

PRO BONO COMMITTEE
UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA
Minutes of Meeting held via Zoom
October 6, 2022 at 4:30 P.M.

ROLL CALL

Present:

- Hon. Mindy Mora
- Hon. Laurel Isicoff
- Steven Newburgh
- Nadine White-Boyd
- Joe Falzone
- Matthew Bayard
- Jon Martin
- Patricia Redmond
- Ariel Sagre
- Tom Messana
- Peter Kelly
- Jessika Graham
- Melissa Kellner
- Britt Berg
- Amy McCaffrey
- Agnes Lambert
- Charles Vercillo
- Cassandra Paniagua

Absent

- Joey M. Grant
- Karen Ladis – apologies received. She was unable to sign onto ZOOM
- Sheena Robinson
- Kim Rommel Enright
- Chanel Winter
- Kristina Gonzalez
- Hayley Harrison
- Michael Dunn

I. Welcome and Announcement of New Lay Chair.

Judge Mora thanked Steve Newburgh for tirelessly serving as LayChair for the FLSP Pro Bono Committee and announced that Peter Kelley will be serving as the new Lay Chair effective immediately. Judge Mora also thanked Nadine White-Boyd for agreeing to serve as secretary

II. Approval of Minutes of 5/25/22 Meeting

- i. Motion to Approve minutes made by Patricia Redmond, seconded by Ariel Sagre. Approved unanimously by all in attendance.

- ii. Minutes of January 10, 2022, and August 24, 2021 have not been approved. Meeting minutes to be approved at the next committee meeting.

III. **Updated FLSB and National Filing Statistics.** Joe Falzone reported that filings year to date (2022) and for (August 21 through August 2022) for chapters 7 and 11 bankruptcy continue to decline/remain down in Southern District as well as nationwide. Numbers show a slight increase (8%) in Chapter 13 case filings year to date in the Southern District.

IV. **Low Bono Guidelines. Committees' Review of and Possible revision of Guidelines and Committees' Recommendations to the judges (Guidelines attached)**

Judge Isicoff provided background on discussions held at Pro Bono Summit several years ago concerning addressing people who do not qualify for pro bono services when using 150% of the poverty guidelines, as well as how to provide services for those who do not qualify for pro bono services under those guidelines. Judge Isicoff asked whether it is necessary to revise and streamline the framework for low bono guidelines. As a committee, we determined that we need to determine whether to apply some other percentage other than the 150% established by poverty guidelines, and created a subcommittee to review the pro bono/low bono guidelines. Committee members: Melissa Kellner, Steve Newburgh, Chief Judge Isicoff (historian), and Ariel Sagre.

V. **Notice of Pro Bono Resources and Pro Se (Self Represented) Clinics (Notice attached)**

Nadine White-Boyd reported that the NOTICE OF PRO BONO RESOURCES AND PRO SE (SELF-REPRESENTED) CLINICS ("Notice") that is sent by the clerk's office to pro se debtors was sent to representatives of each legal aid organization to confirm the accuracy of the contact information listed on the Notice for that organization. Updated information received from each organization was provided to the court clerk's office in order to update the Notice. We are still awaiting confirmation from Coast to Coast Legal Aid as to accuracy of information on the Notice. Judge Mora recommended that Martin County Bar's pro bono service contact information, if any, be added to the Notice. Nadine will forward the Notice to Jon Martin to review and provide Martin County Bar pro bono services contact information. (Nadine forwarded the Notice via email to Mr. Martin on 10/10/2022 and updated information for Coast to Coast was received and provided to the clerk's office).

VI. **Sub-Committee Reports and Discussion of Pending Projects**

- a. Pro se Clinics – Steve Newburgh (chair), Joe Grant.

The Clinics are run on a regular monthly basis. The Pro Se clinic lasts for 1 hour each session. The annual schedule is published on the court's website. The speaker provides general information on bankruptcy. There are fewer pro se debtors at the clinics so they are able to help attendees on a one-on-one basis. A video lasting about 5 – 10 minutes in length has not been shown to attendees recently. The committee is determining whether to reinsert and include the video for the clinics. The clinics are conducted via Zoom. It would be wise to continue doing the clinics via Zoom as use of Zoom resulted in attendees from outside the district as well as attorneys.

The difference between the Pro Se Clinic and the Help desk is that the Help Desk is in conjunction with the active court calendar with pro se parties using the Help Desk as a resource for their cases on the day of their hearing. The Help Desk attorney meets with the pro se debtor, speaks with them about the specific issue that is set for hearing, and gets a general sense of the situation in order to give assistance for the matter that is being heard. The calendar volume presently does not justify having the Help Desk for all hearings. The Help Desk caters to individuals who have already filed a case. The Help Desk provides assistance to pro se parties during active cases but there has not been anyone in the last few months needing assistance. Judge Isicoff noted that pro se matters are scheduled for 3:00 p.m. for her calendar to avoid debtors having to take off an entire day from work and because pro se matters generally take longer. This timing also assists with operation of the Help Desk.

- b. Help Desk. Peter Kelly (chair) Ariel Sagre, Joe Grant, Kristina Gonzalez.
See preceding paragraph for Help Desk information.
- c. Law School Programs. Patricia Redmond (chair), Eric Silver, and Peter Kelly.
Patricia Redmond reported that 13 students signed up for University of Miami's clinic with each student having 1 – 2 clients. FIU, Nova and St. Thomas will also have students for the spring. The students attend virtual hearings and meet with clients virtually. The program does not yet receive referrals from Legal Aid in Broward and Palm Beach. They receive some referrals from Put Something Back. Legal Aid organizations are encouraged to utilize the law students because they are able to handle cases virtually.
- d. Website Review. Joe Falzone (chair), Joe Grant, Ariel Sagre
Joe Falzone reported the clerk's office is continuing to review the court's website (a) to achieve the meaningfulness of the website specifically as to pro se resources and the Help Desk; (b) to add mentoring opportunities outside of law school clinics; and (c) on how to provide an online fillable form that would directly contact the appropriate Legal Aid organization.
- e. Veterans' Programs. Judge Isicoff and Matt Bayard.
Judge Isicoff reported that the ABI has a joint task force with Mission United to provide services and rehabilitation throughout the State for veterans. Matt Bayard will remain on the subcommittee.
- f. Pro Bono Week. Karen Ladis (chair), Joey Grant, Kim Enright, Nadine White-Boyd, Tom Messana.
Steve Newburgh reported that plans are underway for Pro Bono week scheduled for October 24 – 28th. The subcommittee is working on a collaboration with the Federal Bars of Miami/Dade, Broward and Palm Beach. The program will be via Zoom and will include the Demystifying Bankruptcy presentation, and an auction to raise funds. Posters advertising the event will be available by Thursday, October

13th. The committee still needs to determine what technology can be used to advertise and possibly include it via Zoom before hearings.
National Conference of Bankruptcy Judges is scheduled for October 19 – 22, 2022.

- g. Elder Affairs Committee. Judge Mindy Mora, Nadine White-Boyd, Peter Kelly, Ariel Sagre, Melissa Kellner.
Subcommittee's goal is to create a pamphlet of resources for attorneys working with elderly to provide to the elderly for other non-bankruptcy issues that they may have. The pamphlet will be available on the court's website after approval by the committee.
Judge Isicoff noted that the Financial Literacy committee for the elderly that was created has been reinvigorated and this Elder Affairs subcommittee should collaborate with the Financial Literacy committee to enhance the resources for the elderly. The contact person for the Financial Literacy committee is Attorney Carlos Sardi.

VII. Matthew Bayard's Report on the Miami Foundation's grant to Legal Services of Greater Miami to benefit low-income families in need of bankruptcy assistance.

Legal Aid Services of Greater Miami received a grant from the Miami Foundation to increase pro bono representation in Miami/Dade and Monroe County for low-income people in chapter 7 cases who are at the 150% poverty guideline level. Legal Aid Services of Greater Miami is expanding its services beyond those who are being levied or garnished and will take cases early in the process. This provides funding for increased outreach. Legal Aid will reach out to community partners, such as United Way who work directly with low-income clientele. As a result of this grant, cases will be able to be handled in-house.

VIII. Committee Interface with Legal Aid organizations – Reports from all Legal Aid Providers Concerning Improvement of Referral Systems

- a. Efforts to improve referral services.
 - i. Palm Beach County Legal Aid. Melissa Kellner reported that they are working with Heather Ries (BBA representative) on pro bono referral services and all is going well.
 - ii. Florida Rural Legal Services. Agnes Lambert reported that they handle chapter 7 cases, they have a contract attorney that they work with, and they have an online intake process.
 - iii. Broward Legal Aid. No report
 - iv. Dade County Legal Services. Matthew Bayard reported that the pro bono director for Legal Services of Greater Miami is no longer on staff but the organization continues to place potential clients with attorneys. Depending on the client's issues, Legal Services of Greater Miami will try to refer the cases out. There are other organizations such as Catholic Charities that handle immigration that it can refer clients to for pro bono services.

IX. New Business. None.

X. Closing Comments. Scheduling of Next Meeting – February 15, 2023

XI. Meeting Adjourned at 5:45 p.m.