



# THE BANKRUPTCY ADVISOR



Volume 6, Issue 3

A Periodic Publication of the U.S. Bankruptcy Court for the Northern District of Florida

June 13, 2008



*In this issue...*

Bar Association News	2
Tips & Tricks	2
Help Desk Hints	2
Holiday Closings	2
ECF Essentials	3
Filings Increase Substantially in NDFL	3
Financial Management Course Requirements	3
ECF 3.2 - A New Look	4
Clerk Visits to Northern District Attorneys	5
Proper Service Requirements	6
Arnow Building Renovations in Pensacola	6
In the Spotlight	7
Financial Literacy in the Classrooms	7
ECF Central	7
New Fillable Forms	7
FLNB Resources	8
Case Filing Statistics	8

## U.S. Trustee Program Debtor Audits Resumed

As mandated in Section 603(a) of Public Law 109-8, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, the United States Trustee Program (USTP) established procedures to audit petitions, schedules, and other information in consumer bankruptcy cases filed on or after October 20, 2006. Pursuant to 28 U.S.C. § 586(f), the USTP contracted with independent accounting firms to perform audits in cases designated by the USTP.

In January 2008, the USTP temporarily suspended its designation of cases subject to audit for budgetary reasons. The USTP has now resumed the designation of cases, although random audits will now be conducted in 1 out of 1,000 cases (as opposed to 1:250 cases) filed in a judicial district. The USTP resumed its designation of cases subject to audit effective May 12, 2008.



## Clerk's Office Transition of Duties

Effective April 14, 2008, all mail and general telephone inquiries sent to the Pensacola office (Pensacola and Panama City divisions) were redirected to the Tallahassee office for handling. Additionally, Case Administrator Debra Cook assumed the Help Desk duties for the entire district. It is our belief that the transition of services enables Case Administrators in both offices to better serve the needs of our customers who have regular contact with each office. This change has been tremendously successful! Case Administrators in both offices continue to be available by both email and direct telephone access to assist members of the bar with case information.

Case Administrator contact information, including digit assignments, direct dial phone numbers and email, is available on our website at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov) under the "Contact Us" or "Court Info" tabs.



## BAR ASSOCIATION NEWS

BY JASON EGAN, PRESIDENT



The Bankruptcy Bar Association's annual conference is scheduled for September 19, 2008. The seminar will be held at the Hilton Sandestin Beach Resort and Conference Center in Sandestin, Florida. The [Registration form](#) and a [schedule of events](#) are available on the United States Bankruptcy Court's web site at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov). Once you are on the Court's web site, click on the heading "For Our Attys" and then on the right hand column under "Resources." Click the *NDFL Bankruptcy Bar Assoc.* link.

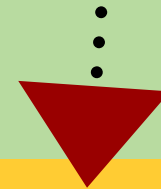
If you have any trouble locating the forms or opening them, please feel free to contact me or any of the board members to assist you. I can be reached at (850) 521-5053 or by email at [jason.h.egan@usdoj.gov](mailto:jason.h.egan@usdoj.gov). The Bar Association will mail paper copies of the registration form and schedule to bar members at a later date.

The Bar Association will hold its annual golf event on Thursday, September 18, 2008. Additional information about the event and a golf registration form will be available in the near future. In the meantime, if you are interested in playing golf on Thursday, please contact Ed Rude at (850) 222-2311 for more information.

We have a full slate of speakers for this year's event and look forward to seeing everyone in September.

## Tips & Tricks:

- **Per Rule 9037, redact all personal information**, including the debtor(s)' full social security number(s), from documents electronically filed with the Court. We are unable to redact this information once it has been filed without a motion requesting redaction and an order directing us to do so.
- If you reference **exhibits** or **attachments** in your pleading or your proposed order, please be sure they are included at the time of electronic filing or submission to the court.



### *Help Desk Hints...*

Did you know that you can email us your proposed order when you file your motion? We will hold the order until the applicable objection/response period(s) have passed or until after the hearing. We will submit the order chambers for review at that time.

*Please do not attach your proposed order to your motion or application when filing. Thank you!*

**The Office of the Clerk,  
U.S. Bankruptcy Court,  
will be closed on  
July 4, 2008  
to celebrate Independence Day.  
We wish you all a safe and  
happy holiday!**

## ECF Essentials

### CASE OPENING DEFICIENCIES

There is now a new checkbox in the case opening deficiency list when you are opening a new case: STATEMENT OF NO EMPLOYEE INCOME.

Either the Employee Income Records or the Statement of No Employee Income must be filed for each debtor in every case. Please check one (or both if you're not sure which will be filed) of these deficiencies when filing a new case if you will not be filing the appropriate document at the time of filing the petition to prevent a Submission Error Notification.

#### Deficiency List

Check item(s) *NOT* included in the petition

- Schedule A
- Schedule B
- ↓
- Statement of Intent
- Atty Disclosure Stmt.
- Employee Income Record
- Stmt of No Employee Income
- Chapter 7 Means Test
- Credit Counseling Cert.
- Corporate Parent Statement

### FILINGS INCREASE SUBSTANTIALLY

Attorneys in the Northern District have been busier the past few months than any other time since the implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) in 2005.

New bankruptcy case filings in this District posted a forty-three percent (43%) increase during the first part of 2008 compared to the same period last year. From January 1 - June 10, 2008, 1716 new bankruptcy cases were filed in the Northern District. That compares to 1201 cases filed during the same period in 2007. The Pensacola division led the way with a fifty-seven percent (57%) increase.

The increase in filings has been seen across the board by chapter. The largest increase, however, is in the number of Chapter 11 cases. In the first six months of 2007, there were six Chapter 11 cases filed in the Northern District. As of this date, there have been 23 Chapter 11 cases filed this year. This number exceeds the historical average of 16 Chapter 11 cases filed in a single calendar year.

### IMPORTANT INFORMATION REGARDING THE FINANCIAL MANAGEMENT COURSE REQUIREMENT

Under the Bankruptcy Reform Act of 2005, all individuals filing under chapters 7 and 13 must complete a financial management course after filing bankruptcy, but before receiving a discharge. To satisfy this requirement, each debtor must file a Certification of Completion of Post-Petition Instructional Course Concerning Personal Financial Management (Form 23) and/or the certificate of completion from an approved agency. A list of approved agencies is available from the Clerk's Office and on the Court's website.

Chapter 7 debtors are required to file the document(s) within 60 days of the date of the meeting of creditors. Chapter 13 debtors are required to file the document(s) prior to the completion of the plan.

***Failure to comply with this requirement will result in the debtor's case being closed without a discharge order being entered.***

## CM/ECF: NEW LOOK COMING SOON

An upgrade to the national CM/ECF system will bring changes to the application used by local practitioners. The upgrade, scheduled to be implemented in the Northern District of Florida later this summer, will consist mostly of cosmetic changes with a few enhancements designed to improve the functionality of the system.

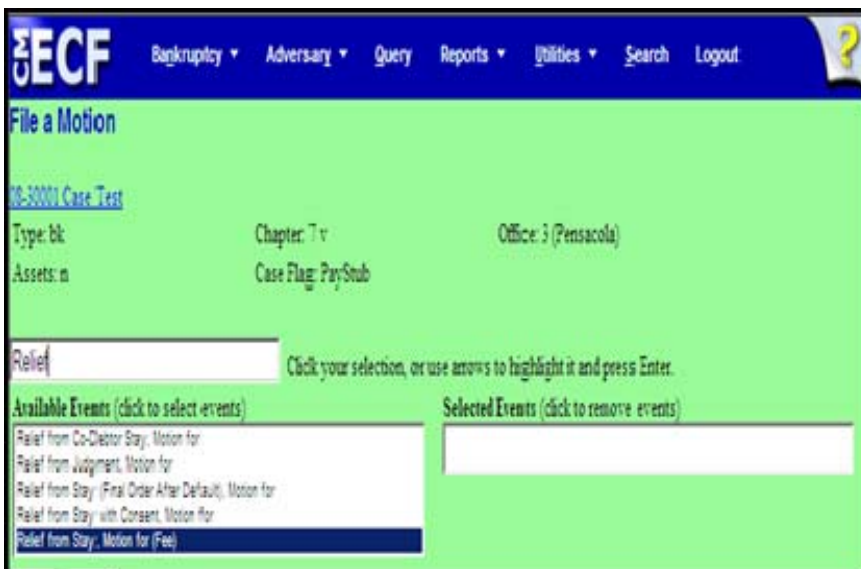
One of the most notable changes in appearance will be the inclusion of cascading windows from the blue menu bar. A “roll over” effect will display the filing categories listed in each filing category without leaving the main screen. The windows expand to display any sub-menu to each of the filing categories.



The upgrade also includes a new feature to help users easily locate filing categories and filing events. Clicking the new Search button on the blue menu bar opens a search field for users to enter key words to search for events by category. The search result includes every available category and event in which the key word appears.



A narrower event search feature is also included. Users can search for specific events within a category by



entering key words. For example, entering the word “Relief” in the search field under the motions category will display all events in that category containing the search criteria. All other events which do not meet the search criteria are removed from the list of events. Narrowing the choices will help insure the user is selecting the correct event. The search operates by keystroke and begins to eliminate possible matches as each letter is entered into the search field. Therefore, it will no longer be necessary to scroll through a long list of events to locate the desired event.

Other enhancements included in the upgraded feature include:

- More information displayed in some reports, including the claims register;
- Availability of transcripts (as per Judicial Conference policy);
- Combining multiple PDF documents into a single PDF document for downloading or printing.

Continued on Page 5

## CLERK TO VISIT LOCAL ATTORNEYS

Beginning June 5, Bill Blevins, Clerk of Court for the U.S. Bankruptcy Court, began visiting local attorneys in all four divisions of the Northern District.

The visits started in Gainesville with several of the attorneys in that area. Over the next two weeks, he will meet with several of the attorneys from the Tallahassee and Panama City divisions. In July, he will complete his tour of the district with visits to attorneys who practice primarily in the Pensacola division.

These visits are an effort on our part to get out and see you outside the courtroom or the Clerk's Office where Bill can chat with you for a few minutes to see how we are doing and if there is something we might can do to make your job easier. It is our goal to solicit your input and ideas in order to continually improve our customer service to you.

If you have not been contacted by our office to schedule an appointment, and you would like to, please call Julie Gibson at 850-521-5014 or 866-639-4615.

### CM/ECF (Continued from Page 4):

The implementation is schedule to take place in the Northern District of Florida during the weekend of August 30, 2008. To assist attorneys and other CM/ECF users with the transition to the upgraded version, staff members from the Clerk's Office staff will be conducting a demonstration and answering questions about the new look and features. Attendance is free and ECF users and their staff members are encouraged to attend.

A complete list and description of the changes can be viewed by clicking on the following link:

[http://pacer.psc.uscourts.gov/documents/cmecf/relnotes/bankruptcy\\_3.2.pdf](http://pacer.psc.uscourts.gov/documents/cmecf/relnotes/bankruptcy_3.2.pdf)

### DEMONSTRATION AND INFORMATION SESSIONS FOR CM/ECF UPGRADE

LOCATION:	DATE:	TIME:
Gainesville	August 7, 2008	After court
Tallahassee	August 14, 2008	After court
Pensacola	August 28, 2008	After court
Panama City	August 29, 2008	After court

## PROPER SERVICE REQUIREMENTS

One of the most frustrating issues dealt with by the Court is documents that are filed with improper service and/or no certificates of service. Improperly served documents and those with no service block waste not only the Court's time, but also create delays in processing your documents.

Judge Killian has asked Case Administrators to verify that all documents contain a certificate of service in compliance with Section II.B. of Standing Order No. 11 regarding Electronic Case Filing. The Standing Order provides that documents must contain a certificate of service and indicate to whom service was provided. The wording suggested in the Standing Order for service purposes is "[t]he following parties were served either by electronic or standard first class mail: (and then show the parties to whom service was rendered)." Simply filing a document and relying on the electronic notification component of the Court's ECF system does not constitute service.

In addition, the Bankruptcy Rules and Local Rules are very explicit as to the requirements for proper service. Local Rule 3007-1 and FRBP 9014 refers the reader to FRBP 7004(b) for instructions on proper service for contested matters. This rule is quite specific with regard to what constitutes proper service on individuals, corporations, governmental agencies, etc. Failure to serve documents in accordance with these rules, or to include a certificate of service in compliance with Standing Order No. 11, will result in cancelled hearings and delays in the entry of orders.

## PENSACOLA DIVISIONAL OFFICE OF THE U.S. BANKRUPTCY COURT WILL BE MOVING

That's right! The Pensacola Divisional Office of the Bankruptcy Court will be moving to the Winston E. Arnow Federal Building located at the corner of North Palafox and East Chase Streets in downtown Pensacola.

The Winston E. Arnow Federal Building was constructed in 1938-1939 by architect Rudolf Stanley-Brown, the grandson of President James A. Garfield, and was opened as the New Custom House and Post Office on October 31, 1939. Both the Bankruptcy Court and the U.S. District Court were previously located in the Arnow Building; the Bankruptcy Court moved to its current location in the SunTrust Tower in 1992 and the District Court moved into their new courthouse at the corner of Palafox and Garden Streets in 1999.

Plans for the renovations of the Arnow Building began the latter part of 1998. The Arnow Building was designated a Historical Building by Congress which mandates that renovations comply with all Federal historical renovation standards.

Originally scheduled for completion in 2002, the project has been plagued with design, funding, hurricane and construction delays. The interior space of the building is near substantial completion, and another phase of the construction will begin this summer to make the courthouse as secure as possible for the U.S. Marshal's Service in moving prisoners in and out of the building for court appearances. Some tenants will occupy the building while this construction phase progresses. Once completed, the Arnow Building will provide space for tenants from the U.S. District Court, U.S. Bankruptcy Court, U.S. Probation Office, U.S. Attorney's Office, and the U.S. Marshal's Service.

A meeting was held with General Services Administration on June 11, 2008 to discuss the move in date. Right now early December, 2008 is most likely, but the move could occur as early as October. Look for more information regarding the move in future editions of *The Bankruptcy Advisor* and on our website.



## IN THE SPOTLIGHT



### MONICA BROUSSARD—5 years Pensacola



Monica joined the Clerk's Office in July, 2003, after leaving Washington Mutual Finance where she worked as a team leader in the Bankruptcy Mortgage Department for 3 ½ years. Initially hired as an Intake Clerk, Monica is now a Case Administrator in the Pensacola office. Monica received her Associates degree as a Paralegal from the Southwest Paralegal College, through the University of Louisiana, where she graduated with honors. Prior to moving to Florida from Lafayette, Louisiana, she was employed as a Paralegal for a local law firm for several years.

### FINANCIAL LITERACY IN THE CLASSROOM

By Bill Miller

Earlier this spring, Leigh Hart, Bill Blevins and I spoke to five classes of graduating seniors at Rickards High School in Tallahassee. Mr. Blevins began each 50 minute presentation with an overview of the bankruptcy process, then Leigh and I gave a presentation on the numerous aspects of finances, credit issues and internet safety.

Our goal was to educate the students on practical financial matters that they would be facing in the near future. We discussed leases, cell phone contracts, the dangers of indiscriminate use of the posting items on the internet (primarily through "Facebook" and "MySpace"), and learning not to "follow the crowd" in financial matters.

Each class actively participated in the discussions and many of the students had "real world" questions.

*For more information on the CARE (Credit Abuse Resistance Education) Program, visit their website at [www.careprogram.us](http://www.careprogram.us).*

### CLERK'S OFFICE CREATING NEW FILLABLE FORMS

Soon, two new fillable forms, the [MOTION TO OBJECT TO CLAIM](#) and the [OBJECTION TO CLAIM WITH NEGATIVE NOTICE](#) will be available on the Court's website for your use.

Visit our Forms page regularly for new additions to the fillable forms!



### NEW TOOL BAR COMING SOON

The next version of the locally-created tool bar for CM/ECF is currently under development and is expected to be released to attorneys later this year.

The FLNB HelpCenter, which originated in the Northern District in 2006, is being re-designed and re-named to better meet the needs of attorneys. The new and improved product will be called **ECF Central** and includes enhancements such as: a deadline alert and reminder feature to notify attorneys when ECF deadlines exist on a cases; an instant messenger system which connects to the ECF Help Desk; and, a contact directory for easy access to email and telephone numbers for ECF users.

The popular features of the HelpCenter will be incorporated into **ECF Central**, including a new and improved court calendar as well as the order submission portal. Many of the new features were suggested by members of the Attorney Board of Advisors.

Continue to monitor the FLNB web page and future editions of *The Bankruptcy Advisor* for updates on the release of **ECF Central**.

# FLNB RESOURCES

Rev. 5/08

Tallahassee and Gainesville Divisions (Tallahassee).....850-521-5001 or 866-639-4615  
 Proposed Orders.....TLH\_orders@flnb.uscourts.gov

**Cases Ending In:**

- 00-20 Lisa Davis - Lisa\_Davis@flnb.uscourts.gov (850-521-5022)
- 21-60 Latonia Isom - Latonia\_Isom@flnb.uscourts.gov (850-521-5012)
- 61-99 Claire Bikowitz—Claire\_Bikowitz@flnb.uscourts.gov (850-521-5016)

Pensacola and Panama City Divisions (Pensacola)..... 866-639-4615  
 Proposed Orders.....PNS\_orders@flnb.uscourts.gov

**Cases Ending In:**

- 00-30 Marsha Mirra - Marsha\_Mirra@flnb.uscourts.gov (850-435-8478)
- 31-65 Ann Kennington - Ann\_Kennington@flnb.uscourts.gov (850-435-8480)
- 66-99 Monica Broussard - Monica\_Broussard@flnb.uscourts.gov (850-435-8432)

*The Clerk’s Office phones are answered from 9:00 a.m. until 4:00 p.m., local time, Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your questions.*

**HELP DESK:**  
**CMECF\_helpdesk@flnb.uscourts.gov**  
**888-765-1752**

**New Case Filings by Month 2006—2008**

