



THE BANKRUPTCY ADVISOR



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Appearances and Objections at the “Initial Confirmation” Hearing

The “Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines” in each chapter 13 case in our district contains information for an Initial Hearing on Confirmation of Plan as well as the language, **“Attendance by Debtor(s) and counsel at the Initial Confirmation Hearing is optional. Objections to confirmation will not be heard.”**

11 U.S.C. § 1324(b) requires that a confirmation hearing be held “not earlier than 20 days and not later than 45 days after the date of the meeting of creditors.” This mandate requires that the confirmation hearing be held before the deadline by which to file a proof of claim has expired. For this reason, among others, the Chapter 13 Trustee in this district files an objection to confirmation stating that the case is not ready to be confirmed. Objections to confirmation of the cases on the docket for initial confirmation are acknowledged, en masse, but are not heard on the date of the initial confirmation hearing. The court continues the confirmation “until such a time as the claims bar date has passed” and will provide notice of the new date, time, and location of the continued confirmation hearing after such date.

FLNB Website Changes

We strive to provide up-to-date information and procedural changes on our website and are therefore constantly making changes or adding new information. Please be aware that you will not see these changes if you do not regularly clear your cache. The browser’s cache is designed to speed up your computer by creating a temporary file containing text and pictures of webpages which can be displayed on your screen within fractions of a second. When a webpage is “cached,” the information in your cache is displayed rather than the current version of the page on the host server. Please clear your cache periodically so that you are viewing the most recent information from our court.

Fee Changes Effective June 1, 2014

Changes to the Bankruptcy Court Miscellaneous Fee Schedule will be effective June 1, 2014, including increases to the following fee amounts:


Chapter 7	\$335.00	Chapter 12	\$275.00
Involuntary Chapter 7	\$335.00	Split Joint Case/Ch.12	\$275.00
Split Joint Case - Ch 7	\$335.00		
Chapter 9	\$1,717.00	Chapter 13	\$310.00
		Split Joint Case/Ch. 13	\$310.00
Chapter 11	\$1,717.00	Chapter 15	\$1,717.00
Involuntary Chapter 11	\$1,717.00		
Split Joint Case/Ch. 11	\$1,717.00	Adversary Case	\$350.00

Additional increases, including fees to convert cases, and exceptions to the fee charged for filing an adversary complaint will be detailed on the Bankruptcy Court Fee Schedule to be posted to our website prior to June 1.

Tips & Tricks

NEGATIVE NOTICE DEADLINES:

When docketing an item on negative notice, please confirm that the pre-populated deadline corresponds to the deadline contained within your document. If it does not, use the calendar icon to select the correct date.

Negative Notice Response Deadline: 

Sign Up for RSS Feed of Our Website

For instant notification of announcements from our court, subscribe by clicking the icon in the upper right corner of our homepage at www.flnb.uscourts.gov.



Upcoming Holiday Closings

The Clerk’s Office will be closed in observance of the following federal holidays:

Monday, May 26 - Memorial Day
Friday, July 4 - Independence Day

CM/ECF will be available for online filing.

HELP DESK HINTS... Sample Order Language Provided on Website

We recently posted sample orders for “Order Granting Motion for Relief from Stay” and “Order Sustaining Debtor’s Objection to Claim” to the [Sample and Form Orders](#) section of the Forms page of our website. The language contained in these sample orders was provided by chambers. Highlighted areas are required information; any text in blue is to be included in your proposed order only if it is applicable to the specific motion for which it is being submitted. Use of the language in these sample orders is not mandatory but is being provided for your convenience. Additional sample orders will be posted as they are provided by chambers.





Welcome Debi Boone and Lisa Murrill



We are pleased to introduce you to Debi Boone and Lisa Murrill who have joined the U.S. Bankruptcy Court for the Northern District of Florida.

Debi joined our I.T. team as a CM/ECF Analyst. Prior to coming to our court, she held various positions with the U.S. District Court, Northern District of Florida in the Tallahassee and Gainesville divisions, and the U.S. District Court, Middle District of Georgia. Debi has a strong background in CM/ECF, training, and district court case management/operations.

Lisa is Judge Specie's new Judicial Assistant and came to us from the U.S. Bankruptcy Court, Southern District of Alabama where she was Judge Mahoney's Judicial Assistant. She brings with her a strong background in all aspects of judicial chambers. Lisa is not a stranger to many of you. Over the years, she has worked closely with the Pensacola Division on FLNB bankruptcy cases on which Judge Mahoney was presiding.

Both Lisa and Debi bring a tremendous amount of experience to our court and we are very excited that they have joined our team!

Where Can I Find Proposed Orders Guidelines?

The process of preparing and submitting proposed orders has just gotten easier. We now have one resource for understanding and reviewing Judge Specie's formatting requirements which can be accessed in multiple locations on our website. On the Home page under "Most Commonly Used," under "Online Filing" or "Filing Requirements," or by using the keyword search tool to find "proposed orders," you will be able to access Judge Specie's [Proposed Orders Guidelines](#). Please check back regularly as they are updated periodically.

In addition and in an effort to assist the Bar, Judge Specie has authorized the posting of sample orders to our website. Sample orders may be found on the "Forms" page under the heading "[Sample and Form Orders](#)". The samples are in Microsoft Word format and can be used as a starting point for drafting routine proposed orders.

The submission of properly formatted proposed orders will save both the court and members of the Bar time and effort. It is the hope of the Clerk's Office that the added website resource links will ensure that all members of the Bar adhere to Judge Specie's formatting requirements.

Local Rules Revision Cycle Continued

The Northern District of Florida Bankruptcy Bar Association's Local Rules Committee, chaired by William Miller, Esq., continues to work with the court to update the Local Rules. Chief Judge Karen K. Specie has expressed a goal to include as many revisions as possible and as appropriate in an effort to decrease the frequency of updates. Currently, the committee is reviewing the Clerk's 2014 draft publication schedule with a proposed publication date of December 1, 2014. The Clerk also offered an alternative 2015 schedule. Project updates will be posted to the court's website at www.flnb.uscourts.gov/court-resources/local-rules-revision-project.

The Clerk's Corner

By Traci Abrams, Clerk of Court



Digital Court Recording – Coming to a Courtroom Near You!

For years, Florida Northern Bankruptcy has been one of the relatively few bankruptcy courts in the nation to continue using live court reporters. Unfortunately, it has become increasingly difficult to schedule them since they have other commitments. We have also been in a position to cancel court reporters which disrupts their schedules. Due to these difficulties, the Clerk's Office has invested in digital court recording (DCR) technology as an alternative means of creating hearing records.

The DCR system is comprised of hardware and software designed to record sound through the courtroom's existing audio system. The recorded sound is stored by the software which also allows the Courtroom Deputy to annotate a recording log with case numbers, hearing matters, rulings and other information. Our plan is to test the system until such time as we are comfortable with the technology. At that point, we will "go live" and completely digital.

Those of you familiar with the Alabama Southern, Florida Middle and Florida Southern Bankruptcy Courts know that they are already using DCR technology. Their adoption of DCR has resulted in minimal changes in the courtroom and in the Clerk's Office. For example, attorneys or pro se litigants who speak during a hearing must announce their name each time so that the audio record is clear. In regard to transcripts, recordings will be purchased and provided via CD or may be extracted from the docket depending on the preference of the presiding judge. The requestor would then take the recording to a transcriptionist who would produce a printed transcript. Otherwise, the hearing process will remain the same.

We are very excited about this new technology and hope you will be, too.

Board of Advisors

The function of the Board of Advisors is to work with the Clerk of Court to offer guidance and input on matters that may impact attorneys practicing in this district. The Board also serves to provide feedback to Judge Karen Specie on matters such as Local Rules revisions or procedural changes. While all current Board members have agreed to continue serving through 2014, they invite members of the Bar who would like to contribute to join them.

The membership list is located at www.flnb.uscourts.gov/sites/default/files/board_of_advisors/board_of_advisors.pdf if you are interested in serving but want to speak with a current member before making a commitment. Those who have made a decision to join should contact the Clerk at Traci_Abrams@flnb.uscourts.gov. We currently have eight members but could make room for ten. The next Board of Advisors meeting will be scheduled during the second quarter (April, May or June).

Order Denied Without Prejudice due to Service Issues?

The [Service Guidelines](#) on our website can help!

ECF Essentials

FILING THE MEANS TEST

When filing the Statement of Current Monthly Income in a Chapter 7 case you are prompted to indicate whether a presumption of abuse arises. Regardless of what is indicated on the form, if you select “MEANSYES - Presumption of Abuse” when filing the document, the Notice of Meeting of Creditors will reflect a presumption of abuse. This prompts a mandatory review by the U.S. Trustee who must determine if the case should be dismissed or if no abuse is reflected. The review process creates unnecessary work for the U.S. Trustee’s office, which is also facing staffing shortages due to recent budget cuts. Upon the filing of the U.S. Trustee’s findings, the Clerk’s Office must then notify all parties and creditors of the U.S. Trustee’s findings, creating additional work and expense for our office. Please be sure to select the correct option when filing this document.

Official Forms Changes Effective December 1, 2014

As part of the forms modernization project, forms which are used to initiate a bankruptcy case or adversary proceeding should be separate for individuals and entities as well as be more easily understood by those using them. This project is resulting in name, form number, and stylistic changes, as well as minor substantive changes. All changes and the Committee Notes for each, are available on the Judiciary’s website at www.uscourts.gov/rulesandpolicies/rules.aspx. Please take note of the new and modified forms which are scheduled to become effective December 1, 2014:

- Chapter 7 Statement of Your Current Monthly Income (22A-1)
- Statement of Exemption from Presumption of Abuse under § 707(b)(2) (22A-1Supp) - *New*
- Chapter 7 Means Test Calculation (22A-2) - *New*
- Chapter 11 Statement of Your Current Monthly Income (22B)
- Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (22C-1)
- Chapter 13 Calculation of Your Disposable Income (22C-2) - *New*
- Notice of Appeal and Statement of Election (17A) - *New/Modified*
- Optional Appellee Statement of Election to Proceed in District Court (17B) - *New*

Attorneys who use bankruptcy petition preparation software will need to update their programs or these forms will be available, free of charge, in fillable-PDF format on the U.S. Courts’ forms webpage.



Microsoft to Discontinue Support of Windows XP & Office 2003 on April 8

Microsoft has announced that they will discontinue support of Windows XP and Office 2003 on April 8, 2014. This includes automatic updates and security essentials that help protect your PC. If you continue to use an XP machine after this date, your computer will become more vulnerable to security risks and viruses and you may expect to encounter apps and devices that do not work with Windows XP. www.microsoft.com/en-us/windows/enterprise/end-of-support.aspx



Views & News from the Bench

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

"THIS ORDER PREPARED BY:" YOUR NAME HERE

Everything you submit to any court, including ours, is a reflection on you and your firm. Proposed orders submitted in proper form make you look good. Orders that are sloppy or incorrect do not.

I believe you would be dismayed by how much time court personnel, including Case Administrators, Law Clerks, my Judicial Assistant, and I spend correcting proposed orders. We correct (or send back to you to correct) typos, misspelled words, wrong party names, incorrect docket numbers and names of pleadings. I have had occasion to correct at least one order that said the requested relief was denied, when it was really granted. Each time court staff or I must send an order back slows your client's case and everyone else's.

I have approved certain templates for Case Administrators' use in returning orders. If an order is returned to your office, it will be because it does not comply with our court's guidelines. Orders that raise legal questions will be forwarded to Chambers. If an order is returned to your office by a Case Administrator because of improper form, do not call, or permit your staff to call, the Case Administrator (or Chambers) to complain, or to ask "what's wrong," or "why is my order being returned." The Case Administrators are acting as instructed. They, indeed everyone in our Clerk's office, are doing a heroic job managing our cases with a bare minimum of people, as a result of dramatic Federal budget cuts and Sequestration. Everything we can do to make their jobs easier will benefit you, your clients and the entire bankruptcy system. If you have a question that truly cannot be answered by the Guidelines for proposed orders, then it may be appropriate to contact Chambers and ask to speak with a Law Clerk.

Guidelines for proposed orders are on the court's website; on the home page, on the left, under "[Proposed Orders](#)." Additionally, templates for certain orders are available in the "[Sample and Form Orders](#)" section of the Forms page of the website; more will be added as they are developed.

NOTICES OF UNAVAILABILITY

Notices of Unavailability are fine to let other attorneys and parties know that you will be unavailable during certain times. Be aware that the court is not bound by, nor will hearings be scheduled in accordance with, these notices.

The level of practice in our court is pleasingly high; being able to process orders faster because they are submitted in proper form will take it even higher.

Academies, Conventions, Conferences, Seminars...

Please visit the websites of [The Florida Bar](#) and [The Florida Bar Business Section](#) for information on training and conference opportunities available to attorneys in Florida.



Motions Practice pursuant to N.D. FLA. LBR 7007-1 B

Local Rule 7007-1 B states that “each motion shall contain no more than one claim or request for relief unless the prayer is seeking alternative relief provide for in a single section of the Bankruptcy Code or Rules.

Change of Venue pursuant to N.D. FLA. LBR 1014-1

Local Rule 1014-1 regarding change of venue states that “attorneys desiring to transfer a new Chapter 7 or 13 petition to another division within the district must select the division at case opening where they want the case administered and contemporaneously file a Motion to Transfer.”



Case assignment in the Northern District of Florida is based upon the debtor’s county of residence as provided on the petition. If you do not use petition preparation software or if your software will not allow you to change the office code when filing a case, please select a county within the division in which you wish to have the case administered for CM/ECF to assign the case to that division. The Case Administrator will change the data in CM/ECF the next day to reflect the county listed on the voluntary petition and docket a “Corrective Entry” noting the change.

Gainesville Division: Alachua, Dixie, Gilchrist, Lafayette, and Levy

Panama City Division: Bay, Calhoun, Gulf, Holmes, Jackson, and Washington

Pensacola Division: Escambia, Okaloosa, Santa Rosa, and Walton

Tallahassee Division: Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor and Wakulla

This rule is not applicable to Chapter 11 or 12 cases. Cases opened under Chapter 11 or 12 must be filed in the default division, as shown above, when opening a case in CM/ECF.



Submission of Proposed Orders pursuant to N.D. FLA. LBR 9072-1 E

All orders should be submitted to the Clerk’s Office within three (3) business days after the date of a hearing or expiration of the response deadline, unless directed otherwise by the Court or under a separate order-related provision contained in the Local Rules.

Additionally, please ensure that all documents submitted to the court, including proposed orders, exhibits, and attachments, reflect the correct initials of the presiding judge: **KKS** (Judge Specie), **MAM** (Judge Mahoney), **WSS** (Judge Shulman), or **KSJ** (Judge Jennemann).

ECF Account Maintenance per the Administrative Procedures

The Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (“the Administrative Procedures”) sections I. C. 1. d. and e. requires that attorneys who file electronically maintain all applicable user account information on the system including current address, telephone number, email address, and firm affiliation. We receive hundreds of “bounce backs” from invalid email addresses each day. Many of these are “secondary addresses” on the attorneys’ accounts (clerical or legal assistant emails). Please review your account periodically to ensure that all information is current. Attorneys may review and update their account through Utilities > Maintain My ECF Account in CM/ECF. **Failure to maintain current information may result in account deactivation.**



FLNB Resources

Rev. 12/2013

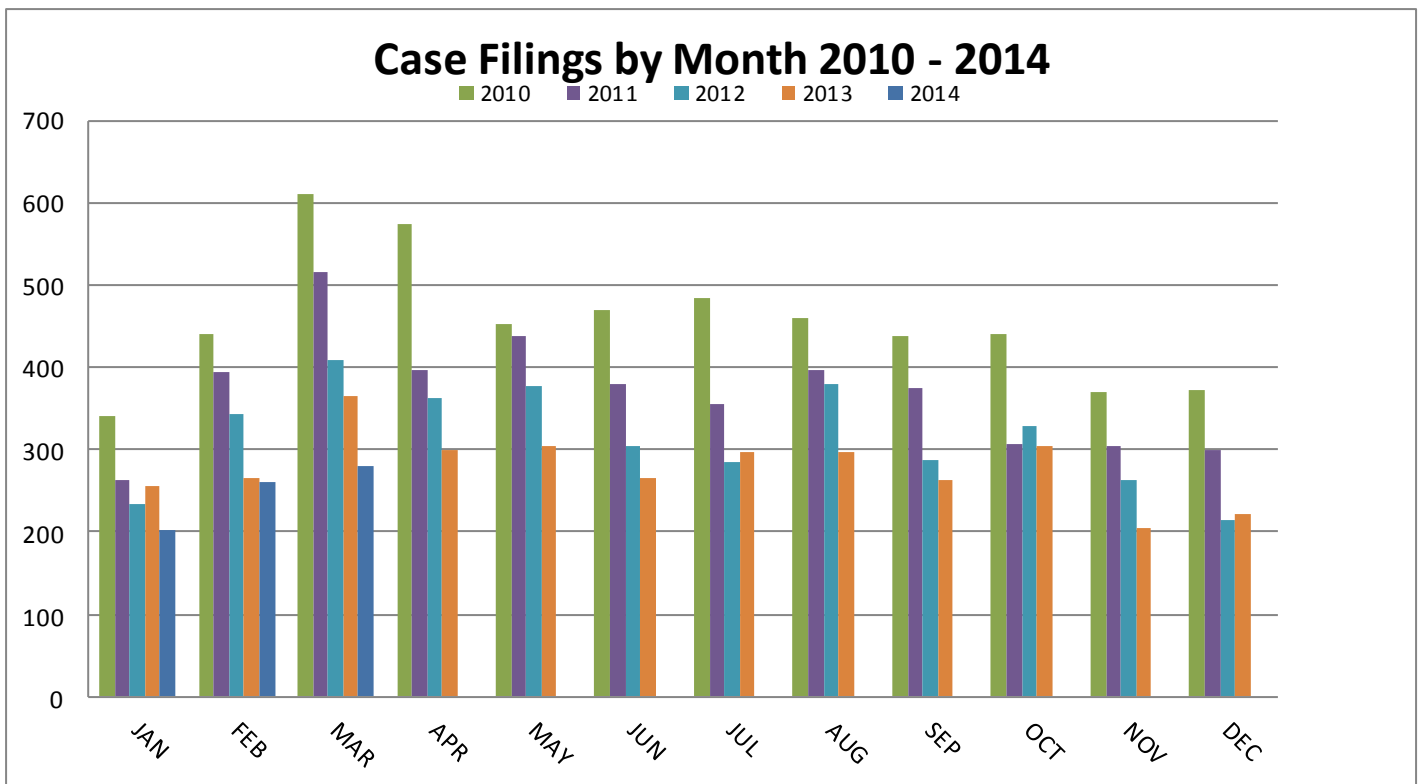
Cases in the Northern District of Florida are randomly assigned to Case Administrators throughout the district shortly after filing. The name of the Case Administrator to whom a particular case is assigned is located at the top of the docket report in CM/ECF.

Ann Laritz (850) 470-3060	Latonia Isom (850) 521-5012	Janet Nah Courtroom Deputy & Calendar Clerk (850) 521-5009	Ne'Shoni Love-Beane CM/ECF Login & Password (850) 521-5001 (866) 639-4615
Carolyn Romine (850) 470-3062	Lisa Davis (850) 521-5010	Melanie Lawrence (407) 237-8021 <i>for cases assigned to Judge Jennemann (FLMB) only</i>	Help Desk (850) 521-5001 (866) 765-1752
Claire Bikowitz (850) 521-5016	Monica Broussard (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 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.

CMECF_HelpDesk@flnb.uscourts.gov

Please visit us on the web at 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. Statistical information will be available by the 15th of each month.