



THE BANKRUPTCY ADVISOR



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November 2015

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Phone Scams Target Bankruptcy Filers in Northern District of Florida

Phone scams targeting bankruptcy filers in several states have been reported and we have recently received notification from a firm in Pensacola that three of their clients have been contacted.

The Caller ID of these calls appears as the law firm representing the debtor. Callers are posing as a representative from the firm and using personal information obtained from bankruptcy filings to get intended victims (i.e., the debtor) to wire money to satisfy a debt or to avoid jail time. The attorney with whom we spoke stated that one client was instructed to wire money and then come into the office the next day for a cashier's check reimbursement. A second client was told to wire money to avoid jail if payment was not made immediately.

Please advise your clients that they may receive these types of calls. A debtor receiving such a call should immediately hang up and should not provide any personal or financial account information or money in any form to the caller .

For more information about phone scams and actions you and/or your clients should take, please visit the "[Phone Scams](#)" page of the Federal Trade Commission Consumer Information website. You may also report the call to the Federal Trade Commission via an [FTC Complaint](#) and file a report with the local police department.

Additionally, Charles Edwards, Assistant U.S. Trustee for the Northern District of Florida, suggests attorneys omit the debtor's phone number from the petition since this information is not required if the debtor is represented by counsel. He further stated that the debtors are not permitted to state their phone numbers during the §341 meetings to avoid that information being available on a recording of the proceeding should it be requested.

Additional information will be posted to the *Announcements* of our website if it becomes available.

Bankruptcy Forms Changes Effective December 1

Most of the Official Bankruptcy Forms will be replaced with substantially revised, reformatted, and renumbered versions effective December 1, 2015, as part of the Forms Modernization Project begun in 2008. The most significant changes of which debtor's attorneys need to be aware are changes to the voluntary petition, schedules, and statements. Not only have these forms been reformatted and renumbered, there will be separate voluntary petition forms for individual debtors (Form 101) and non-individual debtors (Form 201), as well as a combination of Schedules A and B into Schedule A/B, combination of Schedules E and F into Schedule E/F, a new Schedule J2 for Expenses of Separate Household of Debtor 2 (i.e., the joint debtor). Many of the new forms require additional information and are much longer in length. For example, the voluntary petition for individual debtors will be eight pages instead of the three (3) pages it is currently, and the voluntary petition for non-individual debtors will require a North American Industry Classification System (NAICS) business code. Note also the language change from "business" or "corporate" debtor to "non-individual" debtor and "joint debtor" is referred to throughout the new forms as "Debtor 2."

Please review the [Modernized Bankruptcy Forms Numbering Conversion Chart](#) available on the U.S. Courts' [Pending Changes in the Bankruptcy Forms](#) page for information on all forms changes. Additionally, we have posted to our website the Administrative Office of the U.S. Courts' training document "[Official 2015 Bankruptcy Forms in CM/ECF Overview for Attorney](#)," detailing the changes to CM/ECF case opening and some of the forms.

Attorneys who use petition preparation software must update their software to the latest version to incorporate these changes. Note that CINGroup will no longer support the EZ-Filing and New Hope bankruptcy software programs after November 30, 2015 and will not release an update containing these changes. Attorneys who currently use these programs should visit their website at <http://go.cingroup.com/ezfilingtransition> for more information and FAQs.

All of the new forms will be available, many with detailed instructions, in fillable PDF format on the U.S. Courts' [Bankruptcy Forms](#) page.

Note that the Northern District of Florida will require the use of the new forms effective for all cases filed on or after December 1. Failure to use the correct form(s) will result in a Submission Error Notification.

ECF Maintenance Scheduled Monday 11/30

In order to perform the system maintenance necessary for the new forms and data collection requirements effective December 1, 2015, **CM/ECF will be unavailable Monday, November 30 at 8:00 p.m. (ET) until 7:00 a.m. (ET) on Tuesday, December 1. Please plan accordingly.**

Should you have a true emergency filing during this time, please visit the [After Hours Emergency and Court Closure Filings](#) page of our website for information. PACER will be available for case and document viewing.

ECF Essentials

There will be many new and modified filing events in CM/ECF corresponding to the December 1 forms changes. Please use the keyword "Search" feature in the blue menu bar at the top of your ECF screen to locate the filing event(s) you may need.



Paul Neely and Wade Feltman - National Treasures

By Traci E. Abrams, Clerk of Court

Chief Deputy Clerk, Paul Neely, and Programmer/Analyst, Wade Feltman, have something very special in common; they are both considered to be highly knowledgeable in the field of Information Technology (IT). Both members of the Florida Northern Bankruptcy Clerk's Office have been recognized by Administrative Office of the United States Courts (AO) staff as leaders in their fields including computer security and Automatic Docketing Interface (ADI).

Paul developed a comprehensive IT security policy which has been posted to the judiciary's intranet site as an example for other court units to follow. He has received numerous requests from courts around the country for permission to borrow portions of the document or to plagiarize the entire policy. He has also served AO staff by reviewing proposed national security policies and providing feedback. We are all very proud of Paul's accomplishment.

Wade is considered to be a national leader in Automatic Docketing Interface (ADI). ADI is a programmatic language designed to tell CM/ECF to enter information on the docket, automatically, based on the fulfillment of specified parameters. While ADI cannot take the place of human case managers, its use frees up case manager time. As a result, employees are able to focus their concentration on non-routine case management issues, those that require a more detailed case review, and those that do not quite fit standard case management practices. I am proud to say that Wade has been recognized by AO staff as a leading ADI resource for courts across the nation.

The hard work displayed by Paul and Wade is indicative of the drive and personal responsibility exhibited by all members of the Clerk's Office. As Clerk, my job is to ensure that these talented employees continue to grow professionally for the benefit of our court and courts across the nation.

Recognition of *Pro Bono* Service

We wish to thank the following attorneys for volunteering their time and talents over the past quarter to assist debtors in this district who cannot afford legal representation.

James Coombs
Scott Manion

thank you!

Holiday Closings

Our offices will be closed in observance of the following federal holidays, pursuant to 5 U.S.C. 6103:

Wednesday, November 11 - Veterans Day
Thursday, November 26 - Thanksgiving Day
Friday, December 25 - Christmas Day
Friday, January 1, 2016 - New Year's Day

CM/ECF and PACER will be available, if needed.

Procedures for Telephonic Hearings Using CourtCall

By Bruce Justham, Information Technology Administrator

The Bankruptcy Court for the Northern District of Florida allows court appearances by telephone for certain types of hearings. This process is conducted by CourtCall, an independent conference call company. Participation via CourtCall must be arranged by the attorney by calling **(866) 582-6878 no later than 3:00 p.m. the day prior to the hearing date.** CourtCall will notify us by email as to who has arranged to appear telephonically.

In order to ensure that those appearing via telephone can hear and be clearly heard by all hearing participants in the courtroom and others on CourtCall, Judge Specie requests the following procedures be followed:

All participants must dial into CourtCall at least 15 minutes prior to the beginning of court.

This time is required so that we may test the volume and clarity of each participant. Periodically the connection is “noisy” and CourtCall will have to disconnect and call back to get a clear connection or the participant may need to disconnect and call CourtCall again. There have also been instances where the participant’s connection was so poor that they had to call in from a different phone. If there are volume issues the CourtCall operator can raise or lower the volume of individual participants for clarity. Calling in 15 minutes prior to the start of court allows these issues to be resolved.

NOTE: If you are not present on CourtCall when the Courtroom Deputy tests the participants’ connections, your hearing may be moved to the end of the session. This may require a court recess in order to test your line before calling your case.

The use of cellular phones, speaker phones, and public phones is expressly prohibited.

Each of these types of telephones can cause call quality issues. Public phones may pick up distracting background noise, cellular phones may have poor call quality or “drop” the call, and speaker phones are directional and only produce acceptable call quality when the participant is speaking directly at the microphone and not turning their head or reading from pleadings or papers. For these reasons, among others, these types of phone connections are prohibited unless otherwise approved in advance by the court.

Identify yourself each time you speak.

Since you are not physically present it is necessary for you to identify yourself each time you speak. There may be several participants on the telephone and the Judge and/or the court reporter may not be able to identify the speaker.

When using your desk telephone, please remember to speak directly into the mouthpiece. Your voice level and quality drops significantly when you turn your head from the mouthpiece when speaking, often requiring the Judge to ask you to repeat yourself.

By following these procedures, the court can continue to allow telephonic appearances and provide a clear and positive experience for those appearing via CourtCall as well as those in the courtroom.

For more information, please visit the [CourtCall](#) website and also see the [Telephonic Appearance Procedures for Bankruptcy Judge Karen K. Specie](#) (revised 9/30/15), available on our website.

Welcome Samantha Kiser and Trey Wright!



Samantha Kiser Clerk Generalist

You may have already spoken to Samantha, our new Clerk Generalist, who is also our Intake and Help Desk person in the Tallahassee office. Samantha, a Tallahassee native, came to us in September from a local attorney's office. Bringing with her a plethora of bankruptcy and ECF knowledge, she is a perfect fit for the Help Desk and to assist customers at our front counter.

Trey Wright Law Clerk to Judge Specie

Trey is not entirely new to Judge Specie's chambers as he served as an extern for her while attending law school at Florida State. He's now joined Judge Specie's chambers for a much longer period of time as her second law clerk. Trey is originally from St. Petersburg, FL and is a graduate of the Florida State University College of Law.

We're happy to have you both join us and hope you love it here!



New or Revised Processes, Procedures, or Administrative Orders in the Northern District of Florida

[Administrative Order 15-001 Mortgage Modification Mediation Procedures](#)

The MMM procedures for the Northern District of Florida have been modified, effective October 1, 2015. This Administrative Order replaces the "Uniform Mortgage Modification Procedures in the Bankruptcy Court for the Northern District of Florida." The local form for the Motion seeking and the Order approving MMM have also changed.

[Administrative Order 15-002 Motions to Extend or Impose Automatic Stay](#)

Because of the difficulties in scheduling evidentiary hearings on all motions to impose or extend the automatic stay in the four divisions of the Northern District of Florida, new procedures for such motions have been adopted effective October 1, 2015.

Debtors' Prisons



The origin of debtors' prisons is debatable but its history is a long one. One source, via the *New York Times*, say debtors' prisons were around as long ago as ancient Greece but that imprisonment for unpaid debts was stopped in ancient Greece after so many farmworkers were put in jail that there weren't enough workers to tend the crops. Other sources claim debtors' prisons only date to medieval times.

More recently in the United States, a representative of the New York legislature in 1732 was quoted saying that "many poor persons may be imprisoned a long time for very small sums of money...to the ruin of their families, great damage to the public who are in Christian charity obliged to provide for them and their families...and without any real benefit to their creditors" however it was over a hundred years later in 1833 that the United States abolished federal imprisonment for unpaid debts.

FAILURE TO PAY FILING FEES ELECTRONICALLY

Per the [Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means](#) (the "Admin Procedures"), section II.E., "All fees are due at the time of filing on the System. Users must settle their online accounts for any outstanding fees by midnight Eastern Time on the day of filing. If fees are not received in a timely manner, steps will be taken to either strike the pleading or dismiss the case, whichever is applicable."

The Clerk's Office will issue up to three Submission Error Notifications (SENs) for failure to pay filing fees. The first SEN is a courtesy reminder that fees remain unpaid, the second advises that failure to pay immediately will result in the user's ECF account being locked, and the third advises that the matter was referred to Chambers.

Please be advised that failure to pay filing fees has become a recurring problem for some attorneys. Therefore, we will begin to more actively lock ECF accounts and refer matters to Chambers for action when filing fees are not timely paid.

Proposed Amendments to the Bankruptcy Rules Published for Comment

The Judicial Conference Advisory Committees on Bankruptcy and Evidence Rules have proposed amendments to their respective rules. The proposed amendments, Rules Committee Reports explaining the proposed changes, and other information are posted on the Judiciary's website for your review and comment at www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment.

The public comment period ends February 16, 2016.

HELP DESK HINTS... Amendments to Schedules D, E, or F

Pursuant to N.D. Fla. LBR 1009-1(A), (B), and (C), amendments to Schedules D, E, or F (or Schedule E/F after 11/30/15) must be filed as follows:

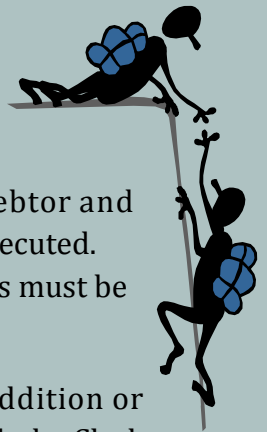
1009-1 (A): The amendments must be executed and acknowledged by the debtor and attorney of record in the same manner that the item being amended was originally executed. Amendments should be filed in their entirety for clarity and any additions or deletions must be clearly indicated.

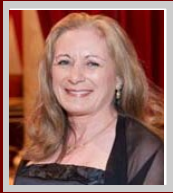
1009-1 (B): The amendments shall be noticed to any entity affected by the addition or deletion, the trustee, and to the U.S. Trustee. A certificate of service must be filed with the Clerk.

1009-1 (C): Amendments adding creditors require the appropriate filing fee and must include a mailing matrix which contains only the names and addresses of the creditors being added.

Quick Reference:

- Signed and verified by debtor and/or attorney of record
- Notice to all affected parties and file a Certificate of Service
- Include matrix containing only new or modified creditors
- Clearly indicate all changes
- Pay fee, if applicable





Views & News from the Bench

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

We have had a busy and productive few months here in the beautiful Northern District of Florida. Some of the notable events, current and possible future changes are:

ANNUAL SEMINAR: Thank you to the NDFLBBA for an excellent Annual Seminar held at the Watercolor Inn & Resort in September. The venue was beautiful and the Thursday evening reception provided an outstanding opportunity for the members of the bench and bar to mingle and catch up on each other's lives, activities, family and other important non-legal matters.

NEW BANKRUPTCY JUDGES: We are pleased to welcome two new bankruptcy judges from the Southern District of Alabama: Chief Judge Henry A. Callaway and Jerry C. Oldshue. Judge Callaway joined us for the View from the Bench Seminar judges' panel, along with Judge William Shulman, who has retired but is on part time recall through September 30 of 2016. Judge Oldshue joined the bankruptcy bench this September. He and his family are busy relocating to Mobile from Tuscaloosa, Alabama. I am looking forward to working with Judges Callaway and Oldshue and we all appreciate their assistance with our cases. (Contact information for the judges and their chambers is listed below)

PENSACOLA COURTHOUSE: As the General Services Administration (GSA) works toward correction of the "sick building" problem in the Pensacola District Courthouse on Palafox Street, our bankruptcy courtroom and other areas of the Winston E. Arnow Federal Building have been retrofitted to accommodate the District Court and court for criminal cases. While this situation is meant to be "temporary," this will depend, in large part, on how quickly GSA can finish re-building the Federal District Courthouse on Palafox Street or build a new courthouse.

PENSACOLA CASES: Beginning in December 2015, Judge William Shulman will begin handling the hearings in Pensacola Chapter 7 and 13 cases on our "regular" docket days. Judge Shulman's help will be most appreciated; especially with Bankruptcy Courts' budgets becoming smaller and the District Court's occupation of most of our space in Pensacola. For the time being, and with the blessing of the Eleventh Circuit, our district will continue to assign the Pensacola Chapter 11 cases and 1/3 of the Pensacola adversary proceedings to the ALSB judges.

MMM: ADMINISTRATIVE ORDER 15-001, effective October 1, 2015. In our continuing effort to improve our operations and the effectiveness of our MMM program I signed a new MMM Administrative Order that can be found on our court's website at: http://www.flnb.uscourts.gov/sites/default/files/standing_orders/ao15_001.pdf. The forms for the Motion seeking and Order approving MMM have also changed and can be found on our website at: <http://www.flnb.uscourts.gov/mortgage-modification-mediation>.

Chief Judge Henry A. Callaway, ALSB
Main Office Number: (251) 441-5391
Carol Oates, Judicial Assistant
Susan Powers, Law Clerk

Judge Jerry C. Oldshue, ALSB
Main Office Number: (251) 441-5391
Rachel Holmes, Judicial Assistant
Anna Mangham, Law Clerk

FLNB Resources

Rev. 10/15

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

Samantha Kiser
Help Desk
(850) 521-5002
(888) 765-1752

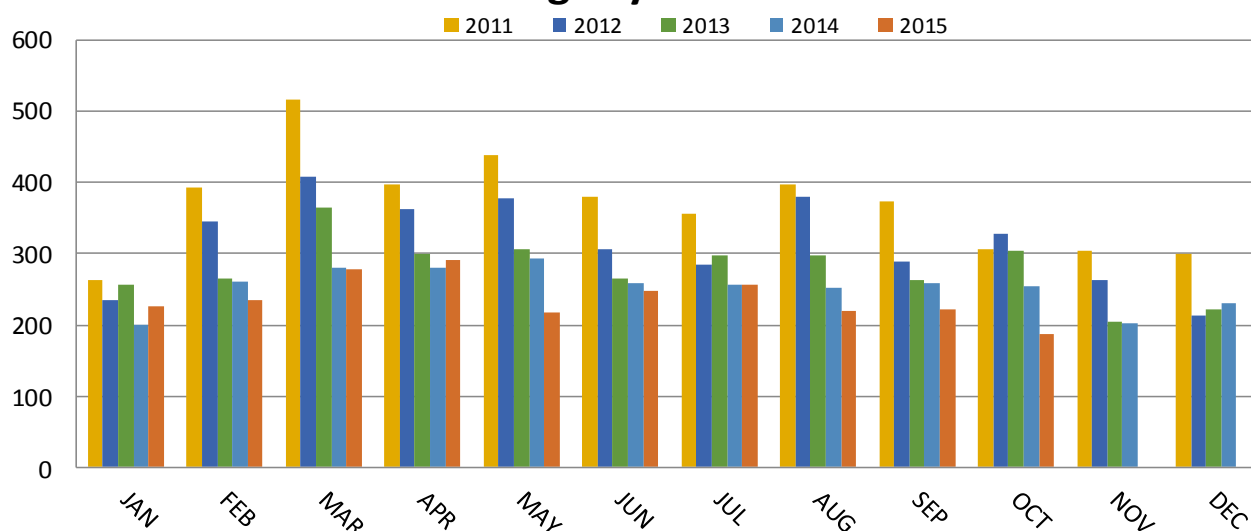
Tammi Boswell
CM/ECF Login &
Password
(850) 521-5001
(866) 765-1752

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**

Case Filings by Month 2011 - 2015

The Court Filing Statistics for the Northern District of Florida for the current and previous five (5) years are available on the Court's website at <http://www.flnb.uscourts.gov/court-filing-statistics>. Current month statistical information will be available by the 15th of each month.

For questions or comments regarding this newsletter, please contact Julie Gibson at
(850) 521-5014 or Julie_Gibson@flnb.uscourts.gov.