

The Court Connection



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Chief Judge’s Message

By: Hon. Jacob A. Brown

Having survived the government’s longest shutdown in history, which coincided with my start as your Chief Judge, I want to begin by thanking our Clerk’s office, my colleagues on the bench, and the Bar for working together to assure those cases that needed to continue to be processed were processed during the shutdown. This is one of the many examples of the Court and the Bar working together to make sure the bankruptcy system continues to work in times of disruption. So, a real big thank you to everyone for keeping things going.

I was excited to join the Tampa Bay Bankruptcy Bar Association on Thursday, February 5th at 4 p.m. for the Court’s annual State of the District presentation. We broadcast the presentation by Zoom to the Central Florida Bankruptcy Bar Association in Orlando, the Jacksonville Bankruptcy Bar Association in Jacksonville, and the Southwest Florida Bankruptcy Bar Association in Ft. Myers. I appreciate our four voluntary bankruptcy bar associations working together to facilitate this event. I hope to broadcast this program from Ft. Myers in 2027, Orlando in 2028, and Jacksonville in 2029.

As far as statistics go, I recall the smile on Judge Glenn’s face when he would speak and note that business is good. Our Court is consistently in the top 5 of the busiest of the 90 bankruptcy courts in the country. Data shows substantial increases in all chapter filings in the Middle District in 2025, and signs point to continued increased filings in 2026.

The Court continues to face budget challenges and having to do more with less resources. Please know that behind all we do is a dedicated, hardworking Clerk’s Office’s focused on getting things right. We should all be grateful for their continued great work.

With an engineering background, I remain focused on continuing to try to optimize procedures where we can. One big change we have implemented is a longer cycle for implementing the Local Rules. A big thanks to Judge Lori Vaughan for her continued hard work and dedication to assure our Local Rules address issues that we need to address and keeping a focus on optimizing those rules. From my judicial philosophy, a local rule should only be implemented when there are a number of incidences that many of our judges face and that we expect to have to deal with more in the future.

Another focus of mine will be to continue to support pro bono work. Our in-person and virtual clinics are a great help, and I thank everyone involved in keeping those going. Just as we are consistently one of the busiest bankruptcy courts in the country, we also consistently have one of the highest volumes of pro se filings. Each time you help a pro se party, you are helping the entire system. You are saving valuable court time and resources, and you are helping a person in need. We will continue to thank and recognize those of you helping clients on a pro bono basis and encourage those who are not helping to do so.

Looking ahead, please mark off June 12, 2026, for Judge Luis Rivera’s Investiture in Tampa. Planning is underway, more details will be forthcoming, and it is sure to be a special event. We are also targeting the Wednesday afternoon prior to View from the Bench – Tampa for a rescheduled portrait ceremony for Judge Williamson.

I hope 2026 will be a great year for the Bankruptcy Court and the Bar, that we will continue to work together to serve those in need, and that we will do so with happiness, good health, and a bit of prosperity.

Day in and day out, I remember our motto - Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.

To have the opportunity to serve remains an honor. Thank you.



Clerk's Message

By: José A. Rodriguez, Clerk of Court

I cannot believe that I have already had the privilege of serving as your clerk for a year. I want to thank each of you for making me feel so welcome and for the unwavering support of the judges and the clerk's office throughout this past year.

When I reflect on 2025, I am amazed by the substantial changes and challenges our court faced. More importantly, I am proud of our staff. Their commitment, professionalism, and hard work have been nothing short of inspiring.

The greatest challenge was the anticipated 16% budget reduction for fiscal year 2026. Alarmingly, these reductions are expected to persist for several years. Compounding this, a work measurement study began in September. To make matters worse, from October 1 to November 12, 2025, the federal government entered a shutdown after Congress failed to pass appropriations legislation for the 2026 fiscal year. From October 1 through October 17, the Court operated under Phase 1 of the shutdown, with all staff remaining in pay status using available funding. On October 20, however, our Court officially entered Phase 2, the first time in history that the federal judiciary reached this stage. All Court staff were placed on non-pay status, and staffing was reduced to the minimum necessary to maintain essential operations, defined as those required for the judiciary to carry out its constitutional functions. Staff whose duties were deemed exempt were furloughed on a rotational basis, and the Court closed on Fridays, with all employees teleworking half a day and furloughed for the other half. Despite these challenges, our Court continued to provide exceptional service, and our staff persevered with resilience. On November 12, 2025, the Court returned to normal operations, and we continue to operate under a continuing resolution until January 30, 2026.

One exciting development this past year was the appointment of Judge Rivera. Prior to his arrival, many steps were taken to ensure proper case assignment and workflow. In addition, Court staff carried out the necessary preparations to support the

transition to a new chief judge. Chief Judge Brown officially assumed leadership from Chief Judge Delano on October 1, just in time to navigate the challenges of the government shutdown. My personal thanks go to Judge Delano for her support, guidance, advice, and the occasional conversations that helped me jump start my journey as Clerk of Court.

Another exciting development this year was the implementation of CMAssist, our new workload distribution software, and the transition to divisional based work distribution. This achievement reflects the tremendous effort of our project team, led by Seth Bowe and Dena Eaton, along with many operational and IT staff members. Each contributed meaningfully by reviewing, revising, and recommending updates to Court operations, and many served on multiple committees throughout the process. Our case managers played a vital role in bringing this initiative to life. Kudos to everyone involved for making this project a success.

As we continue learning the system and adjusting to the magnitude of this transition, I'm confident that we will soon settle into a new groove. Kurt Lewin's three-step model of change (Unfreeze, Change, and Refreeze), offers a helpful lens for understanding our journey. We began by "unfreezing" long-standing processes and preparing the organization for new ways of working. We are now in the "change" phase, actively adopting CMAssist and refining our workflows. In time, we will "refreeze," establishing these new practices as our steady, reliable norm. Lewin's framework reminds us that meaningful transformation takes time, intention, and collective effort, and we are well on our way.

This past year, several members of our team had the opportunity to attend the National Conference of Bankruptcy Clerks' annual conference. Thanks to available funding, staff were able to participate in a wide range of high-value educational sessions, including dedicated tracks in human resources, information technology, financial management, and case management. We also proudly supported staff attendance at two major AO events, the Operational Forum and the National IT Conference. These gatherings not only delivered exceptional training and insights but also offered meaningful networking opportunities that strengthened connections across the judiciary community. Looking ahead, we hope to continue supporting staff participation in these valuable professional development events in the coming year, ensuring our team remains informed, connected, and well equipped to meet the evolving needs of our work.

On a personal note, I had the distinct honor of serving as the principal speaker at a recent Naturalization Ceremony conducted by Chief Judge Brown. The occasion was deeply meaningful to me, not only because I was able to welcome new citizens into our American family, but also because I too am a naturalized citizen. Standing before individuals who had just taken their oath of allegiance reminded me of my own

journey. The challenges, hopes, and triumphs that come with embracing a new homeland while honoring the traditions of one's past. To share words of encouragement at such a pivotal milestone was profoundly humbling.

I also want to take a moment to extend my heartfelt gratitude to our entire staff. Your hard work, dedication, and unwavering commitment have been the driving force behind our success. Each of you has contributed in meaningful ways, through innovation, teamwork, and by showing up each day with passion and purpose. Together, you have not only met challenges head-on but have also created an environment where excellence and collaboration thrive.

This past year has reminded me that our greatest strength lies in the people who make up this team. I am deeply proud of what we have accomplished and even more excited about the opportunities ahead. As we step into 2026, let us carry forward the lessons of perseverance and the spirit of collaboration that define us. I am confident that no challenge is too great and no goal beyond reach. Thank you for your resilience, creativity, and dedication to our shared mission. It is a privilege to work alongside such talented individuals.

Meet the New Chief Judge

By: Hon. Jacob A. Brown & Chambers Staff

After 20 years in private practice, I was honored to be appointed to serve as a United States Bankruptcy Judge by the Eleventh Circuit Court of Appeals on November 3, 2021, and then as Chief Judge by the United States District Court for the Middle District of Florida as of October 1, 2025. Over the next four years if you have questions for me or ideas on ways the Court can improve and be more consistent and efficient, please do not hesitate to reach out. For this article I recently sat down with my chambers staff for a question-and-answer session. I know they very much enjoyed the opportunity to ask me a myriad of questions and hope you all enjoy it as well.



Judge Brown and Judge Funk judging the Jacksonville District Court's Holiday Cookie Contest. Tough Duty!

Q: Where did you grow up and what was your path to becoming a lawyer?

I was born in Atlanta, Georgia, and lived in the Roswell/Sandy Springs area near the Chattahoochee River until high school when we moved to a small town on the other side of Athens. My father was a real estate lawyer, and I initially rebelled against that as a career path. Plus, I liked and did well in my math and science classes, so I ended up at N.C. State and got degrees in Chemical Engineering and Pulp & Paper Science and Technology. It wasn't until I was working as an engineer post-graduation that I gave thought to going to law school.

Q: What was your path to becoming a bankruptcy lawyer?

Going into law school I thought I would be an environmental lawyer, but the environmental law jobs were few and far between during my 3L year (1997-1998). I then booked my bankruptcy class 1st semester 3L year. I also liked my commercial and business law classes. My Bankruptcy professor, Howard Walthall, encouraged me to look at bankruptcy clerkships. That led me to apply to clerk for Judge Funk, and the rest, as they say, is history.

Q: What's a moment in your career that reaffirmed why this work matters?

There wasn't a very specific instance. But over the course of my career in private practice I was fortunate to represent a lot of individuals and small businesses facing financial difficulties and help them work through their issues successfully. There is a satisfaction that comes with achieving that type of outcome.

Q: What's the best advice you've ever received?

While I was working in a textile plant in Waycross, Georgia after my sophomore year at N.C. State, one of the vice presidents took me under his wing and told me to invest in myself and to save a little of each paycheck. I had already started a small investment account with money earned the previous summer, and this reinforced the importance of saving. I still own some of those same stocks today, and some have grown over 20 times in value. I have passed this advice on to young lawyers and others over the years and still do so today. Judge Funk reinforced this with one of his many quips that it is a lot easier to make sacrifices and live poor when you are young than it is when you are old. This also plays in to my ongoing support for financial literacy.

Q: Who has had the biggest influence on your career?

With me, it took a village. There really are too many to name and thank.

Q: What's the most challenging aspect of being a bankruptcy judge that people rarely see?

It's a close call between dealing with challenging pro se parties and having to issue rulings that lead to businesses being shut down or taking property away from people.

**Q: Now, let's get into some fun questions.
What is something people would be surprised to learn about you?**

In 1995, I got my advanced dive certification in Ketchikan, Alaska while working at a pulp mill as an engineer. There's a certain peace that comes with being 100 feet underwater in 50-degree Fahrenheit water while in a dry suit at night with bioluminescence.

Q: What is your most memorable life experience?

Camping at the top of Mount Sinai on the Sinai Peninsula of Egypt when I was 18.

Q: What are your top three bucket list items?

These change, but for now it would be to through hike the Appalachian Trail, dive the Great Barrier Reef, and hike the Great Wall of China.

Q: What has been your favorite recent vacation?

Last summer, I was fortunate to be able to dive in Bonaire, in the Lesser Antilles with my friend Eric Riesch, who is a world class dive photographer. Around the same time, I also got up to North Carolina and Virginia and logged about 15 miles in the Appalachian Mountains starting at Grayson Highlands State Park in Virginia and probably another 20 or so miles on trails around Morganton, North Carolina.

Q: If N.C. State and Georgia were to play in the College Football National Championship Game, who you would cheer for?

That is a tough one as I root for both. But I would want N.C. State to win but only because Georgia has won a couple already. If this was the NCAA Basketball Championship Game, it would absolutely be N.C. State.

Q: If you were writing a book about your career, what would the title be?

Keep Swinging, I always like a good baseball reference. Things aren't always easy and often you have to brush away troubles and move forward. On my bench, I have a few quotes taped up and one is from Harper Lee's *To Kill a Mockingbird* – “*You never really understand a person until you consider things from his point of view ... Until you climb inside of his skin and walk around in it.*”

Q: Who is your favorite baseball player?

Hank Aaron, he played for my favorite team, the Atlanta Braves. He not only had an amazing career but was also an exemplary person.

Q: What is your favorite type of music?

I generally enjoy all live music and attending music festivals.

Q: If you were forced to do karaoke what would your song be?

Forced would be the right word, because even the shower doesn't like to hear me sing, but “Luckenbach Texas” by Waylon Jennings would be the song.

Q: What is a movie you watch to lift your spirits?

Max Dugan Returns. We try and do monthly movie days in Chambers, and this may have to be the next one.

Q: What are some hobbies that help you disconnect from the courtroom?

Fishing, hiking, disc golf, and reading fictional novels. I am particularly into Tom McGuane at the moment and recommend the following short video: *YETI Presents | All That Is Sacred*: <https://youtu.be/HR5HUmj-DJM?si=Ev7M7kiTrWwNcdx>.

Q: Who are three people dead or alive you would want to have lunch with?

Janis Joplin, John F. Kennedy Jr., and Martin Luther King, Jr.

Q: Lastly, any advice to aspiring young lawyers?

Go to medical school! In all seriousness, the practice of law is challenging but can be rewarding. It is not for everyone and it is good to try to figure out early if you have a passion for it, but if you work hard, be patient, invest in yourself, be part of the Bar, and understand that it is a profession, you can make a good living, help people, and reap more than just financial rewards.

Meet Our Newest Bankruptcy Judge – Hon. Luis E. Rivera II – and His Chambers Staff



On October 2, 2025, Luis E. Rivera II was appointed a United States Bankruptcy Judge for the Middle District of Florida, succeeding the Honorable Michael G. Williamson. Judge Rivera's duty station is in Tampa, Florida, and he also presides in the Court's Fort Myers Division.

Prior to his appointment to the bench, Judge Rivera was the deputy chair of GrayRobinson, P.A.'s bankruptcy group and served as the managing shareholder of the firm's Fort Myers and Naples offices. Judge Rivera is board certified in both Business Bankruptcy Law and Consumer Bankruptcy Law by the American Board of Certification and served as a panel trustee in the Middle District of Florida from 2010 to his appointment. Judge Rivera is an active member of American Bankruptcy Institute and The Florida Bar's Business Law Section.

Judge Rivera received his B.A. in political science, magna cum laude, from Loyola University New Orleans in 2001 and his J.D. from Washington & Lee University School of Law, where he served as the Editor-in-Chief of the Washington & Lee Journal of Civil Rights and Social Justice.

Judge Rivera's career in bankruptcy began in January 2002 in the Eastern District of Louisiana where he briefly served in the Clerk's Office as an Intake and Records Management Clerk.



Judge Rivera and his wife, Kathleen, who also practices bankruptcy law, are frequent contributors to ABI and The Florida Bar Business Law Section publications and seminars. Judge Rivera and Kathleen led a memorable Hamilton-themed Evidence Workshop at the ABI's 2025 Annual Spring Meeting featuring not only tips on the effective use of experts, but also

seven bankruptcy judges in Revolutionary War-era costumes.

And most recently, Judge Rivera participated in a whimsical fireside chat with Roy Kobert at the Business Law Section's Winter Meeting in Port Charlotte, Florida, complete with real marshmallows and menacing wolves.

Between the two of them, Judge Rivera and his wife have five sons and five daughters. Much of Judge Rivera's free time is spent on his children and their activities. Judge Rivera also enjoys cooking, traveling, and playing golf.

Judge Rivera is joined in Chambers by career law clerk Patricia Levy, term law clerk Alex Chiang, and courtroom deputy Lisa McCain.



Patricia Levy, Career Law Clerk



Tricia began her legal career practicing bankruptcy law in Tampa with Bush Ross and Akerman Senterfitt. After several years in an appellate practice with her husband, Tricia accepted a position with the Administrative Office of the United States Courts to work on the appellate provisions of the pending Bankruptcy Reform Act. Tricia remained with the AO for twenty years in the Bankruptcy Judges Division, the Office of General Counsel, and the Office of Legislative Affairs. Tricia's last position was as the General Counsel of the United States Tax Court.

Tricia's husband is an appellate lawyer who is Of Counsel with Kynes Markman in Tampa. Tricia grew up in Tampa and she is thrilled to be home near family and to have regular access to Tampa's truly wonderful Cuban food. Tricia loves running, hiking, scuba diving, and birding, watching baseball and hockey, and reading great books.

Alex Chiang, Term Law Clerk

Alex Chiang previously practiced at Beltran Litigation in Tampa, primarily engaging in commercial litigation and discovery disputes. Alex became a member of The Florida Bar in 2025 after graduating from Emory University School of Law with Honors, as a Notes and Comments Editor of the Emory Bankruptcy Developments Journal. In his spare time, Alex enjoys cooking and animating. Alex feels fortunate to join the collegial team in the Middle District of Florida's Bankruptcy Court.



Lisa McCain, Courtroom Deputy



Originally from Medford, Wisconsin, Lisa McCain relocated to the Tampa Bay area in July 1994. Lisa earned an Associate's Degree in Paralegal Studies from St. Petersburg College in 1996. After gaining experience in both the insurance industry and private legal practice, Lisa began her career with the U.S. Bankruptcy Court in May 1997. Lisa served as a Case Manager for Hon. C. Timothy Corcoran III and Hon. Paul M. Glenn, Jr. before being appointed Courtroom Deputy to Judge Caryl E. Delano in August 2008, a role she held until December 2025. Lisa currently serves as Courtroom Deputy to Judge Rivera.



UNITED STATES TRUSTEE'S CORNER

By: Jill Kelso, Orlando Office

Justice Department Announces Acting Director of the U.S. Trustee Program

Attorney General Pamela Bondi recently selected Ramona D. Elliott to serve as Acting Director of the Justice Department's U.S. Trustee Program (USTP).

Elliott has 31 years of federal service, the majority of which has been with the USTP. Since 2011, she has served as Deputy Director and General Counsel for the Executive Office for U.S. Trustees in Washington, D.C. As the USTP's chief legal officer, she has overseen the formulation of the USTP's national legal policies in consumer and business cases as well as litigation strategies in significant matters before bankruptcy courts and in appeals. This includes leading the USTP's efforts culminating in the Supreme Court's historic decision in *Harrington v. Purdue Pharma LP*, 144 S. Ct. 2071 (2024), holding that the Bankruptcy Code does not authorize non-consensual third-party releases. Elliott was previously Acting Director of the USTP from April 2022 to February 2023. She is the USTP's liaison to the Judicial Conference's Advisory Committee on Bankruptcy Rules and a Fellow of the American College of Bankruptcy.

The USTP's mission is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders — debtors, creditors and the public. The USTP consists of 21 regions with 88 field offices nationwide and an Executive Office in Washington, D.C. Learn more about the USTP at www.justice.gov/ustp.

Guy A. Van Baalen Appointed as Acting U.S. Trustee for Florida, Georgia, Puerto Rico, and U.S. Virgin Islands

Guy A. Van Baalen has been appointed by Attorney General Pamela Bondi as the Acting U.S. Trustee for Florida, Georgia, Puerto Rico, and the U.S. Virgin Islands (Region 21). Van Baalen replaces Mary Ida Townson, who resigned in August after four years of distinguished service to the U.S. Trustee Program (USTP).

Van Baalen joined the USTP in 1989 as an attorney in the field office in Buffalo, New York, and has held several leadership roles. Since 2019, he has served as the

Assistant U.S. Trustee in charge of the office in Tampa, Florida, and he will remain in that position while overseeing Region 21. For the previous 23 years, he was the Assistant U.S. Trustee in charge of the office in Utica, New York, and he has held the same position in an acting capacity in other USTP offices in Florida and New York. In addition to his other duties, Van Baalen serves on a working group supporting the USTP's oversight and supervision of small business reorganizations filed under subchapter V of chapter 11.

Van Baalen received a bachelor's degree from the State University of New York at Albany and a law degree from the State University of New York at Buffalo.

Eric Jacobs Appointed to Chapter 7 Panel of Trustees for the Middle District of Florida – Tampa and Fort Myers Divisions

Guy A. Van Baalen, Acting United States Trustee for Region 21, is pleased to announce the appointment of Eric Jacobs to the chapter 7 panel for the Middle District of Florida - Tampa and Fort Myers Divisions. He will be assigned to Fort Myers only at this time.

Mr. Jacobs concentrates his practice on corporate restructuring, chapter 11 bankruptcy, complex civil litigation, and business litigation. He counsels small businesses in restructuring, including reworking corporate governance, finances, and equity structure, and represents chapter 7 trustees and other fiduciaries in fraudulent transfer litigation and other avoidance actions. He also represents creditors and debtors in collection matters, garnishment proceedings, and supplementary proceedings. Mr. Jacobs has significant experience representing debtors and creditors in discharge actions under Sections 523 and 727 of the Bankruptcy Code.



Mr. Jacobs previously worked with two boutique chapter 11 firms in the Tampa Bay area, gaining experience in restructuring, business litigation, and complex civil litigation matters in both federal and state court, where he represented both businesses and individuals. He also served as a judicial intern for U.S. Chief Bankruptcy Judge Alexander Paskay. He is a member of the American Bar Association, the Hillsborough County Bar Association, and the Tampa Bay Bankruptcy Bar Association (TBBA), where he is a volunteer at the TBBA pro bono clinic assisting pro se individuals through the bankruptcy process. He is also an active member of his local community, serving as president of his homeowner's association.

Local Rules Update: Transitioning to a Comprehensive Four-Year Review Process

By: Hon. Lori V. Vaughan,
Judicial Chair of the Local Rules Lawyers' Advisory Committee
Jeanne Kraft Herdeker, Law Clerk to the Honorable Lori V. Vaughan

The Bankruptcy Court for the Middle District of Florida is restructuring (pun intended) the Local Rules amendment process, moving from an annual review system to a comprehensive review system. The new process introduces a four-year cycle, a revised committee structure, and longer review periods.

Key Changes to the Local Rules Revision Process

- **Four-Year Review Cycle:** Amendments to the Local Rules will now occur on a regular basis every four years, rather than annually. This longer review period allows for a thorough review of all rules, impacts of any amendments thereto, and thoughtful consideration of suggestions solicited from the bankruptcy community.
- **Committee Structure:** The Local Rules Lawyers' Advisory Committee, appointed by the Chief Judge and Judicial Chair, will manage the process. The committee will have eight members: five attorneys in private practice (with at least one from each division), one U.S. Trustee attorney, one Judge (Judicial Chair), and one liaison from the Clerk of Court's office. An attorney member will co-chair the committee with the Judicial Chair.
- **Meetings:** Except for emergencies, the committee will meet twice a year. One meeting will be held in person in conjunction with the Tampa presentation of the Judge Michael G. Williamson View from the Florida Bankruptcy Bench.
- **Term Limits:** Committee members, excluding the judicial chair and Clerk's liaison, will serve four-year terms, renewable for one additional term.
- **Emergencies:** Emergency and time-sensitive matters can still be brought to the Committee for consideration outside the regular review process which will be addressed accordingly.
- Starting this year, the revamped Committee will conduct a complete review of all the Local Rules, suggesting amendments based upon their own findings and suggestions from the bankruptcy community. This restructuring aims to provide clear and consistent Local Rules for the bankruptcy community.

Pro Bono Week 2025: Celebrating Service Across the Middle District of Florida By: Hon. Grace E. Robson

The U.S. Bankruptcy Court for the Middle District of Florida marked Pro Bono Week 2025 with a robust slate of events designed to honor volunteer attorneys, promote expanded participation in pro bono representation, and strengthen pro bono engagement across all divisions. Held October 19–25, this year’s celebration highlighted both recognition and education, reflecting the Court’s ongoing commitment to expanding access to justice.

Our pro bono week began in Tampa on Monday, October 20, where Judge McEwen delivered a presentation to the Hillsborough County Bar Association Senior Counsel Section titled “*How to Become an Emeritus Pro Bono Attorney.*” The program was hosted at the Chester H. Ferguson Law Center and provided practical guidance for senior practitioners interested in leveraging their experience to support underserved clients in bankruptcy matters. That same evening,



Judge Colton hosted a reception in her chambers recognizing Tampa’s pro bono volunteers and expressing gratitude for their continued service.

On Wednesday, October 22, Jacksonville attorneys gathered at Pour Taproom for a Pro Bono Week gratitude event. The informal setting provided an opportunity for volunteers, bar leaders, and Court staff to celebrate local accomplishments and reinforce the importance of continued community involvement.



Orlando's celebration was in two parts. The first was on Thursday, October 23, with a Pro Bono Volunteer Appreciation Breakfast hosted in the Judges' chambers. The event honored practitioners who have devoted their time and expertise to pro bono bankruptcy representation throughout the year.

On Friday, October 24, the Court hosted a district-wide virtual program called "*Overcoming Barriers to Taking on Bankruptcy Cases Pro Bono.*" There were about 40 registrants who attended this Zoom presentation. We heard from Courtney Jones, the manager of pro bono development for Community Legal Services, Kathleen DiSanto of Bush Ross in Tampa, and Michael Paasch of Dinsmore's Orlando office. These speakers provided practical strategies, resources, and considerations for attorneys interested in taking on cases on a pro bono basis. I was pleased to have several attorneys approach me after the program to indicate that they registered and volunteered their time with the Middle District's online pro se clinic.



The final event was on October 28 in Orlando, where the Kevin E. Mangum Memorial Pro Bono Excellence Award was presented to Robert Branson during the Central Florida Bankruptcy Law Association Happy Hour hosted by BakerHostetler. The award recognized Mr. Branson's exceptional and long-standing pro bono service to those in need.

I am proud of the practitioners in the Middle District of Florida! This year's events highlight the Middle District's strong culture of volunteerism and its commitment to broadening access to justice. Pro Bono Week 2025 celebrated not only the contributions of dedicated attorneys but also the collaborative effort among the Court, the bar, and community partners to serve those in need. As the filings continue to rise, so does the need for pro bono assistance. I look forward to Pro Bono Week celebrations becoming an annual event in the Middle District.

The Importance of This Thing to Insolvency Law By Hon. Catherine Peek McEwen



Clerk of Court José Rodriguez and our Tampa case managers got a little background about insolvency law recently when Judge McEwen asked them why the item pictured relates to their job and to write their answers on a slip of paper. What's your guess? Write it down before you read on.

Good guesses from the Clerk and case managers abounded, include some that were on point. Here are some:

Helping mend people's situations. *Indeed, we do, but that's not it.*

Keeping things running smoothly. *Indeed, we strive for that, but that's not it.*

It takes a team—4 legs to hold up the table, otherwise there is breakdown. *Insightful answer, but that's not it.*

Communication is broken when it is not communicated properly. *True, but that's not it.*

Back in ancient times, in the marketplace, when a proprietor was out of money and couldn't pay a supplier, the supplier could break the bench on which the proprietor's wares were displayed for sale. Broken bench translates to bankruptcy. *We got a winner!*

Bankruptcy=Broken Bench. *Bingo, another winner!*

Banca rotta means broken bench in Italian. The word bankruptcy is derived from banca rotta. And that is why the Tampa Bay Bankruptcy Bar Association features a broken bench in its logo.

Match Maker, Match Maker, Find Me a Match: How to Connect with Pro Se Parties Through the Kiosks for The Middle District of Florida Pro Se Assistance Clinic, Inc.

**By: Kathleen L. DiSanto
Bush Ross, P.A.**



For the year ending December 31, 2025, the United States Bankruptcy Court for the Middle District of Florida was ranked fifth in the nation (out of 90 judicial districts) for pro se bankruptcy filings per authorized judgeship. These pro se individuals frequently need assistance in preparing their bankruptcy schedules and addressing issues that arise in their cases, such as motions for relief from the automatic stay, objections to claims of exemptions, objections to discharge and dischargeability of debts, mortgage loan modifications, etc. Pro se creditors often do not know their rights or understand how to file a proof of claim. The high volume of pro se parties appearing in the Bankruptcy Court is a significant burden on the Court's Clerk's Office and creates a significant demand on judicial resources.

More than three years ago, at the direction of then-Chief Judge Caryl E. Delano (Tampa), current Chief Judge Jacob A. Brown (Jacksonville) chaired a committee including Judge Catherine Peek McEwen (Tampa), Judge Jason A. Burgess (Jacksonville), retired Judge Karen S. Jennemann (Orlando), future Judge Luis E. Rivera II (Tampa and Fort Myers), and bankruptcy practitioners throughout the Middle District. The Committee conferred on a regular basis to develop an improved and convenient mechanism for attorneys to provide pro bono service to pro se individuals—both debtors and creditors—through virtual (Zoom or telephonic) pro bono consultations (the Virtual Clinic).

As a result of the Committee's efforts, the Middle District of Florida Pro Se Assistance Clinic, Inc., a Florida not for profit corporation, was formed and on September 1, 2022, The Middle District of Florida Pro Se Assistance Clinic opened its virtual doors. To date, with the support of more than 200 attorneys across the Middle District of Florida, the Virtual Clinic has served hundreds of clients through virtual or telephonic consultations. In addition, the Clinic now serves as a template for use by bankruptcy courts across the nation.

Thanks to support from the Bench Bar Fund and the Bankruptcy Law Educational Series Foundation (“BLES”), the Clinic’s most recent initiatives include the installation of kiosks at each courthouse in the Middle District. Using an electronic touchscreen device to connect with pro se parties and attorneys, the kiosks provide two primary benefits—first, pro se parties can register for appointments in the virtual clinic before they leave the courthouse, and second, attorneys can create an account to begin their pro bono service with the virtual clinic. The kiosks are also stocked with take-home postcards containing information about the clinic and a scannable QR code linking pro se parties with the clinic’s appointment registration webpage.



As Valentine’s Day approaches, please take a moment to locate the kiosk at your local courthouse and open your heart to volunteering in the virtual clinic. Please select a recurring timeslot to volunteer in the Clinic, so that you can be the match for a pro se party needing your assistance.

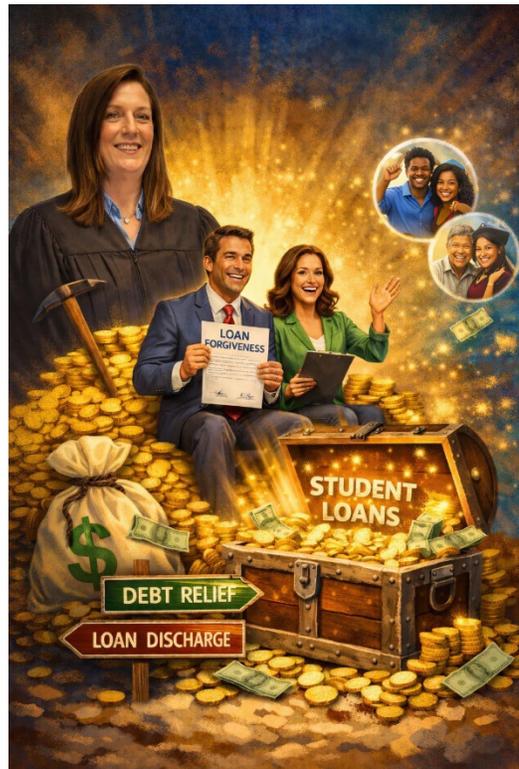
Note to Debtor’s Counsel: Are You Sitting on a Gold Mine of Goodness for Your Past and Current Clients With Student Loans? By Hon. Catherine Peek McEwen

A real telephone call placed by me to a pro se debtor late in the day on the last day of 2025:

“Mr. Smith (his real last name), this is the bankruptcy judge in your bankruptcy case. I am pleased to tell you that I just signed a judgment discharging almost \$75,000 of your student loan debt. Happy New Year!”

Mr. Smith participated in the widely popular Department of Justice/Department of Education federal student loan discharge program for debtors who are or were in bankruptcy. He filed his chapter 7 case in 2020. He learned about the program five years later through a thread on Reddit! He asked that his case be reopened so that he could file an adversary proceeding seeking a determination that his student loans are dischargeable under 11 U.S.C. § 523(a)(8). And he figured out what to do from there on his own.

Unless you’ve been living in a cave, surely you know about the program and what a great success it has been. If not, the CLE corner at the Court’s website resource portal titled The Source has a how-to segment within the program titled *Hodge Podge for \$400*, and last year’s American Bankruptcy Institute/Paskay seminar materials on the program are available online and accessible to ABI members. Further, the Tampa Bay Bankruptcy Bar Association recently presented on the program during the February brown bag seminar. Soon that recording will be posted in our CLE corner, too. The DOJ/DOE guidance memo is available here: [Student Loan Discharge Guidance -- Guidance Text](#). An ABI article on the program is available here: [StudentLoans DOJ Guidance.pdf](#).



The end result in *In re Smith* is just one of many success stories these days. Need more evidence of success? Consider these recent examples in cases I presided over:

In re Joe (pro se): Final judgment entered December 1, 2025, discharging more than \$123,000.

In re Moss (represented by Edward Miller): Final judgment entered December 1, 2025, discharging more than \$77,000.

In re Jeffers (represented by Eric Barksdale): Final judgment entered December 5, 2025, discharging almost \$283,000(!).

In re Mendez (represented by Eric Barksdale): Final judgment entered December 16, 2025, discharging almost \$85,000.

In re Vargas (pro se): Final judgment entered January 7, 2026, discharging almost \$150,000.

The DOJ/DOE program is non-adversarial and gets real results, even if only a partial discharge. If you, as a consumer debtor counsel, have any past or present clients who could possibly qualify for a student loan discharge, you should look into this program. If the debtor succeeds with a federal loan, sometimes private lenders will “ride coattail” and agree to a discharge, too. Icing on the cake.

If not for your clients, do it for yourself. If the going rate for this kind of work is, say, a flat rate of \$1,500 – 3,000 and you have a portfolio of perhaps as many as 100 former clients who might qualify, well, do the math. Seems like a bargain price for a debtor to pay to be relieved of the burden of \$75,000 or more in debt. And our Court has a liberal policy on reopening old cases. As Wayne Gretzky is quoted as saying, “you miss 100 percent of the shots you don’t take.” Take one. Take many. Mine that gold in the cave you’ve been living in.

CASE LAW UPDATE

Editors:

Bradley M. Saxton and Lauren M. Reynolds
Winderweede, Haines, Ward & Woodman, P.A.

Kathleen L. DiSanto
Bush Ross, P.A.

Eleventh Circuit Cases

Daniel J. Stermer v. Old Republic Nat'l Title Ins. Co. (In re ATIF, Inc.),
160 F.4th 1124 (11th Cir. 2025).

Fifteen months prior to the petition date, at a time when the debtor was solvent, the debtor transferred its trade names and marks to its parent company, Attorneys' Title Insurance Fund. Pursuant to a confirmed plan of reorganization, Daniel Stermer was appointed as the Creditor Trustee to pursue claims for the benefit of creditors. The Creditor Trustee initiated an adversary proceeding, alleging that the defendants did not pay reasonably equivalent value for the debtor's cash and investments, intellectual property, and real estate. The Creditor Trustee also pursued alter ego and successor liability claims. The defendants filed a motion for summary judgment, and the Creditor Trustee filed a motion for partial summary judgment. The bankruptcy court conducted a six-day bifurcated trial on whether the debtor received reasonably equivalent value for the assets that it transferred to the OR defendants. Post-trial, the bankruptcy court excluded the Creditor Trustee's valuation expert, finding that the expert's valuation included assets that the debtor did not possess as of date of the master agreement. The bankruptcy court ruled that the Creditor Trustee had not established that the debtor did not receive less than equivalent value and disposed of the remaining claims on summary judgment, finding that the Creditor Trustee failed to prove the debtor entered into the transaction with a fraudulent intent, based on the document benefits to policyholders, and ATFS was not the debtor's successor in interest as a result of the lack of shared assets or continuity of ownership. The Creditor Trustee appealed, and the district court affirmed, concluding that the bankruptcy court did not err in excluding the expert's testimony and that the evidence supported the factual finding that the parties exchanged reasonably equivalent value in connection with the master agreement.

The Eleventh Circuit affirmed the bankruptcy court's ruling that the debtor transferred intangible assets for reasonably equivalent value, as the

bankruptcy court did not err in excluding the Creditor Trustee’s valuation expert and opinion post-trial, and held that the bankruptcy court properly rejected the Creditor Trustee’s successor liability and alter ego claims on summary judgment.

Storey Mountain v. Del Amo (In re Del Amo),
158 F.4th 1335 (11th Cir. 2025).

Three years before the petition date, the debtor opened a bank account with his spouse. The debtor and his wife executed a signature card to open the account which stated, “[j]oint accounts are owned as joint tenants with right of survivorship.” In the debtor’s 2022 bankruptcy case, the debtor claimed the account exempt as tenancy by the entirety property. The creditor objected, arguing that the account was not tenancy by the entirety property because of the language on the signature card and that the Florida Supreme Court’s decision in *Beal Bank* was abrogated by the 2008 amendments to section 655.79(1), Florida Statutes. In response, the debtor relied on *Beal Bank*, and contended that language at the bottom of the signature card was not an express disclaimer of tenancy by the entirety ownership and did not change the account’s form of ownership from tenancy by the entirety. The bankruptcy court overruled the objection to the debtor’s claim of exemption, and the creditor appealed. The district court also affirmed, and the creditor appealed to the Eleventh Circuit. In affirming the rulings of the lower courts, the Eleventh Circuit concluded that section 655.79(1), Florida Statutes, did not abrogate *Beal Bank*.

Bankruptcy Court Cases

In re IVF Orlando, Inc.,
2025 WL 2831400 (Bankr. M.D. Fla. Oct. 3, 2025) (Geyer, J.).

Merchant cash advance funders objected to confirmation of the debtor’s plan of organization, arguing that the plan was not proposed in good faith because the plan was funded by future receivables, which the funders contended they had purchased. Alternatively, the funders contended that their claims were fully secured and must be treated in compliance with sections 1129(b)(2)(A)(i)(II) and 1191(c), and the plan was not proposed in good faith because it treated the funders’ claims as wholly unsecured. In overruling the funders’ objections, the court concluded that the funders did not own the debtor’s post-petition receivables or have a security interest in the receivables. With respect to future receivables derived from future services, the debtor only had an expectancy interest, which could not be sold or serve as collateral. The court also analyzed the funders’ documents and concluded that the transactions were loans, rather

than sales, as the documents included recourse to the debtor’s principal, who unconditionally guaranteed the obligations.

A2MH4 Props. USA, LLC v. Kenny (In re Feltrim Balmoral Estates, LLC), 2025 WL 3172762 (Bankr. M.D. Fla. Nov. 6, 2025) (McEwen, J.).

Though the bankruptcy court remanded a removed action to state court, it retained jurisdiction to determine whether the claims asserted in the action were property of the estate. With respect to the alter ego claims, the bankruptcy court applied the Eleventh Circuit’s two-prong test and determined that the claims were property of the estate and could not be pursued in state court because the claims were general claims common to all creditors and that Florida law recognizes a cause of action by a corporation against its own principals for alter ego liability. However, the bankruptcy court concluded that the claims for negligence, violation of Florida’s Deceptive and Unfair Trade Practices Act (“FUDPTA”), and conspiracy to violate FDUPTA were not property of the estate, because they only allege direct harm to the plaintiff, and, therefore, plaintiff could pursue those claims against the non-debtor defendants in the state court action.

Thrower v. Godwin (In re Godwin), 2025 WL 2937341 (Bankr. M.D. Fla. Oct. 15, 2025) (McEwen, J.).

Plaintiffs alleged that the debtor committed defalcation in a fiduciary capacity in connection with the administration of employee benefit pension funds and sought a determination that their debt was non-dischargeable under section 523(a)(4) of the Bankruptcy Code. Prior to the petition date, the debtor and his business partner were embroiled in a dispute. The business partner initiated a payment to the union to bring current past due contributions to an employee benefit pension fund. The debtor believed the business partner was attempting to steal the funds, so he stopped payment and transferred the funds to his personal account. Plaintiffs asked the debtor to return the funds, but did not expressly inform the debtor that he had a fiduciary obligation to do so. The bankruptcy court ruled that plaintiffs failed to prove that the debtor committed defalcation because plaintiffs’ communications did not place the debtor on notice of his fiduciary duty with respect to the funds, nor did plaintiffs establish when the debtor learned of his fiduciary obligation to the plaintiffs relative to the funds. Therefore, given the insufficient proof as to the debtor’s state of mind when he transferred the funds, the court concluded that the debt was dischargeable because the debtor did not act with knowledge of the impropriety of his fiduciary duty with respect to the funds or with gross recklessness.



Tina Mason Retires After 24 Years of Service

By: José A. Rodriguez, Clerk of Court

As Tina enters retirement after an extraordinary 34 years of service, her career invites a moment of heartfelt reflection. What began with a USF degree and early experience as a paralegal grew into a lifelong commitment to the Court, starting on October 7, 1991, when she joined our Court family as a Chapter 7 Case Manager. From her earliest days, Tina brought a calm steadiness, a generous spirit, and a natural ability to support those around her. Her progression, from Team Leader in 2000 to Supervisor in 2003, and eventually to Deputy-in-Charge in 2019, was a reflection not just of her skill, but of the trust and admiration she earned along the way. When she became the Deputy-in-Charge of the Tampa Division, it felt like the culmination of decades of quiet leadership and unwavering dedication. Her retirement on December 31, 2025, marks the close of a remarkable chapter defined by kindness, integrity, and a deep love for the work and people who shaped her journey.

Looking back, Tina's legacy is woven into the very fabric of the Court. She was not only a mentor, guiding case managers and new supervisors, but also a collaborator whose fingerprints can be found on district-wide initiatives that strengthened the Court for years to come. Her work on the Procedures Review Committee helped create the District-Wide Procedures Manual, and her contributions to the Work Distribution Committee, Off-Site Retreat Committee, and Procedure Drafting Committee showcased her ability to bring people together with patience and positivity. She played key roles in merging judge teams, implementing district-wide

docketing, and advancing the CM/ECF NextGen project, always with the same polite, steady demeanor that made her so deeply respected. More than her accomplishments, though, Tina will be remembered for the way she made others feel valued and supported. As she begins this new chapter, she leaves behind a legacy of compassion, teamwork, and quiet leadership that will continue to shape the Tampa Division long after her well-earned retirement.

Tina, your dedication, grace, and genuine care for others have left a lasting imprint on all of us. Thank you for everything you've given to this Court and to the people who were lucky enough to work with you. Wishing you a beautiful and fulfilling retirement.

W E L C O M E
To The Team

FLMB Welcomes New Law Clerks



Mary Offutt, Jacksonville

I am the new term law clerk for Chief Judge Brown.

Before clerking for Judge Brown, I attended George Mason Antonin Scalia Law School in Arlington, Virginia. While in law school I served as the Editor in Chief of the Journal of Law, Economics & Policy and worked for several different firms in a variety of practice areas. I became a member of the District of Columbia Bar this past winter and will be taking The Florida Bar exam this upcoming July.

I love living in Jacksonville and not having to brave the cold weather up in Virginia this past winter was a new and amazing change. In my spare time, I enjoy trying new restaurants around town, taking Pilates classes, needlepointing, and spending time with my husband, Ryan, and our miniature Goldendoodle, Honey. I have very much enjoyed my time working with everyone here in the Jacksonville Division and look forward to the next two years!



Arya Omshehe, Tampa

Arya Omshehe is a law clerk to the Honorable Catherine Peek McEwen in Tampa. Born and raised in Southern California, Arya went to New England for law school and began his career clerking for Judge John P. Gustafson in the U.S. Bankruptcy Court for the Northern District of Ohio and the Sixth Circuit BAP. His interests are in the application of code-based areas of law, and he enjoys connecting with members of the Tampa legal community.



Kevin Lee, Orlando

I am the new term law clerk for Judge Vaughan. I am originally from Cupertino, California—home of Apple and a town where people line up for product launches as eagerly as for coffee. I graduated from Notre Dame Law School in 2025, and I'm grateful that I had the opportunity to spend two years in Orlando, which gave me the chance to experience life on the other side of the country. Outside of work, I love traveling to new places, hunting down great food, and playing competitive video games.

William Lijewski, Orlando

I am Judge Robson's newest term judicial law clerk. I became a member of the Washington D.C. Bar in 2025 after graduating from The George Washington University Law School. I attended the University of Central Florida before going to law school. In Summer 2024 I had the pleasure of serving as a judicial intern for FLMB Orlando Division and was able to work with all three of our wonderful Orlando judges, and I am very happy to be back in Orlando and working in Judge Robson's Chambers. In my free time I enjoy reading, weightlifting, watching movies, and trying as many Orlando food spots as I can.



Ray Emmerson, Tampa



I am the new shared bankruptcy law clerk for the Middle District of Florida. I became a member of The Florida Bar just last year after graduating from the Florida State University College of Law and am excited to begin my career as an attorney here. Throughout law school, I worked as an in-house clerk for Peller Technologies, a large IT solutions provider, and had the opportunity to intern with the U.S. Trustee's Office in Tallahassee. I was a member of the FSU Moot Court team and argued before the Florida Supreme Court after placing in the final four of intramural tryouts. After living in Virginia, Alabama, and New Zealand, I moved to Tampa after law school and have loved it so far. In my spare time, I enjoy hiking, pickleball, and rooting for my favorite sports teams.



FLMB Welcomes Three New Case Managers in Orlando



Magaly Justiniano

I am thrilled to be joining the U.S. Bankruptcy Court and bringing 14 years of experience within the judiciary to the Case Manager role in the Orlando Division. My career began in state court, where I developed a strong foundation in court operations and judicial procedures. Most recently, I served as the Courtroom Deputy to the Honorable Judge Virginia M. Hernandez Covington at the U.S. District Court in Tampa, Florida. I look forward to contributing my experience and dedication to public service to the U.S. Bankruptcy Court.

Melissa Haniff

I am a new case manager with the Bankruptcy Court. I recently left my position as a Child Protective Investigator with DCF and transitioned to the Court. Prior to DCF, I worked in Court Administration with Orange County's Ninth Judicial Circuit Court from 2018-2022. I am studying for the LSAT and aspire to attend Barry Law School this year. I was born and raised in New Jersey, then my family escaped the cold and we have been in the sunny state of Florida for several years. On my spare time, I enjoy spending time with my daughter along with participating in my hobbies of dance and boxing. I enjoy going to the beach and looking for fun things to do in Orlando.





Wendy I. Pabon

Hello! I am so excited to join this amazing group in the Bankruptcy Court as a new Case Manager. After a two-year hiatus caring for my spouse, I have returned to the Federal workforce after over 18 years of service to the Department of Treasury, Internal Revenue Service in both New York and Orlando.

I enjoy painting, singing, and cruising with my lifelong friend and spending time with my collie and two cats. I also enjoy cheering my granddaughter on in her gymnastics competitions where she has won State in Vault this year!

Although, I am a recent widow, I look forward to continuing my service to the Federal Government until retirement and am grateful for this wonderful opportunity.

Middle District and Nation-Wide Filings Up AGAIN!

Bankruptcy filings in the Middle District of Florida were up an astonishing 38% during the 12-month period ending December 31, 2025. The Middle District's national rankings for the period are:

Total Cases – 2nd (26,279)
Chapter 7 Cases – 2nd (20,323)
Chapter 11 Cases – 5th (478)
Sub V Chapter 11 Cases – 1st (265)
Chapter 13 Cases – 7th (5,461)
Adversary Proceedings – 5th (924)

National bankruptcy filings rose 11% in the 12-month period ending December 31, 2025, compared with the previous year.

According to statistics released by the Administrative Office of the U.S. Courts, national bankruptcy filings totaled 574,314 in the year ending December 2025, compared with 517,308 cases in the previous year.

Nationally, business filings rose 7% from 23,107 to 24,737 in the year ending December 31, 2025. Non-business bankruptcy filings rose over 11% to 549,577 compared with 494,201 in the previous year.

Bankruptcy totals for the previous 12 months are reported four times annually.



Published on February 4, 2026, at www.uscourts.gov, the website maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary.

Judge McEwen Welcomes New Members to The Bar!

Judge Catherine Peek McEwen had a particularly busy season welcoming the next generation of lawyers, swearing in an impressive number of new members of The Florida Bar.



The Court Connection



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Articles are welcome! Please submit yours to newsletter@flmb.uscourts.gov for the next issue.

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