

PRO BONO COMMITTEE
UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA
TELEPHONIC COMMITTEE MEETING AGENDA
January 10, 2022 @ 5:03 P.M. – Zoom Meeting
ROLL CALL

- Steven Newburgh (Chair)
- Nadine White-Boyd (Secretary)
- Hon. Mindy Mora (Judicial Chair)
- Hon. Laurel Isicoff (Former Judicial Chair)
- Joe Falzone (Clerk of Court)
- Jessica Napoles (Pro Bono paralegal at Put Something Back, attending in lieu of Karen Ladis, reporting on Pro Bono Week)
- Mellissa Kellner (PBC Legal Aid Society) attending in lieu of Kim Enright mkellner@legalaidpbc.org
- Penter Holmes (replacing James Heaton – Legal Aid)
- Matthew Bayard (Legal Services of Miami)
- Kristina Gonzalez (practitioner)
- Hayley Harrison (BBA President)
- Ariel Sagre (practitioner)
- Tom Messana (practitioner and BBA Foundation)
- Joe Grant (replacing Judge Robson)
- Peter Kelly (practitioner)

Apologies for the following who were absent

- Alison Marshall (FRLS)
- Sheena Robinson (FRLS)
- Karen Ladis (Dade Legal Aid – unable to attend)
- Jon Martin (Martin Cty Bar Assoc.)
- Kim Enright (Legal Aid of PBC)
- Patricia Redmond (UM Law School Professor)
- Jessika Graham (practitioner)
- Chanel Winter

I. Introductory Remarks and Roll Call – Hon. Mindy A. Mora. Judge Mora

Judge Mora welcomed everyone and asked everyone to introduce themselves.

- Steve Newburgh. Lay Chair
- Nadine White-Boyd. Secretary, solo practitioner
- Judge Mora. Judicial Chair
- Judge Isicoff. Former Judicial Chair
- Jessica Napoles. Paralegal attending in lieu of Karen Ladis.
- Mellissa Kellner. PBC Legal Aid Society attending in lieu of Kim Enright. Will be serving on committee

- Penter Holmes, III. Supervising attorney Mission United replacing James Heaton Legal Aid. Mission United is United Way's job placement for veterans. Handles Veterans Affairs
 - Matthew Bayard. Legal Services of Greater Miami
 - Kristina Gonzalez. Bankruptcy, co-chair for pro bono committee,
 - Hayley Harrison. President of BBA
 - Ariel Sagre. Committee member. Term up next year. Handles 7, 11, 13 for debtors and creditors
 - Tom Messana. Representative of BBA Foundation. Member since inception of pro bono committee
 - Joey Grant. New pro bono committee member replacing position previously held by Judge Grace Robson
 - Peter Kelly. Co-chair with Kristina for Miami division.. Pro bono coordinator for BBA to place pro se parties with counsel.
- II. Approval of Minutes of February 3, 2021. Motion to approve minutes made by Steve Newburgh. All in favor. No objection. Minutes approved.
- III. Approval of 8/24/2021 minutes. Minutes distributed on 1/10/22. Approval of minutes tabled for next meeting.
- a. Discussion held regarding not including email addresses on the minutes to be placed on the website. Email addresses will not be included on the minutes.
- IV. Updated FLSB and National Filing Statistics – Steve Newburgh and Joe Falzone
- a. Steve reported that he received updated statistics from Joe. The statistics on filings as of 2004 are also available on the bankruptcy court's website.. Steve noted that 14.5% decrease in filings from 2020.
 - b. Pro se filings are down about 4.4%. Steve noted that he would like to see decrease in pro se filings. In years past pro se filings represented as much as 15% of the filings. Concern raised about how to reduce the pro se filings. Potential pro se filers will meet with pro bono attorney but decide not to file. Question asked about how the numbers for pro se filings are determined. The statistics as to number of pro se filings is captured at the time the case is filed.
 - c. Nationally filings are down. Chapter 11 filings are also down. The decrease is primarily based on government subsidies flooding communities which caused potential filers determining that they did not need to pursue bankruptcy. Now that government subsidies are coming to an end and monies from stimulus is slowing down there will be a greater need for pro bono attorneys. Steve shared an article regarding the impact of the slowdown of government stimulus resulting in wave of bankruptcy filings and its impact if we do not have enough volunteers to handle the cases.

- d. Discussion regarding pro bono services focused on elder affairs, that is, those over 55 years old. They will likely be the hardest hit by the stimulus slow down and not having retirement savings. Examples of issues facing elders include elders with student loans they signed as parents, Bayard also noted that the moratorium on reverse mortgage foreclosures expired and there is an upswing in reverse mortgage foreclosures; Judge Mora noted increase in homeowner's insurance; Penter Holmes noted that homeowners insurance companies pulling out of Broward and thus lack of insurance resulting in increased cost of insurance. Steve suggested creating a committee to address elder issues. The following members volunteered to serve on an Elder subcommittee: Peter Kelley, Penter Holmes, Nadine White-Boyd, Melissa Kellner and Ariel Sagre, Judge Mindy Mora (subcommittee chair)

V. Sub-Committee Reports and Discussion of Pending Projects

- a. Pro se Clinics – Steve Newburgh (chair), Joe Grant. The pro se clinic dates are on the court's website. Steve also published a guideline sheet for presentation at the pro se clinics. The clinic is focused not just on helping customers to complete the bankruptcy forms but for them to understand the trouble they can get into when filing. The clinic also utilizes Tom Messina's trifold. Clinic provides education, review of the schedules, showing of government films, opportunity to ask and answer questions and review problems they can encounter if filing pro se. The issue encountered by the clinic is getting the word out to individuals about the pro se clinics. Steve will work with court's website design so that the public can easily see the resources available for pro se individuals. Peter indicated that an ample number of people from Broward and PBC attended the clinic held via Zoom in Miami. Having the virtual clinics provide opportunity to expand and reduce the geographic hindrance. Discussion held regarding necessity for in person clinics. Necessary because some people do not have access to technology. Discussion held regarding impact of the prose clinic not being available to the potential client. Suggestion by Steve to have hotline for emergency where they were unable to attend clinic. Pro se clinic to develop idea.
- b. Help Desks – Peter Kelly (chair) Ariel Sagre, Joe Grant, Kristina Gonzalez, Matt Bayard.
 - i. Because of the low volume of pro se cases decision to revert to old idea of using phone for help desk. Kristina mapped out idea to do help desk by phone starting with Judge Isicoff's calendar. Effort is to work through issues in preparation for avalanche of cases. Looking into free telephone conference line and coordinate with chapter 13 trustee to integrate. Implementation to be determined after speaking with trustee's office. Zoom use opens up some challenges. Go back to simple effort of phone. Not many people were interested in the conference line. In trying to develop people were confused about the Help Desk vs. the pro se clinic. Kristina: free phone conferencing service to log in through website. Callers can go into breakout rooms. Pro se cases/debtors would be addressed at end of calendar, help desk would get the pro se debtor's email and send information and language included that calling in would waive any conflicts or confidential

conversation. Judge Isicoff noted that on non-chapter 13 calendar there are not many pro se debtors. Pro se matters are being heard at 2:30. The HelpDesk is helpful. Peter explained that getting the phone off the ground will be easier than Zoom.

- ii. Volunteer Attorneys Task Force – Steve noted that this is to address the volunteer (lack of) problem in PBC.
 - iii. Joe Falzone and Divisional Clerk Interface and Issues Discussion - nothing
 - iv. Coordination with Bench – Comments and Continuing Committee Discourse with Judges Isicoff and Mora. Peter noted that still need to learn more about logistics and access to breakout remote
- c. Law School Programs – Patricia Redmond (chair), Eric Silver (replaced by Haley Harrison), Peter Kelly. Peter noted that there was a high enrollment of law students for Spring and Fall semesters. A large number of people reached out for assistance, there were lots of intake, students placed with mentor attorney but customers/pro se decided not to proceed with filing or they resolved the issues they were having.
- d. Website Review www.flsb.uscourts.gov – Joe Falzone (chair), Joey Grant, Ariel Sagre, Kristina Gonzalez. Joe updated on subcommittee meeting in September. Goal of the group was to enhance the effectiveness of the court’s website. Recommendations were made resulting in 10 action items. Actions taken include replacing slides, move items up front on main web page, relabeled buttons, major renovating of web to ensure content usefulness. Most of the 10 action items have been completed which resulted in 15 modifications. The court’s website also includes list of all bankruptcy court’s website, Courts website content, effectiveness, and ease of use has improved. Committee will be meeting again. Judge Mora encouraged all committee members, legal aid organizations, to review the website as to what their clients may need and send suggestions to Judge Mora, Judge Isicoff, Joe Falzone, and Nadine.
- e. Veterans’ Programs – Carolyn Fabrizio, Penter Holmes (replacing James Heaton). Penter is getting up to speed with the pro se program. Mission United group had a successful event for veterans with 60 volunteers and 14 veterans in attendance. The event was done virtually. Legal Aid Society of Greater Miami with Jayme Cassidy, the chair of pro bono committee.
- f. Pro Bono Week – Karen Ladis (chair), Joey Grant, Kim Enright, Nadine White-Boyd, Penter Holmes, Tom Messana. Jessica Napoles reported that the highlight of the week was the outstanding presentation and silent auction by Patricia Redmond and various events. Nadine noted that the seminars she attended were both thorough.

Karen Ladis provided the following written report:

Committee members: Judge Robson, Tom Messana, Nadine White-Boyd, Kim Enright, James Heaton, et al

Reported by Jessica Zuvic of Put Something Back:

Pro Bono Week was a success! Daily events were well received and well attended. The highlight of the week featured Chief Judge Isicoff, Haley Harrison, President, BBA, and Louis Reinstein, representative of the Federal Bar, where Chief Judge Isicoff presented the Outstanding Pro Bono Award to Dia T. Colbert. There were included pro se clinics, seminars on 10/25 on Demystifying Bankruptcy and 10/27 on Veteran's Assistance and a silent auction run by Professor Patricia Redmond to raise money for pro bono services.

- VI. Committee Interface with Legal Aid – Reports from all Legal Aid Providers Concerning Improvement of Referral Systems. Matt noted that the changes made to website will be helpful to clients and these changes mean we are moving in right direction. PBC Legal Aid sends pro bono clients to BBA and Steve handles intake and getting volunteer attorney to handle. PBC Legal Aid does not have an attorney who handles bankruptcy but may maintain a list of attorneys who will handle pro bono cases. Melissa will look into whether they have a list of attorneys. Judge Mora noted that Probono committee is available to help Penter (Mission United, Veterans Affairs) where needed. Joey Grant is the liaison in Broward.
- VII. New Business – Peter Kelley inquired about the line item regarding Volunteer attorney task force. Steve noted the need to get more attorneys. Tom Messana reported that the BBA Foundation had a good year and is able to help the legal aid organizations with clients.
- VIII. Closing Comments – Scheduling of Next Meeting will be May 25 or May 26.
- IX. Meeting adjourned