



# BANKRUPTCY BUZZ

LOCAL NEWS AND INFORMATION

UNITED STATES BANKRUPTCY  
COURT SOUTHERN DISTRICT  
OF FLORIDA

JULY 2014

## COURT ENTERS ADMINISTRATIVE ORDER 14-3 REPLACING LMM PROGRAM WITH MMM PROGRAM

Administrative Order 14-3 “Adoption of Mortgage Modification Mediation Program and Status of Loss Mitigation Mediation Program Adopted Under AO 13-01” was entered on July 24, 2014. This Order implements the Mortgage Modification Mediation Program (MMM program) which will replace the Loss Mitigation Mediation Program. MMM will be available to individual debtors with cases filed under any chapter on or after August 1, 2014. In addition, the Order will allow debtors who filed cases prior to August 1, 2014, to utilize the new MMM program procedures if no motion seeking referral under the LMM procedures was filed prior to August 1, 2014, and if the request for referral under the new MMM procedures is filed by September 30, 2014.

Major changes from the LMM to the MMM procedures include:

- No restrictions by chapter as to type of relief sought by individuals;
- Debtors represented by counsel may now obtain an order of referral by ex-parte motion. The lender will have 14 days to seek reconsideration; and
- Debtor and lender jointly participate in selection of the mediator.

In conjunction with entry of AO 14-3, new procedures and forms have been created and will be posted on the MMM webpage of the court’s website.

LMM forms will remain posted for use in cases in which LMM is in process and in accordance with AO 14-3. For the latest statistics on LMM program participation in this court, see page 8.

By: Debbie Lewis

### LOCAL RULES COMMITTEE UPDATE

By: Patrick Scott, Committee Chair

The current cycle of local rules review is underway. Chief Judge Hyman has appointed a committee composed of members Stacy Bressler, Allison Day, Heidi Feinman, Katherine Gould Feldman, Robert Furr, Laila Gonzalez, Les Osborne, Chad Paiva, Steve Turner, and Robin Weiner, and chaired by Patrick Scott. The judicial representative is Judge Erik Kimball.

Besides conforming the rules to national rules and forms changes and some administrative orders, the local revision process provides an opportunity for the court to clarify, or make uniform, the practices that lead to your requests for relief being granted, and often without hearings. This is the time to dig out your notes, and submit suggestions to any committee member. The committee’s goal is to complete their work in just a couple months.

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### Bankruptcy Cases Filed From 1/1/14 to 6/30/14:

**Total Filed: 15,089**

- Chapter 7 : 8,736
- Chapter 9 : 0
- Chapter 11 : 156
- Chapter 12 : 4
- Chapter 13 : 6,190
- Chapter 15 : 3

Additional filing statistics are available on the court website home page under this tab:





## **SOUTH FLORIDA BANKRUPTCY BAR EXPANDS FINANCIAL LITERACY INITIATIVE**

By: The CARE Committee of the Bankruptcy Bar Association of the Southern District of Florida

The Bankruptcy Bar Association of the Southern District of Florida (“BBA”) has expanded its financial literacy program beyond its main target audience of high school and college students. The local, non-profit association of insolvency practitioners will now teach financial best practices to adults, as well.

Beginning in 2006, when then-President of the BBA Leyza F. Blanco implemented the Credit Abuse Resistance Education (“CARE”) program on an association-wide basis, BBA members have presented the financial literacy program to thousands of students at local high schools and universities throughout South Florida. The program’s basic curriculum was created in 2002 by John Ninfo, a U.S. Bankruptcy Judge from the Northern District of New York who has since retired. While on the bench, Judge Ninfo observed first-hand that a significant number of young debtors could have avoided bankruptcy through sound financial planning and by avoiding credit card misuse. Based on Judge Ninfo’s observations and vision, CARE is now associated with the American Bankruptcy Institute and presented in various forms throughout the United States. You can learn more about CARE at [www.Care4yourfuture.org](http://www.Care4yourfuture.org).

A few years ago, the BBA partnered up with the Legal Up program, a four-part program designed to provide at-risk youth with important life skills. Through the Legal Up program, the BBA has presented CARE, together with an in-depth budgeting exercise, to young inmates at the Department of Juvenile Justice as well as to students attending several at-risk schools located in Miami-Dade County.

In 2009, the BBA introduced CARE to the FBI’s Youth Academy, a one-day event that hosts a diverse group of students interested in pursuing careers with the FBI. Daniel Benavides, a bankruptcy attorney at Kozyak, Tropin & Throckmorton and longtime CARE lecturer, presented the CARE presentation to the FBI’s 2014 class. The students rated CARE as the most educational segment of the FBI Youth Academy. “The students were blown away by the presentation,” commented Rita N. Scott, FBI Miami Citizens Academy Alumni Association.

Today, the BBA’s CARE Committee is led by U.S. Bankruptcy Court Judge Laurel M. Isicoff and Ileana E. Christianson, a bankruptcy attorney at GrayRobinson, PA. Together, Judge Isicoff and Christianson have extended CARE beyond its original target group of high school and college students by adapting and enhancing the curriculum to address the interests of older, more sophisticated consumers. This past April, as part of National Financial Literacy Month, bankruptcy judges and lawyers of the BBA made CARE presentations to personnel of the U.S. District Courts, the Bankruptcy Courts, and the Federal Probation office, as well as to staff members of Dade Legal Aid and to pro bono clients.

Judge Isicoff, a strong supporter and regular presenter of the CARE program, has explained the ways in which the BBA has expanded CARE’s scope. “A great deal of the problems we face as a society today stem from our lack of financial literacy. The CARE program is a wonderful tool that is useful to start the financial literacy conversation, and to get our young folks thinking about how bad or misinformed financial decisions now can adversely impact their futures. But the CARE program, essentially a one-hour overview course, can have its limitations. I am grateful that our volunteers have found opportunities to expand the CARE program in ways that reach out to different audiences. Thanks to the dedication of the BBA members and other devoted volunteers, we have been able to CARE for many all over the Southern District of Florida.”



Daniel Benavides, Esq. presenting to the FBI Youth Academy

**IF YOU WOULD LIKE TO BE A CARE VOLUNTEER CONTACT JUDGE ISICOFF**



### ELEVENTH CIRCUIT HISTORICAL SOCIETY

By Leonard H. Gilbert, President

The Eleventh Circuit Court of Appeals was created in 1981. In a ceremony held in Atlanta on January 24, 1983, the Court officially celebrated the organization of the new Eleventh Circuit Historical Society. During the ceremony, Chief Judge John C. Godbold accepted the Society's first gift, the portrait of the Honorable Elbert Parr Tuttle.

Evolving over the more than 30 years since its founding, the Society has organized as a not-for-profit corporation. It has no legal connection with the Court or with the federal government, but its primary purpose is to keep a record of the courts of the Eleventh Circuit as institutions and of the judges who have served these courts. It should, therefore, come as no surprise that the judges who served the old Fifth Circuit from the states of Alabama, Florida and Georgia are a part of our Society's area of interest. Since the Society was formed shortly after the creation of the Circuit, it has allowed it to write the history of the Circuit as current history, not as a compilation of the past. As a part of our mission, the Society "is devoted to preserving our courts' heritage through the collection of portraits, photographs, oral histories, documents, news articles, books, artifacts, and personal memorabilia."

All of these efforts naturally come as a cost. Our activities are funded in part by grants and special gifts which we receive from time to time. However, the main source of our financial support is our members. We rely heavily on our membership to fund the activities of the Society and the preservation of the history of the courts of the Eleventh Circuit. In addition, the Society has a broader mission to foster public appreciation of the role and impact of the federal court system in the states of the Eleventh Circuit which requires funding as well.

The officers and trustees of the Eleventh Circuit Historical Society include one vice president from each of the states, Alabama, Florida and Georgia, as well as trustees from each of those states. The Florida vice president is Suzanne E. Gilbert. The Florida trustees are: Timothy J. Armstrong, Joel D. Eaton, Katherine E. Giddings, John F. Harkness, Jr., Benjamin H. Hill, III, John W. Kozyak, James C. Rinaman, Jr., E. Lanny Russell and Sydney A. Stubbs, Jr.

Membership is available either by law firms or individually. Keystone firm memberships which include five members are \$500 annually. Individual memberships begin at \$50. Associate memberships are \$100, Contributing memberships \$250, Sustaining (individual memberships) \$500, and Patron memberships \$1,000.

Another way to support the Society is through its newsletter, 11th Circuit Historical News, which can be accessed at this link: <https://sites.google.com/site/circuit11history/2014-newsletters>. This is the most important communication vehicle that the Society has. The Eleventh Circuit has a rich history, and many members write articles, provide story leads, and provide photographs of interest to our membership. But we are always looking for more. So, if you have historical information to share, or artifacts or memorabilia which you would like to donate to the Society, please contact Wanda Lamar, our Executive Director, at 404-335-6395 or at [Wanda\\_Lamar@ca11.uscourts.gov](mailto:Wanda_Lamar@ca11.uscourts.gov).

### BANKRUPTCY TRIVIA

1. Shakespeare play in which a character gives the following advice to his son "Neither a borrower nor a lender be".
2. This movie featuring a big character is also said to have played a big part in saving RKO Studios from bankruptcy.
3. The failure in 1946 of this now classic Christmas movie is reported to have contributed to the financial ruin of the producer and director's new studio Liberty Films.
4. 1977 comedy remade in 2005 about a married couple trying to recover from financial disaster in a non traditional way.

(Answers are on pg. 7)

By: Debbie Lewis



### TIPS FOR FILING APPEALS

A **Notice of Appeal** must be filed within 14 days from the entry of an order on the docket, unless there is a court order extending time. The correct event can be found in the Appeal category located in both the Bankruptcy and Adversary menus. After docketing a Notice of Appeal, the appellant must docket the **Election to Appeal**, also located in the Appeal category. This event allows the party to select the court to which they are appealing - the U.S. District Court or U.S. Court of Appeals (a direct appeal). The filing fee for each appeal is \$298.00.

A separate notice of appeal and fee are required for each appealable order. The Notice of Appeal must contain:

- The title and docket entry number of the order being appealed.
- Names and addresses of all parties to the appeal.

Within 14 days of filing the appeal, the appellant's Statement of Issues and Designation of Items must be filed, absent an extension by court order. The designation should include:

- The titles and docket entry numbers of all items designated for the appeal.
- A brief description of the designated item(s).

The appellee has 14 days from the date of filing of the appellant's designation to file a Statement of Issues and Designation of Items. The appellee's designation must contain the same information as the appellant's designation.

NOTE: If a designation includes a transcript not previously ordered or filed with the court, the requesting party is responsible for submitting the Transcript Request form either by U.S. mail, email, or fax to:

- Ouellette and Mauldin Court Reporters  
28 W. Flagler St., #808  
Miami, FL 33130-1894  
Email: [omctrep@aol.com](mailto:omctrep@aol.com)  
Fax: 305-577-9869

The Transcript Request form is located on the court's website at [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov). Click on Obtaining Transcripts and Audio Recordings and select Transcript Request Form (LF-05).

A **Motion for Leave to Appeal** is filed when an appellant is seeking permission from the District Court to proceed with an appeal of an interlocutory or provisional order. The correct event is located in the Motions/Applications category located in both the Bankruptcy and Adversary menus. After docketing the Motion for Leave to Appeal, the appellant should docket the Notice of Appeal using the following event: **Notice of Appeal Re: Motion for Leave to Appeal**. This event allows the filer to link the notice of appeal to the motion. This notice event must be used when accompanied by a motion; otherwise, the regular Notice of Appeal event will prompt the filer for the full appeal filing fee.

The filing fee for this motion is \$5.00. The Motion for Leave to Appeal must contain:

- Statement of facts necessary for an understanding of the questions to be presented by the appeal.
- Statement of those questions and of the relief sought.
- Statement of reason why the appeal should be granted.
- Title and docket entry # of the order.

The response time for a Motion for Leave to Appeal is 14 days. If a response is filed, opposing parties have 14 days from the date of the response to file a reply. Although not mandatory, an appellant designation may be filed with the motion.

For more information regarding appeals, visit the court's website and reference Local Bankruptcy Rules 8001, 8002, 8003, 8005,

By: Jacqueline Antillon



### OBTAINING ORDERS TO FILE SEALED DOCUMENTS

Under Local Rule 5003-1(D), parties seeking to submit documents under seal must file a motion either electronically or conventionally as follows:

- I. To electronically file the motion, select **Bankruptcy OR Adversary > Motions/Applications > Seal** and follow the prompts. After an order grants the motion, the filer may submit a hard copy of the sealed document in a package and attach a completed Local Form "Cover Sheet to Accompany Items Submitted for Sealing or In Camera Review" AND an entered copy of the order granting same.
- II. If the motion is being filed conventionally, the motion may be filed under seal or unsealed. The sealed documents should accompany the motion along with the Local Form "Cover Sheet to Accompany Items Submitted for Sealing or In Camera Review". If the motion is also filed under seal, a notice or request to file must accompany the sealed package and cover sheet.

Complete section III of the cover sheet as indicated below:

**III. TYPE OF SUBMISSION: Submitted to:**  judge  clerk's office intake

sealed document and \_\_\_ sealed \_\_\_ unsealed motion to seal dated \_\_\_\_\_.

[If request is filed sealed, a notice of filing request to seal or conduct in camera review should accompany the sealed item.]

**OR**

sealed item pursuant to court order entered on \_\_\_\_\_.

[Attach notice of filing sealed item and a copy of order directing sealing (unless order is sealed also).]

If a prior order grants continued under seal filings, no new motion is required. Submit the sealed package along with a completed Local Form "Cover Sheet to Accompany Items Submitted for Sealing or In Camera Review" and a copy of the prior order.

Complete Section III of the local form as indicated below:

**III. TYPE OF SUBMISSION: Submitted to:**  judge  clerk's office intake

sealed document and \_\_\_ sealed \_\_\_ unsealed motion to seal dated \_\_\_\_\_.

[If request is filed sealed, a notice of filing request to seal or conduct in camera review should accompany the sealed item.]

**OR**

sealed item pursuant to court order entered on \_\_\_\_\_.

[Attach notice of filing sealed item and a copy of order directing sealing (unless order is sealed also).]

At any point prior to the motion to seal being ruled upon, the motion to seal can be withdrawn. If the motion is denied and sealed documents accompanied the motion, the order will direct whether the sealed documents should be unsealed and docketed or returned unsealed to the filer.

Disposition of Sealed Documents: Unless otherwise already specifically ordered, disposition of the sealed documents will be determined upon the administrative closing of the case by entry of an Order Setting Deadline to Unseal Documents or Request Return of Sealed Documents.

By: Pamela K Shuler



### WHEN TO FILE LOCAL FORM “DEBTOR’S NOTICE OF COMPLIANCE WITH REQUIREMENTS FOR AMENDING CREDITOR INFORMATION”

The Local Form “Debtor’s Notice of Compliance with Requirements for Amending Creditor Information” (LF-4) identifies requirements when curing a new case schedule deficiency or filing amended schedules that result in changes to creditor information due to:

- Adding a creditor.
- Deleting a creditor.
- Correcting the name and/or address of a creditor.
- Correcting a schedule amount or classification.

Debtors in newly filed cases will be provided notice of the requirement to file LF-4 in the clerk’s deficiency notice if schedules D, E, and F were not filed with the petition. Local Rule 1009-1(D)(1) requires that LF-4 be filed when creditor information is amended.

The clerk’s office quality controls all post-petition documents to determine, if required, whether or not LF-4 has been filed. The court may enter an Order Striking Document for any post-petition schedule not properly accompanied by LF-4. When schedules are stricken due to a failure to file LF-4 in a newly filed case, any original filing deadline listed in a previously issued clerk’s deficiency notice will remain in effect. Therefore, if LF-4 and compliant schedules are not timely filed, an Order Dismissing Case will be entered without further notice.

The requirement under Local Rules 1007-2(B) and 1009-1(D)(1) and (2) to file LF-4 ensures that notices are served on required parties and that filing fees are paid. For example, if a debtor files schedules that add one or more creditors after the clerk’s office has already served a case commencement notice, LF-4 requires that the filer certify service upon each added creditor and pay a filing fee. There are additional requirements specified within the form, however service and fees are the most frequently omitted.

New creditors are entitled to the case commencement notice because it contains the date/time/location of the meeting of creditors, the trustee’s contact information, deadlines for filing objections to discharge and dischargeability of certain debts, information about filing claims, as well as explanations about case progression.

The Order Striking Document specifies that fees for a stricken document will not be refunded and that any unpaid fees will remain due. Additionally, any resubmitted document is treated as a new filing which may require payment of another fee.

By: Cameron Cradic

### RECENT COURT ANNOUNCEMENTS

#### USBC SDFL CLERK’S NOTICE RE: IMPLEMENTATION OF REVISED REQUIREMENTS FOR REQUESTS TO PAY FILING FEE IN INSTALLMENTS AND RELATED AMENDMENTS TO LOCAL FORM AND CLERK’S INSTRUCTIONS

Effective for petitions filed on or after June 30, 2014, debtors seeking court approval to pay the filing fee in installments must pay at least one half the filing fee at the time of filing of the petition and agree to pay the remaining balance within 60 days after filing.

#### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA ENTERED ADMINISTRATIVE ORDER 2014-57 “IN RE: ABOLISHMENT OF BANKRUPTCY APPEALS CASE ASSIGNMENT WHEEL”

#### SE HABLA ESPAÑOL: VOICE CASE INFORMATION SYSTEM ADDS SPANISH RESPONSE

An interactive voice response system for bankruptcy case information now provides case information to callers in Spanish. For more information visit:

<http://news.uscourts.gov/se-habla-espa%C3%Blol-voice-case-information-system-adds-spanish-response>



## FREE BANKRUPTCY CLINIC

**Dade Legal Aid/Put Something Back Pro Bono Project, Legal Aid Society of Palm Beach, Inc., American College of Bankruptcy & The Bankruptcy Bar Association of the Southern District of Florida Present Free Pro Se Clinics at the Bankruptcy Courthouse On the Following Dates and Times:**

**Miami Division: 51 SW 1 Avenue, Room 1510 (In Miami, you may bring a cell phone to the pro se clinic.)**

Friday, August 8, 2014 12 p.m. – 2 p.m.  
Friday, September 12, 2014 12 p.m. – 2 p.m.  
Friday, October 10, 2014 12 p.m. – 2 p.m.  
Friday, November 14, 2014 12 p.m. – 2 p.m..  
Friday, December 12, 2014 12 p.m. – 2 p.m.

**Fort Lauderdale Division: 299 East Broward Boulevard, Room 112\***

Friday, August 1, 2014 12 p.m. – 1:30 p.m.  
Friday, September 5, 2014 12 p.m. – 1:30 p.m.  
Friday, October 3, 2014 12 p.m. – 1:30 p.m.  
Friday, November 7, 2014 12 p.m. – 1:30 p.m.  
Friday, December 5, 2014 12 p.m. – 1:30 p.m.

**West Palm Beach Division: 1515 North Flagler Drive, 8th Floor, Courtroom B\***

Wednesday, August 20, 2014 11:30 a.m. – 1 p.m.  
Wednesday, September 17, 2014 11:30 a.m. – 1 p.m.  
Wednesday, October 15, 2014 11:30 a.m. – 1 p.m.  
Wednesday, November 19, 2014 11:30 a.m. – 1 p.m.  
Wednesday, December 17, 2014 11:30 a.m. – 1 p.m.

**\* In Fort Lauderdale and West Palm Beach, you cannot bring a cell phone or other electronic device to the courthouse or you will be denied entry. Cell phones and electronic devices will not be stored for you.**

At the clinic, there will be a 45 minute video presentation outlining procedures for filing bankruptcy. Next, there will be a question and answer session. Then, you may meet with a bankruptcy attorney to discuss your case and get advice on general bankruptcy matters. Please note that the project/volunteers do **NOT** represent you and take no responsibility for your case. You are responsible for responding to any pleadings and for protecting your own legal rights.

**FOR FURTHER INFORMATION, PLEASE CONTACT:**

Miami: [kladis@dadelegalaid.org](mailto:kladis@dadelegalaid.org) (Karen Ladis)  
Fort Lauderdale: [ksalamone@dkdr.com](mailto:ksalamone@dkdr.com) (Kimberly Salamone)  
West Palm Beach: [erosen@rosenpa.com](mailto:erosen@rosenpa.com) (Eric Rosen)

**TRIVIA ANSWERS FROM PAGE THREE QUIZ:**

1. Hamlet (Polonius is speaking to his son Laertes who is leaving to go to University in Paris)
2. King Kong
3. It's a Wonderful Life
4. Fun with Dick and Jane



**FLORIDA SOUTHERN BANKRUPTCY LOSS MITIGATION MEDIATION STATISTICS**  
(Period Ending 6/30/14)

	<u>MIA</u>	<u>FTL</u>	<u>WPB</u>	<u>TOTAL</u>
LMM Motion (Attorney Rep.)	2148	1504	960	4612
LMM Motion (Pro Se)	14	4	7	25
<b>Total Motions Filed</b>	2162	1508	967	4637
Order Granting LMM Motion	1630	1158	727	3515
Final Report of Mediator	770	589	304	1663
Mediation Agreement Reached	417	346	159	922

**LMM MOTIONS FILED BY MONTH (Atty Rep. & Pro Se)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<b>MIAMI</b>													
2013				18	82	106	137	130	173	181	169	141	1137
2014	171	157	184	179	170	164							1025
													<b>Total = 2162</b>
<b>FT. LAUDERDALE</b>													
2013				49	92	98	116	144	189	118	97	77	980
2014	91	82	69	108	89	89							528
													<b>Total = 1508</b>
<b>WEST PALM BEACH</b>													
2013				9	35	56	91	83	147	63	68	67	619
2014	47	43	64	54	66	74							348
													<b>Total = 967</b>

**UPCOMING COURT HOLIDAY CLOSINGS**

Labor Day - Monday, September 1	Columbus Day - Monday, October 13
Veterans Day—Tuesday, November 11	Thanksgiving Day—Thursday, November 27
Christmas Day - Thursday, December 25	New Year's Day—Thursday, January 1

**COURT MISSION STATEMENT**

*To promote public trust and confidence in the administration of bankruptcy cases:*

- *through easy access to comprehensible, accurate information about the court, its procedures, and records;*
- *by the efficient, respectful, and dignified conduct of business at all levels of the court—clerk's office, chambers and courtroom;*
- *through adjudication of bankruptcy cases by a fair and impartial tribunal that is designed to provide relief to the honest debtor, equitable distribution of available assets to creditors, and preservation of jobs and value through successful business reorganizations.*

**CONTACT BANKRUPTCY BUZZ PUBLICATION STAFF**

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact "Bankruptcy Buzz" staff at the following email address:

[Debbie\\_Lewis@flsb.uscourts.gov](mailto:Debbie_Lewis@flsb.uscourts.gov).

Please do not use the above email address to file or send papers to the court or to ask questions about court procedure or status of a particular case. Contact the clerk's office at any of the following numbers for assistance in these matters.

Visit the court website [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)  
for local filing information.

Thank you.

Miami: (305) 714-1800

Ft. Lauderdale: (954) 769-5700

West Palm Beach: (561) 514-4100

**Please Note:**

**Clerk's office staff is not permitted to give legal advice.**