

Court Connection

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

April 2014

The Court Connection

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.



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Working Together

By: Chief Judge Karen S. Jennemann

Collaboration: The act of working with others on a joint project

Synonyms: Partnership; Teamwork; Alliance; Joint Effort

As Chief Judge of this wonderful District, I work to promote district-wide “collaboration.” I have found that if people with similar concerns and interests simply talk to one another, action follows. Our bankruptcy bar associations are great examples of collaboration and working towards a shared vision.

The Bankruptcy Court in the Middle District of Florida is fortunate to have five active bankruptcy bar associations working collaboratively and tirelessly with our Divisional Offices to improve the professionalism of the attorneys participating in their associations, to enhance the quality of services provided to their clients and the Court, and to generously give of their time to help unrepresented parties. The five associations are:

- The Tampa Bay Bankruptcy Bar Association
- The Southwest Florida Bankruptcy Professionals Association
- The Bankruptcy Committee of the Orange County Bar Association
- The Jacksonville Bankruptcy Bar Association
- The Central Florida Bankruptcy Law Association

Each of these groups plays a key role in our District’s judicial system. I want to use my column this month to recognize some of these efforts and to shine a spotlight on their leaders, many of whom will finish their term in June 2014.

Chief Judge Article (continued):

Here are just some of the many ways they improve our District:

“Alone we can do
so little; together
we can do so much”

-- Helen Keller

- They each provide numerous continuing legal education opportunities throughout the year, e.g., CFBLA’s Seminar on May 16 or TBBBA’s Luncheon on March 11;
- They help celebrate milestones reached by the Court, e.g., the investitures of new judges and the retirement and deaths of others, e.g., the plaque installed to honor Judge Alexander Paskay;
- They coordinate local pro bono activities, supplying thousands of hours of volunteer services, e.g., the Florida Supreme Court Awards given to CFBLA and to Stichter, Riedel, Blain & Prosser;
- They support local judicial liaison discussions allowing the Bankruptcy Judges to have an open and frank discussion with members of the Bar on important issues;
- They sponsor social events that promote civility and build collegiality...one drink at a time!, e.g., the annual golf outing in Tampa, the annual dinner in Ft. Myers;
- They mentor younger bankruptcy attorneys and foster their professional growth, e.g. the Bankruptcy Primers and Boot Camps for New Lawyers presented in Jacksonville;
- They create talent to serve on committees District-, State-, and Nation-wide, e.g., BLES, the Steering Committee, the Local Rules Advisory Committee, and many others; and
- They sponsor events every year to thank the staff at the local Clerk’s office for their hard work.

“Teamwork is the
ability to work
together toward a
common vision.

The ability to direct
individual
accomplishments
toward
organizational
objectives.

It is the fuel that
allows common
people to attain
uncommon results”.

-Andrew Carnegie

If you are a bankruptcy lawyer (or considering becoming one) and are not involved in one of these groups, I encourage you to join. The work of the associations is meaningful and rewarding. The Court truly works in partnership with these groups, and all of the Bankruptcy Judges appreciate their dedication to improving our bankruptcy system and their local courts. Thank you.



Bar Association Leaders

K. Hunter Goff, Chairman, Orange County Bar Association—Bankruptcy Committee



Mr. Goff received his J.D. from the Florida State University College of Law in 1999 and his undergraduate degrees in Philosophy and Political Science from Mercer University in 1996. He was admitted to the Florida Bar in 2000. He is currently Chair of the Orange County Bar Association Bankruptcy Committee.

After working in Tampa for a large consumer bankruptcy firm, Mr. Goff opened his own firm in 2003. He currently has offices in Orlando and Clermont, FL. He dedicates his practice to helping consumers solve their debt problems.

Hunter is married to Kathleen who also serves as his office manager. They have children, a son and daughter.

Jason Burgess, President, Jacksonville Bankruptcy Bar Association



Jason is a bankruptcy attorney that concentrates his practice on Chapter 11 bankruptcy cases and complex bankruptcy litigation. While in law school and for a time after graduation Jason practiced in the creditor's rights area for many of the large financial institutions. Later Jason decided to use his knowledge of the creditor's side for the Debtor's advantage. Now he concentrates his practice on helping businesses and individuals reorganize.

Jason is married and has a 2 year old son. He is a **RABID** Alabama Crimson Tide fan and regularly goes to Tuscaloosa to attend games and always flies to whatever BCS bowl game they appear in.

David Fineman, President, Southwest Florida Bankruptcy Professionals Association



David Fineman was born and raised in Southwest Florida. Prior to attending law school, he served as a law enforcement officer for the Punta Gorda Police Department for 10 years. He graduated from Barry University School of Law in 2007 and went on to practice in various areas of law. Around 2009, when the economic recession was in full swing, Mr. Fineman focused his practice around consumer protection and bankruptcy. Mr. Fineman has been president of the Southwest Florida Bankruptcy Professional Association since October 2013. Aside from practicing law, Mr. Fineman serves his community by participating in various community service projects hosted by his firm, the Dellutri Law Group.



Bar Association Leaders

Stephenie Anthony, President, Tampa Bay Bankruptcy Bar Association



Stephenie Anthony is originally from Clearwater, Florida. She graduated from Florida State University with degree in finance in 1994. She almost decided to become a CPA, but sat for the LSAT and instead ended up at Stetson Law School. She was a former law clerk to bankruptcy judge Alexander Paskay.

She met her husband John while they were employed at the same firm, Gray Robinson. They married in 2007 and left the firm to start their own law firm Anthony and Partners. She and John are parents to daughter Abigail—6 and son Nicholas—8 months.

Jill Ellen Kelso, President, Central Florida Bankruptcy Law Association



Jill is a Trial Attorney for the United States Trustee, Region 21, in Orlando, Florida. Jill graduated *cum laude* from the University of Florida Law School in Gainesville, Florida in May 2002. She then served as a Law Clerk to the Honorable Steven H. Friedman in the United States Bankruptcy Court for the Southern District of Florida. After completing her bankruptcy clerkship in 2003, Jill joined the Bankruptcy and Creditors' Rights Practice Group at a national law firm, where she represented a variety of clients in bankruptcy and related state court matters. In 2009, Jill began working in her current position as a Trial Attorney with the Office of the United States Trustee. In addition to her role as CFBLA President, she serves on the Steering Committee for the Middle District of Florida Bankruptcy Court and on the Board of Directors of the Bankruptcy Law Educational Series Foundation, Inc.



Jill's husband, Jason is a paramedic/firefighter for the City of Lake Mary. They have two young children, one of whom led "The Pledge of Allegiance" at the Re-Dedication of the George C. Young Federal Building and Courthouse—one of Jill's proudest moments!



Florida Bankruptcy Courts Mortgage Modification Summit

By: Laurie K. Weatherford, Liz McCausland and Robert & Tammy Branson

The first Florida Statewide Mortgage Modification Summit was held on February 27, 2014, in Orlando, Florida. The Summit was designed to promote uniform mediation programs across the state. Florida is the first state in the nation to have mandatory mediation programs for mortgage modifications available in all of its bankruptcy courts. The summit was moderated by Liz McCausland, Esquire, of Orlando.

The event was a huge success with over 145 in attendance. Attendees included nine bankruptcy judges and all three Chief Judges of the three districts: Chief Judge Karen S. Jennemann of the Middle District of Florida, Chief Judge Karen Species of the Northern District and Chief Judge Paul Hyman of the Southern District. Also attending were seven of the eight Chapter 13 Trustees in Florida, an Indiana Chapter 13 trustee, all three of the district's Clerks of Court, lender representatives from Wells Fargo, Chase, Bank of America, Nationstar, Ocwen, Citimortgage and Central Mortgage to name a few, debtor attorneys from Florida, Tennessee and Indiana, creditor attorneys from Florida, Iowa, South Carolina and Dallas, as well as mediators and staff.

Prior to the Summit, Chapter 13 Trustee, Laurie K Weatherford of the Middle District, Orlando Division set up a website, www.mortgagemodsummit.com to allow parties to post questions or concerns about the programs. Additionally, working groups were formed to post "white papers" for perspectives and recommendations of all parties that are involved in the process.

The "white papers" were written by Doug Neway, Chapter 13 Trustee of the Middle District, Jacksonville Division representing the Trustee perspective. Kevin Hing and Kevin Comer of Tampa wrote the white paper representing the Creditor perspective. Robert and Tammy Branson of Orlando Florida, Mitch Nowack of West Palm Beach/Ft. Lauderdale and Rob McDaniels of Pensacola wrote the white paper

RMMM Summit Article (continued):

representing the Debtor Attorney perspective. Todd Budgen of Orlando drafted the white paper for the mediator focus group.

At the Summit there were panels representing each district around the state with lively discussions and questions from the audience on how the programs are handled now and what can be done to be more uniform across the State. Lenders, debtor and creditor attorneys, mediators and chapter 13 trustees expressed ideas that they believed would make the process smoother and encouraged uniformity so that all parties could comply with mediation orders and successfully modify mortgages for debtors that qualify for modification of their mortgages.

A few of the discussions were “When should a motion for referral be filed? What information should be contained in the motion and order of referral to mediation?” “Should the use of a portal be required to effectively exchange information?” “What is a reasonable no-look fee?” “How much is adequate protection and should the payments be paid through the plan by the Chapter 13 Trustee?” “Why is the success so much higher in the bankruptcy court programs versus state foreclosure mortgage mediations in Florida?”

The Middle District and the Southern District keep statistics and shared that the success of debtors receiving a loan modification through mediation has averaged above 70% in both districts. The state program has a dismal success rate of less than 4%. The "good faith" element in bankruptcy was mentioned among many other factors.

At the end of the Summit it was agreed that the website will remain up and available for any interested party to post ideas or concerns either by name or anonymously. Please visit www.mortgagemodsummit.com to share your concerns and learn more.

The Judges met that night for dinner and discussed uniform procedures. The Judges continued their discussions and in this newsletter, are announcing the statewide agreement on mortgage modification mediation procedures effective June 30, 2014. Thanks to the Summit, we now have one set of rules, statewide.

We are seeing bankruptcy courts in Florida make a real difference in real time in saving homes and our communities. This is unique in dealing with a widespread social problem that needs prompt resolution. We hope other bankruptcy courts across the nation will take the initiative to address this compelling social issue as well.

Please feel free contact Laurie Weatherford, Chapter 13 Trustee at Lauriew@c13orl.com, Robert Branson at Robert@bransonlaw.com, Tammy Branson at Tammy@bransonlaw.com or Liz McCausland at Liz@lizlawfirm.com.



United States Bankruptcy Court
Northern District of Florida
110 East Park Avenue, Suite 100
Tallahassee, FL 32301



United States Bankruptcy Court
Southern District of Florida
51 S.W. 1st Avenue, Room 1510
Miami, FL 33130



United States Bankruptcy Court
Middle District of Florida
400 West Washington Street, Suite 6100
Orlando, Florida 32801

Memorandum

DATE: April 23, 2014

FROM: Bankruptcy Judges of the United States Bankruptcy Courts for the Northern, Southern, and Middle Districts of Florida

TO: Participants in Mortgage Modification Mediations in Bankruptcy Cases Filed in Florida

SUBJECT: Uniform State-Wide Procedures

On February 27, 2014, a state-wide summit was held in Orlando to discuss uniform procedures to adopt in the respective mortgage modification mediation (MMM) programs operating in Florida's Northern, Middle, and Southern Districts of the United States Bankruptcy Court. After listening to the positions of the various constituencies, the Bankruptcy Judges in all three districts support the following general terms, which shall remain subject to each district's unique practice and procedures:

1. MMM is available in all cases and for any type of real property.
2. A motion for MMM shall be filed within 90 days of the filing or conversion of the case. If not timely filed, the Court will set a hearing on any request for MMM not filed within this 90-day period and will grant the request only if good cause is demonstrated for the delay.
3. The parties will conclude the MMM process within 150 days of the filing or conversion of the case, unless that time is enlarged upon motion filed before the 150 days expires and good cause is shown.
4. The party seeking MMM shall include the address of the relevant property and the last four digits of the mortgage loan number in the MMM motion.

Memorandum re: Uniform State-Wide Procedures

5. The three districts will work toward a uniform order directing MMM.
6. Parties shall have 14 days after entry of the order directing MMM to jointly select a mediator or to object to the mediator selection process or to mediation. If they can not agree on a mediator, the Debtor will select the mediator, and the lender may file an objection within 7 days. If a timely objection to a mediator is filed, the Clerk or Chapter 13 Trustee, depending on District, will select the mediator.
7. The MMM mediator's fees shall be split equally between the parties and paid directly to the mediator before the mediation shall commence, unless an earlier date is ordered. Courts may fix deadlines as appropriate for the payment of the mediator's fees.
8. Parties must use a secure portal (the "Portal") that meets each District's criteria for submission of documents to initiate the MMM process.
9. The Portal must permit access to more than one attorney for each lender.
10. Lenders and servicers ordered to participate in the MMM process shall post on the Portal those documents required by that lender or servicer for the mediation to proceed.
11. If the lender has already posted on the Portal the documents it requires for mediations to proceed, then *prior* to filing a motion seeking MMM, Debtors must upload the required documents.
12. No negative notice or hearing is required for a motion seeking MMM, but Courts may allow parties in interest a 14-day period to seek reconsideration for cause.
13. The parties may communicate outside the Portal orally, but all written communication shall occur through the Portal.
14. Parties may seek approval of a *temporary* MMM agreement without negative notice or hearing.
15. Parties may seek approval of a *permanent* MMM agreement using the respective court's notice procedure.
16. An order approving a permanent MMM agreement (i) shall be in a format that can be recorded in the public records of the county where the relevant property is located, and (ii) should be recorded by the Debtor within 90 days of the entry of the order, unless the parties agree otherwise.
17. In Chapter 12 and 13 cases, Debtors seeking MMM must provide adequate protection to the lenders by paying 31% of their gross disposable income (after deducting homeowner association fees) to the Chapter 12 or 13 Trustee. The Trustee shall hold the funds pending either further order of the Court or a joint stipulation of the parties.
18. In Chapter 12 and 13 cases, the Court may confirm a plan of reorganization subject to pending MMM.

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**2014 VOLUNTARY BAR ASSOCIATION
PRO BONO SERVICE AWARD RECIPIENT
The Central Florida Bankruptcy Law Association Orlando**



The Central Florida Bankruptcy Law Association is the recipient of the 2014 Voluntary Bar Association Pro Bono Award. The award recognizes a Florida voluntary bar that has demonstrated a significant contribution in the delivery of legal services to individuals or groups on a pro bono basis.

The Central Florida Bankruptcy Law Association is a nonprofit organization that supports the collegial and professional practice of bankruptcy law in the Orlando Division of the Middle District of Florida. This is done through continuing education and service to the bench, bar, and community. CFBLA serves all bankruptcy practitioners in Orange, Osceola, Seminole, Lake, and Brevard counties.

The Bankruptcy Pro Se Assistance Clinic is a project of the association. Opening in July 2012, the clinic is the result of a partnership with the Orange County Bar Association Bankruptcy Committee. The clinic is located at the George C. Young Federal Courthouse in Orlando and is staffed by experienced bankruptcy attorney volunteers who offer free, on-site information and guidance to debtors and creditors who are representing themselves in the U.S. Bankruptcy Court. Lawyers meet one-on-one to help pro se litigants understand the bankruptcy process. They assist in preparing court documents and offer limited case specific advice. The CFBLA's website (www.cfbla.org) also offers many forms and publications that may be needed in a bankruptcy case.

Since its opening, 93 attorney members of the CFBLA have volunteered their time to staff the clinic. They have consulted with nearly 400 pro se individuals and volunteered more than 500 hours. The Bankruptcy Pro Se Assistance Clinic receives an average of 30 requests for assistance each week. More than 2,100 requests have been received since July 2012. CFBLA solicits volunteer attorneys on its website. They are asked to counsel pro se debtors and creditors during the clinic's hours of operation. The minimum time commitment is one hour, but at least a two-hour commitment is encouraged. Each counseling session is 30 minutes. If a person needing help is unable to travel to the clinic to meet in person with an attorney, volunteer members of the CFBLA will offer assistance through email or telephone calls. Generally, the clinic is first come, first served, with priority given to those persons who have requested an appointment in advance or to those on a deadline.

Florida Bar News Article (continued):**2014 LAW FIRM COMMENDATION AWARD RECIPIENT
Stichter, Riedel, Blain & Prosser - Tampa, Florida**

Stichter, Riedel, Blain & Prosser, P.A., of Tampa, is the 2014 Law Firm Commendation recipient. The award honors significant contributions in the delivery of legal services to individuals or groups on a pro bono basis.

The 17-member firm focuses on bankruptcy, insolvency matters, and related civil litigation. The firm is beginning its 40th year of service and has received numerous professional accolades, including being named Top Mid-Sized Firm in Florida for Business and Transaction by *Super Lawyers* magazine for three consecutive years. It has also consistently been recognized as one of the Best Places to Work in

Tampa Bay by the *Tampa Bay Business Journal*.

The firm's commitment to pro bono is a longstanding tradition. The Bay Area Legal Services Volunteer Lawyers Program's earliest record of pro bono service by a Stichter Riedel attorney was in 1987 and pro bono involvement has increased steadily since then. Firm founder and co-managing shareholder Don Stichter is chair of the BALS Planned Giving Committee, established to create a program of continuous financial support for the organization.

In 2012, he was awarded the Judge Don Castor Justice Award by BALS for his long-term outstanding leadership and service to the community.

In 2013, Stichter Riedel's attorneys donated approximately 700 pro bono hours to a variety of pro bono projects, including the BAVLP's Case Referral Panel, Intake Clinic, and Mentor Panel. It also sponsors the Stichter, Riedel, Blain and Prosser Book Award for the Advanced Bankruptcy Course at the University of Florida College of Law. The firm handles numerous consumer matters on a pro bono basis for clients who cannot afford to pay. In 2012, Stichter Riedel was awarded the Outstanding Pro Bono Service by a Law Firm Award by the 13th Judicial Circuit's pro bono program, H.A.V.E. a Heart. The Pro Bono Committee for the 13th Judicial Circuit also recognized eight of Stichter Riedel's attorneys for their pro bono contributions in 2012. Five of the firm's lawyers were "Gold Letter Recipients" based on their contribution of more than 100 pro bono hours each: shareholders B. Michael Bachman, Jr., Russell Blain, Amy Harris, and Don Stichter, and associate Michael J. Hooi. In 2009, shareholder Scott Stichter received The Florida Bar President's Pro Bono Service Award for the 13th Judicial Circuit.

Pro Se Bankruptcy Clinic Has Begun*
Monday, March 24, 11:22 AM EDT
By: Kathy Para, JBA Pro Bono Committee Chair

*As printed in the [jaxdailyrecord.com](http://www.jaxdailyrecord.com) via the following link:

http://www.jaxdailyrecord.com/showstory.php?Story_id=542528&searchtext=pro se bankruptcy clinic



Jason Burgess



Ed Jackson

The Pro Se Bankruptcy Assistance Clinic launched March 12 at the Bryan Simpson U.S. Courthouse on North Hogan Street in Rooms 4303 and 4403.

Jason Burgess and Ed Jackson served as the first pro bono attorneys to provide free legal guidance through 20-minute consultations for individuals representing themselves in the U.S. Bankruptcy Court for the Middle District of Florida.

The bankruptcy pro se assistance clinic is a collaboration of the Jacksonville Bankruptcy Bar Association, Jacksonville Area Legal Aid, and Three Rivers Legal Services.

Gull Weaver, deputy-in-charge for the Middle District of Florida Jacksonville Division, has been instrumental in facilitating the start of the clinic.

Judges and court staff are enthusiastically providing information to the pro se litigants. Fliers are available in courtrooms and in the reception area describing the clinic for members of the public.

Pro se bankruptcy filers are encouraged to come to the clinic to meet one-to-one with a practicing bankruptcy attorney to ask questions and receive brief legal guidance. No appointment is needed.

The attendees sign statements verifying that they understand the attorney is not agreeing to begin representation, but rather is simply providing insight and information on the process and options available.

The pro bono attorney can help the pro se litigant understand the bankruptcy process and provide limited case-specific advice, but he or she cannot represent the litigant in court or file pleadings.

The pro se litigant also receives information on additional online resources that are available, upcoming Ask-A-Lawyer events and monthly "Is Bankruptcy Right for Me?" clinics held at Jacksonville Area Legal Aid.

Pro Se Clinic Has Begun (continued):

More bankruptcy attorneys are needed to assist with this valuable resource. Experienced bankruptcy attorneys who would like to participate in the program and provide much-needed guidance are encouraged to contact Kathy Para at kathy.para@jaxlegalaid.org.

The clinic will be 11:30 a.m.-1:30 p.m. on the second Wednesday of each month in Rooms 4303 and 4403 of the federal courthouse. The attorney should indicate the month(s) in which he or she is available to assist.

The stated mission of the Jacksonville Division of the U.S. Bankruptcy Court for the Middle District of Florida is this: "Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity and respect."

By providing legal guidance and resources to those who are representing themselves in this important process, pro bono attorneys are integral partners in fulfilling that commitment.

For information on this and other pro bono opportunities in the 4th Judicial Circuit and beyond, attorneys are encouraged to contact Para, chair of The JBA Pro Bono Committee, at kathy.para@jaxlegalaid.org.

“Individual
commitment to a
group effort—that is
what makes a team
work, a company
work, a society
work, a civilization
work.”

- Vince Lombardi

“The strength of
the team is each
individual member.

The strength of
each member is the
team”

- Phil Jackson

Reappointment of the Honorable Michael G. Williamson

By: Mary Maddox, Judicial Assistant to the Honorable Michael G. Williamson



In October 2013, Judge Williamson was informed by Chief Circuit Judge Ed Carnes that the U.S. Court of Appeals for the Eleventh Circuit had unanimously voted to reappoint him to another fourteen-year term as a Bankruptcy Judge for the Middle District of Florida. Judge Williamson's second oath of office was administered on January 24th by Circuit Judge Charles R. Wilson. Judge Williamson took the oath in his courtroom in the Sam M. Gibbons Courthouse, where he was joined by his wife, Linda, colleagues, members of the bar, chambers staff, the Clerk, case managers, and other members of our Court family. The reappointment was effective upon the expiration of Judge Williamson's original term on March 1, 2014.



Pictured L to R: Judge Williamson, Linda Williamson, and Circuit Judge Charles R. Wilson

Implementation of District Wide Noticing Procedure for Chapter 7 and Chapter 13 Trustees

By: Gull Weaver, Deputy-in-Charge (Jacksonville)

The Bankruptcy Court for the Middle District of Florida, the third largest bankruptcy filing district in the country, previously held the dubious distinction of being ranked number one among all bankruptcy courts in the nation with respect to noticing costs. For example, in 2012-2013, our Court, comprised of nine judges, served 8,054,458 notices, which totaled approximately 1.5 million more notices than the District of Central California, the nation's largest bankruptcy filing district with twenty nine judges and more than double the filings of our district.

The first big step our Court took toward its goal of bringing the District in line with the noticing costs of other districts was transferring the responsibility of serving orders from the Clerks Office to the attorneys in May, 2013. The Court realized significant cost savings because of the procedure change, with monthly noticing costs decreasing over 50%, from \$42,000 to approximately \$20,000.

In the Court's continuing effort to reduce its noticing costs, the Chapter 7 and Chapter 13 Trustees throughout the district, with limited exceptions, will soon begin scheduling and noticing court hearings on their motions and miscellaneous matters. This new procedure will allow the Trustees to schedule hearings in their own time block on the court calendar and contemporaneously notice the hearings to interested parties.

The new procedure is slated to begin first in the Jacksonville Division on April 23. The Trustees in Jacksonville already have been scheduling and noticing their miscellaneous hearings for over a decade. The Court believes this procedure will be beneficial to all interested parties. For example, one benefit the Jacksonville Division has experienced from allowing the Trustees to schedule and to notice their own hearings is that it allows more time for out of court resolution of matters to occur.

The new program will allow the Trustees to select a date that best suits their need from a list of preselected dates. Specifically, the Court's CHAP calendaring program will be used by the courtroom deputies to input blocks of preset hearing dates and times and make them available for Trustees to select their a preferred date from the list prior to preparing and docketing notices of hearing. This procedure allows the Trustee's more flexibility with respect to their caseload. Additionally, although the case managers will still be responsible for quality assurance, the system takes out the additional step of involving the managers in the noticing process.

Although the program will begin in the Jacksonville Division, within a relatively short time frame, Trustees throughout the other divisions in the District will start noticing hearings. The Court believes the implementation of this new noticing procedure will not only benefit the Court in this time of budgetary constraint but will also provide a preferred method for the Trustees to notice and schedule their hearings.

The projected start dates are:

- April 23, 2014 (Jacksonville Division)
- May 5, 2014 (Orlando Division)
- May 14, 2014 (Tampa and Fort Myers Divisions)

Implementation of District Wide Noticing (continued):

An Electronic Learning Module will be available in the near future.

Additionally, training will also be conducted for Trustees and their staff in the training rooms of each Division as follows:

- April 16, 2014, at 11:00 a.m. (Jacksonville)
- April 30, 2014, at 9:30 a.m. (Orlando)
- May 12, 2014 at 9:30 a.m. (Tampa)

Uniform Trustee Selection
By: Bill Miguenes, Systems Manager

The Court's divisional offices currently use different processes to manage the trustee assignment system for newly filed cases. The Jacksonville and Orlando divisional offices use court staff to manage the assignment system but in the Tampa divisional office the U.S. Trustee manages the system. Consistent with our goal of uniform procedures throughout the district, a recommendation was made to consolidate the two procedures of assigning trustees and develop one process for each division. In March 2014, the Court took the first step toward achieving this goal by changing the Orlando Division to the web based trustee assignment system (WTAS) currently used in the Tampa Division. IT staff have been working to resolve issues and complete the Orlando migration. Initial steps have begun to migrate the Jacksonville office, and we estimate completion in early April. It is expected the U.S. Trustee will takeover management of the assignment system in mid to late April, thus completing a uniform trustee selection process.

Jacksonville Division Chapter 13 Cases
Property Addresses in Chapter 13 Plans and Motions to Value
By: Doug Neway, Chapter 13 Trustee (Jacksonville)

At the most recent Judicial Liaison Meeting in March, one of the topics of discussion was the inclusion of property addresses in Chapter 13 Plan and Motions to Value. This practice is important because it assists secured creditors in identifying their collateral and which loan attaches and should help to streamline the Mortgage Modification and Valuation processes.

I received word from Gull Weaver that the Judges have decided to make this a mandatory requirement in the filings of plans and motions. The Clerk will be issuing a Notice of Deficiency for any Motions to Value that do not include a property description or address. Beginning **May 1, 2014**, my office will be filing Objections to Confirmation of any plans that do not identify the collateral of a secured claim encumbering real estate.

Many of the Debtors' attorneys are already doing this in their plans and motions, however, if you are not, please incorporate this mandatory requirement into your draft pleadings prior to **May 1, 2014**.

BLES Update: The Next Stage in Supporting Bankruptcy Education District-Wide

By: Andrew Roy, Esq., Winderweede, Haines, Ward and Woodman, P.A.



With the start of 2014, BLES took a major step towards fulfilling its mission by funding its first educational project: the Bankruptcy Legal Education Clinic at the Florida A&M University College of Law (“FAMU Clinic”). Featured in the January 2014 Court Connection (see Volume 3, Issue 1, pg. 10) the FAMU Clinic will offer law students the opportunity to apply their bankruptcy knowledge and skills in practical, real-world scenarios by advising clients from the community in need of full case representation. BLES committed the initial funding to get the project up and running so that students can obtain law school credit for their participation.

BLES, or the Bankruptcy Law Education Series Foundation, funds projects across the Middle District that are focused on educating people about bankruptcy and giving back to the community. As an example, BLES funded the FAMU Clinic because it fit precisely within BLES’s mission: to promote bankruptcy legal education and to fund pro bono and other public service projects relating to the practice of bankruptcy in the Middle District of Florida. For 2014, BLES has also committed funding to the award-winning Central Florida Bankruptcy Pro Se Assistance Clinic, as well as future funding to clinics in Tampa and Jacksonville based on the Orlando model.

In addition to funding its first educational project, BLES also received a new Executive Director to lead it through its early stages of providing initial levels of funding to deserving projects. In March 2014, the BLES Board named C. Andrew Roy of Winderweede, Haines, Ward & Woodman, as the new Executive Director to take the place of Alvin Benton of Holland & Knight. Mr. Benton, before moving to Texas with his wife and new baby earlier this year and continuing his work with Holland and Knight in Dallas, successfully navigated BLES through its organizational phase and coordinated funding for the FAMU Clinic. Mr. Roy hopes to continue Mr. Benton’s success with BLES and establish it as a permanent and reliable funding fixture for the four bankruptcy divisions of the Middle District of Florida. Mr. Roy also serves as the Vice President of the Central Florida Bankruptcy Law Association, as chair and member of several committees for the Young Lawyer Section of the Orange County Bar Association, and as a vice chair of the Business Law Section Social Media Task Force.

Based on the vision of the Honorable Michael G. Williamson and the model established in the Southern District, BLES was founded in 2012 with the help of Roy Kobert and others. The 2014 BLES Board is Keith Appleby (President), Jill Kelso (Vice President), Paul Giordano (Treasurer), J. Ellsworth Summers (Secretary), Judge Williamson, and Jeffrey Ainsworth. BLES secures funding for projects from the local bar associations, seminar fees, unclaimed funds, and voluntary contributions.

If you are a Chapter 11 practitioner, please consider using BLES as the beneficiary of unclaimed funds in your proposed plans.

If you would like more information about BLES, how to contribute to BLES, or how to request funding from BLES for a project that fits the BLES mission, please contact C. Andrew Roy (aroy@whww.com).

The Daddy Rules

By: Doug Neway, Esquire, Chapter 13 Trustee (Jacksonville)

Every now and then I try to give my wife a break and make school lunches for our two daughters. What I found out the first time I took on this responsibility, is that my wife also puts a little note in the girls' lunches. It's nothing big, just, "Have a great day" or "Good luck on the science test today!"

Recently, I overheard my girls talking about mean things that some girls at school were doing and saying about others through texts and Instagram accounts. It was more gossiping than bullying, but it still wasn't nice and it churned into a full blown drama among a dozen girls. I think a lot about my daughters' behavior and whether they are kind and whether they contribute to the day's drama or try to avoid it. So this particular Friday when I was making lunch, I decided my note would read:

Daddy Rules

1. Always be kind.
2. Improve every day.
3. Don't get sucked into the drama.
4. Make sure to always kiss your daddy.

Over the following weekend, some of my older daughter's friends were over and I was having a challenging conversation with my younger daughter about something that wasn't going her way. Trying to avoid the impending meltdown, I said something like, "You don't need to be so dramatic, it's not that big of a deal." Just then, one of the older girls said, "Don't get sucked into the drama. That's one of the Daddy Rules." I asked her how she knew about that and she said a lot of the girls had seen my note and then she quickly recited the other 3 rules. I was shocked and pleased and proud all at the same time. It was really a neat thing to think that my note went viral! Well, it was shared among some 6th graders at least.

Forgive my nostalgia, but when I grew up in the sixties and seventies, we had dinner as a family every night. Sunday dinner was the equivalent of today's holiday meal. The dinner table was where everyone checked in. My sisters and I all had an opportunity to tell about our days and my mother and father would always weigh in on how the appropriate way to handle any conflict was. When I went to school, I had other influences from friends that were tugging me in a direction of wrong behavior, but every night there was accountability and reinforcement of the right thing to do. I wasn't the best kid in the world, but I did have a moral compass that guided me in the right direction most of the time and even when the peer pressure heightened, my scales of right and wrong were properly weighted because of the positive reinforcement I received at the dinner table each night. It's like that old cartoon where the character has an angel on one shoulder and a devil on the other. There were suggestions from both sides, but the good proposals outweighed the bad.

Today, the scales are out of tilt! The negative input is coming from everywhere. I hate to be pessimistic, but it's near impossible to go through a day where I don't witness some degree of a lack of civility. From poor customer service to road rage to insane TV talk shows to abhorrent political discourse to screaming contributors on cable news shows to dozens of gossip magazines at the grocery checkout to the near elimination of manners and politeness in everyday exchanges, it's getting difficult to witness an occasional kind act! Now we have Facebook, Instagram, Snapchat and Twitter providing us with an

The Daddy Rules (continued):

endless and constant barrage of malicious chatter. Each generation has experienced a change in social norms that many labeled the erosion of civilization. Things like Elvis' hips on the Ed Sullivan show or shocking radio DJs that were corrupting our youth. I've always welcomed changes in our society that challenged conventionalism and brought greater liberalism. This current phenomenon is not the same. This tsunami of incivility isn't just testing our tolerance as with earlier generations, it's stripping away our kindness.

There is no doubt that we are currently outnumbered by bad influences. We need to consciously make an effort to replenish our kindness inventory. A family dinner can only go so far. We've got to come up with some other way to combat the assault. We need to follow the Daddy Rules!

WELCOME TO THE BENCH RECEPTION—JANUARY 29, 2014

On January 29, 2014, the International Women's Involency & Restructuring Confederation (IWIRC) hosted a welcome to the bench reception for Orlando Bankruptcy Judge Cynthia C. Jackson. The reception was well attended by the Florida members (Middle District of Florida and Southern District of Florida) and included the Orlando Bankruptcy Judges and Clerk of Court. The event was organized by Southern District of Florida member Leyza Blanco.



The IWIRC welcomes new members. More information may be found by going to their website at: <http://www.iwirc.com/networks/florida>.

Paskay Courtroom Plaque Ceremony

By: Laura Stevenson, Judicial Assistant to the Honorable Caryl E. Delano

On February 21, 2013, the Tampa Division hosted a small gathering to ceremonially unveil the plaque honoring Chief Judge Emeritus Alexander L. Paskay that now hangs outside his former courtroom, Courtroom 9A. Mrs. Paskay and her sons, Rick and Steve, attended, together with officers of the Tampa Bay Bankruptcy Bar Association, whose members generously funded the purchase of the plaque.



Pictured from L to R: Rick Paskay, Mary Morrison (former Judicial Assistant), Rose Paskay, Steve Paskay, and Chuck Kilcoyne (Tampa Division Deputy-in-Charge)

State of the District 2014

Judge Jennemann traveled to each division in early 2014 to present her vision for the District for the coming year and to remind us of our accomplishments during the prior year.

The dates and locations were:

- Jacksonville, January 8, 2014
- Orlando, January 16, 2014
- Fort Myers, January 23, 2014
- Tampa, February 11, 2014

Below is a photograph from the Orlando event. The bankruptcy judges presented a plaque to the Pro Se Clinic recognizing the volunteers from 2013.



Dear POINT AND CLICK:

- Q: I have misplaced my password to access the Bankruptcy Court's filing system! Can you give me my password or give me a new one? Please help!
- A: Unfortunately, we cannot confirm your password. However, there is a way to recover a new password which is available on the Court's website at, www.flmb.uscourts.gov, and through the Help Menu, under Access to CM/ECF (Including Log-in and Account Information).

Access to CM/ECF (Including Log-in and Account Information)

Frequently Asked

I forgot my ECF password. How do I retrieve that information?

Please use our **on-line password recovery** option. You will need to provide your login name and your primary email address registered with the US Bankruptcy Court, Middle Florida's CM/ECF system in order to submit the password recovery request.

Please remember:

- Logins and passwords are case sensitive.
- Make sure your "Caps Lock" setting is off on your keyboard when entering login and password information.
- Logins for the United States Bankruptcy, Middle District of Florida NEVER include your bar identification number.
- The United States Bankruptcy Court, Middle Florida and United States District Court, Middle Florida are separate filing entities. Each requires their own CM/ECF login and password.
- The email address entered in the recovery form must be the primary email address associated with the filing account. If you have changed law firms, or otherwise changed your email address, the recovery process will not work. Please contact the Help Desk.
- If the information entered in the password recovery process is accurate, an email will be generated to the address contained in the recovery form. The email may NOT be forwarded or the password will be void.
- If you are unsuccessful in resetting your password or do not receive an email after completing the password recovery form, additional questions should be directed to the Help Desk.

Q: I am moving to a new law firm. What do I need to do to update my CM/CEF filing login with my new firm information?

A: Step One: Run a Query to obtain a list of cases that are associated with your record. To do so:

- Login to CM/ECF (or PACER if you do not remember your filing login information).

Dear Point and Click (continued):

- Select Query from the Main Menu Bar. Please **Note:** You may be prompted to login again. If you are prompted, login with your firm's PACER login and password.
- Enter your last name and first name in the appropriate fields
- Click [Run Query].
- A list of cases displays for your reference.

Step Two: Determine which cases, including both open and closed cases, you are taking with you to your new firm or leaving behind at your previous firm. If cases are being left at the previous firm, the Court will need to know which attorney (who is admitted to practice before the US District Court, Middle Florida) will take over representation. Additionally, a representative from your former firm must sign off on any changes requested in the submission. This documentation should contain both your signature and a representative from your former firm.

Step Three: Select and complete the applicable online submission form under the Attorney link on the Court's website www.flmb.uscourts.gov, titled, "Attorney Change of Law Firm".

<http://pacer.flmb.uscourts.gov/cmecf/changelawfirm.asp> (for use if some cases are moving with you to your new firm and some are remaining with your former firm).

http://pacer.flmb.uscourts.gov/cmecf/changelawfirm_all.asp (for use if all cases are moving with you to your new firm).

http://pacer.flmb.uscourts.gov/cmecf/changelawfirm_none.asp (for use if all cases are remaining with your former firm).

Once the appropriate form has been submitted, with all of the necessary documentation, an Attorney Change of Address entry will be placed on the docket in all open case moving with you to your new firm. The entry will include your new firm name and address information along with the date the change became effective. A Substitution of Counsel entry will be placed on the docket in all open cases remaining with the previous firm and those cases will be relinked to the substituted attorney. After all of the changes have been processed, each effected party will be notified through email.

Reminders:

1. Contact us as soon as you know you are changing law firms, or in the event you did not have advanced notice, as soon as you have left.
2. Even if you do not plan to practice before the Bankruptcy Court in the Middle District, you should update your information. Do not wait until you find yourself back before the Court.
3. ALL cases (both OPEN and CLOSED) cases must be addressed in the documentation submitted in the Change of Law Firm form.
4. You cannot file documents for your new firm until the appropriate changes have been made to the cases originating with your former firm.
5. Access to the Court's filing system may be suspended if you do not complete the process properly.



Clermont Woman Indicted For Tax Fraud And Aggravated Identity Theft

March 25, 2014

Orlando, Florida – United States Attorney A. Lee Bentley, III announces that a federal grand jury has returned an indictment charging Tanya Fox (38, Clermont) with 1 count of conspiracy to defraud the government, 5 counts of wire fraud, 10 counts of theft of government property, and 10 counts of aggravated identity theft. If convicted, she faces a maximum penalty of 10 years' imprisonment on the conspiracy count, 20 years in prison on the wire fraud counts, 10 years in prison for the theft of government property counts, and an additional 2 years' imprisonment for the aggravated identity theft charges, to be served consecutively to any sentence imposed on the previous charges. The indictment also notifies the defendant that the United States is seeking a money judgment of \$4,055,735 for the wire fraud and theft of government property charges.

Fox was arrested and made her initial appearance on March 25, 2014, before U.S. Magistrate Judge Philip R. Lammens. She was detained pending further proceedings.

According to the indictment, Fox orchestrated a scheme to file fraudulent tax returns using identities that were stolen from a variety of sources. She would direct other individuals to open business bank accounts in the name of a fraudulent tax preparation business and have the tax refunds deposited into those accounts. Fox would then work with those individuals to withdraw the funds.

Previously, Shanterica Smith, Gerald Williams, and Delray Duncan were convicted and sentenced for providing over 2,200 names from the Orange County Health Department to Fox so that she, or a co-conspirator, could file over \$3.9 million in fraudulent tax returns. Further, as part of this scheme, Fox purchased a number of automobiles, furniture, and other lifestyle items. In total, the United States alleges that Fox filed attempted to file fraudulent tax returns totaling over \$5.8 million.

An indictment is merely a formal charge that a defendant has committed a violation of the federal criminal laws, and every defendant is presumed innocent unless, and until, proven guilty.

This case was investigated by the Federal Bureau of Investigation, Internal Revenue Service-Criminal Investigation, and the United States Postal Inspection Service. It is being prosecuted by Assistant United States Attorney Shawn P. Napier.

Court Committee Updates

Procedures Review

By: Sara Mason

The Procedures Review Committed finalized its review of the Motion to Compromise Controversy procedure and forwarded the procedure, with their recommendations, to Raymond Waguespack the first week of April.

At this time, we are awaiting our next assignment.

Website Committee Update

By: Sarah Wiener

The website committee has been very pleased with the favorable feedback received from the successful launch of the new website released in January of this year. Positive comments have been received from various web viewers and many suggestions and recommendations for further improvement have been made by Court staff. The website committee thanks you all for your continued suggestions and comments. We are glad the “final” product has proved beneficial.

One suggestion the committee recently received has been implemented. Under the main heading, Filing Without an Attorney, the required form names and form numbers are listed that need to be filed for a new Chapter 7, 11 or 13 case. Links to those forms are no longer available. Instead, the viewer is given the name of the form and form number with the direction to select the US Court’s forms website link to find the necessary form, by form number. This is an important change as the US Court’s website updates necessary form changes, but those changes do not affect our Middle District form links. Our Court would have to update each link manually. By having the viewer locate the form under the US Courts forms link, the viewer will always have the updated form. The verbiage in the applicable areas state:

All Official Bankruptcy forms are available on the United States Court’s website at: <http://www.uscourts.gov>. Please search for the applicable form, by form number. Example: B1 or B3A. The website committee, while always still looking at ways to make our external website better, has slightly turned to the direction of the intranet, the internal staff website. There will be more to come about this project in the near future, as well as solicitation of ideas and concepts for this new, staff- friendly site.



NEWS FROM THE TAMPA BAY BANKRUPTCY BAR ASSOCIATION

Ponzi Schemes are Still Talk of the Town

By: **Megan W. Murray, Trenam Kemker Attorneys**

On Tuesday March 11, 2014 the TBBBA hosted Soneet Kapila and Melissa Davis from Kapila & Co. Soneet and Melissa presented a program entitled “What Do Boy Bands and Healthcare Have in Common? – Lessons Learned from the Chapter 11 Trustee.”

Mr. Kapila is no stranger to Orlando. He was appointed the Chapter 11 - now Chapter 7 - trustee for the bankruptcy case of In re Lou Pearlman et al (Case No. 6:07-bk-00761-KSJ). Lou Pearlman started his career as the impresario of several very successful 1990s boy bands such as the Backstreet Boys and ‘N Sync. Pearlman’s empire came crashing down in 2006 when he was forced into bankruptcy after it was discovered that he had perpetrated one of the largest Ponzi schemes in Florida and across the country. Soneet Kapila discussed the years he spent unraveling the mess.

As that 7-year bankruptcy case winds down, Soneet has new challenges to face in Tampa. The completely different, but just as complicated, bankruptcy case of Universal Health Care began in March of 2013 with an FBI raid of Universal’s offices in downtown St. Petersburg. The case sounds eerily similar to Pearlman, according to the Tampa Bay Times:

The raid by FBI agents comes the same week that a bankruptcy court trustee alleged a “pattern of dishonesty or gross mismanagement” at Universal including “side deals” that benefited insiders.

Among the examples cited: a transfer of more than \$18.3 million to another company controlled by Universal founder Dr. Akshay Desai last year and \$2.2 million in “bonuses” and “other compensation” to company officers and directors in addition to their salaries, also in 2012.

The FBI would not comment about the investigation Thursday. Investors, some of whom put their life savings in Universal, said the agents would likely focus on Desai, Universal's former CEO and until recently a member of the state Board of Education and finance chairman of Florida's Republican Party.

“He is going to pay for his mistakes because something is not right,” Dr. Rajendra Gupta, a Fort Lauderdale physician who invested \$4 million, said Thursday. “He told me he can do whatever he wants and does not have to listen to me or any other investor.”¹

¹Susan Taylor Martin et al., Federal agents raid Universal Health Care headquarters in St. Petersburg, Tampa Bay Times, March 28, 2013, <http://www.tampabay.com/news/business/banking/federal-agents-raid-universal-health-care-headquarters-in-st-petersburg/2111699>.

Ponzi Schemes are Still Talk of the Town (continued):

Florida tops the list of states uncovering Ponzi schemes in the last few years. According to the Herald Tribune (Sarasota), Florida ranks second in the nation in uncovered Ponzi schemes since 2008 (54 schemes), and third in the combined value of those losses (\$5 billion).

The TBBBA program on March 11 provided valuable information to the Bar on how to work through the various legal issues raised when a Ponzi scheme melts down into a bankruptcy. Not unpredictably, the 38th Annual Alexander L. Paskay Memorial Bankruptcy Seminar held March 13th-15th in downtown Tampa also touched on recent Ponzi scheme issues in its case law updates:

- The Fourth Circuit held there is no Ponzi scheme exception for the safe harbor rules for securities transactions under Section 546(e) of the Code. The Court also held that direct customer deposits to the Ponzi scheme debtor's stockbroker are not avoidable transfers of the debtor's property because a stockbroker that does not exercise dominion and control over the debtor's account is not an initial transferee. *Grayson Consulting, Inc. v. Wachovia Secs., LLC (In re Derivium Cap. LLC)*, 716 F.3d 355 (4th Cir. 2013).
- The trustee for the law firm run by admitted Ponzi schemer Scott Rothstein won a victory yesterday over federal prosecutors attempting to seize the firm's bank accounts as part of a criminal forfeiture proceeding. Creditors started an involuntary bankruptcy against the firm Rothstein Rosenfeldt Adler PA just before prosecutors indicted Rothstein, who later pleaded guilty and is serving a 50-year prison sentence. Agreeing with a decision from the U.S. Court of Appeals in Philadelphia, Judge Tjoflat ruled that commingled funds cannot be forfeit to federal prosecutors as part of criminal forfeiture proceedings because money is fungible. Proceeds of fraud used to acquire other property (Ponzi schemes) are forfeited only when they can be traced. Judge Tjoflat carried the theory a step further in favor of the trustee. To the extent money from the firm's accounts was used to acquire other property, that other property cannot be forfeited either. *United States v. Rothstein (In re Rothstein, Rosenfeldt, Adler, P.A.)*, 717 F.3d 1205 (11th Cir. 2013).
- The Second Circuit wrote an important Chapter 15 opinion allowing offshore hedge funds managed from the U.S. to be liquidated principally in the Caribbean or wherever they are officially domiciled, provided, however, that the fund's management shifted abroad some unspecified number of months before the foreign court was declared "foreign main." The Fairfield Sentry funds which were the center of the case were the largest feeder funds for the Bernard L. Madoff Investment Securities Inc. Ponzi scheme. *Morning Mist Holdings Ltd v. Krys (In re Fairfield Sentry Ltd.)*, 714 F.3d 127 (2d Cir. 2013).
- A 401(k) retirement plan withdrew investments with a Ponzi scheme debtor. The debtor's trustee sued to recover the withdrawal as a fraudulent transfer. The court held ERISA does not prevent fraudulent transfer recovery from a 401(k) plan. *Wagner v. Galbreth*, 500 B.R. 42 (D.N. Mex. 2013).

Lessons learned from the recent seminars in Tampa are that Ponzi schemers take all shapes and sizes, and they might be lurking anywhere.

NEWS FROM THE ORANGE COUNTY BAR ASSOCIATION— BANKRUPTCY COMMITTEE

The Bankruptcy Committee of the Orange County Bar Association meets for catered lunch on the last Friday of every month at the Orange County Bar building located at 880 N. Orange Ave. in Orlando. Both members and non-members of the Orange County Bar are welcome to attend and an email goes out a couple weeks prior to the scheduled lunch that provides details of the meeting, whether CLE will be available, and who the speaker will be. If you are not receiving those emails and would like to start receiving them, please send an email to Hunter Goff, the Committee Chair, at hunter@khuntergoffpa.com and you will be added to the list.

In the past year the Committee has hosted speakers on a variety of topics of interest to the local bankruptcy bar such as: handling issues involving the intersection of family and bankruptcy law, the ethical navigation of social media and the practice of law, identifying and handling both difficult issues and clients in bankruptcy, attorneys from the United States Trustee's Office provided an update of current case law, we had an in depth look at what makes a good (and bad) real estate appraisal in lien strip cases, and we even had a speaker from Florida Hospital explain the history of the Affordable Care Act and his take on how it will play out once fully implemented.

We plan on having more interesting topics and speakers in the future and always welcome everyone's Input on what they would like to hear or on ways to improve the overall experience.

Don't forget to email Hunter to get on the list! hunter@khuntergoffpa.com.



NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

Recent News of Interest:

January 30, 2014 – CFBLA received the 2014 Chief Justice’s Voluntary Bar Association Pro Bono Service Award for its outstanding efforts in providing pro bono legal services by founding and administering the Central Florida Bankruptcy Pro Se Assistance Clinic (“Pro Se Clinic”). Justin Luna, CFBLA’s Immediate Past President; Jill Kelso, CFBLA’s President; Jeffrey Ainsworth, a prior CFBLA Board member; and Kelly Crumbaker, Administrator for both CFBLA and the Pro Se Clinic, traveled to Tallahassee to the Florida Supreme Court, where Chief Justice Ricky Polston presented the award. Justin Luna accepted the award and delivered remarks on behalf of CFBLA. A video of the presentation may be found at the following website:

<http://thefloridachannel.org/videos/13014-florida-supreme-court-pro-bono-awards/>

February 20, 2014 – CFBLA Monthly Luncheon Meeting: Brad Saxton and C. Andrew Roy, both of Winderweedle, Haines, Ward & Woodman, P.A., presented a Case Law Update, discussing new case developments in the Florida Bankruptcy Courts, District Courts and the Eleventh Circuit.

February 27, 2014 – CFBLA Sponsored a Reception for CFBLA members and attendees of the State Wide Summit on Residential Mortgage Modification Mediations. The Reception was well-attended and brought together numerous bankruptcy judges and practitioners from throughout the State of Florida.

March 20, 2014 – CFBLA Monthly Luncheon Meeting: Roy Kobert of GrayRobinson, P.A. presented “Death, Taxes and Bankruptcy (2 out of 3 are Inevitable),” discussing, among other things, the interplay between the Bankruptcy Code and the Internal Revenue Code.

CFBLA is sponsoring the installation of a video monitor in the Section 341 Waiting Room space in Orlando to play excerpts from the U.S. Court’s Bankruptcy Basics Videos for the benefit of debtors while they are waiting for the trustees to call their cases. These videos contain information that may be beneficial to all debtors, and particularly to those proceeding without counsel in light of the substantial number of *pro se* filings in the Middle District. Look for this monitor to be installed in the coming weeks!

CFBLA Upcoming Events:

May 16, 2014 – CFBLA will host its Annual Bankruptcy Seminar, "Bankruptcy: Navigating the Valley," at the Embassy Suites, in Downtown Orlando. The details on this Seminar are included on page 32. Please click on the following link to register: <https://www.eventbrite.com/e/cfbla-annual-bankruptcy-seminar-registration-11202678513>

June 19, 2014 – CFBLA Monthly Luncheon Meeting: Bob Morrison, Managing Partner at Morrison Valuation & Forensic Services, LLC, will present "Business Valuation," at GrayRobinson’s Downtown Orlando office.



NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

BANKRUPTCY: NAVIGATING THE VALLEY



CENTRAL FLORIDA BANKRUPTCY
LAW ASSOCIATION

PRESENTS ITS ANNUAL SEMINAR

FRIDAY, MAY 16, 2014

EMBASSY SUITES-DOWNTOWN ORLANDO
191 EAST PINE STREET
ORLANDO, FLORIDA 32801

[8.0 Hours CLE Including 1.0 Hour Of Ethics Applied For]

CFBLA SEMINAR 2014 BANKRUPTCY: NAVIGATING THE VALLEY 8.0 HOURS CLE INCLUDING 1.0 ETHICS APPLIED FOR

Events Schedule

8:00—8:20 a.m.
REGISTRATION

8:20 - 8:30 a.m.
OPENING REMARKS
Jill Kelso, President, Central Florida Bankruptcy Law Association

8:30 - 9:20 a.m.
BANKRUPTCY LITIGATION & APPEALS: TIPS FOR PRACTITIONERS
Hon. Karen S. Jennemann, Chief Bankruptcy Judge, Middle District of Florida, Hon. Roy B. Dalton, Jr., U.S. District Judge, Middle District of Florida, Roberta Colton, Trenam Kemker, Tampa

9:20 - 10:40 a.m.
INTEGRITY OF THE BANKRUPTCY SYSTEM
Miriam Suarez, Office of the U.S. Trustee and Jill Kelso, Office of the U.S. Trustee

10:40 – 11:00 a.m. BREAK

11:00 – 11:50 a.m.
OBSERVATIONS FROM THE BENCH
Hon. Erik P. Kimball, Bankruptcy Judge, Southern District of Florida

11:50 – 1:00 p.m.
LUNCH and PRESENTATION
GROWING YOUR BANKRUPTCY PRACTICE IN A CHALLENGING ENVIRONMENT
Steven Riley, Atticus Practice Advisor

1:00 – 1:10 p.m. BREAK

1:10 - 2:00 p.m. BREAKOUT SESSION 1 (Choose One)

Business Panel:
I WANT ALL MY MONEY! 1111(b) AND CRAMDOWN ISSUES
Hon. Erik P. Kimball, R. Scott Shuker, Latham, Shuker, Eden & Beaudine, LLP, Frankfind Lea, Tactical Financial Consulting, LLC and Russell Blain, Stichter, Riedel, Blain & Prosser, P.A.

Consumer Panel:
CHAPTER 13 UPDATE
Laurie K. Weatherford, Chapter 13 Standing Trustee, Stuart Forderer, Attorney for Laurie K. Weatherford and Sydney Jones, Paralegal for Laurie K. Weatherford

CFBLA SEMINAR 2014 BANKRUPTCY: NAVIGATING THE VALLEY

Events Schedule *continued*

2:00 - 2:50 p.m. BREAKOUT SESSION 2 (Choose One)

Business Panel:
IS THE ABSOLUTE PRIORITY RULE ABSOLUTE?
Hon. K. Rodney May, Bankruptcy Judge, Middle District of Florida, Elizabeth Green, Baker Hostetler, Jimmy Parrish, Baker Hostetler, Michael Nardella, Burr Forman

Consumer Panel:
LESSONS LEARNED FROM THE MORTGAGE MODIFICATION SUMMIT
Laurie K. Weatherford, Tammy Branson, Paralegal, Branson Law, PLLC, Liz McCausland, Liz McCausland, P.A., Orlando

2:50 - 3:10 p.m. BREAK

3:10 – 4:00 p.m.. BREAKOUT SESSION 3 (Choose One)

Business Panel:
EVERYTHING YOU WANTED TO KNOW ABOUT WORKOUTS BUT WERE AFRAID TO ASK
Denise Dell-Powell, Burr Forman, Henry Haddock, CRE Analytics & Solutions, LLC, Roman Hammes, Roman V. Hammes, PL, Nicolette Vilmos, Broad and Cassel

Consumer Panel:
CHANGES IN SERVICER REGULATIONS
The Consumer Financial Protection Bureau's mortgage servicing rules that went into effect in January 2014 made significant changes to mortgage loan servicing, with promise of more to come. This panel will discuss the rules and provide guidance on how the servicing changes will affect mortgage claims in bankruptcy, including lien stripping, confirmation, enforcement actions and other chapter 7 & 13 concerns.
Melissa Youngman, McCalla Raymer and Wayne Spivak, Attorney for Laurie K. Weatherford, Teresa Hair, Ronald R. Wolfe & Associates, P.L. and Stefan Beuge, Phelan Hallinan, PLC

4:00—4:10 p.m. BREAK

4:10 - 5:00 p.m.
VIEW FROM THE BENCH

Hon. Karen S. Jennemann, Middle District of Florida, Hon. Arthur B. Briskman, Bankruptcy Judge, Middle District of Florida, Cynthia C. Jackson, Bankruptcy Judge, Middle District of Florida and Hon. K. Rodney May

5:00 – 6 p.m.
COCKTAIL RECEPTION

CFBLA SEMINAR 2014 BANKRUPTCY: NAVIGATING THE VALLEY

REGISTRATION DEADLINE IS FRIDAY, MAY 9th

COST:
\$250 for CFBLA Members
\$300 for Non-Members
\$100 Law Students / Government Rate

NAMES OF ATTENDEES	Amount
Total Amount Enclosed: \$ _____	

COMPANY NAME: _____

ADDRESS: _____

EMAIL: _____

Registration fee includes a flash drive with all seminar materials as well as an annual Case Analysis of all decisions published by Judge Arthur B. Briskman, Judge Karen S. Jennemann and Judge Cynthia C. Jackson.

In recognition of our faculty judges' participation at the Seminar, ten dollars from each registration fee will be contributed to the Bankruptcy Law Educational Series Foundation, Inc. (BLES) to support its missions in fostering bankruptcy legal education and providing *pro bono* bankruptcy representation in the Middle District of Florida.

MAKE CHECKS PAYABLE TO: **Central Florida Bankruptcy Law Association** or register and pay online at www.CFBLA.org

Central Florida Bankruptcy Law Association
P.O. Box 2295
Orlando, Florida 32802

For more information contact Kelly Crumbaker at kbcrcumbaker@gmail.com

The *Windsor* Effect: Panel Discussion Scheduled for June 27, 2014

By John B. Dorris and Mariane L. Dorris

On June 27, 2014, the U.S. Bankruptcy Court in Orlando will host a Panel Discussion titled “Marriage After *Windsor*, the Reorganization of Familiar Concepts: A Discussion of the *Windsor* Effect on Bankruptcy, Estate Planning, and Family law in the U.S. and Florida.” Panelists will discuss the significant changes occurring throughout the U.S. and Florida in their respective fields. Confirmed Panelists include U.S. Bankruptcy Judge John K. Olson, S.D. Florida; estate planning and transfer tax specialist Mary Merrell Bailey, Esq., CPA, M.B.A.; and Michael E. Morris, Esq., a Central Florida family law practitioner with extensive experience in LGBT family law issues. ACLU Attorney Daniel Tilley, active in the currently pending case *Grimsley v. Scott*, which is proceeding in the U.S. District Court in the Northern District of Florida challenging Florida’s refusal to recognize lawful same-sex marriages, is invited to appear to discuss the pending litigation. Civil litigator, and diversity and inclusion advocate, Larry D. Smith, Esq., will serve as the Panel Moderator.

The Panel Discussion is a follow-up from the May 2013 event titled “Is Separate the Indubitable Equivalent of Equal?” where panelists discussed the Supreme Court’s review of California’s Proposition 8 and the U.S. Defense of Marriage Act, (“DOMA”). The panel examined the potential rulings and the historical and legal backdrop of the pending cases. On June 26, 2013, the Supreme Court in *U.S. v. Windsor* struck down DOMA’s Section 3. The Court ruled Section 3’s definition of “marriage” and “spouse” for Federal purposes exclusively as a legal union between a man and a woman unconstitutional under the Due Process Clause of the Fifth Amendment.

Since the June 2013 decision, a number of states have moved to allow same-sex marriage including Minnesota, New Jersey, Hawaii, Illinois, and New Mexico. Same-sex marriage is now authorized in seventeen states and the District of Columbia. Federal district courts in Utah, Oklahoma, Kentucky, Michigan, and Virginia have ruled state prohibitions against same-sex marriage are unconstitutional in light of the *Windsor* decision. Currently pending in the Ninth Circuit is *Sevcik v. Sandoval*, a challenge to Nevada’s prohibition against same-sex marriage. Many observers expect the Nevada prohibition to be struck down in light of the Ninth Circuit’s recent ruling in *SmithKline Beecham Corp. v. Abbot Laboratories*, which cited *Windsor* as requiring the application of heightened scrutiny for government created distinctions based on sexual orientation. A broad Ninth Circuit ruling could have a significant impact on the western United States.

Three cases are currently pending in Florida courts challenging Florida’s constitutional prohibition on same-sex marriage. In South Florida, plaintiffs are challenging the state prohibition against same-sex marriage in the case *Pareto v. Ruvin*, filed in Miami-Dade County Circuit Court. In North Florida, plaintiffs are challenging the State’s refusal to recognize same-sex marriages lawfully performed in other jurisdictions in the cases *Brenner v. Scott* and *Grimsley v. Scott*.

The upcoming Post-*Windsor* Panel Discussion will provide an update on the pending Florida cases in addition to the significant legal developments in bankruptcy, estate planning, and family law. The Panel will further offer their insights into potential issues that may arise in the next several years as the various state and federal cases work their way through the state judiciary, the U.S. Circuits, and, ultimately, before the U.S. Supreme Court.

ARTIST'S RECEPTION TO SHOWCASE THE ART MURAL LOCATED IN THE LOBBY OF THE GEORGE C. YOUNG UNITED STATES FEDERAL BUILDING AND COURTHOUSE



CFBLA, together with The Bench Bar Committee of the Middle District of Florida, The Orlando Chapter of the Federal Bar Association, and The Trust Acquisition of the Orlando Museum of Art, will sponsor a reception in honor of contemporary artist, Odili Donald Odita, to showcase his Mural, *Infinite Horizons*, which was installed on the first floor of the George C. Young Federal Building and United States Courthouse on July 9, 2014. The United States General Services Administration, Art in Architecture Program commissioned Mr. Odita to create *Infinite Horizons*, which was installed on August 31, 2013, and comprises acrylic latex house paint on wood panels, dimensions variable.



Members of the CFBLA Participated in the Corporate 5k held in Downtown Orlando on April 17, 2014.



Judges' Corner



Judge Williamson competed in the Gasparilla 5k in 29 minutes and 52 seconds (29:52) which was 9:35 per mile.



Judge Funk competed in the Gate River 15k Run. He came in 21st out of 163 in his age group. He was around 2,500 out of 17,000 total runners.

His total time was: 1:23:15 (8:57 per mile)



Judges' Corner



On March 14, 2014, Chief Judge Jennemann and Elizabeth Green were inducted into the American College of Bankruptcy at a formal ceremony held in Washington, D.C.

The American College of Bankruptcy is an honorary and educational association of bankruptcy and insolvency professionals. Nominees are extended invitations to become Fellows based on proven records of the highest standards of professionalism and service to the profession. Fellows include business, consumer, and bankruptcy attorneys, turnaround specialists, United States Trustees, accounting, financial, and investment advisors, law professors, and judges.

Including this year's Twenty-Fifth Class, 828 Fellows have been inducted since the first class of Fellows were inducted in 1990.

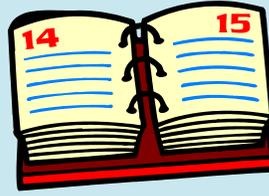
This year's Twenty-Fifth Class included three inductees from Florida:

- Hon. Karen S. Jennemann, Chief United States Bankruptcy Judge, Orlando, FL
- Elizabeth A. Green, Baker Hostetler LLP, Orlando, FL
- Corali Lopez-Castro, Kozyak Tropin & Throckmartin, P.A., Coral Gables, FL

Those three inductees join Florida's other esteemed Fellows:

Hon. Beryl E. McGuire
 Charles W. Throckmartin
 Richard A. Gitlin
 Soneet R. Kapila
 Stephen D. Busey
 Warren W. Petraglia
 Paul J. Battista
 Mark D. Bloom
 Francis L. Carter
 Hon. A. Jay Cristol
 James S. Feltman
 Jordi Guso
 Hon. Laurel Myerson Isicoff
 John W. Kozyak
 Hon. Robert A. Mark
 Patricia A. Redmond
 Paul Steven Singerman

Richard S. Toder
 Hon. David H. Adams
 Jules S. Cohen
 Samuel J. Zusmann, Jr.
 Robin R. Weiner
 Hon. Karen Kinkennon Specie
 Russel M. Blain
 Roberta A. Colton
 Leonard H. Gilbert
 Hon. Paul M. Glenn
 Robert B. Glenn
 Harley E. Riedel
 Robert A. Soriano
 Don M. Stichter
 Jeffrey W. Warren
 Hon. Michael G. Williamson
 Shaun K. Donnellan
 G. Christopher Meyer

*** * *HAPPENINGS AROUND THE MIDDLE DISTRICT* * *****JACKSONVILLE**

August 22 JBBA Seminar

ORLANDO

April 25 @ noon OCBA Monthly Luncheon (TOPIC: Lease Assumptions in Chapter 7 by Robert Hoofman; COST: \$12 per person for lunch, PAYMENT: Pay at the door and please make checks payable to James H. Monroe PA; please RSVP by 4/23 for food only to arlene@jamesmonroepa.com)
 June 17 @ noon CFBLA Monthly Luncheon @ Gray Harris (Business Valuation presented by Bob Morrison)

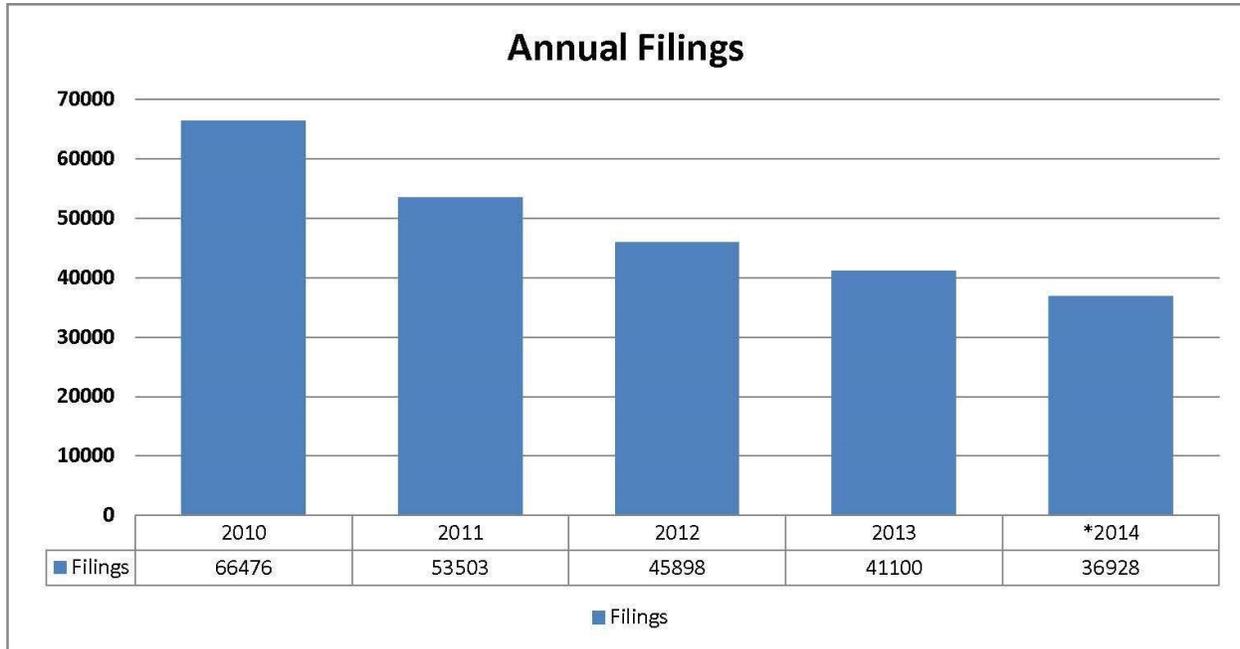
TAMPA

May 6 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)
 May 13 @ noon TBBBA Luncheon (CLE TBD)
 September 24 @ noon CFBLA Clerk Appreciation Luncheon (location: TBD)

**OTHER
IMPORTANT DATES**

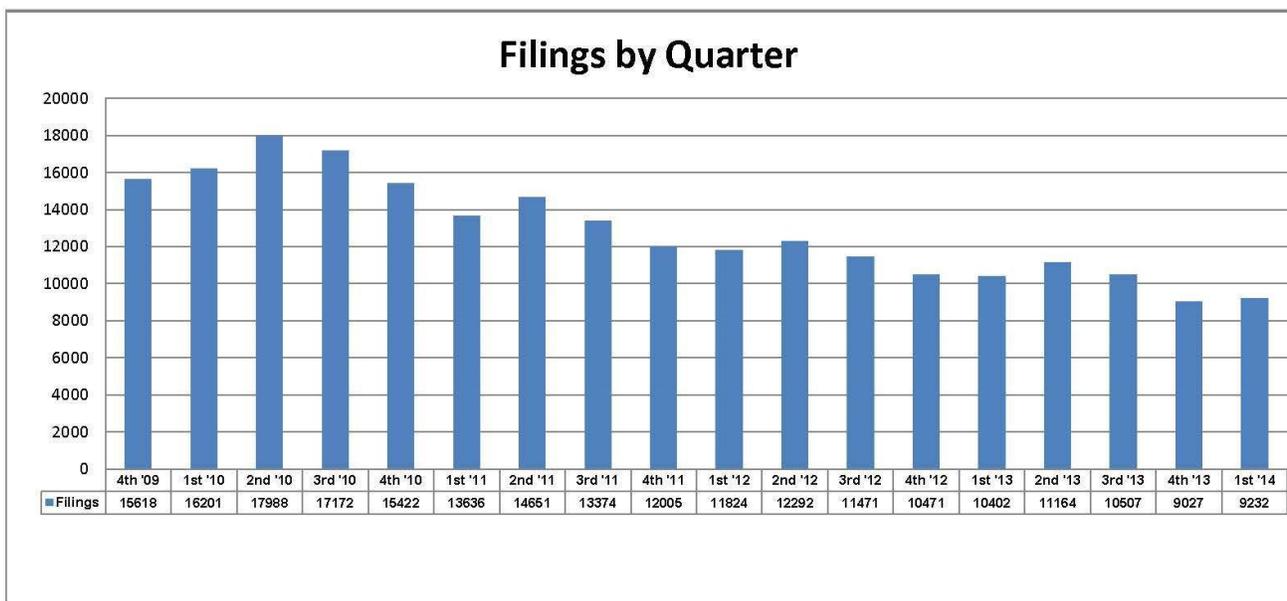
May 16, 2014 CFBLA Seminar ("Bankruptcy: Navigating the Valley") at Embassy Suites, Orlando, FL
 June 24-28, 2014 Florida Bar Annual Meeting, Orlando, FL
 August 22, 2014 JBBA Annual Seminar

United States Bankruptcy Court - Middle District of Florida
Updated April 8, 2014 Meeting Data and Information
Statistics as of March 31, 2014

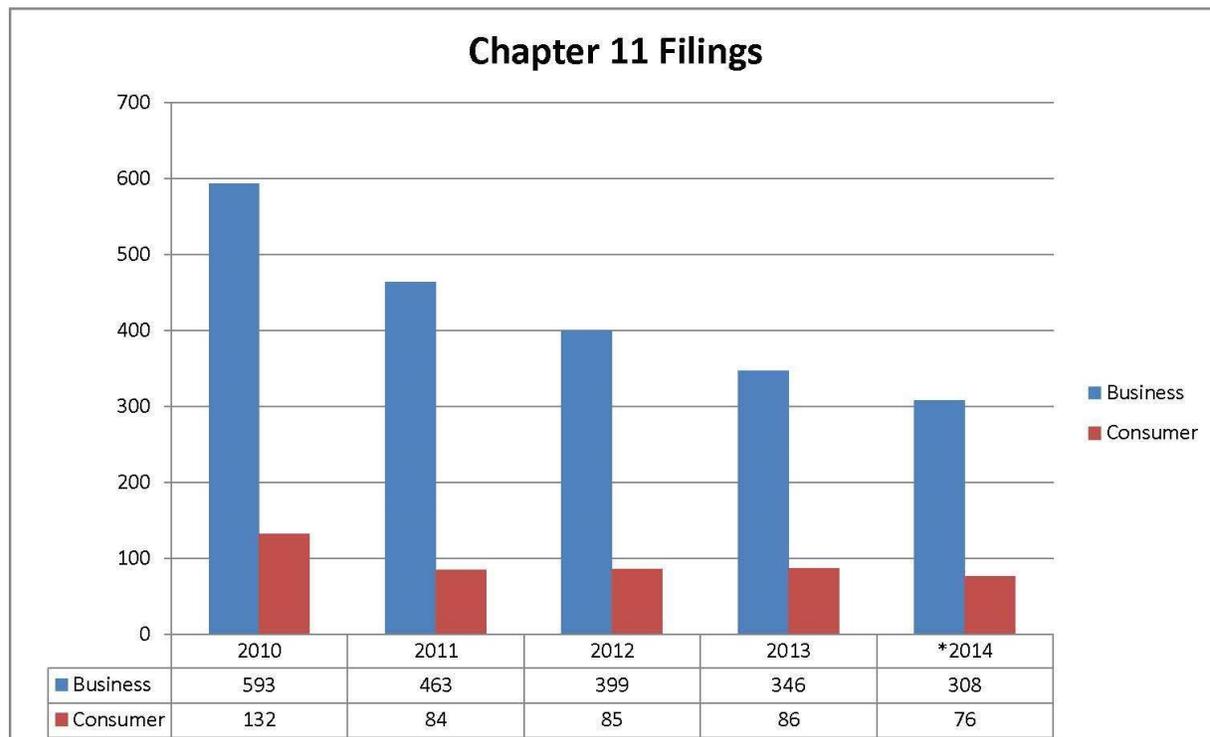
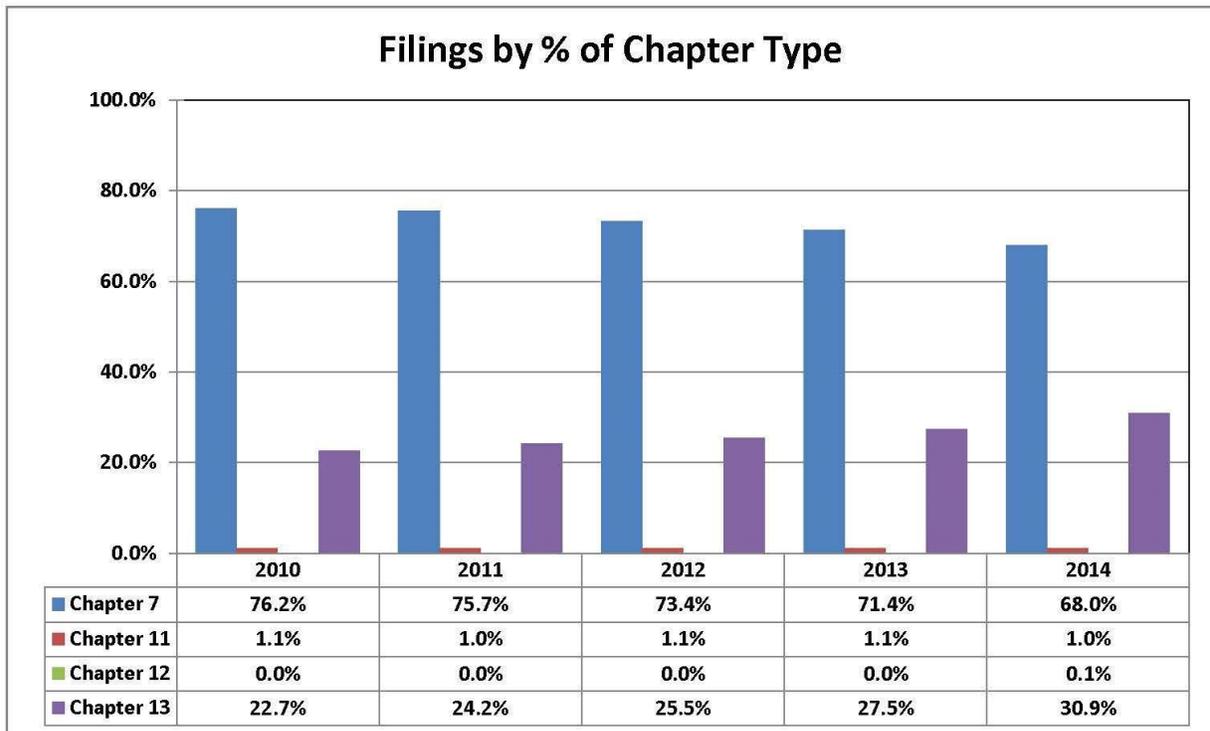


Year	Annual Filings	vs. 2010	vs. Prior Yr.
2010	66476		
2011	53503	-20%	-20%
2012	45898	-31%	-14%
2013	41100	-38%	-10%
*2014	36928	-44%	-10%

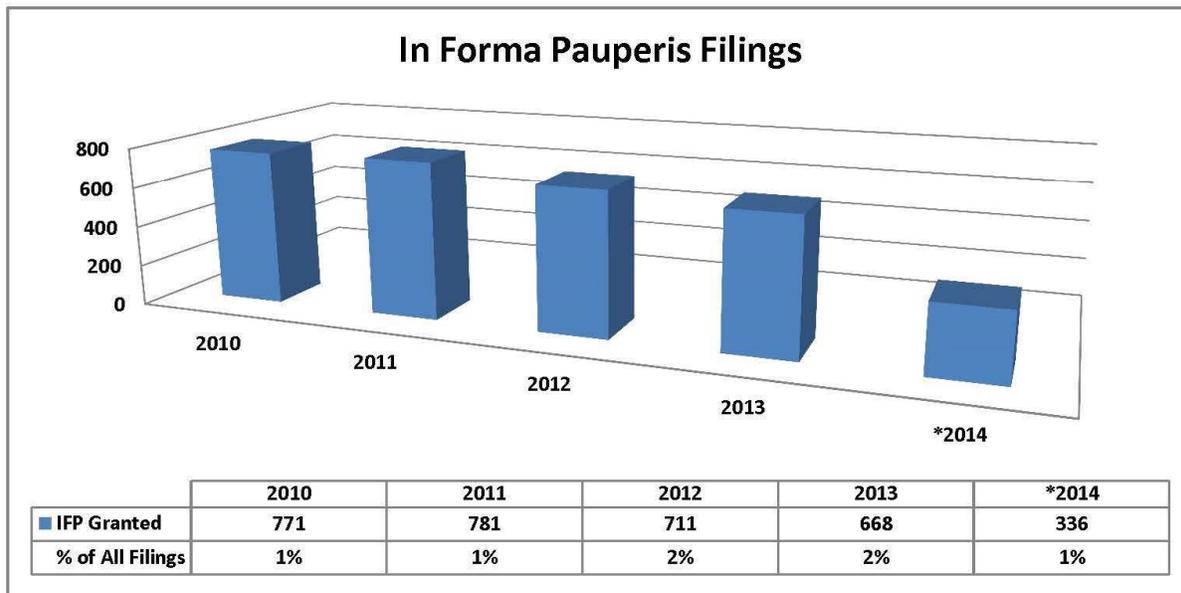
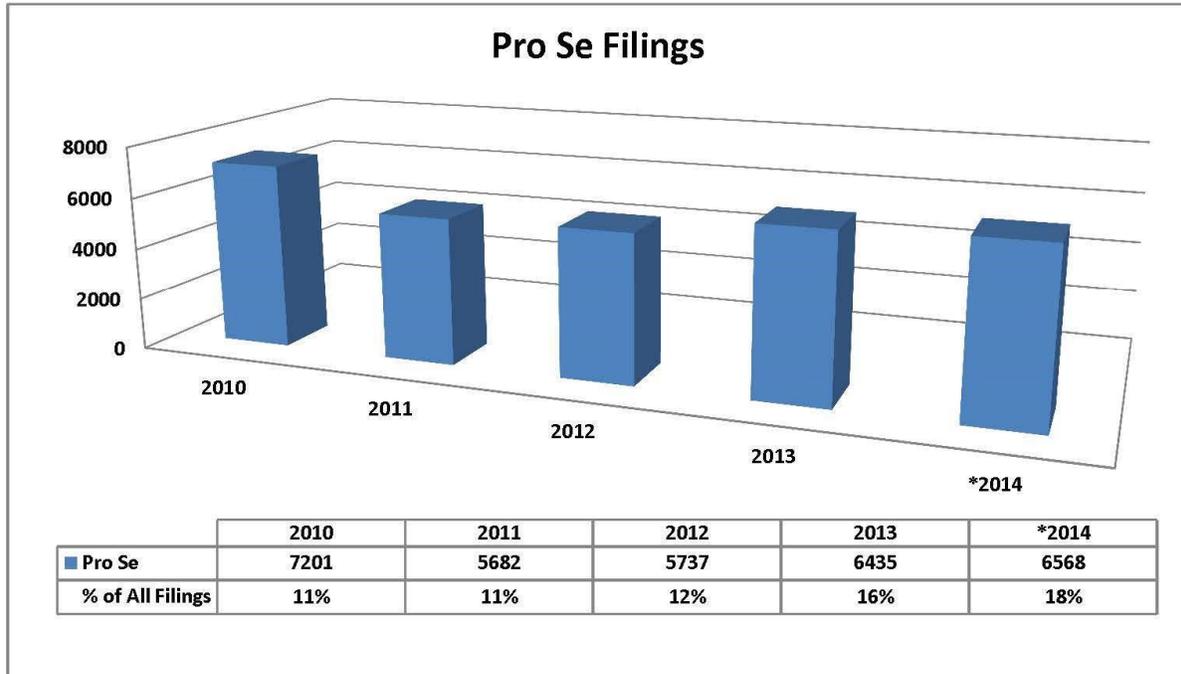
* Projected Filings



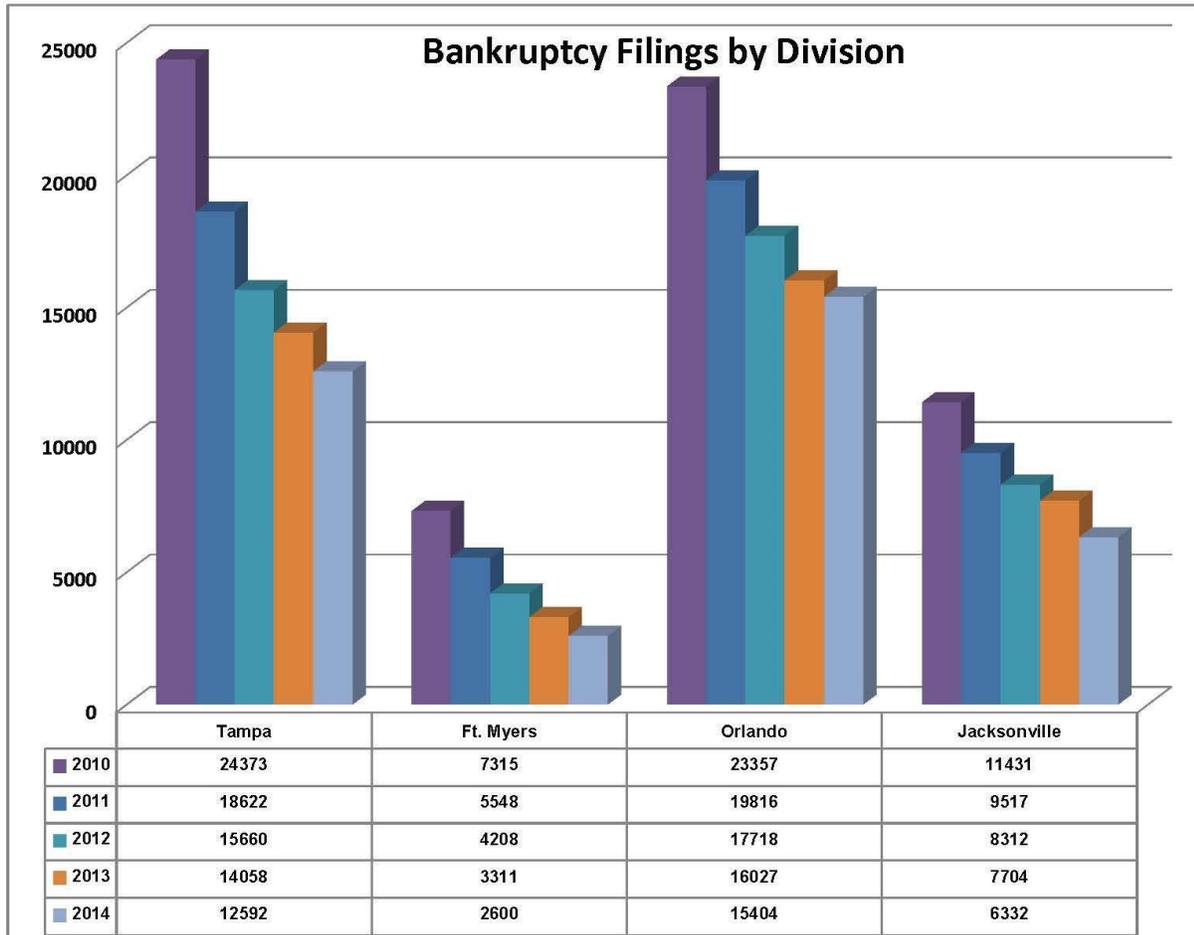
United States Bankruptcy Court—Middle District of Florida Statistics as of March 31, 2014



**United States Bankruptcy Court—Middle District of Florida
Statistics as of March 31, 2014**



**United States Bankruptcy Court—Middle District of Florida
Statistics as of March 31, 2014**



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Chapter 11 and Pro se filings chart counts have been corrected due to a programming error.

**United States
Bankruptcy Court**

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articles by January 1, April 1,
July 1, and October 1 to:**

Kim Osment

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[www.flmb.uscourts.gov **]**