



# BANKRUPTCY BUZZ

LOCAL NEWS AND INFORMATION

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

APRIL 2015

## APRIL IS FINANCIAL LITERACY MONTH

BY JUDGE LAUREL MYERSON ISICOFF

We are a nation of financial illiterates. We are not teaching our students basic financial information in school, the result of which many Americans have huge amounts of credit card debt, even higher amounts of student loans, and inadequate retirement plans. There are efforts being made to fix this problem. Even large lending institutions are underwriting financial literacy education programs. In some states financial literacy is a high school graduation requirement. There is a bill that was brought to the Florida legislature last year and this year that, if passed, would have imposed this graduation requirement but those efforts have proved unsuccessful so far.

However, there are those in the bankruptcy community nationally and locally who are trying to help through the CARE program. The CARE program was developed by Judge John Ninfo, now retired, while he was a bankruptcy judge in the Western District of New York. Judge Ninfo was very concerned about the number of young people filing bankruptcy due, primarily, to credit card debt. Judge Ninfo originally created CARE to educate consumers about, primarily, the pitfalls of credit card abuse. Fortunately, the credit card industries are now forced to disclose information on the credit card statements that, if reviewed, will at least help a little, but there are so many other issues about which young people must be made aware. Granted, there is only so much information you can share in an hour or two, but the CARE presentation is a start. The CARE presentations around the country are developed locally for the most part but generally cover the same topics - credit card debt, student loan debt, payday lenders, the importance of bank accounts, and, of course, budgeting. Although Judge Ninfo is now retired, the CARE program lives on - you can learn more about CARE at [www.care4yourfuture.org](http://www.care4yourfuture.org).

The CARE program has been in the Southern District of Florida for around ten years. Volunteers are present in high schools and colleges around the district, as well as youth groups and scouting groups.

In an effort to increase our number of volunteers (and the number of venues where we can present), I, together with Ileana Christianson, our CARE coordinator, had a training session in my courtroom. We had over 30 people attend and all signed up to be CARE volunteers. I will be conducting another CARE training on April 29 in Judge Olson's courtroom in Broward. I will be joined by Chad and Craig Pugatch. A notice with information about this training is reprinted on page nine. I hope you can attend.

Please consider becoming a CARE volunteer. You don't need to be a lawyer. And please remember to teach those you CARE about the importance of financial literacy.

Next year we will be launching ElderCARE, a program underwritten and developed with the support of the National Conference of Bankruptcy Judges to help educate our elder population about financial scams and budgeting. Keep an eye on this publication for more information.

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### Bankruptcy Cases Filed From 1/1/15 to 3/31/15: Total Filed: 5,941

- Chapter 7 : 3,280
- Chapter 9 : 0
- Chapter 11 : 59
- Chapter 12 : 0
- Chapter 13 : 2,601
- Chapter 15 : 1

Additional filing statistics are available on the court website [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) under the "Court Information" tab at the top of page.

Select: "Bankruptcy Case Filing Statistics"



## HISTORY OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

**By: Judge A. Jay Cristol, United States Bankruptcy Court, Southern District of Florida**

For eighty years prior to enactment of the 1978 Bankruptcy Code, bankruptcy was administered in the United States District Court by district court judges. When the workload became too heavy the district judges referred bankruptcy cases to individuals that they selected. Thus the district judge was the referrer and the case went to a “referee” in Bankruptcy.

### **REFEREES PRIOR TO THE 1978 CODE**

In 1973, the Supreme Court acknowledged the increasingly judicial nature of the referees’ work when it prescribed a set of Bankruptcy Rules that employed the term “Bankruptcy Judge” interchangeably with “referee”. In Southern Florida in the late 70’s, we had three referees in Bankruptcy: Thomas Britton, Paul G. Hyman and Sidney Weaver. In 1979, the referees were re-named judges. Upon the 1978 Code becoming effective on October 1, 1979 a United States bankruptcy court for southern Florida came into existence with Thomas C. Britton as its Chief Judge.

Following the death of Judge Hyman on October 1, 1979, Joseph Gassen was appointed to fill his position.

The U.S. Bankruptcy Court for the Southern District of Florida was created on October 1, 1979 pursuant to 28 U.S.C. 151 which stated: “In each judicial district, the Bankruptcy Judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district.” While the Southern District of Florida has been blessed with a warm and outstanding relationship with our district court, other less fortunate bankruptcy courts consider themselves eunuchs rather than units of their district court.

### **THE COURT**

The court was originally housed in the Ainsley Building, 14 N.E. First Avenue, beginning with a small portion of space on the 8<sup>th</sup> floor, but continued to expand and by 1980 the court occupied the entire 8<sup>th</sup> floor. At that time filings were at 1,743.

In 1980 the court moved to the Claude Pepper Federal Building at 51 S.W. First Avenue, where it occupied clerk’s office space, chambers and courtrooms on the 14<sup>th</sup> floor. As filings and staffing increased, the court’s space needs increased as well, and ultimately the bankruptcy court occupied the 14<sup>th</sup> and 15<sup>th</sup> floors plus additional space on the sixth floor to house the computer team. During this time period, remote offices were opened in Fort Lauderdale and West Palm Beach with one staff person at each location. In 2014, the clerk’s office staff in Miami had grown from 5 to 41 and the Fort Lauderdale and West Palm Beach staff had both grown to 13.

In the fall of 2014, after 44 years of being housed in substandard space in the Claude Pepper Federal Building, the Miami court moved to the C. Clyde Atkins United States Courthouse, 301 North Miami Avenue, a virtual palace compared to the prior facility.

Today the Miami bankruptcy court occupies substantial space on the first, second, and third floors of the Atkins building and the three Miami judges have each moved into an entirely spacious floor with courtrooms more than twice the size of their prior courtrooms. The Ft. Lauderdale bankruptcy court is housed in the Ft. Lauderdale U.S. District Courthouse, and the West Palm Beach bankruptcy court occupies beautiful leased space in West Palm Beach.

### **THE JUDGES**

Paul G. Hyman	1971 - 1979	Thomas C. Britton	1975 - 1990
Sidney M. Weaver	1978 - 1993	Joseph A. Gassen	1980 - 1984
A. Jay Cristol	1985 -	Robert A. Mark	1990 -
Steven Friedman	1993 - 2007	Paul G. Hyman, Jr.	1993 -
Raymond B. Ray	1993 -	John K. Olson	2006 -
Laurel M. Isicoff	2006 -	Erik P. Kimball	2008 -

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## CM/ECF ONLINE TRAINING PROGRAM

By: Dailin Pena



Want an easier way to meet the CM/ECF training requirement to receive a live login? Want the training from the convenience of your home or office? We thought so.

Since December 2014, an attorney or limited filer can complete an online training course in order to start filing cases via our court's case management/electronic case filing system (CM/ECF). The online course replaces the classroom training offered at Florida Southern Bankruptcy offices since the court went live on CM/ECF in 2005.

The CM/ECF Online Training Program is made up of a series of electronic learning modules (ELMs for short). You will be a participative learner as you progress through the ELMs to complete the online course. Each tutorial also provides the option of closed captioning. If you are a seasoned filer, you can skip to the Knowledge Check for a particular module.

The ELMs are available in three sets for the following filing categories:

**Creditor Attorney Set:** For attorneys who primarily represent creditors, trustees and other professionals, and who are seeking full filing privileges to the Court's CM/ECF filing system.

**Debtor Attorney Set:** For attorneys who primarily represent debtors and who are seeking full filing privileges.

**Limited Filer Set:** For creditors and attorneys seeking to participate in the CM/ECF filing system for the limited purpose of filing requests for notice/notices of appearance, reaffirmation agreements, proofs of claim, transfers of claim, and other claim related documents under Local Rule 5005-4(B)(3).

Since its launch, 94.1% of registrants of the CM/ECF Online Training Program are already efilng (303 of your colleagues). You are in the driver's seat. When you receive your live CM/ECF log-in will depend on when you complete the training program. To ensure a quick turnaround, be sure to use the Internet Explorer browser to complete the training modules and submit the registration form. And yes, just like the classroom course, you are eligible to receive five Florida Bar CLE credits for the online course!

For additional information, please visit our website at [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) (CM/ECF tab>New User Registration) or contact us at [CMECF\\_support@flsb.uscourts.gov](mailto:CMECF_support@flsb.uscourts.gov).

### LOCAL RULES COMMITTEE UPDATE

The Local Rules Committee for the USBC SDFL has been meeting regularly since July 2014 and anticipates that recommendations for rules amendments will soon be submitted to the judges for consideration. An approved package of proposed amendments will then be published by the court for public comment. Please visit the court website for updated announcements regarding amendments to the local rules.

### LOCAL RULES TRIVIA

In March 1987, this court's local rules were amended to adopt the Judicial Conference's interim rules and forms as recommended by the Judicial Conference for Chapter 12 cases filed under the Family Farmer Bankruptcy Act of 1986. Those amendments increased the number of local rules from twelve to thirteen.



## GUIDELINES FOR COURTROOM DECORUM

By: Lorraine Adam

E R S  
 O V  
 S P  
 N O T  
 O N .  
 A N O  
 R  
 P  
 E A K

D O  
 E R  
 T H E

Unscramble the tiles above to reveal a courtroom decorum guideline.


Puzzled about traditions of this court and certain basic principles concerning courtroom behavior and decorum?

You don't have to scramble around trying to figure them out. Just refer to this court's Guidelines for Courtroom Decorum which includes this list of 20: (If you couldn't unscramble the puzzle above, the answer is number eight below.)

1. Dress in business attire appropriate to the dignity of the court.
2. Stand as court is opened, recessed or adjourned.
3. Stand when addressing, or being addressed by, the court.
4. Stand at the lectern while examining any witness; except that counsel may approach the witness with court permission, for purposes of handling or tendering exhibits.
5. Stand at the lectern while making opening statements or closing arguments.
6. Address all remarks to the court, not to opposing counsel.
7. Counsel must begin all remarks by stating counsel's name and the parties they represent, spelling names as needed.
8. Do NOT speak over another person.
9. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
10. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
11. Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
12. Counsel should request permission before approaching the bench; and any documents counsel wish to have the court examine should be handed to the clerk, or to the court reporter or other court designee if no clerk is present.
13. Any paper or exhibit not previously marked for identification should first be handed to the clerk, or to the court reporter or other court designee if no clerk is present, to be marked before it is tendered to a witness for examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
14. In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the court.
15. In examining a witness, counsel shall not repeat or echo the answer given by the witness.
16. Counsel shall admonish and discourage all persons at counsel table from making gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time.
17. Smoking, eating, food and drink are prohibited in the courtroom at all times.
18. Do Not recite personal data and other sensitive information into the record.
  - a. Limit SSN and financial account numbers to the last 4 digits.
  - b. Limit names and birth dates to initials and birth year.
  - c. Exhibits submitted to the court that contain personal identifiers must be redacted.
19. Conversations not necessary to the courtroom proceedings are not permitted while court is in session.
20. For courtrooms equipped with Digital Audio Recording (DAR) equipment:
  - a. Speak clearly and directly into the microphone.
  - b. Be aware that the microphone is recording at all times and conversations not intended to be recorded on the record must take place outside the courtroom.
  - c. If use of portable, clip-on microphones will be required when court is in session, request them from the Electronic Court Recorder Operator (ECRO) before the proceedings begin.



## MUSEUMS AND BANKRUPTCY

By Dawn Leonard

When the City of Detroit filed for Chapter 9 bankruptcy in July 2013, the fate of city-owned art in the Detroit Institute of Arts museum became a central issue. At one point, the artwork was appraised in the event it was considered to be subject to sale to pay off city debts. Fortunately for museum lovers, when the city's plan of adjustment was confirmed in November, 2014 the issues affecting city owned art were settled without requiring the museum to sell any art to repay city debts. See <http://www.freep.com/story/news/local/detroit-bankruptcy/2014/11/07/rhodes-bankruptcy-decision/18648093/>.

While in the Detroit bankruptcy situation, the Detroit Institute of Art itself had not filed bankruptcy. Other museums, maybe not as well known or not in possession of as distinguished a collection, have faced and or filed for bankruptcy.

Since Bankruptcy Buzz wrote about Muir Hunter Museum of Bankruptcy, located in Kingston Law School, in its June 2013 issue, we thought you might be interested in the following places of artistic, historic, and scientific illumination, which at some point fell short of their visions and faced financial difficulties due to bond debt, tax debt, lawsuits, rescinded or failed investment pledges or simply the budget shortcomings of overzealous founders that underestimated the draw of the museum. If during your travels you visit any of these museums, send us a postcard!

**Nebraska's Archway Museum** filed for chapter 11 bankruptcy in March of 2013 due to overwhelming bond debt. After the bankruptcy court approved a settlement plan, the Museum has since rebranded under the name Great Platte River Road Archway and is managed by the City of Kearney. The museum is a tribute to American pioneers and its unique structure is actually an archway that straddles Interstate 80.



**The National Museum of Catholic Art and History** was founded in 1995 by Christina Cox, who believed that "America needed an institution devoted to Catholic culture." Despite its many prominent supporters, the museum was unable to overcome its mounting debt, and in 2010, it closed its doors. In January 2012, the museum filed for chapter 7 bankruptcy. Soon thereafter, the museum moved to Washington DC and is now known as The National Museum of Catholic Art and Library, "A Museum Built by Angels." Some of the Museum's galleries consist of the Madonna and Child Hall, the Van Dyck Gallery, the Secrets of the Bible Gallery, the Last Supper Gallery.

**The Las Vegas Mob Experience** chapter 11 filing resulted in appearances by notorious mob names like Capone, Giancana, Spilotro and Lansky. The museum was located in the Tropicana Las Vegas Resort & Casino. Pieces of these families' legacies were on display in what one of the first day motions boasted as, "the world's largest collection of organized crime artifacts from famous reputed mobsters." Numerous lawsuits, disputes over the possession of the artifacts and declining patronage forced the museum into bankruptcy in 2011. A year later, The Mob Experience was purchased out of bankruptcy and reopened calling itself The Mob Attraction. Soon thereafter, The Mob Attraction closed its doors at the Tropicana Las Vegas, with the intention of reopening at a new location on the Las Vegas Strip. To date, there has been no announcement regarding a reopening. The bankruptcy case still remains active under the name Murder, Inc.

**The United States National Slavery Museum** was to be built on a plot of land in Fredericksburg, VA, where people were once sold into slavery. However, overwhelming property tax debt forced the museum to file for chapter 11 bankruptcy in September of 2011. The case was dismissed almost a year later when an

(continued on page 6)



**(Museums and Bankruptcy continued from page 5)**

anonymous donor agreed to pay the back property taxes owed to the city of Fredericksburg. The taxes were never paid and despite the efforts of museum founder and former Virginia governor, L. Douglas Wilder, the museum never opened. The museum briefly considered filing a second bankruptcy after the one year prejudice period expired, but did not. After several years of court battles, Fredericksburg eventually got its auction, and currently investors are weighing in on purchasing the land. Wilder, however, has not given up on his 20 year dream to “tell the story of slavery in the United States” and is currently moving forward with a new plan and a new location for the museum.

**COPIA: The American Center for Wine, Food and the Arts** was founded by legendary vintner, Robert Mondavi in 2001. Named after the Roman goddess of abundance, COPIA was to be a “cultural museum and education center dedicated to the discovery, understanding and celebration of wine, food and the arts in American culture.” Despite its beautiful location in Napa Valley, with acres of organic gardens, concert terrace, vast gallery space, Lecture Theater, rare books library and not to mention the food and wine tasting, the museum could not pull in the visitors and lost millions of dollars each year until it filed for bankruptcy in December 2008. The court did not approve an emergency loan and the museum permanently closed the same month. Copper pots and pans belonging to Julia Child were sent to the Smithsonian Institution's National Museum of American History to add to their Julia Child's kitchen exhibit. Napa Valley College's upper valley campus became the home of the center's library of over 1000 cookbooks.

**The Sports Museum of America** in lower Manhattan, home of the Heisman Trophy, a large collection of sports memorabilia and a connection to more than 60 sports halls of fame, closed its doors and filed for chapter 7 bankruptcy in March of 2009 after a year of operation. The museum suffered from low attendance and the inability to repay bond debt that was provided by the city to assist businesses in Lower Manhattan after the 9/11 terrorist attacks.

**The Children's Museum of Los Angeles** operated in downtown Los Angeles for 20 years. In 2000, it closed its doors with the intention of expansion to a new location in the San Fernando Valley. The new building “modeled after an ecosystem comprised of the interdependent elements of Earth, Air, Fire and Water,” was completed in 2007 but the museum failed to reopen due to lack of funding. Due to an investment scam, the Museum lost a \$10 million dollar donation when the Securities and Exchange Commission began its investigation into the now deceased Bruce Friedman of Diversified Lending Group, Inc. for investment fraud. As a result, the museum was unable to complete the project and had to file for chapter 7 bankruptcy in 2009. The city then took ownership of the museum and struck a deal with the award winning Discovery Cube Orange County and Discovery Cube Los Angeles, and opened in November 2014 offering hands-on exhibits to educate & inspire kids.

**The Jones Museum of Glass and Ceramics**, was established in 1978 by Dorothy Lee Jones, and located in Sebago, Maine. In 2002, the museum trustees decided to relocate the museum to the historic Maine Armory National Guard Building in South Portland to make it more accessible to visitors. Jones disagreed with this idea, and then had a falling out with the museum board's president. She filed a suit, claiming ownership of the collection and return of the items before they were moved to the new location. In addition to court costs, a major donor fell ill, resulting in the withdrawal of funding. The museum, which changed its name to The Museum of Glass & Ceramics, filed for chapter 7 bankruptcy in 2005. About a year into the case, the trustee filed a “Trustee's Abandonment of Right, Title and Interest in Certain Property to Which Ownership and/or Right of Possession was Claimed by The Jones Museum of Glass and Ceramics, Dorothy Lee Jones, Lauriston Ward.” After years of court battles, Ms. Jones received her property.



(History of USBC, SDFL continued from page 2)

### **VISITING JUDGES**

No additional bankruptcy judgeships were created from 1992 until 2005. During that time frame the case load of the Southern District of Florida grew from 17,409 to 35,905 cases per year. It would not have been possible for the Southern District of Florida to have remained current without the generous contribution of judicial services from visiting judges from all over the United States. Judges Larry Lessen (Central District of Illinois), Barry Schermer (Eastern District of Missouri) and Thomas Utschig (Western District of Wisconsin) came to Florida on a regular basis month after month and year after year until the passage of BAPCPA in October 2005, which included funding for two additional judgeships.

Clive W. Bare, N. Dist. of California	Randolph Baxter, N. Dist. of Ohio
William T. Bodoh, N. Dist. of Ohio	Donald W. Boe, W. Dist. of Louisiana
Richard L. Bohanan, W. Dist. of Oklahoma	William H. Brown, W. Dist. of Tennessee
Francis Conrad, Dist. of Vermont	John Connelly, Dist. of Vermont
Basil Coutrakan, Central Dist. of Illinois	Harry C. Dees, Jr., N. Dist. of Indiana
Henry J. Dickinson, W. Dist. of Kentucky	Bernice Donald, W. Dist. of Tennessee
Nancy C. Dreher, Dist. of Minnesota	Robert F. Fussell, E. and W. Dist. of Arkansas
Robert E. Ginsberg, N. Dist. of Illinois	James Goodman, Dist. of Maine
Robert E. Grant, N. Dist. of Indiana	James Gregg, W. Dist. of Michigan
William A. Hill, Dist. of North Dakota	Thomas W. James, N. Dist. of Illinois
Gordon Kahn, S. Dist. of Alabama	Erwin I. Katz, N. Dist. of Illinois
Duane J. Kelleher, S. Dist. of Ohio	David S. Kennedy, W. Dist. of Tennessee
Judge B. H. Lorch, III, S. Dist. of Illinois	Charles J. Marro, Dist. of Vermont
James G. Mixon, E. and W. Dist. Arkansas	Alexander L. Paskay, Middle Dist. of Florida
James F. Queenan, Jr., Dist. Massachusetts	Wendall J. Roberts, W. Dist. of Kentucky
Robert K. Rodibaugh, N. Dist. of Indiana	Stewart Rose, Dist. of New Mexico
Jack B. Schmetterer, N. Dist. of Illinois	Mary Scott, E. and W. Dist. of Arkansas
Judge John H. Squires, N. Dist. of Illinois	David T. Stosberg, W. Dist. of Kentucky

### **CLERKS OF COURT**

The first clerk of the court was David D. Bird. Karen Eddy was asked to serve as the first clerk of the new court but she suggested the court needed a more experienced manager and recommended David Bird, who had been serving as a law clerk to Judge Sidney Weaver. Clerk Bird selected Karen to serve as his chief deputy. During David Bird's term he was instrumental in bringing computers to the court. He worked on the Bankruptcy Users Microcomputer System (BUMS) which was the forerunner of Case Management/Electronic Case Filing, CM/ECF. David left to serve as Assistant United States Trustee for Southern Florida in 1987. Karen then served as acting clerk until appointed clerk of court in April 1987, during which year 4,739 cases were filed. One of her first official acts was to hire a chief deputy clerk and after recruiting nationally and interviewing, Karen selected Katherine Gould Feldman. During Karen's tenure, she served on several national committees and working groups, and has made a significant contribution to the bankruptcy clerk's community.

In 2005, when BAPCPA was enacted, the work of the court increased as filings jumped to nearly 36,000 (from approximately 1,700 cases in 1979). Staff grew from 5 to 95 in 2006 and has since shrunk to 68.

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**(History of the USBC, SDFL continued from page 7)**

Katherine (Kathy) Gould Feldman was appointed clerk of court on January 4, 2007, at a time when the bankruptcy court system was beginning to rebound from sweeping reform changes as a result of the provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) of 2005. Prior to her appointment as clerk, Kathy served as the chief deputy clerk of court for 20 years and has nearly 37 years of federal court service. During her career in the federal judiciary, Kathy served on various national working groups and educational committees. Before joining the bankruptcy court in 1987, Kathy was employed by the U.S. District Court, Southern District of Florida, where she held various positions, including operations manager, court reporter supervisor and judicial assistant to two U.S. district judges.

Kathy retired on December 31, 2014, and was replaced by her former chief deputy, Joe Falzone. Joe was appointed clerk of court effective January 1, 2015. Prior to his appointment as clerk, Joe served as the court's chief deputy clerk for 8 years, operations manager for 10 years, and has over 22 years of bankruptcy court service and experience.

**THE BANKRUPTCY BAR ASSOCIATION**

The Bankruptcy Bar Association of Southern Florida was founded in 1981. A few dozen attorneys attended the initial meeting at the Miami Bankers Club. Martin Sandler was elected the first president. From its humble beginnings in 1981, the association has grown to over 400 members. It holds periodic monthly meetings with speakers and sponsors various educational programs.

For 25 years, the association in cooperation with the University of Miami School of Law, has conducted a workshop primarily for new practitioners, paralegals and legal assistants. Over the years the workshop has raised over a million dollars, all of which goes to a scholarship fund named in honor of distinguished bankruptcy practitioner Louis Phillips.

The Bankruptcy Bar Association also sponsors a national retreat for practitioners and judges primarily focusing on Chapter 11. The retreat generates substantial funding for the Bankruptcy Bar Foundation of the Southern District of Florida which gives grants to numerous worthy causes especially pro bono initiatives.

**CASES OF SIGNIFICANCE IN THIS COURT**

General Development Corporation (GDC) - A 3 billion dollar case with 300,000 creditors and noticing in nine languages on six continents.

Prime Motor Inns/Service - A 9 billion dollar case involving the second largest hotel operator in the United States.

Fontainebleau Las Vegas - A 3 billion dollar case, proving that "what happens in Vegas stays in Vegas" is not true - it comes to Miami.

Tousa, Inc. - A 2.2 billion dollar case involving a failed real estate development.

Atlas Air/Polar Air - The world's largest cargo airline.

Merendon Mining - The largest Ponzi scheme in the history of Canada.

Granfinanciera - Decided by the United States Supreme Court establishing "certain rights to jury trial in bankruptcy court".

Lorraine Brooks Associates - Dealing with O.J. Simpson's book, "If I Did It".

Banco Latino International - The only Edge Act bank to use Chapter 11. All creditors paid 100% plus interest.

Pan American Airways second bankruptcy - The world's most famous airline.

Fisher Island Investments, Inc., et al. - Described in the press as a battle between two Russian billionaires. Also litigated in Gibraltar, Liechtenstein, London and New York.

Piper Aviation - Landmark decision dealing with treatment of future claims.

Southeast Banking Corporation - owner of one of Florida's largest banks filed as a no asset case. Creditors paid 100% plus some interest, case filed in 1991 and still pending.





# CM ECF

## NEXT GENERATION OF CM/ECF

BY JOE FALZONE

Case Management/Electronic Case Files (CM/ECF) is a judiciary-developed case management program offering Internet access to official case records in the federal courts. This program enables participating attorneys and litigants to file pleadings and allows courts to file, maintain, and retrieve case file information using electronic format.

In 1995, the first CM/ECF prototype was placed in LIVE operation to specifically support the thousands of asbestos case related documents being filed in the U.S. District Court in the Northern District of Ohio. As a result of its overwhelming success, the project was expanded to support other types of court filings, including bankruptcy cases. As part of a pilot program in 1997 CM/ECF was implemented in five bankruptcy courts. Today, CM/ECF is LIVE in every federal court in the country.

In 2008, it became apparent that the current version of CM/ECF needed to be upgraded and rewritten in order to support new functionality and technological enhancements. As a result, CM/ECF NextGen was born. The goals of the NextGen project included greater integration among the district, bankruptcy and appellate versions of CM/ECF, shared data with other Judiciary systems, more streamlined processes, greater consistency for external users, enhanced case management functionality, and greater efficiency through use of new tools and technology.

In an effort to build the most functional system possible, input was elicited from the bar, academia, government agencies and others. A review of the judiciary's information technology infrastructure was also done. In 2012, the requirements gathering phase was completed and the development of CM/ECF NextGen commenced with the first release being made available to a few select appellate courts in October 2014, with full implementation to occur over the next two years.

The first release of CM/ECF NextGen will include central sign-on functionality, which will allow users of CM/ECF and PACER to maintain one account across ALL CM/ECF NextGen courts. Users will sign in one time to access multiple courts. Additionally, this release will also include *Electronic Self-Representation* [eSR]. The eSR module will allow a pro se debtor to prepare and submit (**NOT FILE**) to the court either a partial, or fully complete, Chapter 7 or Chapter 13 individual petition. Debtors will be able to work on their petition packages over time by using their self-selected login and password.

The clerk's office will keep you posted as more CM/ECF NextGen information becomes available.



## C.A.R.E. PRESENTATION TRAINING

BROWARD PRESENTATION

C.A.R.E. is a national financial literacy program that is a project of the BBA. Bankruptcy judges, attorneys, and other financial professionals speak about fiscal responsibility and some financial traps for the unwary in a one hour program presented at local high schools and colleges, as well as to various youth groups.

Join us at the training and sign up to be a C.A.R.E. volunteer. We promise you will find that serving our community through C.A.R.E. is a rewarding experience.

**Date & Time:** April 29, 2015 | 11:45 A.M. TO 1:00 P.M.

**Location:** UNITED STATES BANKRUPTCY COURT  
299 E. Broward Blvd., Courtroom 301  
Fort Lauderdale, FL 33301

**R.S.V.P. to:** [mlopez@rprsllaw.com](mailto:mlopez@rprsllaw.com)

[Note: You may **NOT** bring cell phones or electronic devices into the courthouse or you will be denied entry.]

Lunch will be provided, courtesy of Rice Pugatch  
Robinson & Schiller P.A.



Learn how to  
become a C.A.R.E.  
presenter\*

Presented by:

Hon. Laurel M. Isicoff

and

Chad Pugatch

and

Craig Pugatch

April 29, 2015

11:45 a.m.

to 1:00 p.m.

\*This is not a CLE program.

FOR MORE INFORMATION  
ABOUT C.A.R.E.:

Email:

[Ileana.Christianson@Gray-Robinson.com](mailto:Ileana.Christianson@Gray-Robinson.com)

[www.care4yourfuture.org](http://www.care4yourfuture.org)



## FREE BANKRUPTCY CLINICS

### SPONSORED BY

Dade Legal Aid Put Something Back Pro Bono Project  
Legal Aid Society of Palm Beach, Inc.  
The American College of Bankruptcy Foundation &  
The Bankruptcy Bar Association of the Southern District of Florida

Please attend one of our FREE Pro Se Clinics at the locations and times below. Featuring a 45 minute video providing an overview of the procedures for filing bankruptcy, followed by Question & Answer Sessions staffed by pro bono attorneys who are available to give advice on general bankruptcy matters. Please note that the volunteer attorneys do not represent you. Participants are responsible for responding to any pleadings and for protecting your own legal rights.

\*Miami Division: 301 N. Miami Avenue, Training Room

Friday, May 8, 2015	12 p.m. – 2 p.m.
Friday, June 12, 2015	12 p.m. – 2 p.m.

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

Friday, May 15, 2015	12 p.m. – 1:30 p.m.
Friday, June 5, 2015	12 p.m. – 1:30 p.m.

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

Wednesday, May 13, 2015	11:30 a.m. – 1 p.m.
Wednesday, June 10, 2015	11:30 a.m. – 1 p.m.

\*You may NOT bring cell phones or electronic devices into the courthouse or you will be denied entry.  
Cell phones and electronic devices will not be stored for you.

### FOR FURTHER INFORMATION, PLEASE CONTACT:

Miami:	(Karen Ladis)	<a href="mailto:kladis@dadelegalaid.org">kladis@dadelegalaid.org</a>
Fort Lauderdale:	(Kimberly Salamone)	<a href="mailto:ksalamone@ntmlawfirm.com">ksalamone@ntmlawfirm.com</a>
West Palm Beach:	(Eric Rosen)	<a href="mailto:erosen@fowler-white.com">erosen@fowler-white.com</a>
Stuart/Port Saint Lucie:	(Jon Martin)	<a href="mailto:jlmbklaw@gmail.com">jlmbklaw@gmail.com</a>



## RECENT COURT ANNOUNCEMENTS

### US BANKRUPTCY COURT, SDFL March 31, 2015

[Clerk's Notice of \(1\) Entry of Administrative Order 15-01; \(2\) Amendments to Mortgage Modification Mediation Procedures; and \(3\) Amendments to Local Mortgage Modification Mediation Forms](#)

### US DISTRICT COURT, SDFL February 20, 2015

[USDC Administrative Order 2015-9 In Re: Amendments to Federal Bankruptcy Rules and Local Rule 87.4 Re Processing of Bankruptcy Appeals](#)

## ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Reports on the 2014 caseload of the federal courts and the activities of the Administrative Office of the U.S. Courts were released March 10, 2015.

<http://news.uscourts.gov/2014-reports-federal-courts-caseload-and-activities-released>

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## UPCOMING COURT HOLIDAY CLOSINGS 2015

- Memorial Day - Monday, May 25
- Independence Day - Friday, July 3
- Labor Day - Monday, September 7
- Columbus Day - Monday, October 12
- Veterans Day - Wednesday, November 11
- Thanksgiving Day - Thursday, November 26
- Christmas Day - Friday, December 25

## 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.**