

**U.S. Bankruptcy Court for the Southern District of Florida  
Bankruptcy Lawyers Advisory Committee (“LAC”)  
Minutes of Meeting Held on May 19, 2022 (via Zoom)**

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**LAC Members Present**

Christopher Andrew Jarvinen (Chair, 2022)<sup>1</sup>  
John Page (Vice Chair, 2022)  
Peter Kelly (Acting Secretary, *Pro Bono Committee*, 2022)  
Jeffrey S. Fraser (Immediate Past Chair *ex officio*, 2023)  
Heidi Feinman (2024)  
Greg Grossman (2023)  
Hayley Harrison (*President-BBA*, 2022)  
Michael Hoffman (2022)  
Dana Kaplan (2023)  
Catherine Kretzschmar (2024)  
Justin Lefko (2023)  
Robin Weiner (*Standing Chapter 13 Trustee*, 2024)

**LAC Members Not Present**

Raychelle Tasher (Secretary) (2024)  
Jacqueline Calderin (2023)

**1. Welcome.**

The Chair called the meeting to order at 12:03 p.m.

**2. Approval of the Minutes of Prior LAC Meetings.**

The LAC unanimously approved the minutes for the prior LAC meetings held, respectively, on December 20, 2021 and February 9, 2022. The Chair indicated that he would (i) arrange for the minutes of the meeting held on December 20, 2021 to be uploaded onto the LAC website (<https://www.flsb.uscourts.gov/lawyers-advisory-committee>) and (ii) forward the minutes for the meeting held on February 9, 2022 to the Judges for their review and comment.

**3. “Meet the LAC” Held on April 1st (Consumer Bankruptcy).**

The LAC held a “Meet the LAC” on April 1st hosted by Raychelle Tasher, Laila Gonzalez (former LAC member) and Jeffrey Fraser. Mr. Fraser provided the summary. Approximately 30 individuals attended the meeting. Attendees primarily provided views with respect to pandemic-era practices and attendees provided the following feedback regarding the Chapter 13 hearings that

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<sup>1</sup> Leadership position (if any) and the year that the LAC term expires are located in parentheses. This was the first meeting of the LAC with the new leadership team.

are currently being held via Zoom: (i) the approach has been technically seamless, (ii) practitioners are more productive, and (iii) debtors have mentioned that they like the Zoom hearing approach because it minimalizes the intimidation factor of attending Court hearings. The attendees did not mention any new initiative that they wished the LAC to develop in the area of consumer bankruptcy matters.

The Chair inquired whether the LAC should take a formal position in support of continuing with the Zoom hearings in Chapter 13 cases, and Ms. Weiner mentioned that it will not be necessary to do so because the Judges have indicated that the Zoom hearings will continue for now in Chapter 13 cases.

In response to the Chair's inquiry as to whether the LAC wished to consider hosting two or more consumer bankruptcy "Meet the LAC" meetings per year, LAC members responded that holding one such meeting a year is sufficient.

#### **4. Proposed "Meet the LAC" (Corporate Restructuring) During 2022.**

The Chair raised the suggestion of scheduling another "Meet the LAC" during 2022 focused on corporate restructuring issues, as the last one was held during August, 2021. LAC members supported the idea and mentioned that the fall would be the preferred time to schedule the meeting because summer is when vacations are taken, and additionally, law firms will have a new class of associates starting during September who may wish to attend this meeting. After canvassing the LAC, the Chair offered to take ownership of organizing this initiative sometime during September or October, 2022, and Ms. Kaplan indicated her interest in working on this initiative.

#### **5. Subcommittee Reports.**

##### **a. Chapter 13.**

Jeffrey Fraser provided the summary. Mr. Fraser mentioned that the subcommittee continues to work on the secured creditor attorney fee "safe harbor" issue in Chapter 13 cases. Mr. Fraser mentioned that the subcommittee continues to consider two separate proposals and is also informally soliciting feedback with respect to such proposals from practitioners.

##### **b. Annual Bench/Bar Conference Initiative.**

Justin Lefko provided the summary. Mr. Lefko mentioned that he spoke with the conference coordinator of the bench/bar conference held in the Middle District of Florida and obtained helpful planning information (e.g., timeline, budget, etc.). Also, Mr. Lefko stated that the subcommittee has met to discuss planning the conference and has tentatively suggested holding it during the first quarter of 2023. In terms of next steps, Mr. Lefko will circulate to the LAC draft planning notes related to the proposed event, and after obtaining the LAC's input/comment, he will approach Judge Isicoff.

c. Mental Health/Attorney Mentoring.

i. *Mental Health Presentation*

Hayley Harrison and John Page provided the summary. They mentioned that they have been in communications with Jeena Cho, the author of the book, *The Anxious Lawyer*, an eight-week guide which introduces the art of meditation to one's legal practice and life. Pursuant to those discussions, they mentioned that Ms. Cho could be retained for one, or up to eight, monthly, 90-minute virtual sessions which could be available for either a charge, or for free, for attendees. In terms of cost, Ms. Harrison indicated that the BBA may be able to help subsidize it. The Chair also offered to arrange for his firm to help underwrite the cost of the initiative and requested other LAC members to have their law firms (if applicable) financially support the initiative. In order to make the event as accessible as possible to practitioners, Ms. Feinman suggested that the LAC should coordinate with the Judges the timing of the session(s) so that there are no Court hearings scheduled at the same time as the session(s). In terms of next steps, Ms. Harrison and Mr. Page indicated that they would reach out to LAC members to seek funding.

ii. *Proposed Revision to FL Rule 4-8.3 ("Reporting Professional Misconduct")*

The Chair provided the summary. The Chair mentioned that he has been working on revising this rule of professional responsibility to add an option to it. First, the Chair mentioned that he obtained from The Florida Bar the process to be followed to request a proposed revision to a rule of professional conduct in Florida. Then, the Chair stated that he is drafting for review by the subcommittee, and ultimately, by the LAC and the Judges, a proposed revision to FL Rule 4-8.3 which will permit a lawyer who reasonably believes that a lawyer's or a judge's misconduct or fitness is the result of substance abuse, mental health, or disorders that negatively affect their lives and careers, to have the option to report the lawyer or judge either to (i) the appropriate professional authority (i.e., the only option under the current rule) or (ii) an approved lawyers or judges assistance program (i.e., the proposed new option). The Chair indicated that the proposed revision would be circulated to the subcommittee within a week, and if the subcommittee and LAC support the proposed revision, it would be presented it to the Judges for their review and comment after the September meeting of the LAC.

iii. *New Mental Health Banner Added to LAC Website*

It was mentioned to LAC members that the new banner, "Lawyer Mental Health Resources Are Available to You" has now been added to the LAC website.

**6. Resuming the Annual Lunch with the Judges.**

The Chair mentioned that pre-pandemic, the Judges and the members of the LAC had, on one occasion, met in person for lunch after the *Views From the Bench* program held during November. The Chair proposed resuming this tradition and reaching out to the Judges to begin scheduling the lunch for the fourth quarter of 2022. The LAC unanimously approved the proposal.

**7. Moving the Annual Elections for the Leadership Team Forward From February to December.**

The Chair mentioned that the annual elections for the LAC's leadership team (*Chair, Vice Chair, and Secretary*) are currently held during the February meeting of the LAC which, in turn, makes the May meeting of the LAC the very first one of the year organized by the new leadership team. The Chair proposed moving the annual elections forward to the LAC's December meeting as an aid in planning for the following calendar year. The LAC unanimously approved the proposal.

**8. Holding Leadership Team Meetings in Advance of the General LAC Meetings.**

The Chair mentioned that it would assist with planning purposes for the leadership team to meet regularly in advance of the general LAC meetings. The LAC unanimously approved the proposal.

**9. New Business.**

The Chair opened the floor to new business.

Mr. Grossman mentioned the new law in Florida (i.e., the "Dorothy L. Hukill Financial Literacy Act") requiring high school students in the state to take a financial literacy course in order to graduate, and he inquired whether there is a Miami chapter of the Credit Abuse Resistance Education ("CARE"). Ms. Harrison confirmed that there does exist a CARES chapter in Miami and it is chaired by Ileana Espinosa Christianson.

Mr. Hoffman indicated that he had been contacted by a couple of practitioners inquiring as to the proper procedure for obtaining and retaining original signatures on documents from clients (the "wet signature" issue) and whether the LAC wishes to discuss it, as the issue appears to be governed by a combination of Local Rules and Administrative Orders. Ms. Kaplan indicated that the issue has also been mentioned to her as a bit confusing for practitioners who work in Chapter 7 and Chapter 13 cases as to what has to be done to comply with the requirements. The Chair inquired whether the LAC should form a new subcommittee to focus on this issue and there was general support from LAC members. Ms. Kaplan and Mr. Hoffman volunteered to lead the subcommittee. The Chair then asked what is the key issue on which the subcommittee should focus its initial work and Ms. Kaplan responded that it should be providing clarifications for practitioners in Chapter 7 and Chapter 13. Mr. Hoffman also indicated that he would like the subcommittee to explore alternatives to wet signatures, noting that outside the bankruptcy context all types of legal documents are generally able to be signed now with electronic signatures. At the Chair's suggestion, the subcommittee agreed to make a presentation at the next LAC meeting to be held during September as to what initiatives it will pursue, such as (i) creating a primer to guide practitioners on how to comply with the current wet signature rules, and/or (ii) alternatives to the wet signature approach.

The Chair proposed discussing at the next LAC meeting the idea of creating a short, "annual report" to be posted on the LAC's website. The purpose of the annual report would be to

inform the Judges, practitioners and members of the community regarding the projects undertaken, and the goals achieved, by the LAC during the calendar year. The Chair also suggested that the LAC should consider increasing the scheduled meetings from the current four-per-year to a greater number.

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The meeting concluded at 12:59 p.m.