



Court Connection

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

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.

July 2014

**The Court
Connection**

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The Dog Days of Summer By: Lee Ann Bennett, Clerk of Court



We truly are in the Dog Days of Summer!

The Dog Days of Summer is that part of the year when it is hot and muggy – almost impossible to be outside. Have you ever wondered, however, where the phrase originated? The phrase dates back to the ancient Romans who believed the star “Sirius” or “Dog Star” added heat to the day as it rose with the sun in the summer. I always believed it had something to do with how dogs reacted to the heat of summer. Regardless of its origin, I think we should adopt a dog’s attitude to the summer heat. My two favorite dogs, Hogan and Sophie, slow down in the summer, enjoy many treats, lie in the shade (or stay in the house), take care of necessary business, and spend as much time as possible with their loved ones.

So during this year’s Dog Days, the Court is going to adopt the Hogan/Sophie attitude. We will slow down and not take on *new* projects. We still will work to complete any in-progress projects. If we can move through these tasks this summer, however, we can stay on track towards meeting the Court’s vision. We will use this summer to re-energize and enjoy spending time with each other (at the Court’s upcoming off-site training) and with loved ones.

Everyone needs to take breaks to help them achieve work-life balance. We will take those needed summer vacations and look for places to lie in the shade as well as discover treats. Even indulging in small summer pleasures is satisfying and energizing. As we spend time dreaming and planning for the Fall that’s just ahead, but I encourage each of you to also slow down and take time to enjoy life during these Dog Days. Have a great Summer!

MOTION AND ACCOMPANYING ORDER PROCEDURE

By: Alyson Johnson, CM/ECF Administrator

To further the Court's ongoing goal of thinking districtwide, committees recently reviewed the application and motion events in CM/ECF and presented a list for the judges' consideration. Over 200 events were reviewed and lists were compiled outlining a uniform districtwide "plan of action" for many of the events. As a result, 16 events will be removed from CM/ECF, three events will be renamed, and the Court will issue an Accompanying Order List – papers for which, at the time of docketing, a proposed order may be simultaneously submitted.

Trends exist in all things – even in bankruptcy motions! Events are being removed from CM/ECF largely due to a lack of necessity, lack of use, or tendency toward misuse. They may have become less pertinent over time or been supplanted by other events. The following 20 events will no longer be available in CM/ECF:

- Application/Motion for Authority
- Application to Defer Payment of Fee
- Application to Deposit Unclaimed Funds
- Motion for Review/Reconsideration of Order Dismissing Appeal
- Motion for Leave to Withdraw
- Motion for Limited Admissions
- Application for Pro Bono Counsel
- Motion for Withdrawal – (Pleadings)
- Motion to Abandon Real Property by Debtor (TPA/FTM)
- Motion to Appear Telephonically (See <http://www.flmb.uscourts.gov/telephonic/appearances.pdf> for guidelines)
- Motion to Avoid Lien on Household Goods 522(f)(1)(B)(i)
- Motion to Cancel 341 Meeting of Creditors
- Motion to Dispense with Notice or Service
- Motion to Extend Time for Credit Counseling
- Motion to Modify
- Motion to Require Debtor to File a Plan
- Motion to Set Hearing
- Motion to Waive Notice
- Motion to Waive Pay Order
- Request to Defer Payment

Should you have questions regarding what event to use for your motion or application in the absence of these options, please contact the Help Desk for guidance.

In addition, three events are being renamed:

- Motion to Seal will be renamed "Motion to File Paper Under Seal"
- Motion to Avoid Other Liens will be renamed "Motion to Avoid Liens," and should be utilized for all lien avoidance motions, including those pertaining to household goods
- Motion to Allow Late Filed Claim will be renamed "Motion to Allow Claim as Timely Filed"

Motion and Accompanying Order Procedure (continued):

Finally, the Accompanying Order List which follows has been created to assist attorneys with an easy reference of the papers for which a proposed order may be simultaneously submitted upon docketing. With these motions/applications, there is no need to add negative notice and generally no need for a hearing or to await instruction from the Court to submit a proposed order. Please note that submissions should continue to follow the established guidelines for submission of proposed orders; proposed orders should not be attached to the motion when docketing. As with any motion, the Court may determine a hearing is necessary, and the attorney will be notified accordingly.

It is the Court's hope that the Accompanying Order List, in conjunction with the Permissible Use of Negative Notice List, will assist attorneys in easing and better streamlining their practice before the Court district-wide.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ACCOMPANYING ORDER LIST
Effective *August 1, 2014*

Application to Employ/Retain a Professional
Application/Motion for Writ of Garnishment
Joint Stipulations between Parties
Motion for Wage Deduction Orders/Motion to Direct Employer to Forward Earnings
Motion for 2004 Examination
Motion for Exemption from Credit Counseling
Motion for Exemption from Financial Management Course
Motion for Additional Redactions to Transcript
Motion for Default Judgment and Motions for Default Final Judgment
Motion for Second Disbursement of Funds
Motion for Stay Relief after Debtor Defaults on Adequate Protection Order
Motion for Substitution of Counsel
Motion to Administratively Reopen Individual Chapter 11 Case
Motion to Appear <i>Pro Hac Vice</i>

Accompanying Order List (continued):

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ACCOMPANYING ORDER LIST
Effective *August 1, 2014*

Motion to Continue
Motion to Convert filed by <i>Debtor</i> (Unless a Chapter 11 Trustee is Appointed)
Motion to Delay Discharge filed by <i>Debtor</i>
Motion to Deposit Funds into Court Registry
Motion to Disburse Funds
Motion/Notice to Dismiss a Chapter 12/13 Case filed by <i>Debtor</i> (unless case previously converted)
Motion to Excuse Appearance at 341 Meeting of Creditors
Motion to Expedite Hearing
Motion to Extend Time
Motion to Extend Deadline to File Schedules, Statements, or Other Required Information
Motion to File Papers under Seal
Motion to Limit Notice
Motion to Redact Information
Motion to Reinstate
Motion to Reopen
Motion to Restrict Public Access
Motion to Sever
Motion to Shorten Time
Motion to Transfer
Motion to Withdraw as Counsel filed by attorney for <i>Creditor</i>



**United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, FL 33602**

MEMORANDUM

From: Hon. Caryl E. Delano
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: June 2, 2014

The Bankruptcy Judges of the Middle District of Florida have approved the following new and amended Local Rules, effective July 1, 2014. A brief summary of the revisions is set forth below. However, the new and amended Local Rules should be reviewed in their entirety.

- L.R. 1001-2 **Case Management and Electronic Case Filing System – CM/ECF**
Section (e) is revised to provide that claimants who have filed or who expect to file ten or more claims (reduced from 25) within a one-year period shall file their claims and claims-related papers electronically.
- L.R. 2002-4 **Negative Notice Procedure**
The negative notice legend is revised to add three days for service to the response period. Section (e) is revised to provide that orders on motions served using negative notice procedures shall be submitted after the expiration of the notice period and within three business days of such expiration.
- L.R. 2004-1 **Examination of Debtor and Others**
This new rule establishes procedures for examinations under Fed. R. Bankr. P. 2004. The rule permits the examining party to schedule the examination on 21-days' notice, without requiring the filing of a motion or an order authorizing the examination. This rule does not apply to adversary proceedings or contested matters.
- L.R. 2016-1 **Compensation of Professionals**
Subsection (c)(2)(iv) is revised to require, unless otherwise ordered by the Court, Court approval of Chapter 11 post-confirmation professional fees and costs.

Amendments to Local Rules Memo (continued):**L.R. 2090-1 Attorneys – Admission to Practice**

New section (d) imposes the responsibility upon attorneys who voluntarily resign from membership from the bar of any jurisdiction upon whose admission the attorney's eligibility to practice law in the Middle District of Florida relies, or who becomes ineligible to practice law because of disbarment or suspension from another court, to inform the Court of such resignation or ineligibility to practice law.

L.R. 3020-1 Chapter 11 – Confirmation

New section (a) requires amendments to Chapter 11 plans to be filed with the Court either as a single integrated amended plan or to be incorporated in the order of confirmation. New section (d) requires the order confirming plan to include notice of the initial post confirmation status conference and the form of post confirmation avoidance recovery report to be filed in connection with post confirmation status conferences.

L.R. 4001-1 Automatic Stay

This new rule establishes procedures for filing motions to extend or impose the automatic stay, motions to confirm that no automatic stay is in effect, and motions for relief from stay.

L.R. 9011-4 Signatures

Section (d) is revised to prescribe the procedures for the filing of papers containing the signatures of more than one party.

L.R. 9072-1 Orders – Proposed

The rule is revised to describe the format of proposed orders submitted to the Court and procedures for the submission of orders, agreed orders and amended orders.

The Bankruptcy Judges would like to thank the members of the Local Rules Lawyers' Advisory Committee for their assistance. The members are Roberta Colton, Esq., Chair, Donald Kirk, Esq., Betsy Cox, Esq., Richard Webber, Esq., Gregory Champeau, Esq., and Raymond Waguespack.

CED/lis

**Book Two in the Stern Jurisdiction Trilogy:
Executive Benefits vs. Arkison
By: Hon. Michael G. Williamson, United States Bankruptcy Judge**

The Supreme Court’s recent decision in *Executive Benefits Insurance Agency v. Arkison*¹ may aptly be described as Book Two of a bankruptcy jurisdiction trilogy that started nearly three years ago in *Stern v. Marshall*.² As we all know, in *Stern*, the Court held that Article III of the U.S. Constitution prohibits Congress from vesting a bankruptcy court with the authority to finally adjudicate certain types of proceedings (i.e., enter a final judgment) by designating those proceedings as “core” under 28 U.S.C. § 157.

Under 28 U.S.C. § 157, bankruptcy proceedings are bifurcated into two categories: “core” and “non-core” proceedings.³ Section 157 expressly authorizes bankruptcy courts to enter final judgments in “core” proceedings.⁴ But in “non-core” proceedings, bankruptcy courts are only authorized to “submit proposed findings of fact and conclusions of law to the district court,” which the district court must then review *de novo* before entering any final orders or judgments.⁵

There are two principal questions left unanswered by *Stern*. First, *Stern* does not address how a bankruptcy court should address a “*Stern* claim”—a claim designated for final adjudication in the bankruptcy court as a statutory matter, but a claim that the bankruptcy court is without power to finally adjudicate as a constitutional matter. Second, *Stern* left unanswered whether or not the constitutional limitation on a bankruptcy court to finally adjudicate a non-core matter is cured when the parties consent to the bankruptcy court’s entering a final judgment.

Regarding the first issue—how are *Stern* claims to be treated—a number of courts since *Stern* concluded that *Stern* claims fall into a gap between section 157(b)—which authorizes bankruptcy courts to enter final judgments in matters statutorily defined as “core” proceedings—and section 157(c)(1)—which only permits bankruptcy courts to submit to the district court for *de novo* consideration proposed findings of fact and conclusions of law in matters that are statutorily defined as “non-core” proceedings.

In *Executive Benefits*, the Supreme Court held that section 157’s savings clause instructs bankruptcy courts how to proceed.⁶ The savings clause provides that if any provision of section 157 is held invalid, the remainder of that section will not be affected.⁷ Under the Supreme Court’s analysis in *Stern*, while section 157(b) is no longer valid regarding *Stern* claims, that does not affect the validity of section 157(c)(1). So bankruptcy courts should look to section 157(c)(1) when dealing with *Stern* claims, which means bankruptcy courts are authorized to enter proposed findings of facts and conclusions of law when addressing *Stern* claims.

Although the bankruptcy court in *Executive Benefits* entered summary final judgment (rather than proposed findings of fact and conclusions of law) on the chapter 7 trustee’s fraudulent transfer claims, the Supreme Court nevertheless affirmed its ruling. That is because Article III, at bottom, simply requires *de novo* review of the trustee’s claim. And the defendants in that case received that.

¹ ___ U.S. ___, 134 S. Ct. 2165 (2014).

² 564 U.S. ___, 131 S. Ct. 2594, 180 L. Ed. 2d 475 (2011).

³ Compare 28 U.S.C. § 157(b)(2) (“core” proceedings) with 28 U.S.C. § 157(b)(4) (“non-core” proceedings).

⁴ 28 U.S.C. § 157(b)(1).

⁵ 28 U.S.C. § 157(c)(1).

⁶ *Executive Benefits Ins. Agency v. Arkison*, ___ U.S. ___, 134 S. Ct. 2165, 2172-74 (2014).

⁷ See 98 Stat. 344, note following 28 U.S.C. § 151.

Judge Williamson (continued):

In other words, even if the bankruptcy court's final judgment was defective, the district court's *de novo* review and entry of final judgment cured the bankruptcy court's error.

So the decision in *Executive Benefits* is significant because it provides guidance to bankruptcy courts on how to handle *Stern* claims going forward. The Court's decision, however, does not extend beyond that. Because it ruled that the defendants received a *de novo* review of their claims, the Court was not required to address the second question left unanswered by *Stern*—whether the defendants could consent to the bankruptcy court's adjudication of a "*Stern* claim."⁸

Because the split in the circuits concerning consent to the bankruptcy judges entering a final judgment on a *Stern* claim was not resolved by *Executive Benefits*, on July 1, 2014, less than three weeks after *Executive Benefits* was decided, the Supreme Court granted certiorari in a case that will most likely become Book Three of the trilogy. The case was *Wellness Int'l Network v. Sharif*⁹, in which the Seventh Circuit Court of Appeals held that the debtor could not waive its *Stern* objection or consent to entry of final judgment in a *Stern* matter.

According to the Seventh Circuit, a constitutional objection based on *Stern* cannot be waived because it implicates separation-of-powers principles. When Article III limitations are at issue, the court reasoned, "notions of consent and waiver cannot be dispositive because the limitations serve institutional interests that the parties cannot be expected to protect." The Seventh Circuit then held that the bankruptcy court lacked constitutional authority to finally adjudicate Wellness Network's alter ego claim.

It will most likely be a year to so until we have an answer to the consent question. So for now, our courts will be governed by *Stern* and *Executive Benefits*. Here is a recap of what *Executive Benefits* holds, what it reaffirmed, what it does not hold, and what it leaves for future resolution.

Holding of Executive Benefits.

The problem created by *Stern* is that it does not instruct us on how to deal with *Stern* claims which, while defined as core, cannot constitutionally be decided by the bankruptcy court and are also not within matters considered statutorily to be non-core that can be decided by the procedures in section 157(c) that deal with non-core matters.

In *Executive Benefits*, the Supreme Court closed this gap in the bankruptcy statute by holding that *Stern* claims may be adjudicated as non-core within the meaning of section 157(c) based on the severability provision found in title 28. This severability provision "closes the so-called 'gap' created by *Stern* claims."¹⁰

What Executive Benefits reaffirms.

In footnote 8 of *Executive Benefits*, Justice Thomas reaffirms the statement made by Justice Roberts in *Stern* that removal of claims from core bankruptcy jurisdiction does not "meaningfully change the division of labor in the current statute."¹¹ This is an important quote from Justice Thomas's opinion in *Executive*

⁸ See *Executive Benefits*, 134 S. Ct. at 2170 n.4.

⁹ *Wellness Intern. Network, Ltd. v. Sharif*, 727 F. 3d 751 (7th Cir. 2013).

¹⁰ *Executive Benefits*, 134 S. Ct. at 2173.

¹¹ *Id.* at 2173 n.8.

Judge Williamson (continued):

Benefits because it supports the conclusion that Stern is to be read narrowly as has been the holding of many, but not all, cases interpreting *Stern*.¹²

What Executive Benefits does not hold.

The Supreme Court did not hold that any other provisions of 28 U.S.C. § 157 were unconstitutional beyond 28 U.S.C. § 157(b)(2)(H) that was found to be unconstitutional in *Stern*. This is important because it leaves intact 11 U.S.C. § 157(c)(2). This provision provides that the District Court, with the consent of all parties, may refer a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments subject to appellate review.¹³

So even in cases involving a *Stern* claim or non-core proceeding pending before the bankruptcy court, the parties may consent to the bankruptcy court entering a final judgment. This is actually common in our local experiences, and in the vast majority of cases dealing with *Stern* claims or non-core matters, parties consent to the bankruptcy court entering the final judgment. While the Fifth, Sixth, and Seventh Circuits¹⁴ have held this to be unconstitutional, the Ninth Circuit in *Executive Benefits*¹⁵ held to the contrary and the Eleventh Circuit has not addressed the issue. So absent an Eleventh Circuit or Supreme Court ruling that 11 U.S.C. § 157(c)(2) is unconstitutional, the conduct of cases in our court will continue as usual.

It is also noteworthy that even though in theory Stern claims are subject to *de novo* review by the District Court, there is nothing in 28 U.S.C. § 157(c)(1) that requires an actual *de novo* review except on matters “to which any party has timely and specially objected.”¹⁶ This language is implemented in part by Federal Rule of Bankruptcy Procedure 9033(d), which requires *de novo* review “of any portion of the bankruptcy judges finding of fact and conclusions of law to which specific written objections have been made in accordance with this rule.”¹⁷

What Executive Benefits leaves for future consideration.

Because the Supreme Court in *Executive Benefits* concluded that the District Court did conduct a *de novo* review of the final judgment, which is all that Stern requires, the Court did not need to address whether from a constitutional perspective the Petitioner could consent to the bankruptcy court’s adjudication of a *Stern* claim. The Court reserved that question for another day. That day will occur on resolution of the *Sharif* case in what will be Book Three of the Supreme Court’s jurisdictional trilogy.

¹²See, e.g., *In re Safety Harbor Resort and Spa*, 456 B.R. 703 (Bankr. M.D. Fla. 2011).

¹³11 U.S.C. § 157(c)(2).

¹⁴*In re BP RE, L.P.*, 735 F.3d 279 (5th Cir. 2013); *Wellness Int’l Network, Ltd. v. Sharif*, 727 F.3d 751 (7th Cir. 2013), cert. granted, ___ U.S. ___, 2014 WL 497624 (2014); *Waldman v. Stone*, 698 F.3d 910 (6th Cir. 2012), cert. denied, ___ U.S. ___, 133 S. Ct. 1604, 185 L. Ed. 2d 581 (2013).

¹⁵*Executive Benefits Ins. Agency v. Arkison (In re Bellingham Ins. Agency, Inc.)*, 702 F.3d 553 (9th Cir. 2012).

¹⁶11 U.S.C. § 157(c)(1).

¹⁷Fed. R. Bankr. P. 9033(d).

Our New FJC Faculty Member

By: LeeAnn Bennett, Clerk of Court

The Federal Judicial Center (FJC) often utilizes court staff to facilitate training in other courts. As an example, some of you may recall attending the “M.E.E.T. on Common Ground: Speaking up for Respect in the Workplace” class presented to our Court by FJC trainer, Eddy Emmons, Clerk of Court from the California Northern Bankruptcy Court.

In April, the FJC began seeking faculty (court staff) for their new Personality Type Instrument and Temperament training program. Although there were 163 applications received, the FJC was only able to fund 30 participants. I am very pleased to announce that Jill Norris, from our Tampa Division, was selected to participate as a FJC trainer, to facilitate this training class.

The Personality Type Instrument and Temperament training is a 4-6 hour training program that will be offered to all court units and districts. Participants attending the program can use this knowledge to develop more effective communication skills and build better relationships.

During the week of July 29th, Jill will be attending “Training for Trainers”, taught at the National Curriculum Training Institute (NCTI), in Scottsdale, Arizona. Following this, Jill’s first assignment from the FJC, is to conduct this training in her own Court.

Clerk’s Office Staff Transitions



Our new Chief Deputy, Jason Kadzban, came aboard on June 30. Jason comes to us from the Administrative Office of the United States Courts where he served as the Infrastructure Services Project Manager. Before his position at the AO, Jason served as the Assistant Systems Manager for the U.S. Bankruptcy Court for the Western District of Michigan. In 2010, Jason was selected to serve a year in the Director's Leadership program at the AO. Director Duff highly praised Jason and described him as detailed oriented, results driven and skilled in fostering cooperation among different groups and individuals. Jason has a Masters Degree in Business Administration and a Masters Degree in Computer Information Systems.

A native of Michigan, Jason is excited to move to Florida where he plans on enjoying everything it has to offer including the hot weather. Jason is married and the father of three young, athletic children. His weekends are frequently and happily spent at the soccer field watching games. Jason enjoys reading, bike riding, hunting, and college football. Welcome Jason to the Middle District of Florida!



In June 2014, Richard Arendt, Assistant Systems Manager, left the Middle District of Florida. Richard, his wife, Norma, and their kids moved to Sacramento, California where he took a position with U.S. District Court as Director of Informational Technology. Richard was with our Court since 2003. In addition to being the Assistant Systems Manager, he was our “Webmaster”. His contributions included the eBallots web application, universal login and creation of the video page for training. Best wishes to Richard and his family as they begin their life in California.



New Bar Leaders for the JBBA, OCBA Bankruptcy Committee, and the TBBBA

Jacksonville Bankruptcy Bar Association (JBBA):

Robert A. Heekin, Jr. is the new President of the Jacksonville Bankruptcy Bar Association. Mr. Heekin received his Bachelors of Arts in Business Administration from the University of Florida in 2000, and his Juris Doctorate from the University of Florida, Levin College of Law, in 2003. While attending law school, Mr. Heekin served as Chairman of the ACCENT Speakers' Bureau. He was also a member of Florida Blue Key. Mr. Heekin is a shareholder in the firm of Thames Markey & Heekin, P.A.



Prior to his attending law school, Mr. Heekin enlisted in the U.S. Army. During his enlistment, he served as a Korean Linguist, and authored Heekin's Integrated Research Tables for Sino-Korean. He was honorably discharged in 1998 as a Sergeant after four years of service. Mr. Heekin is also an Eagle Scout, and remains active in local Scouting organizations.

His contact information is:

Robert A. Heekin, Jr., Esquire
Thames Markey & Heekin, P.A.
50 N. Laura Street, Suite 1600
Jacksonville, Florida 32202
904.358.4000
rah@tmhlaw.net

Orange County Bar Association (OCBA) Bankruptcy Committee:

Cynthia E. Lewis is the new Chair of the OCBA Bankruptcy Committee. Ms. Lewis graduated from the Florida Agricultural & Mechanical University, College of Law located in Orlando, Florida and cum laude from Florida Southern College. Ms. Lewis is an attorney in Orlando, Florida whose practice centers around consumer bankruptcy.

A second career individual, Ms. Lewis, who is also a Certified Public Accountant, spent a good portion of her career directing the administration of various Orlando law firms.



Ms. Lewis's contact information is:

Cynthia E. Lewis
James H. Monroe, P.A.
2507 Edgewater Drive
Orlando, Florida 32804
407.872.7447
clewis@jamesmonroepa.com

Introducing Our New Bar Leaders (continued):**Tampa Bay Bankruptcy Bar Association (TBBA):**

Edward J. Peterson was recently installed as the new President of the Tampa Bay Bankruptcy Bar Association at its Annual Dinner and Silent Auction on June 5, 2014.

Mr. Peterson graduated from Kenyon College in 1995 with a Bachelor of Arts in Economics, 1995. He graduated *Magna Cum Laude* from the University of Alabama College of Law in 1999.

Edward is a shareholder with the firm of Stichter Reidel Blain and Prosser, P.A. He joined Stichter Riedel in 2005 after four years with the firm of Bradley Arant Rose & White, LLP, in Birmingham, Alabama.

Mr. Peterson's contact information is:

Edward J. Peterson, Esquire
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110 East Madison Street, Suite 200
Tampa, Florida 33602-4700
813.229.0144
epeterson@srbp.com

**MORTGAGE MODIFICATION MEDIATION PORTAL TRAINING**

Available on the following dates and at the following locations:

- Orlando: August 6, 2014 at 2:00 pm in the Clerk's office training room located on the 5th floor of the George C. Young Federal Courthouse, Orlando, Florida.
- Jacksonville: August 7, 2014 at 9:00 am in the Chapter 13 Trustee's office training room located at 200 W. Forsyth St., Suite 1520, Jacksonville Florida (space limited to 35).
- Tampa: August 8, 2014 at 3:00 pm in the Clerk's office training room located on the 5th floor of the Sam M. Gibbons U.S. Courthouse, Tampa, Florida.

Please contact the local Chapter 13 Trustee offices for further details.

UNITED STATES COURTHOUSE OPENS AS LeMERIDIEN HOTEL

By: Chuck Kilcoyne, Deputy-in Charge, Tampa Division



The “Classic Courthouse”, located at 601 North Florida Avenue, is Tampa’s newest downtown hotel, proudly showing off its 20 foot ceilings, granite walls, marble floors and grand stairs leading up to the large columns, which is now the entrance to the hotel’s “Bizou Brasserie” restaurant. The \$27 million renovation of the courthouse is now complete.

Judge Alexander L. Paskay had a courtroom in the courthouse (where he not only conducted hearings, but also, Section 341 Meetings), together with a small Clerk’s office. I was working for a sole practitioner by the name of Don M. Stichter at the time. I remember walking over to the courthouse in the early 1970’s to file a new case, which had

to be filed with the District Court Clerk’s office back then (referred to the Bankruptcy Court the next day). We also maintained a post office box in the lobby of the courthouse.

District Court Judges and Bankruptcy Judges, together with members of the staff, were invited to a pre-grand open tour hosted by the hotel’s developer and general manager. The architects preserved as much of the flavor of the old courthouse as they could. The main ceremonial courtroom has been turned into a ballroom, which has the original gold-leafed eagle high above near the ceiling, Senior District Judge Castagna’s bench is now part of the Business Center in the lobby, a witness stand is now the hostess station at the restaurant; and you even see some of the old doors with glass panels reading “United States Hearing Room Entrance” throughout the hotel. Our tour guide was quick to point out the old holding cells that are now guest rooms (minus the bars). Finally, the Judges parking area, which was surrounded by a 10 foot wall, is now the Secret Garden and pool area.



The 130 guest rooms are equipped with ultra-modern fixtures. Depending on availability and season, rates are from \$160 to \$200 per night.



“District-Wide Steering Committee” – What Is That All About?

By: Elena Ketchum, Stichter, Riedel, Blain, & Prosser, P.A.

Generally, a “steering committee” is an advisory committee made of individuals who provide guidance or direction on key issues. This definition squarely fits the role of the District-Wide Steering Committee of the United States Bankruptcy Court of Middle District of Florida (“Steering Committee”). The Middle District of Florida has four divisions that historically have not been uniform in their procedures. Accordingly, the role of the Steering Committee is to provide suggestions to the bankruptcy judges of the Middle District, moving towards uniformity.

The Steering Committee

The Steering Committee’s membership is diverse, and changes from year to year. The members of the Steering Committee consist of individuals from the Clerk of the Bankruptcy Court, Office of the United States Trustee, the chapter 7 panel trustees, the standing chapter 13 trustee, members of the creditor and debtor Bars, chapter 11 practitioners, and business attorneys in all four divisions of the Middle District of Florida. Chief Judge Jennemann appoints each member to serve for a term of about two years. The Steering Committee meets each month, with members providing their candid suggestions regarding ways in which the Middle District Bankruptcy Court can be improved, including the impact various issues may have on specific areas of practice.

From Steering Committee to Local Rules

This 2014 year, the Steering Committee has discussed and provided suggestions regarding uniform procedures relating to Stay Relief, Rule 2004 Examinations, Reaffirmation Agreements, and Adversary Proceedings. The Steering Committee discusses each issue at its monthly meetings, synthesizes the information gathered, and provides the Middle District judges with recommendations. With some issues, the Steering Committee breaks out into subcommittees. For example, with respect to Stay Relief procedures, the Steering Committee formed subcommittees to discuss Stay Relief issues specifically related to chapter 7 cases and specifically related to chapter 13 cases. The Steering Committee is employing the same process with respect to formulating possible recommendation regarding uniform procedures for Adversary Proceedings. From time to time, the Steering Committee will also solicit the opinions of the bankruptcy bars through surveys seeking input from practitioners who work in specific practice areas.

During this 2014 year, at least two issues that had their genesis in the Steering Committee are new Local Rules. *See* Local Rules 2004-1 and 4001-1.

The Bench Bar Conference

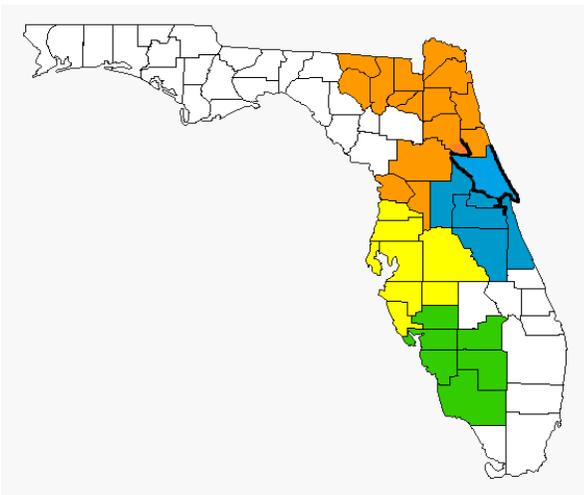
In a few months, on November 5, 2014, the District-Wide Steering Committee will host the Third Annual Bench Bar Conference. The focus of this year’s Bench Bar Conference will likely be centered on issues relating to Chapters 11 and 13. Participants of the Bench Bar Conference include bankruptcy judges, representatives from the Clerk’s office, and Office of the United States Trustee, Trustees, Debtor’s counsel, Creditor’s counsel and business attorneys.

Steering Committee (continued):

Practitioners who are interested in participating in the Bench Bar Conference should contact the Steering Committee's Chairperson Elena Ketchum, at eketchum@srbp.com or hportales@srbp.com. We hope to invite participants who have not attended the prior Bench Bar Conferences and welcome new ideas. Although space for the Bench Bar Conference is limited and the Steering Committee is unable to guarantee attendance, the Committee welcomes hearing from you.

Filing Cases in Proper Divisions By: Jason Kadzban, Chief Deputy

Effective on August 1 there is a local rule change to Rule 1007-1 Bankruptcy Court Divisions. The revision moves Volusia County from the Jacksonville Division to the Orlando Division. This change aligns the Bankruptcy Divisions with those used by District Court. The Clerk's Office shall assign each case to the appropriate Division as determined by the debtor's county of residence or principal place of business as set forth on the bankruptcy petition. The assignment will happen automatically within CM/ECF at the time of filing. Parties no longer will be allowed to choose their preferred divisions starting on August 1. There will be no CM/ECF screen changes and software updates will not be needed. The Court, upon motion of any party in interest or the Court's own motion, may order the case be transferred to a different Division if the Court determines that the transfer is in the interest of justice or for the convenience of the parties.



Fort Myers Division (green): Charlotte, Collier, De Soto, Glades, Hendry and Lee

Jacksonville Division (orange): Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union

Orlando Division (blue): Brevard, Lake, Orange, Osceola, Seminole, and Volusia

Tampa Division (yellow): Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota

Attorney Noticing
By: Gull Weaver, Deputy in Charge (Jacksonville)

On June 9, 2014, approximately one year after the Court instituted the policy of attorneys noticing their orders; the Court is now asking attorneys to notice their hearings, a practice that is consistent with other federal and state courts.

The initiative of attorneys noticing their orders has been successful, especially in light of the Court's reduced resources. With the cooperation of attorneys and their staff this initiative is expected to be equally successful, and the process is fairly simple. The courtroom deputy will notify the attorney by docket entry of the hearing's date and time. The attorney will have three days from the date of the docket entry to notice the hearing. If the hearing is not noticed within three days, the Clerk's office will send a reminder. The attorney then has an additional two days to notice the hearing, but if not noticed within that time frame, the hearing on that matter will be cancelled. For the hearing to be reset, the attorney must file a request for hearing.

Although the cost of noticing is being passed along to the attorneys, the savings to the Court is crucial with the current budget constraints. When calculating the combined savings realized from the attorneys serving their orders, and the Trustees and attorneys noticing their hearings, the Middle District is expected to save approximately \$360,000 annually on noticing costs.



U.S. Department of Justice

Office of the United States Trustee

400 W. Washington St. Suite 1100

Orlando, FL 32801

Ph.: (407) 648-6301

Fax: (407) 648-6323

Orlando Office Update

Trial Attorneys Jill Kelso and Miriam Suarez and Bankruptcy Analysts Maureen Gimenez and Ana Rodriguez presented "Chapter 11 Bootcamp" at the Jacksonville Bankruptcy Bar Association's Brown Bag Luncheon on April 23, 2014.

The Orlando Office of the United States Trustee presented Annual Training for Orlando and Jacksonville Chapter 7 Panel Trustees on May 30, 2014. The training included presentations on a variety of current Chapter 7 issues. Among the presenters were Chief Judge Jennemann; Kathy Deetz, Deputy- in-Charge of the Orlando Division of the U.S. Bankruptcy Court; Acting U.S. Trustee Guy G. Gebhardt and Assistant U.S. Trustee Charles R. Sterbach. The training also included presentations from the Federal Bureau of Investigations, the United States Attorney's Office, the Florida Department of Law Enforcement, the Internal Revenue Service, Florida's Division of Insurance Fraud, and the Florida Department of Revenue.

The Orlando Office of the United States Trustee is currently planning the next panel trustee training to be held in Jacksonville.



Dear “BLES-ed” Supporters:

Now that we’re approaching BLES’s second anniversary, I figured it an appropriate time to clear up any confusion:

BLES is spelled with just one S.

Yes, just one; and yes, it is intentional. BLES is, and was always intended to be, JUST ONE SOURCE of funding in the Middle District for educational and public service programs related to bankruptcy, which programs are designed to help at least JUST ONE SOMEBODY. By funding the district-wide pro se clinics, as well as funding educational clinics in law schools, starting with FAMU this year, BLES is already living up to its JUST ONE S name.

So, aside from the most obvious purpose in clarifying BLES’s spelling (e.g. to avoid the use of the dreaded “[sic]” adverb every time the BLES name is printed), BLES’s significantly singular constant is now integral to its own success. On May 17, at CFBLA’s Annual Seminar, BLES formally announced the launch of the “Just One S” Campaign, which seeks to raise at least \$30,000 in non-sanction money for BLES.

As you might recall, BLES secures funding from the local bar associations, seminar fees, unclaimed funds, voluntary contributions, and, of course SANCTIONS. Yet, rather than encourage practitioners to be sanctioned so that BLES can fulfill its mission, we wanted to focus on the more productive ways of raising funds. And that is the purpose of the “Just One S” Campaign (though we still readily welcome funding from sanctions).

Immediately answering the call of the “Just One S” Campaign, the good folks of the TBBBA raised more than \$13,000 at their end of the year installation dinner on June 5. Special thanks to Stephanie Lieb, Megan Murray, Keith Appleby, the Judges, and all of those in attendance that evening for providing such monumental support to BLES.

Like TBBBA, you too should answer the call to support BLES through the “Just One S” Campaign by making a contribution or volunteering to assist in any of BLES’s programs. Also, throughout the rest of 2014, you’ll see BLES emerge with a recognizable identity, including a new logo, a revamped website, and increased presence on social media. Help us spread the word about BLES and the “Just One S” Campaign so that everyone in the Middle District knows about BLES and its mission (and its spelling) by year end.

Remember, JUST ONE S!

Sincerely,

C. Andrew Roy
BLES Executive Director

BLES is the Bankruptcy Law Educational Series Foundation. 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).

Case Summaries

By: **Bradley M. Saxton, Esquire and C. Andrew Roy, Esquire,
Winderweedle, Ward, Haines & Woodman, P.A.**

Supreme Court of the United States Cases

Law v. Siegel

134 S.Ct. 1188 (March 4, 2014)

Bankruptcy court exceeded its authority under the Bankruptcy Code when allowing a Chapter 7 trustee to surcharge a debtor's partially exempt property. Though the ordered surcharge was premised on the debtor's fraudulent misrepresentation as to a lien encumbering available equity in the exempt property, the Bankruptcy Code provided for no such surcharge; in fact, the language of section 522 made clear that such surcharge was prohibited

Executive Benefits Insurance Agency v. Arkison (In re Bellingham)

134 S.Ct 2165 (June 9, 2014)

When presented with a "Stern claim" in which the bankruptcy court does not have constitutional authority to enter a final judgment, the bankruptcy court may nevertheless submit proposed findings of fact and conclusions of law for approval by the district court under de novo review. In this case, the bankruptcy court granted summary judgment in favor of the Chapter 7 trustee on the trustee's fraudulent transfer claims, and the defendant appealed the decision. The defendant thereafter raised Stern questions as to the bankruptcy court's authority. According to the Supreme Court's analysis, the district court's appellate review of the bankruptcy court's grant of summary judgment satisfied the de novo review requirement for compliance with Stern, regardless of any alleged consent by either party. Thus the judgment was affirmed (see fuller discussion on Page 7).

Eleventh Circuit Cases

In re Kane

--- F.3d ---, 2014 WL 2884603 (11th Cir. June 26, 2014)

Two debtors, a father and son, were attorneys pursuing a multi-million dollar insurance claim. They negotiated a settlement in secret which effectively allocated no part of the substantial recovery of legal fees to certain other lawyers involved in the litigation, and concealed the settlement from the other lawyers. The other lawyers sought to except the debt from discharge under section 523(a)(6) as a "willful and malicious injury." The Eleventh Circuit affirmed the bankruptcy court's ruling excepting the debt from discharge, finding that the debtors acted "willfully" and the court could imply "malice" as the actions by the debtors were "excessive" and "wrongful and without just cause."

Additionally, the Eleventh Circuit affirmed the lower court's ruling denying the discharge under section 727(a)(7) as to one of the debtors where that debtor violated an order entered by the bankruptcy court in the separate case of his law firm. Since the debtor was an insider with respect to his law firm, the debtor's actions in diverting funds in violation of the court order resulted in the discharge denial under section 727(a)(7).

Case Summaries (continued):***In re Crouser***

--- Fed. Appx. ----, 2014 WL 2444399 (11th Cir. June 2, 2014)

The Eleventh Circuit held that where the debtor, after confirmation of a Chapter 13 plan, receives settlement funds from mortgagor in consideration for action brought by the debtor against mortgagor for violation of the automatic stay, the settlement funds are still property of the estate under the plain language of section 1306.

Brooks v. Chase Bank

--- Fed. Appx. ----, 2014 WL 1910842 (11th Cir. May 14, 2014)

The Eleventh Circuit held that bank, which bankruptcy court found to be liable to debtor for violations of the Florida Consumer Collection Practices Act, could not set off that debt owed to the debtor against the bank's claim in the bankruptcy case which arose from outstanding credit card obligations. The bankruptcy court did not abuse its discretion in concluding that mutuality did not exist among the two obligations, and that allowing setoff would be inequitable and would defeat the purpose of the FCCPA.

Bankruptcy Court Cases***In re Vaughan***

2014 WL 2507439 (Bankr. M.D. Fla. June 4, 2014) (Jennemann, J.)

Bankruptcy court denied debtors' discharge pursuant to section 727(a)(6) and upon Chapter 7 trustee's motion for summary judgment. Debtors' refused to comply with turnover order, as evidenced by their admission of being aware of the order and offering no defense or reason as to why they had not complied with the order.

In re Presta

2014 WL 2448444 (Bankr. M.D. Fla. May 28, 2014) (Funk, J.)

Debtor attempted to strip off a junior lien. However, debtor relied solely on schedules filed as proof of the amount of the debt. Bankruptcy court concluded that schedules are hearsay and could not be used as evidence of the debt. Concerning the value of the property, the debtor had scheduled the property with a value that exceeded the debt, so the court held that the debtor is judicially estopped from asserting a value different than that stated in the schedules.

In re Spark

509 B.R. 728 (Bankr. M.D. Fla. May 5, 2014) (Williamson, J.)

Bankruptcy court held that payments on account of a secured claim in a Chapter 13 case must be made in "equal monthly amounts" as provided for in section 1325. The court denied confirmation of a plan that called for a balloon payment in month sixty of the plan.

Case Summaries (continued):**Eleventh Circuit Review: *In re Scantling* allows Chapter 20 Strip Offs
By: Alexis Leventhal, Law Clerk to the Hon. Arthur B. Briskman**

The Eleventh Circuit Court of Appeals recently affirmed Judge Williamson's opinion in *In re Scantling*, 465 B.R. 671 (Bankr. M.D. Fla 2012) in which he considered whether a debtor can "strip off" a wholly unsecured junior mortgage in a Chapter 20 case. See *In re Scantling*, 13-10558, 2014 WL 2750349 (11th Cir. June 18, 2014). "Chapter 20" refers to the situation in which a debtor has received a chapter 7 discharge and then seeks chapter 13 relief within the four-year time period in which the debtor cannot receive a chapter 13 discharge, as provided by 11 U.S.C. § 1328(f)(1).

The Debtor in *In re Scantling* found himself in a Chapter 20 case, having received a chapter 7 discharge within the four-year period. Debtor sought to strip Wells Fargo's wholly unsecured second and third mortgages on his primary residence. The bankruptcy court determined Debtor could strip off the second and third liens, "first, through a determination under § 506(a) that the creditor does not hold a secured claim and, second, by modifying the creditor's 'rights' under § 1322(b)(2), by avoiding the lien that the creditor would otherwise be entitled to under nonbankruptcy law." The bankruptcy court determined § 1325(a)(5) did not come into play and, therefore, eligibility for a discharge is irrelevant for lien stripping.

On appeal to the Eleventh Circuit, the issue was whether a debtor can "strip off" a wholly unsecured junior mortgage in a Chapter 20 case. Relying on pre-BAPCPA analysis of § 506(a) and § 1322(b)(2) and the fact BAPCPA did not amend either provision, the court affirmed the bankruptcy court, adopting the majority view on this issue.

The split of opinion comes down to which provisions of the Bankruptcy Code a court looks to in valuing an allowed secured claim. The majority embraces the view that holds a "Chapter 13 debtor need not be eligible for a discharge in order to take advantage of the protections afforded by Chapter 13." *In re Davis*, 716 F.3d 331, 338 (4th Cir. 2013). As such, a Chapter 20 debtor may strip off an unsecured mortgage through a § 506(a) valuation then subsequently modify the lienholder's rights pursuant to §1322(b)(2). Under this analysis § 1325(a)(5) is not involved and the debtor's ineligibility for a discharge is irrelevant to a strip off in a Chapter 20 case.

The minority view, by contrast, contends the term "allowed secured claim" in § 1325(a) is not contingent on a § 506(a) valuation. Rather, an "allowed secured claim" "merely describes (1) a claim, which is a 'right to payment' or a 'right to an equitable remedy' . . . ; (2) that is 'allowed,' meaning 'not objected to by an interested party under 11 U.S.C. §502(a); and (3) that is 'secured.'" *In re Davis*, 716 F.3d at 340 (Kennan, J., dissenting). Under this view, § 1325 specifies the conditions under which a Chapter 13 plan must address "allowed secured claims" and requires Chapter 13 plans to provide that the holder of each allowed secured claim "retain the lien securing such claim until the earlier of . . . the payment of the underlying debt determined under nonbankruptcy law; or . . . discharge under section 1328." 11 U.S.C. §1325(a)(5)(B)(i)(I).

The Eleventh Circuit held that BAPCPA did not amend §§ 506(a) and 1322(b), so the analysis permitting strip offs in Chapter 20 cases is no different than that in any other Chapter 13 case. The court sided with the majority of courts affirmed the bankruptcy court, holding that Chapter 20 debtors could strip off wholly unsecured liens.

Eleventh Circuit Review (continued):***Clark v. Rameker*: Supreme Court Says Inherited IRAs are not “Retirement Funds”
By: Matthew Hale, Law Clerk to the Hon. Karen S. Jennemann**

In its June 2014 decision, *Clark v. Rameker*, ___ U.S. ___, 134 S. Ct. 2242 (2014), the Supreme Court answered the specific question of whether a debtor’s inherited Individual Retirement Account (IRA) receives the same bankruptcy protections as a typical IRA. In a unanimous decision, the Court held that the Bankruptcy Code’s exemptions protecting a debtor’s “retirement funds” does not protect inherited IRAs. In its opinion, the Court largely focused on the practical differences between typical IRAs and inherited IRAs.

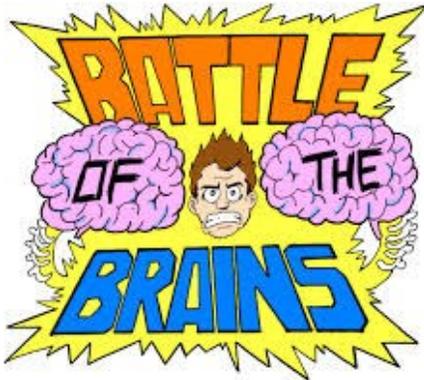
In *Clark*, the debtor inherited an IRA account worth around \$450,000 from her mother. After a few years, the debtor filed for bankruptcy relief and sought to protect the IRA account, then worth roughly \$300,000, from her creditors in bankruptcy. Section 522 of the Bankruptcy Code exempts certain assets from a debtor’s bankruptcy estate, including “retirement funds to the extent they are in a fund or account that is exempt from taxation” under sections 408 and 408A of the Tax Code. 11 U.S.C. § 522(b)(3)(C). Sections 408 and 408A of the Tax Code establish traditional and Roth IRAs and also recognize both forms of inherited IRAs. 26 U.S.C. §§ 408 & 408A.

The Court first set out to define “retirement funds” as used in § 522(b)(3)(C), holding that the term means “sums of money set aside for the day an individual stops working.” *Clark*, 134 S. Ct. at 2246. Then, the Court determined that several legal characteristics of inherited IRAs place them outside of that definition.

First, inherited IRA owners cannot invest additional money into the account, unlike typical IRAs or Roth IRAs. Second, inherited IRA owners are required take annual draws from the account or withdraw the entire amount within five years of inheritance. Last, when an inherited IRA owner does take withdrawals, they face no tax penalties like traditional or Roth IRA owners, who face stiff tax penalties for withdrawing from the account before reaching retirement age. Thus, an inherited IRA is just a “pot of money that can be freely used for current consumption.” *Clark*, 134 S. Ct. at 2247.

The Court viewed the withdrawal limitations imposed by typical or Roth IRAs as perhaps the most influential factor in its decision, reasoning “the legal limitations on traditional and Roth IRAs ensure that debtors who hold such accounts (but who have not yet reached retirement age) do not enjoy a cash windfall by virtue of the exemption.” *Id.* Because inherited IRAs do not have these limitations, the Court held that inherited IRAs are not exempt from property of a debtor’s bankruptcy estate. The Court left unanswered whether an IRA inherited by a spouse of the decedent qualifies as “retirement funds” under the Code. The spouse-inheritor presents a different situation because a he or she has the option to roll over the inherited IRA into his or her own IRA.

Although the Supreme Court’s opinion in *Clark v. Rameker* may have an impact in some jurisdictions, bankruptcy law in Florida is left largely unaltered by the decision. In Florida, debtors in bankruptcy must use Florida’s state exemptions, which specifically include inherited IRAs. See Fla. Sta. § 222.21(2)(c). However, the decision could impact estate planning when potential inheritors of an IRA live outside of Florida and would be required to use a different set of exemptions.



BANKRUPTCY STYLE

** BANKRUPTCY TRIVIA **

HOW WELL DO YOU KNOW YOUR DISTRICT?

(Answers will be posted in 7 days on the Court website)

1. Which judge won the state science fair his or her senior year?
2. How many locations for the Jacksonville Division? Can you list them?
3. How many Judges have been appointed and served full-time in the Middle District of Florida? List the order of their appointment.
4. How many Chief Judges have been appointed to the Middle District of Florida? Can you name them?
5. In 1963, the Court had two divisions. Where were they located?
6. The geographic boundaries of the Court, which stretch from the northernmost city of Jacksonville, to the southernmost city of Fort Myers, make the Court equal in size to which U.S. state?
7. How many locations have there been for the Tampa Division? Can you list them?
8. Which judge checks the morning horoscope to see how his or her day is going to be on a scale of 1 to 10?
9. Which judge transferred to the Tampa Division to balance the caseload assignment in the three divisions?
10. What case was filed in Tampa in 1990, which at that time was the largest bankruptcy case filed in the history of the court nationwide?

COURT COMMITTEE UPDATES

Procedures Drafting Committee (f/k/a Procedures Review Committee)

By: Sara Mason

The Procedures Drafting Committee finalized its drafting of the Motion to Impose the Automatic Stay, Motion to Extend the Automatic Stay, Chapter 7 No Asset Closing, and Chapter 13 Closing procedures. These procedures were forwarded to Raymond for review the beginning of June.

We are currently reviewing and drafting the Motion to Determine Secured Status procedures.

In addition, we have received the following procedures from the Procedures Committees (I, II, and III): Motion to Confirm no Stay is in Effect, Application for Compensation, and Motion to Seal. We will review these procedures in the order they were received.

Website Committee Update

By: Sarah Wiener

The Website Committee has been very busy since the January 2014 Court Connection issue. We are thrilled to have, and happy to welcome our two, new committee members Wendy Chatham and Dedra Gann. We said good-byes to our web master extraordinaire, Richard Arendt, at our last meeting and wished him good fortune as he heads to the golden state of California.

In other news, the website committee has been working on a “draft” of a new contemporary looking and very well organized intranet site. In the upcoming weeks, a survey will be emailed to all Chambers and Court staff to get an idea of what staff would like to see on this revamped site. Stay tuned!

Training Committee Update

By: Ann Iannarelli

The Training Committee welcomes Bess Dexter to our team. Bess is the Administrative Services Specialist for the Financial Department.

We recently completed the training implementation schedule for this year. The Strategic Training Plan has been updated.

Laurie Ellwood, Network Administrator for the Tampa Division and committee member, developed a Windows 7 training program. She facilitated the training for several Tampa employees in May and early June. Laurie took the Windows 7 training on the road to the Jacksonville Division on June 25. She will visit the Orlando Division in the near future.

Johnnie Prophet, Administrative Services Manager, facilitated a Judges Travel Regulations training for the Judicial Assistants on July 8. Plans are being made to facilitate a similar presentation for the Clerk’s Office staff.

Dear POINT AND CLICK:

Dear Point and Click:

Q: I have numerous exhibits to attach to a motion I am filing. I know filing early in the morning or later in the afternoon are choice times to file when you have large or lengthy exhibits, but every so often, even then, my attachments seem to take forever when uploading. There are also times where the image seems stuck. This is so frustrating. Please help!

A: Attachments can take time to upload, especially those large files or multiple exhibits. Keeping in mind the following pointers can make the process of adding these files smoother:

1. Use only black and white scanned documents.
2. The largest file size, per document, is 3 megabytes. (1024 kilobytes =1 megabyte)
3. Scanned images, such as mortgages or notes, will be larger files than documents created in Microsoft Word or Word Perfect and converted directly to pdf.
4. Bolding, underlining, italics and/or graphics in a scanned document will make the pdf file size larger.
5. Scanner resolution should be set to 200 dpi or a maximum 300 dpi.
6. To see how large your files are, place your mouse over an exhibit's pdf image icon and, using your mouse, right click. From the dialogue menu that displays, select properties. The size of the document can be found under the properties options. Different version of Adobe Acrobat display the information in different areas, as such it may be necessary to view the content of several tabs before finding the size of the file.
7. Just because a document is "only 5 pages", doesn't mean the document is fewer than 3mb. If a document is scanned at a very large resolution, those "only 5 pages" can be well over the file size limit.

To assist in identifying potential issues with the file size, a new feature in the CM/ECF system may help to determine why documents are not uploading easily. Follow the steps below to get started:

1. Have your pdf document(s) available.
2. Login to the CM/ECF system, as if filing a document.
3. Select Utilities from the Main Menu bar.
4. Select Check PDF Document, which can be found under the Miscellaneous section of the available events.
5. Left-click Browse to select your document and left-click Open in the dialogue window to load your document for review.
6. Left-click Next to review the size of the document.
7. If the document meets all the CM/ECF requirements, including maximum file size, a message will indicate so. If not, the message will indicate there is an issue with the document.
8. If any of the attachments indicate there is an issue, re-scan the document or break down the document into smaller sections and go through the review process again to verify the documents meet all of the requirements.
9. Once all documents are checked and meet the requirements, start filing!



Pro Bono Corner: A Partnership of the Courts and the Bar

From the Tampa Division:

Lynn Sherman (Adams & Reese) and Quincy Byrd (Shumaker Loop) almost had to arm-wrestle to see which of the two would volunteer first as they watched two *pro se*, disabled joint debtors, defendants, at a preliminary hearing on a dischargeability proceeding recently. Kudos to both because Lynn took the representation and accepted Quincy's offer to be her "associate" for the AP.

Kudos to Chris Tancredo who "adopted" two chapter 7 bankruptcy cases from Bay Area Legal Services at a 13th Circuit Pro Bono Committee presentation led by Judge McEwen at the Plant City Bar Association's monthly meeting in June.

Kudos to Mark Spence for accepting an appointment through our Court's Legal Assistance Program to represent the debtor on a complaint seeking an exception to dischargeability under § 523(a)(3) & § 523(a)(7).

Kudos to Thaddeus Freeman, for representing a debtor in a student loan dischargeability proceeding, through the Court's Legal Assistance



NEWS FROM THE TAMPA BAY BANKRUPTCY BAR ASSOCIATION



Judge McEwen giving a congratulatory hug to Boomer Hart for winning the Stetson-Paskay TBBBA scholarship.



Dave Jennis pretending to be on MacDill AFB's golf course back nine with a raccoon.

**TAMPA BAY BANKRUPTCY BAR
ASSOCIATION BIDS BIG IN SUPPORT OF B.L.E.S.**

By: Stephanie C. Lieb, and Megan W. Murray, TRENAM KEMKER

This year the Tampa Bay Bankruptcy Bar Association (“TBBBA”) hosted its Annual Installation Dinner on June 5th at the Palma Ceia Golf and Country Club. Outgoing President Stephenie Anthony of Anthony & Partners thanked and honored those who spent the last year laboring tirelessly to serve Tampa Bay’s bankruptcy bar and the community at large. Incoming President Edward Peterson of Stichter Riedel Blain & Prosser announced his plans for the future and took the reins to lead the TBBBA into 2015.

In addition to the changing of the guard, Harley Riedel of Stichter Riedel Blain & Prosser introduced this year’s Judge Alexander L. Paskay Bankruptcy Scholarship Award recipient, Johnathan “Boomer” Hart, a third year Stetson University Law Student. The award was presented by Judge Paskay’s widow, Rose.

The TBBBA added some variety to this year’s festivities by including live and silent auction components to the evening. Stephanie Lieb of Trenam Kemker served as Auction Chair. Rose White of Moecker Auctions served as Auctioneer for the night, auctioning seven live auction items generously donated by the Tampa bankruptcy community. The following live auction items were auctioned by Rose White throughout the evening (in alphabetical order by donor):

Beach Vacation (Donated by Anthony & Partners) Select from five locations for a one week beach house stay, including beach chairs and goodies.	valued at \$2,200.00
Anna Maria Getaway (Donated by Grimes Goebel Grimes Hawkins Gladfelter & Galvano) One week vacation at three bed/two bath home on Anna Maria Island, complete with beach gear.	valued at \$1,800.00
High Tech Fun in the Sun (Donated by Hill Ward Henderson) iPad mini, waterproof case, waterproof Bluetooth speaker, beach bag, hat and towels.	valued at \$865.00
Let’s Go Fishing (Donated by McIntyre Thanasides) Full day fishing trip with captain for three, food and drinks, and outdoor world gift card.	valued at \$600.00
Busch Gardens Family Fun (Donated by Oscher Consulting) Rare opportunity to experience being “Vet for a Day” to the park’s animals, tickets, and goodies.	valued at \$ PRICELESS
Pamper Yourself (Donated by Shumaker Loop & Kendrick) Full day of spa and relaxation for two, including lunch at Safety Harbor Resort & Spa.	valued at \$650.00

TBBBA Bids Big in Support of B.L.E.S. (continued):

Bankruptcy Geek’s Dream (Donated by the Tampa Bankruptcy Judges) valued at \$512.00
A collection of six Chapter 11 books published
by the American Bankruptcy Institute, autographed
by our judges, together with a one-time cut-in-line
court order, good for one use per judge.

The response to the live auction items was overwhelming. Over \$10,500 was raised in the live auction alone. In response to the competitive bidding, the Tampa Bankruptcy Judges sweetened the pot and doubled their “nerdy” gift, garnering a total of \$2,900. This article serves as a head’s up to anyone working with Harley Riedel of Stichter, Riedel, Blain & Prosser, and Scott Lilly of Greenspoon Marder, each holds in his pocket a cut-in-line order which can be used in each of the Tampa judges’ courtrooms once within the next year. John Anthony also threw in a second week-long stay at any one of his five beach houses. All of the donors and successful bidders of the live auction items deserve a huge thanks, as do the event sponsors, Tranzon Driggers, Larry S. Hyman, CPA, PA, and Moecker & Associates.

An impressive twenty eight gift baskets were donated for the silent auction which ran throughout the evening. The Tampa bankruptcy community donated baskets of coffee, sporting goods and event tickets, skincare and spa items, trips to local theme parks, meals, shows, travel gear, and the consummate crowd pleaser, wine. The baskets ranged in value from \$50 to \$750, with something for everyone. Over silent auction raised \$2,800.

By end of the evening, a total of \$13,410 was raised for the beneficiary of the auction, The Bankruptcy Law Educational Series Foundation, Inc. (“BLES”). Keith Appleby of Hill Ward Henderson, as President of BLES, will accept the donation on its behalf. BLES was incorporated in Florida in 2012 by the voluntary Bankruptcy Bar Associations throughout the Middle District of Florida. It is a not for profit entity with IRC 501(c)(3) recognition. The purpose of BLES is 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. BLES received start-up funding by way of generous contributions from the Business Law Section of the Florida Bar, the Jacksonville Bankruptcy Bar Association, the Central Florida Bankruptcy Law Association, the Tampa Bay Bankruptcy Bar Association and the Southwest Florida Law Association. Thanks to the overwhelming success of the TBBBA auction, BLES will sustain its mission and fund pro bono and other public service projects right here in our Middle District of Florida community





NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

May 16, 2014 – CFBLA hosted its Annual Bankruptcy Seminar, “Bankruptcy: Navigating the Valley” at Embassy Suites in Downtown Orlando. The Seminar featured an excellent array of local and national speakers who presented a number of relevant and thorough discussions on many current consumer and business topics. The Seminar was a great success and enabled CFBLA to contribute \$1,400 to the Bankruptcy Law Educational Series Foundation, Inc. to support its missions in fostering bankruptcy legal education and providing *pro bono* bankruptcy representation in the Middle District of Florida. CLE No. 1403361N - 7.5 Hours General/1.0 Hour Ethics.

May 30, 2014 – CFBLA, together with the Orlando Chapter of the Federal Bar Association and the Central Florida Association of Criminal Defense Lawyers, hosted a Local Rules Primer at United States District Court in Orlando. The Honorable John Antoon, II; the Honorable Gregory Kelly; the Honorable Karen S. Jennemann; Sara Boswell, U.S. District Court Orlando Division Manager; and Lee Ann Bennett, Clerk of the U.S. Bankruptcy Court; participated in a panel discussion on Civil, Criminal and Bankruptcy Practices under the Middle District of Florida Local Rules. CFBLA Treasurer, Cynthia Lewis, co-moderated the panel. CLE No. 1403461N – 1 Hour General.

June 27, 2014 - CFBLA’s Diversity Committee hosted its Panel Discussion of the *Windsor Effect* on Bankruptcy, Estate Planning, and Family law in the United States and Florida at the Orlando Bankruptcy Court. The discussion featured distinguished panelists Mary Merrell Bailey, Michael E. Morris, Daniel Tilley, Mary Meeks, and Larry D. Smith.

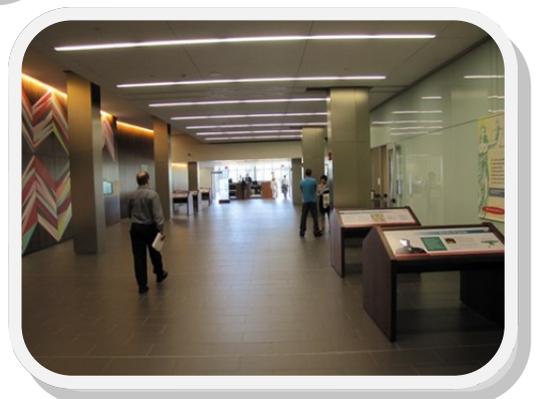
June 19, 2014 – Paul Dumm with Morrison Valuation & Forensic Services, LLC presented "Business Valuation" at CFBLA’s Monthly Luncheon Meeting at GrayRobinson’s Downtown Orlando office.

July 7, 2014 – Installation of the CFBLA-sponsored video monitor in the Section 341 Waiting Room space in Orlando was completed. The video monitor will 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.

**ARTIST RECEPTION & HISTORICAL EXHIBIT DEDICATION
JULY 9, 2014
GEORGE C. YOUNG UNITED STATES FEDERAL BUILDING & COURTHOUSE**



**Historical Exhibit Installation on May 29, 2014
George C. Young United States Federal Building
and Courthouse—Lobby and 6th Floor
Installation By: Jody Marcil Design Studio, St. Augustine, FL**





JACKSONVILLE BANKRUPTCY BAR ASSOCIATION NEWS



The Jacksonville Bankruptcy Bar Association (“JBBA”) recently announced its slate of officers and directors for 2014-15, who were installed at a luncheon on June 4, 2014. They are (from left) John Freeman, director; James Eidson, director; Douglas Neway, director; Katie Fackler, treasurer; Kevin Paysinger, vice president; Rob Heekin, Jr., president; Ed Jackson, director; Jason Burgess, chairman and immediate past president; and Daniel Blanks, secretary. Not pictured are directors J. Ellsworth Summers and Mark Mitchell.

The Board is excited for the upcoming year, as it plans to continue many of the longstanding JBBA traditions while building new foundations for community involvement, attorney enrichment and collegiality. In the upcoming quarter, we’re spotlighting the following activities and events:

On Monday, July 28, 2014 at 5:30 p.m., the JBBA will host a Judicial Liaison Meeting at Hurricane Grill & Wings, 1615 Hendricks Avenue, Jacksonville, Florida. We are pleased to welcome Chief Judge Jennemann, who will be in attendance together with Judge Funk and Judge Glenn. The purpose of the meeting is to discuss topics with the Judges that will help streamline Court procedures and make matters generally more efficient.

There are a limited number of spaces at the meeting for JBBA members whose practice primarily in the area of business-related bankruptcies. Due to limited space at the venue, this invitation is being extended to the first nine attorneys who request to attend. We ask that you please email James Eidson at james.eidson@akerman.com by July 18, 2014, if you are interested in attending.

On Friday, August 22, 2014, the JBBA will host its Annual Seminar, “Episode XXII” at the Sawgrass Marriott Resort and Spa in Ponte Vedra Beach, Florida. Registration is now open. The seminar will include contributions from the Middle District of Florida United States Bankruptcy Judges, as well as local and state practitioners.

The registration costs are as follows: JBBA members \$225; non-JBBA members \$250; Government employees \$125; Legal Assistant/Students \$75. This price includes seminar materials, continental breakfast and cocktail reception following the seminar. Materials may also be purchased for \$50 upon request. Please contact the JBBA administrator, Ms. Jeanne Breault, at jbreault@Lansingroy.com for details on registration.

A limited number of rooms are available at the seminar rate of \$120.00 plus \$22.00 resort fee and taxes.

Please use the online portal to make reservations: <https://resweb.passkey.com/go/jbbaseminar>; Or, you may call 800-457-4653 and mention the “JBBA Seminar” to obtain this rate.



Judges' Corner

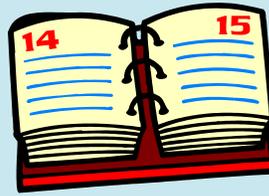


Out front and center in her courtroom is Judge McEwen's favorite team -- no, not the Tampa Bay Rays but rather the Bayshore Little League Fuschia Fireballs, a 6- and 7-year developmental softball league team that she managed during this past Spring season. The girls chose the team name. The picture and trophy were gifts from the team.



2014 ABI Student Debt Crisis Symposium at Georgetown Law Center

Pictured (L to R): Chae duPont, Judge McEwen, Constance D'Angelis, Michelle Hanash, Judge Isicoff, and Ziona Kopelovich (also Michelle's Mom).

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

August 7 @ 9:00 am MMM Portal Training (Location: Chapter 13 Trustee's office training room located at 200 W. Forsyth Street, #1520, Jacksonville—space is limited to 35)
 August 22 JBBA Seminar

ORLANDO

August 6 @ 2:00 pm MMM Portal Training (Location: Clerk's Office 5th Floor Training Room)
 August 21 @ noon CFBLA Lunch @ GrayHarris (Mortgage Fraud Presentation)
 September 10 @ noon Brown Bag Lunch @ USBC 5th Floor MultiPurpose Room (Presenter: Arvind Mahendru, Chapter 7 Trustee)
 September 18 @ noon CFBLA Luncheon @ GrayHarris (Ethics & Sanctions, presented by: Sam Zusmann)
 September 24 @ noon CFBLA Clerk Appreciation Luncheon (location: TBD)
 October 16 @ noon CFBLA Luncheon @ GrayHarris ("Bankruptcy Appeals", presented by District Judge Charlene Honeywell)
 November 20 @ noon CFBLA Luncheon @ GrayHarris (speaker: Professor Linda Coco, Barry University)
 December 4 CFBLA Holiday Party (location: TBD)
 December 10 @ noon Brown Bag Lunch @ USBC 5th Floor MultiPurpose Room ("Wet Signature")
 December 18 Requirements, presented by OCBA & Sam Pennington)
 CFBLA Luncheon @ GrayHarris (Board Elections)

TAMPA

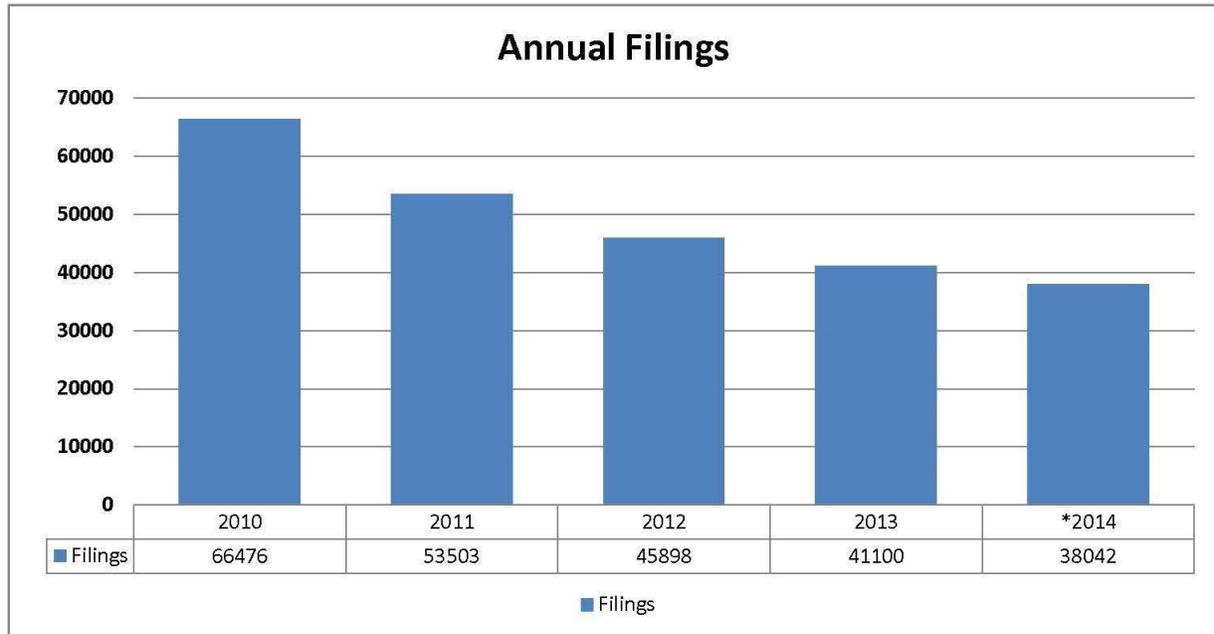
August 8 @ 3:00 pm MMM Portal Training (Location: Clerk's Office 5th Floor Training Room)

**OTHER
IMPORTANT DATES**

July 28, 2014 JBBA Judicial Liaison Meeting
 August 22, 2014 JBBA Annual Seminar

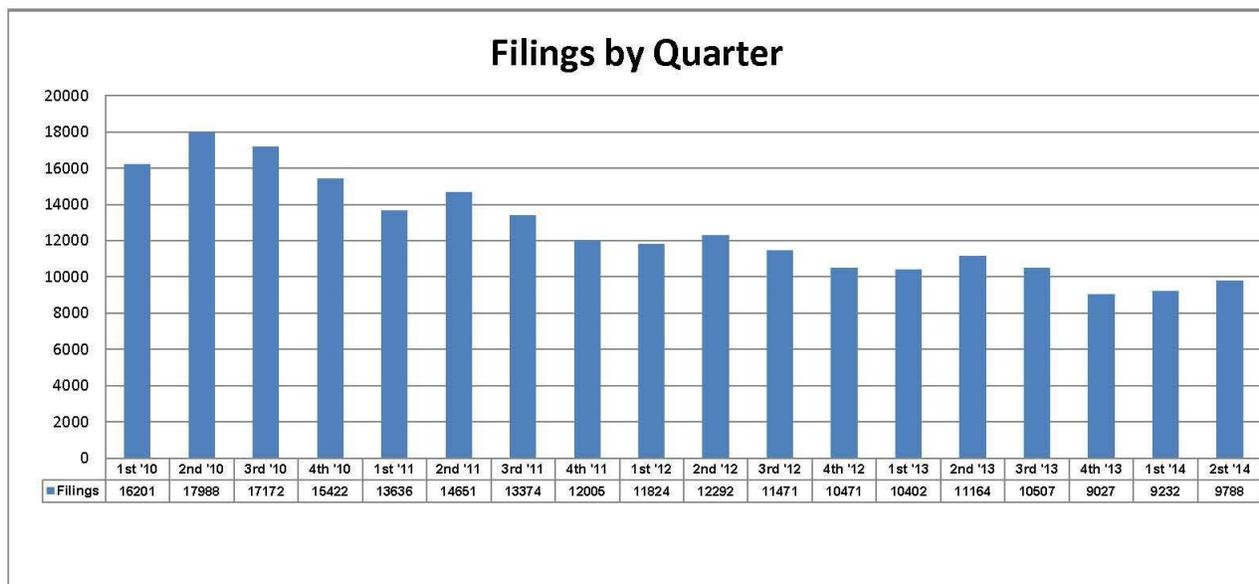
United States Bankruptcy Court—Middle District of Florida Statistics as of June 30, 2014

United States Bankruptcy Court - Middle District of Florida
Updated July 10, 2014 Meeting Data and Information
Statistics as of June 30, 2014

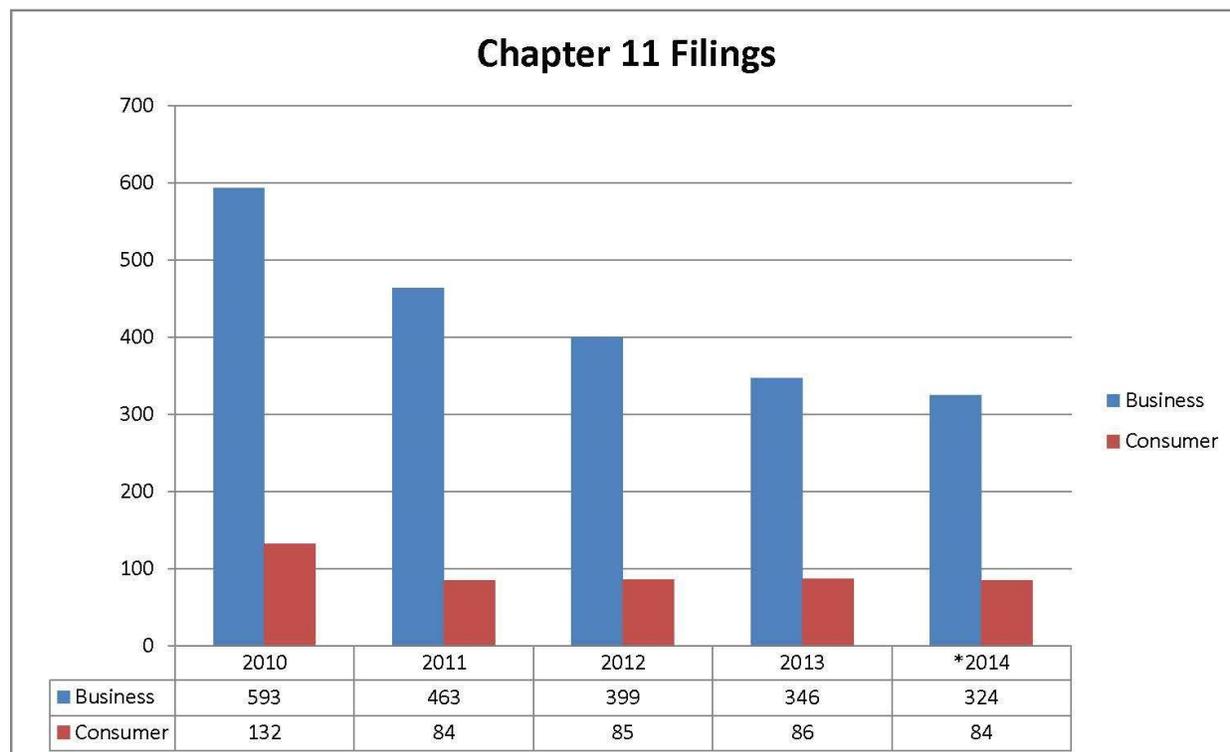
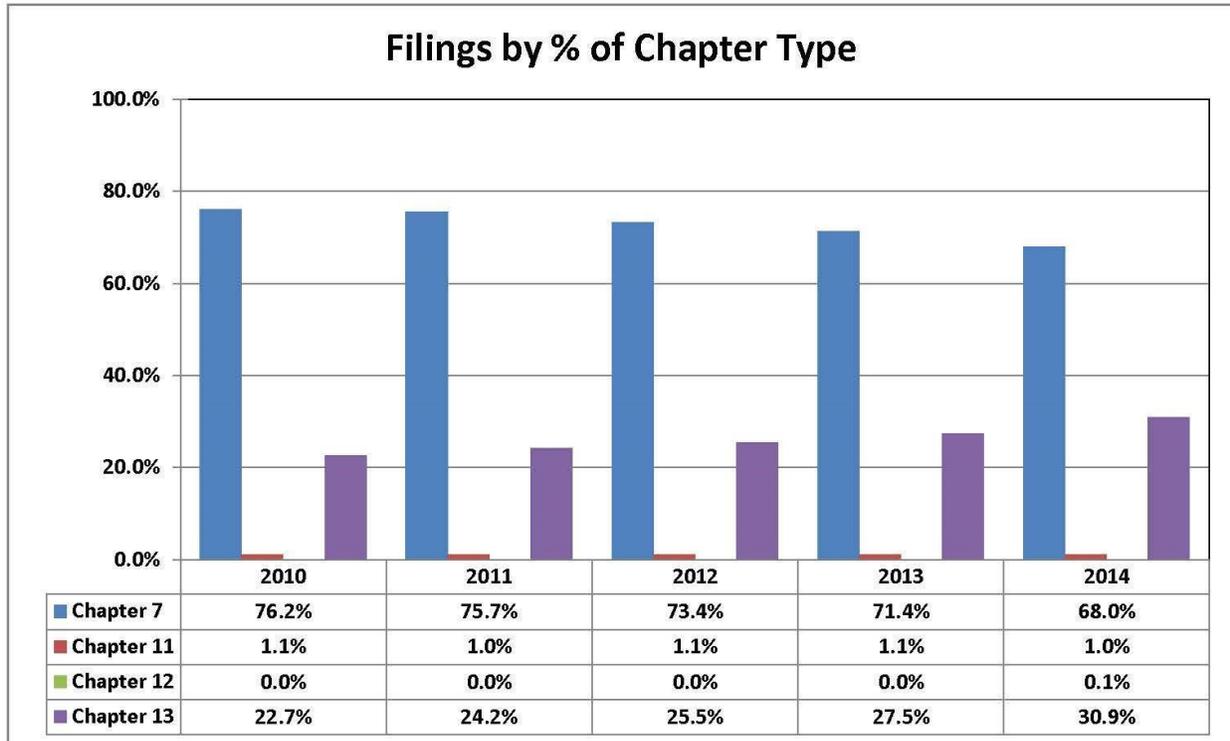


Year	Annual Filings	vs. 2010	vs. Prior Yr.
2010	66476		
2011	53503	-20%	-20%
2012	45898	-31%	-14%
2013	41100	-38%	-10%
*2014	38042	-43%	-7%

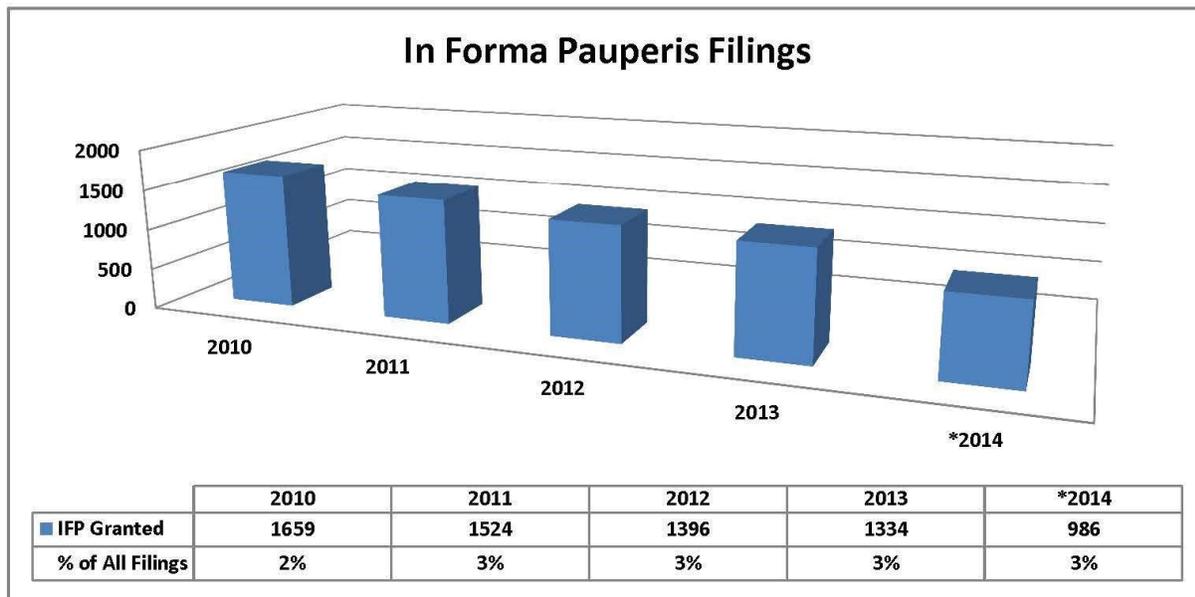
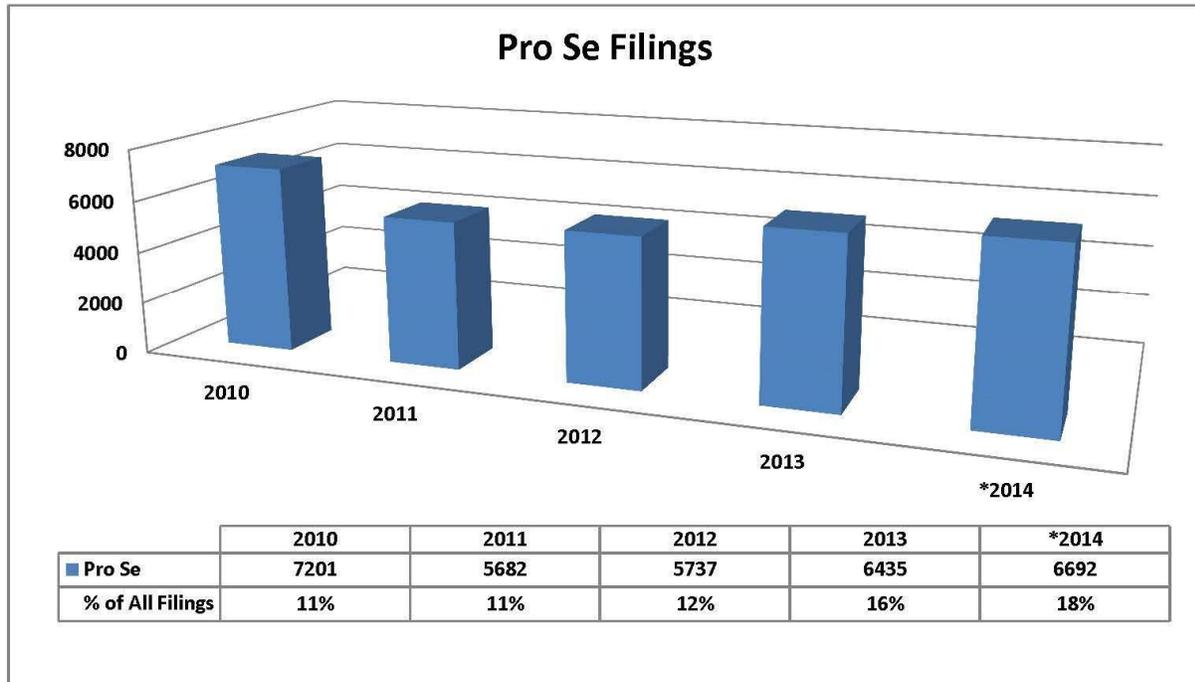
* Projected Filings



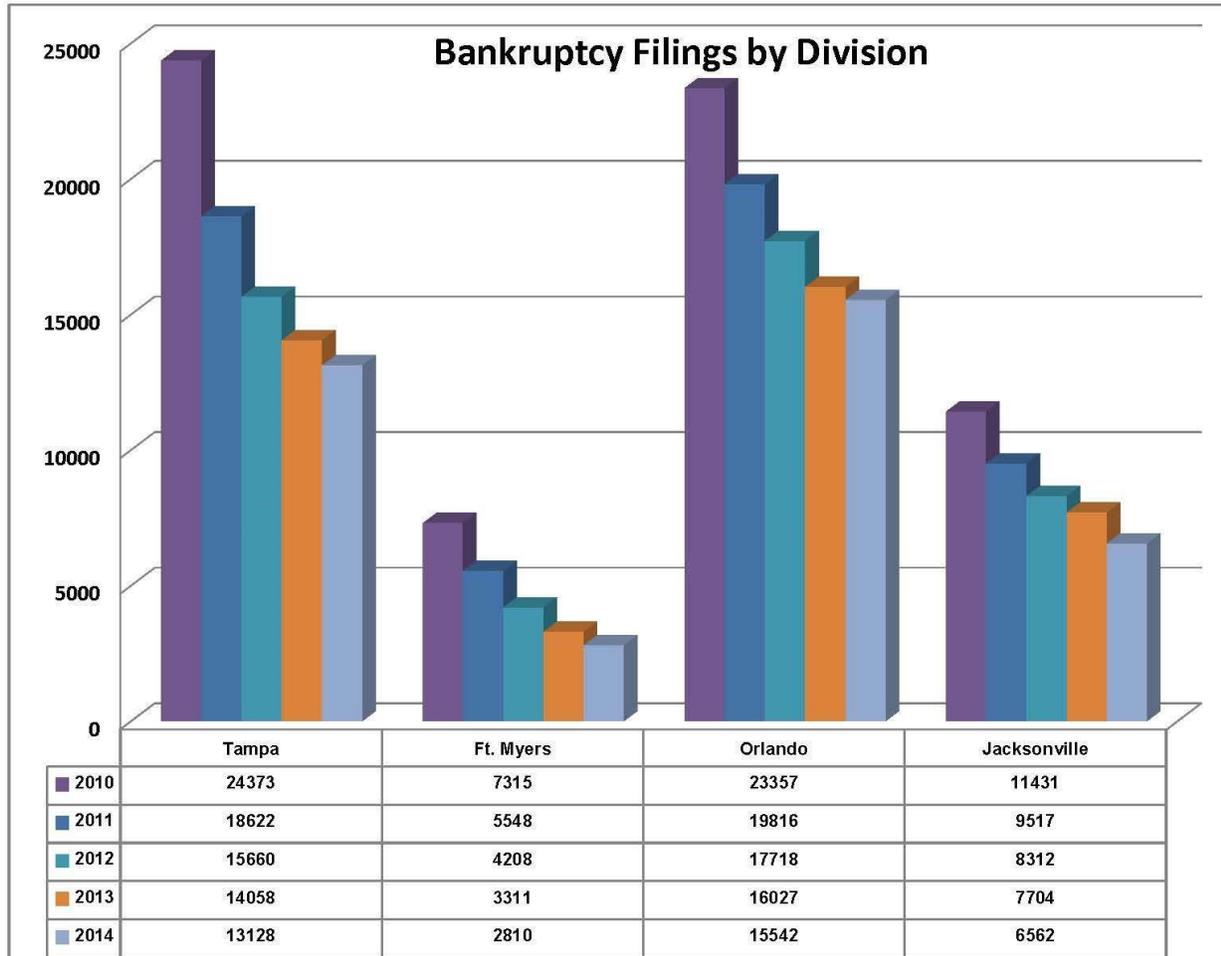
United States Bankruptcy Court—Middle District of Florida Statistics as of June 30, 2014



United States Bankruptcy Court—Middle District of Florida Statistics as of June 30, 2014



United States Bankruptcy Court—Middle District of Florida Statistics as of June 30, 2014



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Previous IFP reports incorrectly reflected total IFP Granted actions. The data has been corrected.

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

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