



THE BANKRUPTCY ADVISOR



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

In this issue:

Reaffirmation Agreements: Are They Really in the Debtor's Best Interest?	1
Filing Fee Payment Processing Delays Possible	2
Administrative Order 20-011 Vacated	2
Views & News from the Bench by Chief Judge Specie	3
Words That Inspire Us Submitted by Clerk's Office Staff	4
Help Desk Hints: Local Rules Reminder	4
Did You Know? Preparing to Move to NextGen	5
Pro Bono Honor Roll	5
2021 Holiday Closings	5
New PACER Features Coming	5
Tips & Tricks: Stay Informed	6
FLNB Mile Markers	6
ECF Essentials: We Have an Event for That!	6
U.S. Trustee News	7
FLNB Resources	8
5-Year Case Filings FLNB	8

"ZOOMING" RIGHT ALONG

Hearings by video and/or telephone conference are not new in the Northern District of Florida; however, the COVID-19 pandemic has required us to begin holding nearly all hearings this way, which *is* new. Incorporating the use of Zoom® allows us to be as "in person" as possible.

When a hearing is scheduled via Zoom, participants are required to request the meeting information at least seven (7) days prior to the hearing by completing the [request form](#) on our website. The Courtroom Deputy will send an email containing the meeting ID and participation requirements to all approved participants.

Approved Zoom participants may join the meeting up to one hour prior to the scheduled hearing. **All Zoom participants must join no less than 30 minutes prior to the scheduled hearing.** Participants will be placed in a "waiting room" until they are "accepted" into the meeting.

A test meeting will be conducted each Monday morning from 9:30-10:30, Eastern Time, when Zoom meetings are scheduled during the week. This *optional* test meeting is for those first time users or for users to test options and features that may be needed during the hearing. If hearings are to be held in a week where Monday is a federal holiday, the court will host a test meeting the previous Friday morning from 9:30-10:30, Eastern Time. *Please note that court IT staff can provide only limited support if you encounter problems with the Zoom conferencing.*

Please visit our website at <https://www.flnb.uscourts.gov/zoom> for more information, including the test meeting link, requirements for participation via Zoom video, and Zoom Participant Request Form.

STATUS OF COURT OPERATIONS

Our court continues to monitor the national response to the COVID-19 pandemic and take precautions accordingly. Please frequently visit our website to determine the operational status, including accessibility of the buildings. The "[COVID-19 Court Operations Update \(Read Here\)](#)" link, contained within a yellow banner at the top of the home screen, will take you directly to the latest updates. Currently, nearly all staff are still working remotely but we are available by telephone and email to assist you. We hope you and yours remain safe and healthy during this time.

Reaffirmation Agreements: Are They Really in the Debtor's Best Interest?

In the July 2020 issue of the [Court Connection](#), the newsletter published by the U.S. Bankruptcy Court for the Middle District of Florida, Judge Catherine Peek McEwen shared [four stories](#) where her disapproval of reaffirmation agreements were a success story for the debtors. Chief Judge Karen Specie of the U.S. Bankruptcy Court for the Northern District of Florida shares a recent "success from disapproval" story here:

To dismay of many of my colleagues (and most of my law clerks at the beginning of their terms), since taking the bench my favorite hearings have been reaffirmation hearings. I often continue the hearings to give debtors time to ponder, attempt to negotiate, and attempt to find a replacement vehicle. Recently, I had one where a single dad of a 10-year old son wanted to reaffirm a loan secured by an RV; upside down by about \$12k, interest rate of about 18%, and presumption of undue hardship. Fortunately due to my years as a Chapter 7 Trustee, before discussing the pros and cons I asked whether the RV was for recreation. The answer was "no." The Debtor and his son had lost their home and were temporarily living in the RV. After explaining why I did not think I could approve the reaffirmation as being in his best interest, I continued the hearing and suggested that the Debtor continue his efforts to find new housing and give the matter some more thought. At the continued hearing, the Debtor thanked me profusely – he had been able to find and rent an apartment; the rent was a little less than the RV payment and he had made arrangements to turn in the RV. He repeated multiple times during the hearing how "relieved" he was to be out from under this debt and thankful that we slowed down the process long enough to give him time to really appreciate what he was trying to do.

Reaffirmation hearings are almost the only direct contact we have with unrepresented parties (and some represented parties who need more help). Here we actually have an opportunity to say something that can really make a difference in peoples' lives. I find them very gratifying.

Judge Specie wants to share Judge McEwen's "lessons to be learned" from these stories:

- ◆ Lenders perhaps should negotiate lest they get caught holding the bag on a underwater loan.
- ◆ Some lenders misstate the value in reaffirmation agreement.
- ◆ Debtors' counsel need to bone up on redemption lenders and the redemption process and not blindly recommend signing a reaffirmation agreement that is wildly upside down.
- ◆ *Pro se* debtors listen, so judges should take the opportunity to speak.

Filing Fee Payment Processing Delays

Filing fee payments received by mail may not be immediately processed due to limited staff and possibly limited physical access to the courthouse. Please allow 7-10 business days for payments to be posted to your case. *Cases will not be dismissed for nonpayment until it is confirmed that there is not a payment waiting to be processed.* Payment processing times will return to normal after the COVID-19 emergency has passed. We apologize for any inconvenience this may cause.

Administrative Order 20-011 Vacated

Chief Judge Karen Specie recently vacated Administrative Order 20-011, *Emergency Order Regarding Papers for Panama City and Pensacola Division Cases and Proceedings Due to Hurricane Sally* which authorized the filing of papers at the intake counter of the U.S. District Court in Pensacola.

For questions regarding the filing of papers or pleadings in this district, please contact our help desk at CMECF_HelpDesk@flnb.uscourts.gov or by phone toll free at 866-765-1752.



Views & News from the Bench

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

Happy New Year and Hooray for 2021!

What a year! 2020 brought a global pandemic, lots of hurricanes, wildfires, a seemingly never-ending Presidential election, masks, social distancing, homeschooling, teleworking, stay-home orders, and more. As we looked forward to a brighter 2021, along came January 6: the first breach of the U.S. Capitol building since the British burned it in 1814 during the War of 1812.

For the Northern District, 2020 wasn't all bad. Here are some of the positives:

Phenomenal Clerk's Office and IT Staff

The Clerk's office staff transitioned admirably to working almost exclusively remotely. Their remote work, which we expect will continue well into 2021, has enabled our court to continue operating smoothly and seamlessly. Thanks to excellent leadership of and training by Clerk, Traci Abrams, Deputy Clerk, Travis Green and Director of Court Operations, Tammi Boswell.

Our Systems and Operations Support staff has worked tirelessly to make this happen while also working remotely. They have installed remote workstations for Court staff, provided essential software and hardware support to keep our CM/ECF and other systems working smoothly, and learned new technology to streamline remote hearings, published newsletters, court bulletins and updates for the public, and keep ADI and other unseen systems running smoothly.

Your cases could not proceed as needed without these dedicated individuals who continue to provide excellent service while balancing their duties with children, animals, spouse(s), slow internet and intermittent power outages.

Outstanding Pro Bono Service

Attorney India Footman handled five (5) *pro bono* cases in this district in 2020 and was nominated in 2020 for The Florida Bar's YLD *Pro Bono* Award. She has been recognized since 2017 by the NDFLBBA and the Court for her selfless *pro bono* service. Other of our attorneys who handled *pro bono* cases in 2020 include: Kathryn Hathaway (1), Thomas B. Woodward (1), Joel Cohen (1), and Byron Wright (1). THANK YOU to each attorney who has taken a case or matter *pro bono*.

Matters involving self-represented parties take an enormous amount of the Court's time and resources. Please consider taking at least one *pro bono* case in 2021. If you handled a *pro bono* matter in 2020 and your name does not appear here, please let us know so you can be recognized.

Efficient Hearings and Trials

Courtroom Deputy, Janet Weems-Cainion, continues to run hearings with efficiency, style and grace while working remotely much of the time. It is gratifying that many of you have reported that remote hearings have helped you and your clients by reducing travel and time spent in the courtroom waiting. Until it is safe to resume in-person hearings we will continue to conduct most hearings virtually. We anticipate commencing Chapter 11 confirmation hearings via Zoom.gov soon, with other hearing types

Continued on Page 4

Continued from Page 3

to follow. It will be great to see each other's faces again!

Sign up for our IT department's weekly Zoom training sessions before participating in any video hearing; information is on our website. **Be on the lookout for Administrative Order 21-001 that will contain procedures for virtual hearings.**

Stellar work by our Local Rules Committee

Led by Chair Trevor Thompson, and after months of intense focus and dedication, the Local Rules Committee finalized changes to our Local Rules that had been in progress since 2013. The Committee continues to meet at least once monthly and is working on additional Local Rules changes to keep up with changes in the Bankruptcy Code and Rules.

Notable 2020 Administrative Orders

[20-001](#) – Implements rules for Subchapter V cases filed under the Small Business Reorganization Act of 2019 ("SBRA").

[20-004](#) – Extended certain deadlines to coincide with the extension of § 341 Meetings due to COVID-19.

[20-005](#) – Allows self-represented parties to file documents via email, facsimile, U.S. mail, or other means authorized by the Court.

[20-006](#) – Temporarily suspends the requirement that attorneys obtain original client signatures if certain conditions are met.

[20-007](#) – Adopts the Coronavirus Aid, Relief, and Economic Security Act ("CARES") changes to Interim Bankruptcy Rule 1020.

[20-008](#) – Sets forth procedures for modifying Chapter 13 Plans pursuant the CARES Act.

As we all look forward to a great 2021, with even better technology for hearings and hopefully an end to the Covid-19 pandemic, please continue talking and cooperating with each other so we can process cases smoothly even after the expected tsunami of bankruptcy cases arrives.

Use what talents you possess; the woods would be very silent if no birds sang there except those that sang best.
~Henry Van Dyke

Words that Inspire Us

Submitted by Travis Green, Tammi Boswell, and Julie Gibson

Don't let anyone rent space in your head unless they're a good tenant. ~ Unknown

Expect nothing, appreciate everything.
~ Unknown

Procrastination is often misspelled as perfectionism. ~ Unknown

HELP DESK HINTS... Local Rules Reminder

The [Local Rules for the U.S. Bankruptcy Court, Northern District of Florida](#), are available on our website in searchable PDF format. Failure to adhere to the requirements in the Local Rules may result in a delay of processing your pleading or could result in denial or disapproval of your request. Please familiarize yourself with and consult these Rules when filing pleadings in our court and monitor our website for changes as the Local Rules are updated as a result of changes to the Bankruptcy Code and Rules. Thank you.





Preparing to move to NextGen

The bankruptcy court for the Northern District of Florida is finally beginning preparations for the long-awaited migration to CM/ECF Next Generation ("NextGen").

We plan to "go live" late this year, but you will start to see some changes in the program immediately as we clean up our menus to remove duplicated filing events (e.g., the *Withdrawal of Document* event is currently in six (6) different menus). As these changes are made, you may use the keyword Search feature in the blue menu bar at the top of your screen to locate a filing event if it is removed from a menu where it was previously located.

More details and training information will be provided as we get closer to December.

Pro Bono Honor Roll

We take great 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 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 support in serving the people of our district:

Joel M. Cohen

Joel M. Cohen, Attorney at Law

India Footman

Footman Law Firm, P.A.

Kathryn Hathaway

Hathaway Law Firm

Thomas B. Woodward

Bruner Wright, P.A.

Byron Wright, III

Bruner Wright, P.A.

2021 Holiday Closings

We will be closed as noted below in observance of the federal holidays designated in 5 U.S.C. § 6103:

Monday, February 15
Washington's Birthday

Monday, May 31
Memorial Day

Monday, July 5*
Independence Day

Monday, September 6
Labor Day

Monday, October 11
Columbus Day

Thursday, November 11
Veteran's Day

Thursday, November 25
Thanksgiving

Friday, December 24*
Christmas Day

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

**Federal holidays which occur on a Saturday or Sunday are usually observed on a Friday or Monday, respectively.*

New PACER Features

PACER will soon update their website to include the following new features:

- Column and font options
- Column sort options
- Options to search for open or closed cases for appellate, district, and bankruptcy cases

The PACER system will be undergoing maintenance on Sunday, January 24, 2021 from 4:00 a.m. to 6:00 p.m., CT. Access to certain areas of the site may be temporarily unavailable during this time.

Stay Informed


Tips & Tricks

The fastest way to receive information from our court is to register with GovDelivery for email notifications or to sign up for the RSS Feed from our website. Our website is immediately updated to notify you of changes to court operations during severe weather, unforeseen circumstances occurring in our area, and the COVID-19 pandemic, as well as new or modified administrative and procedural processes. Registration with GovDelivery will also allow you to receive updates from other courts with which you may be affiliated. Sign up using either method under the "News & Announcements" section on our home page.

News & Announcements

NEW - Sign Up to Receive E-Mail Notifications Through GovDelivery

e-mail address

 RSS (Subscribe to Receive RSS Feed Updates)

Note: You must have a "reader" to receive RSS Feed updates.

Ann Laritz—30 years Case Administrator

MILE 20 On July 2, 2020, Ann celebrated *thirty years* of service with the U.S. Bankruptcy Court for the Northern District of Florida. Hired as a case manager when the Pensacola divisional office was first opened, Ann has been a steadfast wealth of knowledge for the practitioners and public in the Northern District, as well as for those of us who work with her. In her personal time, Ann and her husband enjoy Florida's beautiful beaches, camping, their dog, and their family.



Ne'Shoni Love-Beane —10 years Financial Administrator

MILE 10 Ne'Shoni joined our court on June 21, 2010 as a Bankruptcy Generalist in the Tallahassee office. During that time, she has been promoted several times, first to Case Administrator, then Budget Analyst, and now serves as the Financial Administrator for our court. Ne'Shoni has taken on every task given her with a gusto for learning what she needs to know to excel and get things done. She spends her personal time with her husband, their three children, and friends and family, enjoying kids' activities and the great outdoors.

Congratulations and thank you for all you do!

ECF Essentials

We Have an Event for That!

It is an infrequent occurrence indeed when someone needs to file a paper and we do not have an event for it. One document that is often filed using an incorrect event (or not filed at all!) is the **Rule 1019 Statement for Converted Case (Paperless)** which is available to report there are no changes to the scheduled and statements in a converted case. There is a form ([Local Form 7-35](#)) for use by *pro se* debtors but attorneys may file the paperless statement.

To locate a filing event, use the keyword search at the top of your screen in the blue menu bar:



If you are unable to locate a filing event for your paper, please contact our Help Desk at 1-866-765-1752 or by email at CMECF_HelpDesk@flnb.uscourts.gov.



Streamlined Forms for Completing Chapter 11 Financial Reports ([Press Release](#))

In December, the Department of Justice's U.S. Trustee Program (USTP) announced the publication of a final rule in the Federal Register that streamlines the financial reports required under the Bankruptcy Code to be filed with the bankruptcy court by the vast majority of business and individual debtors in chapter 11 bankruptcy, including in the largest reorganization cases. The rule, entitled "Procedures for Completing Uniform Periodic Reports in Non-Small Business Cases Filed Under Chapter 11 of Title 11," replaces approximately 150 existing variations of these reports with two uniform forms to be used nationally: a monthly operating report filed before plan confirmation and, after plan confirmation, a quarterly post-confirmation report to show compliance with the plan. The rule does not apply to debtors who are small businesses or who, in accordance with the CARES Act, have elected relief under subchapter V of chapter 11.

Effective Date: The rule, posted at <https://www.justice.gov/ust/rules-and-federal-register-notice>, provides for a 180-day implementation period so the new forms will become effective and apply to all reports filed on or after June 21, 2021. To facilitate outreach, the USTP has established a [resource page](#) on its website where interested stakeholders can access the rule, the report forms, and all related instructions. The resource page also will be used to keep the public informed of relevant implementation updates.

Agreements Reached with Three Mortgage Servicers Providing Remediation to Homeowners in Bankruptcy ([Press Release](#))

The USTP announced last month that it has entered into national agreements with three mortgage servicers to address past mortgage servicing deficiencies impacting homeowners in bankruptcy. The agreements with Nationstar Mortgage, LLC, U.S. Bank National Association, and PNC Bank, NA, address noncompliance with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure that impacted over 60,000 accounts of borrowers in bankruptcy dating back to 2011 and resulted in payment application errors; inaccurate, missing, and untimely bankruptcy filings; and/or delayed escrow statements.

Collectively, the agreements provide over \$74 million to remediate over 76,000 historical servicing errors impacting borrowers in bankruptcy. The agreements also require the servicers to implement improvements in their bankruptcy operations to ensure that the errors do not recur. Most of the remediation and corrective actions have already been taken by the servicers.

The servicers have or will provide account credits and refunds to impacted bankruptcy borrowers. Nationstar has provided more than \$40 million in credits and refunds. U.S. Bank has, or will, provide at least \$29 million in credits and refunds, and has waived approximately \$43 million in fees and charges across its mortgage servicing portfolio, including for borrowers in bankruptcy. PNC provided close to \$5 million in credits and refunds, as well as additional remediation in the form of lien releases and debt forgiveness.

These agreements do not affect the rights of any homeowner or other third party, including other governmental agencies. Bankruptcy borrowers with questions may contact the servicers at:

Nationstar Mortgage LLC	PNC Bank	U.S. Bank
833-981-2112	855-245-3814	888-724-7362.

The agreements are posted at <https://www.justice.gov/ust/national-mortgage-settlements>.

FLNB Resources

Rev. 10/20

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

Jestin Hawkins
(850) 521-5016

Latonia Isom
Court Operations Specialist
(850) 521-5012

Tammi Boswell
Director of Operations
(850) 521-5011

Carolyn Romine
(850) 470-3062

Karla Lee Hue
(407) 237-8019
For cases assigned to Judge Jennemann

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

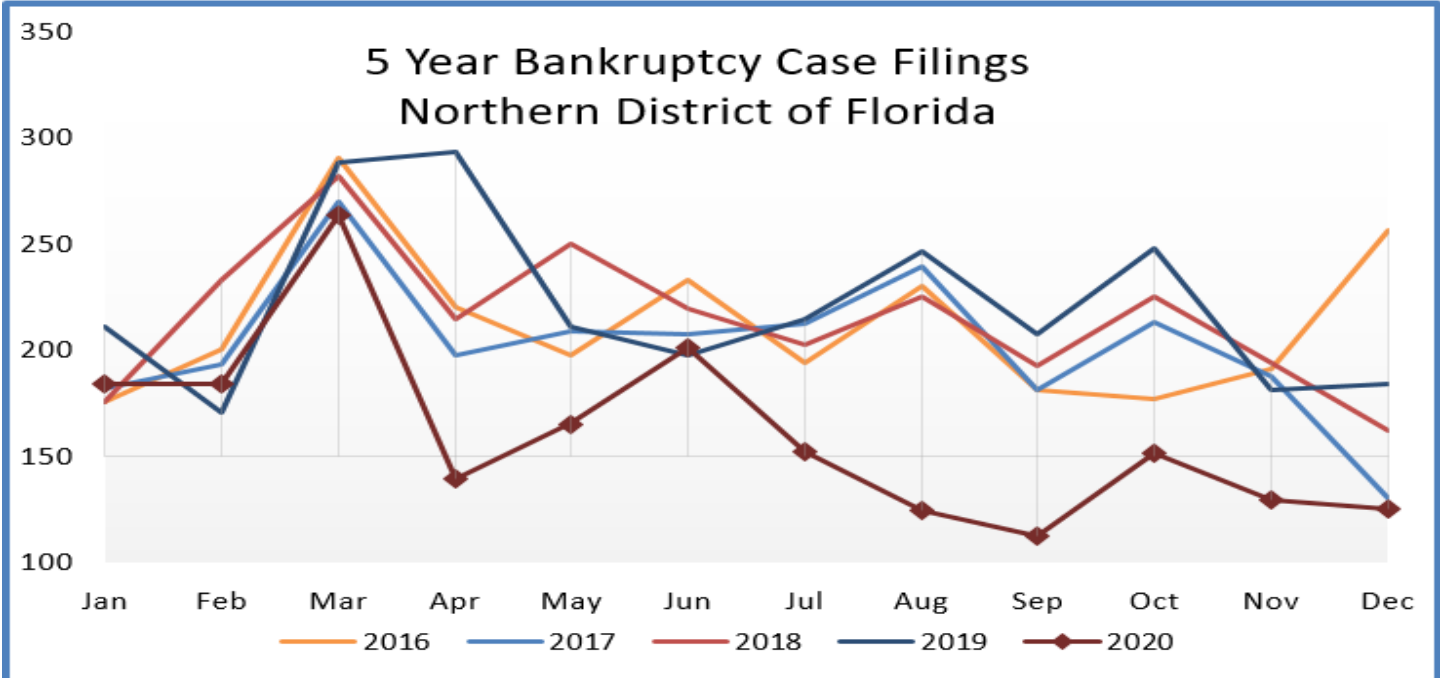
Help Desk &
CM/ECF Access
(850) 521-5001
(866) 765-1752

Elizabeth Bolton
(850) 470-3061

Sloane Akinsanya
(850) 521-5010

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



The chart above represents the case filings as of the end of the month prior to the publication of this newsletter. Monthly caseload statistics for the U.S. Bankruptcy Court, Northern District of Florida, are posted to the Court Resources page of our website at www.flnb.uscourts.gov/court-filing-statistics. Statistical information will be available by the 15th of each month for the month preceding.

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.