



THE BANKRUPTCY ADVISOR



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Parting Thoughts

By Honorable Lewis M. Killian, Jr.
U.S. Bankruptcy Judge, Northern District of Florida

As I approach the end of my service as your Bankruptcy Judge, I would like to take this opportunity to express my heartfelt thanks to all who have contributed to making my 25 plus years on the bench both enjoyable and fulfilling. This task would have been almost insurmountable without the dedication and hard work of all involved in the process. My staff and the Clerk’s office staff have worked tirelessly to insure the smooth processing of the thousands of documents that get filed, and to insure that matters are scheduled for hearing in a timely manner. I am proud that we have been able to provide first class service to the public during my time here.

The bar has been equally important insuring the smooth operation of this court. The assistance provided by the Local Rules Committee over the years has been extremely valuable in establishing procedures that make all of our jobs easier. The feedback received from the bar in various surveys has helped us see how we are doing and where we can improve. The educational activities of the Northern District Bankruptcy Bar Association have enhanced the professionalism of the attorneys appearing before me.

What we all do in Bankruptcy Court is far more important than many of you realize. For millions of Americans, bankruptcy court will be their only experience with the federal judicial system. Make it an experience that leaves them feeling that the system is fair. Whether it is a couple trying to save their home, or the nation’s auto-makers reorganizing, bankruptcy courts are vital to the economy of this great nation. You are the stewards of this system. Insure that you treat it with dignity and integrity.

My successor will be officially named soon. Things will change, but it is incumbent on all of you to be patient, open-minded and help him/her in making a smooth transition to the future. I will always cherish the experiences I have had over the last 25 years and the friendships that have been forged.

Thank you for a great ride.

Annual User Survey Results are Best Yet!

The results of the 2012 CM/ECF User Survey were the best we've received! Thank you! Every category showed an increase in ratings over previous years surveys. The lowest scores received were those in the CM/ECF - General category (ease of use, ability to locate filing events, etc.) in which only 95.9% of responses were "excellent" or "good." A few comments or suggestions were provided and will be taken into consideration for improvements to the system locally or for submission to the program developers for enhancements to future upgrades.

Many respondents praised the Clerk's Office as a whole and/or specific staff members as well. We strive to provide the best possible service to our customers and always welcome your comments and suggestions!

Paralegal/Assistant Training Seminar to be held in September

The Clerk's Office will once again host a paralegal/assistant training seminar. To provide you with the most beneficial learning experience, we will host two afternoon sessions this year: one in Tallahassee on Wednesday, September 19 and one in Pensacola on Wednesday, September 26.

All chapter 7 trustees in each location and Leigh Hart, chapter 13 trustee, have graciously agreed to contribute this year by making brief, individual presentations with a focus on preferred trustee submission procedures and participating in a short Q&A session.

Mark your calendars to attend! Watch *The Bankruptcy Advisor* and the court's website for more information and online registration in coming months!

Tips & Tricks

Forgot your password?

We now have an online password reset program available on our website at <https://ecf.flnb.uscourts.gov/PasswordReset>. This program will reset your password in either the Live or Train databases of the U.S. Bankruptcy Court for the Northern District of Florida.

Note: This will not reset your PACER password nor will this process reactivate an account that has been disabled by the court or automatically disabled by CM/ECF for exceeding the maximum number of invalid login attempts.

Marsha Mirra Retires

Marsha Mirra, Case Administrator in the Pensacola office, has announced that she will retire on May 31, 2012 after 22 years of service to the Judiciary.

Marsha began her career with the bankruptcy court as a temporary claims docketing clerk in the Pensacola division shortly after the office opened. After a month she became a permanent part of the Clerk's Office family. During her time here she has mastered the task of case management. She understands the intricacies of bankruptcy and has become an invaluable resource to all of us.

Her keen sense of humor and ready smile will be sorely missed but we wish her all the best in retirement.



PRESS RELEASE**May 1, 2012**

After more than 25 years of service with the United States Bankruptcy Court for the Northern District of Florida, Chief Bankruptcy Judge Lewis M. Killian, Jr. will retire from the federal bench on July 24, 2012. A ceremony will be held at the U.S. Bankruptcy Courthouse, 110 E. Park Avenue, Tallahassee, Florida at 3 p.m. on Friday, July 20, to recognize his judicial service and say a fond farewell to one of Tallahassee's outstanding jurists. A reception at the Courthouse will follow the ceremony.

A resident of Tallahassee, Judge Killian was first appointed by the Eleventh Circuit Court of Appeals as U.S. Bankruptcy Judge for the District on September 22, 1986. On September 22, 2000, he was reappointed for a second term.

During his terms of appointment, Judge Killian has been the sole Bankruptcy Judge in the Northern District which has required him to regularly travel to hold hearings in each of the four divisions: Gainesville, Tallahassee, Panama City, and Pensacola. To assist with this schedule and save travel costs while maximizing judicial efficiencies, he was one of the first judges to use videoconferencing for routine matters and hearings. In addition, he has contributed to the legal system while serving on the Bankruptcy Judges Advisory Group, the Judicial Relations and Judicial Orientation & Benefits Committees of the National Conference of Bankruptcy Judges, the American Inns of Court and the Executive Council of the Business Law Section of The Florida Bar.

Civic activities include serving on the Board of Directors of the Girl Scout Council of the Apalachee Bend, the Vestry of Holy Comforter Episcopal Church, the School Board for Holy Comforter Episcopal School, and President of the Tallahassee Sunrise Rotary Club. Judge Killian also served as an Adjunct Professor of Bankruptcy Law at the Florida State University College of Law and has been a speaker at numerous legal educational seminars.

Before his judicial appointment, Judge Killian served as an officer in the U.S. Army during the Vietnam conflict where he received several military awards and decorations. This was followed by a distinguished career as an attorney with the law firm of *Ervin, Varn, Jacobs, Odom & Kitchen, P.A.*

Judge Killian is a 1969 graduate of the U.S. Military Academy at West Point and earned his J.D. with honors from the Florida State University College of Law in 1976.

Observations from Case Administration

By Claire Bikowitz, Case Administrator

I know you are bombarded with e-mails saying "change to ... docketing event" or "new procedure for ..." as often as we are. Well, believe me, we also know how hard it is to keep up with what changed and when!

Since it's obvious that change is the only constant in the world of bankruptcy practice, we all must work to make the system run as smoothly as possible. Remember that almost everything you docket is available to the public; the only exception being those items that are restricted or sealed. The more we understand the process, the easier it will become and the clearer and more easily understood our dockets will be.

So, first things first: **Rules.** Please make sure you have access to the Local Rules as well as the Bankruptcy Code and Rules and be aware of the changes as they are made. All pleadings and documents must comply with the various applicable Rules. Failure to adhere to the Rules will, at the least, delay processing of your pleading or document and at worst, can result in dismissal of a case. The Northern District of Florida Local Bankruptcy Rules are available in electronic (pdf) format on our website (www.flnb.uscourts.gov) or you can obtain printed copies from either location of the Clerk's Office.

Speaking of our website... it is amazing what you can find on the FLNB website! Last year we changed the look and content of the site to make it easier to locate what you're looking for. If you can't find something, use the Search box in the upper right-hand corner of the home page. Quite frequently, a quick look at our website will save you a call to the Help Desk.

To help you save more time, I've included a list of the 5 most common problems we see:

1 - Signatures: Have you signed the document you are going to enter into CM/ECF? Whether signed and scanned or signed via electronic signature ("/s/ Your Name"), all documents and pleadings must contain a signature and appropriate signature block containing your contact information, including email address and Bar ID, if applicable. We will not process your document without the appropriate signature(s). Since many trustees and attorneys communicate via email, having your email address in your signature block is also a great time-saver as well as a requirement under section II.D of the ECF Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (aka, "the [Administrative Procedures](#)").

2 - Fees: Pursuant to Standing Order #11 and the Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means, "all fees are due at the time of filing on the System. Users must settle their online accounts for any outstanding fees by midnight Eastern time on the day of filing." If you fail to pay your filing fees, we will issue a Submission Error Notification and we cannot process your document. Failure to pay filing fees may result in the case being dismissed or the document being stricken.

3 - Filing Events: Probably the most common Submission Error Notification we send is for failure to use the correct filing event. Many of the filing events in CM/ECF do something other than simply place an entry on the docket therefore, documents and pleadings must be docketed using the correct filing event in order for all appropriate "in the background" processes to occur.

Some "background" processes will set deficiency deadlines or flags, negative notice response or objection deadlines, notify chambers that a hearing is required, prompt for filing fees, add additional text to the docket entry, populate statistical files, or relate to other entries on the docket or even another case in the system. There are dozens of other actions that could occur as well. Some of these are for convenience (e.g., negative notice response deadlines prompt the Case Administrators to submit proposed orders) and some are mandated by law or the Administrative Office of the U.S. Courts (e.g., fee collection or statistical reporting to Congress). When you

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Observations from Case Administration (continued)

fail to select the correct filing event, these actions are not automatically performed and, depending on the action needed, failure to use the correct filing will delay processing, or could even prevent your pleading or document from being processed at all.

4 - Discharge Requirements: Bankruptcy is all about the discharge order. While each chapter is processed differently, in the end it is about getting that discharge order for the debtor(s).

The most common reason for delay in a chapter 7 discharge is the failure to file the Financial Management certificate. The docket event (and therefore the Notice of Electronic Filing) for the Notice of Meeting of Creditors contains the deadline by which the certificate is due. We use an automatic discharge program which helps the debtor(s) get their discharge at the earliest possible date, but the program is very specific and will not enter the discharge if all criteria are not met. Going back to number 3 above, much of this criteria is *event specific*, so even if the required document has been filed, if the correct event was not used, the automatic discharge program will not issue the discharge. The case will then have to be reviewed manually by the Case Administrator which could delay entry of the discharge for several days.

Chapter 11, 12, and 13 individual cases must have the Statement/Certification Regarding Discharge Requirements ([Local Forms 11-37, 12-37 or 13-37](#) on our website) This certification is due when the last plan payment is made. After 3 or more years of faithfully paying through a plan, it is truly unfortunate when a case must be closed without a discharge because these requirements haven't been met.

5 - Failure to fix the problem: When you receive a Notice of Deficiency, Order Directing Immediate Compliance, Order to File Papers in Proper Form or a Submission Error Notification, please resolve the issue as quickly as possible. If you aren't sure how to proceed, call us! The help desk will be able to assist you or, if not, she can transfer you to the Case Administrator for more help. Please be mindful that we can only assist with procedural questions and that we are not permitted to give legal advice (including what type of document you should file or what it should say).

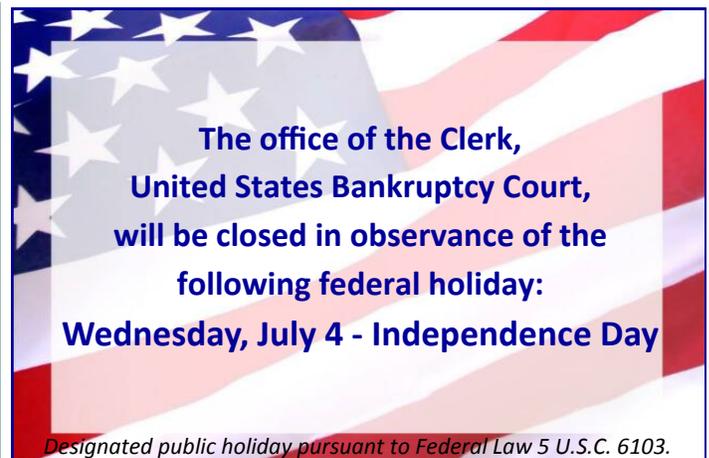
Electronic filing in the CM/ECF system is a constant renewal of knowledge and understanding. Due to the changes in the Rules that seem to come each year, we are continually updating, creating, reclassifying and removing CM/ECF docket events to streamline processes and move your cases efficiently through the system. We would rather speak to you before you docket the entry rather than after the entry is on the docket and an error notation has been entered. Please don't hesitate to contact us if you have a problem or question. We are available by telephone or email, Monday through Friday, 9:00 a.m. to 4:00 p.m., Eastern Time. Our contact information is available on the [FLNB Resources](#) page of this newsletter. We're here to help.



MEANS TEST FIGURES REVISED

Census Bureau figures, IRS data and Administrative Expenses multipliers for Form 22 were revised effective May 1, 2012.

Visit the [U.S. Trustee Means Testing](#) website for more information and a [comparison](#) of the old numbers to the revised numbers.



Attorney Board of Advisors Topic Request Form

A new [Topic Request](#) web form has been created on the [Attorney Board of Advisors](#) page of the court's website for submission of topics for discussion at the meetings. All suggestions are private other than the possible inclusion in the minutes of the meetings if addressed.

The next Attorney Board of Advisors meeting will be held on Tuesday, July 10, 2012 at 1:30 p.m. (ET) in the Tallahassee Bankruptcy Courthouse Administrative Conference Room (second floor).

Keyword Search in CM/ECF

One of the comments received in the annual User Survey was that it's sometimes difficult to locate filing events. CM/ECF contains a "keyword" Search option which is located in the blue menu bar at the top of the screen.



This Search feature will locate all filing events to which you have access containing the word(s) entered in the search field and can search for whole or partial words or phrases. For example, a search of the partial word "reaf" produces a list of 11 reaffirmation filing events:

Search results for 'reaf'
11 events found

Bankruptcy Events → Claims and Creditor Activity → Creditor Claimant Activity

- [Reaffirmation - Amended Reaffirmation Agreement \(Official form 240A\)](#)

Bankruptcy Events → General Filing Topics → Motions/Applications

- [Allow Filing of Reaffirmation Agreement Without Creditor's Signature. Motion to](#)

Bankruptcy Events → General Filing Topics → Other Miscellaneous Documents

- [Reaffirmation - Amended Reaffirmation Agreement \(Official form 240A\)](#)
- [Reaffirmation Agreement Cover Sheet \(Official Form 27\)](#)
- [Reaffirmation Disclosure Statement](#)
- [Certification of Reaffirmation Agreement](#)
- [Recision of Reaffirmation Agreement](#)
- [Statement in Support of Reaffirmation Agreement](#)

Bankruptcy Events → Most Commonly Used
Updated periodically to reflect event usage → Most Commonly Used

- [Reaffirmation Agreement \(Official form 240A\)](#)

Some of these events are duplicate listings because many of our filing events are located in multiple menus.

From this screen, you would simply click the hyperlink of the filing event you wish to use. You are not required to go through the menu screens to locate the filing event.

A fairly generic search (i.e., "stay" instead of "Motion for Relief from Stay") will produce a more thorough list of filing events. The Search feature is not case sensitive. You may need to search the synonyms for your keyword, for example "residence" instead of "home" or use other words that could be used instead of the one

you are searching if there are no events found.

If you are unable to locate a filing event, please call our Help Desk at 1-888-765-1752 or email us at CMECF_HelpDesk@flnb.uscourts.gov for assistance.

From the Office of the Assistant U.S. Trustee

By Jason Egan, Trial Attorney



Motion to Reopen Chapter 7 Case

In a typical no asset chapter 7 case, the Debtor files a chapter 7 petition and receives a discharge pursuant to 11 U.S.C. Section 727 several months later. In most instances, shortly after the discharge is entered, the Clerk's Office will close the case pursuant to 11 U.S.C. Section 350(a) and Federal Rule of Bankruptcy Procedure 5009 at which time the Chapter 7 Trustee appointed to the case is discharged.

A chapter 7 bankruptcy case can be reopened after discharge and closing by motion under certain circumstances pursuant to 11 U.S.C. Section 350(b) and Federal Rule of Bankruptcy Procedure 5010. There are many reasons why a trustee, debtor or creditor may wish to have a closed chapter 7 case reopened (administer an undisclosed asset, list an undisclosed asset, file Official form 23 [pre-discharge counseling form], remove a judgment lien from real estate etc.). The practical effect of an order reopening a chapter 7 case is just that – the case is reopened but no trustee is appointed, and the discharged trustee remains a discharged trustee.

If you wish to reopen a closed chapter 7 case and have a trustee appointed in the reopened case, you must provide language in the motion and proposed order reopening the case that directs the United States Trustee to appoint a chapter 7 trustee. Unless there is a conflict or a reason the trustee originally selected cannot be reappointed, we intend to reappoint the previous chapter 7 trustee as trustee in the reopened case in each instance.

NORTHERN DISTRICT OF FLORIDA BANKRUPTCY BAR ASSOCIATION 2012 ANNUAL SEMINAR & MEETING

September 27-28, 2012

Hilton Sandestin

Includes presentation by the Judge and the Clerk's Office



For more information, please visit the NDFLBBA website at

<http://www.ndflbankruptcybarassociation.com>

HELP DESK HINTS... Adding Creditors to a Case



The “Add Creditor” link used by most Creditor/Limited Use filers to add a creditor to a case during the process of filing a claim has been deactivated in this Court. Creditors must be added to a case via docket entry prior to filing a claim: **Bankruptcy > Add Creditor(s)**.

Claims and Creditor Activity

[Add Creditor\(s\)](#) ←

[File Claims](#)

[File Speed-Claim](#)

[Mortgage Claim Supplements & Related Documents](#)

[Creditor Claimant Activity](#)

[Creditor Batch Actions](#)

[Creditor Maintenance/Upload...](#)

This is a *paperless* docket entry during the filing of which you will be prompted to enter the name of the creditor being added for the docket text and then, on the next screen, the name and address of the creditor which should be added to the creditor matrix. You are not required to add multiple addresses or creditors individually.

When adding multiple creditors or multiple addresses for a single creditor (e.g., a creditor’s noticing address differs from the claim payment address), you must double space between your entries as shown in the screen shot here or the system will not recognize that they are separate entries.

Enter the name(s) of the creditor(s) added:

On the next screen, you will enter the address information for the creditor(s) noted above.

If the noticing address differs from the Proof of Claim payment address, you must add the creditor at both addresses. Please double space between your entries or the system will not recognize that they are different addresses.

ABC Creditor
123 N. Main St.
Tallahassee, FL 32301

ABC Creditor
Accounts Receivable
PO Box 123
Atlanta, GA 30303

Add Creditor(s)

Name may be 50 characters. Address may be 5 lines, 40 characters each.
More than one creditor may be entered. Separate creditors with a blank line.

Name and Address

Creditor type

Creditor committee No Yes Entity

Attorneys who represent the debtor(s) may not use this method to add creditors to a case. Addition of creditors by the debtor/debtor’s attorney requires that the schedule(s) and/or the matrix be amended and the appropriate filing fee be paid, if applicable.

Please feel free to contact our Help Desk at 888-765-1752 or CMECF_HelpDesk@flnb.uscourts.gov if you need assistance.

***A Message from Chief Judge Paul G. Hyman, Jr.
United States Bankruptcy Court, Southern District of Florida***

Dear Electronic Filer:

As you are probably aware, I am the co-chair of the Bankruptcy Judicial Liaison Committee of the Business Law Section of the Florida Bar. The Committee provides a unique forum in which to share ideas and/or comments among the bar and bench. All comments made during the Committees meetings are off the record. The Committee also fosters informal communication and sharing of ideas between the three Federal Districts within Florida. In the past, ideas proposed in the Committee have resulted in the adoption of new procedures by the bench and/or the adoption of new local rules.

The reason for this Email is to invite you to attend the Committees next meeting on June 20, 2012 at 4:00 P.M. at the Gaylord Palms Resort in Kissimmee, Florida. You do not need to be a member of the Business Law Section or RSVP anyone, including me, in order to attend the meeting, although I encourage you to join the Business Law Section since it is a great way to network and be involved in the constructive dialogue with the bankruptcy courts. In addition, Leyza Blanco is planning a dinner following the meeting at Shula's Restaurant which is located at the Walt Disney World Dolphin Resort, 1500 Epcot Resorts Blvd., Lake Buena Vista, Florida 32830. There will be a bus leaving the Gaylord going to Shula's at 5:45 PM and 2 buses returning from Shula's following dinner at 9:45 PM and 10:45 PM. Ms. Blanco needs an estimate as to the number of attendees for dinner. If you would like to attend the dinner, please e-mail your RSVP to Maylynn.menoud@gray-robinson.com or call her at 305-913-0356 (I.E. Please do not RSVP ME). Anyone who RSVPs will be responsible for their share of the cost of dinner unless the RSVP is cancelled 24 hours prior to the dinner.

Finally, Email me at paul_hyman@flsb.uscourts.gov any matter you would like placed on the Committees agenda. Please note you must attend the meeting if you request a matter be placed on the agenda. I look forward to seeing you on June 20th.

Chief Judge Paul G. Hyman, Jr.

ECF Essentials

Filing Amended Schedules and/or Statements

The Clerk's Office recently changed how Amended Schedules and/or Statements are to be filed in CM/ECF. All amendments to schedules and/or statements are now to be filed using one event: Amended Schedules and/or Statements, located in the Bankruptcy > Other Miscellaneous Documents menu.

The other amended statement and/or schedules events previously available in CM/ECF have been modified to include a message advising the filer to use the new "all in one" event and will be removed from the menus completely on June 1.

FLNB Resources

Rev. 05/12

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:

Ann Kennington	Ann_Kennington@flnb.uscourts.gov	(850) 470-3060
Carolyn Romine	Carolyn_Romine@flnb.uscourts.gov	(850) 470-3062
Claire Bikowitz	Claire_Bikowitz@flnb.uscourts.gov	(850) 521-5016
Latonia Isom	Latonia_Isom@flnb.uscourts.gov	(850) 521-5012
Lisa Davis	Lisa_Davis@flnb.uscourts.gov	(850) 521-5010
Marsha Mirra	Marsha_Mirra@flnb.uscourts.gov (retiring 5/31/12)	(850) 470-3059
Monica Broussard	Monica_Broussard@flnb.uscourts.gov	(850) 470-3061

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

Help Desk Questions:

Debra Cook

CMECF_Helpdesk@flnb.uscourts.gov

850-521-5001 or 888-765-1752

CM/ECF Login or Password:

Ne'Shoni Foulks

NeShoni_Foulks@flnb.uscourts.gov

850-521-5011 or 866-639-4615

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

