

Pro Bono Committee
United States Bankruptcy Court Southern District of Florida
Minutes of Meeting – August 24, 2021 @ 5:00pm

Meeting called to order by Chairperson Judge M. Mora at 5:04 p.m.

Apologies received from Judge Isicoff.

Judge Mora apologized for absence of lay co-chair Steve Newburgh, announced that the meeting will be informal and minutes of last meeting held on May 24, 2021 will be approved at next meeting.

Not in Attendance:

Chief Judge Laurel Isicoff (apologies received)

Steve Newburgh (Lay Chair)

Sheena Robinson

Megan Root

Eric Silver

James Heaton

Carolyn Fabrizio

Karen Ladis (Note: Jessica Zuvic attended on behalf of Karen/Dade Legal

Kim Enright (note: Melissa Kellner attended on behalf of Kim)

Jon L. Martin

Thomas Messana (sent apology/message that he was unable to sign in to zoom, received error message)

Present:

- Joe Falzone – Clerk of US Bankruptcy Court, Southern District.
- Ariel Sagre – attorney with Sagre Law firm. Serve on several subcommittees.
- Peter Kelly – pro bono cases in Miami with Kristina, bk lawschool clinic with Patricia Redmond working to interface with digital
- Grace Robson – attorney with Markowitz, Ringel, Trusty & Hartog. BBA SDFL pro bono chairperson
- Kristina Gonzalez; - debtor attorney; co-chair, Miami district of BBA intake, Handles Probono help desk with Peter Kelley
- Matt Bayard – Legal Services of Miami Dade, works with the Probono help desk
- Melissa Kellner – Legal Aid Society of Palm Beach County. Attending on behalf of Kim Enright who was unable to attend.
- Jessica Zuvic –Dade Legal Aid, Attending on behalf of Karen Ladis. Dade Legal works with Peter Kelly handling virtual and telephone intakes.
- Nadine White-Boyd - White-Boyd Law PA, secretary of FLSB pro bono committee, co-chair Palm Beach County Bar Association’s Bankruptcy CLE committee.

- Chanel Winter– Broward Legal Aid, pro bono coordinator, involved with ongoing partnership with Nova.
- Patricia Redmond – attorney, professor and supervisor of law school clinics. Works with Peter Kelly and Michael Diaz with Miami help desk

I. Update on FLSB and National Filing Statistics –

Joe Falzone reported that filings are at its all time low nationally and hasn't been this low since 1985.

Nationally filings down by over 100k compared to last year this time. Ch. 7 fell about 100,000; Ch. 11 fell about 1000; ch. 13 fell approximately 130000.

Southern District of FL Bankruptcy filings down by 10% compared to last year.

II. Pro Se Clinics and Help Desk. Where is the bar in terms of debtor education projects and services to help people on how to file case? What are we offering to debtors in terms of training?

A. Peter reported that the clinics moved to a virtual environment and is operating on a monthly basis. They provide basic information about filing, where to file resources, Q&A. This is an ongoing process.

B. Help Desk program

Peter reported that the Help desk is still not live. He reached out to Dawn Leonard, Judge Kimball's courtroom deputy, for feedback on implementation of helpdesk for pro bono help during hearings. The process is designed to have volunteer attorneys providing realtime help during hearings. In the past, that is, pre-covid, the process included asking non-suit persons in the courtroom whether they needed help. Goal will be to do the same via zoom. Optimistic that this will work. Implementation involves the logistics of the breakout rooms, working with the individual judge's requirements; how to develop the breakout room for each judge with zoom.gov and also how to ensure minimal court intervention.

They need to make pro se individuals aware of the availability of the programs. Currently Kristina and Peter refer pro se individuals to the court's website.

C. Pro Se Clinic. Grace Robson reported that the Pro se clinics via zoom has been scheduled for the remainder of the year. Hayley Harrison for BBA to coordinate

III. ProBono Clinic and Legal Aid Organizations. The BBA is addressing the needs of the pro bono clinic and referrals from Legal Aid organization.

A. Update from Legal Aid Organizations.

1. Dade Legal Aid. Jessica reported that they do not have any problems assigning cases. There was an increase in clients but they have sufficient

attorneys to help with cases. Cases are referred to pro bono attorneys. They have a method to recruit attorneys and have a list of available attorneys. Once an attorney is finished handling a pro bono case, they are asked if they want to remain on the list of pro bono attorneys.

2. PB County Legal Aid Society. Melissa reported that they have not encountered any issues assigning cases. There hasn't been a large number of clients seeking assistance. Legal Aid maintains a list of attorneys who agree to be pro bono attorneys.
3. Broward Legal Aid. Chanel Winter reported that they have more attorneys than clients and are not encountering any issues assigning cases at this time.

B. Joe Falzone inquired about getting information about the availability of these programs/clinics/help desk to individuals who may be trying to handle cases themselves but are not going to legal aid organizations. Something needs to be in place for these pro se individuals to know how to handle their case and also that there are programs available to help them.

Jessica stated that the clinic has a process to determine whether the pro se qualify for pro bono attorney. Grace indicated that if the pro se does not meet the test to qualify for pro bono services, some pro bono attorneys will take the case for a reduced fee, that is low bono. Some cases, such as pending cases, adversaries, do not lend itself to pro bono so they are referred to attorneys willing to take on case low bono. Peter, Kristina, Ariel, Joe, Grace will review court's website to address/reflect willingness of attorneys to work with individuals who do not qualify for pro bono, availability of attorneys to represent them at a reduced fee/ low bono. At minimum the information regarding low bono should be on website.

IV. Discussion regarding impact of expiration of moratorium on mortgage foreclosures and evictions and handling increase in pro se individuals seeking assistance as the state courts get through backlogs on foreclosure cases. Moratorium on foreclosures for FHA, Fannie Mae, VA, USDA, Freddie Mac loans expired on 7/31/2021. CDC moratorium on evictions expires on 10/3, 2021. The Court's website has the press releases as to extensions. See the following links:

[Public Notice of CDC's Temporary Eviction Moratorium \(08-20-21\).pdf \(uscourts.gov\)](#)

[Federal Housing Administration Extends Single Family Eviction Moratorium | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

- Melissa (PB Legal Aid). In July, they noticed an increase in individuals seeking assistance, individuals being sent directly from courthouse. Legal Aid was able to help through its Fair Housing project department. The cases have slowed down.

- Jessica (Dade Legal Aid). They saw an increase in clients seeking help with eviction. This has slowed down.
 - Chanel Winter (Broward) – They saw increased eviction filings clients with 7/31 deadline for about 2 weeks and then has slowed down.
- A. Discussion regarding having a list of referring attorney in anticipation of the increase in filings and to prevent attorneys getting burnt out. That is, Legal aid organizations having list of attorneys who are available to help for pro bono and low bono services.
- Melissa noted that they maintain a list of reduced fee and pro bono attorney.
 - Jessica noted that they do not maintain a list of reduced fee attorneys but they generally refer the individuals to other resources within the community that do not have the income guideline. Peter suggested working on a list of attorneys.
 - Chanel (Broward) noted that most clients qualify for pro bono. If they do not then they are referred to the local Bar. The local bar used to have a low bono but no longer. Grace noted that there are attorneys through BBA who will do low bono. Grace and Chanel to work together because there are attorneys who volunteer through BBA who will handle cases low bono.

V. Law School Clinics.

Trish reported that UM is the only clinic operating for the fall semester. The rising 2Ls are available to practice, eager to learn, willing to travel and will handle cases in Palm Beach, Miami and Broward. Nova and St. Thomas operate only in the spring.

VI. Website.

What can we/should we do to improve the website experience? Improve for the low bono opportunities for attorneys? Who to contact? Availability of Legal Aid societies?

Joe reported that there has not been any changes to the website since the last committee meeting because the website subcommittee has not met. There are changes that can be made to make the information more accessible. A subcommittee meeting will be scheduled so the court's website can serve the public, so the public know who to call, and also are aware of the opportunities available if they do not qualify for pro bono services.

VII. Closing Comments

- Redmond. None
- Melissa. None

- Matt. Jaime Cassidy is working with Judge Isicoff with financial literacy project and veteran's project to take place in October. Fed. Student loan extended to 1/2022. Student loan moratorium may reduce the need for mediation program. Overall only 22 filings for student loan modification program in the district to date.
- Jessica. None.
- Chanel. None.
- Ariel. None.
- Nadine. None.
- Peter. Indicate he will connect with Joe, Ariel, Grace to work on updates for website.
- Grace. Will help Joe with website. Probono week is lined up and dates to be confirmed. Inquiry as to when the Probono award will be presented. Joe has not had an opportunity to speak with Judge Isicoff about the award presentation. The Nomination deadline is 9/17/2021. Information for the nomination is on the court's website.

VIII. Next meeting will be scheduled for the week of November 15th at 5pm.

Meeting adjourned at 6:01pm.