

# Court Connection

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

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## MISSION STATEMENT

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

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**January 2015**

**Court Connection**



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## A Look Back on 2014

**By: Lee Ann Bennett, Clerk of Court**

Happy New Year! While watching part of the Golden Globe Awards Sunday night, I heard Gina Rodriguez, star of Jane the Virgin, give her acceptance speech for Best Actress in a TV series. She shared that growing up her father would tell her to say every morning “Today’s going to be a great day. I can and I will.” I immediately thought of Judge Jennemann’s quest for uniformity across the district. I can almost hear her say when she became Chief Judge, “we can and we will.” This year, we DID!

With the help and cooperation of our Judges, staff and the bankruptcy community, we have made tremendous strides towards uniformity. We are very proud of our internal procedure manual which contains 36 uniformed procedures. This was no easy feat and required input from the Judges, staff and the Steering Committee. The Court has 21 staff working on either one or our procedures committee or our drafting committee. We’ve reached uniformity on some of our more involved procedures, such as reaffirmation agreements, stays, and adversary procedures with the help of the Steering Committee. Many of the great ideas come from discussions during the Bench Bar meeting. This year was our third Bench Bar meeting and discussion items included mortgage modification mediation, student loans, and HOA issues. I wish to thank the Steering Committee for their help in planning the event and thank those who attended the meeting and offered suggestions and discussions.

Besides uniformity, I wanted to highlight a few other accomplishments this year.

- Through the efforts of the Court’s Website Committee (comprised of 10 court staff) our website was named a winner of the top 10 Court websites awards. Many thanks to the Committee and to those of you who answered our on-line survey to help identify improvements to our site.

**A Look Back on 2014 (continued):**

- Through the efforts of our local bar associations, pro bono services have expanded in all division. Although not a court accomplishment, it is an accomplishment in our bankruptcy community and one that makes us very proud.
- We've continued and expanded our judicial liaison meetings in all divisions which has allowed for sharing of ideas and has advanced collaboration among various groups.
- Court staff continue to make advancements in processing work. This year 24% (monthly average) of our docket entries were done through Automated Docketing Interface (ADI). Through technology, we also distribute work daily (not by digits) to our case managers. This has allowed staff in one division to work on documents received in another division. We are truly starting to work across division lines. I also want to recognize the court's IT Testing Committee (comprised of 8 court staff) who help test and advance the use of new technologies.
- We began self-calendaring of hearings by trustees and noticing of hearings by attorneys.
- Through the efforts of the Local Rules Committee, led by Judge Delano, 10 new or amended Local Rules became effective July 1, 2014.
- Through the efforts of the Training Committee (comprised of 7 court staff) we developed training opportunities for staff and held our 3<sup>rd</sup> annual off-site.
- Through the efforts of our Outreach Committee (comprised of 12 court staff) we have given to:
  - ◇ Ronald McDonald House
  - ◇ Public Schools
  - ◇ Orange County Animal Services
  - ◇ Second Harvest Food Bank
  - ◇ Orlando Coalition for the Homeless
  - ◇ Second Chance for Strays
  - ◇ Kamp Kritter Rescue Foundation
  - ◇ Helping Hands to Animals
  - ◇ The Cat Network
  - ◇ Joshua House
  - ◇ SPCA
  - ◇ Metropolitan Ministries
  - ◇ Meals on Wheels
  - ◇ Letters to Troops
  - ◇ Buddy Bears
  - ◇ Federal Employee Education and Assistance Fund

These are but a few of the accomplishments during 2014. I look forward to what lies ahead in 2015. Borrowing from the words of Mr. Rodriguez, 2015 is going to be a great year. We can and we will.

## **Adversary Proceeding Procedures – Uniform District Wide**

### **By: Hon. Karen S. Jennemann, Chief U.S. Bankruptcy Judge**

The Court's biggest change this year is the district-wide unification of adversary proceeding procedures. The District Wide Steering Committee, led by Elena Ketchum, gave the judges very detailed recommendations that we strenuously debated over the course of several in-person and video meetings. The result of this partnership and our collegial debates is Administrative Order FLMB-2014-10, entered on December 18, 2014, which prescribes procedures for all adversary proceedings filed on or after February 1, 2015. For your convenience, the Administrative Order can be found on the Court's website at <http://pacer.flmb.uscourts.gov/administrativeorders/DataFileOrder.asp?FileID=41>.

Here are the highlights:

First, remember the 30 / 60 / 75/ 90 day rules that start to run when an adversary proceeding is filed:

- 30 (really 28) Days – Serve the complaint on all parties and, to the extent necessary, get a new summons. Remember to serve the Administrative Order and the Complaint with the Summons. Promptly file a Proof of Service.
- 60 Days – Seek entry of default if no response or answer is timely filed.
- 75 Days – Conduct the Initial Meeting of Parties.
- 90 Days – The Court will hold an initial Pretrial or Status Conference.

Second, the *Initial Meeting of Parties* is very important and must commence at least 14 days before the initial Pretrial or Status Conference, roughly 75 days after the complaint is filed. You should discuss claims and defenses, possibility of settlement, make initial disclosures required by Fed. R. Civ. P. 26(f), and discuss a joint discovery plan. Parties must share a written list of “each person with discoverable information relevant to the disputed facts,” copies of or a written description by category and location of relevant documents, and their computation of damages.

Discovery cannot start until this Initial Meeting of Parties concludes, absent permission of the Court.

Third, negative notice provisions now apply to **all** motions filed in adversary proceedings. Remember to:

- Serve motions by negative notice.
- Respond within 14 days if you object (or 21 days for summary judgments).
- Replies, if desired, are permitted 7 days after a response is filed.
- The motion then is at issue.
- **Do not** expect Judges to set hearings.
- Local Rule 2002(4)(d) says: If a response is filed, the Court may, but need not, schedule a hearing.

**NOTE:** More and more judges will look at motions filed in adversary proceedings on the papers and not set oral argument. So, make your very best argument in your filed papers.

**Adversary Proceeding Procedures (continued):**

Fourth, follow the guidelines of these important dates preceding trial:

- 28 Days Prior to Trial – Exchange (a) witness lists, (b) deposition designations, (c) any exhibits you want to introduce relying on the self-authentication procedures of Fed. R. Evid. 902(11 or 12), and (d) expert witness testimony and reports.
- 14 Days Prior to Trial – File objections to deposition disclosures or use of depositions.
- 7 days Prior to Trial –
  - Exchange exhibits. Follow Local Rule 9070-1 in pre-marking exhibits and try to work with opposing counsel for a logical way to use exhibits.
  - Discovery ends (other than completing previously set depositions).

A couple of other points on adversary proceedings and the new procedures:

- Motions for Summary Judgment must be filed at least 60 days prior to trial and the pendency of a motion for summary judgment will not delay a scheduled trial.
- The deadline for a party to challenge the jurisdiction of the Bankruptcy Court to enter final judgments or to determine whether a proceeding is core is the answer or response date. If no timely challenge is made, the Court will deem the parties have consented.

**Practice tip:** Make sure you allege this in the complaint so the opposing party must respond.

Finally, motions to approve compromise should be filed in the *main* case, other than motions to settle claims asserted under Section 523 of the Bankruptcy Code. Motions to approve compromise are not needed in Section 523 adversary proceedings, but, if the parties want to preserve the terms of the settlement, the motion to compromise should be filed in the *adversary proceeding*, not the main case.

We are prescribing these new district-wide procedures in an Administrative Order rather than unveiling a new Local Rule because the Judges view this as a “test drive.” We want to see how they work for us, our staff, and for all of you who file and litigate adversary proceedings. Do not hesitate to let me or one of the members of the Steering Committee know if you have any suggestions or comments to improve these rules before we convert them into a Local Rule in 2016. We welcome your input.

### **Mortgage Modification Mediation Reminders**

Administrative Order FLMB 2014-9 was entered on December 16, 2014, outlining the procedures for mortgage modification mediation in the Middle District of Florida. Please familiarize yourself with the accepted policies and procedures as they relate to your Chapter 13 practice.

The order can be found on the Court’s website at: <http://pacer.flmb.uscourts.gov/administrativeorders/DataFileOrder.asp?FileID=1>.

**BANRUPTCY RULES, FORMS,  
AND FEE AMENDMENTS  
EFFECTIVE DECEMBER 1, 2014**

The Federal Rules of Bankruptcy Procedure and certain Official Forms were amended effective December 1, 2014. On this same date, two changes went into effect for the Bankruptcy Court Miscellaneous Fee Schedule. This memo summarizes the amendments and addresses how the amendments impact local rules, local forms, and procedures.

**RULE AMENDMENTS**

**Rule 1014(b) (addressing the procedure when petitions involving same or related debtors are filed in different courts):** This section of the rules addresses the instance when petitions are filed in different districts by or against the same debtor. The amendment adds a sentence providing that the court with the first-filed petition can order the parties in the later-filed cases not to proceed.

Effect: No local rule, local form, or procedure is impacted.

**Rule 7004(e) (addressing time limit for serving a summons and complaint):** This section addresses the time limit for serving a summons. Previously, the Rule provided that service must be accomplished within fourteen days of issuance. The amendment changes this period to seven days.

Effect: No local rule or local form is impacted. However, the procedure for the Clerk's Entry of Default is impacted. District-wide procedures are in progress.

**Rules 7008(b) (General Rules of Pleading) and 7054 (Judgments, Costs):** These changes affect the procedure for seeking attorneys' fees in adversary proceedings. The goal of these changes is to align the process more closely with the civil process. To that end, the amendments delete language from Rule 7008 and adds a reference to Rule 54(d), explaining that this section of the Civil Rules applies to adversary proceedings.

Effect: No local form or procedure is impacted. However, minor language changes were submitted to the Local Rules Committee for consideration.

**Rules 8001-8028 (Rules Governing Appeals):** The amendments to Part 8 of the Bankruptcy Rules govern appeals.

Existing rules were reorganized, renumbered, some rules have been combined and provisions of other rules have been moved to new locations. Much of the language of the existing rules has been restyled.

The purpose of the amendments are to (1) bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedures; (2) incorporate a presumption favoring electronic transmission, filing and service of court documents; and (3) adopt a clearer and simpler style.

Effect: Changes will be addressed with District Court. District-wide procedures to follow.

**Rule Changes (Continued):****Rule 8005(e) (eliminates the requirement that a separate document be filed when a party to an appeal opts out of the BAP)**

Effect: Does not impact our District.

**Rule 8009(c):** This rule indicates the appellant may prepare a statement of the evidence of proceedings in lieu of a transcript when a transcript is unavailable. The statement must be approved in the bankruptcy court.

**Rule 8010(c):** Since the bankruptcy court is required to transmit a notice of appeal to district court promptly upon filing, there will be a period of time between when the district court opens the appeal and when the record is transmitted. This rule indicates that if before transmittal of the record on appeal, a party moves in district court for any of the following:

- Leave to appeal;
- Dismissal;
- A stay pending appeal;
- Approval of a supersedeas bond; or
- Any other intermediate order

The bankruptcy clerk must then transmit to the clerk of the district court any parts of the record designated by a party to the appeal. This requires notification to the bankruptcy court that such a motion was filed so that the bankruptcy court can transmit the record.

Effect: Change in our procedure is impacted. Actively working with district court to solidify procedure.

**OFFICIAL FORMS**

**Application for Individuals to Pay the Filing Fee in Installments (B3A) and Application to Have the Chapter 7 Filing Fee Waived (B3B):** The amounts of bankruptcy filing fees were removed.

Effect: Procedure impacted and use of the updated form will be enforced after January 1, 2015. Procedures will be updated on The Source.

**Summary of Schedules (B6):** Updated with line references to the amended means test forms.

Effect: Procedure impacted and use of the updated form will be enforced after January 1, 2015. Procedures will be updated on The Source.

**Means Test (22A-1, 22A-1 Supp, 22A-2, 22B, 22C-1, 22C-2):** In connection with the Forms Modernization Project, means test forms were revised so that the forms would be easier to read and thus individuals completing the forms would do so more accurately and completely.

For chapter 7 cases, former Official Form 22A has been split into two forms, 22A-1 and 22A-2. All chapter 7 debtors need to complete the first form, **Chapter 7 Statement of Your Current Monthly Income (22A-1)**. It calculates a debtor's current monthly income and compares that calculation to the

**Rule Changes (Continued):**

median income for households of the same size in the debtor's state. If a chapter 7 debtor's income is above the applicable state median and the debtor believes they are exempted from a presumption of abuse, the debtor then completes the **Statement of Exemption from Presumption of Abuse Under §707(b)(2) (22A-1 Supp)**. The prior version of Official Form 22A begins with several questions bearing on the applicability of the means test, but the majority of individual chapter 7 debtors do not fall within one of the exemptions. To present the relevant information more directly, the information is separated into two forms instead of one.

For chapter 13 cases, all debtors must complete **Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (22C-1)**. This calculates current monthly income and the plan commitment period. Debtors must complete the second form, **Chapter 13 Calculation of Your Disposable Income (22C-2)**, only if current monthly income exceeds the applicable median.

Effect: No local rule or local form is impacted. Procedure will be updated. CM/ECF events will be updated to accommodate changes. Forms 22A-1 and 22C-1 are required; however the other forms are optional.

**MISCELLANEOUS FEE SCHEDULE**

**Direct Appeal (Item 14):** Increases the fee when a direct appeal or direct cross-appeal has been authorized from \$175.00 to \$207.00.

**Redaction (Item 21):** New fee to file a motion to redact a record is \$25.00 per affected case. Courts can waive the fee under appropriate circumstances. It is not necessary to file a motion to reopen to file a motion to redact. However, if a motion is filed, the court will not charge a fee for the filing of a motion to reopen a case solely for the purpose of redacting a previously filed document.

Effect: CM/ECF events are being updated accordingly.

More information on the Bankruptcy Rules and forms changes may be found on the USCourts.gov website:

Rules: <http://www.uscourts.gov/RulesAndPolicies/rules/current-rules.aspx>.

Forms: <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

## **Clerk's Office Procedures Update**

### **By: Raymond Waguespack, Operations Deputy**

#### **Updated Objection to Exemptions Procedures Effective December 17, 2014**

In yet another step toward district-wide uniformity, changes to the Objections to Exemptions procedures became effective on December 17, 2014. The Tampa, Orlando and Fort Myers divisions previously entered an internal form order, without a hearing, sustaining Objection to Exemptions that related solely to the value of personal property claimed exempt. Beginning with objections filed on or after December 17, 2014, the Court ceased entering this internal form order. Filers of Objections to Exemptions may continue to use negative notice as provided for in the Court's Permissive Negative Notice List and should be prepared to submit proposed orders on these exemptions at the appropriate time.

#### **Internal Procedures Updates**

The Court's four internal procedures committees continue to diligently work to draft internal procedures and identify procedural differences in the district. To date, 42 district-wide internal procedures or guides have been posted and implemented with another 27 in the works. Each of these implemented procedures brings us one step closer towards having uniform procedures district-wide and resulted in countless efficiency improvements. The completed internal procedures cover a wide-variety of topics including, case opening, reaffirmation agreements, discharges, case closing, objections to claims, objections to exemptions and stay relief and other motion and applications. Procedures in the works cover such topics as opening and general processing of adversary proceedings, conversions and a variety of application and motion related procedures which no doubt will provide for more uniformity and efficiency improvements. These accomplishments would not be possible without the combined work of many staff members from across the district.

#### **New In-District Program "Managing Organizational Transitions"**

**By: Jason Kadzban, Chief Deputy**

The Federal Judicial Center recently announced the release of a new in-district program, Managing Organizational Transitions. This one day program for supervisors and managers provides strategies for successfully implementing organizational changes. Our court nominated Kathy Deetz and Maggie Moyet from our Orlando office to serve as faculty. Faculty members had to have experience supervising others, good communication skills, previous teaching or facilitation experience, an interest in this topic, and a desire to train others. From the many candidates that applied, Kathy and Maggie were selected to be faculty members. They will now attend a Training for Trainers Workshop in Washington, D.C. on January 27-29, and make a three year commitment to conducting the program at courts across the nation. Each is expected to travel to other Districts approximately three times over an 18 month period to train others on this program. Congratulations Kathy and Maggie!

## **Leadership Changes in South Florida**

### **By: LeeAnn Bennett, Clerk of Court**



On December 31, 2014, Katherine Gould Feldman retired as Clerk for the Southern District of South Florida. Kathy and I became Clerks around the same time and quickly became friends as well as colleagues. Throughout the past seven years, Kathy and I have shared ideas, discussed issues, and worked toward uniformed on several projects. Although I'm losing her as a fellow Clerk, she will remain a dear friend for life.

I also welcome Joe Falzone as the new Clerk for the Southern District of Florida. Joe was Kathy's Chief Deputy for eight years and I look forward to working with Joe.

With permission of the Court Services Office of the Administration Office of the United States Court, I share the following article that appeared in the Court Connections on January 15, 2015 .

## **FL-S Bankruptcy Court Bids Adieu to Long-Time Clerk, Chief Deputy Named Successor**

### **Katherine Gould Feldman Retires**

After nearly 40 years with the Southern District of Florida (FL-S), Florida native Katherine "Kathy" Gould Feldman retired as Clerk of Court at the end of 2014.

Kathy joined the District Court in 1978 as the Judicial Assistant to the late Chief Judge C. Clyde Atkins. In 1979, she transferred to be the Judicial Assistant to the late Judge Sidney Aronovitz. Kathy left chambers staff in 1983 upon becoming the court's first Court Reporter Supervisor and was later named Operations Manager. Kathy moved to the Bankruptcy Court in 1987 when she accepted the position of Chief Deputy.



When Kathy was promoted from Chief Deputy to Clerk in 2007, she, like many clerks nationwide, was handed the arduous task of having to restructure and reorganize due to an austere budget climate. Her court's solution was to cross-train all staff to handle all case management and customer services functions. Kathy is especially proud of how her staff quickly adapted the approach (in less than two years), while successfully maintaining this model for nearly a decade.

Kathy was an integral part of a working group comprising Chapter 13 trustees, debtor and lender attorneys, and Bankruptcy Judge Laurel M. Isicoff, which developed the Mortgage Modification Mediation program. This program facilitates the exchange of information between debtors and lenders through a secure portal. As a result of a Florida statewide summit in 2014, all three Florida bankruptcy courts agreed to adopt a uniform program using the FL-S program as a model.

**Leadership Changes in South Florida (continued):**

Kathy and her husband, a practicing attorney, will stay in the Miami area upon her retirement. She will continue her work as a community activist for children and young adults with special needs.

**Joseph Falzone Steps Up**

Following Kathy's retirement, Joseph "Joe" Falzone stepped into his new role as Clerk of Court on January 1, 2015. Prior to his appointment as Clerk, Joe served as the court's Chief Deputy Clerk for eight years and as the Operations Manager for 10 years. Joe has over 22 years of bankruptcy court service between the Southern District of Florida and the Southern District of New York, where he worked before joining the Southern District of Florida in 1996.



Throughout his career, Joe has served on numerous national committees, expert panels, and working groups, including CM/ECF NextGen. Joe has spoken on a variety of subjects at the local and national level and has facilitated various programs for the AO and the Federal Judicial Center.

Before joining the Judiciary in 1992, Joe was employed by several major law firms in New York City. He graduated from Indiana University of Pennsylvania, and is currently seeking completion of his Master's in Business Administration with a concentration in finance and economics.

*(Joe at his swearing in ceremony with Chief Judge Paul G. Hyman Jr.)*

**Case Law Update**  
**By: Bradley M. Saxton, Esquire and C. Andrew Roy, Esquire**  
**Winderweede, Ward, Haines & Woodman, P.A.**

**Eleventh Circuit Cases**

***In re Brown***

---Fed. Appx.---, 2014 WL 5437356 (11th Cir. Oct. 28, 2014)

***In re Glaspie***

---Fed. Appx.---, 2014 WL 5462421 (11th Cir. Oct. 29, 2014)

***In re Farmer***

---Fed. Appx.---, 2014 WL 5316277 (11th Cir. Oct. 20, 2014)

***In re Lang***

---Fed. Appx.---, 2014 WL 5285631 (11th Cir. Oct. 16, 2014)

In this series of cases, the Eleventh Circuit again upholds the availability of lien stripping of wholly unsecured liens in a chapter 7 case. [**Note:** In November 2014, the Supreme Court of the United States granted certiorari in two cases from the Eleventh Circuit-*Bank of America, N.A. v. Caulkett* and *Bank of America, N.A. v. Toledo-Cardona* – to address this lien stripping issue.]

**District Court Cases**

***Davis v. NCO Financial Systems, Inc.***

Slip Copy, 2014 WL 4954705 (M.D. Fla. Oct. 2, 2014) (Bucklew, J.)

Chapter 13 debtor filed an adversary proceeding in the debtor's bankruptcy case against a creditor for violation of the automatic stay. The debtor alleged that the creditor, after receiving notice of the bankruptcy case, made multiple calls to the debtor in attempts to collect a pre-petition debt. Concurrently with filing adversary proceeding, the debtor also filed a lawsuit against the creditor in district court alleging FDCPA and FCCPA violations. The creditor moved for judgment on the pleadings, arguing that the Debtor had chosen to proceed under the Bankruptcy Code, which it argued precluded the debtor's pursuit under the FDCPA and FCCPA. The district court denied the motion, holding that the debtor could pursue both avenues of recovery against the creditor.

**Bankruptcy Court Cases**

***In re Fitzpatrick***

---B.R.---, 2014 WL 7184248 (Bankr. M.D. Fla. Dec. 18, 2014) (Jennemann, J.)

In a chapter 7 case where the debtor's non-filing spouse specifically and affirmatively waived any homestead exemption, and where the debtor did not claim for herself a homestead exemption, the debtor is entitled to the "wildcard" exemption under the *Osborne v. Dumoulin* analysis.

**Case Law Update (continued):*****In re Bayou Shores SNF, LLC***

Slip Copy, 2014 WL 7452363 (Bankr. M.D. Fla. Dec. 31, 2014) (Williamson, J.)

In a chapter 11 case, all creditors had voted in favor of the plan, but the U.S. Dept. of Health and Human Services (“HHS”) objected to the feasibility of the plan on the basis that the debtors Medicare Provider Agreement was terminated pre-petition. The bankruptcy court held that where the termination was not complete due to the pendency of an appeal, the Medicare Provider Agreement was subject to assumption under section 365 of the Bankruptcy Code and was therefore not terminated as a matter of law. The court went on to conclude that the plan was therefore feasible, even in light of the stated intention of the AHCA to deny renewal of the debtor’s nursing home license, where the debtor retained its rights to contest the revocation under Florida’s nursing home license statutes.

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

The Tampa Division would like to thank:

1. Four attorneys who participated in our Court's Legal Assistance Program: Thaddeus Freeman (100 hours!), Cassidy Jones (81.1 hours), Phil Martino, Mark A. Spence.
2. St. Michael's Legal Center volunteers: Carolyn Secor, Mark Robens, and Al Gomez.
3. TBBBA Courthouse Clinic volunteers Mark Barnett, Traci Stevenson, Jake Blanchard, and the law firm of Stichter, Riedel, Blain, & Prosser.

The following individuals or law firms contributed volunteer hours at the Tampa Bankruptcy Court in Calendar Year 2014:

- **100 +:** Jake Blanchard
- **50-99:** Michael Barnett, the law firm of Stichter Riedel Blain Prosser, and Traci Stevenson
- **25-49:** Jane Sabotta
- **20-24:** Tim Sierra and Lauren L. Stricker
- **0-19 hours:** Andrea Abercrombie, Becky Ferrell-Anton, Keith Appleby, Amanda Chazal, H.S. “Brad” deBeaubien, Wendy DePaul, Kathleen Disanto, Daniel Fogarty, Karen Gatto, Amy Denton Harris, Barbara Hart, Eric Jacobs, Elena Paras Ketchum, John Landkammer, Angelina Lim, Patrick Mosely, Kemi Oguntebi, Rinki Parwani, Edward Peterson, Kelley Petry, Ryan Reinert, Mark Robens, Suzy Tate, and Steven Wirth

## Happy New Year from District-Wide Steering Committee By: Elena Ketchum, District-Wide Steering Committee Chairperson

The District-Wide Steering Committee wishes everyone a Happy New Year! The Committee is off and running having already held its first meeting of the New Year to welcome new members to our ranks. Keeping with our mission and focus, the Steering Committee's membership is diverse and consists 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 five Divisions of the Middle District of Florida. There are a few members who have rotated off the Committee this year and we whole-heartedly thank the following individuals for their countless hours of service to the Committee and to the District:

John Waage  
Aaron Cohen  
Kelley Petry  
Bob Branson  
Robert Tardif  
Richard Johnston  
Denise Dell-Powell  
Jerrett McConnell

During the next few months, the Steering Committee will be focusing on Chapter 13 practices and procedures. Members of our committee will be reaching out to Chapter 13 practitioners during these next few months for input on the various matters we will be discussing. We always welcome input from our District and welcome you to contact the Steering Committee's Chairperson Elena Ketchum at [eketchum@srbp.com](mailto:eketchum@srbp.com) or [hportales@srbp.com](mailto:hportales@srbp.com) with any questions or comments.



**2014 Bench Bar Conference—Tampa, Florida**

## **Going Digital: A New Frontier for Exhibits**

**By: Ed Comey, Law Clerk to the Honorable Michael G. Williamson**

As an avid reader and somewhat of a traditionalist, I once swore I'd never own a Kindle. But since my wife bought me one for Christmas a few years ago, I can't imagine going back. The ability to buy a book on my Kindle with one click, start reading it instantly, and then continue reading it (or any other book I own) later on my iPhone (using the Kindle app) as I follow my wife around shopping at the mall is amazing. And maybe best of all, my books don't take up any space at home, which is quickly being overrun with kids toys. We've recently experienced a similar effect—i.e., the benefits of going digital—at the courthouse.

In September, Judge Williamson had to compress what would have ordinarily been a four-week trial into two weeks. The trial logistics—just with the trial exhibits alone—were daunting, to say the least. The parties had collectively identified over 3,000 exhibits on their exhibit lists. Each side had at least 20 notebooks of exhibits. Since each side has to bring five sets of exhibits to trial (their own set plus one for the judge, courtroom deputy, witness, and opposing side), that meant substantial costs and hassle for the lawyers putting together 100 notebooks per side and hauling them to court, not to mention the hassle for the court to find space in the courtroom for 200 notebooks of exhibits. Worse, imagine the poor witness on the stand—and the amount of time that would have been wasted—as he or she fumbled with 200 notebooks trying to keep up with a lawyer bouncing around from Exhibit 2, to Exhibit 1605, to Exhibit 203. And the problem with exhibits wouldn't have ended when trial was over.

The bankruptcy court, which has faced severe budget restraints the past several years, would have had to store those 200 notebooks of exhibits (with all of the exhibits from our other trials) in our rapidly shrinking “storage” space for years as the appellate process ran its course. Oh, and don't forget the poor case manager (already overworked because of staff reductions) who would have had to go through all of the exhibits to find the ones that were admitted into evidence and then manually scan those exhibits onto the docket. To avoid this logistical nightmare, Judge Williamson proposed a somewhat unorthodox procedure—the parties were required to use electronic exhibits.

The process he devised was quite simple. Rather than provide the court with exhibit notebooks, each side would provide the courtroom deputy and the opposing party with a single flash drive containing .pdf copies of all of their exhibits (each exhibit was a separate .pdf file) and an exhibit list with hyperlinks to the exhibits. Unfortunately, our courtrooms are not wired for witnesses to use electronic exhibits on the stand. So hard copies were still necessary. But Judge Williamson instructed the parties to put together a separate notebook for each witness—he called it a “throwaway” notebook—that contained only the exhibits the parties intended to ask that witness about. At the conclusion of trial, the parties provided the court with a second flash drive containing an updated set of all the exhibits that had been marked during trial (to account for exhibits that had not been identified until after trial started), plus a separate subfolder with just the exhibits that had been admitted into evidence.

The end result was, by far, the smoothest, most-efficient trial I've ever been a part of. Marti, our courtroom deputy did not have to figure out what to do with 40 notebooks of exhibits. She simply uploaded them onto our server for storage. No time was wasted during trial fumbling around with exhibits. Witnesses generally only had one notebook of exhibits to deal with on the stand. And thanks to the “throwaway” notebooks, Judge Williamson had a ready-made set of the most critical exhibits, which he could make notes on. If a lawyer needed to question a witness about an exhibit that had not been anticipated, Judge Williamson could effortlessly pull up the document with the click of a mouse using the electronic exhibits we uploaded to the

**Going Digital Article (continued):**

court's server. And having all of the exhibits just a click away made the post-trial work in chambers much easier. Our experience with the electronic exhibits was the impetus behind the court's new Administrative Order Supplementing Local Rule 9070-1 to Provide for Electronic Submission of Exhibits in Electronically Stored Format or Administrative Order FLMB 2014-6 or <http://pacer.flmb.uscourts.gov/administrativeorders/DataFileOrder.asp?FileID=11>.

Right now, the Administrative Order, which largely incorporates the procedures that Judge Williamson implemented for our trial, provides that the use of electronic exhibits is optional (unless the court orders otherwise). But there really is no reason for lawyer not to opt for electronic exhibits. It saves the time and cost of making unnecessary notebooks, plus it will make their trials proceed much more efficiently. And it is a huge benefit for the court, particularly given our staff reductions and reduction in facility space. I'm confident once lawyers start using electronic exhibits, they won't be able to imagine going back to hard copies.

**Court Committee Updates****Training Committee Update**

**By: Ann Iannarelli**

This past December, the Training Committee sent a survey to all staff to determine the training topics to focus on for the New Year. We received excellent feedback and the information is being used to develop the 2015 implementation schedule. The new schedule will be published within the month. Thank you to everyone who facilitated programs, worked behind the scenes and participated in various training events, and for making 2014 so successful.

**Website Committee Update**

**By: Sarah Wiener**

The website committee has been working on the Court's internal website, known as the intranet. As most know, this site was developed for the internal staff of Middle Florida, however, it does allow for the ability of our extended federal Court family across the country to view our site and for us to view theirs. This allows for sharing of information, procedures, and ideas and encourages creativity. The new site may have a feature for certain things that allows for FLMB viewing, only.

A short survey was sent to Court staff in late November 2014 asking about actual usage of the intranet site, as well as the organization of the content. We were happily surprised with the number of responses discussing room for improvement, suggestions, and concepts about extra features staff would like to see and ways to organize the site that would be beneficial. Thanks to all for taking the time respond. The committee is confident that the site will be re-worked to please all.

Marco, the Court's new webmaster, is in the process of downloading the Administrative Office website template and adding some concepts for the committee to begin the redesign.

## **BLES Update: New Year, New Look!**

With the New Year comes a new update from BLES, complete with a brand new look. BLES officially has a new logo:



**BANKRUPTCY LAW EDUCATIONAL SERIES**  
FOUNDATION, INC.

In addition to gaining a logo, BLES has also gained an Administrator. Candice Manyak, a recent graduate of the University of Miami School of Law and new addition to the Central Florida bankruptcy community, has joined the BLES team by way of a fellowship sponsored by the Bankruptcy Bar Association for the Southern District of Florida. With a little help from Candice, BLES hopes to build on its 2014 achievements.

In 2014, BLES generated over \$40,000 to fund bankruptcy-related education and public service programs throughout the Middle District. The funding goal for one such project, the District-wide Pro Se Clinic, was also met last year. The District-wide Clinic is anticipated to be fully operational in Orlando, Tampa, and Jacksonville by the end of the year, and it is expected that significant progress will be made toward opening the Fort Meyers location by that time.

In order to continue to fund this project and others like it, BLES is seeking more regular sources of revenue outside of sanctions. Therefore, the “Just One S” Campaign, which was introduced last year in an effort to raise at least \$30,000 in non-sanction money for BLES, will continue into 2015. The \$30,000 goal is renewed for this year! Please continue to 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!

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](mailto:aroy@whww.com)). Also, visit <http://blesfoundation.org/> for more information.



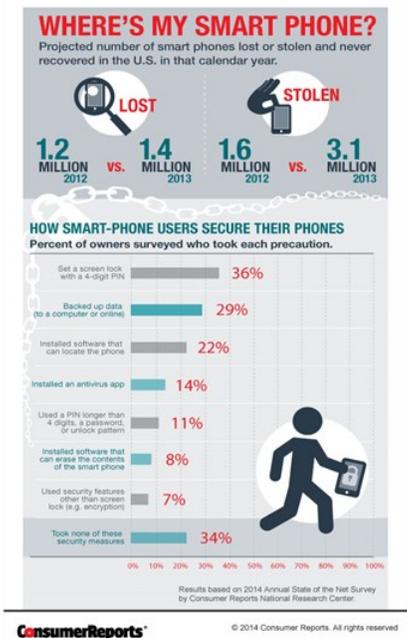
## Court IT Connection

### By: Laurie Ellwood, Network Administrator

I hope everyone had a wonderful holiday and great New Year celebration. Welcome back to your work/life balance and may we all succeed at it in 2015! Did anyone get any electronic gifts this season - like maybe a new phone, tablet, or laptop? Have you set them up yet? Have they been lost or stolen already? We work hard and spend many hours with our gadgets. They are like family to some of us and maybe more like a time sponge to others. No matter how you view them, they are a part of our lives. We miss them when they are not around and panic when something “bad” happens to them.

I know the fear and panic of losing my own phone and having computer equipment stolen from my home. I also know that a few folks in our court family have gone through similar experiences recently. Even when you just “think” you have lost your phone or tablet, everyone can somehow relate to the feeling of dread involved. It can be much more of a mess than you realize, especially if you do not protect yourself from further damage, cost or exposure. Did you know that in a 2014 survey, Consumer Reports found that 3.1 million Americans were victims of smart phone theft in 2013? The shocking part about this data is not so much the number stolen, but that 34 percent of the owners used no security measures to protect the data stored on their phones.<sup>1</sup> Now, we might not prevent our gadgets from being stolen, but we should be able to protect the information we expose to the criminals! We can lessen the impact of our losses and limit our exposure to any follow on crime by doing the following:

- Set a screen lock on your device - control access to your device by setting up a (PIN), password, or swipe pattern (if it is an option on the device). Keep your PIN, password, or pattern secret and change it regularly – at least every 180 days. If you use a pattern, be sure it has at least five points and remember to keep your screen clean so the smudges won't reveal your swipe pattern.
- Enable device lockout - Limit the number of PIN, password, or pattern guesses to only six. Some devices can be set to automatically delete all data and reset to original factory settings after a certain number of incorrect attempts to authenticate.
- Enable the auto-lock option - Set your device to lock itself after a period of inactivity (e.g., five minutes). This makes it more likely that if anyone finds or steals your device, they will have to unlock it before they can use it.
- Enable services to locate and or remotely wipe mobile devices - If your device is lost or stolen, the ability to find it and/or erase data from it can greatly reduce the potential impact of the loss. Before your device is lost or stolen, install or enable the tracking and remote wiping software.
- Tape a phone number to the back of the device in the event you lose it that a Good Samaritan can call the number to arrange its return.
- Make sure all of your accounts have passwords – For Tablets and Laptops make sure all user accounts are password protected and use strong passwords. (Do not store your important passwords in easily accessible files or notes on your device).



<sup>1</sup> Consumer Reports: Smart Phone Thefts Rose to 3.1 Million Last Year. The survey also projects that 1.4 million smart phones were lost and never recovered in 2013.

## *Dear* POINT AND CLICK:

Question: What kind of pointers can you give me regarding the submission of proposed orders?

Answer: The TOP 12 things to remember when drafting and submitting orders to the United States Bankruptcy Court, Middle District of Florida

1. Check Pro Memos on Court Docket Reports to confirm who is to prepare the required Order.
2. Orders must be submitted as a .pdf. These should be created directly from your Word Processing program and not from a scan. Note: Orders that contain consents and require signatures may be a scanned .pdf.
3. Always include the following information in the style of the order; verify it's accuracy before submission. (1) Court District, (2) Division of the Court, (3) Debtor (and Joint Debtor, if applicable), (4) Main Case Number (5) Adversary Case Number, if applicable.
4. Reference the correct, underlying document title and document number.
5. Proposed Orders should include the correct ruling (granting/denying) – Remember motions are granted/ denied; applications are approved/ disapproved; and objections are sustained/ overruled.
6. Include reference to any creditor, property descriptions, claim numbers, claim amounts, hearing dates, times and locations, and other pertinent information, in the body of the order. Reference whether the matter came on for hearing. Verify the accuracy of this information prior to submission of the order.
7. Do not submit a proposed order with a widow clause.
8. Use the correct spelling of all of the Judges' names in the signature line of the order. When including the Chief Judge in the signature line, know who she is.
9. Include the appropriate service language at the bottom of the order.
10. Proposed orders on motions filed with negative notice should NOT be submitted until the expiration of the response time.
11. Proposed Orders on matters that have been set for hearing should be submitted within three days of the date of the hearing.
12. When submitting proposed orders, follow the submission process as outlined for each Division. When completing submission forms or submitting orders through CM/ECF, enter the required information accurately.

Following these guidelines will eliminate the rejection of many orders and ensure a more timely entry of signed orders.



## JACKSONVILLE BANKRUPTCY BAR ASSOCIATION

### Upcoming News & Events:

On February 18, 2015, from 12:00 pm to 1:00 pm, the Jacksonville Bankruptcy Bar Association will host the 2015 Clerk's Office Appreciation Luncheon at the Jacksonville Public Library. For more information please contact Jeanne Breault at [jbreault@lansingroy.com](mailto:jbreault@lansingroy.com).

## ORANGE COUNTY BAR ASSOCIATION – BANKRUPTCY COMMITTEE

The Orange County Bar Association Bankruptcy Committee has two upcoming CLE luncheons. On January 30, 2015, Larry Heinkel will be discussing the Dischargeability of Taxes. The dischargeability of taxes is often a more complex issue than first thought. Mr. Heinkel will be unpacking some of the more intricate issues for us.

On February 27, 2015, the OCBA Bankruptcy Committee will be welcoming Catherine Jones as she discusses Post-Bankruptcy Credit Reporting Issues. Our clients continually ask us what to expect with their credit reports after bankruptcy. Ms. Jones will be taking the veil off that subject for us.

March 27, 2015, this date is available for presentations or topic suggestions.

The Committee is proud to tell you that CLE is available for both of these events. Please go to the OCBA website at [www.orangecountybar.org](http://www.orangecountybar.org). Click on the OCBA Store on the left side. Choose seminars and you can sign up to attend the seminar. The OCBA Bankruptcy Committee welcomes everyone whether you are an OCBA member or not. See you there!



## TAMPA BAY BANKRUPTCY BAR ASSOCIATION

### The Tampa Bay Bankruptcy Bar Association Cordially invites you to its Chapter 13 Half Day Seminar

**DATE and TIME:** Friday, February 6, 2015; Registration begins at 8:00 a.m.  
Program starts at 8:30 a.m. and ends at 1:30 p.m.

**LOCATION:** InterContinental Hotel Tampa  
4860 W. Kennedy Blvd.

**CLE CREDIT:** 5 CLE credits, including 1 Ethics credit applied for  
(Course number provided at seminar)

**PRICE:** \$85.00 TBBBA members; \$100 non-members. Seminar includes a light continental breakfast, full buffet-style lunch, and half-day Chapter 13 seminar, including Chapter 13 Trustees, a United States Bankruptcy Judge, Chapter 13 attorneys, and more.

#### SCHEDULE:

First Session (1.5 hrs, 8:30 -10:00 a.m.):

- Kelly Remick, Chapter 13 Trustee and Staff Attorneys
- Kelley Petry, Esq. (moderator)
- Cindy Burnette, Assistant U.S. Trustee

Second Session (1.5 hrs, 10:15 -11:45 a.m.):

- Jon Waage, Chapter 13 Trustee and Staff Attorneys
- Greg Champeau, Esq. (moderator)
- Cindy Burnette, Assistant U.S. Trustee

Lunch Session (1.5 hrs, 12:00 -1:30 p.m.):

- Igor Roitburg, COO of Default Mitigation Management, LLC
- Caryl E. Delano, U.S. Bankruptcy Judge
- Jake Blanchard, Esq. (moderator)

#### WHAT WILL I HEAR?

- Initial Preparation of Schedules and Plans: Avoiding Pitfalls & Unfavorable Recommendations;
- Best Practices for Efficient Plan Confirmation & Modification;
- End of Case Issues: Ensuring Your Debtor Gets Their Discharge;
- Mortgage Modification Mediation & the Portal: Tips, Tricks, and Troubleshooting;
- Ethics and Etiquette Issues Discussed Throughout

Registration Form: <http://tbbba.com/images/pdf/020615.pdf>



## TAMPA BAY BANKRUPTCY BAR ASSOCIATION



The Business Law Section of the Florida Bar's Spring CLE program will be:

***Bankruptcy Court Evidence Boot Camp: Basics to Advanced***

<b>Course Classification:</b>	Intermediate Level
<b>Live Presentation:</b>	May 15, 2015
<b>Location:</b>	Renaissance Marriott Tampa at International Plaza
<b>Judicial Chair:</b>	Hon. Michael G. Williamson
<b>Program Co-Chairs:</b>	David S. Jennis, Stephanie C. Lieb



## CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

### CFBLA Q4 2014 News

**October 1, 2014** – The Hon. Charlene Honeywell spoke at the CFBLA monthly luncheon. Judge Honeywell presented on bankruptcy appeals, including tips and advice from the District Court bench.

**October 17, 2014** – Rick Webber hosted the first Table for Eight social event for CFBLA members. Rick cooked lobster and other delicious dishes for those in attendance.



**Rick Webber's Table for Eight**

**November 2, 2014** – CFBLA hosted its 2nd Annual Fall Festival at Mead Gardens for its members and family. Fun and food had by all, including rock climbing, bounce house, and barbeque. See pictures on Page 39.

**November 11, 2014** – Chief Judge Jennemann hosted the second Table for Eight themed from Kentucky with several items imported from Kentucky, including burgoo, a delicious stew from the Blue Grass state.

**November 20, 2014** – Sam Zusmann, Jr. of Holland & Knight spoke at the CFBLA monthly luncheon on ethics and bankruptcy practice, with a mix of case studies and stand-up humor.



# CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

## CFBLA Fall Festival—November 2, 2014





## CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION



### THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION IS RECOGNIZED FOR PRESENTING FINANCIAL LITERACY TOPICS TO LOCAL HIGH SCHOOL SENIORS

**By: Jill E. Kelso, CFBLA's Immediate Past President**

The Central Florida Bankruptcy Law Association ("CFBLA") was recognized for its community service efforts in volunteering to teach various financial literacy topics to local high school seniors. CFBLA members Jill Kelso, Cynthia Lewis, and Miriam Suarez spear-headed the effort to work with Orange County Public School Board officials and the Junior Achievement of Central Florida ("JA") to launch JA's Finance Park Virtual Program designed to educate high school seniors about topics such as identity theft, responsible credit card use and paying for postsecondary education.

CFBLA's C.A.R.E. Sub-Committee, including Kathy Appel, Marie Benjamin, Jamie Blucher, Jack Brennan, Rob Davis, Elena Escamilla, Maureen Gimenez, Timothy Laffredi, Cynthia Lewis, Lori Luce, David McFarlin, Bob Morrison, Andrew Roy and Miriam Suarez, assisted in organizing a training session to help prepare volunteers for the classroom.

CFBLA members and friends Kathy Appel, Scott Bomkamp, Elena Escamilla, Maureen Gimenez, Jill Kelso, Timothy Laffredi, Lori Luce, Ana Rodriguez, Miriam Suarez, Christine Baker, Kathy Deetz, Lexie Lewis, Maggie Moyet, Walter Benenati, Marie Benjamin, James Benjamin, Jack Brennan, Ryan Davis, Isabel Freeman, Cynthia Lewis, David McFarlin, Joyce Nunnallee, Brad Saxton, Wayne Spivak, Laurie Weatherford, and Julius Williams all attended this training.

Ultimately, CFBLA placed 17 volunteers who contributed over 63 hours of classroom instructional time. Through these efforts, over 1,500 local students received valuable financial literacy instruction from those with unique knowledge and experience as bankruptcy professionals utilizing materials provided by JA and the national Credit Abuse Resistance Education (C.A.R.E.) Program.

For these efforts, CFBLA and JA were invited on the football field to be recognized by the University of Central Florida as the Community Partner of the Game on November 14, 2014.

The CFBLA needs volunteers for the Spring 2015 semester. If you are interested in volunteering to bring financial literacy education to our local students, please contact Jill Kelso at [jill.kelso@usdoj.gov](mailto:jill.kelso@usdoj.gov).

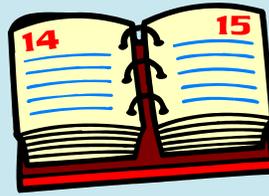




# Judges' Corner



**Judge McEwen helping out in the kitchen at K-Paul's during her recent trip to New Orleans, LA.**

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

February 18 @ noon JBBA 2015 Clerk's Office Appreciation Luncheon @ Jacksonville Public Library

**ORLANDO**

January 27 Table for Eight with Jennifer Gavrich of Cross Fernandez & Riley at Enzo's (space still available)

February 18 @ noon State of the District Luncheon @ US Bankruptcy Court  
February 27 @ noon OCBA Monthly Luncheon @ OCBA Offices

March 19 @ noon CFBLA Monthly Luncheon @ Gray Robinson

April 16 @ noon CFBLA Monthly Luncheon @ Gray Robinson  
April 23 @ 8:00 am CFBLA Annual Seminar @ Embassy Suites

May 21 @ noon CFBLA Monthly Luncheon @ Gray Robinson

June 18 @ noon CFBLA Monthly Luncheon @ Gray Robinson

**TAMPA**

February 3 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)  
February 6 @ 8:30 am Chapter 13 Seminar  
February 10 @ noon TBBBA Luncheon (CLE TBD)

March 3 @ noon Consumer Luncheon (Speaker: TBD Location: 5th floor Training Room)  
March 10 @ noon TBBBA Luncheon (CLE TBD)

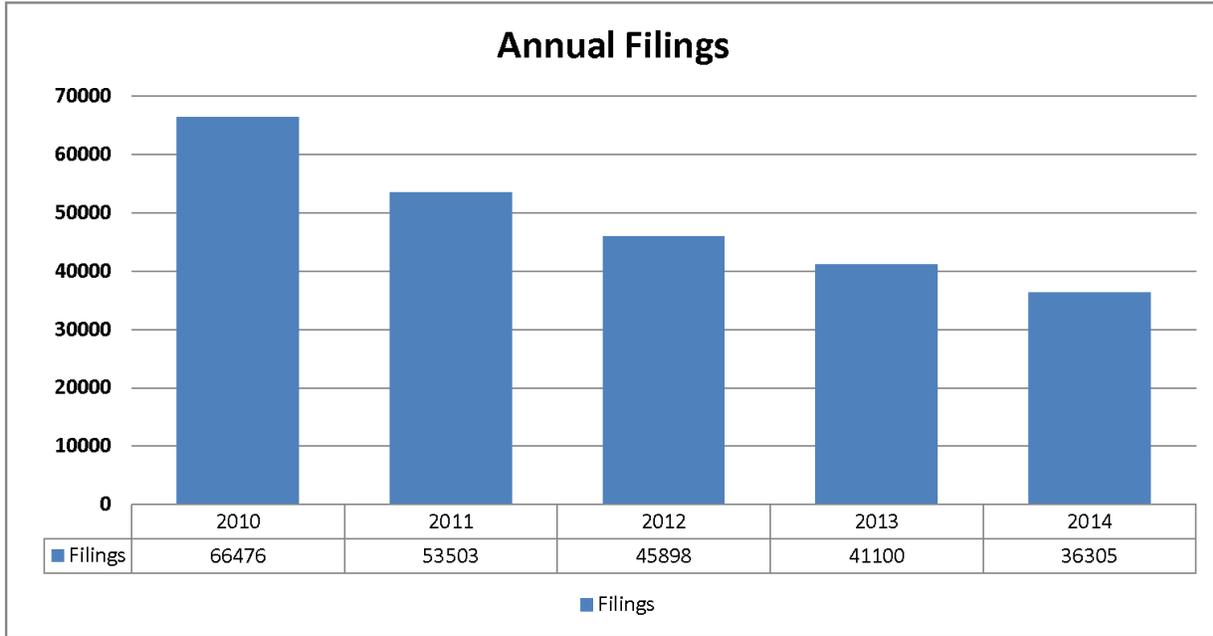
April 7 @ noon Consumer Luncheon

**OTHER  
IMPORTANT DATES**

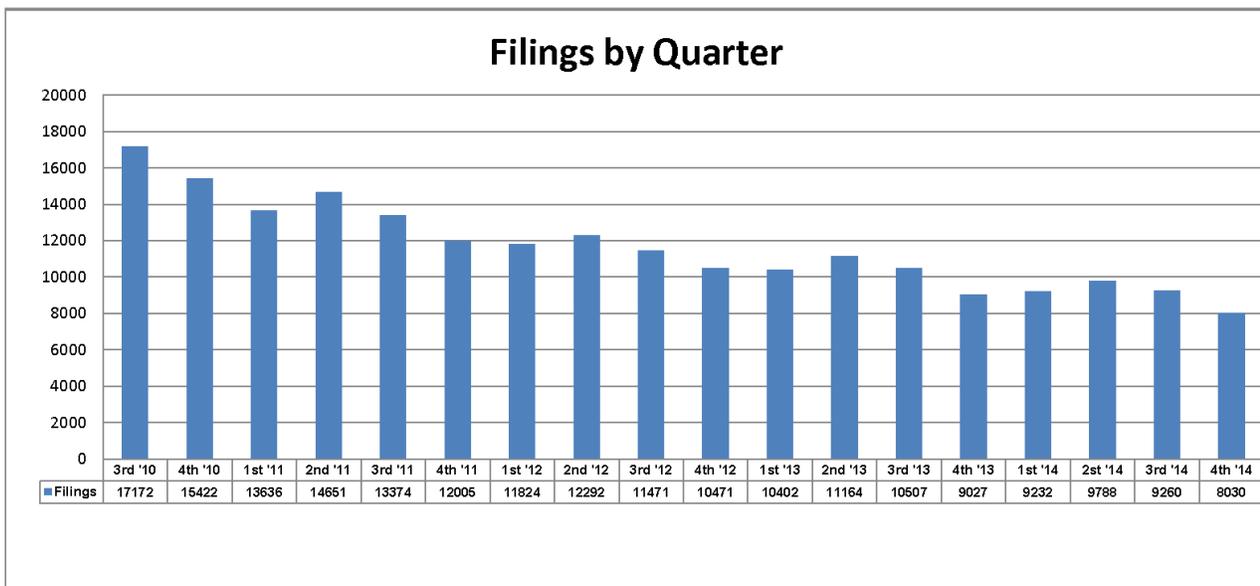
January 21-24, 2015 Florida Bar Winter Meeting, Orlando, FL  
March 5-7, 2015 ABI 39th Annual Alexander Paskay Seminar @ Hilton Tampa Downtown  
May 15, 2015 BLS: Bankruptcy Courtroom Evidence Bootcamp

## United States Bankruptcy Court Middle District of Florida Statistics as of December 31, 2014

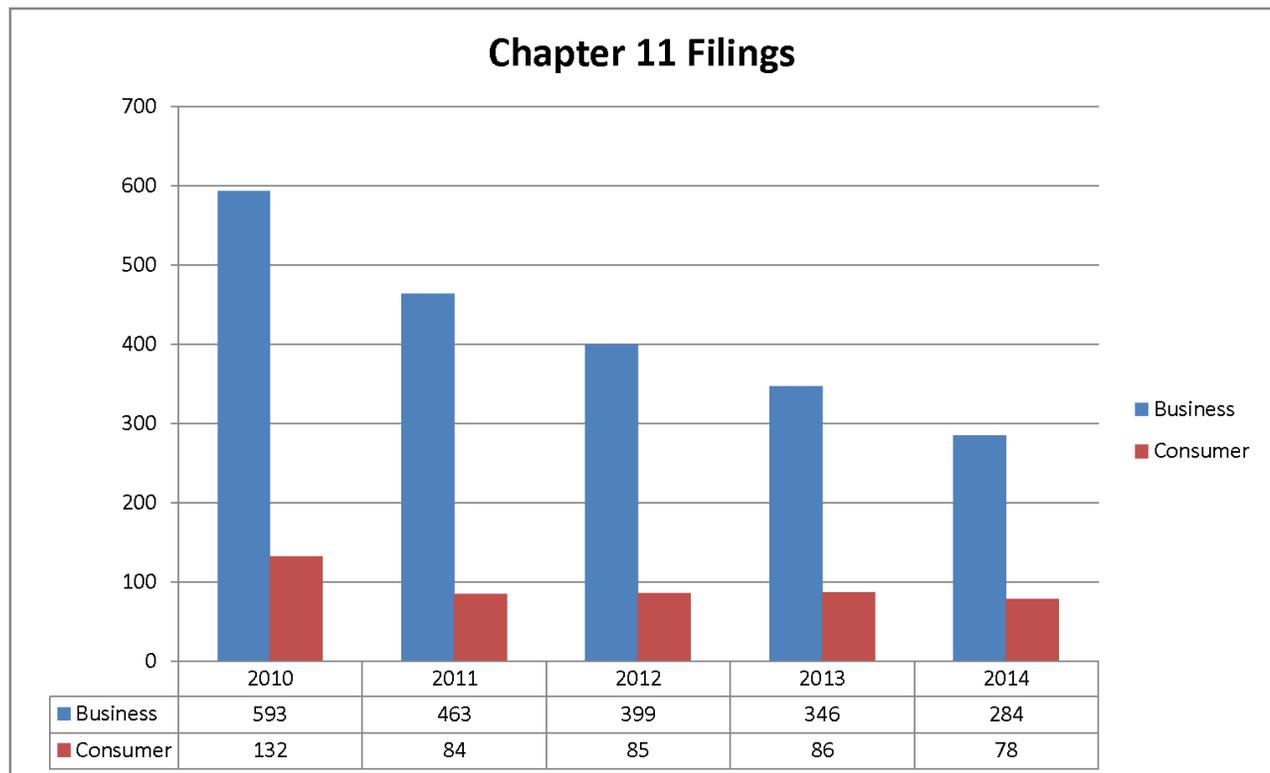
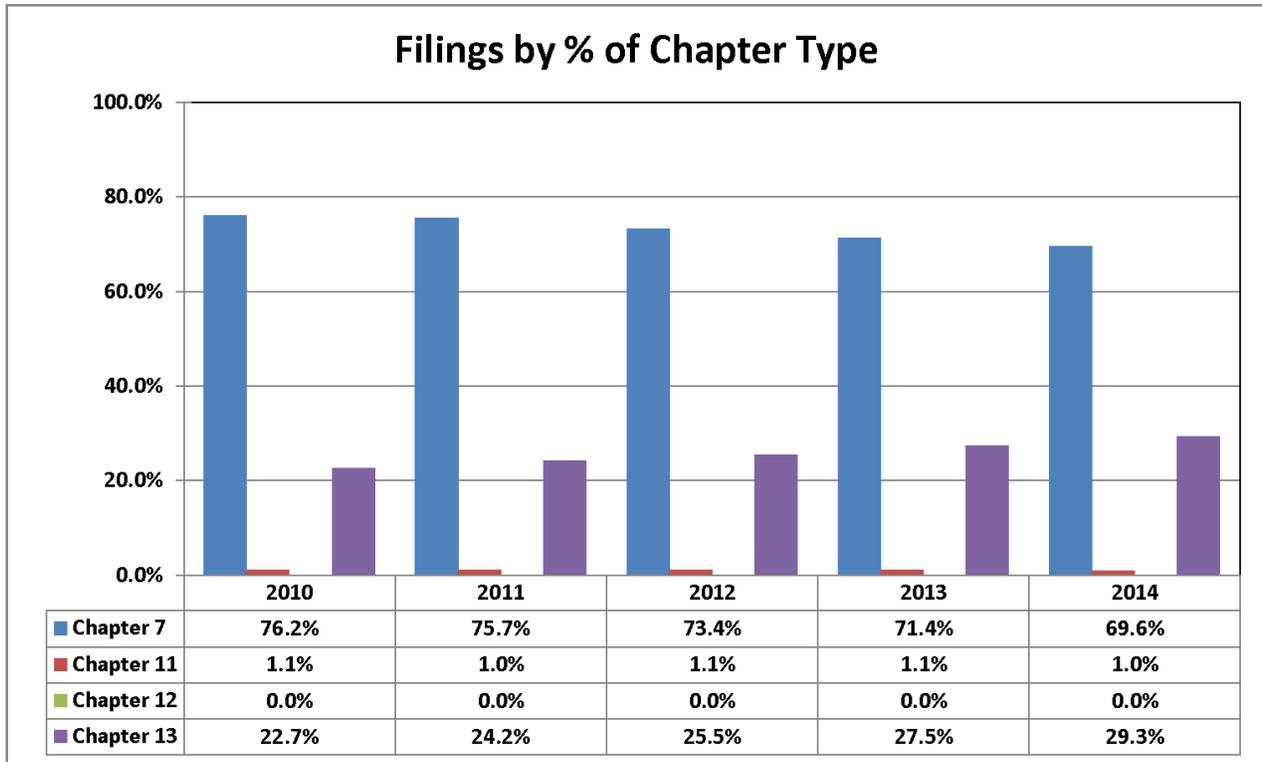
United States Bankruptcy Court - Middle District of Florida  
Updated January 14, 2014 Meeting Data and Information  
Statistics as of December 31, 2014



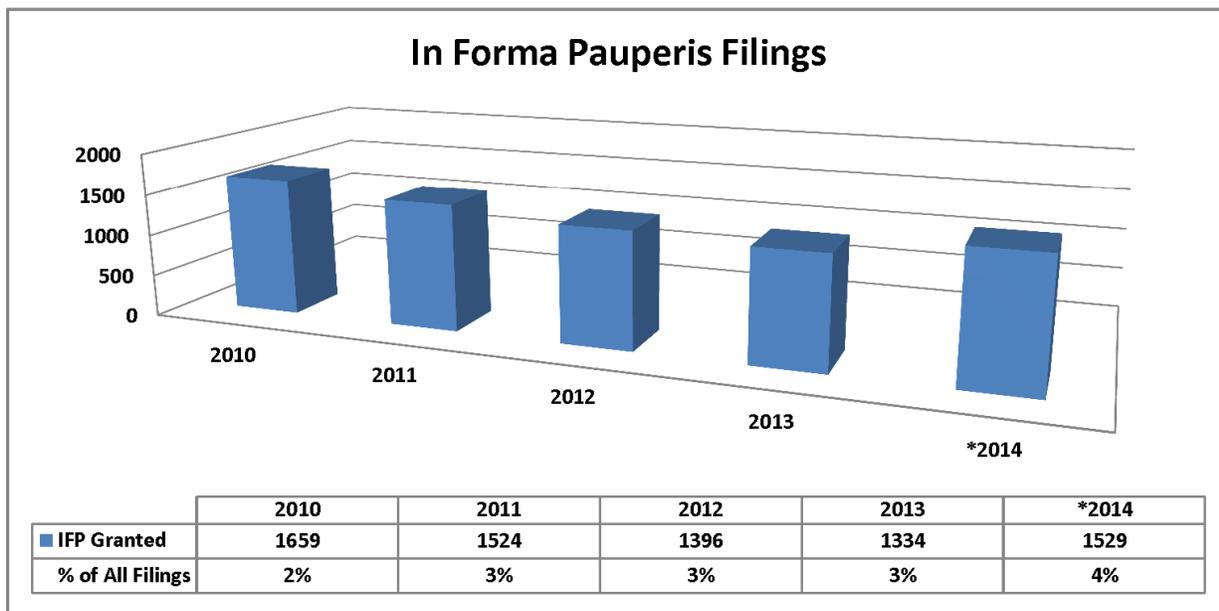
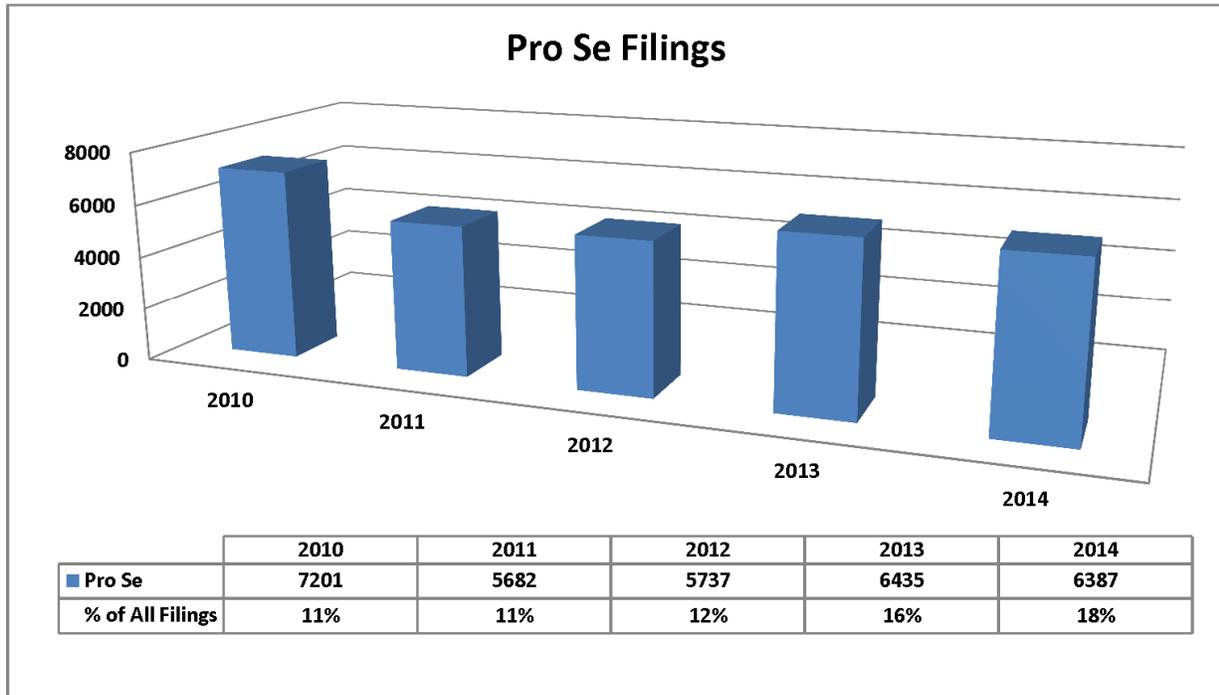
Year	Annual Filings	vs. 2010	vs. Prior Yr.
2010	66476		
2011	53503	-20%	-20%
2012	45898	-31%	-14%
2013	41100	-38%	-10%
2014	36305	-45%	-12%



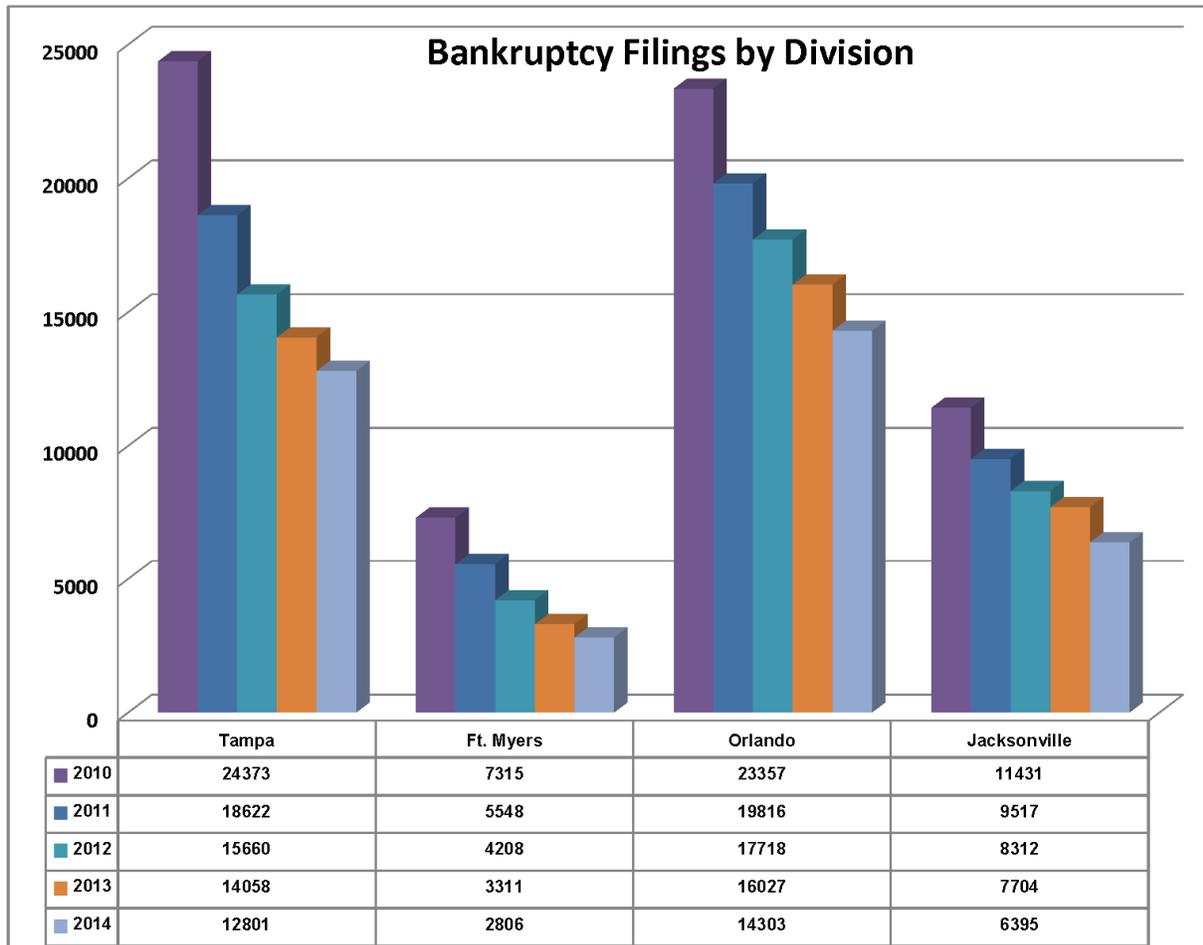
## United States Bankruptcy Court Middle District of Florida Statistics as of December 31, 2014



## United States Bankruptcy Court Middle District of Florida Statistics as of December 31, 2014



## United States Bankruptcy Court Middle District of Florida Statistics as of December 31, 2014



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Order Granting IFP counts have been corrected to include approving language.

**United States  
Bankruptcy Court**

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Orlando, FL 32801

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**The Court Connection is  
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**Please submit news, photos, and  
articles by January 1, April 1,  
July 1, and October 1 to:**

**Kim Osment**

(kimosment@flmb.uscourts.gov; 407.237.8111)

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