



THE BANKRUPTCY ADVISOR



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

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2019 RULES & FORMS CHANGES

EFFECTIVE AUGUST 23: On August 23, 2019, the president signed into law the Family Farmer Relief Act of 2019 (Pub. L. No. 116-51), the Honoring American Veterans in Extreme Need [HAVEN] Act of 2019 (Pub. L. No. 116-52), the National Guard and Reservists Debt Relief Extension Act of 2019 (Pub. L. No. 116-53), and the Small Business Reorganization Act of 2019 [SBRA] (Pub. L. 116-54).

The first three of these became effective upon the date of enactment, August 23, 2019. The SBRA will become effective February 19, 2020 and will include new and revised official forms as well as new and revised local policies, procedures, and/or Local Rules which are currently under development at the national and local levels. More information on the changes required as a result of the SBRA are noted on [page 2](#) of this publication.

EFFECTIVE OCTOBER 1: In response to the HAVEN Act, on October 1, 2019, the Statements of Monthly Income forms (122A-1, 122B, 122C-1) were revised to exclude certain income amounts as defined in the Act. Each form was revised to expressly exclude the amounts from lines 9 and 10. The revised forms and Committee Notes for the revisions may be reviewed at www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments/pending-changes-bankruptcy-forms. Additionally, Official Form 122A-1 will again be revised effective December 1, 2019, to remind a debtor for whom there is no presumption of abuse that Official Form 122A-2 (Chapter 7 Means Test Calculation) should not be completed or filed.

EFFECTIVE DECEMBER 1: The following Rules amendments will become effective December 1:

- Appellate Rules 3, 5, 13, 21, 25, 26, 26.1, 28, 32, and 39.
- Bankruptcy Rules 4001, 6007, 9036, and 9037.
- Criminal Rule 16.1 and proposed amendments to Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts and Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

Continued on Page 2

Rules Changes (Continued from Page 1)

- Evidence Rule 807.

The Clerk of Court for the U.S. Bankruptcy Court for the Southern District of Georgia has published a memorandum summarizing all the above changes at [www.gasb.uscourts.gov/sites/gasb/files/GASB Memorandum RE 120119 final.pdf](http://www.gasb.uscourts.gov/sites/gasb/files/GASB_Memorandum_RE_120119_final.pdf).*

The Congressional Package of 2019, including a redline version of the changes and Committee Notes are available at <https://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments>.

**NOTE: Required use of the new Application for Unclaimed Funds form as noted in the memo is not applicable in the Northern District of Florida. Please continue to use the form provided on our website.*

SMALL BUSINESS REORGANIZATION ACT OF 2019

Under the SBRA, the Bankruptcy Code is amended to ease the procedural burden on small businesses seeking reorganization with the creation of the new subchapter V of chapter 11. The Act does not repeal existing chapter 11 provisions regarding small business debtors, instead it creates an alternative procedure under which the debtor must choose to proceed. The debtor must elect to be a small business debtor and qualify and elect to have subchapter V apply.

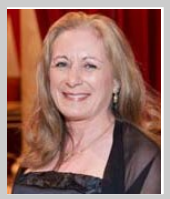
The new subchapter V will mimic, to some degree, a chapter 13 case with a standing or appointed (depending on the district) trustee, only the debtor may file a plan and the plan may be confirmed over the objection of creditors, there is no disclosure statement or creditors' committee, and the debtor is excused from quarterly payments to the U.S. Trustee. Additionally, the Act makes inapplicable to small business debtors many of the existing provisions of chapter 11 when the debtor elects to proceed under subchapter V. *[This is not an exhaustive list of the benefits or changes to chapter 11, subchapter V.]*

The public comment period for interim Rules and changes to the official forms closed on November 13, 2019 but the SBRA will impact and/or require the following:

- | | | |
|------------------------|----------------------|---------------------------|
| • Rule 1007(b) and (h) | • Rule 3011 | • Official Form 314 |
| • Rule 1020 | • Rule 3016 | • Official Form 315 |
| • Rule 2009 | • Official Form 101 | • Official Form 425A |
| • Rule 2012(a) | • Official Form 201 | • new Official Form 309E2 |
| • Rule 2015 | • Official Form 309E | • new Official Form 309F2 |
| • Rule 3010(b) | • Official Form 309F | |

It is anticipated that the approved interim rules and official forms will be made available to the public mid-to-late December. We will notify you of local processes and procedures that are adopted as a result of the SBRA via our website, the newsletter, and/or mass email.

Please be aware that these changes will require modifications to CM/ECF for all bankruptcy courts so you will see new and different screens during the filing process. The changes will also require upgrades to your petition preparation software, if applicable.



Views & News from the Bench

By: Honorable Karen K. Specie
Chief Judge, United States Bankruptcy Court
Northern District of Florida

A Time for Thanks

I am thankful for so many things and encourage each of you to take time to reflect on the things you are thankful for.

Each of us can be thankful for such things as family, friends, good (or improving) health, the ability to practice our profession, the excitement of planning things to do in “retirement,” and living in a country that provides freedom and opportunity for prosperity.

As bankruptcy professionals, we can all be thankful for the daily opportunity to help those for whom we work and serve—countless debtors, creditors and others needing bankruptcy assistance.

As I reflect on this past year, I am thankful for certain specific things and events:

I am thankful and excited that I am not moving to Orlando. After my final interview with the Eleventh Circuit Court of Appeals sitting *en banc*, Hon. Stanley Marcus informed me that the Eleventh Circuit is so pleased with our court that the judges simply could not justify moving me to the Middle District of Florida. Although at the time I felt that Judge Marcus’ message was the proverbial “good news, bad news,” I have since recognized how clearly the good news outweighs the bad. The “bad news” is largely twofold: my husband and I won’t be closer to our grown children and granddaughter, and I will not be able to interact face-to-face with other judges daily. The “good” news about my staying here in the Northern District embraces so many things that the “bad” fades by comparison. The “good” news that I am particularly thankful for includes:

- ◆ the process of submitting my application caused me to renew my friendship and close working relationship with the FLMB judges, which in my view can only improve the Northern District of Florida;
- ◆ I get to continue my outstanding working relationship and growing friendship with ALSB Judges Callaway and Oldshue;
- ◆ I have the privilege and pleasure of continuing to work with our awesome Clerk, Traci Abrams, Chief Deputy Clerk, Travis Green, our IT department, and all the other vital members of our outstanding Clerk’s office. I get to keep my splendid Courtroom Deputy, Janet Weems, and Law Clerks/Chambers staff. These people represent the best group one could have on their team.
- ◆ I have the enviable position of presiding over a District where the attorneys are professional, ethical, courteous and collegial, at a time when that is not the case in many jurisdictions.

I am thankful to our Local Rules Committee, and you should be, too. Shortly after taking the bench I began working toward updating and improving our court’s Local Rules. Thanks in large part to the herculean efforts of the Chair of the Committee, Trevor Thompson, Esq. of Clark Partington, we have achieved that goal! The other members of the Local Rules Committee who have been working diligently during the past several months and who also deserve our thanks are:

Continued on [Page 4](#)

Views & News from the Bench (continued from page 3):

- ◇ MaryBeth Colon, Esq. Smith, Thompson, Shaw, Minacci, Colon & Power, the newest member and Secretary;
- ◇ William J. Miller, Esq. of the Chapter 13 Trustee's Office, Vice Chair;
- ◇ Jeff Childers, Esq. of Childers Law, LLC;
- ◇ Karin Garvin, Esq. of Karin A. Garvin, P.L.;
- ◇ Roland Kiehn, Esq. of Barron & Redding, P.A.;
- ◇ Michael Moody, Esq. of Michael H. Moody Law, P.A.;
- ◇ Rick Savage, Esq. of Savage Law Office, PLLC; and
- ◇ Sharon Sperling, Esq. of the Law Office of Sharon T. Sperling.

I am thankful for our Clerk's office, which has completed a review of more than 800 internal operating procedures in a continuing effort to make our court more productive and responsive.

I am thankful for the work of my Law Clerks, along with Tammi Boswell, our Court's Director of Court Operations, for their work to date on form orders based on matters listed on our permissive use of Negative Notice list. Once in their final form, we will post these orders on our website to assist attorneys in routine matters by minimizing the time necessary to draft, correct and resubmit orders.

I am thankful for our entire Court and our practitioners for constantly thinking of procedures to help the bar, the Court, and the people we serve. Among those we've adopted this year are a new procedure for processing applications to waive Chapter 7 filing fees (for more information see our website) and an enlarged deadline for submission of witness and exhibit lists prior to evidentiary hearings and trials. This is designed to ensure that the Court and parties are as prepared, organized, and efficient as possible by the day of trial; to encourage settlement discussions well in advance of trial; and to reduce the number of last-minute continuances and cancellations, which in turn helps the entire court by freeing up time for other matters.

As we move into the holiday season, a traditional time to count our blessings, I wanted to convey how very thankful I am to be here and for the opportunity to continue to serve the Northern District of Florida.

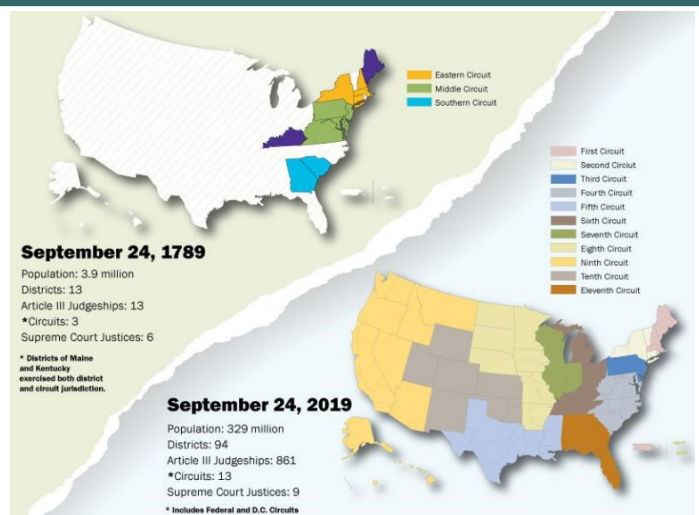


230 YEARS OF FEDERAL COURTS

September 24, 2019 marked 230 years since President George Washington signed the Judiciary Act of 1789 establishing a federal court system separate from the state courts.

The Judiciary Act was passed on Sept. 24, 1789 and by the next day President Washington had announced his nominations for all six Supreme Court and 13 district court seats. By Sept. 26, just two days after the Judiciary was created, the Senate had confirmed all 19 nominees.

Read more at www.uscourts.gov/news/2019/09/24/celebrating-230-years-us-courts.



MILE
20**Tammi Boswell—Tallahassee**
Director of Operations

Tammi has been with our court since January 2015 and previously served as a Case Manager with the U.S. Bankruptcy Court for the Western District of Louisiana. As the Director of Operations, she oversees the day-to-day operations of the Clerks' Office.

MILE
15**Wade Feltman—Tuscaloosa, AL**
Automation Programmer

Among his other duties, Wade was the person primarily responsible for implementing the court's automatic docketing interface (ADI) processes, helping us maximize efficiency in the handling of routine matters via automation. He is also the court's IT Security Officer ensuring safe IT practices for internal and external users of our automated systems.

MILE
10**Carolyn Romine—10 years**
Case Administrator, Pensacola

In addition to her case administration duties, Carolyn also assists with court reporter coverage for court proceedings in the Pensacola division. In her personal time, she enjoys working as a pre-school teacher and in the nursery at church, reading, walking, and spending time with family.

MILE
5**Libby Deroche—5 years**
Case Administrator, Pensacola

Libby is Case Administrator in our Pensacola division where she also serves as Courtroom Deputy supporting Judges Oldshue and Callaway from the Southern District of Alabama, who manage a portion of our District's caseload.

Congratulations to each of you and thank you for all you do!

ECF Essentials: Motions Regarding Redaction

In accordance with new subsection (h) of Amended Rule 9037, effective December 1, 2019, the following filing events in CM/ECF will be restricted from public viewing at the time of filing:

- Motion to Redact (Fee)
- Motion to Restrict Public Access (Fee)
- Motion for Protective Order re 9037 Violation (Fee)

Additionally, please note the following requirements of (h)(1) which states that the filer must:

- (A) file a motion to redact identifying the proposed redactions;
- (B) attach to the motion the proposed redacted document;
- (C) include in the motion the docket or proof-of-claim number of the previously filed document; and
- (D) serve the motion and attachment on the debtor, debtor's attorney, trustee (if any), United States trustee, filer of the unredacted document, and any individual whose personal identifying information is to be redacted.

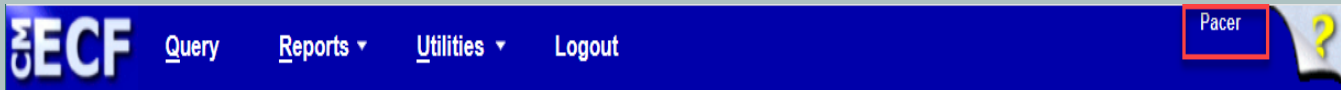
New subsection (h)(2) directs that the court will docket the redacted document if the motion is granted.

HELP DESK HINTS...

“I am logged into CM/ECF but can’t file my document.”

One of the most common problems we address on the Help Desk is when callers say they are logged into CM/ECF but the “Bankruptcy” and “Adversary” options are not available to allow them to file documents.

In these instances, the callers are logged into PACER, not CM/ECF. Unfortunately, the screens are almost identical. Our court has written a modification to CM/ECF to help you with this! Look to the far right side of the blue menu bar at the top of the screen and it will show you how you are logged in, for example, if you are in PACER, it will say “PACER” whereas if you are logged into CM/ECF, it will show you what access you have, e.g., that of an attorney or a creditor.



ORDER AND NOTICE OF HEARING ON APPLICATION TO HAVE THE CHAPTER 7 FILING FEE WAIVED (*NEW!*)

The Court is now issuing a new Order and Notice of Hearing on Application to Have the Chapter 7 Filing Fee Waived. This order sets a negative notice deadline of fourteen (14) days after the **first date set** for the §341(a) Meeting of Creditors (not the date the meeting is actually held if rescheduled or continued). If a timely response in opposition is filed, a hearing will be held on the date specified in the Order, if applicable, or may be scheduled by separate notice. If no response in opposition is timely filed, no hearing will be held and the Court may enter an order approving the Application.

PRO BONO HONOR ROLL

The United States Bankruptcy Court for the Northern District of Florida takes 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 through 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 current and continued support in serving the people of our district:

Robert C. Bruner
Bruner Wright, P.A.

James M. Coombs
Legal Services of North Florida

India Footman
Footman Law Firm, P.A.

Kevin A. Forsthoefel
Ausley & McMullen, P.A.

Sharon T. Sperling
Law Office of Sharon T. Sperling

Byron Wright, III
Bruner Wright, P.A.

Tips & Tricks

ORGANIZATION OF THE COURT'S HEARING DOCKET

There are many factors to be considered when preparing and organizing the court's hearing docket. Janet Weems, Courtroom Deputy for Chief Judge Specie, manages the Court's calendaring in accordance with judicial preferences. Some of the things to be considered include the status of the matter, whether the case is represented by *pro bono* counsel, or the type of matter being heard, among others. Janet will generally organize the docket so that resolved matters/matters consented between the parties and cases recommended for confirmation are first, followed by reaffirmations and *pro bono* cases, then unresolved matters, cases not recommended for confirmation, and other miscellaneous matters. Once the cases are categorized in this manner, they will appear in case number order within the time frame for which they are scheduled (e.g., all cases scheduled for 11:15 will appear in case number order).

Attorneys who wish to appear before the Court via phone must contact CourtCall to make teleconference arrangements. The list of CourtCall attendees is provided to Janet so that she is aware of how attorneys will be appearing before the Court. All attorneys appearing via CourtCall must adhere to the policy governing telephonic appearance available on the Court's website at www.flnb.uscourts.gov/sites/default/files/court_resources/telephonic_appearance_procedures.pdf.

WHY USE COURTCALL?

Our Court began using CourtCall, an independent conference call company, in 2007 to facilitate telephone appearances in certain types of hearings. Users of this service are charged a single fee of \$30.00 for the first 45 minutes and \$7 for each additional 15-minute block of time for appearance in up to four (4) cases. Users appearing via CourtCall in more than four (4) cases are assessed an additional single \$30 fee for the 5th through 8th cases in which they appear. The Court does not pay to use this service and use of CourtCall has resulted in significant time and dollar savings for attorneys and their clients over the years. For more details on how to appear via CourtCall and the types of matters in which you may appear via CourtCall are available on the Court's website at www.flnb.uscourts.gov/sites/default/files/court_resources/telephonic_appearance_procedures.pdf.

BANKRUPTCY FILINGS INCREASE FOR 12-MONTH PERIOD ENDING SEPTEMBER 2019

In a report published October 29, 2019, on the website of the U.S. Courts, bankruptcy filings for the 12-month period ending September 30, 2019, increased 0.4 percent when compared to the year ending September 2018.

This news release as well as tables for business and non-business filings, 12-month data from September 2018 and 2019, fourth quarter filings, filings by month, and bankruptcy filings by county are available at www.uscourts.gov/news/2019/10/29/bankruptcy-filings-increase-slightly.

HOLIDAY CLOSINGS

The Office of the Clerk will be closed on the following days during the 2019 holiday season:

Thursday, November 28

Friday, November 29

Wednesday, December 25

Wednesday, January 1

CM/ECF and PACER will be available for online filing and access to case information or you may call the Multi-Court Voice Case Information System (McVCIS) at 866-222-8029 (use court code 11) for automated case information.



U.S. Attorney's Office & Federal Employees Honor WWII Veterans

by Traci E. Abrams, Clerk of Court

The United States Attorney's Office for the Northern District of Florida hosted their fourth annual Veterans Appreciation Reception on Friday, November 15th in Tallahassee. The reception was attended by federal employees in Tallahassee and Pensacola. Musical guests included the Florida State University School (FSUS) Women's and High School Mixed Ensembles. The event was organized by Assistant United States Attorney and Diversity Chairperson Winifred L. Acosta.

Ms. Acosta led off the event with introductions, including that of Floyd Boyer who provided the welcome address and Sergeant First Class Daniel Acosta. Mr. Boyer is a retired Colonel in the Air Force and an Administrative Officer for the United States Attorney's Office. Mr. Acosta appeared in his dress uniform and served for 21 years in the United States Army. The honorees for this event included 100-year-old Edmond Stearman and 96-year-old Leon Acosta.



*Edmond Ballard Stearman
Navy Amphibious
Coxswain - USS Lenawee*

Mr. Stearman served as a Coxswain onboard the USS Lenawee during WWII. He oversaw the amphibious landing craft that landed the first wave of Marines from the 5th Division ashore Iwo Jima's Red Beach One, at the base of Mount Suribachi. He also helped collect Marine casualties and take them back to the ship. A few days later he went ashore himself. He remembers very clearly seeing the first flag go up on Mount Suribachi and hearing the cheers from all around. He was able to revisit Iwo Jima in March of 2018. Mr. Stearman's tour of duty included nine Pacific islands including Iwo Jima, Tinian, Saipan, the Philippines and battle zone of Tokyo Bay when the Japanese surrendered. He earned two Battle Stars. One for the Battle of Iwo Jima and the other for the Liberation of the Philippines.



*Leon Acosta
United States Army
Technician 4th Grade*

Mr. Acosta was drafted into the U.S. Army on November 3, 1943. He was assigned to Company K, 424th Infantry at Camp Blanding, Florida. Following recruit training, his unit was shipped to Europe to participate in the war. Upon arrival in Belgium, he was transferred to 2nd Division Black Panthers Baker Company. This unit participated in battles and campaigns in Normandy and Central Europe. Citations and decorations awarded to Mr. Acosta include: The EAME Service Medal with 2 Bronze Stars, the Good Conduct Medal, World War II Victory Medal, and the Combat Infantry Badge for heroic activities against the enemy. Mr. Acosta was discharged from the Army on May 30, 1944, with the rank of Technician 4th Grade.

Each honoree was presented with a medal, certificate, gift basket, and other items. A brilliant performance by the FSUS chorus students followed. After a quick lunch, the students walked to the Bankruptcy Courthouse to participate in a mock trial and building tour.

Each honoree was presented with a medal, certificate, gift basket, and other items. A brilliant performance by the FSUS chorus students followed. After a quick lunch, the students walked to the Bankruptcy Courthouse to participate in a mock trial and building tour.



THE CLERK'S CORNER

By: Traci Abrams, Clerk of Court



MORTGAGE MODIFICATION MEDIATION PROGRAM CHANGE: HOPE LOAN PORTAL (HLP) CLOSING ITS DOORS

The Clerk's office has learned that Hope Loan Portal (HLP) will be closing its doors effective Tuesday, December 31, 2019. HLP is cited in Florida Northern Bankruptcy Court Administrative Order No. 15-001 as one of two document management portal options that parties may utilize when voluntarily participating in the Court's Mortgage Modification Mediation (MMM) program.

According to the HLP Convergence newsletter, HLP will "permanently stop providing all services and any agreements HLP has with servicers or other organizations will end on [December 31, 2019]." The HLP website prominently displays a message indicating that operations will cease and provides a link for users to "Learn More". The link takes users to https://hlp.org/HLP_Closing where instructions are available for clients who have active cases pending as of December 30th. Please consult the contacts listed on this page of the HLP website if you have questions specific to your use of HLP.

In response to this news, the Court has updated its "Mortgage Modification Mediation" (MMM) webpage to note the impending closing of HLP. The Court will also amend Administrative Order 15-001 and all related MMM form orders to exclude HLP as an approved portal provider. Mortgage Modification Mediation Program participants are still free to use the remaining document portal known as DMM (Default Mitigation Management) available at <https://www.dclmwp.com/Home>. A link to this resource is also available on the "[Mortgage Modification Mediation](#)" page of the Court's website.

LOCAL RULES REVISION UPDATE

We're in the home stretch of the Local Rules revision cycle. The final draft has been submitted to Chief Bankruptcy Judge Karen Specie for review. After Judge Specie's approval, the following will occur consecutively:


- Publication on the Court's website for public review and comment
- Review of public comments by the Local Rules committee
- Review and approval by the Chief District Judge for the Northern District of Florida
- Review and approval by the Eleventh Circuit.

Our target publication date of the final revised Local Rules is early- to mid-April, 2020.

Please watch our website for the announcement regarding the period for public review and comment.



BE IN THE KNOW!

Get notified of announcements from our court by subscribing to our website's RSS Feed. Click the  icon in the upper right corner of our website at www.flnb.uscourts.gov to get started!

PUBLIC COMMENT PERIOD FOR 2021 RULES AMENDMENTS

The Judicial Conference Advisory Committees on Appellate, Bankruptcy, and Civil Rules have proposed amendments effective December 1, 2021 published for public comment. The comment period ends February 20, 2020. Visit <https://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment> to review and submit your comments.

FLNB Resources

Rev. 11/19

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

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

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

Carolyn Romine
(850) 470-3062

Libby Deroche
(850) 470-3061

Tammi Boswell
Director of Operations
(850) 521-5011

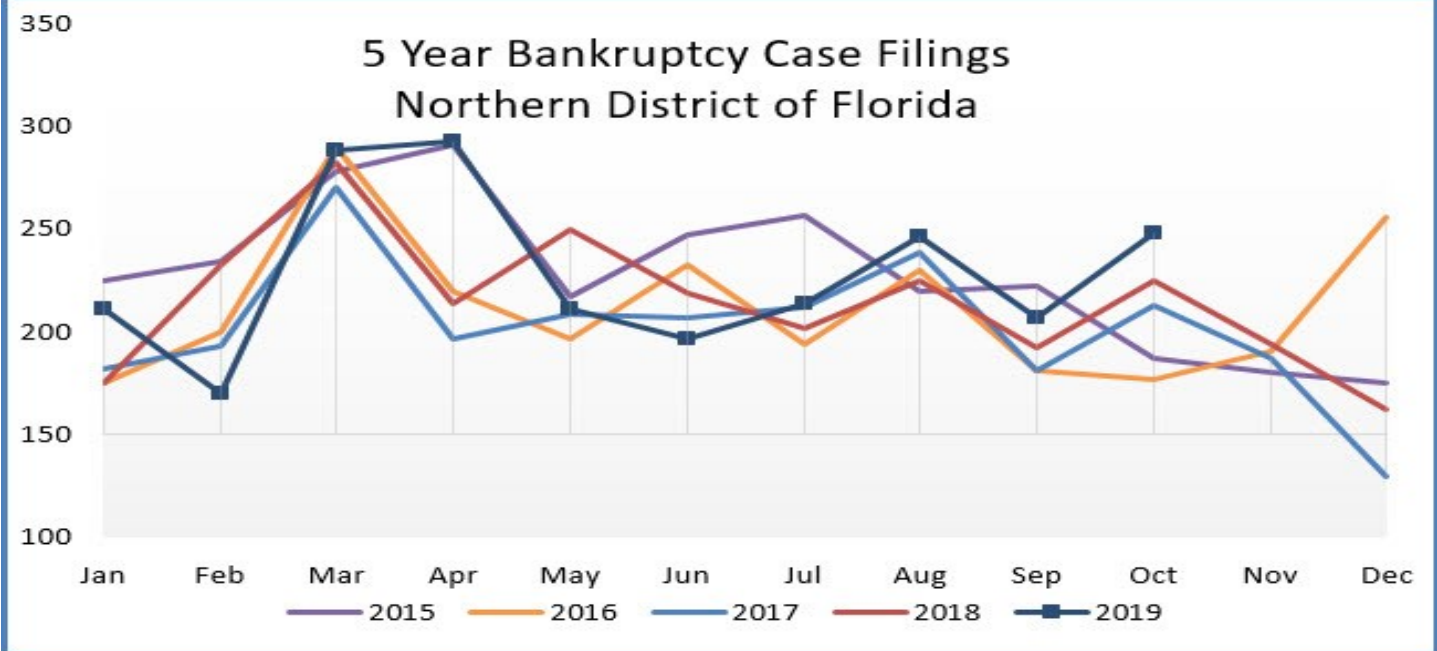
Jestin Hawkins
(850) 521-5002

Melanie Lawrence
(407) 237-8021

For cases assigned to Judge Jennemann

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 neither 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 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/court-filing-statistics. Statistical information will be available by the 15th of each month.

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.