



THE BANKRUPTCY ADVISOR



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ORDER DIRECTING IMMEDIATE COMPLIANCE re: VIOLATIONS OF 9037

Beginning September 21, if the court discovers a document which contains sensitive information during our quality assurance process, the Case Administrator will restrict access to the document. An Order Directing Immediate Compliance will be entered giving the filer fourteen (14) days to re-file the document with the required redactions. A new docket event, *Replacement document to correct 9037(a) violation per Order Directing Immediate Compliance*, is now in CM/ECF in the "Other Miscellaneous Documents" menu for your use. This event will require you to link the redacted document to the original document to create a "paper" trail. Upon the filing of the redacted document, the Case Administrator will then make a notation on the original docket entry referring viewers to the redacted document.

If the document is not re-filed during the time allotted, the file will be forwarded to Chambers for further action.

Please be aware that this new procedure does NOT relieve you of your responsibility to redact information, nor does it act as a safety net. The court does not review documents for the purpose of detecting 9037(a) violations. This procedure is for those rare occasions that we happen to notice a violation.

See ECF Essentials on Page 5 for more information regarding redactions!

HOLIDAY CLOSINGS

The office of the Clerk, U.S. Bankruptcy Court, will be closed in observance of the following upcoming holidays:

- September 7 - Labor Day**
- October 11 - Columbus Day**
- November 11 - Veteran's Day**
- November 26 - Thanksgiving Day**

In the event of a filing emergency, please call the Clerk's Office help desk to hear an automated message containing instructions.



Do You C.A.R.E. For Our Financial Future?

By: Jodi Daniel Cooke

Let's face it. This country has a problem with credit. The downward economic spiral we've recently experienced was spurred, in part, by the overextension and abuse of credit by individuals and industry alike, and recent bankruptcy filings in almost every major commercial sector illustrate that the problem is much more than just a consumer issue. Alas, the American economic system makes it virtually impossible (and certainly inconvenient) to function without credit. Even young adults, who frequently step out on their own in immediate need of substantial funds to finance their education and other life-building endeavors, have few alternatives to the credit financing structure. Sadly, those young people are posed to make the same or similar mistakes as the ones who have gone before them, for few of them really understand the true nature of the debt they are creating.

So, what can we do about it? The answer is simple, really, at least in theory. We have to educate the next generation about the mistakes that have been made regarding the use (or misuse) of credit and how to avoid those pitfalls in the future. We cannot completely discard the national and global credit systems they will eventually have to navigate, but we *can* advise them about the aspects of those systems that may trip them up, especially the aspects that are not always obvious.

We have to C.A.R.E. The Credit Abuse Resistance Education Program seeks to do exactly that. The Program began as a project of the U.S. Bankruptcy Court for the Western District of New York. Its purpose is to provide high school and college educators with easy access to local volunteer professionals who will come into their schools and colleges to teach teens and young adults about the importance of using consumer credit wisely, how to avoid credit card debt, and the consequences and financial problems that will result if they do not. The founder of the C.A.R.E. Program, Bankruptcy Judge John C. Ninfo II, focused on credit cards or what he called "the magic plastic." His experiences on the bench led him to believe that if someone could just explain things like budgeting, the true cost of credit and other financial tools to students during their high school years, people might be more likely to avoid the severe financial difficulties he saw on a daily basis.

Our students need C.A.R.E. A handful of your fellow attorneys are trying to launch this Program in the Pensacola Division next fall. With the support of the Escambia-Santa Rosa Bar Association and the Northern District of Florida Bankruptcy Bar Association, we have planned a C.A.R.E. Kickoff Week for September 8-11, 2009. Our goal is to reach the senior class of every public high school in Escambia, Santa Rosa, Okaloosa, and Walton Counties, but we need your help to do it!

Presenters. The CARE Program offers legal professionals the opportunity to perform a desperately needed public service and make a difference in the community without making a long-term commitment or incurring personal cost. The presentation materials are provided and require very little preparation; all the attorney or judge must donate is his or her time. The presentation usually lasts approximately forty-five minutes to an hour and is likely to be scheduled during a senior Economics class (groups of 30-50 students). Presenters need only commit to one presentation at a time. If you are interested in volunteering as a C.A.R.E. presenter in the Pensacola Division, contact Jodi Cooke (jdc@beggslane.com) or Brooke Reynolds (brooke@4-debtor.com) for more details.

Sponsorships. If you are unable to participate in the Kickoff Week as a presenter, you and/or your law firm can support the cause by sponsoring promotional items and door prizes to be distributed at presentations. For a list of available sponsorship items, contact Jodi Cooke at jdc@beggslane.com. Sponsors will be listed on the C.A.R.E. Program page of the Northern District of Florida Bankruptcy Bar Association's website (www.ndflbankruptcybarassociation.com/care_program.html).

C.A.R.E. (continued from Page 2)

There is no way to completely guard against another crisis like the one we are currently experiencing. There will always be those who intentionally abuse the system to their advantage (and therefore we bankruptcy attorneys will never be out of a job). However, we can prevent some from inadvertently falling into traps set by those abusers by educating them about the true cost of credit. Won't you be a part of the solution?

Note: If you would like to be involved with the C.A.R.E. Program but you practice in another division of the northern district, you are not alone. There are attorneys in the other districts who have expressed a desire to implement the program in those areas, but have not yet gathered enough support to launch a kickoff. Their information is listed on the C.A.R.E. Program page of the NDFLBBA's website.

ABJA CONFERENCE IS HEADING TO BALTIMORE

by Martie Kantor

It's that time of year again, and the Association of Bankruptcy Judicial Assistants (ABJA) will be holding its Certified Bankruptcy Assistant Program (CBA) and Annual Educational Conference October 20-22, 2009 in Baltimore, Maryland.

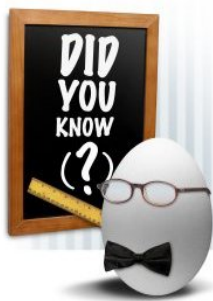
For those that aren't familiar with the ABJA Conference, in 1999 the Continuing Legal Education Committee developed a certification program for paralegals, legal secretaries, and other non-lawyer persons. With all the changes in bankruptcy laws, it is imperative that those who practice in this field develop the expertise in, and stay abreast of this highly specialized area of the law.

The CBA program consists of four parts taught by either bankruptcy judges or attorneys over a two day period culminating with an exam at the end of the second day. These four parts are Ethics, Legal Research, Bankruptcy Code & Rules, and Grammar Usage & Writing.

Registration for the training and exam is \$399. This includes the seminar and examination fee, study guide, lunch on Wednesday and light refreshments in the mornings and afternoons. The training will take place at the Sheraton Inner Harbor Hotel (866-716-8115 or 410-962-8300) on Tuesday and Wednesday, October 20-21. An Application for Certification will need to be filled out and approved prior to registration being accepted however, due to the time constraints, it is suggested that you secure hotel accommodations as soon as possible.

For those who are already certified and need to maintain their CLE/CEU credits, the advanced portion of the educational conference will be held on Thursday, October 22, 2009. The registration cost for non-ABJA members is \$125 for this one day program.

Registration forms and information regarding our CBA program and conference can be found on the ABJA website at www.abja.org or you may direct any questions to Martie Kantor at martie_kantor@flnb.uscourts.gov or 850-521-5031. **The registration deadline for both the conference and the hotel is September 14, 2009** so time is of the essence if you are interested.



An **Order to File Papers in Proper Form** entered on the docket essentially nullifies the document to which it is related. The Order states *"The Court will not consider this paper and it may be stricken unless it is submitted promptly in proper form."* Documents upon which an Order to File Papers in Proper Form is entered are not set for hearing, response deadlines do not apply, nor will the Case Administrators issue notices or perform other types of follow-up action on the document until it is filed properly in accordance with the Code, Fed. R. Bankr. P., or Local Rule cited in the Order.

FEDERAL RULE & FORMS CHANGES EFFECTIVE DECEMBER 1, 2009

RULE 4008: Requires an entity filing a reaffirmation agreement to file a cover sheet that includes sufficient information for the court to determine whether the proposed reaffirmation agreement is presumed to be an undue hardship for the debtor.

RULES 7052, 9021 and new Rule 7058: conform the Bankruptcy Rules to the "separate judgment rule" of Civil Rule 58.

RULE 9006(a) Time Computation: These changes will simplify the time-computation methods and make them consistent across the rules, i.e., Bankruptcy, Civil, Appellate and Criminal. Each deadline in the Rule of fewer than 30 days is amended to a deadline that is a multiple of seven days.

- 5-day periods become 7-day periods
- 10-day periods become 14-day periods
- 15-day periods become 14-day periods
- 20-day periods become 21-day periods
- 25-day periods become 28-day periods

RULE 9015 & 9023: Set a 14-day deadline to file certain post-judgment motions, which is different than the 28-day deadline in the Civil Rules that would otherwise apply in a bankruptcy case.

OFFICIAL FORM 1, EXHIBIT D: Deletes the requirement that a debtor file a separate motion for an order postponing the mandatory credit counseling briefing.

OFFICIAL FORM 8: Requires the debtor to provide additional information indicating intentions to use leased personal property and property subject to security interests.

NEW OFFICIAL FORM 27: Reaffirmation Agreement Cover Sheet - requires disclosure of financial information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship for the debtor.

*These are the major changes affecting bankruptcy practice and is not an exhaustive list of the changes to be implemented. For more information or a complete listing of the changes effective December 1, 2009, see the U.S. Court's Federal Rulemaking website.
<http://www.uscourts.gov/rules/newrules6.htm#proposed0709>*

Comments on Proposed Local Rule Changes are Being Accepted August 17 - September 11, 2009

A local rules revision cycle was initiated earlier this year that included phases for the Bar to provide suggestions and make subsequent comments to resulting proposed changes. Based on these phases, detailed and summary versions of the proposed revisions have now been compiled for public comment from August 17 to September 11.

The packages and associated links can be found at: http://www.flnb.uscourts.gov/court_info/local_rules.aspx

All comments are to be provided to Bill Miller, the chair of the local rules committee, either by email at

billmillerlaw@gmail.com or online at <http://www2.flnb.uscourts.gov/feedback/>

Once this phase is complete, the final steps will be to obtain required confirmations from the U.S. District Court and the 11th Circuit Court of Appeals, with a planned effective date for the new rules of December 1, 2009.

ECF Essentials

Version 3.3.2 to be installed September 19-20

CM/ECF will be upgraded to Version 3.3.2 over the weekend of September 19-20, 2009. The system will be down for installation and testing of the new version, but once installed, there will be little noticeable difference to you as most of the changes included in this version were “patches” to correct statistical reporting problems.

One major change that you *will* notice, however, is a new login screen. This new screen reminds you of your responsibility to redact personal identifiers per FRBP 9037 and requires you to check stating you understand that if you file, you must comply with the redaction rules. You will not be permitted to login to CM/ECF without checking the box under this notice. It is our understanding that the major bankruptcy software vendors are working to incorporate this change into their software.

CM/ECF Filer or PACER Login

Notice

This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for viewing filed documents and case information:

If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://pacer.psc.uscourts.gov>.

Instructions for filing:

Enter your CM/ECF filer login and password if you are electronically filing something with the court.

Authentication Login: <input type="text"/> Password: <input type="password"/> Client code: <input type="text"/> <input type="button" value="Login"/> <input type="button" value="Clear"/>	<p>IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; and financial account numbers, in compliance with Fed. R. Bankr. P. 9037. This requirement applies to all documents, including attachments.</p> <p><input type="checkbox"/> I understand that, if I file, I must comply with the redaction rules. I have read this notice.</p>
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Notice

An access fee of \$0.08 per page, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

HELP DESK HINTS...

Exhibit D & Credit Counseling

You may file both the Exhibit D and the Certificate of Credit Counseling as one PDF document. The Exhibit D filing event will prompt you to indicate if the Certificate of Credit Counseling is attached or if it will be filed at a later date.



OCTOBER SCHEDULE CHANGE FOR TALLAHASSEE HEARINGS

October hearings scheduled in Tallahassee will be held over two days:

Chapter 11 cases on the afternoon of October 7

and

All other matters on the morning of October 8.

Please note this change in your schedules.

Chapter 13 Trustee's Update

By Bill Miller

I wanted to bring everyone up to date with some possible changes that are currently being proposed to streamline several Chapter 13 procedures within the District. Leigh Hart and I have had discussions with many of you regarding ways to make the process more efficient while maintaining the integrity and spirit of the law. (If we have not spoken with you and you have any suggestions, please feel free to contact either one of us at your convenience.)

Many of these proposed changes will allow for motions to be resolved without necessity of a hearing.

For instance, the trustee's motion to dismiss for an accrued delinquency procedure is slated to be changed to allow the debtor to prepare a consent order with an offer of the manner in which the debtor would cure the delinquency (e.g., add a set amount for a set number of months). If the trustee consents to the proposal, then the debtor would circulate the order via negative notice. If no objection is filed by a creditor, then the order would become final. If an objection is filed, then the court would schedule a hearing. This method would potentially reduce the number of hearings that the court would have to schedule, since these motions rarely cause input from creditors.

Routine abatements also cause a large number of what turn out to be unopposed hearings. We are proposing for consideration that debtors' attorneys add a provision to their plans that allow the debtor to file a "Debtor's Election to Abate Plan Payment". This procedure would only be used for payment of necessary expenses or loss of a job, or similar situations and the election must provide the debtor's method to replace the estate funds, unless the plan is and will remain a 100% (plus interest) repayment plan notwithstanding the current and prior abatements. This election would not be used for more than two consecutive payments. The debtor could still file a regular motion to abate and go through the current process. The trustee would allow a maximum of three (3) plan payment abatements in a 36 month plan and a maximum of seven (7) plan payment abatements under a 60 month plan under this method with no more than 2 consecutive abatements.

The debtor is allowed more abatements in a 60 month case because there is more likelihood of unplanned emergencies than in a 36 month case. Additionally, the form could include language for allowing additional attorney's fees for the filing of the "election".

Leigh is also proposing a new "Debtor's Election to use Tax Refund _____" without necessity of a court hearing. Again, the election would only be used for necessary expenses and this would be for a maximum of 50% of the refund. This would be allowed once in a 36 month plan and three times in a 60 month plan. The election will have to set forth the debtor's method of replacing the estate funds. In order to give due notice to creditors, the Plan must include this provision.

Finally, the trustee is attempting to reduce the number of documents that are currently required to substantiate debtor's claimed expense. There are more issues here than can be covered in this article. The trustee will do random document requests in order to ensure that expenses are actually as claimed.

Please note that this is an ongoing process which will require coordination with the Court and Clerk's office before any of these changes are implemented. We are open to additional input from each of you and will communicate on these changes once agreed to and they are ready for implementation.



IN THE SPOTLIGHT



JUDY MILLER - 30 YEARS

Tallahassee Division



Judy has a long history of service with the courts in general: After two years at the Florida Supreme Court with the Hon. Joseph W. Hatchett, she left state government in 1979 to join Judge Hatchett at the Eleventh Circuit Court of Appeals. In September, 1999, Judy "jumped the fence" to the Bankruptcy Court side of the Judiciary as the Secretary/Personnel Specialist. Now the Administrative Coordinator, Judy performs a wide variety of duties and handles numerous special projects for the court. She has a B.S. in Business Education from Florida State University and also previously served as the Training Coordinator for the court for many years. When asked about her career and future plans, Judy replies, "I have been blessed in my career to have worked with caring, dedicated Judges and Court staffs. A lot of changes have occurred during those years - especially in the field of technology - but we must grow, and learn and change with the times. If you truly enjoy what you do each day, it doesn't seem like "work" and 30 years goes by very quickly. The opportunities afforded to me are greatly appreciated and I look forward to a few more years of court service."

RECOMMENDED CHANGE TO SCANNER SETTINGS FOR DOCUMENTS TO BE FILED IN CM/ECF

The Administrative Office of the U.S. Courts (AO) has been working with the National Archives and Records Administration (NARA) to ensure archival preservation and continued use of the scanned images in the Judiciary's CM/ECF system.

Stressing the importance of finding a scanning resolution that would produce a high quality document with a file size that did not hamper the length of time it took to scan, load and retrieve documents but still support archival preservation, the courts were asked to recommend that **scanner settings for all documents filed in CM/ECF be set to no less than 300 pixels per inch (ppi)**. Additionally, NARA issued the following acceptable image quality specifications for scanned images of textual records:

3.2.1 Bitonal (1-bit) scanned at 300-600 ppi: This is appropriate for documents that consist exclusively of clean printed type possession high inherent contrast (e.g., laser printed or typeset on a white background). Scanning at 600 dpi is recommended.

3.2.2 Gray scale (8-bit) scanned at 300-400 ppi: This is appropriate for textual documents of poor legibility because of low inherent contrast, staining or fading (e.g., carbon copies, thermofax, or documents with handwritten annotations or other markings), or that contain halftone illustrations or photographs. Scanning at 400 ppi is recommended.

3.2.3 Color (24-bit RGB [Red, Green, Blue]) scanned at 300-400 ppi: Color mode (if technically available) is appropriate for text containing color information important to interpretation or content. Scanning at 400 ppi is recommended.

Please update your scanner settings to ensure archival preservation of electronic documents. Thank you.

September 17, the date of the signing of the United States Constitution in 1787, is nationally recognized as “Constitution Day.” This important date is being remembered by the United States Bankruptcy Court in appreciation of those Americans who work hard every day to uphold and abide by its principles.



FUN, FASCINATING FACTS ABOUT THE UNITED STATES CONSTITUTION

By Claire Bikowitz and Latonia Isom

- The United States Constitution was born from the Articles of the Confederation and the Declaration of Independence which were no longer applicable for the newly formed United States of America.
- The Constitution was written behind closed doors and the 55 delegates who attended the Constitutional Convention in Philadelphia, Pennsylvania were required to keep the meetings a secret.
- Article III of the Constitution established the Judicial Branch of the government and the United States Supreme Court. James Wilson was appointed by George Washington to be the country’s first Supreme Court Justice.
- James Madison, aka “The Father of the Constitution,” played a key role in adding the first ten amendments to the Articles of the Constitution entitled the “Bill of Rights.”
- The founding fathers knew that the United States Constitution needed to be a living document that could be adapted for changes through the years. To date, there have been 26 amendments added and one, the Amendment on Prohibition of the sale of alcohol (VXIII), was repealed.

The Constitution of the United States of America is the supreme law of the United States. It is the foundation and source of the legal authority underlying the existence of the United States of America and the Federal Government of the United States. It provides the framework for the organization of the United States Government. The document defines the three main branches of government: The legislative branch with a bicameral Congress, an executive branch led by the President, and a judicial branch headed by the Supreme Court. Besides providing for the organization of these branches, the Constitution outlines obligations of each office, as well as provides what powers each branch may exercise. It also reserves numerous rights for the individual states, thereby establishing the United States’ federal system of government. (www.constitutionday.com)

For more information on the U.S. Constitution or the founding fathers, visit “The Charters of Freedom , A New World is at Hand” at <http://www.archives.gov/exhibits/charters/charters.html>.

Test your knowledge:

- 1) Which of the people who signed the Constitution are found on U.S. coins or paper currency?
- 2) Benjamin Franklin was the oldest delegate to sign the Constitution. How old was he?
- 3) How many of the founding fathers of the United States Constitution were lawyers?
- 4) What is the name of the beginning of the Constitution that sets forth these four goals: to form a union, to establish justice, to ensure domestic peace, to provide defense?
- 5) What are the three branches of government established by the Constitution?

- Answers:**
- 1) Washington (\$1 bill & quarter [since 1932]); Jefferson (\$2 bill & nickel); Hamilton (\$10 bill); Franklin (\$50 bill); Madison (\$5000 bill)
 - 2) 81 years old
 - 3) 21 of 39 signers were lawyers
 - 4) Preamble
 - 5) Executive, Judicial & Legislative

CM/ECF TRAINING AVAILABLE

Do you or does someone on your staff need CM/ECF training? The Clerk's Office offers regularly scheduled CM/ECF training for new users and for those who might want a refresher course. This training is available for debtor's attorneys and staff, creditor attorneys and staff, and creditor claimants.

At this time, the following dates are scheduled:

October 23 - Tallahassee
November 19 - Pensacola
December 18 - Tallahassee

Pre-registration is required so that we may ensure there are an adequate number of computers and materials available. You may register online at http://www.flnb.uscourts.gov/court_services/training.aspx#CurrentTraining or by calling Julie Gibson at 850-521-5014 (Tallahassee) or Kevin Davis at 850-435-8473 (Pensacola).

NORTHERN DISTRICT OF FLORIDA BANKRUPTCY BAR ASSOCIATION ANNUAL SEMINAR

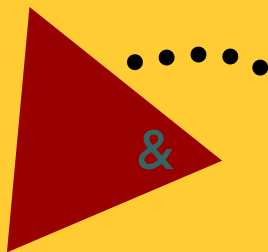
October 8-9
Hilton Sandestin Beach Resort

Please see the Bar Association webpage for more detailed information, including how to register.

www.ndflbankruptcybarassociation.com/seminar.html



Tips



Tricks

TRANSFER OF CLAIM ---

Transfers of Claim which are filed with a waiver of the notice or hearing requirements imposed by Bankruptcy Rule 3001(e)(2) and signed by the seller are transferred immediately without the necessity of an objection period.



ANNUAL NDFLBBA GOLF TOURNAMENT

Location:
The Links Course @ Sandestin/Hilton

Date:
Thursday, October 8, 2009

Tee Time: 12:15 Central Time

Format:
Best Ball

Contact:
Ed Rude, Tournament Coordinator
850-222-2311

Registration Deadline:
Thursday, September 24

FLNB Resources

Rev. 05/09

Cases in the Northern District of Florida are randomly assigned to Case Administrators throughout the district shortly after filing. The name of the Case Administrator to whom a particular case is assigned is located at the top of the docket report in CM/ECF. Contact information for each Case Administrator is as follows:

Lisa Davis	Lisa_Davis@flnb.uscourts.gov	(850) 521-5010
Marsha Mirra	Marsha_Mirra@flnb.uscourts.gov	(850) 435-8478
Ann Kennington	Ann_Kennington@flnb.uscourts.gov	(850) 435-8480
Monica Broussard	Monica_Broussard@flnb.uscourts.gov	(850) 435-8432
Latonia Isom	Latonia_Isom@flnb.uscourts.gov	(850) 521-5012
Claire Bikowitz	Claire_Bikowitz@flnb.uscourts.gov	(850) 521-5016

*Submit proposed orders via ECF Central Lite inside CM/ECF:
Bankruptcy or Adversary > Submit a Proposed Order*

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

Help Desk: Debra Cook
CMECF_helpdesk@flnb.uscourts.gov or 888-765-1752

Please visit us on the web at www.flnb.uscourts.gov.

New Case Filings by Month 2007—2009

