



THE BANKRUPTCY ADVISOR



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Filing Fees Increased June 1

Please note that the fees for filing a new case, splitting a case, and for adversary proceedings increased effective June 1, 2014. This fee increase also affects installment amounts, where applicable:

Chapter 7 **\$335.00**

- Voluntary, Involuntary, or Split Joint Case
- Suggested installment amounts of \$125.00 with the filing of the petition and three monthly installments of \$70.00

Chapter 9 **\$1717.00**

Chapter 11 **\$1717.00**

- Voluntary, Involuntary or Split Joint Case

Chapter 12 **\$275.00**

- Voluntary or Split Joint Case
- Suggested installment amounts of \$95.00 with the filing of the petition and three monthly installment payments of \$60.00

Chapter 13 **\$310.00**

- Voluntary or Split Joint Case
- Suggested installment amounts of \$100.00 with the filing of the petition and three monthly installments of \$70.00

Chapter 15 **\$1717.00**

Adversary Proceeding **\$350.00**

Please ensure that your bankruptcy software, if used, is updated to the most current version to include these fee changes.

Please see [page 3](#) of this publication for more changes effective June 1 and those that will take effect December 1.

ECF Essentials

Docketing Attachments or Exhibits in CM/ECF

When uploading attachments to a pleading in CM/ECF, filers may use the “Category” options presented but must also use the “Description” field to fully describe the nature of each attachment.

Select one or more attachments.

1) Select the PDF document that contains the attachment.

Filename

Browse...

2) Fill in the fields below.

Category

and/or

Description

Exhibit

Brief description of attachment here

3) Add the filename to the list box below. If you have more attachments, go back to Step 1. When the list of filenames is complete, click on the Next button.

Add to List

“Portal” Training for Mortgage Modification Mediation is Coming Soon to a City Near You!

By Judge Specie

As you have read in the prior edition of our Newsletter, our District has joined with the Middle and Southern Districts of Florida in an effort to make mortgage modification mediation (“MMM”) uniform throughout Florida. Our District’s Standing Chapter 13 Trustee, Leigh Hart, is working with the Chapter 13 Trustee from the Middle District of Florida to arrange training on a secure “Portal” for use in uploading documents needed for mediation, and for facilitating communications between parties to mediation. As soon our court receives confirmation of date(s) for training, we will send out an announcement and post the information on the Court’s website.

Tips & Tricks

Proposed Orders

Proposed orders are **not** to be submitted in CM/ECF as an attachment to the matter to which it relates.

Proposed orders that are attached to the docket entry of the pleading or matter to which it relates will not be processed.

Update on Proposed Orders Submission Issue:

We continue to experience technical difficulties which prohibit the submission of proposed orders through CM/ECF and have caused the failure of ECF Central and our Public Calendar. Our IT team is diligently working on this issue. Please continue to monitor our website at www.flnb.uscourts.gov for updates and instructions on submitting proposed orders until this issue is resolved.



Welcome Libby Deroche!

Libby joined the Clerk’s Office as a Case Administrator in the Pensacola Divisional Office on June 16. She has worked in the bankruptcy field for nineteen years for attorneys in the Fort Worth, Texas, area and more recently for the Amy Sliva Law Office in Pensacola. With her understanding of the bankruptcy system and her sunny disposition, we anticipate that Libby will be a tremendous asset to the Clerk’s Office. Welcome to the court family, Libby!



The Evolution of U.S. Bankruptcy Law: a time line

Have you ever wondered how it all got started in the United States? *The Evolution of U.S. Bankruptcy Law: a time line*, a publication by the Federal Judicial Center, provides a unique time line mapping the evolution of bankruptcy law from its inception in 1787 in the U.S. Constitution through 2011. It also provides statistics demonstrating the burgeoning bankruptcy caseloads, and historical snapshots of select sociopolitical events that occurred along the way. Take a look!

[www.fjc.gov/public/pdf.nsf/lookup/bktimeline2012.pdf/\\$file/bktimeline2012.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/bktimeline2012.pdf/$file/bktimeline2012.pdf)

Forms Changes Effective June 1

As part of the U.S. Courts' Forms Modernization Project the names of a few official bankruptcy forms were changed effective June 1, 2014. In response, the names of the filing events in CM/ECF have been updated to reflect the new names as shown below:

- Application for Individuals to Pay the Filing Fee in Installments
- Application for Waiver of Chapter 7 Filing Fee
- Notice to Individual Consumer Debtor

Forms Changes Effective December 1

Several new forms will become effective on December 1, 2014, as will several form name and form number changes to current forms. The new and renamed forms as well as the new form numbers are shown below:

- **Form 17A** Notice of Appeal and Statement of Election
- **Form 17B** Optional Appellee Statement of Election to Proceed in District Court
- **Form 17C** Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)
- **Form 22A-1** Chapter 7 Statement of Your Current Monthly Income
- **Form 22A-1Supp** Statement of Exemption from Presumption of Abuse Under § 707(b)(2)
- **Form 22A-2** Chapter 7 Means Test Calculation
- **Form 22B** Chapter 11 Statement of Your Current Monthly Income
- **Form 22C-1** Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period
- **Form 22C-2** Chapter 13 Calculation of Your Disposable Income

Please be aware that these changes may require an update to any bankruptcy petition preparation software you use.

HELP DESK HINTS... Web Browser Compatibility

CM/ECF has been tested and is compatible with the following internet browsers:

Firefox and Internet Explorer 8 and 9 only. It has *not* been tested with later versions of Internet Explorer, Chrome, Opera, Safari, or other browsers. We cannot guaranty their compatibility with CM/ECF.

If you are using a later version of Internet Explorer, you must ensure that you are running "compatibility mode" to file and view documents in CM/ECF.



Telephonic (CourtCall) Hearings

By Judge Specie

At present, this District's telephonic hearings are held using CourtCall, a service that charges a fee for each person making a telephonic appearance. On our website, and on telephonic hearing notices, you will see:

II. SCHEDULING A TELEPHONIC APPEARANCE

By Telephone: Absent an emergency, telephone appearances must be arranged by calling CourtCall at (866) 582-6878 *not later than 3:00 p.m. one day prior to the hearing date.* In an emergency, you may contact chambers at 850-521-5031. For additional details regarding CourtCall appearances see: www.flnb.uscourts.gov/sites/default/files/court_resources/telephonic_appearance_procedures.pdf.

More and more frequently attorneys/staff are telephoning chambers (as well as the Clerk's office who then refer the calls to chambers) the day of, just prior to or during a hearing to ask permission to appear via Court Call. Some are unfamiliar with the CourtCall procedure; some have had calendaring issues in their offices; and others simply did not read the instructions until the last minute. Each time a party requests to join a hearing at the last minute it creates extra work for Chambers, the Courtroom Deputy and others. Seldom has there been a true "emergency" that justifies permitting a party to appear via CourtCall at the last minute.

Although of late we have been accommodating most last minute requests, it is too disruptive to Court personnel and the Judge's hearing calendar to continue to do so. **Please note, AND TELL YOUR STAFF, that the Court intends to begin (again) enforcing the CourtCall scheduling requirements shown above. DO NOT EXPECT LAST MINUTE REQUESTS TO APPEAR VIA COURTCALL TO BE GRANTED, unless you or your staff present what, to the Court, qualifies as a true "emergency." Failure to plan ahead or to read the rules regarding telephonic appearances is NOT an emergency. PLAN ACCORDINGLY.**

N.D. Fla. LBR 3012-1 Valuation of Collateral & Response to Notice

Local Rule 3012-1 specifies disclosure of proposed valuation of collateral and responses thereto. Responses to the valuation of collateral are to be filed in the form of a Motion to Value Property or a Motion to Determine Secured Status and specific supporting documentation is required.

Please review this Local Rule to ensure that you are in compliance with our requirements. Failure to file the required documents or failure to file your response to the Notice of Valuation in the proper form will result in a Submission Error Notification.

Local Rules for the U.S. Bankruptcy Court for the Northern District of Florida are available on our website at www.flnb.uscourts.gov/sites/default/files/local_rules/local_rules_12_1_2011a.pdf.

The current Local Rules Revision Cycle is in the final stages of review and approval. We anticipate the revised Local Rules will be effective December 1, 2014. More information as well as a summary of the changes will be provided closer to that time.

THE CLERK'S CORNER

By: Traci Abrams, Clerk of Court

Teamwork Saves the Day!

During April of 2014, the Pensacola division received the heaviest rainfall in one day since the late 1800s. Many homes and roadways were damaged due to flooding as were businesses. The Winston Arnow Federal Building flooded with over 1000 gallons of water in the basement level. As a result, the Bankruptcy Clerk's Office in Pensacola was temporarily closed.

The Director of Court Operations and her Tallahassee Operations staff pitched in and covered all of the daily activities for the Pensacola Case Administrators. The docket activity for the prior day received a quality control review, phone calls on Pensacola cases were answered, hearing schedules were updated for attorneys who practice in both Pensacola and Panama City, and twenty-nine 341 meetings were rescheduled. The Tallahassee team was glad to help and knew that the Pensacola staff would have offered the same great service for them had it been needed.

Judge Karen Specie and the Clerk's Office management team are very proud of the way the case work was handled efficiently and without complaint, especially with the threat of flooding in Tallahassee as well. Even though the Tallahassee office closed an hour early due to the impending storm, all of the work was done by the time staff had left.

In addition, I would like to thank my Chief Deputy who was in Tallahassee and traveled back to Pensacola during a low point in the storm. He was able to survey building damage, liaise with GSA and building support staff, and perform his emergency point of contact role for the Clerk's Office.

Judge Specie and I are very thankful and feel extremely fortunate to have such a dedicated and talented court team in place.

**Inability to view documents or receiving a blank page when viewing documents**

If you are experiencing this issue, you may need to adjust some settings in your Adobe Reader. Try the suggestions below and make sure you open a new browser session after making any of the changes.

Check the version of Adobe Reader you are using, then try the following:

- ◇ Settings for Adobe Acrobat 4.0
 - On the toolbar
 - Select **File->Preference->General->Options**
 - Remove the check mark under **Web Browser Integration**
- ◇ Settings for Adobe Reader 5.0
 - On the toolbar
 - Select **Edit->Preference->General->Options**
 - On the right hand side of the screen, uncheck the following features:
 - **Display PDF in Browser** and **Allow Fast Web View**
- ◇ Settings for Adobe Reader 6.0, 7.0, 8.0 or 9.0
 - On the toolbar
 - Select **Edit->Preference->Internet**
 - On the right hand side of the screen, uncheck the following features:
 - **Display PDF in Browser** and **Allow Fast Web View**

See the PACER "[Frequently Asked Questions](#)" page for help with other issues you may be having.

How to Get Your Proposed Orders Signed Faster

The Clerk's Office staff and Judge Specie's Judicial Assistant spend countless hours making modifications to many of the proposed orders we receive to meet Judge Specie's basic language and formatting requirements or to correct punctuation and spelling errors. We are also directed by chambers to return many proposed orders to attorneys for the following most common reasons:

- Title of the order does not exactly match the title of the motion or application and/or does not include the document number of the matter to which it relates
- Correct dispositive language was not used or the disposition is not included
- Body of the order does not contain the document number or name of the motion or document to which it relates
- Does not contain the name of the person who prepared the order
- Amended order does not contain an explanation of the amendment
- References to proofs of claim or docketed items do not contain the full name and docket or claim number
- Order on objection to claim does not include the address of the claimant
- Order on objection to claim does not include the amount of the claim to be disallowed (may not use "disallowed in its entirety")
- Incorrect formatting
- Motion to Amend Order not filed pursuant to Fed. R. Bankr. P. 9013
- The judge will not sign the order as drafted (typographical errors, incorrect language, etc.)
- Order grants more relief than requested in motion
- Order does not show to whom it is being sent

To ensure that your orders are processed expeditiously, please make certain that all proposed orders meet the following guidelines which are also available on our website at www.flnb.uscourts.gov/sites/default/files/filing_requirements/4-inst.pdf.

TITLE: The title of the proposed order should contain the disposition of the matter, contain the name of the movant and the docket number of the related matter, and should completely match the title of the related matter (ONLY ONE MATTER PER ORDER).

DISPOSITION: The correct disposition terminology should be used:

Motions are granted or denied.

Objections are sustained or overruled.

Applications are approved or disapproved.

Non-dispositional language such as "Order on Motion" will not be accepted.

BODY: The opening paragraph of the proposed order should contain the document number of the motion or document to which the order is related.

PREPARED BY: The name of the attorney who prepared the proposed order is to be indicated at the end of the document.

See Proposed Orders on Page 7

Proposed Orders (continued)

AMENDED ORDERS: Amended orders must contain a footnote explaining why the original order is being amended.

REFERENCED DOCUMENTS: Proposed orders which contain references to Proofs of Claim or items on the docket such as responses, amendments, etc., should contain the name(s) and docket or claim number (s) of those items.

OBJECTIONS TO CLAIMS: Orders sustaining objections to claims should clearly indicate the amount of the claim to be disallowed. Do not simply state “claim is disallowed in its entirety.”

PLAIN LANGUAGE: Utilize plain language as follows:

CORRECT: “It is Ordered.”

INCORRECT: Accordingly; Hereby; Therefore; Adjudged and Decreed; Whereas

INCORRECT: “The Court is of the opinion...” or “The Court having reviewed the file...”

CORRECT: “No party filed an objection within the prescribed time period, the court considers the matter unopposed.”

INCORRECT: “No response having been filed, the court is of the opinion that the Motion is due to be granted.”

FORMAT:

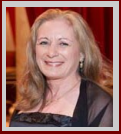
- Documents must be double spaced and contain only basic formatting.
- Use the same font type and size throughout the document (preferably 12 pt. font).
- When using properly spelled Latin terms (e.g. *in rem*), you must either underline the term or use Italic font.
- Ensure that the correct judge’s initials appear after the case number within the header.
- Ensure that the Chapter identification, e.g., Chapter 7, appears above or below the case number within the header.
- The name of the attorney who prepared the order is to be indicated at the end of the document.
- To save space, position the judge’s signature line approximately one (1) inch below the date line.

To view examples or for additional requirements, please visit our website at www.flnb.uscourts.gov/filing-requirements/instructions-and-procedures-chambers.

No Ex Parte Communications

Judge Specie shall not engage in *ex parte* communication of any kind. **Bankruptcy Rule 9003** states: “any party in interest, and any attorney, accountant, or employee of a party in interest shall refrain from *ex parte* meetings and communications with the court concerning matters affecting a particular case or proceeding.” Failure to comply with this rule may result in sanctions.

Do not write letters to, e-mail, or call Judge Specie or her Law Clerks on any pending case or proceeding. Except in extremely unusual circumstances, each letter or e-mail addressed to Judge Specie or her Law Clerks, or sent to the court and identifying a particular case or proceeding, will be placed on the relevant docket and made part of the public record. Any such letter or e-mail may be set for hearing.



Views & News from the Bench

By: Karen K. Specie

United States Bankruptcy Judge, Northern District of Florida

PRO BONO SERVICES – PLEASE CONSIDER WALKING THE WALK

Florida lawyers know, but our court staff and non-lawyers may not, that every lawyer admitted to the Florida Bar took a solemn oath to serve the “cause of the defenseless and oppressed.” This oath means, in practical terms, that every Florida lawyer has given his or her word to provide legal service *free of charge* to the poor.¹

Pro se filings – cases filed by people who do not have lawyers -- in our court are on the rise. What does that mean to you? Most likely, that our case processing, hearing dockets and hearings may slow down. Pro se cases consume more bench time and Clerk of Court staff time. Due to Federal budget cuts and downsizing, our case administrators are already working as hard and fast as they can. Papers filed by unrepresented litigants can be very lengthy, address sometimes inapplicable issues and be difficult to understand. Other times these papers are simply so brief as to make it difficult to determine just what relief is requested and why. So it takes more time for the Court and its staff to ascertain how to handle these filings. When a party is unfamiliar with evidentiary and procedural rules, that party’s case can move at a snail’s pace; couple that with the fact that in the Eleventh Circuit bankruptcy judges are *required* by case law to be lenient with unrepresented parties, and you and your client can end up frustrated. The client’s case can be fraught with delays and additional attorneys’ fees and expense.

On behalf of myself and our entire court, I sincerely thank the attorneys in our District who have represented parties in bankruptcy pro bono. Those of you who have not taken a case or adversary proceeding pro bono, I urge you to do so -- we need you! Yes, Florida lawyers may fulfill their Florida Bar professional responsibility requirements by donating money (the Supreme Court suggested contribution is \$350.00 per year) for pro bono services. But donated money does not make court cases or dockets go any faster. PLEASE consider walking the walk, and take a pro bono case or adversary proceeding today.

UNITED STATES SUPREME COURT RULES ON Executive Benefits Insurance Agency v. Arkison (In re Bellingham Ins. Agency, Inc.)²

On June 9, 2014 the Supreme Court issued its long-awaited decision in the “Bellingham,” or “Executive Benefits” case. The Court granted Certiorari in a case from the United States Court of Appeals for the Ninth Circuit, apparently to address a key question that had split the Circuits: may a bankruptcy (Article I) court issue a final judgment over a state law claim with consent of the parties?³ The Ninth Circuit had said yes, but the Fifth, Sixth, and Seventh Circuits have said no. Rather than resolve the split, the Supreme Court held that because in Bellingham the District Court (Article III court) had already reviewed the bankruptcy court’s final judgment *de novo*,⁴ it was unnecessary to reach the ultimate issue. This case, like *Stern*,⁵ appears likely to generate more case law on which issues can be finally decided by bankruptcy courts; it has already begun to generate significant “expert” commentary. It remains to be seen whether this ruling will, as a practical matter, change anything at the bankruptcy court level on how “*Stern*” type issues are handled.

¹The Latin term for such service is *pro bono publico*, meaning for the public good, which we in the legal field shorten to pro bono.

²Case No. 11-35162 (9th Cir. December 4, 2012).

³District Courts are Article III courts because District judges have lifetime tenure and their salaries may not be changed by the Legislature. Bankruptcy Courts are Article I courts because bankruptcy judges do not have lifetime tenure and their salaries may be adjusted by Congress.

⁴Pursuant to 28 USC 157 (c)(1).

⁵*Stern v. Marshall*, 546 U.S. _____, 131 S.Ct. 2594, 10 L.Ed. 2d 475 (2011).

NORTHERN DISTRICT OF FLORIDA BANKRUPTCY BAR ASSOCIATION

2014 Annual Seminar**September 18-19, 2014****Registration Fee: \$200****(NO INCREASE!)**

Includes annual membership dues, cocktail reception on Thursday night at the Hilton Sandestin Beach Golf Resort beachside deck, and breakfast, lunch & beverages during the seminar Friday

Hilton Sandestin Beach Golf Resort

Seminar Room Rate: \$199.00 per night
Hotel reservations made separately and must be made by **August 18th**.

Golf Outing & Cocktail Reception - Thursday, September 18

A golf outing will take place on Thursday afternoon, September 18th at 1:00 p.m., Central Time, at the Baytowne Golf Club. The cost will be \$83.00 per person. Please RSVP to Michael Moody at moodym@gtlaw.com or Conor McLaughlin at cmclaughlin@qpwbllaw.com for the golf outing.

The Annual Cocktail Reception will be Thursday night, September 18th at 6:00 p.m., Central Time, at the Hilton Sandestin Beach Golf Resort beachside deck. If you or your firm would like to sponsor the reception, please contact Brian Rich at brich@bergersingerman.com.

Bronze - \$150**Silver - \$250****Gold - \$350****Platinum - \$500****Title Sponsorship - \$1000****SEMINAR & MEMBERSHIP MEETING - FRIDAY, SEPTEMBER 19**

8:00 am	Continental Breakfast & Late Registration	12:00 pm	Lunch Break & Annual Membership Meeting Russell B. Buchanan, Esq.
8:45 am	Welcome Russell B. Buchanan, Esq. - Baker Donelson	1:00 pm	Ethics and Professionalism Honorable Lewis M. Killian, Jr.
9:00 am	Case Law Update James E. Sorenson, Esq. - Williams, Gautier, Gwynn, DeLoach & Sorenson	2:00 pm	Talking in Code: The UCC, Tax Code, & Bankruptcy Code Douglas A. Bates, Esq. - Clark, Partington, Hart, Larry, Bond & Stackhouse
9:40 am	<i>Onebearance, twobearance, threebearance, forbearance: The Calculus Behind the Forbearance Process</i> Honorable Jerry A. Funk, Middle District of Florida Bankruptcy Judge & Roy S. Kobert - GrayRobinson, P.A.	2:45 pm	Coffee Break
10:30 am	Coffee Break	3:00 pm	Chapter 13 Trustee Q&A William C. Miller
10:40 am	U.S. Trustee's Office Update	3:30 pm	Clerk's Office Update
11:00 am	View from the Bench Honorable Karen K. Specie Honorable Margaret A. Mahoney Honorable William S. Shulman	4:00 pm	Exemptions Update John E. Venn, Jr., Esq.
		4:45 pm	Closing Remarks Russell B. Buchanan, Esq.

Northern District of Florida Bankruptcy Bar Association
2014 Annual Seminar Registration Form

Return this sheet with your check (made payable to the Northern District of Florida Bankruptcy Bar Association, Inc.) to: Michael H. Moody, Esq., moodym@gtlaw.com, (850) 425-8544, Greenberg Traurig, P.A., 101 East College Avenue, Tallahassee, FL 32301.

- I am attending the seminar and joining NDFLBBA for the first time (\$200)
- I am attending the seminar and renewing my membership in NDFLBBA (\$200)
- I am attending the seminar as a full-time legal services attorney or first year attorney (\$150)
- I am not attending the seminar but would like to join/renew my membership in NDFLABBA (\$50)

Name: _____

Firm Name: _____

Mailing Address: _____

Phone Number: _____

Fax Number: _____

E-mail Address: _____

Changes to eFinCert Effective August 1, 2014

Effective August 1, 2014, filers will be required to enter a PACER login and password to file financial management certificates through the eFinCert program in the Northern District of Florida.

Registration with PACER is free and can be done through their website at www.pacer.gov/register.html.

Please note that you will not register directly with our court. Questions regarding the registration process should be directed to the PACER Service Center at pacер@psc.uscourts.gov or (800) 676-6856.

FLNB Resources

Rev. 06/14

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 Kennington
(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) 521-5011
(866) 639-4615

Carolyn Romine
(850) 470-3062

Libby Deroche
(850) 470-3061

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

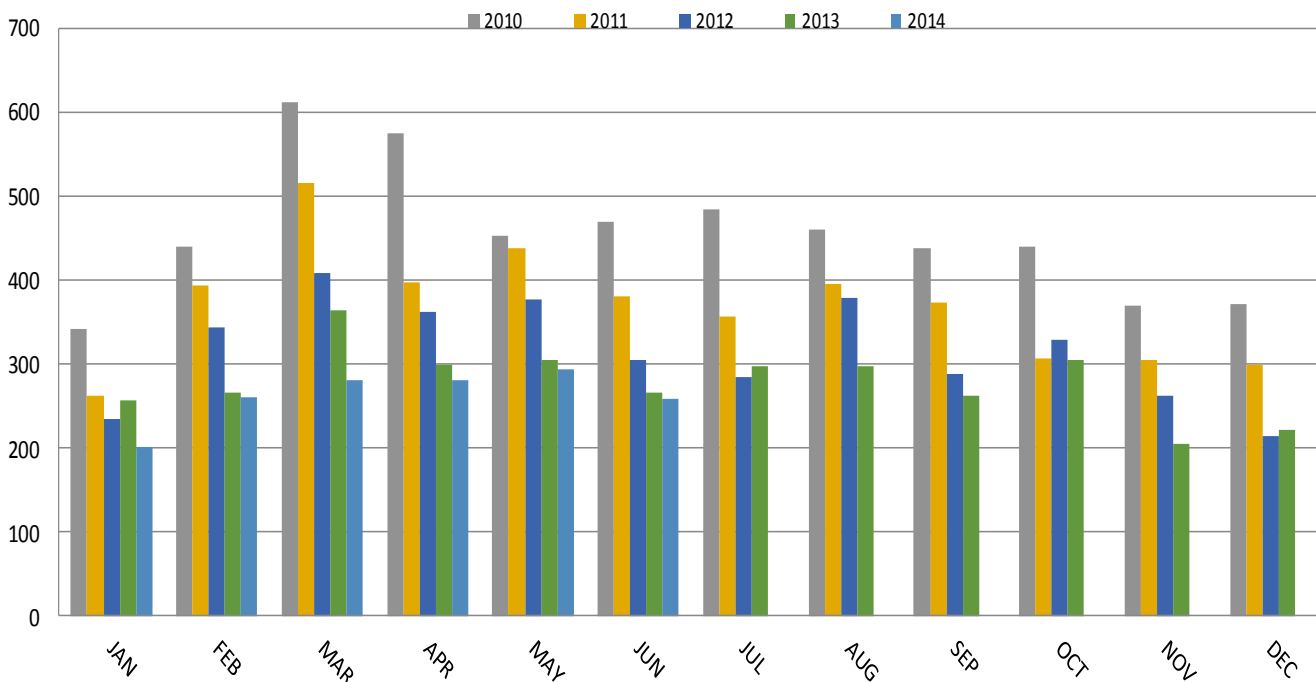
Help Desk
(850) 521-5001
(850) 765-1752

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.

CMECF_HelpDesk@flnb.uscourts.gov

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

Case Filings by Month 2010 - 2014



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.