



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.

April 2015

Court Connection



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A Postcard from the Future

By: Chief Judge Karen S. Jennemann



Do you remember the Bankruptcy Court for the Middle District of Florida in April 2015?

They had started this quest for uniformity back in 2011. Committees, staff, and attorneys all over the district were working so hard.

- The Steering Committee with the help of all four Chapter 13 Trustees met almost weekly in April to hash out their differing perspectives on ways to make Chapter 13 cases more similar.
- The Local Rules Advisory Committee with Judge Delano's leadership worked through dozens of suggestions from attorneys and staff on how to refine their total update to the District's local rules.
- IT Staff were overwhelmed implementing new efficiencies and traveling around the country demonstrating AQUA, a new program they designed to automatically distribute work evenly to all case managers throughout the entire district.

Chief Judge Article (continued):

- Other groups, led by our Operations Deputy Raymond Waguespack, pushed hard to release eOrders, a way to simplify the submission and tracking of orders, in May 2015.
- The Supervisors met in Tampa to learn about ways to work with fewer people and across division lines.
- Three construction projects were underway in Tampa, Jacksonville, and Ft. Myers, all to reduce our rent and space.
- The Outreach Committee was working district wide to help those in need and to sponsor fun events, like a bowling competition and game days.
- The Training Committee was creating ways to “think district wide” at our district off-site in August 2015.
- The Website Committee was working to make the Court’s internal website just as impressive as the award winning external website.
- The folks putting this newsletter together created a survey for readers to give feedback and helped turn this “traditional” newsletter into a more accessible digital format.
- Attorneys throughout the district were volunteering to assist unrepresented parties and to help BLES start a district wide *pro bono* clinic.
- FAMU and Cooley Law Schools sponsored clinics to provide bankruptcy training for law students and to help more *pro se* parties.

And the work went on and on.

They almost gave up.

But they did not abandon their vision because of bumps in the road, a few heated discussions, and the hard work.

They kept discussing, learning, adapting, inventing, and improving this Court.

They endured when the tasks got harder.

They listened to new voices and concerns.

They identified and then implemented the best practices district wide.

They changed this Court from one of four divisions to a single district that is the model of bankruptcy courts nationwide. The decisions these wise people made in 2015 have positively affected the thousands of parties who visit our Court, the hundreds of lawyers and their staff who practice before this Court, and the valuable and flexible staff who work at this Court.

Chief Judge Article (continued):

It was this group of fearless people working together in 2015 who embraced the vision of uniformity and had the courage and persistence to make it happen. Generations to come will thank them.

I have the highest regard and gratitude for the “above and beyond” effort so many people are devoting to this huge project. Thank you.

IWIRC RECEPTION HONORING CHIEF JUDGE KAREN K. SPECIE (ND/FL)

By: Courtney McCormick, Esquire, McGuire Woods, LLP



On February 20, 2015, the International Women’s Insolvency & Restructuring Confederation (IWIRC) and Chief Judge Karen S. Jennemann hosted a reception honoring Chief Judge Karen K. Specie of the Northern District of Florida at the Orlando office of Akerman LLP. The reception was organized by IWIRC Members Leyza Blanco, Lori Vaughn, and Denise Dell-Powell.

The reception was well attended, drawing Florida IWIRC members from all three districts, and included Judge Arthur B. Briskman and Judge Cynthia C. Jackson. At the reception, Chief Judge Specie

was presented a plaque in recognition of her appointment to the bench. Donations were made to the Make-A-Wish Foundation in support of Chi Omega Sorority’s “Race, Love, Wish” 5-K event, in which Shannon Specie, Chief Judge Specie’s daughter, was participating. As Chief Judge Specie stated, the event was “truly the most enjoyable, and most personal, event of my term on the bench, and one of the most collegial professional gatherings I’ve attended in many years.”

IWIRC is an international organization whose goal is to connect women professionals in the insolvency and restructuring community. IWIRC was founded in 1993, and brought to Florida in 2003. Currently, close to seventy members form Florida’s IWIRC network, including Chief Judge Jennemann and Clerk of Court, Lee Ann Bennett.

CM/ECF e-Orders Coming Soon to a Division Near You

By: Christine Baker, CM/ECF Administrator and Mike Brown, Programmer Analyst

The Bankruptcy Court for the Middle District of Florida, in its on-going quest to achieve district-wide unity, will roll out a new electronic orders process in May called CM/ECF e-Orders. When you think of the word quest, you may envision an adventurous journey where one overcomes a series of obstacles and ultimately returns with the gift of knowledge and experience. The CM/ECF e-Orders quest was no exception. We acknowledged the operational pains of the current system, gathered the wants and needs for a new system, and will deliver a more user friendly process that will benefit both our Court staff and our external users.

What are the benefits of CM/ECF e-Orders?

- The submission process for all Judges will become uniform.
- Attorneys, Trustees and Court staff will have the ability to upload proposed orders directly into CM/ECF using navigational actions already familiar to users of the system.
- An improved tracking system will allow Attorneys and Trustees to easily determine the status of proposed orders they have submitted.
- Rejection notifications will go to both the primary and secondary e-mail addresses listed on the Attorney or Trustee's CM/ECF user account.
- Judges and Court staff can review, route, sign and docket in a more efficient manner and within one program.
- An electronic learning module will be available for training and review on **April 22, 2015**.

What changes will I need to make?

Section II of the Style Guide available on our website (www.flmb.uscourts.gov) is being modified to include the following new formatting requirements:

- A three-inch top margin on page one, with all other margins remaining one inch.
- Elimination of the date and signature lines.
- Except for consent orders, proposed orders should be saved to a PDF format directly from a word processing program such as Word or Word Perfect rather than scanning a printed copy of the document.

Important: If you have created Filing Agent accounts for your staff, you will need to update permissions for each Filing Agent giving them access to both "Attorney" and "E-Orders Attorney" or "Trustee/US Trustee" and "E-Orders Trustee" as applicable.

E-Orders Article (continued):**What will a signed order look like?**

The Judge's signature and signed date will now appear at the top of the first page instead of the traditional placement at the end of the order.

**When will CM/ECF e-Orders go into effect?**

- Implementation will begin in the Tampa and Fort Myers Divisions on May 4, 2015.
- Jacksonville will follow on May 11, 2015.
- Orlando will complete the transition on May 18, 2015.
- As each Division transitions, the submission portal on the website for those Judges will be disabled.

We are excited about the benefits CM/ECF e-Orders will bring. We hope you find the results of our quest to be a more efficient and effective method for submitting proposed orders.

**** Survey ****

In an effort to update and modernize the Court Connection you will soon receive a survey. Please give us your input and suggestions for how we can improve.

Look for an email next month around May 4 for a link to this survey.

The survey will also be available as a link on the Court's website www.flmb.uscourts.gov.

Coming Soon!
Debtor Electronic Bankruptcy Noticing (DeBN)
By: Gull Weaver, Deputy-in-Charge, Jacksonville Division

The United States Bankruptcy Court for the Middle District of Florida will offer Debtors the opportunity to request receipt of orders and court-generated notices via email, instead of U.S. mail, through a program called “Debtor Electronic Bankruptcy Noticing” or “DeBN.”

DeBN provides the following advantages:

- **Faster** — Debtors will receive notices the same day they are filed by the court.
- **Convenient** — Debtors will be able to access their notices anywhere they have internet access.
- **No more lost paperwork** — Debtors can store notices on their computer meaning never losing a paper copy.
- **Less paper clutter** — Helps the environment and reduces paper clutter.
- **It is FREE!**

Pursuant to Federal Rule of Bankruptcy Procedure 9036, a party may make a written request for delivery of notices via email, instead of U.S. mail. Through the DeBN program, only orders and notices that have been entered by the court can be emailed to the debtor. Debtors requesting participation in the DeBN program must complete and file a Debtor’s Electronic Noticing Request (DeBN) form with the court where their case is filed.

Note: Only the court is authorized to send notices to the debtor through this DeBN program. All other parties, such as trustees and creditors, will continue to serve the debtor via U.S. mail or in person as required by court rules.

**Preventing Orders Striking Due to Delay Between
Docketing And the Filing of a Certificate of Service**
By: U.S. Bankruptcy Court, Middle District of Florida

Delay between the filing of a certificate of service and the filing of a motion on the docket can cause that motion to be stricken or denied. Don’t let that happen to you. On March 10, 2015, the Court distributed an eBlast to all CM/ECF users notifying them of the necessity to file certificates of service contemporaneous with filing the motion on the docket. The Court reiterates the sentiment here.

Proofs of service may appear on or be affixed to the paper served or may be filed separately. To avoid denial, striking, or abatement of a motion due to delay in filing the certificate of service, attorneys or their staff should file the certificate of service on CM/ECF immediately after filing the paper to be served. The Court is aware some third-party service companies may take a few days to effect service. In these circumstances, the Court recommends waiting to file the underlying paper on CM/ECF until the certificate of service is completed. Then, both documents can be filed together.

Heeding these guidelines will aid the Court in efficiently and effectively disposing of motions and other filings.

THE MEDIATION MINUTE

By: Bradley M. Saxton, Esq., Winderweedle, Haines, Ward & Woodman, P.A.

In 2013, the Judges of the Middle District adopted new Local Rule 9019-2 to respond to the development of the mediation process in the Middle District. The Mediation Minute will be a regular feature of The Court Connection which will address some select mediation topics. This first edition will briefly introduce Local Rule 9019 -2 and reference the ethical rules applicable in mediation.

Mediation has become increasingly common in the bankruptcy courts in the Middle District. Parties are either voluntarily submitting to mediation, or are directed to mediate by the Court. Mediation can occur in all types of adversary proceedings, contested matters, and plan confirmation disputes. Of course, in consumer cases, the Middle District has been a leader in mortgage modification mediation (MMM) which has been especially useful and effective and the Court has adopted uniform procedures for MMM. Parties participating in MMM should be aware of the Court's specific procedures for those mediations. All other mediations are governed by Local Rule 9019-2.

All parties participating in a mediation should familiarize themselves with Local Rule 9019-2. Additionally, the parties, and especially mediators, should be aware that Local Rule 9019-2(d) provides that “[a]ll mediators who mediate in cases pending in this District, whether or not certified under the rules adopted by the Supreme Court of Florida, shall be governed by standards of professional conduct and ethical rules adopted by the Supreme Court of Florida for Circuit Court Mediators.”

What are these standards and rules? These are the Florida Rules for Certified and Circuit Court-Appointed Mediators, Rules 10.100 through 10.900, which were originally adopted in May, 1992 (“Florida Mediator Rules”). As set forth in Rule 10.200, the Florida Mediator Rules “provide ethical standards of conduct for certified and court-appointed mediators. They are intended to both guide mediators in the performance of their services and instill public confidence in the medication process.” These rules define mediation as “a process whereby a neutral and impartial third person acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. It is an informed and non-adversarial process intended to help disputing parties reach a mutually acceptable agreement.”

As described in the Committee Notes, the rules “include a collection of specific ethical concerns involving a mediator’s responsibility to the parties to a dispute.” A sampling of these ethical concerns and concepts, which are described in much more detail, including some expansive committee notes, within the Florida Mediator Rules, are the following:

- **Self-determination**—of the principal concepts of mediation is that it is the parties who are to decide how to settle the case, without coercion, but with the assistance of a neutral facilitator
- **Awareness of the interest of parties who are not participants to the mediation**—this concept, which is often discussed in the context of family law disputes where the mediator must, for example, promote awareness of the interests of the children who may not be involved directly as participants in the mediation, also has application in bankruptcy disputes where the interests of other creditors is a common issue
- **Impartiality**—another fundamental concept, this is described as “freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual

Mediation Minute (continued):

- Conflicts of Interest
- Confidentiality of information
- Professional advice or opinions – the Florida Mediator Rules permit a mediator to “provide information” to the parties and, “consistent with standards of impartiality and preserving party self determination” the mediator “may point out possible outcomes of the case and discuss the merits of a claim or defense”, but the mediator “shall not offer a personal or professional opinion as to how the court ... will resolve the dispute”

The Florida Mediator Rules have been applicable to mediations in Florida for over twenty years. Florida has been a leader in formulating the concepts applicable to mediations in the state courts. Mediation in bankruptcy court is expanding and the process should benefit from the substantial development of these concepts over the years. Mediators in bankruptcy cases should be aware of Local Rule 9019-2 and the overlay of the Florida Mediator Rules which can assist the mediator in understanding the role of the mediator and help guide the mediator when specific ethical concerns arise.

Future editions of the “Mediation Minute” will focus on select issues that arise in mediations so that all mediation participants can continue to learn about this unique process which should continue to successfully resolve many disputes and relieve some of the strain on the busy bankruptcy courts in the Middle District of Florida.

Bradley M. Saxton served as the Chair of the subcommittee of the Local Rules Committee which drafted proposed amendments to Local Rule 9019-2.

	<p>The Florida Bar Continuing Legal Education Committee and The Business Law Section Present Bankruptcy Court Evidence Boot Camp: Basics to Advanced (Course No. 1924R) Friday, May 15, 2015 Renaissance Marriott Tampa at International Plaza 4200 Jim Walter Boulevard Tampa, FL 33607 813-877-9200</p> <p>Participants may view full course description and register using the following link: http://www.floridabar.org/FBweb/CLEReg.nsf/zLocations2/JASR-9SSMFJ?OpenDocument#Description</p> <p><i>Sponsors: Development Specialists, Inc.; Kozyak Tropin & Throckmorton, PA; Oscher Consulting, PA; Michael Moecker & Associates, Inc.; and KapilaMukumal, LLP</i></p>
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What's the Big Deal? Why Details Matter in "Emergency Matters"

By: Lisa Scotten, Law Clerk to Hon. Catherine Peek McEwen

Does your chapter 11 corporate client need court authority by the end of the day on Thursday to make payroll on Friday? Is your financial institution client seeking immediate stay relief to protect set-off rights by freezing accounts that a debtor has drained? Is the home of your chapter 13 consumer client subject to a foreclosure sale three days from now? If so, a hearing may be requested on an emergency basis. Local Rule 9004-2(d) describes situations requiring emergency hearings as those in which "direct, immediate and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of any dispute."

This rule also explains that the Court will not act upon an emergency motion unless the motion is docketed with a certificate of necessity in the form available from the Clerk's office. Attorneys can access this form, titled Certification of Necessity, through the Court's "Emergency Matters" procedures at:

<http://pacer.flmb.uscourts.gov/cmecf/emergency.asp>. The Certification of Necessity includes a "fill-in-the-blank" section that reads: "I CERTIFY FURTHER that there is a true necessity for an emergency hearing, specifically because [the moving party ...] seeks [brief statement of relief requested] and requires a hearing prior to [date] for the following reason: [brief statement of reason why the matter must be hearing on any emergency basis]." (Emphasis added.)

The Court's online "Emergency Matters" procedures also require attorneys to alert the Clerk's office of an emergency filing by submitting an online form that gives the attorney's name and contact information, the name of the judge presiding over the case, the case name and number, and a detailed description of the emergency matter at issue. Submission of this online form sends an e-mail message directly to the Courtroom Deputy who, upon review of the emergency motion and Certification of Necessity, can confer with the judge about scheduling the requested hearing. Because the daily hearing calendars of most bankruptcy judges within the Middle District of Florida are frequently filled from 9:30 a.m. until 5:00 p.m. (with matters set for hearing weeks or even months in advance), finding hearing time for emergency matters is no easy task. The "drop dead" date upon or before which a particular emergency hearing is needed is, therefore, critical information for the Courtroom Deputy. Yet, attorneys regularly fail to use the proper Certification of Necessity form and omit this vital information. The Courtroom Deputy must then find a break in between courtroom duties to contact the submitting attorney, request this information, and wait for a response before conferring with the judge about scheduling the hearing. Such omissions create unnecessary delay in a process specially designed to deal with highly time-sensitive matters in the most expeditious manner possible.

To date, the Court has not strictly enforced the requirement that attorneys use the current form of Certification of Necessity and provide the date upon or before which a requested emergency hearing is needed. However, to better serve clients and maximize court efficiency, the Court may soon reject non-compliant Certifications of Necessity. If a matter warrants emergency treatment, it warrants use of procedures purposefully tailored to afford such treatment. In "Emergency Matters," the details matter.

LOCAL RULES UPDATE

By: Judge Caryl E. Delano

Judicial Liaison to the Local Rules Attorneys' Advisory Committee

Drafts of proposed new and amended Local Rules are posted on the Court's website for public comment from March 9 through April 24, 2015. Once the revisions have been approved and finalized by the judges, the new and amended Local Rules will be posted on the Court's website, with an effective date of July 1, 2015.

There are substantive and stylistic changes to rules and some rules will be abrogated. Following is a summary of the changes. To review the amended rules, please go to the Court's website at <http://www.flmb.uscourts.gov/localrules/amendments2015.htm>. You may click on the link to provide suggestions or comments.

The following is a brief summary of the more significant proposed revisions to our current Local Rules:

1001-2 Case Management and Electronic Filing System—CM/ECF (New section (c) requires Electronic Filing Users to convert papers maintained in electronic format from the word processing original to Portable Document Format (PDF).)

1009-1 Amendments to Lists & Schedules (Amended section (e) requires that the Notice of Deadline to File Proof of Claim, if any, be served upon newly added creditors in amended Schedules D, E and F.)

3018-1 Ballots—Voting on Plans (Amended section (d) prescribes a form of ballot tabulation available on the Court's website and specifies that the ballot tabulation shall be filed with the Court two days prior to the confirmation hearing.)

3071-1 Applications for Administrative Expenses (Amended section (b)(i) specifies that applications for administrative expenses in Chapter 11, 12, and 13 cases must be filed before the later of 21 days in advance of the confirmation hearing, or with respect to expenses arising after the original deadline, 21 days in advance of a continued confirmation hearing, and 30 days after the last event giving rise to the claim.)

4008-1 Reaffirmation Agreements [New] (Incorporates procedures adopted by the Court as set forth in a memorandum to counsel from Chief Judge Jennemann dated August 27, 2014.)

7005-1 Proof of Service—Adversary Proceedings and Contested Matters (Revises rule to address service in adversary and contested matters; former provisions relating to general service issues are now contained in amended Local Rule 9013-1.)

8003-1 Notice of Appeal and 8009-1 Completion of Record—Appeal (Renumbered to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure.)

9016-1 Subpoenas before Trial [New] (Requires subpoenas before trial to be filed with the Court in addition to being served on each party to the adversary proceeding or contested matter.)

9027-1 Removal/Remand (Requires the removing party, in addition to filing the state court record with the notice of removal, to also file the operative pleadings, etc. as separate docket entries.)

Thanks to everyone who has been involved in this year's Local Rules cycle, especially the members of the Local Rules Attorneys' Advisory Committee: Donald Kirk, Betsy Cox, Rick Webber, Greg Champeau, Lara Fernandez, and Raymond Waguespack. Court employees who were instrumental to this process include Gull Weaver, Mary Maddox, and Laura Stevenson.

News from the District Wide Steering Committee

By: Jill E. Kelso, Trial Attorney and Appellate Coordinator, Region 21,
Orlando Office of the United States Trustee

The District-Wide Steering Committee, whose members include representatives of the Court, the Clerk's Office, and the Office of the United States Trustee, as well as Chapter 13 trustees, Chapter 7 trustees, and private practitioners representing debtors, creditors and trustees, has continued its regular monthly meetings in an effort to assist the Court in evaluating and proposing new policies and procedures to be implemented District-wide.

Last year, the Committee made recommendations to the judges regarding uniform procedures in adversary proceedings. On December 18, 2014, Chief Judge Jennemann signed Administrative Order FLMB-2014-10 Prescribing Procedures for Adversary Proceedings. This Administrative Order establishes uniform procedures in adversary proceedings filed throughout the District after February 1, 2015, and can be obtained on the Court's website at the following link: <http://pacер.fmb.uscourts.gov/administrativeorders/DataFileOrder.asp?FileID=41>.

We are now focusing our efforts on recommending uniformity in Chapter 13 practices and procedures and have established a Sub-Committee, comprising Doug Neway, Brad Hissing, Hunter Goff, Lorne Durket, and Kelly Remick, to assist with this purpose. We are currently working on proposing a uniform Order Establishing (1) Duties of Trustee and Debtor, (2) Plan Confirmation Procedures, (3) Requirements for Debtor's Compliance, (4) Procedures for Allowance of Administrative Expenses, and (5) Procedures for Adequate Protection Payments to Secured Creditors ("OED"). In doing so, we have considered input from participants at the 2014 Bench-Bar Conference, the Chapter 13 trustees, Steering Committee members, and practitioners throughout the District.

Next, we will turn our efforts to evaluating and proposing a uniform Chapter 13 Confirmation Order, followed by a uniform Chapter 13 Plan. We will present the proposed Chapter 13 OED, Confirmation Order, and Plan to the judges for their consideration during their May meeting.

The Steering Committee invites you to share any comments or suggestions you may have on these Chapter 13 matters. Please feel free to do so by contacting the Steering Committee's Chairperson, Elena Ketchum, at eketchum@srbp.com or hportales@srbp.com, or any other member: Ellsworth Summers, Jeanne Kraft, Brian Zinn, Lorne Durket, Brad Hissing, Andrea Bauman, Doug Neway, Denise Barnett, Jason Burgess, Justin Luna, David Fineman, Hunter Goff, Keith Appleby, Robert Thomas, Kelly Remick, and Jill Kelso.

The Steering Committee will meet at noon generally on the second Thursday of each month on these dates:

April 9	October 8
July 9	November 4 (tentative Bench Bar Conference)
August 13	December 10
September 10	

Members of the Steering Committee Recognize Committee Chairperson, Elena Paras Ketchum



On behalf of all members of the Steering Committee, we would like to recognize and thank our chairperson, Elena Paras Ketchum, for her tireless efforts in effectively guiding the Committee through our meetings and deliberations in proposing new uniform procedures. Under her direction, the Committee has made multiple recommendations for the judges to consider implementing various district-wide procedures, including, most recently, procedures governing relief from stay, Rule 2004 examinations, reaffirmation agreements, and adversary proceedings.

For those of you who do not know Ms. Ketchum, she is a shareholder at Stichter Riedel Blain & Prosser, P.A. in Tampa and specializes in the representation of debtors, creditors, guarantors, buyers, and other parties in bankruptcy cases, out-of-court workouts, and state court proceedings. She also represents clients in negotiating and documenting complex commercial transactions. Ms. Ketchum has represented debtors in Chapter 11 cases involving such industries as manufacturing, retail, healthcare, printing, grocery and construction. In addition, she has been lead counsel in out-of-court workouts of loans totaling more than \$700 million dollars. Ms. Ketchum has represented clients in negotiating and drafting asset purchase agreements, real estate documentation, workout agreements, and loan modification agreements, and navigating “Assignments for the Benefit of Creditors” under Chapter 727 of the Florida Statutes.

Through her leadership and participation on the Committee, Ms. Ketchum has exemplified professionalism and decorum, enabling the Committee to make significant contributions to the practice of bankruptcy in the Middle District of Florida.

PUBLIC NOTICE
APPOINTMENT OF U.S. BANKRUPTCY JUDGE
With duty station at Orlando, Florida

The United States Court of Appeals for the Eighth Circuit seeks applications from highly qualified candidates for a fourteen-year appointment as United States Bankruptcy Judge for the District of South Dakota. The position will have its duty station in Orlando, Florida, for the first five years of the term and thereafter as determined by the Eighth and Eleventh Circuits under the Memorandum of Understanding (MOU) for the Bankruptcy Judge Vacancy Pilot Program. A copy of this MOU is available for review at the links listed below, along with the application form.

The basic jurisdiction of a United States Bankruptcy Judge is specified in Titles 11 and 28, United States Code, and amendments thereto. To be qualified for appointment, an applicant must:

- (1) Be a member in good standing of the bar of the highest court of at least one state, the District of Columbia, or the commonwealth of Puerto Rico, and a member in good standing of any other bar in which the applicant is a member.
- (2) Have been engaged in the active practice of law for a period of at least five years (some substitutes authorized);
- (3) Possess, and have a reputation for, integrity and good character; possess, and have demonstrated, a commitment to equal justice under the law; possess, and have demonstrated, outstanding legal ability and competence; be of sound mental and physical health sufficient to perform the essential duties of the office; and indicate by demeanor, character, and personality that the applicant would exhibit judicial temperament if appointed; and
- (4) Not be related by blood or marriage to a judge of the Eighth or Eleventh Circuit Courts of Appeals, to a member of the Eighth or Eleventh Circuits Judicial Councils, or to a judge of the district court to be served, within the degrees specified in 28 U.S.C. § 458, at the time of the initial appointment.

An Intercircuit Selection Committee will review all applications and recommend to the United States Court of Appeals for the Eighth Circuit, in confidence, persons considered to be best qualified. Appointment follows an FBI and IRS investigation of the candidate chosen by the Court of Appeals. The current annual salary is \$185,012. Applicants shall be considered without regard to race, color, age, gender, religion, national origin, or disability.

Application forms and the Memorandum of Understanding (MOU) may be obtained on line from the: Clerk of the U.S. Bankruptcy Court in the Florida Middle Bankruptcy Court at <http://www.flmb.uscourts.gov/>; Clerk of the U.S. District Court in Florida Middle District Court at <http://www.flmd.uscourts.gov/>; Clerk of the U.S. Bankruptcy Court in the District of South Dakota at <http://www.sdb.uscourts.gov/>; Clerk of the U.S. District Court in South Dakota at <http://www.sdd.uscourts.gov/>; the United States Court of Appeals for the Eighth Circuit at <http://www.ca8.uscourts.gov/>; and/or the United States Court of Appeals for the Eleventh Circuit at <http://www.ca11.uscourts.gov/>. Applications should be submitted only by the applicant personally and should indicate the applicants willingness to serve if selected. Applications should be submitted to Ms. Millie B. Adams, Circuit Executive, 111 South 10th Street, Suite 26.325, St. Louis, Missouri 63102-1116, and must be received by June 15, 2015, 4:00 PM (CDT). Applications will not be accepted by email or fax. The U.S. Courts are equal opportunity employers. We appreciate the interest of all candidates, however, only those selected for an interview will be contacted.

Meet Shari Streit Jansen, Tampa Chapter 7 Trustee (Retired)

By: Cindy Burnette, Assistant United States Trustee

Shari's Chapter 2, Happy Retirement from Chapter 7 Panel



Shari Streit Jansen was appointed to the Tampa panel of chapter 7 trustees on June 1, 1997. Originally from Michigan, Shari is licensed to practice law in both Florida and Michigan. After receiving her undergraduate degree from the University of Michigan, she attended Wayne State University Law School. Shari began her law career in 1983, practicing at a small firm in Detroit, Michigan in the areas of labor law and social security disability.

Shari moved to the Sunshine State in 1984 and opened her own private practice, dealing mostly with corporate and transactional work for small businesses and debtor bankruptcies. After becoming a chapter 7 trustee in 1997, she spent the next 17 ½ years commuting from Sarasota to Tampa or Ft. Myers at least twice a week and administered thousands of cases in one of the busiest bankruptcy districts in the country. Upon reflection of her time as trustee, Shari states: “I enjoyed being a trustee as it gave me the opportunity to work with some really great attorneys, both those who represented the bankruptcy estates on my behalf and members of the debtor bar who had their clients appear in front of me each week. I was also fortunate to have experienced our terrific Middle District of Florida judges during both my practice representing debtors and as a trustee. I count myself lucky to have spent my early years as a trustee learning bankruptcy in front of Judge Alexander Paskay, while working as a trustee in both Tampa and Ft. Myers, and to have experienced the courtroom side of trustee practice from Judge Paskay, Judge Thomas Baynes and Judge Paul Glenn.”

Last year in 2014, Shari decided it was time for a career change and to retire from her trusteeship. It was time for Chapter 2 of her career. She is no longer receiving new cases as a trustee and is in the process of closing out her case inventory. Shari returned to graduate school and is studying for a Masters Degree in Clinical Licensed Mental Health Care. Although admitting to always being the oldest student in class and sometimes older than the professor, she is loving every minute of the change in direction. Shari hopes, after graduating, to reopen her private practice, specializing in adults who are struggling with middle life and vocational adjustment issues.

While there is not much time between closing a law practice and going to school, she has had an opportunity to travel outside the country for some extended periods of time, which wasn't possible while being a chapter 7 trustee. In speaking about her newfound freedom and reflecting on her life, Shari states, “I am trying hard not to let school interfere too much with my husband's and my travel agenda, as all three of my sons are now grown and out of the house. It's a great time to be able to travel. Whether at home or traveling, my passion is swimming and I swim almost every day of the year – weather having become irrelevant over the years. Fortunately, Florida is warm most days and I get to swim outside – either with a masters group of swimmers or by myself. Although I will miss seeing so many people who were a daily part of my practice as a trustee, I am excited about my new adventure and as you all get older, perhaps you can come see me in my practice and I can give you some positive encouragement about making fundamental life changes. It is a blast!”



Case Law Update

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

Eleventh Circuit Cases

Iberiabank v. Geisen

--- F.3d ----, 2015 WL 294269 (11th Cir. Jan. 23, 2015)

Basic release language in confirmed chapter 11 plan was sufficient to eliminate claims against principal, especially because the plan detailed the contributions of the principal to the plan. Release affirmed by Eleventh Circuit.

In re Roberts-Dude

--- Fed. Appx. -----, 2015 WL 545463 (11th Cir. Feb. 11, 2015)

Discusses in some detail the “justifiable reliance” element of a fraud claim under section 523(a)(2)(A). The Court concluded that a title company’s reliance upon the debtor’s misrepresentations when it issued a title insurance policy was justified. The debtor misrepresented that there were no liens on the property.

In re Fisher Island Investments

--- F.3d ----, 2015 WL 729689 (11th Cir. Feb. 20, 2015)

Bankruptcy court had constitutional authority to render final decision on who owned putative debtor for purposes of determining whether an involuntary petition was consented to or contested.

In re Rosenberg

--- F.3d ----, 2015 WL 845578 (11th Cir. Feb. 27, 2015)

Eleventh Circuit addressed several different aspects of fee awards in the involuntary petition context. Award of fees and costs following dismissal of an involuntary petition for prosecuting bad faith claim for damages is within the discretion of the bankruptcy court. Fees could also be awarded for defending dismissal on appeal.

In re Seaside Engineering & Surveying, Inc.

--- F.3d ----, 2015 WL 1061718 (11th Cir. March 12, 2015)

Eleventh Circuit affirmed non-debtor releases contained in chapter 11 plan. Bankruptcy court had authority to enter non-debtor releases or bar orders and did not abuse its discretion in doing so.

In re International Management Assocs., LLC

2015 WL 1245503 (11th Cir. March 19, 2015)

Eleventh Circuit held that bankruptcy court did not abuse its discretion in admitting summaries of documents prepared by trustee in a Ponzi scheme case. The trustee’s summaries were based upon the debtor’s business records, which were recovered by the trustee from the debtor’s business. The court held that the underlying documents were admissible under the business records exception.

Case Law Update (continued):**District Court Cases****JY Creative Holdings v. McHale**

2015 WL 541692 (M.D. Fla. Feb. 10, 2015) (Moody, J.)

Receiver appointed by district court in action arising from breach of commercial loan documents had authority over corporate debtors and had the power to put the corporate debtors into voluntary chapter 11 cases. Owner of the debtors sought dismissal, but was denied. The district court affirmed denial of the motion to dismiss.

In re Organized Confusion

2015 WL 728223 (M.D. Fla. Feb. 19, 2015) (Bucklew, J.)

After thorough analysis of applicable standard, district court denied motion to withdraw the reference from the bankruptcy court in seven related adversary proceedings concerning fraudulent transfers where plaintiff-trustee requested a jury trial. All aspects of the adversary proceedings remained with the bankruptcy court, and if the jury trial issue arose, the district court would address it at that time.

Bankruptcy Court Cases**Accel Motorsports Inc. v. Rosario (In re Rosario)**

2015 WL 232427 (Bankr. M.D. Fla. Jan. 13, 2015) (Jennemann, J.)

Car dealer sought entry of a default judgment against the debtor/defendant determining that its \$124,400 state court default judgment was nondischargeable under §§ 523(a)(2)(A) and (a)(6). Court afforded collateral estoppel effect to state court judgment with respect to the fraud and conversion portion of the state court judgment. However, the court also held car dealer failed to establish a basis for determining the portion of the judgment related to \$75,300 of worthless checks transferred after the defendant took possession of the related vehicles was nondischargeable because plaintiff failed to show its justifiable reliance on the worthless checks.

Galaz v. Monson, II (In re Monson, II)

522 B.R. 721 (Bankr. M.D. Fla. Jan. 9, 2015) (Glenn, J.)

Plaintiff creditor alleged that debt owed to it was not dischargeable pursuant to sections 523(a)(2), (4), and (6), arguing that a start-up loan to debtor for an internet business was procured by fraud or that the debtor caused willful and malicious injury to the creditor and its property. After holding an evidentiary hearing, the court determined that the debt was not dischargeable as a willful and malicious injury to the creditor's right to collect by removing equipment and using the equipment in a new business without the creditor's knowledge or permission.

Case Law Update (continued):**In re Trussel**

2015 WL 1058253 (Bankr. M.D. Fla. March 5, 2015) (Jennemann, J.)

Secured creditor was not entitled to injunctive relief compelling debtor to surrender property and cease asserting affirmative defenses in the foreclosure action. Evidence presented did not support argument that debtor failed to comply with his duties under section 521 regarding statement of intentions. Debtor attempted to reaffirm the debt, but could not reach an agreement with the creditor. The creditor's desire to "short-circuit" the debtor's legitimate defenses was not grounds for the relief the creditor requested.

**2015 CFBLA ANNUAL SEMINAR****BANKRUPTCY IN A RECOVERING ECONOMY****THURSDAY, APRIL 23, 2015****EMBASSY SUITES-DOWNTOWN ORLANDO
191 EAST PINE STREET
ORLANDO, FLORIDA 32801****COST:**

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

Breakfast and lunch will be provided as well as valet parking or validated parking in the garage. Registration fee also includes a flash drive with all seminar materials as well as an annual Case Analysis of all decisions published by Judge Arthur B. Briskman, Chief Judge Karen S. Jennemann, and Judge Cynthia C. Jackson.

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

REGISTRATION DEADLINE IS FRIDAY, APRIL 17, 2015

Payment can be made via check made payable to CFBLA and forwarded to P.O. Box 2295, Orlando, Florida 32802 or by PayPal or Credit Card via the CFBLA website at www.CFBLA.org.

COURT COMMITTEE REPORTS

Procedures Drafting Committee Update

By: Sara Mason

The Procedures Drafting Committee has finalized its draft of the Conversion from Chapter 7 to Chapter 13, Conversion from Chapter 11 to Chapter 7, Motion to Sell/Motion to Sell Free and Clear and Motion for Turnover/Motion for Turnover of Property Procedures. These procedures have either been sent back to Raymond, after review by the originating Procedures Group, or are currently being reviewed by the originating group before being sent back to Raymond.

The Committee met to discuss the Motion to File Documents under Seal and Sealed Document procedures. Because of the potential to move toward an electronic process, the Committee, without drafting a procedure, sent a memo requesting management and judicial input on the direction of the procedure.

We are currently working on the procedures for Schedules and Statements filed after the Petition.

In addition, we have received Division information on Chapter 12 Case Opening, Motion to Modify Confirmed Plan, Motion for 2004 Exam/Notice of 2004 Exam, Motion for Writ, Chapter 11 Case Closing, Motion/Notice of Abandonment, Motion to Sever and Adversary Proceeding Closing. We will review this information and begin drafting these procedures in the order in which the topics were received.

Website Committee

By: Sarah Wiener

The website committee is still hard at work improving the intranet or internal court website, as it is also known. The committee is reviewing suggestions and reorganizing and reviewing additional features and content for the new and improved site. The committee voted and decided on using the Administrative Office (AO) template which allows for easier updates, site maintenance, and accessibility for the users. It is the desire of the committee to debut this wonderfully improved resource to all of you in the near future. Stay tuned for more!

Dear POINT AND CLICK:

Dear Point and Click:

Question: I often have difficulty locating an event in CM/ECF that corresponds with the document I am filing. Sometimes, even when I think I have chosen the correct event, my office receives a phone call from the Clerk's Office or a Corrective Entry alerting us to the fact that we've used the wrong event. How can I verify there is no better event to use?

Answer: Though there is no full-proof method to confirm the selection of the correct CM/ECF filing event, using the *Search* option before filing your documents can help reduce the risk of making an incorrect event selection.

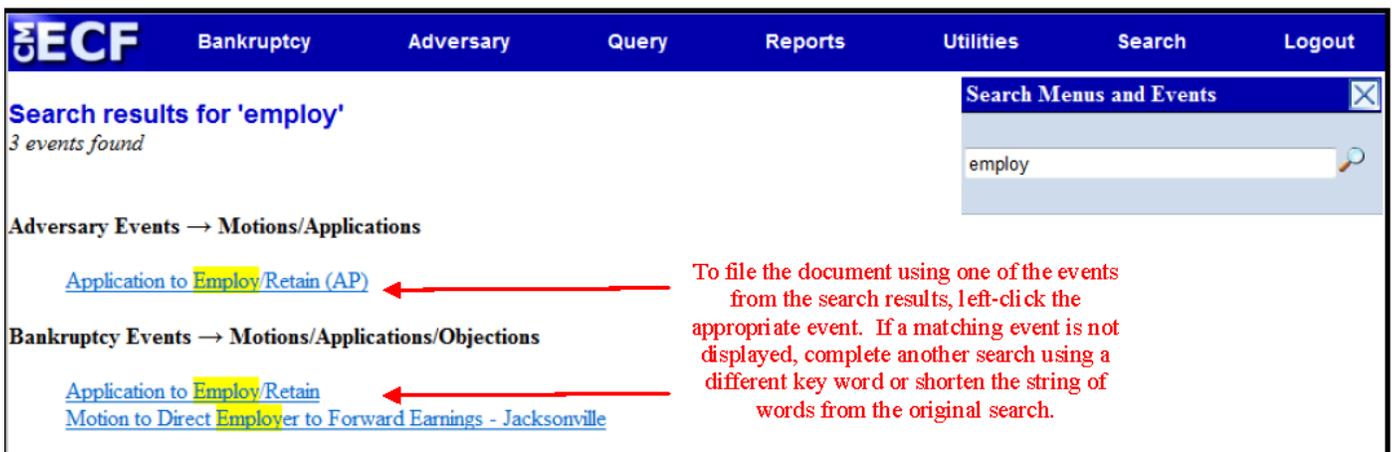
① Left-click on *Search* to display the Search Menus and Events window.



② Enter all or part of the name of the document title in the search box. **Search Tip:** Enter words that will eliminate other similar events and do not use the "main" document type, i.e., Motion, Notice or Application. Instead, search using the type of Motion, Notice or Application. For example, if you have a document titled Application to Employ, search using Employ not Application.



③ CM/ECF will display a list of events which contain the word or string of words entered in the search box and the menu under which the event can be found:





We are excited to announce the newly-formed Southwest Florida Federal Court Bar Association, servicing attorneys in Southwest Florida who currently practice or are interested in practicing in federal court. We invite you to join as a charter member of this new organization. The purpose of our association is to strengthen federal practice in Southwest Florida by educating our members on issues pertinent to federal court, introducing colleagues to each other, fostering relationships between the judiciary and the Bar, and dispelling any uneasiness of practicing in federal court. The Board thanks the Honorable Carol Mirando, United States Magistrate Judge, for guiding us in our efforts to organize the association. Judge Mirando will be serving as one of the association's judicial advisors.

Events planned in 2015 include a kick-off at the U.S. Courthouse in Fort Myers on April 24, 2015 (SAVE THE DATE!), chambers luncheons with our federal judges, and member luncheons with speakers on topics of interest to federal practitioners. In addition, we will keep you up-to-date and in touch with issues facing federal practitioners by sending you email announcements. Please join our association by completing the attached membership application and returning it to the address on the form along with your membership fee. Please contact Sharon Hanlon at shanlon@zelmanandhanlon.com or (239) 598-3222 if you have any questions. Join now so you will not miss out on any of our exciting events and benefits of membership!

Your Board,

President- Brigitte Willauer, Law Clerk to the Honorable Carol Mirando, MDFL
President-Elect - Amanda Levy-Reis, Staff Attorney, MDFL
VP of Membership - Sharon M. Hanlon, Law Offices of Sharon M. Hanlon, PA
VP of Programming - Douglas Molloy, Molloy Law
Secretary - Rebecca Beane, Wotitzky, Wotitzky, Ross & McKinley
Treasurer - Casey Cosentino, Law Clerk to the Honorable Sheri Polster Chappell, MDFL
Member-at-large - Joe Coleman, Buchanan Ingersoll & Rooney PC

Upcoming Events

Chambers lunch with Judge Magnuson, April 17, 2015, at 12:00 pm: Our next Chambers Lunch is scheduled with the Honorable Paul A. Magnuson, Senior United States District Judge, District of Minnesota, on Friday, April 17th, in the United States Courthouse. Judge Come enjoy conversation with Judge Magnuson and lunch from Wise Guys Deli. The Chambers Lunch Program offers members the opportunity to get to know our federal judges in a more informal setting outside of the courtroom. Space is limited to the first 10 members who respond. Please RSVP now to Lisa Murphy at swfedbar@gmail.com.

Save-the-Date for our kick-off event, April 24, 2015, at 3:30 pm: The Southwest Florida Federal Court Bar Association's kick-off event is scheduled on Thursday, April 24th, in the jury assembly room, 2nd floor, United States Courthouse. Appetizers and beverages will be served. The event is complimentary for members. New members are welcome to sign-up at the event. Stay tuned for our formal invitation and RSVP information.



JACKSONVILLE BANKRUPTCY BAR ASSOCIATION NEWS

Spring 2015 saw the publication first edition of “The Statement of Affairs”, the new JBBA bi-annual publication. Judge Funk’s law clerk Anna Haugen is the editor-in-chief. For future issues and submission of articles, please contact Anna via email at annahaugen@flmb.uscourts.gov or telephone at 904.301.6564.

Upcoming Event

The Professionalism Conference At The Players' Championship

The Jacksonville Bar Association is excited to present the first annual TPC at TPC, which combines a top-notch professionalism seminar with a fun networking event during The Players' Championship. All attendees will receive quality presentations, 5 hours of CLE ethics credits, lunch, parking at TPC, and all-day access to Dye's Pavilion, located on the 16th fairway, which includes air conditioning, private restroom facilities, snacks, and drinks (including an open bar).

Date:	May 6, 2015
Conference:	8:30-12:30
Lunch:	12:30-1:30
After:	Networking/Social Event at Dye's Pavilion
Pricing:	JBA Members: \$225/person Non-JBA Members: \$299/person

Reservation Information:
Please contact Carla Ortiz at 904-399-4486 or cortiz@jaxbar.org to register



NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION



ORANGE COUNTY PUBLIC SCHOOLS RECOGNIZES THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION FOR PRESENTING FINANCIAL LITERACY TOPICS TO LOCAL HIGH SCHOOL SENIORS By: Jill E. Kelso, CFBLA's Immediate Past President

On February 18, 2015, the School Board of Orange County, Florida recognized The Central Florida Bankruptcy Law Association (CFBLA) for its community service efforts in volunteering to teach various financial literacy topics to local high school seniors. School Board Vice Chairman for District 5, Kathleen "Kat" Gordon, presented Certificates of Appreciation to CFBLA, Jill Kelso, Cynthia Lewis and Miriam Suarez both for arranging training for CFBLA members and friends to present financial literacy instruction utilizing materials provided by Junior Achievement and the national Credit Abuse Resistance Education (C.A.R.E.) Program and for volunteering in the classroom.

Members and friends of CFBLA continue to serve as volunteers in the classroom for the Spring 2015 semester, and CFBLA is making arrangements to train volunteers for the 2015-2016 school year. If you or your colleagues are interested in volunteering to bring financial literacy education to our local students, please contact Jill Kelso at jill.kelso@usdoj.gov or Miriam Suarez at miriam.g.suarez@usdoj.gov.





NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

CFBLA Q1 2015 News



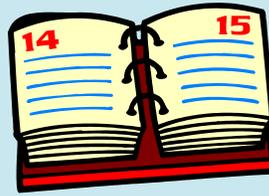
State of the District—On February 19, 2015, CFBLA and the Orlando Division hosted the Annual State of the District. Judge Briskman and Alexis Leventhal presented the book awards to their outstanding bankruptcy students from Fall 2014 at the FAMU College of Law – Gregory Fries and Hurley P. Whitaker. Judge Briskman and Justin Luna recognized the tireless volunteers at the Pro Se Clinic. Chief Judge Jennemann spoke on the state of our District and efforts to continue enhancing court technology.

Table for Eight—In January, Jennifer Gavrich and Cross Fernandez Riley hosted their Table for Eight at Enzo's On The Lake. In March, Liz Green and Denise Dell-Powell hosted a mentoring-focused Table for Eight for newer attorneys at K Restaurant. Justin Luna will host the next Table for Eight on April 30, 2015.

Luncheons—In January, Susan Constantine presented an engaging look into evaluating truthfulness and applying key analyses in bankruptcy litigation. In March, Brad Saxton and Andrew Roy presented the annual bankruptcy case law update for 2014 and 2015.

Cross-Collaboration—In January, CFBLA co-hosted a happy hour with the Turnaround Management Association, and co-sponsored the District Court Bootcamp with the Federal Bar Association. In April, CFBLA co-hosted a happy hour with the Federal Bar Association at Kasa.



*** * * HAPPENINGS AROUND THE MIDDLE DISTRICT * * *****FORT MYERS**

- April 17 @ noon Southwest Florida Federal Bar Association Chambers Lunch Series (Speaker: Judge Magnuson Location: Fort Myers Courthouse)
- April 24 @ 3:30 pm Southwest Florida Federal Bar Association Kick-Off Event (Location: Jury Assembly Room, 2nd Floor, Fort Myers Courthouse)

JACKSONVILLE

- May 6 @ 8:30 am First Annual TPC at TPC (The Professionalism Conference)
- June 10 @ noon JBBA Officer Installation Luncheon (Location: River Club)

ORLANDO

- April 23 @ 8:00 am Annual Seminar (Location: Embassy Suites Downtown)
- May 21 @ noon CFBLA Monthly Lunch (Location: GrayRobinson Speaker: Jordan Deloach)
- June 18 @ noon CFBLA Monthly Lunch

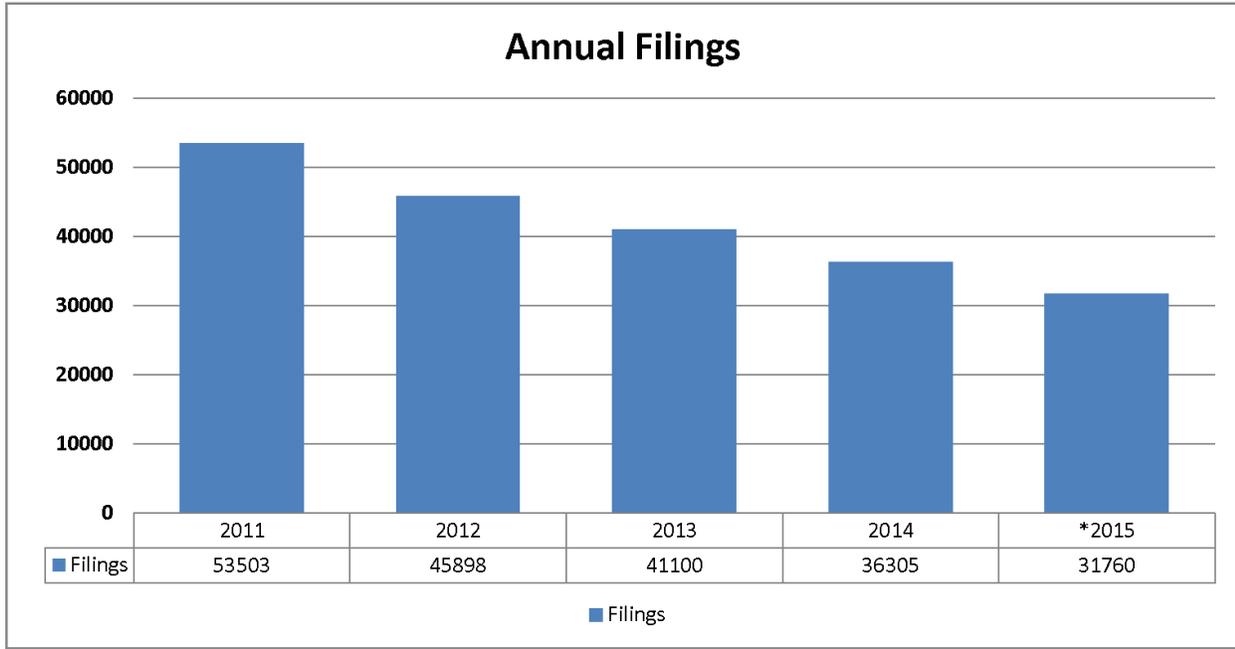
TAMPA

- April 23 @ noon TBBBA Luncheon (CLE)
- April 24 @ noon TBBBA Golf Tournament
- May 5 @ noon Consumer Luncheon (Speaker: TBA Location: 5th floor Training Room)
- May 12 @ noon TBBBA Luncheon (CLE)
- June 4 @ 6:00 pm TBBBA Officer Installation Dinner

**OTHER
IMPORTANT DATES**

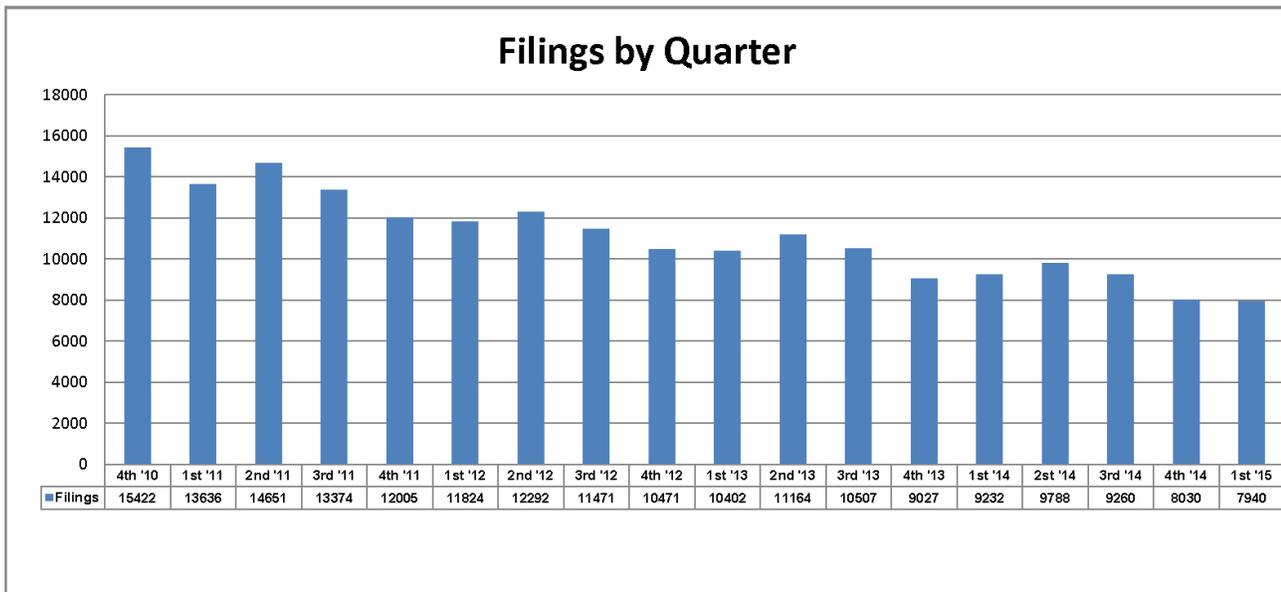
- May 15 @ 8:00 am BLS Evidence Bootcamp (Location: Renaissance Marriott Tampa)
- June 24-28, 2014 Florida Bar Annual Meeting, Orlando, FL
- August 22, 2014 JBBA Annual Seminar

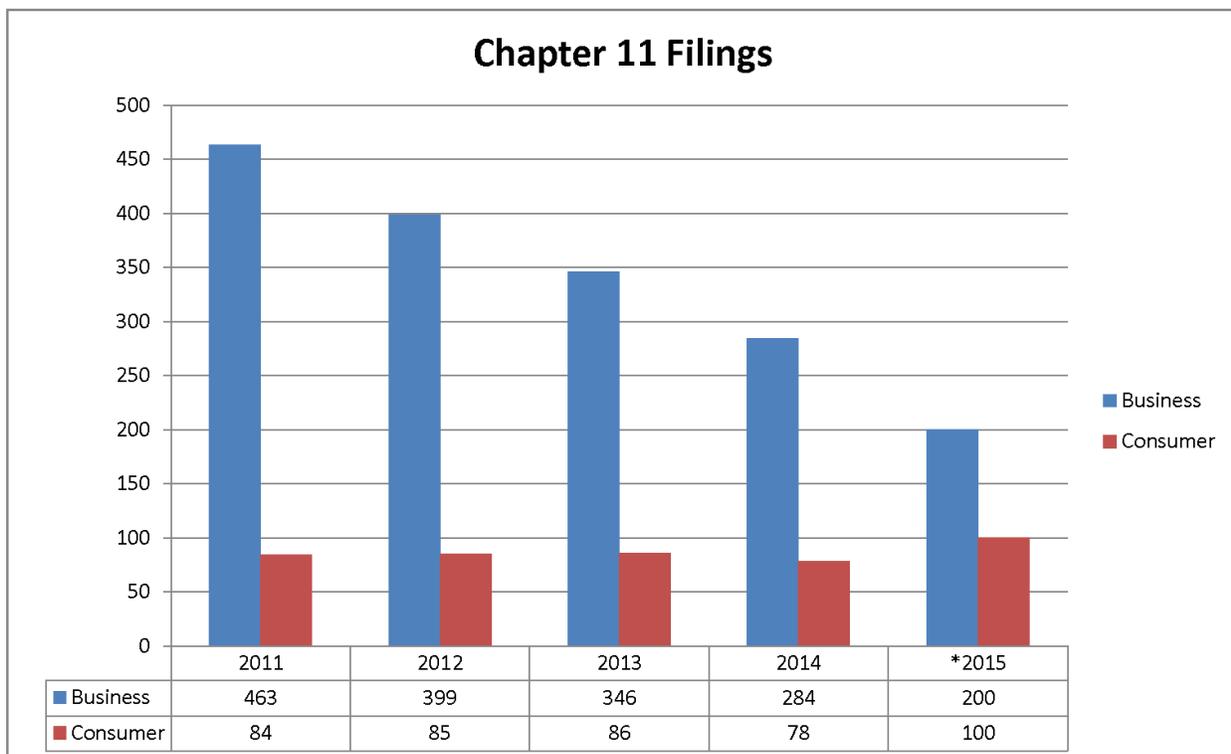
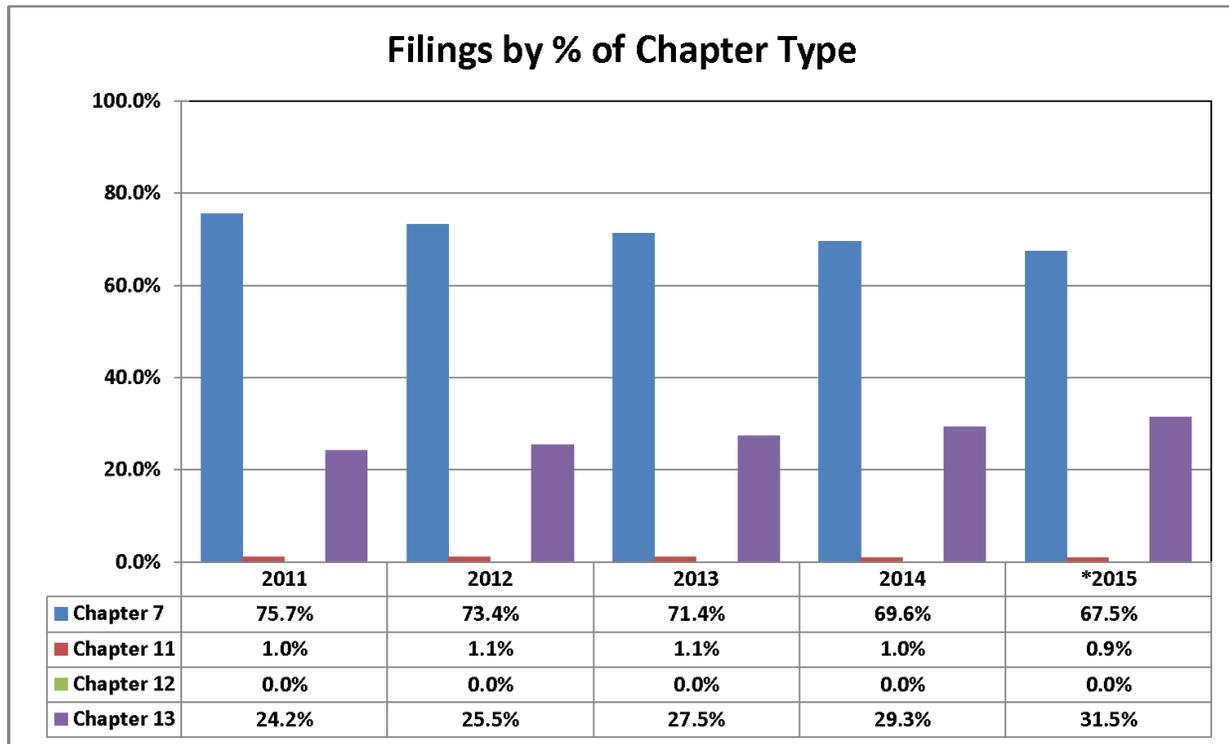
**United States Bankruptcy Court - Middle District of Florida
Updated April 14, 2015 Meeting Data and Information
Statistics as of March 31, 2014**



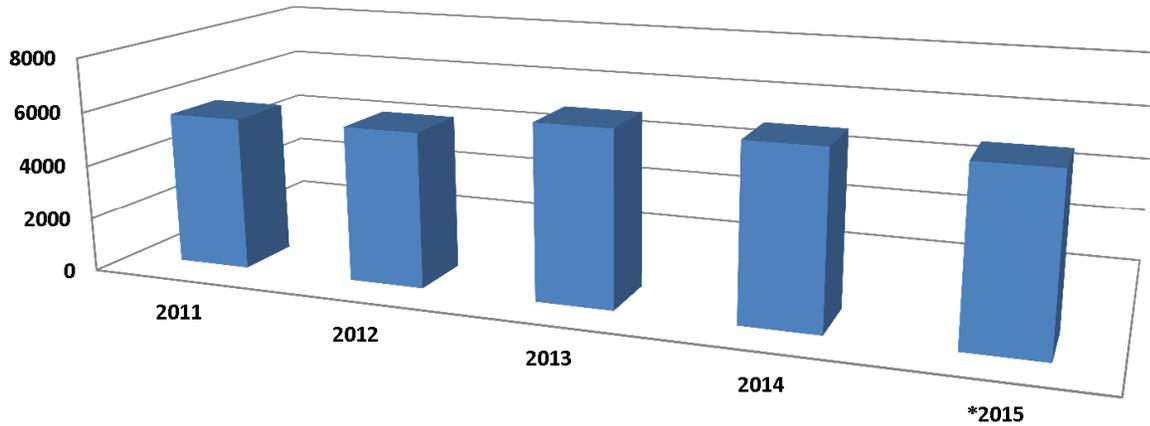
Year	Annual Filings	vs. 2011	vs. Prior Yr.
2011	53503		
2012	45898	-14%	-14%
2013	41100	-23%	-10%
2014	36305	-32%	-12%
*2015	31760	-41%	-13%

* Projected Filing Statistics



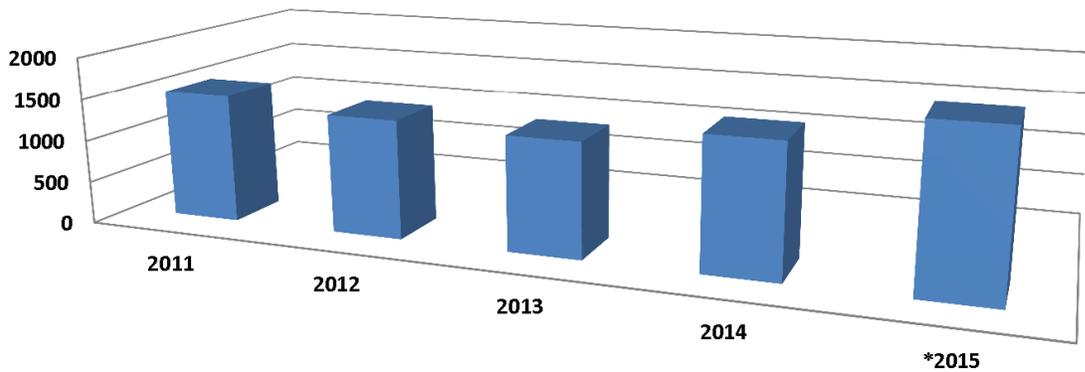


Pro Se Filings



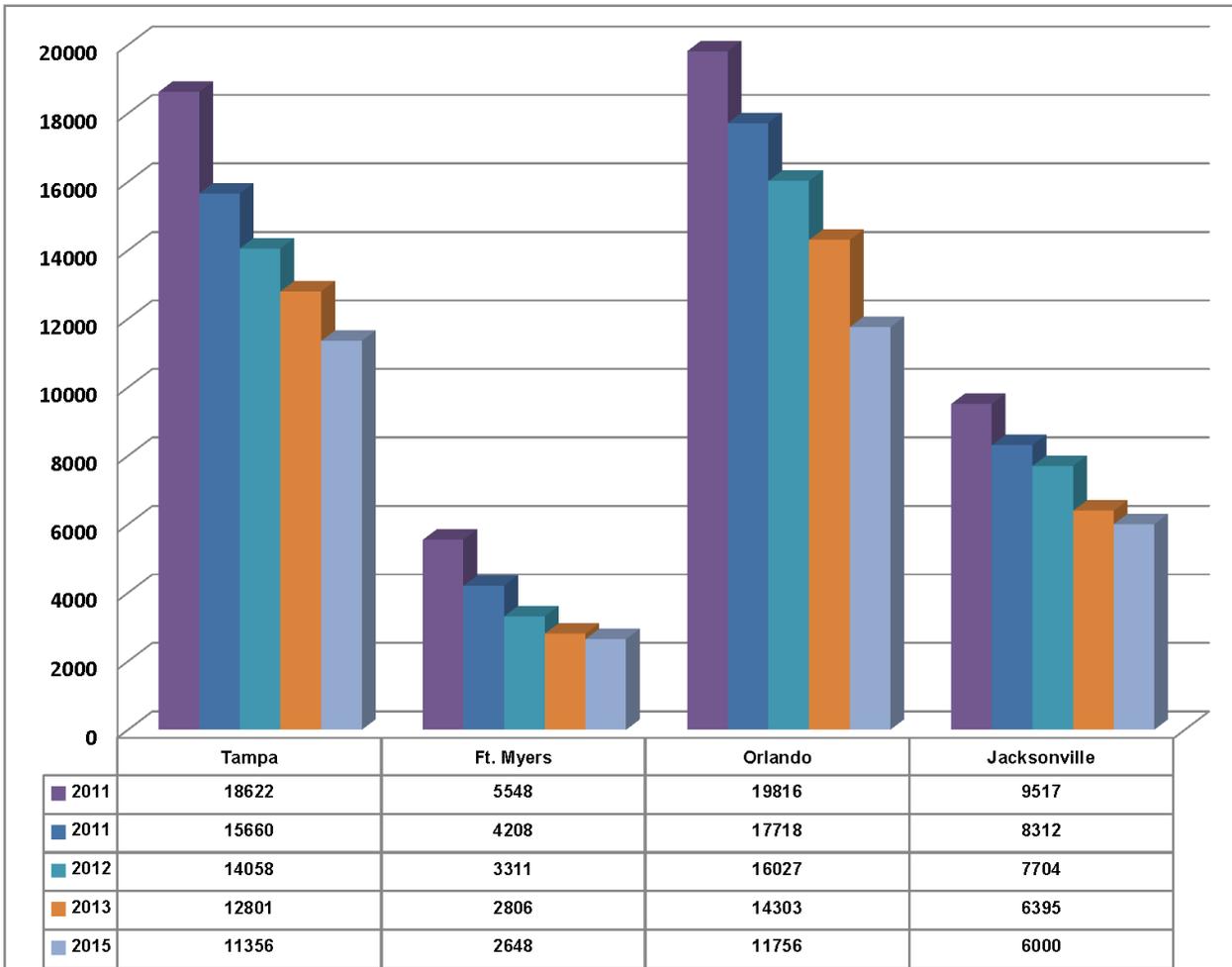
	2011	2012	2013	2014	*2015
■ Pro Se	5682	5737	6435	6387	6288
% of All Filings	11%	12%	16%	18%	20%

In Forma Pauperis Filings



	2011	2012	2013	2014	*2015
■ IFP Granted	1524	1396	1334	1529	1860
% of All Filings	3%	3%	3%	4%	6%

Bankruptcy Filings by Division



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**

400 West Washington Street
Suite 5100
Orlando, FL 32801

Phone: 407.237.8000
Fax: 407.237.8005



**The Court Connection is
published quarterly
on:**

January 15
April 15
July 15
October 15

**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 **]**