

FLNB Attorney Board of Advisors

Meeting Summary for January 28, 2008

Attendees: Sherry Chancellor, Jason Egan, Sharon Sperling, Jim Sorenson, Luke Adams, Bill Blevins, Kevin Davis and Judge Killian.

Judge Killian opened the meeting by thanking the members for their service and offered comments on the importance of receiving feedback on issues and concerns of the bar. He compared the group to a standing committee which serves as a liaison to state courts.

Additional comments from Judge Killian included the following:

- Discussion of the C.A.R.E. (*Credit Abuse Resistance Education*) program which began in New York under Judge John Ninno. The Florida Department of Education has taken steps in the same direction by implementing financial management courses. Judge Killian expressed a desire that such a program be implemented in the Northern District and that perhaps the Bankruptcy Bar Association may want to get involved in the program.
- Discussion of comments received regarding the Vermont Standing Order on post-petition communication between debtors and mortgage servicers. Judge Killian noted we received a detailed comment from an attorney in south Florida. He also noted that FL-S has developed form-oriented procedure which includes filing forms such as "*Notice of Payment Change*," "*Notice of Fees and Costs Incurred*," "*Debtor's Response*," and "*Debtor's Motion to Deem Mortgage as Current*." He indicated that the NCBJ is drafting a list of best practices for mortgage service companies. Sherry Chancellor agreed that something needs to be done in that people often do not know where they stand even at the end of the case.

The meeting then continued on topics from the regular agenda.

1. Follow-up from previous meeting.
 - A. Update on ECF version 3.2. The release of 3.2, originally scheduled to be received in March, 2008, was pushed back until late April by the Administrative Office's Support Division. This court is working on a plan for local implementation. The current schedule includes conducting training demonstrations in all divisions in July and/or August with implementation expected the last weekend in August.
 - B. Court Services web page. A new page titled "*For Our Attys*" can now be found on the FLNB web site. The page includes contact information for Board members and a statement to members of the bar to contact any Board member for issues they would like addressed at Board meetings. The page also includes contact information for the officers and Board members of the North Florida Bankruptcy Bar Association.
 - C. Distribution of newsletters by trustees. Charles Edwards has given his approval to ask the panel trustees to make copies of *The Bankruptcy Advisor* newsletter available for distribution during 341 meetings. Julie Gibson will make copies for trustees in the

Tallahassee and Gainesville divisions and Kevin Davis will make copies for the trustees in the Pensacola and Panama City divisions beginning with the March, 2008 newsletter.

- D. Chapter 13 plan update. Bill Blevins provided an update as to status of modifications to the form plan used in this district. The group interested in making potential changes to the Plan submitted their individual comments in December. Ms. Hart reviewed the comments and provided her feedback in mid-January. The information was provided to Judge Killian who is reviewing it in order to make a decision of whether to proceed with any changes.
 - E. CourtCall. A few Board members have used the CourtCall service. Sherry Chancellor noted that there was feedback noise during the call the first time she used it and the problem seems to be resolved now.
2. Court user survey. The court user survey was sent on January 22nd and we have received 80 responses to date. Some interesting items noted from the early responses include:
- o Respondents indicated that less than 25% of the documents filed in ECF were input by attorneys, as opposed to paralegals, legal secretaries and other law firm staff. This is a total reverse from the findings in the 2004 survey which indicated that 80% of the documents were input directly by attorneys.
 - o Respondents indicated that they rely on court emails (as opposed to the newsletter, information sessions, web site, etc.) to receive information on fee changes and procedure changes.

Sherry Chancellor agreed that emails were the preferred method of communication. Sharon Sperling noted that she likes the emails and that the newsletter is effective when there is a link contained in the email. Judge Killian agreed that the link serves as a good conduit to other information. Jim Sorenson noted that emails are a better mode of communication in that emails are usually considered more pressing items to be handled. The discussion then turned to the length of the newsletter. All agreed that the newsletter does not lose its effectiveness because of its length.

3. Transcript policy. A copy of Standing Order No. 16 was distributed to the members. The Standing Order, entered on January 24, 2008, details the 90-day access restrictions to transcripts filed electronically with the court. The Order also sets forth redaction procedures for personal identifiers in a transcript. Jim Sorenson asked if the filing of a transcript creates a private docket entry and whether they will receive email notification. Kevin said he will confirm the way it works and notify the members. The question also arose as to whether the transcript will be available for viewing on the public computer terminals at the courthouse. It was noted that the U.S. District Court allows this type of electronic access. This question will also need to be researched.

(Follow-up: Subsequent to the meeting, it was confirmed that the filing of the transcript does create an email notification. When a non-court user clicks on the link for the PDF they receive a display message stating that public access to the document

is restricted. It was also confirmed that the availability of the transcript on public terminals will be made available when the court converts to ECF version 3.2.)

4. Federal rule changes. A summary of the proposed changes to the federal rules was distributed to the members and complete bound draft copies were made available. The comment period expires February 15. Some of the notable rules changes effecting the Bankruptcy Court include:
 - changes to time computation to 7-day increments;
 - procedures for deferment of pre-petition counseling requirements due to exigent circumstances; and,
 - a new cover sheet for reaffirmation agreements.
5. Administrative Procedures. The *Administrative Procedures for Electronic Filing* is being revised to add new sections for retention requirements, correcting errors and e-mail addresses. The new procedures include a suggestion made at a prior Board of Advisors meeting that the attorneys be required to include a valid email address on all pleadings.

The amended procedures will also include a statement clarifying the signature requirements. Under the current procedures, an electronic filing from a registered participant (by use of a valid login and password) constitutes a valid signature for filing purposes. Under the revised procedures, each signed document is considered to be valid only if the PDF document contains either a scanned image of an original signature or the text *"/s/ user name"* where an original signature would normally appear.

Sherry Chancellor stated that she encourages law firms to adopt procedures for handling a login and password. She noted that attorneys who allow staff members to file electronically should establish internal procedures whereby the attorney should either sign or review the pleadings that are filed in ECF and that a review of the pleadings should be noted. She indicated that she signs over the *"/s/"* in her office so she is able to identify which pleadings she has authorized to be filed electronically. Jim Sorenson also discussed the practice in his office whereby an attorney must review and initial documents that are ready to be filed electronically. Sharon Sperling noted the occasional problem of attorneys acting like they haven't seen documents filed by their own office. Bill Blevins suggested that this may be a good item for the Bar Association to address and that the clerk's office would be willing to post a "best practices" document drafted by the Bar Association.

Sherry Chancellor inquired as to whether there is anything in the procedures regarding the late filing of documents on the day of a court hearing. She noted that she receives an email summary every morning. If documents are filed on the day of the hearing, she wouldn't receive email about the late filing until after the hearing. No reference to late filings could be found in the administrative procedures but Kevin Davis noted that he would research the local rules and see if there was anything on this issue.

(Follow-up: Subsequent to the meeting, it was confirmed that neither the Local Rules nor the Administrative Procedures address the issue of documents being filed on the day of a court hearing. Bill Blevins will add a reminder/request that items be filed in a timely manner as a courtesy to all parties.)

Sharon Sperling noted that the emails received from the court are sometimes flagged as spam because of capital letters used in the subject line. She also suggested a standardized prefix for court emails as well as the creation of a ListServ for the court and attorneys to subscribe for information on various topics. She stated that the Standing Chapter 13 Trustee in Jacksonville, FL uses a similar application. Luke Adams noted that we created the Court Forum with that concept in mind for issues related to BAPCPA in 2005. Kevin Davis noted that a subscription-type service is on the long-range project list for the Court Services Division.

Bill Blevins explained the process going forward for implementing the Amended Administrative Procedures. He stated that the revisions will be discussed at the next internal Administrative Group meeting on February 12, 2008, and will then be sent to Judge Killian for his approval. If approved, the new procedures will be posted on the court's web site and an email notice will be sent to all registered users.

6. Form motions. Kevin Davis noted that a list of form motions has been generated for submission to the court's ECF group. The motions include those discussed by the Board members at previous meetings. If approved, information about the form motions will be included in the next newsletter.
7. HelpCenter. Discussions about the HelpCenter focused on two topics:
 - o The next version of the HelpCenter will have a new name: *CourtConnect*. The idea of re-naming the product was as a direct result of input from the Board of Advisors. The product with core modules is expected to be made available this summer. The FLNB programmer is working with a programmer from the U.S. District Court and the goal is to make the program compatible with both the Bankruptcy and District Courts.
 - o The idea of which deadlines to add to the product were discussed. The program is being created with an "Attorney Alert" module to allow attorneys to add private deadline information similar to a personal tickler system. Additionally, the Board members were asked to comment on what case deadlines should be included. Jim Sorenson noted that he would like to have Proof of Claim deadlines included, even though it wasn't in the original design. Sharon Sperling stated that all deadlines should be included with the ability for the user to de-select which deadlines they didn't want to receive an alert. Sharon also noted that it would be nice to be able to include deadlines reported in a proceeding memo. Bill Blevins suggested that we may want to include a method for alerting an attorney that a proposed order is due and requested. Kevin Davis and Luke Adams will be meeting on February 13, 2008 to complete final design on the alert system. The idea of adding deadlines from the proceeding memo and proposed orders will be discussed at the court's ECF group

meeting on February 12, 2008. Kevin Davis noted that we will attempt to have a demonstration of *CourtConnect* at the next Board of Advisors meeting.

8. Adding "*Amended*" as a modifier. Currently, the court relies on separate events for "Amended Motion," "Amended Application," and "Amended Document." The idea of removing these events and adding "Amended" as a modifier was discussed as a possible solution to resolve issues with the court calendar and to make the process better. Sherry Chancellor stated that she liked the idea and it would be an improvement. Sharon Sperling asked if we could create a separate category for amendments to documents. Kevin Davis noted that the concept wasn't previously considered and is an interesting idea. Kevin stated that we will research the ideas and report back at a future meeting.
9. Chapter number in email summaries. The email summaries now include the case chapter number to allow users to quickly identify whether something on the list needed to be viewed in the regular course of business. This request came from a high-volume filer in the Pensacola division.
10. Next meeting. The next meeting will be held on **May 13, 2008 at 1:30 p.m.** in Tallahassee. Sherry Chancellor noted that she may need to attend by telephone.