

FLSB BANKRUPTCY LAWYERS ADVISORY COMMITTEE

**Meeting
April 11, 2018**

Meeting commenced at 3:00 pm

Present at the meeting: Leyza Blanco, David Samole, Heidi Feinman, James Schwitalla, Jeffrey Fraser, Michael Johnson, Nadine White-Boyd, Rilyn Carnahan, Robin Weiner, Robert Furr, Ross Hartog.

Not present: Gerard Kouri, Greg Grossman, Eric Silver (did not receive notice)

NOTICE ISSUES:

Final form of LAC notice was sent out to all with email addresses. LAC reached out to Joe Falzone who will ask the Judges to put the notice on their respective bulletin boards. Has been sent it out to various debtor's attorneys and trustees will put notice on her website. Will be sure to disclose at Chapter 13 confirmation hearings.

With respect to Court website, Joe Falzone wants to set up information for notices and information with a link. Leyza to write a Chairman's message.

BBA: BBA will blast notice this week to BBA members and will mention LAC either at beginning or on Saturday night of Retreat.

Regarding email address: discussion regarding WHO has access to LAC email address; concerned about confidentiality if the email address is LAC@flsb.uscourts.gov. concerned that if has Court address is there a perception of lack of confidentiality. Should we create a separate email address? Discussion suggested that IF concern exists a phone call can be made directly to one of the three individuals listed on the notice. Agreed that notice should be revised to address confidentiality concern. Revised notice to be sent to Clerk of Court.

NEW BUSINESS:

1. Substitution of counsel matters: MD and ND of Florida have method to advise court of substitution of counsel in one notice that applies to all relevant cases. Form filled out and filed with court. Same form used in MD and ND. In SD, attorney has to file motions and orders in each case which takes time. Suggestion made that change in substitution of creditors' attorneys be considered in SD. Question raised if this is a LAC or Local Rule issue. Agreed to obtain more information on how the ND and MD handle the procedure and draft a proposal. Matter to be continued to next meeting.
2. CFPB and Periodic Statements: This hasn't gone into effect yet but need to opt in or out by 4/18/18. Trying to figure out best way to notify the Court, may be a Local Rule issue. Suggestion made that local plan form contain potential change to add opt in/out language.

Further suggestion that this is a Local Rule issue and will bring it up at a Local Rule meeting.

3. Judges “publishing” opinions of novel issues: Issue raised that posting opinions of novel issues would be helpful to the practitioners. Some of the opinions are listed on the Court website, both published and unpublished. Question raised how often this listing is updated. Members agreed a reminder may be helpful. It was suggested a formal submission process from practitioners to the Court.

Question asked if View From the Bench database link is available on the Court website. BBA has the hyperlinks but maybe it can include a link on the Court website.

Court website should have the information, Recommended that Judges have quarterly goal to update website with opinions. Concern raised about putting pressure on Judges and suggest we be very open ended. Further suggested giving Judges “aspirational goals” and making the Court aware that this is a valuable resource for the bankruptcy community.

It was noted that last case noticed on website was March 30, 2018 by Judge Kimball. Judges Isicoff and Kimball have more opinions since 2012 than the other Judges.

Question raised how we should communicate this to the Bench-do we go through Chief Judge Isicoff and do we do it in writing or via a phone conversation.

Agreed to put together thoughts and potential resolution to share with others prior to next meeting. Any final approved resolution then forwarded to Chief Judge Isicoff.

Meeting adjourned 4:10 p.m.