



# THE BANKRUPTCY ADVISOR



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

## In this issue...

Applications & Orders Re Employment & Compensation	2
Reminder of Requirements Regarding Voluminous Documents	2
Why You Need an RSS Feed	2
Tips & Tricks: Applications for Compensation	2
Views & News from the Bench by Chief Judge Karen K. Specie	3
Welcome Nick Thrasher!	4
April 1 Forms Changes	4
ECF Essentials: Certificates of Credit Counseling	4
Help Desk Hints: Mass Substitution of Counsel	4
National Bankruptcy Filings Continue to Decline	5
2019 Holiday Closings	5
Pro Bono Honor Roll	5
FLNB Resources	6
FLNB Filing Statistics	6

## AMENDED OFFICIAL FORMS EFFECTIVE APRIL 1

Automatic adjustments to dollar amounts stated in various provisions of the Bankruptcy Code will be made on, and applicable to cases filed on or after April 1, 2019, affecting several bankruptcy forms.

Section 104 of the Code provides that the Judicial Conference make the adjustments, which are calculated at three-year intervals on the basis of the change in the Consumer Price Index for the most recent three-year period ending immediately before the year in which the adjustment is made and rounded to the nearest \$25. The Official Forms, Director's Forms, and instructions impacted are:

- Official Form 106C, *The Property You Claim as Exempt*
- Official Form 107, *Your Statement of Financial Affairs for Individuals Filing for Bankruptcy*
- Official Form 122A-2, *Chapter 7 Means Test Calculation*
- Official Form 122C-2, *Chapter 13 Calculation of Your Disposable Income*
- Official Form 201, *Voluntary Petition for Non-Individuals*
- Official Form 207, *Statement of Your Financial Affairs*
- Official Form 410, *Proof of Claim*
- Director's Form 2000, *Required Lists, Schedules, Statements, and Fees*
- Director's Form 2830, *Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)*
- *Instructions for Individual Debtors*
- *Instructions for Non-Individual Debtors*
- Director's Form 2500E, *Instructions*

For more information regarding these changes, including the line (s) and/or page(s) changing, please visit the website of the United States Courts, [Pending Changes in the Bankruptcy Forms](#) page.

### APPLICATIONS AND ORDERS REGARDING EMPLOYMENT & COMPENSATION

When submitting a proposed order on an Application to Employ or an Application for Compensation, the person or entity to be employed or compensated must exactly match the person or entity named in the applications. Below are a couple of examples of the inconsistencies we frequently see:

**Application name:**

J. Brown, P.A., Certified Public Accountants  
- requesting to employ the firm

Mary Jones as special counsel  
- requesting to retain an individual

**Proposed order name:**

Mike Clark of J. Brown, P.A., CPA  
- order names an individual

Law Firm of Mary Jones  
- order names the firm

To avoid potential delays in the approval of your application, please ensure that your proposed orders contain the same information as the application filed in the case.

#### REMINDER OF REQUIREMENT REGARDING VOLUMINOUS DOCUMENTS

If any pleading exceeds 50 pages, including attachments, the filer must supply a full, courtesy hardcopy to chambers upon its filing.

Pursuant to N.D. Fla. LBR 9013-1 C, absent prior permission of the Court, no party shall file any brief or legal memorandum in excess of twenty (20) pages (exclusive of exhibits).

#### WHY YOU NEED AN RSS FEED



Announcements posted to our website are often time-sensitive and/or reactive information, such as notification of Judge Specie’s Administrative Orders regarding Hurricane Michael or how the government shutdown would impact court operations. Enabling a feed from our website will provide nearly instant notification of these additions.

Before you can receive a “feed,” you must have an RSS reader. Many email programs, including Outlook, have a feed-reader feature. There are countless informative articles and YouTube videos available on the internet to help you determine what you need and to assist you in setting up your preferences.

Subscribe to our court’s RSS feed by clicking the icon in the upper right corner of our homepage at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).



#### Tips & Tricks

#### APPLICATIONS FOR COMPENSATION

Please pay particular attention to the “filer” and “party” roles (checkboxes) when filing the Applications to ensure the applicants are correctly identified.

When submitting a proposed order on an Application for Compensation, the person or entity to be compensated must exactly match the person or entity named in the application or the proposed order will be returned to you for correction.

#### File a Motion or Application :

17-40008 William P. Mills

Type: bk  
Assets: y

Chapter: 13 v  
Case Flag: DebtEd, PayStub

Office: 4 (Tallahassee)

On the next screen, you MUST enter fee and expense amounts.

Applicant Hagar T. Horrible Type Debtor's Attorney  
 Filer

From [calendar icon] To [calendar icon]  
Fee request \$ [input] Expense request \$ [input]

Applicant Usually Wright Type Accountant  
 Filer  Party

From 1/1/2019 To 2/28/2019  
Fee request \$ 167.84 Expense request \$ 24.39

Next Clear



## Views & News from the Bench

By: Karen K. Specie  
United States Bankruptcy Judge  
Northern District of Florida

### **CHANGE IS A'COMIN'**

It has certainly been a season of change for the Northern District of Florida. Numerous events have affected, or will be affecting, our Court in the coming months.

**Hurricane Michael:** As we all are painfully aware, on October 10, 2018, Hurricane Michael made landfall near Mexico Beach, Florida, thrashing our District with massive devastation. Some of our colleagues and many residents are still faced with the effects, even five months later. In many respects, recovery will take a long time.

A legal issue has arisen as a result of the financial hardships caused by the storm: Whether a bankruptcy court may permit payments under Chapter 13 plans to extend beyond the sixty (60) months allowed by 11 U.S.C. § 1322(d). Some courts, like the District Court for the Western District of Pennsylvania, have held that it is not necessary to dismiss a Chapter 13 case because the debtor cannot complete plan payments within sixty (60) months. *Shovlin v. Klaas*, 539 B.R. 465 (W.D. Pa. 2015). But, at least one court has granted a Chapter 13 Trustee's motion to dismiss where a debtor made all plan payments to the Trustee, but not direct payments to the mortgagee, and failed to cure the mortgage default within the sixty (60) months. *In re Hanley*, 575 B.R. 207 (Bankr. E.D.N.Y. 2017).

Some of you have made interesting and credible arguments in support of modifying plans to provide for payments beyond sixty (60) months, but there does not seem to be an easy answer. Thus far, I have denied motions to modify plans to extend payments beyond sixty (60) months without prejudice to the debtor's right to defend a motion to dismiss; or have continued hearings on the motions to a date and time in the future that might accomplish the debtor's needs without violating the text of the Code. These results have not been strenuously contested, so for now this method appears to be giving Chapter 13 debtors in this District what they need most: a break, while maintaining fairness to creditors and the Trustee. We will all learn what the future holds on this issue.

**Panama City Courthouse:** The Panama City Federal Courthouse was all but destroyed by Hurricane Michael. The Juvenile Justice building, into which we were scheduled to move this year, also suffered damage. As a result, we likely will have no building in Panama City in which to hold hearings until sometime in 2020. All hearings in the Panama City Division cases are automatically scheduled in Tallahassee by default. In recognition of the difficulty that travel to Tallahassee may present to attorneys and their clients, Administrative Order No. 18-008 sets forth a process for Panama City debtors to have hearings held in Pensacola instead of Tallahassee:

**Administrative Order No. 18-008:**

[http://www.flnb.uscourts.gov/sites/default/files/standing\\_orders/ao18\\_008.pdf](http://www.flnb.uscourts.gov/sites/default/files/standing_orders/ao18_008.pdf)

**Motion to Change Hearing Venue of Panama City Division Case:**

<http://www.flnb.uscourts.gov/sites/default/files/forms/lf37.pdf>

**Form Order Granting Motion to Change Hearing Venue of Panama City Division Case:**

<http://www.flnb.uscourts.gov/sites/default/files/forms/lso12.docx>

*Continued on page 4*

**News & Views from the Bench (continued):**

**Pensacola Courthouse:** Due to the lack of a Federal Courthouse, numerous U.S. District and Magistrate judges are sharing with us only two courtrooms in our Pensacola Courthouse for all civil, criminal, and bankruptcy matters. In a spirit of cooperation, we have shortened our Pensacola dockets to ½ day per month and will no longer schedule trials routinely in Pensacola. Although most bankruptcy hearings will remain in the Pensacola courtroom, on occasion our Court may conduct hearings in the § 341 meeting room that Mr. Edwards, Assistant United States Trustee, has graciously offered to share on an as-needed basis. Watch for possible changes in times for § 341 meetings, and please be patient as we work with the U.S. District Court and U.S. Trustee's office to accommodate the needs of all.

These changes, together with the recent longest government shutdown in U.S. history, have made for some challenges. But, they also remind us of how caring and resilient our practitioners, trustees, and court staff are, and how by working together we can overcome even the most difficult of obstacles.

**WELCOME NICK THRASHER!**

We are pleased to introduce you to Nick Thrasher, IT Application Administrator in the Pensacola divisional office. Nick comes to us from the Naval Aviation Museum Foundation where he was the Chief Technology Specialist supporting the private foundation side of the museum. He is also an adjunct instructor in computer science and programming at Pensacola State College. Nick has a Master of Science degree in Information Technology and a Bachelor of Arts degree in History and Philosophy, both from the University of West Florida.

**April 1 Forms Changes**

Failure to use the most recently revised official forms effective April 1, 2019, in cases filed on or after that date will result in a Submission Error Notification requiring that the document(s) be refiled on the correct forms. Your diligence in this matter is greatly appreciated.

**ECF Essentials****CERTIFICATES OF CREDIT COUNSELING**

Certificates of Credit Counseling should be filed separately from the voluntary petition. You will be prompted to indicate the date the course was completed when filing the certificates whether filing the certificates manually or using Case Upload. *Please be aware that the case upload process will pause for you to provide this information.*

The petition preparation software vendors have been made aware of this change in our requirements so that they may update their software to not include the certificates as part of the petition pdf, if applicable.

**HELP DESK HINTS... MASS SUBSTITUTION OF COUNSEL**

When a mass substitution of counsel needs to occur (e.g., an attorney is leaving your firm but the cases will stay with the firm), please mail or fax to the Clerk's Office a signed letter on the firm's letterhead requesting a substitution be done. You must provide a list of the cases within which the substitution is to be made, the name of the attorney to be terminated, and the name of the attorney to be added. The Clerk's Office will perform the substitution of attorneys in the cases provided in the case list only.



**NATIONAL BANKRUPTCY FILINGS CONTINUE TO DECLINE**

According to the U.S. Courts’ article, *Bankruptcy Filings Fall 2 Percent* published on January 29, 2019, national bankruptcy filings for the 12-month period ending December 31, 2018 fell two percent, compared with bankruptcy filings in calendar year 2017.

Bankruptcy filings have steadily declined since reaching a peak in 2010. The number of bankruptcy filings is the lowest for any calendar year since 2006.

The article and more information on national filings is available at [www.uscourts.gov/news/2019/01/29/bankruptcy-filings-fall-2-percent](http://www.uscourts.gov/news/2019/01/29/bankruptcy-filings-fall-2-percent).

Locally, filings in the Northern District of Florida continue to be quite low and fluctuate wildly month-to-month but 2018 showed an overall increase of 6% when compared to filings in 2017.

Filing statistics for the Northern District of Florida are published by the 15th of each month on our website at [www.flnb.uscourts.gov/court-filing-statistics](http://www.flnb.uscourts.gov/court-filing-statistics).

**2019 HOLIDAY CLOSINGS**

In accordance with 5 U.S.C. 6103, we will be closed in observance of the following:

**Memorial Day**  
Monday, May 27

**Independence Day**  
Thursday, July 4

**Labor Day**  
Monday, September 2

**Columbus Day**  
Monday, October 14

**Veteran's Day**  
Monday, November 11

**Thanksgiving**  
Thursday, November 28

**Christmas Day**  
Wednesday, December 25

---

CM/ECF and PACER will be available for filing and case access.

**PRO BONO HONOR ROLL**

The United States Bankruptcy Court for the Northern District of Florida takes pleasure in recognizing the efforts of those attorneys who provide legal assistance, without compensation, to those who face substantial economic hardship so that they are able to navigate through the bankruptcy process. These services greatly benefit our nation’s bankruptcy system and all of its components. Those volunteer efforts include *pro bono* legal representation for qualifying parties in bankruptcy cases and adversary proceedings, reaffirmation agreements, and stay relief. We recognize and thank the following *pro bono* volunteers for their current and continued support in serving the people of our district:

**Allen Turnage**  
Allen Turnage, P.A.

**India Footman**  
Footman Law Firm, P.A.

**James M. Coombs**  
Legal Services of North Florida

**Kathryn Hathaway**  
Hathaway Law Firm

**N. Revell**  
Zalkin Revell, PLLC

**Robert Bruner**  
Bruner Wright, P.A.

**Sharon Sperling**  
Law Office of Sharon T. Sperling

**Teresa M. Dorr**  
Zalkin Revell, PLLC

**Thomas Woodward**  
Thomas B. Woodward, Atty.

**You changed your clocks. You checked your smoke detector batteries. Have you confirmed your CM/ECF account information?**

Please regularly check that your contact information is correct to avoid having your account locked.



**FLNB RESOURCES**

Rev. 3/19

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 case is assigned is located at the top of the docket report in CM/ECF.

Ann Laritz  
(850) 470-3060

Latonia Isom  
(850) 521-5012

Janet Weems  
Courtroom Deputy &  
Calendar Clerk  
(850) 521-5009

Sloane Akinsanya  
Help Desk &  
CM/ECF Access  
(850) 521-5001  
(866) 765-1752

Carolyn Romine  
(850) 470-3062

Libby Deroche  
(850) 470-3061

Tammi Boswell  
Director of Operations  
(850) 521-5011

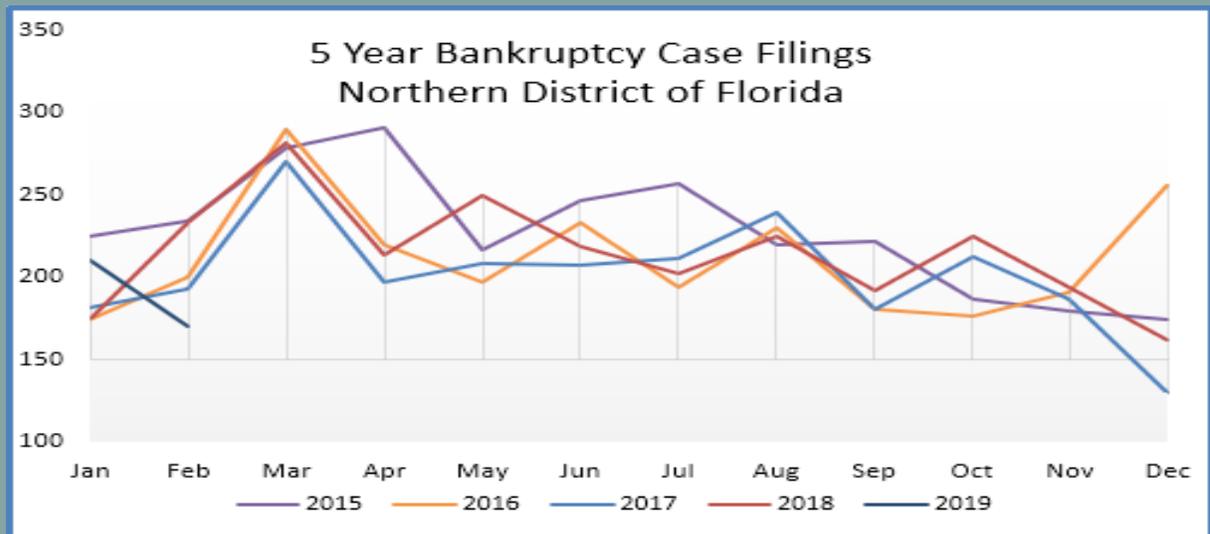
Jestin Hawkins  
(850) 521-5016

Melanie Lawrence  
(407) 237-8021

*For cases assigned to Judge Jennemann*

*The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., Monday through Friday, except on federal holidays. Please feel free to call or email the Case Administrators with your procedural questions. The Clerk's Office is not permitted to answer legal questions nor can they provide guidance as to the content or types of documents that may be required.*

**CM/ECF Help Desk**  
**(850) 521-5001 or (866) 765-1752**  
**[CMECF HelpDesk@flnb.uscourts.gov](mailto:CMECF_HelpDesk@flnb.uscourts.gov)**  
**Please visit us on the web at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov).**



The monthly filing and closing statistics for the U.S. Bankruptcy Court for the Northern District of Florida are posted to the Court Resources page of our website at [www.flnb.uscourts.gov/court-filing-statistics](http://www.flnb.uscourts.gov/court-filing-statistics). Statistical information will be available by the 15th of each month.

**Questions, Comments, or Corrections**

For questions, comments, or corrections regarding this newsletter, please contact Julie Gibson at (850) 521-5014 or by email at [Julie.Gibson@flnb.uscourts.gov](mailto:Julie.Gibson@flnb.uscourts.gov).