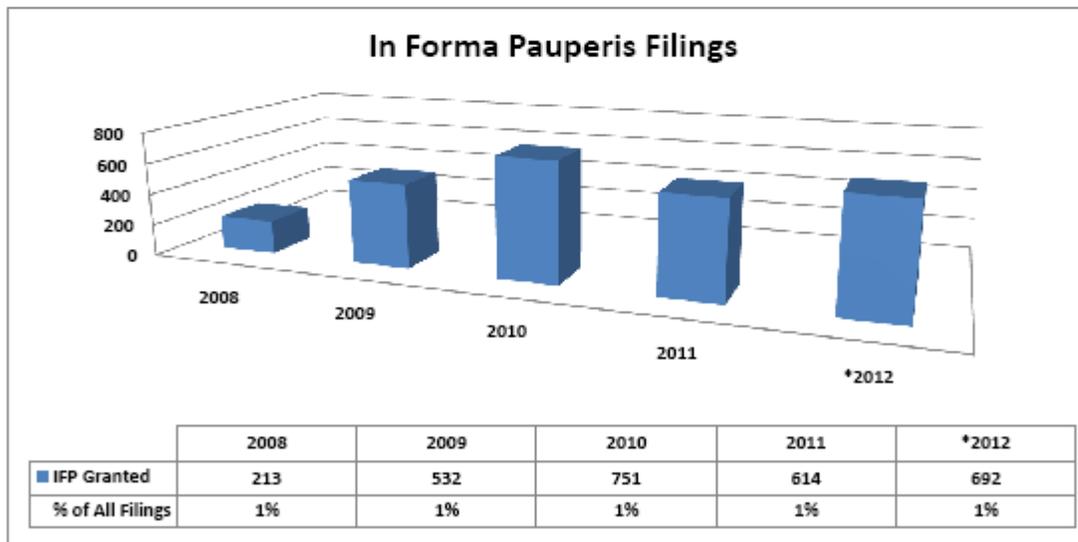
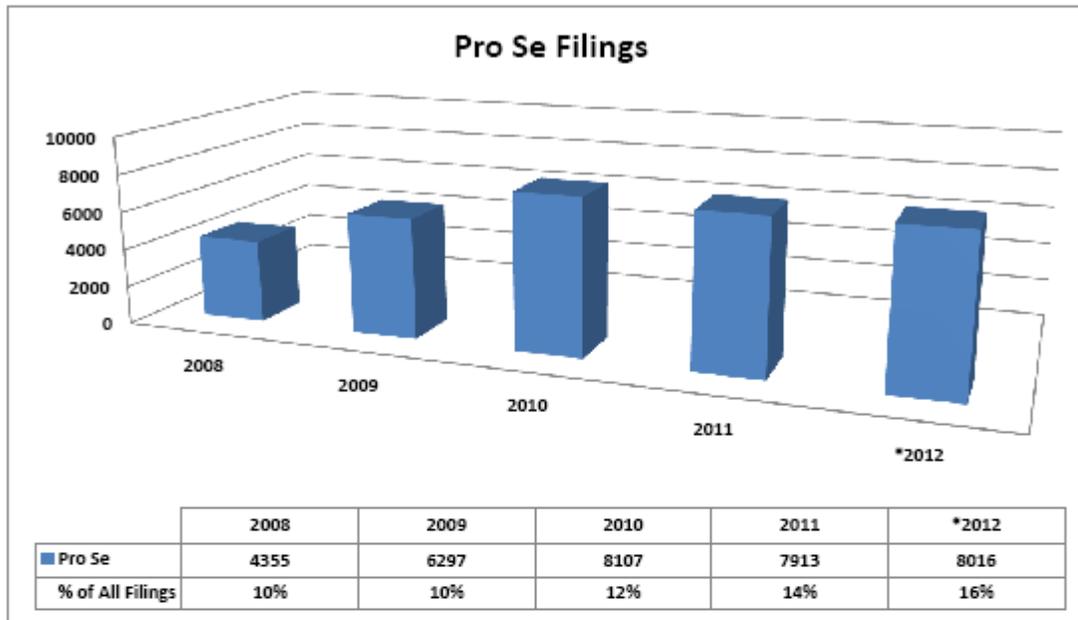
\* Projected Filings for 2012



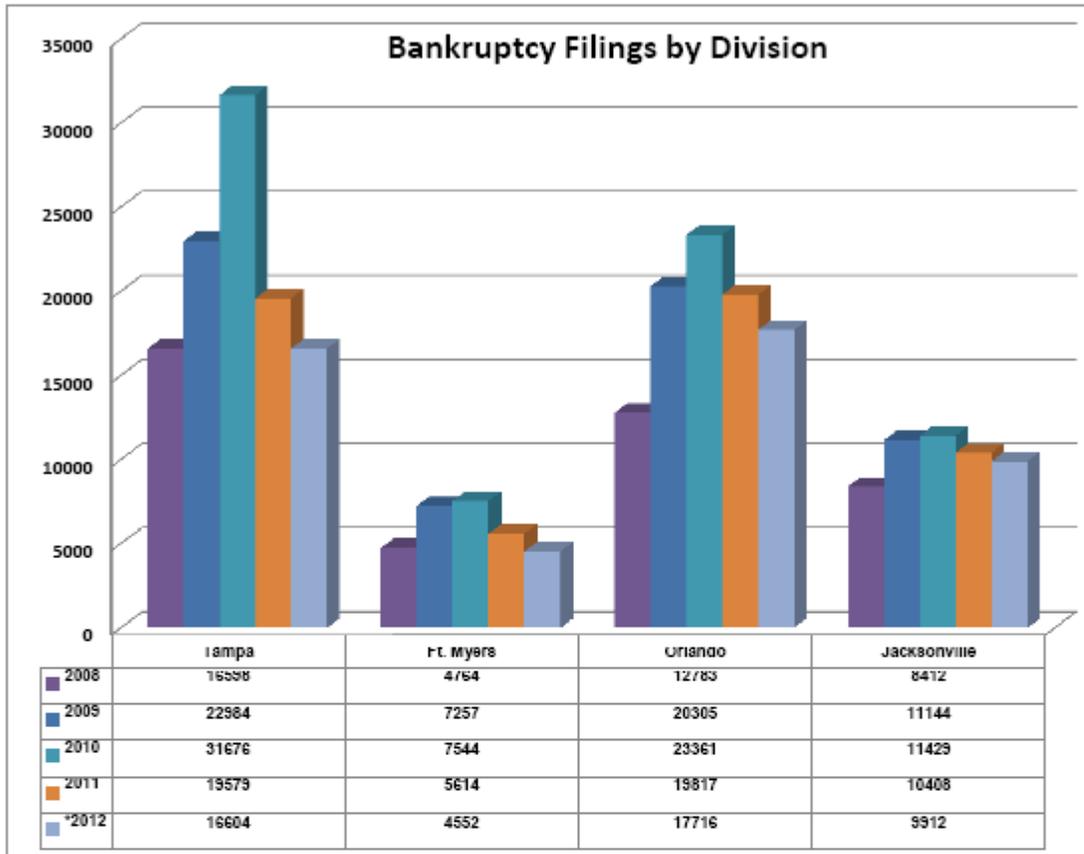
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**QUARTERLY STATISTICS AS OF MARCH 31, 2012, FOR THE  
UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**



## \* \* \*HAPPENINGS AROUND THE MIDDLE DISTRICT\* \* \*

**FT. MYERS**

May 10 @ noon	SWFPBA Monthly Luncheon
June 7 @ noon	SWFPBA Monthly Luncheon

**JACKSONVILLE**

May 9 @ noon	JBBA Luncheon – River Club (Speaker: Charles McBurney)
June 20 @ noon	JBBA Luncheon – River Club (Annual Meeting and Election of Officers) (tentative date)
July 9 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (4th Floor Conference Room)
October 1 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (4th Floor Conference Room)
October 12	JBBA Annual Seminar at World Golf Village

**ORLANDO**

April 19 @ noon	CFBLA Luncheon – Gray Robinson (Speaker: Brad Saxton—Case Law Update)
April 20 @ noon	OCBA – Bankruptcy Committee Presenting Bank Brown Bag Luncheon (Overview of Sections 523 and 727)
May 17 @ noon	CFBLA Luncheon
May 25 @ noon	OCBA – Bankruptcy Committee Luncheon
July 23 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (5th Floor Conference Room by Courtroom A)
October 29 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (5th Floor Conference Room by Courtroom A)

**TAMPA**

April 24 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (8th Floor Conference Room by Courtroom 8A)
May 1 @ 5:30pm	TBBBA Board Meeting @ SRBP
May 1 @ noon	Consumer Brown Bag Luncheon
May 4	TBBBA Golf Tournament at Mac Dill AFB
May 8 @ noon	TBBBA Luncheon
May 14 @ 5:30pm	Judicial Liaison Committee Meeting – Circles Restaurant (Chapter 7)
June 5 @ 6:00pm	TBBBA Annual Dinner—Cocktail Hour—Palma Ceia Country Club
June 5 @ 7:30pm	TBBBA Annual Dinner—Installation of Board—Palma Ceia Country Club
June 11 @ noon	Judges' Quarterly Brown Bag Mentoring Program for Lawyers New to Bankruptcy (Bankruptcy 101—a very basic presentation for those not already familiar with bankruptcy) (Courthouse-5th Floor training room)
July 17 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (8th Floor Conference Room by Courtroom 8A)
September 12 @ noon	Judges' Quarterly Brown Bag Mentoring Program for Lawyers New to Bankruptcy (Nuances of Various Stay Relief Weaponry: Sometimes You Don't Need an Elephant Gun) (Courthouse-5th Floor training room)
October 24 @ 2-4pm	Open Door Hours with Chief Judge Jennemann (8th Floor Conference Room by Courtroom 8A)
November 28 @ noon	Judges' Quarterly Brown Bag Mentoring Program for Lawyers New to Bankruptcy (Hodge Podge for \$400: No Jeopardy if you Follow Best Practices) (Courthouse-5th Floor training room)

CONTINUED ON NEXT PAGE

**\*\* \*HAPPENINGS AROUND THE MIDDLE DISTRICT\* \*\***

**OTHER  
IMPORTANT DATES**

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April 19-22	ABI Annual Spring Meeting – Gaylord Palms Resort, Kissimmee, FL
June 20 4:00pm	Statewide Bankruptcy Judicial Liaison Committee Meeting—Gaylord Palms Resort
June 20-23	Annual Florida Bar Convention – Gaylord Palms Resort
June 21 @ noon	Florida Bar Judicial Luncheon – Chief Justice Charles T. Canady to present State of the Judiciary message and well-recognized legal humorist, Fred Knipe, will join as special guest
July 25-28	ABI Annual Southeast Bankruptcy Workshop – Ritz-Carlton, Amelia Island, FL
October 24-27	NCBJ – Annual Meeting in San Diego, CA
October 25-26	Middle District of Florida’s 50th Anniversary Gala
November 7	Middle District Bench Bar Conference
November 8	View from the Bench – Tampa (Marriott Waterside)
November 9	View from the Bench – Miami (Venue to be announced)

## United States Bankruptcy Court

\* \* \*

Serving the Middle District of Florida

Jacksonville

Orlando

Tampa/Fort Myers

\* \* \*

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### **“Call for Submissions”**

We would be happy to receive articles for our next newsletter.  
Please e-mail any information you would like included in the next  
newsletter to Cindy Courtney at [cindy\\_courtney@flmb.uscourts.gov](mailto:cindy_courtney@flmb.uscourts.gov).

