



THE BANKRUPTCY ADVISOR



Volume 13, Issue 1

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

April 2015

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Pro Bono Service Recognized

Honorable Karen K. Specie

I am delighted to see so many of our lawyers accept *pro bono* cases. You will see their names in the new section of this Newsletter, and in all issues to come. Please join me in sincerely thanking these lawyers. *Pro bono* representation helps parties in need of and who cannot afford legal services, and assists opposing counsel, and indeed, the entire judicial system and our court. *Pro bono* service is also a great way for young associates to gain excellent practical experience, and helps every attorney remain in compliance with the Florida Bar *pro bono* requirements. You will gain far more satisfaction helping a *pro bono* litigant than you ever will writing a check to the Florida Bar.

For more from Judge Specie, please see [Page 5](#) of this publication.

New Local Form for Certificate of Service Available On Website

In response to demand, we have created the "Certificate of Service—Instructions & Sample" ([Local Form 5-Inst](#)) and [Certificate of Service \(Local Form 4\)](#) documents which are located on the [Forms](#) page of our website.

The instructional document contains samples of Certificates of Service attached to a pleading and filed separately after the filing of a document or service of a document pursuant to Court directive. These examples are the preferred method of showing service.

[Local Form 4, Certificate of Service](#), is a fillable form and contains sections for service via Notice of Electronic Filing (NEF), U.S. Mail, Personal delivery or other non-standard delivery options. Please be mindful that facsimile or email service are not routine methods of service in this district and may only be used with the consent of the parties being served and in only exceptional situations (e.g., emergency hearings).

Upcoming Holiday Closings

Monday, May 25 - Memorial Day

Friday, July 3 - Independence Day

Our Mission: To administer justice fairly while providing excellent service to those we serve.



The Florida Bar Continuing Legal Education Committee and the Business Law Section present

Bankruptcy Court Evidence Boot Camp: Basics to Advanced

Course Classification: Intermediate Level
Live Presentation: Friday, May 15, 2015
Renaissance Marriott Tampa at International Plaza

Course No. 1924

8:30 a.m. – 9:00 a.m.

Registration, Welcome, and Introductions

Stephanie C. Lieb

9:00 a.m. – 9:50 a.m.

"Objection, No Foundation!" Evidence Basics

Overview of topics: Judge Michael G. Williamson; Introduction of case study: Michael Moecker & Associates, Inc.

9:50 a.m. – 10:40 a.m.

"Do's" and "Don'ts" of Effective Witness Examination

Overview of topics: Joseph H. Varner; Mock trial examples: Attorney for plaintiff: Lori V. Vaughan, Attorney for defendant: Douglas A. Bates, Judge: Karen S. Jennemann, Witness: Daniel J. Stermer

10:40 a.m. – 11:00 a.m. **Break**

11:00 a.m. – 11:50 a.m.

The "ABC's" of Documentary Evidence

Overview of topics: Charles F. Ketchey; Mock trial examples: Attorney for plaintiff: Douglas A. Bates, Attorney for defendant: Lori V. Vaughan, Judge: K. Rodney May, Witness: Soneet R. Kapila

12:00 p.m. – 1:30 p.m. **Lunch**

Litigation in the Electronic Age: E-Discovery and Use of Electronically Stored Exhibits at Trial

Panelists: Judge Anthony E. Porcelli, Judge Michael G. Williamson, Chad S. Bowen, Adam Sharp

1:30 p.m. – 2:20 p.m.

Discovery: an Ethical Minefield - Judicial Perspective

Panelists: Judges Caryl E. Delano, K. Rodney May, and Catherine Peek, McEwen; Moderator: David S. Jennis

2:20 p.m. – 3:10 p.m.

Fact or Fiction - the Netherworld of Opinion Testimony

Overview of topics: Joseph H. Varner, Charles F. Ketchey, Steven S. Oscher; Mock trial examples: Attorney Calling Expert: Corali Lopez-Castro, Attorney Objecting: Elizabeth A. Green, Judge: Paul G. Hyman, Witness: Steven S. Oscher

3:15 p.m. – 3:30 p.m. **Break**

3:30 p.m. – 4:20 p.m.

Attorney-Client Privilege - Now You See It, Now You Don't!

Moderator: Corali Lopez-Castro; Panelists: Judge Paul G. Hyman, Judge Michael G. Williamson, John L. Holcomb

4:20 p.m. – 5:00 p.m.

Bankruptcy Appeals

Moderator: Elizabeth A. Green; Panelists: Judge Charlene V. Honeywell, Judge Mary S. Scriven, Stacy D. Blank

5:00 p.m. – 6:00 p.m.

Cocktail Reception

REGISTRATION or MATERIALS PURCHASE

For more information, to register, or to purchase electronic program materials, please visit

[http://www.floridabar.org/FBweb/CLEReg.nsf/89194632da1e6ec285256ce7006b56ea/ac16176ac84ee61485257dce0059a20b/\\$FILE/1924-BL-15%20-%20FINAL.pdf](http://www.floridabar.org/FBweb/CLEReg.nsf/89194632da1e6ec285256ce7006b56ea/ac16176ac84ee61485257dce0059a20b/$FILE/1924-BL-15%20-%20FINAL.pdf)

CLE CREDIT:

CLER Program (Max.: 8.5 hrs) General: 8.5 hrs, Ethics: 1.0 hr

Certification Program (Max.: 6.5 hrs) Business Litigation: 6.5 hrs

Means Test Data Change April 1

The Census Bureau's Median Family Income Data has been updated and will apply to all cases filed on or after April 1, 2015. Please update your petition preparation software, if needed. The new figures are available through the website of the [U.S. Trustee's Means Testing](#) page.

ECF Essentials

New Filing Event for Chapter 13 Cases:

Notice of Debtor's Compliance re Ch 13 Trustee's Motion to Dismiss (Limited Use) (Paperless)

A new filing event for use by Chapter 13 debtor's counsel has been created for counsel to indicate that the debtor has rectified all issues and/or deficiencies defined in the Chapter 13 Trustee's Motion to Dismiss (negative notice).

Upon the docketing of this paperless Notice, the Chapter 13 Trustee will review the case to confirm all issues have been resolved and will withdraw the motion or file an amended motion stating only the outstanding issues and/or deficiencies, as applicable.

This Notice event may only be used on **Motions to Dismiss filed on negative notice** and will not be considered when filed in relation to any other motion to dismiss filed in the case, nor will it cause the cancellation of any hearings associated with other motions to dismiss.

Latonia Isom - 15 Years

Tallahassee

Latonia is a Case Administrator in the Tallahassee Clerk's Office. She is always willing to assist anywhere there is a need. She has provided backup to the Courtroom Deputy and Operations Specialist, coordinates our Constitution Day Project, is the local representative for the National Conference of Bankruptcy Clerks, and is a member of the Federal Court Clerk's Association. Latonia is working toward an A.S. in Paralegal Studies at Tallahassee Community College, and is a member of Phi Theta Kappa Honor Society and the Big Bend Paralegal Association. Latonia stated *"I have enjoyed working for the court the past 15 years and feel truly blessed to work with a great team where we all learn something new every day."*



Paul Neely - 10 Years

Pensacola

Paul is the Chief Deputy Clerk of the U.S. Bankruptcy Court for the Northern District of Florida. He began his career with the court as part of our information technology team in 2010.

Welcome Tammi Boswell!

We are happy to introduce you to Tammi Boswell who joined the Clerk's Office staff in January as an ECF Analyst. Tammy comes to us with both bankruptcy court and creditor experience. She is now our primary contact for CM/ECF login and password issues and is quickly becoming an expert in the new digital court recording (DCR) process that we are soon implementing. Welcome to the FLNB, Tammi!



The February 15, 2015, issue of *The Florida Bar News* contained an article titled, "[Senate Judiciary moves student loan repayment assistance bill](#)," which states that SB 150, similar to HB 45, will create a student loan repayment assistance program to benefit lawyers who work for state attorneys, assistant public defenders, assistant attorney generals, and assistant statewide prosecutors. More information is available at www.floridabar.org.



Views & News from the Bench

By: Karen K. Specie

United States Bankruptcy Judge

MMM and Chapter 13 Issues

We are in the process of finalizing an administrative order on MMM designed to maintain, to the extent possible, uniformity with the Middle and Southern Districts of Florida. Note that MMM is now available in all cases and for all types of property. We are also working on updating a list of “no look” Chapter 13 attorney fee amounts. We thank our ad hoc Chapter 13 committee for all of its efforts on behalf of the entire bar of the Northern District: Committee members include: Kathryn Hathaway (Chair), Allen Turnage, Sharon Sperling, Martin Lewis, Leigh Hart, Sarah St. John Walton, Keith Bell, Jim Sorenson and Robert R. McDaniel, II. Please take an opportunity to thank these busy lawyers yourself, and let them know if you would also like to serve on this Committee.

District News

We are pleased to welcome Henry A. Callaway of Hand Arendall, LLC, of Mobile, Alabama, who has been named as the replacement for Judge Margaret Mahoney, ALSB, who is retiring in April of this year (to learn more go to http://www.handarendall.com/attorney_detail.php?attorney=71). Judge William Shulman will be retiring after his replacement is named; the deadline for applications for this position passed on March 6, 2015, so we will soon be welcoming a second new judge to ALSB. We anticipate possible changes in the way our court assigns Pensacola cases; not only Chapter 11 cases but also Chapter 7 and 13 cases, and adversary proceedings. Meanwhile, because of decreased bankruptcy filings in our District as well as nationwide, the Eleventh Circuit has declined to recommend a new judgeship for FLNB.

Local Rules

Our Local Rules Committee has been hard at work for several months. Our goal is to have a final set of revisions to our court’s local rules before year-end. Committee members are listed on our website. We encourage anyone interested to participate in the rules revision process.

In Recognition of Your Service

We wish to thank the following attorneys for the donation of their time over the past year to assist debtors in the Northern District of Florida who cannot afford legal representation

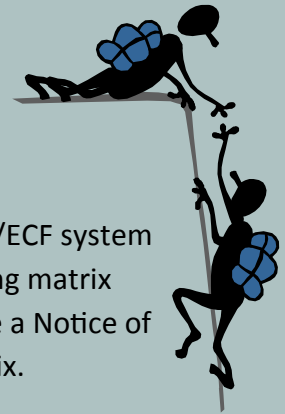
Thomas B. Woodward
Scott T. Manion
Brian Rich

James M. Coombs
Joel Cohen
Michael Reiter

Thank You!

HELP DESK HINTS... Determining Electronic Recipients in ECF

There are several ways to obtain this information however, ***you must be logged into CM/ECF before logging into PACER in order to access all of these options.***



Bankruptcy > Official Mailing Matrix

We have made a local modification to designate all registered users of the FLNB CM/ECF system (i.e., electronic recipients) with a plus sign behind of their name on the official mailing matrix (e.g., “United States Trustee +”). Review the matrix to see which parties will receive a Notice of Electronic Filing (NEF) of your filing. There is no PACER fee associated with the matrix.

Bankruptcy > Electronic & Manual Service Lists

This report will provide the name(s) and email address(es) of all parties who are on the list to receive email notice for the case. You will also be provided a list of parties who must be served manually. There is no PACER fee for this report.

Email receipt of the Notice of Electronic Filing (NEF)

When your user account settings are such that you will receive individual notification of filings in your cases (vs. a single, daily summary of activity), you will receive the actual NEF of each filing. To view or modify your account settings select **Utilities > Maintain My ECF Account > Email Information > Send a notice of each filing**. The NEF will contain a list of the name(s) and email address(es) of all parties who received the NEF, as well as parties who did not receive electronic notification of the filing.

Viewing the “Silver Ball” via Reports > Docket Report

When generating a Docket Report, you have the option to include “Links to Notices of Electronic Filing.” Checking the box to include the NEFs will cause a small, silver ball to appear to the left of the docket number hyperlink on the docket report. This silver ball reproduces the Notice of Electronic Filing for the docket entry and will contain the name(s) and email address(es) of all parties who received the NEF, as well as parties who did not receive electronic notification of the filing. **NOTE: The “Links to Notices of Electronic Filing” checkbox option is not available in PACER. You must be logged into CM/ECF prior to logging into PACER to have access to this option.** Regular PACER fees apply to the Docket Report but there is no additional charge to view the NEF.

Please note that these options, with the exception of the Official Mailing Matrix, reflect only parties and do not include general creditors or claimants in a case unless counsel for the creditor has filed a Notice of Appearance in the specific case being queried.

Tips & Tricks



Notice of Returned Mail to Debtor/Debtor’s Attorney

The language on this form was changed to direct that the form be filed electronically although filing by U.S. Mail is still an option as this form is also sent to *pro se* debtors. To file the form in CM/ECF use the **“Notice of Change of Address”** filing event. Thank you.



Do Not Forget - May 5, 2015 is Nomination Day

The NCBJ will host the fifth **Next Generation Program** at the annual conference in Miami from September 27-30, 2015. The program is designed to host 40 up-and-coming bankruptcy practitioners with five to 10 years of experience. Nominations for qualified program candidates will be accepted on May 5, 2015.

A candidate should:

- devote at least 50 percent of his/her practice to bankruptcy cases;
- demonstrate legal excellence in the practice of bankruptcy law;
- demonstrate a commitment to the continued educational development of bankruptcy professionals and professional activities that will benefit the public, members of the bar and the court system; and display a serious commitment to principles of civility, ethics and professionalism.

Only one attorney from any single law firm may participate. The cost of attendance at the Annual Meeting must be borne by the participant's law firm, but no additional cost will be incurred to attend the Next Generation judicial roundtable and networking and reunion receptions described below. There will be a charge for the optional reunion dinner. Five scholarships will be available to qualified candidates.

Watch for additional details on how to nominate your candidate and for the special events that will be held exclusively for Next Generation participants, including a judicial roundtable discussion (a unique opportunity to meet with prominent judges and senior attorneys in a small-group setting); a networking reception (a chance to build contacts and relationships as the participant progresses in your firm's practice); and a reception and dinner with NextGen participants from prior years. More information is posted on the NCBJ website at www.ncbj.org – click on the *Next Generation* icon. NCBJ Next Generation is co-sponsored by the American College of Bankruptcy.

For more information, contact NCBJNextGeneration@gmail.com.



Florida Northern Bankruptcy Court's Innovative Use of Courtroom Technology

By Traci E. Abrams, Clerk of Court

The financial challenges of today's judiciary budget require us to reevaluate spending priorities, implement creative solutions, and promote cost containment. Information Technology (IT) is one tool that can allow courts to achieve this goal. The Northern District of Florida Bankruptcy Court is doing its part to promote cost containment through the implementation of an advanced courtroom technology system.

The geographical area of the Northern District includes the panhandle of Florida south to Gainesville, complete with a time zone change. Currently, the district is allotted one Bankruptcy Judge. Our Chief Bankruptcy Judge, Karen K. Specie, holds court in each of the four divisions. Mileage between the divisional offices is substantial. Travel from her headquarters in Tallahassee to Gainesville, Panama City, and Pensacola equates to 300 miles, 240 miles, and 400 miles round-trip, respectively.

In an effort to assist Judge Specie while helping to control judiciary and case participant travel costs, the Clerk's Office has invested time, funding and training into a professional grade courtroom digital audiovisual (A/V) system. The Court's A/V system, used in combination with the Administrative Office of the United States Courts' National Video Teleconferencing Service (NVTCS), allows Judge Specie to hold a single hearing in multiple divisions simultaneously. For example, Judge Specie may appear live in Tallahassee while attorneys participate via the telephonic CourtCall system and from courtrooms in other divisions by video conference.

In a district such as ours, this technology provides benefits and a degree of flexibility that allows Court needs to be met. Judge Specie determines when and how the system will be used to maintain the delicate balance between face-time and technology that often requires her to travel to the other divisions. She also has the flexibility to address scheduling needs presented by attorneys who have a client base spanning multiple divisions and time zones. According to Paul Neely, Florida Northern Bankruptcy's Chief Deputy Clerk and manager of our IT program, "[Judge Specie] would be hard-pressed to get this monumental task done if she did not have the ability to hold hearings using our video system between all four locations. Simply put, because NVTCS marries all the Northern District of Florida's courthouse locations together into one system, we now can hold court from any location on the fly."

Our IT support system has also received a boost through technology. Systems and Operations Support (SOS) staff monitors streaming courtroom audio feeds from their offices which allows technical issues to be addressed without interrupting a proceeding. Thanks to the work of IT Administrator, Bruce Justham, access to audio feeds by court staff is readily available through our SharePoint intranet site. Mr. Justham was also instrumental in the installation of the Tallahassee courtroom A/V system resulting in additional project cost-savings.

A/V system benefits have also been favorably received by judges from other districts. The Northern District of Florida Bankruptcy Court receives judicial assistance from Alabama Southern Bankruptcy and, for conflict cases, Florida Middle Bankruptcy. Chief Bankruptcy Judge William Shulman (ALSB), Judge Margaret Mahoney (ALSB), and Chief Bankruptcy Judge Karen Jennemann (FLMB) have the option to take advantage of our courtroom technology as needed to hold hearings on Florida Northern cases from their respective home court locations.

Overall, the expenditure of resources to see this program to fruition have been repaid in terms of the time and cost savings experienced by judges, case participants, and court staff. We are proud to know that our Tallahassee courtroom is one of the most technologically advanced courtrooms in the country according to an industry expert. We are equally proud to have exemplified the ingenuity of the bankruptcy IT community in their national effort to promote cost containment within the judiciary through effective applications of technology. Our court supports the growth of innovative IT practices and encourages the court community as a whole to invest in IT and its people so that the Judiciary maintains its leading role in the promotion of effective organizational design and technological development.

FLNB Resources

Rev. 03/15

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

Melanie Lawrence
(407) 237-8021
*For cases assigned to judge
Jennemann (FLMB) only*

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

Carolyn Romine
(850) 470-3062

Libby Deroche
(850) 470-3061

Ne'Shoni Love-Beane
(850) 521-5002

Tammi Boswell
CM/ECF Login & Password
(850) 521-5001
(866) 765-1752

Claire Bikowitz
(850) 521-5016

Lisa Davis
(850) 521-5010

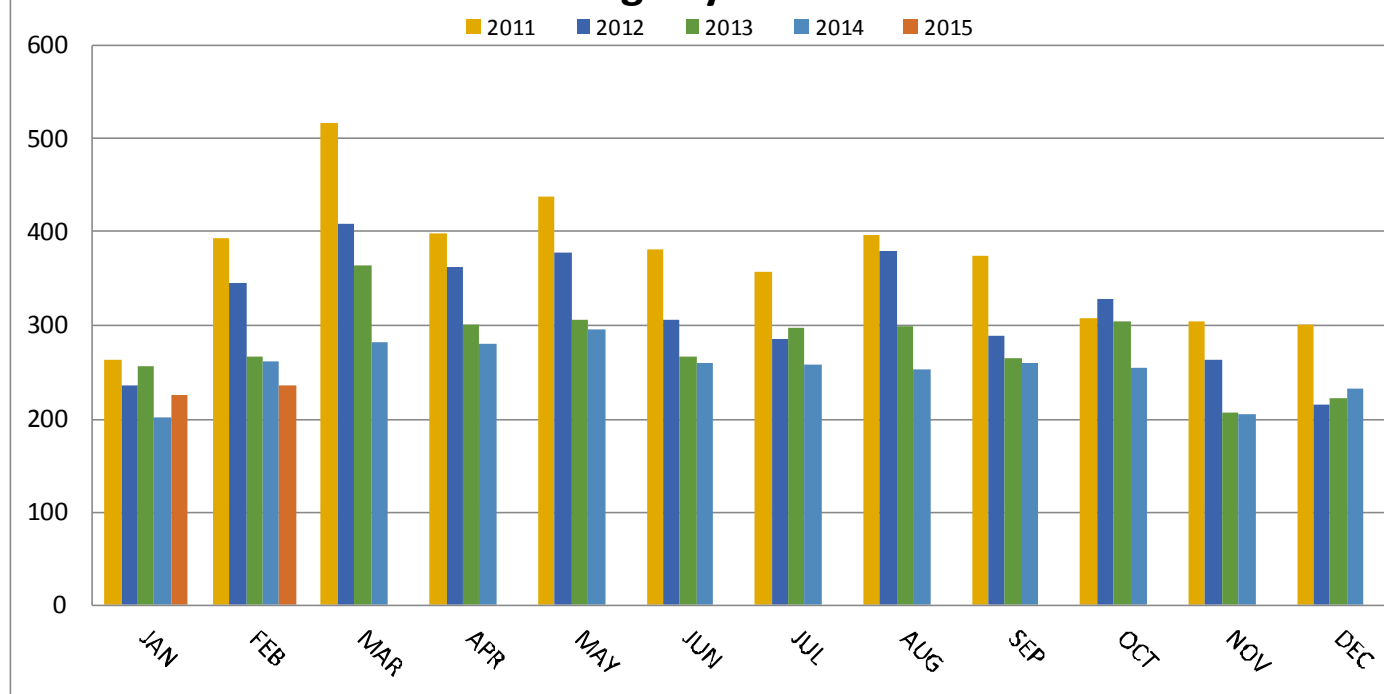
The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your procedural questions. The Clerk's Office is not permitted to answer legal questions nor can they provide guidance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

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

FLNB Case Filings by Month 2011 - 2015

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.