COURTHOUSE BEACON NEWS

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

JUNE 2021

THE WAY FORWARD
Chief Judge's Corner
By: Hon. Laurel M. Isicoff

It seemed like it would never end, and yet, finally, there is a light at the end of the tunnel. WE HAVE A FORT LAUDERDALE COURTHOUSE SITE! Oh, I bet you thought I meant going back into our courtrooms. That too, of course.

So let's go to the physical courthouse and courtroom reopenings. The courthouses opened for in-person access on June 14, 2021. Hours are currently limited, but we are hopeful that by the end of the summer, the courthouses will be fully reopened. Please check the court website for full instructions. Remember, until further notice, masks must be worn in the courthouse at all times. The presiding judge will determine the mask policy in the courtroom.

I want to pause here to thank our Clerk of Court, Joe Falzone, our Deputy Clerk of Court, Jose Rodriguez, our incredible IT staff, led by Tony Diaz, and all of our court family, for making it possible to keep the court in business during this long pandemic-forced distancing. It is only because of them that we have been able to keep the court open, even though our courthouses were closed to the public. Everyone had to work very hard to get us going when we had to switch completely to virtual proceedings, and now they are working equally hard to get us ready to reopen physically while offering virtual options for court attendance. And of course, I must thank the judges, all of whom have learned technology that 15 months ago we did not even know existed, and all of whom have contributed to the new dynamic in which we had to learn to function.

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EFFECTIVE MONDAY, JUNE 14, 2021: REOPENING OF COURT TO ALLOW LIMITED IN-PERSON HEARINGS AND REOPENING OF CLERK'S OFFICE INTAKE WITH REDUCED SCHEDULE FOR IN-PERSON FILINGS.

In accordance with this Court's Plan for Phased Recover of Operations During COVID-19 Pandemic, **PLEASE TAKE** notice of entry of

Administrative Order 2021-05 Reopening the Bankruptcy Court to Allow Limited In-Person Hearings, and Reopening the Clerk's Office Intake with a Reduced Schedule for In-Person Filings.

All persons entering the federal courthouse will be subject to temperature screening and **MUST** wear a face mask and maintain a social distance of six feet at all times unless otherwise directed by the Court.

INSIDE THIS ISSUE

Bankruptcy Cases Filed From 01/01/2021 to 5/31/21

TOTAL FILED:	5,427
• Chapter 7	3,426
• Chapter 9	0
• Chapter 11	97
• Chapter 12	0
• Chapter 13	1,900
• Chapter 15	4

Additional filing statistics are available on the court website www.flsb.uscourts.gov under the "Court Information" tab at the top of page.

Select: "Case Filing Statistics"

THE WAY FORWARD CHIEF JUDGE'S CORNER (continued from page 1)

By now, you will have started receiving notices of hearing that set matters in the courtroom. The courtrooms are now set up to do hybrid hearings - live with video participation by Zoom, as well as the pre-pandemic phone-in option (watch for whether phone-in is Zoom or CourtSolutions). Please pay careful attention to the notices of hearing AND the judges' individual websites for instructions regarding these hybrid hearings.

Back to our new Fort Lauderdale courthouse. By now, you all know the courthouse will be located at the corner of 11th Street and Southeast Third Avenue. The completion date is sometime in 2026, so figure definitely by 2036. The plans are almost complete; Joe Falzone, Judge Grossman, and Judge Russin are representing the Bankruptcy Court in the overall design discussions. We will keep you posted as things develop.

Now to something else that we need to look forward to – something on which we all need to work together. In September 2020, the Federal Judiciary adopted its Strategic Plan for the next ten years. That Strategic Plan has seven core values, one of which is Diversity* and Respect. The Federal Judiciary has been committed to DEI (Diversity, Equity and Inclusion) initiatives even before adoption of the Strategic Plan. Many of you know about, and may have even participated in, the nationwide "Roadways to the Bankruptcy Bench" on October 24, 2019. That program, which was conducted in 19 cities all over the country, including Miami, was an incredible success. In fact, it was so successful that we are working on a repeat in the coming year. Three attorneys who attended that event have since applied for, and been appointed to, the bankruptcy bench.

As I have told you previously, the bankruptcy bench is the least diverse of the federal benches. One way we can change that is to better diversify the bankruptcy bar. How can YOU help? Mentoring. Whether you mentor a high school student, a college student, a law student, or a young lawyer, make an effort to mentor. Go speak at a high school or college and talk about the law in general and bankruptcy law in particular. Sign up for a law school mentoring program – the Kozyak Minority Mentoring Foundation has a website where you can be matched with a law student - (www.kmmfoundation.org). That young lawyer? The next time you need a speaker for a panel, or you are looking for a co-writer for an article, or you are attending an event with other people of influence, invite one of these young professionals to join you. Invite them to join your team on a case or project. Your invitation becomes their opportunity, and from there, they can grow.

The coming year will be an important one for the Southern District of Florida – we are reopening, we are building a new courthouse, and together, we can and must improve the diversity of our bankruptcy community. Please do your part to make it happen. Thank you.

I look forward to seeing you all in court!

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*The Strategic Plan defines "diversity" as "race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, or disability."

RECENT USBC SDFL ADMINISTRATIVE ORDERS AND CLERK'S NOTICES

To view all current Administrative Orders: visit https://www.flsb.uscourts.gov/general-orders
To view Clerk's Notices, visit the home page of the Court's website https://www.flsb.uscourts.gov/ and view "News and Announcements" in the lower- left column on the page

- AO 2021-05 Reopening the Bankruptcy Court to Allow Limited In-Person Hearings, and Reopening the Clerk's Office Intake with a Reduced Schedule for In-Person Filings.
- AO 2021-04 Abrogation of Local Rule 3017-3, Court Guidelines for Prepackaged Chapter 11 Cases, and Clerk's Instructions for Chapter 11 Cases
- AO 2021-03 Formation of Pro Bono Committee; and Adoption of By-Laws
- AO 2021-02 Adoption of Student Loan Program for Debtors in Chapter 13 Cases

FROM THE JUDGES' CHAMBERS

ZOOM HEARINGS, TIPS AND TRICKS
By: Hon. Robert A. Mark and
Jacqueline Antillon, Courtroom Deputy to the Honorable Robert A. Mark

Zoom and other video platforms have become regular features of our pandemic life. This article will provide what we hope will be useful tips in using Zoom, with a focus on Zoom court hearings.

First, you should use the Zoom application, not your browser. Download the application to your computer or smart device and create your profile. When first creating your account, we recommend that you enable your account to automatically join by computer audio, to display your name and to include any other feature that can make it easier when connecting to your hearing. If you don't have a PC or smart device, you can still appear telephonically. There are two ways to join a hearing, via computer or smart device, or by telephone. Join the hearing at least 5 minutes before the hearing time to make sure your equipment is properly working. You can either select the link provided in your email registration "Click Here to Join," or sign into your Zoom account, join a meeting, enter "Meeting ID or Personal Link Name," then join (meeting ID, passcode and US/International telephone numbers can be found in your registration email).

Testing Audio: "Join with Computer Audio." When you click on "Join with Computer Audio," a display pop-up window appears to test your speakers. If you hear a ringtone, click "Yes." If you don't hear the ringtone, click "no" to switch speakers until you hear it. If you're having issues, go to your account, click on settings, click audio tab, and select speaker or microphone to further test. Make sure your microphone is selected in Zoom. From the menu bar, select microphone arrow up "^", select your microphone. If all else fails, contact your IT department if possible or restart your device.

Android Users: On your first connection, allow Zoom access permission. After you join, you will be prompted to join the audio. "Call via Device Audio" connects via your internet. "Dial-in", allows you to dial into the Zoom hearing and get audio on your telephone.

iOS Users: On your first connection, select "OK" when message appears that Zoom would like to access the microphone. You'll have the following options when joining the hearing: "Call Using Internet Audio," connects via your internet or "Dial-in" which allows you to dial into the Zoom hearing.

Virtual Background: If working from home, make sure your background is clutter-free and not distracting, or use a neutral background. Please wear appropriate clothing for court. Most businesses and law firms have created their own virtual background that can be applied when attending court hearings or meetings. Reach out to your IT department for help if you are not sure how to download or change your virtual background. For pro se parties, we recommend the following tutorial website: https://www.youtube.com/watch?v=3Zq-b51A3dA. Zoom Tutorial: How to Change Zoom Virtual Background.

Other Hearing Tips: Make sure your audio and camera are positioned correctly. Once connected, if you haven't set up your account, type your full name. This will make it easier for the court to identify you and will aid the Electronic Court Reporter when capturing appearances if the hearing is transcribed. Don't forget to mute yourself until the hearing/meeting starts and turn off devices in the background that may create noise (TV, radio).

Muting microphone: Once connected to your meeting, in the left corner you will see a microphone. Select mute. To unmute and speak simply select, "unmute." Be patient and wait for the Judge to **start the hearing. Once the** hearing starts, the Judge will provide directives as to how the hearing will proceed and will typically start by asking for appearances. Don't blurt out your name. Wait until you are called. Remember to put your name on your screen before joining the

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FROM THE JUDGES' CHAMBERS

ZOOM HEARINGS, TIPS AND TRICKS (continued from page 3)

hearing. Display name: profile, edit, enter display name (should include first and last name). Your display name is what others who attend the hearing will see and know you by.

When making your initial appearance, state your name, spell your last name, and identify the party you represent or your role in the case ("This is Jane Doe, attorney for creditor ABC). Once you announce your appearance, mute yourself until a question has been directed to you, and then be sure to unmute yourself. One sentence spoken by the judge at least once in every Zoom hearing is "You're on mute." Do not speak over individuals. One person at a time.

View Features: If you want to see all participants, turn on gallery view. Turning on gallery view: Once there are at least 2 people in the hearing, in the top right corner, click view. You can choose gallery or active speaker. Gallery view displays participants in grid pattern. The number of participants you can see in a single screen, depends on the device you are using. In speaker view, the person who is speaking will display prominently on the screen. You have the option to toggle between speaker view and gallery view at any time during the hearing.

Screen Sharing: Prior to your hearing/meeting, become familiar with screen sharing, which you need to use to display exhibits in evidentiary hearings and trials. If you will be presenting witness testimony, each witness should create a Zoom account and register for the hearing under their name. Attorneys should make sure their client(s) have created a Zoom account and registered prior to the hearing. Witnesses should appear on video camera. Absent permission by the Judge, witnesses may not testify by telephone.

Share screen command: On the bottom of your screen, you will need to select the share screen icon. We recommend that you become familiar with screen sharing before your hearing. This function has advanced features, including share screen only with host, in this case, the presiding Judge, or all participants.

Breakout Rooms: Only the host of the Zoom hearing/meeting can control breakout rooms and meeting settings. If you believe your hearing may require a breakout room, contact the Judge's courtroom deputy 48 hours in advance of the hearing.

Registration: Please do not share your zoom registration. Each participant should register with their own information. Your link is unique to you. Hearing links can be found in the court-issued Notice of Hearing or in an Order setting a hearing by video conference. To register, click on the hyperlink, which will take you to the registration page. Once your personal information has been entered, a confirmation email with the hearing information will be sent to the registered participant.

Zoom has many features beyond the scope of this article. Our suggestion is to get to know as much as you can. For beginners, we recommend the following tutorial videos: https://www.youtube.com/watch?v=QOUwumKCW7M, https://www.youtube.com/watch?v=U_JohBDMur4. Another option, log into your Zoom account, select "Video Tutorials," and you'll find valuable information about joining a meeting, scheduling, controls, audio, video, and sharing your screen.

Zoom hearings can be intimidating at first, with different vibes and a different feel than being inside a courtroom. We will be back together soon in the courthouse for some live hearings. Starting in June and July, several judges will be conducting "Zoom Hybrid Hearings." These will be hearings conducted in the courtroom with parties offered the choice of appearing in court or appearing through Zoom. "So, Zoom is here to stay."

We hope these tips and tricks are useful in your professional and personal life. Enjoy and Zoom away! The more you practice, the easier it becomes, and before long, you too will be a Zoom master!

FROM THE JUDGES' CHAMBERS

JUDGE GROSSMAN'S WRITING TIPS
By: Hon. Scott M. Grossman

Each of us has his or her own writing style, preferences and pet peeves. Reasonable minds (and grammarians) may differ on many of these issues, but here are some writing tips I'd like to offer for practitioners to consider:

1. **Be concise**, and avoid archaic language. For example, do not begin a motion like this:

   > COMES NOW, debtor and debtor-in-possession, XYZ Corp. (the "Debtor"), by and through its undersigned counsel, and for the reasons hereinafter below stated, requests pursuant to Section 365(a) of Title 11 of the United States Code (the "Bankruptcy Code") that this Honorable Court approve the Debtor's assumption of its real property lease with Landlord ABC, LLC ("Landlord"), and in support of this requested relief would show the Court as follows:

   Instead, write something like this:

   > Debtor, XYZ Corp. moves under 11 U.S.C. § 365(a) to assume its real property lease with Landlord ABC, LLC.

2. **Be precise**. Many words we use in legal practice have specific meanings. For example, a "pleading" is defined in Federal Rule of Civil Procedure 7(a) to include only complaints, answers, third-party complaints, and if or ordered, a reply to an answer. A motion is not a "pleading," nor is an application, objection, memorandum of law, or other legal brief. Yet many lawyers often use the term "pleading" to refer to any document filed with the court. This precision matters, for example, with respect to Federal Rule of Civil Procedure12(f) (Motion to Strike). Rule 12(f) only applies to "pleadings." A party may not use Rule 12(f) to strike a motion or a portion of a motion.

   Another example relates to secured claims. Many attorneys recite in a motion that a claim is secured by a UCC-1 Financing Statement. But a UCC-1 Financing Statement does not create a security interest. Under Article 9 of the Uniform Commercial Code, a security interest is created by a security agreement. A UCC-1 Financing Statement is filed to perfect a security interest. So to state that a claim is secured by a UCC-1 Financing Statement is not correct. If an attorney is reciting how a claim is secured, the attorney should refer to the security agreement that creates the security interest and then to the UCC-1 Financing Statement as having perfected that security interest.

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FROM THE JUDGES' CHAMBERS

JUDGE GROSSMAN'S WRITING TIPS (continued from page 5)

3. Write in the **active voice** where possible.

   Instead of:

   > A foreclosure judgment was entered against the debtor, and a foreclosure sale was scheduled. Then the chapter 11 petition was filed.

   Write:

   > The state court entered a foreclosure judgment against the debtor and scheduled a foreclosure sale. The debtor then filed a chapter 11 petition.

4. **Avoid the word "shall"** wherever possible (particularly in proposed Orders). Instead, use "must" where intended to be imperative and "may" where intended to be permissive. "Will" or "agrees to" is also preferable to "shall" in contemplating future actions. Indeed, practitioners will note that the word "shall" is now used in only one Federal Rule of Civil Procedure – Rule 56 – where it has been retained due to its historical significance in case law over many decades. Otherwise, the word "shall" has been eliminated from every other Federal Rule of Civil Procedure. A similar effort is underway as part of the Bankruptcy Rules restyling project, targeted to take effect December 1, 2024.

5. **Don't use Arabic numerals in parenthesis** after spelling out a number in text. Use one or the other. Invariably, in contracts, motions, or court orders, I have seen mistakes where the Arabic numeral in parenthesis is different from the spelled out number. For example, "Within three (2) days of entry of this Order . . ." Then the court has to determine which one the parties intended. Avoid this problem by using one or the other. While the Bluebook has a rule as to when to spell out a number and when to use Arabic numerals, I personally have no strong preference as long as the writer is consistent.

6. **Revise, revise, revise.** The quote "I didn't have time to write a short letter, so I wrote a long one instead" has been attributed to Mark Twain (as well as several other famous authors throughout history). It rings true, however, in legal writing. It often does take more time to write a shorter brief than a long one. But the effort will be worthwhile. A short, clear, and concise legal brief will often be more persuasive than a meandering composition that goes on for pages without clear direction or organization. Important points can also get lost in the morass of a lengthy brief. By revising a draft several times, an effective writer will be able to spot redundancies or inefficient uses of language and tighten up her writing in a manner that ultimately makes it more persuasive.

7. **Proofread and use spell-check.** While most attorneys do this, I have been surprised by how many do not. It is not difficult to take an additional few seconds to run a spell-check before finalizing your document and filing it. Sloppy grammatical and spelling errors do not reflect well on the attorney filing the document.

FROM THE JUDGES' CHAMBERS

TO FILE, OR NOT TO FILE? THAT IS THE QUESTION

WHEN BAD FAITH FILING BECOMES SANCTIONABLE

By: Hon. Peter D. Russin and
Zachary Needell, Law Clerk to the Honorable Peter D. Russin

Debtor's attorneys are often confronted with whether to file a bankruptcy case that toes the line between a good faith and bad faith filing. When the case falls on the wrong side of the line, the case will be dismissed, and the debtor and counsel may be sanctioned. But what if reasonable minds differ as to whether the filing was arguably in good faith? Counsel must consider how best to zealously represent their client while still meeting their obligations to the bankruptcy court. If attorneys can strike the right balance between these sometimes competing interests, they may be able to mitigate the risk of sanctions even where a case is dismissed for bad faith.

Cause for dismissal of a bankruptcy case is not necessarily the same as cause for imposing sanctions. *In re Sixty One Sixty, LLC*, No. 17-23573-RAM, 2018 WL 1773550, at *3 (Bankr. S.D. Fla. Apr. 11, 2018). The bankruptcy court has the authority to dismiss a case where the filing of the case is an abuse of the judicial process or appears to be nothing more than an effort to delay or frustrate the legitimate efforts of secured creditors to enforce their rights. *See, e.g., In re Phoenix Piccadilly, Ltd.*, 849 F.2d 1393, 1394 (11th Cir. 1988); *In re A.Z. Serv., Inc.,* 208 B.R. 578, 581 (Bankr. S.D. Fla. 1997). Though these themes are necessarily inextricably linked to the question of sanctions, the standard for issuing sanctions is higher.

Sanctions may be issued under Bankruptcy Rule 9011(c) or § 105(a). Under Rule 9011(c), the court "may … impose an appropriate sanction" on an offending party if it determines that Rule 9011(b) has been violated. See Fed. R. Bankr. P. 9011(c). Rule 9011(b) states:

> (b) Representations to the court
>
> By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, —
>
> > (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
> >
> > (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
> >
> > (3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
> >
> > (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

The question of whether Rule 9011(b) has been violated is left to the discretion of the bankruptcy court on review of the totality of the circumstances. See, e.g., *In re Fazzary*, 530 B.R. 903, 906 (Bankr. M.D. Fla. 2015); *In re Grigsby*,

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FROM THE JUDGES' CHAMBERS

TO FILE, OR NOT TO FILE? THAT IS THE QUESTION (continued from page 7)

233 B.R. 558, 559 (Bankr. S.D. Fla. 1999). The respondent may be able to defeat sanctions under Rule 9011 so long as they can present a "colorable argument" to establish that the filing was neither patently frivolous nor filed for a blatantly improper purpose. See *Sixty One Sixty*, 2018 WL 1773550, at *3–4. Some courts have determined that, if Rule 9011(b) has been violated, sanctions are mandatory. See *In re SeaEscape Cruises, Ltd*., 172 B.R. 1002, 1014 (S.D. Fla. 1994). Other courts, including bankruptcy courts in this district, have suggested that sanctions under Rule 9011 – even where Rule 9011(b) has been violated – are discretionary. See *Sixty One Sixty*, 2018 WL 1773550, at *3. The courts that treat sanctions under Rule 9011 as discretionary have also considered other factors, such as counsel's full disclosure and honesty with regard to the issues which make the case most difficult and problematic. See, *e.g., id*. at *3–4.

Counsel must be keenly aware of the precise language of Rule 9011(b) and do as much as possible to ensure they (and their clients) adhere to it. Since some judges may determine that 9011(c) mandates sanctions if 9011(b) has been violated, staying out of its grasp is arguably the most essential step in mitigating the risk of sanctions when filing a long-shot case.

In addition, a bankruptcy court may, in its discretion, issue sanctions when it finds that a respondent has acted in bad faith through its inherent authority under § 105(a). *In re Adell*, 296 F. App'x 837, 839 (11th Cir. 2008); *In re Turner*, 519 B.R. 354, 358–59 (Bankr. S.D. Fla. 2014) (quoting *In re Mroz*, 65 F.3d at 1575). Sanctions under § 105(a) are intended to be reserved for only the most egregious instances of bad faith where "the very temple of justice has been defiled." *Goldin v. Bartholow*, 166 F.3d 710, 722–23 (5th Cir. 1999).

So, when counsel is faced with a case that toes the line, how might they best seek to mitigate the risk of sanctions?

First, information and preparation are key. Make sure, as counsel, that you have the information you need to honestly say you reasonably prepared and investigated the matter beforehand and, in your best judgment, you believe that the case can reasonably be filed in good faith.

Second, make sure you know and understand your good faith reasons for filing and make sure you can explain those reasons to the Judge. Even better, make sure you make those reasons for filing known as quickly as possible through your actions in the case, such as, for example, by including them in your case summary. If you can create a theme for your case that carefully and effectively explains the reasons you believe the case should be able to move toward a successful conclusion, even if you do not ultimately prevail and the case is dismissed, sanctions may not (depending on the circumstances) be warranted.

Third, be honest! Bankruptcy courts consider a variety of factors when determining whether sanctions should be issued. Judges often consider how honest and forthcoming a party and their counsel were in disclosing the issues that make it an "on the line" case. These issues sound a lot better, and your explanations for filing sound a lot more believable when you come into a case with an honest and forthcoming assessment of why this case has a shot at success and perhaps why it may not.

Finally, and most importantly, if, after honest reflection and perhaps after asking a colleague for their objective perspective, you are not able to justify the filing of the bankruptcy case, it is critical that you be honest with your client and yourself. As my father was fond of telling me, your good name is your most valuable asset. Certainly, it is more valuable than any short-term fee you may gain in any one bankruptcy case. Judges generally respect zealous advocacy and appreciate legitimate differences of opinion. However, a finding of bad faith that leads to the issuance of sanctions negatively impacts your client, the creditors, and you. As Benjamin Franklin once said: "It takes many good deeds to build a good reputation and only one bad one to lose it."

FROM THE JUDGES' CHAMBERS

EPK Corner
By: Hon. Erik P. Kimball

In 1928, Justice Cardozo, then Chief Judge of the Court of Appeals of New York, began a decision as follows:

> A petition by three leading bar associations . . . gave notice to the court that evil practices were rife among members of the bar. "Ambulance chasing" was spreading to a demoralizing extent. As a consequence, the poor were oppressed and the ignorant overreached. Retainers, often on extravagant terms, were solicited and paid for. Calendars became congested through litigations maintained without probable cause as weapons of extortion. Wrongdoing by lawyers for claimants was accompanied by other wrongdoing, almost as pernicious, by lawyers for defendants. The helpless and the ignorant were made to throw their rights away as the result of inadequate settlements or fraudulent releases. No doubt, the vast majority of actions were legitimate, the vast majority of lawyers honest. The bar as a whole felt the sting of the discredit thus put upon its membership by an unscrupulous minority.

People ex rel. Karlin v. Culkin, 162 N.E. 487, 488 (N.Y. 1928).

Nothing has changed. Indeed, the state of the bar is worse in another way. A century ago, the profession of lawyering was still very much a profession first and a business second. Lawyers made their living in a manner similar to lawyers practicing now. But, as far as one can tell from the literature of the day, the business aspect of running a law practice, be it a firm of many lawyers or just one, took a back seat to the lawyer's role as a member of a profession. Lawyers considered themselves part of a privileged club with special rights and also special duties.

Today, when a young lawyer considers a first job at a firm, what does he or she often first ask? Not "What is the firm's reputation?" Not "Do I respect the lawyers associated with that firm?" The young lawyer's first questions are "How much will I be paid?" and "What is the billable hour requirement?" We cannot fault any lawyer for considering remuneration in deciding where to work. But should this be a more important factor than any other? Is money the only reason we sought to be lawyers?

Twice in my career I left the private practice of law to take business positions in the investment world. As I sat in my office overlooking the trading floor, one thing struck me over and over -- that my business colleagues were content with their work life. They felt their work was important. They enjoyed the company of their coworkers. They respected the "sell side" and rating agency analysts and also their competitors at other firms. In comparison, a shocking number of lawyers were unhappy. They often appeared visibly stressed, even harried. Many seemed to take a foxhole view of their work life. Each group comprised highly educated, motivated people. Why was their level of professional contentment so different? What did the lawyers lack that the investment professionals did not?

The answer is -- a sense of community, of mutual respect and mutual reliance among members of their professional circle. In spite of the magnitude of the investment market in the United States, and in spite of the fact that the investment world includes many competing firms, there is an overarching sense of community among its members. There is no code of professional responsibility for investment professionals. There are, of course, various laws and regulations addressing disclosure and trading of securities. If the lawyers' code of professional

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FROM THE JUDGES' CHAMBERS

EPK CORNER (continued from page 9)

responsibility establishes primarily the outer limit of appropriate professional conduct, securities laws are even further from defining collegial behavior for those in the markets. But there is an unwritten code governing how professionals in the investment world act on a daily basis. Even before electronic communication, an infraction of that code resulted in immediate reporting around the country through the trading desks at the various investment banks, mutual funds and other market participants. Now the news spreads instantly via e-mail or Bloomberg. The offending market participant was, and still is, unofficially cordoned off from the market. One of my former investment colleagues calls this being put in the "penalty box." Professional behavior is enforced from within the market, without the need for external oversight.

But, you may suggest, surely the profit motive would lead those in the investment world to compete in any manner that might lead to financial gain, within the confines of securities laws, even if it was not deemed appropriate activity by other market participants? Yes, but not for long. A market participant not playing by the unwritten rules is quickly left behind by others in the marketplace. An overzealous approach works only in the short term.

If the investment industry has a sense of community, of mutual reliance and respect, in spite of its overarching profit motive, why can't the legal profession also focus on profit as its primary goal? Why would a greater focus on billable hours, on increased revenue and decreased expense, not be consistent with collegiality in the legal profession? The answer is that while the primary goal of the investment world is to obtain monetary return, the central purpose of practicing law has not been and should not be so. Most of us could have earned a good living doing something else. At one point we made the choice of a legal career. The ability to earn a good income was probably a factor, but I doubt it was the only or even the primary factor for many of us. There was something else, something that seems to be fading year by year.

When I started as a bankruptcy associate in Boston, the bankruptcy bar was much like the investment world. I quickly learned from the partners in my department that establishing and maintaining my reputation and the reputation of my firm was more important to successful legal practice than any other goal. The code of professional responsibility, as distant as the former planet Pluto, was not considered in my day-to-day work. My behavior was governed by a much more stringent set of unwritten yet ironclad rules.

It was a busy time in the bankruptcy world and I was soon introduced to the business practitioners in the city. It seemed that all these lawyers were involved in some way in the larger cases. I worked repeatedly with the same lawyers over a period of years. What I remember from this time was a great sense of collegiality, of belonging to an exclusive group whose members respected and trusted each other. I remember hard fought cases, with extensive discovery, lengthy evidentiary hearings, contested confirmations, matters of significant importance to our clients on all sides. What I do not remember is discord. I can honestly write here that I do not remember a single discovery dispute that required court intervention. I do not remember a single instance, even, of refusal to extend a deadline. Nor do I remember a single instance of a bankruptcy lawyer being snubbed by our peers. If one of our own acted inappropriately, one or two of the more senior members of the bar would try to bring the offending lawyer back into the fold. Our word was literally our bond. I remember

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FROM THE JUDGES' CHAMBERS

EPK CORNER (continued from page 10)

dozens of matters settled prior to hearings when one lawyer was asked to go to court and represent the settlement for all parties, and none of us doubted that the agreement would be conveyed in an appropriate manner. In light of what I see today, the level of trust among the bankruptcy bar was remarkable.

Things changed dramatically in the ensuing years. As larger cases moved away from the secondary cities, the business bankruptcy practice became much less local. The close relationships among lawyers in cities like Boston, relationships that cemented a feeling of camaraderie among lawyers to the benefit of the lawyers themselves and also to the benefit of clients, were less important in a national bankruptcy practice. One simply did not work with the same lawyers every day. While some subspecialty areas seemed to maintain a close-knit group of lawyers, the general business bankruptcy practice became fractured enough that the sense of belonging to a legal community, and the collegiality that follows, suffered greatly.

There has also been an increasing focus on profitability at law firms these past three decades. One could argue there are many reasons for this. The cost of training new associates, greatly increased by real or imagined corporate competition, is one potential catalyst. Increased client focus on lawyer billing is another cause. Law firms have also grown considerably. In 1990, a 300-lawyer firm was considered large. Now, a 300-lawyer firm is neither large enough to compete with the mega-firms, nor small enough to constitute a boutique practice. Growth for the sake of growth has led to new financial pressures on firms. Law firms, unlike most businesses, seem not to benefit from an economy of scale. Paradoxically, larger firms tend to have higher overhead costs per lawyer. Growing firms often find themselves focusing more and more on the bottom line. Law firm management is now about billable hours, realization rates, and expense containment. Its goal is increased profits per partner.

But money only goes so far. Lawyers are under greater pressure today than ever before. E-mail and texts flow in at an alarming rate, and clients and other lawyers expect immediate responses. Bankruptcy practitioners are particularly susceptible to a sense of lack of accomplishment. To a great extent, bankruptcy practice is aimed at reducing loss. At the end of the day, a lawyer's success typically does not make the client whole. Only the most sophisticated clients are happy with a favorable outcome that is still a loss. Likewise, it is an unusual bankruptcy matter that results in a tangible product. Unlike the work of our transactional colleagues, a bankruptcy assignment rarely results in a new building, or even a closing binder. Many bankruptcy lawyers feel like Sisyphus, with no end to their toil, except the boulder seems to get larger year by year. A big salary or bonus is good to a point, but its sweetness fades as the clock strikes 10 pm and you are still at your desk.

Lastly, public perception of lawyers reached its nadir some time ago and seems to have stalled. Read by the average American, the quote opening this article would likely be met with "no kidding." Our once well-regarded profession has been for some time painted with the faults of a small portion of our membership. And that small portion is gaining ground, even among bankruptcy specialists. Unnecessary extension of litigation, shake-down suits aimed at deep pockets, overly aggressive tactics, lack of professional courtesy and plain old rudeness, all in the name of zealous advocacy, permeate every court, including mine.

There would be some rational basis for this behavior if it actually benefitted clients, but it does not. Clients routinely pay for unprofessional behavior both in larger legal bills and in wasted time. A lawyer who thwarts the

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FROM THE JUDGES' CHAMBERS

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efforts of all opponents with the apparent goal of delay or obfuscation, who fails to properly advise the client of appropriate settlement opportunities, or who litigates needlessly, is not the champion the client believes. The only winning party with such a lawyer is the lawyer himself, and only to the extent his fee is augmented by his own bad acts. But these are the lawyers who make the news, who are blogged about online. These are the lawyers, even if still the exception, who cause the public at large to doubt the mettle of our profession. It is hard to maintain positive professional self-worth in light of this eroded public perception.

What, then, can we lawyers do to improve the lot of our profession? What can we do to make our work lives more fulfilling, to make all of us proud to be members of the bar? The answer is deceptively simple -- professionalism.

By professionalism, I do not mean simply complying with the applicable rules of professional conduct. Those rules are meant primarily to define sanctionable actions. Instead, lawyers should act in a dignified manner, consistent with the privileges afforded to us as members of the bar and mindful of the burdens placed on us as officers of the court. As Chief Justice Burger wrote, "[t]he license granted by the court requires members of the bar to conduct themselves in a manner compatible with the role of courts in the administration of justice." *In re Snyder*, 472 U.S. 634, 644-45 (1985).

How can lawyers conduct themselves consistent with this broad directive? I suggest a few simple rules:

1. Your reputation is paramount. Everything you do should be consistent with maintaining your reputation as a fair and honest advocate. If a course of action threatens your reputation for honesty and integrity, reject it. Each of the following rules is a continuation of this theme.

2. Treat all counsel and parties with respect and courtesy. No matter how difficult or rude they may be, treat everyone in your professional life with the same respect and courtesy you would wish for yourself. Take the high road at every chance. This takes patience, and sometimes willpower.

3. Advise your clients even when they do not like it. What a client wants is not always the right thing to do. If you cannot convince your client to do the right thing, fire them. There are other clients.

4. Instill professionalism in new lawyers. If you have associates, show them how a reputation for honesty and integrity is a benefit to them and your clients. If you meet lawyers who lack this training, teach them by example.

If lawyers live by these rules, the practice of law will be more pleasant, more collegial. We will regain a sense of community in the bar. Perhaps not all lawyers will be happy, but overall contentment will improve. We will again be proud to be members of an honorable profession.

PRO BONO CORNER

BY:
STEVEN S. NEWBURGH, ESQ.
(GUEST CONTRIBUTOR)
LAY CHAIR,
PRO BONO COMMITTEE

REPORT ON THE MAY 2021 MEETING OF THE PRO BONO ADVISORY COMMITTEE

The Pro Bono Advisory Committee of the Bankruptcy Court for the Southern District of Florida held its second regular meeting of 2021 on Tuesday, May 4, 2021 at 5:00 PM. Our Committee has now formed the subcommittees that are already advancing the Committee's various initiatives in order to directly address the needs of those who reside within the Southern District of Florida. The meeting began with a discussion of the anticipated "tidal wave" of consumer filings and how expiration of government-imposed moratoriums will play a significant role. The increase in spendable income due to stimulus payments has allowed many who otherwise would have filed already to temporarily stave-off bankruptcy. The "tidal wave" represents the continuing accrual of debt even where stimulus checks have been cashed. The need for consumer bankruptcy filings is predicted to increase quickly and dramatically upon the cessation of stimulus payments and moratoria.

Next, the Committee's discussion turned to the mentor program being run by Trish Redmond where law students from our local law schools are assigned to work with a mentor/volunteer bankruptcy attorney. The law students are exposed to the real-life drama of client interviews and fact-gathering, due diligence, preparation of Petitions and Schedules, filings, and the process through discharge. Trish Redmond reported that the issue at this time is that there are not enough cases for the students to handle. This is due to the decrease in consumer bankruptcy filings for the past year; the clinics have more than enough volunteer attorneys/mentors and plenty of students but not enough clients. The program's students are accessible to pro bono clients and are readily available thanks to Zoom. The Committee is very excited about the mentorship program, and many thanks to Trish Redmond and Peter Kelly for managing the design and mechanics of the mentorship program.

The Committee then spent a good deal of time discussing the near and long term goals of the Committee and how the additional resources and platforms now available for clinics, presentations, discussions, and court proceedings will allow the work of the Committee to be easier as a greater percentage of the population can now participate in these various events and proceedings because of the availability of remote resources.

Each of the subcommittees presented progress reports on the initiatives assigned to them. The Pro Se Help Desk subcommittee, chaired by Peter Kelly, reported on the overall focus of the monthly clinics and how to better inform the various legal aid organizations of the dates and times of the clinics. Some of the procedures concerning the Help Desk were discussed as the Committee's initiatives are each "works in progress": Subcommittees on webpage design, the virtual Pro Se Clinic and veterans' affairs all require fine-tuning. The regular meetings of the Court's Pro Bono Advisory Committee have become a forum for open discussion of all the programs and initiatives. These discussions have led to a lot of "tweaks," all resulting in better access to our Court and better-educated debtors who are educated so well that they either seek to qualify for pro bono/low bono assistance or they otherwise show up with their own bankruptcy lawyer. We all look forward to the day when pro se clinics and "help desks" will no longer be needed -- We hope the work of our Committee will make that day come sooner rather than later.

ACTUALLY, IT'S VIRTUAL RESPECT

By: Thomas M. Messana, Esq., Guest Contributor
(Submitted on behalf of the Bankruptcy Lawyers Advisory Committee for the U.S. Bankruptcy Court, Southern District of Florida)

Bankruptcy has been analogized to a game of chess: each has a beginning, a middle, and an end; both are highly rules-based; and, in both, with each move abounds possibilities, largely out of the control of the movant and, to which, the movant will need to respond in turn. Chess unfolds on the familiar square board; and, since March 2020, via Zoom, bankruptcy has been practiced on a different yet now familiar screen square.

As the saying goes, the more things change, the more they stay the same. But do they?

Now that zoom has become ubiquitous, the Bankruptcy Lawyers Advisory Committee for the U.S. Bankruptcy Court, Southern District of Florida, has received an unusually large number of complaints about our brethren and unprofessional conduct at virtual examinations pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and virtual meetings of creditors and equity security holders held pursuant to 11 U.S.C. § 341.

Preliminarily these reports appear at odds with the prevailing sentiment. On March 2, 2021, the Daily Business Review ran a story titled "COVID-19 and the Courts: How long can circumstances be exigent?"* The article quoted a courtroom lawyer stating: "[e]veryone's been trying their best in what have been very trying times. Nothing has been perfect, but the courts and lawyers have quickly learned from our occasional missteps and are trying to do the right thing to help people in the circumstances that continue to evolve." That sentiment meets with my experience. I have attended at least sixteen full days of zoom trials in bankruptcy courts throughout Florida, and I have observed a myriad of professionals on their absolute best behavior.

For that reason, I found it distressing to hear reports that what-would-have-otherwise-seemed qualified bankruptcy lawyers in the Southern District of Florida, employing disruption and chaos as tactics—not in court—but nevertheless, in and in connection with virtual judicial proceedings.

When it comes to how to practice law, I would rather not say "no" to fellow professionals. Instead, I prefer suggesting another approach that I know succeeds; namely, always treat everyone with respect. We are still in a pandemic. People are coping with unprecedented stress. No one is immune to a bad moment, and regrettably, we all sometimes fall short of our best self. We are human beings. We get tired, hungry, or hurt. We speak without thinking. We can disappoint. As an act of grace, particularly in this time, we should strive to suffer foolish and possibly accidental indignities in silence and with good humor. Nevertheless, it is an important defining statement about one's practice that certain arguments – like, for example, ad hominin attacks on opposing counsel or other officers of the court or presiding agents – are always illegitimate and have no place passing a professional's lips.

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*Aron Solomon, COVID-19 and the Courts: How Long Can Circumstances Be Exigent? (March 02, 2021, 9:06 AM), https://www.law.com/dailybusinessreview/2021/03/02/covid-19-and-the-courts-how-long-can-circumstances- be-exigent/.

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ACTUALLY, IT'S VIRTUAL RESPECT (continued from page 14)

By way of contrast, though, and in the interest of comprehensive review, it is necessary to briefly consider traditional notions of attorneys as zealous advocates, professionally obliged to make every argument on behalf of clients and in furtherance of client interests. In contemplation of same, some might argue there is a gray area wherein otherwise objectionable tactics are situationally acceptable. In other words, circumstance justifies means.

We should, I propose, look to epistemology to evaluate whether it is ever legitimate to employ disruption and chaos as tactics to advance client goals. Epistemology is the field of philosophy that is concerned with the study of knowledge. With its foundation in probability theory, Bayesian epistemology** is concerned with sharpening the formation of probabilistic belief through the assimilation of new data. The connection between probability and prediction is the foundation of much modern progress; think Moneyball or IBM's Big Blue beating Chess Grandmasters.

So here, Bayes might ask: when would the cost of employing disruption and chaos as a tactic be too great a price to bear as to prohibit its use altogether? After my years of legal practice and substantial experience with remote operations as a new normal, I believe the answer to that question is simple. Pure disruption and chaos is never a worthwhile tactic.

Aside from risking an ethical referral to the presiding judge or Florida Bar, I submit disruption and chaos are bad for the client. For example, filing bankruptcy is a highly transparent process, usually concerned with obtaining a bankruptcy discharge. The bankruptcy discharge is concerned with the debtor relationship with the bankruptcy system. Chaos as a tactic puts the client's discharge at risk because, at its core, it is an affront to the bankruptcy system. Moreover, call it vexatious, unethical, or sanctionable, we do not check our humanity at the door, waiting to enter a bankruptcy proceeding. Simply put, in and of itself, it is bad faith, i.e., a roadblock on the search for the truth and, over time, no functioning system could long withstand such a corrosive attack

In closing, I would like to briefly reflect on an apropos personal remembrance. "You don't have to like each other and you're not going to love each other, but you need to respect each other and work together or you can't work here," said U.S. Labor Leader Frank Drozak*** to a roomful of newly minted union organizers (yours truly among them) in 1981. Frank's words are as true today as they were 40 years ago and as professionals and officers of courts of law, we would do well keeping them in mind.

** Thomas Bayes was a minister born into a wealthy family in southeastern England around the turn of the 18th Century. Bayes lends his name to one of the branches of statistics through his most famous work, "An Essay toward Solving a Problem in the Doctrines of Chances". Bayes theorem is concerned with conditional probability, i.e., it tells us the probability of a hypothesis being true if some event happened. Certain truisms become apparent: if prior probabilities are strong, they can be surprisingly resilient in the face of new evidence; however, powerful enough new evidence can overwhelm everything. Bayes's theorem deals with epistemological uncertainty—the limits of our knowledge. See, N. Silver, "The Signal and the Noise: Why so many predictions fail—but some don't," (Penguin Press 2012) at p 240-42. Two centuries later, Secretary of Defense Donald Rumsfeld, referenced Bayes in describing the September 11th terror plot as an "unknown, unknown."

*** With little more than an eighth-grade education, Frank Drozak rose to become the International President of the Seafarers' International Union; President of the AFL-CIO Maritime Trade Department; and, one of the sixteen vice-presidents of the AFL-CIO. He fought for union democracy and against communism and cronyism. His goals were union transparency and self-reliance

MORE LOCAL RULE CHANGES: PROCEDURAL, CONSUMER AND CHAPTER 11

By Guest Contributors

Jeff Fraser, Esq. **Malinda Hayes, Esq.**

The Bankruptcy Local Rules for the Southern District of Florida were recently updated and went into effect on December 1, 2020 – at the height of the COVID-19 pandemic. Practicing in such a climate is already a daunting task, and adding a large collection of updated rules and procedures on top of that probably made matters even more discomforting. However, the Southern District has incredible practitioners that are up to the task. To assist practitioners, articles outlining the recent rule updates have been published in this newsletter. In the previous two issues, Judge Grossman outlined the changes to our new adversary proceeding procedures, and Judge Mora discussed procedural changes affecting both consumer and business cases. In this issue, we discuss a few other important changes to general procedural rules that all bankruptcy practitioners should know, as well as updates that relate specifically to consumer bankruptcy cases and chapter 11 cases.

Important Procedural Rule Changes for All Practitioners:

Certificates of Service for Notices of Hearing

Amended L.R. 2002-1(F) and 9073-1(B) together simplify and clarify the process for filing certificates of service upon issuance of hearing notices. L.R. 2002-1(F), which governs filing of certificates of service, now excludes hearing notices and directs practitioners to L.R. 9073-1(B). Now, a certificate of service is required for a hearing notice only if all interested and required parties do not receive electronic notice via CM/ECF. If required, the certificate of service should indicate only the parties who received service by a method other than CM/ECF. Failure to file a certificate of service will be deemed a statement by the practitioner that all required notice parties received electronic service of the hearing notice and that no other parties were served or needed to be served under the applicable rules.

Emergency Motions

Revised L.R. 9075-1 requires that any emergency motion and notice of hearing must be promptly served on all ascertainable parties in interest via email or facsimile, along with the ordinary requirements of service by mail. Additionally, practitioners must notify the courtroom deputy or law clerk of the filing in the manner specified on the judge's homepage (generally by phone or email). This is imperative to bring the emergency motion to the Court's immediate attention. The revised rule will facilitate speedy issuance of notices of hearing on emergency matters and seeks to ensure that all interested parties receive notice prior to the hearing.

Procedure for Requiring Filing of Redacted Documents

Former L.R. 5001-1(A)(3) can now be found under L.R. 9037-1, which clarifies the procedure for restricting filings that contain personal information. The amended rule was moved to L.R. 9037-1 to be consistent with the Federal Rules of Bankruptcy Procedure, which provides for privacy protection for filings made with the court in Rule 9037. The moving party must now file – as a separate docket entry – the redacted document in substantially

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MORE LOCAL RULE CHANGES: PROCEDURAL, CONSUMER AND CHAPTER 11 (continued from page 16)

identical form (with the appropriate redaction of personally identifiable information) to the document previously filed, within five business days after entry of the order granting the motion. The order on the motion to redact must be served on the debtor, debtor's attorney, the filer of the unredacted document, the person whose personal information was exposed, and the U.S. Trustee.

Notice of Stay Relief to State Court.

If a stay relief order pertains to a Florida state court proceeding, new L.R. 4001-1(K) now requires creditors that have obtained an order lifting the automatic stay (in all chapters) to serve a copy of such order on the clerk of the state court, and list the state court case number immediately under the name of the clerk in the certificate of service for the stay relief order. Note, this L.R. doesn't only apply in foreclosure cases; if a suggestion of bankruptcy has been filed in any Florida state court proceeding, then this L.R. requires the movant to serve the stay relief order on the appropriate state court clerk.

Rule Changes for Consumer Case Practitioners:

Consecutive Filers.

New L.R. 4001-1(L) coincides with the Bankruptcy Code's requirements under §362(c)(3) and (c)(4). Pursuant to those provisions, a consecutive filer must either file a motion to extend or impose the automatic stay, depending on the number of cases filed and dismissed involving that specific individual as a debtor within the one-year period prior to the debtor's current case. A debtor's bankruptcy that falls within the parameters of §362(c)(3) or (c)(4) is presumed to be a bad faith filing, and the Code mandates evidentiary showing by the debtor to overcome the presumption of bad faith in order to extend or impose the automatic stay. Particularly as it relates to imposing the automatic stay, the Code requires "clear and convincing evidence to the contrary" to rebut the presumption of bad faith. New L.R. 4001-1(L) guides the debtor, and counsel for debtor, in how to demonstrate what change in circumstances occurred since the last case was dismissed that justify the automatic stay continuing or being imposed. The debtor must either execute an affidavit and attach it to the motion or verify the facts alleged in the motion, which evidence the change in circumstances.

3002.1 Notices in Chapter 13 Cases.

New L.R. 3002.1-1 (now titled "Notice of Payment Changes and Notices of Fees, Expenses and Charges") abrogates former L.R. 3070-1(B). Applicable to Chapter 13 cases in which a debtor proposes to pay a creditor's claim through the Chapter 13 plan and where payments to such creditor change periodically, L.R. 3002.1-1 provides guidance for both creditors and debtors on the procedure for accommodating either payment changes or fees incurred by the creditor. If a creditor's claim is paid outside the plan, L.R. 3002.1-1(B) clarifies that the creditor is prohibited from filing any 3002.1 notices in the bankruptcy case.

The most impactful change – procedurally – is the debtor's requirement to file new Local Form "Debtor's Response to 3002.1 Notice [ECF No._____] in Relation to Claim No. [Claim No.___]" ("LF 48') after the filing of each 3002.1 notice. New LF-48 requires the debtor to elect one of four options: (1) object to the notice, (2) indicate that an amended or modified plan will be filed to conform to the notice, (3) indicate that an amended or modified plan will not be filed due to the de minimus amount in the notice, or (4) indicate that the debtor and mortgagee will file a joint motion to abate the periodic payment change notice requirements under FRBP 3002.1 and switch to an annual notice instead. New LF-55 "Agreed Ex Parte Motion to Abate 3002.1 Notices and Reconcile Annually" was created to facilitate the filing of that motion. New LF-48 helps alleviate the burden of filing

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MORE LOCAL RULE CHANGES: PROCEDURAL, CONSUMER AND CHAPTER 11 (Continued from page 17)

amended or modified plans for small changes and puts all parties on notice of a debtor's decision on how the debtor plans to address each 3002.1 notice filed by a mortgagee.

Additionally, L.R. 3002.1-1 makes clear that 3002.1 notices are abated during the mortgage modification mediation ("MMM") process (if applicable), and 3002.1 notices should be filed up until the automatic stay has been lifted – two points of clarification that were lacking in former L.R. 3070-1(B).

Motions for Relief – Ex Parte and Negative Notice.

Together, L.R 4001-1(C), L.R. 9013-1(C)(15), and L.R.9013-1(D)(1)(a), update the district's local rules to now allow motions for relief on negative notice (pre-confirmation of a Chapter 13 plan) and ex parte motions to confirm relief (post-confirmation of a Chapter 13 plan) in Chapter 13 cases in which a creditor's claim is either paid directly by the debtor or not provided for at all in a Chapter 13 plan, or when the plan provides for the debtor to surrender the creditor's collateral. Additionally, the affidavit and indebtedness worksheet requirements found in the district's guidelines for motions for relief are not applicable to these motions on negative notice. Finally, the updates to these rules also make clear that you cannot use such motions when a debtor is not represented by an attorney.

Other Consumer Updates.

- *Chapter 13 Consent Calendar.* The Chapter 13 Consent Calendar (informally referred to as this for years) now has its own official definition in new L.R. 1001-1(F)(16). Furthermore, L.R. 5005 -1(G) [Submittal and Service of Proposed Orders] was also updated to make clear that matters resolved on the Chapter 13 Consent Calendar are not considered heard "by the court." A proposed order for a matter heard on the consent calendar must reflect that the matter "came before the Court on the chapter 13 consent calendar" rather than implying that the judge heard the matter.

- *Service of Initial Chapter 13 Plan.* L.R. 2002-1(C)(5) clarifies that the initial Chapter 13 plan filed by a debtor will be served by the clerk of court only if such plan is filed along with (on the same date as) a debtor's Chapter 13 petition. If the initial plan is filed at some date in the future, it is debtor counsel's responsibility to serve the initial plan and file a certificate of service.

- *Death of Debtor/Filing on Debtor's Behalf.* New L.R. 1004-1(A) – modeled after the Middle District of Florida's L.R. 1002-1 – establishes the procedure for filing voluntary petitions on behalf of a debtor and provides the content and disclosures for the declaration that must be included for court-appointed representatives, holders of a power of attorney, or guardians ad litem. If a person seeks appointment as a guardian ad litem, the court will set a hearing on the motion within 14 days of filing. L.R. 4004-3(A)(3) addresses the unfortunate situation when a debtor dies prior to obtaining a discharge. The updated rule requires that a copy of the death certificate be attached to LF-97C "Motion for Issuance of Discharge and Notice of Deadline to Object."

- *Reinstating Dismissed Chapter 13 Case.* L.R. 9013-1(E) clarifies that a debtor must be current pursuant to the most recent confirmed Chapter 13 plan (or most recent plan filed if not already confirmed) to reinstate a dismissed Chapter 13 case. The rule clarifies that a debtor, or counsel for debtor, cannot file a new plan with a motion to reinstate that manipulates historic payments to make a debtor current.

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MORE LOCAL RULE CHANGES: PROCEDURAL, CONSUMER AND CHAPTER 11 (continued from page 18)

- *Tax Certificates.* New L.R. 4001-1(J) clarifies that the automatic stay is not applicable to the sale of tax certificates, however, the stay does apply to the sale of tax deeds until the automatic stay is terminated by order or operation of law.

Rule Changes for Chapter 11 Practitioners:

Chapter 11 Case Management Summary.

Revised L.R. 2081-1(B) relieves individuals who are not engaged in business from the obligation of filing chapter 11 Case Management Summaries. For those individuals not engaged in business, the disclosures required by the Case Management Summary are less relevant. The Case Management Summary is still required for all individuals who are engaged in business and for business debtors.

Authority to Operate Business and Manage Financial Affairs.

New L.R. 2081-1(C) is intended to facilitate opening of debtor-in-possession bank accounts by directing the Clerk to issue a form order in each newly filed chapter 11 case authorizing the debtor in possession to open bank accounts and manage its financial affairs. A version of the form order will be filed in all chapter 11 cases, with slight variations for business and individual debtors. Copies of the form order are available for review on the Court's website at https://www.flsb.uscourts.gov/amendments-local-rules-and-forms-effective-december-1-2020.

Plan and Disclosure Statement in Small Business Cases.

L.R. 3016-1 previously required small business debtors to use the Official Bankruptcy Form Plan and Disclosure Statement. This rule was abrogated in its entirety. Small business debtors are now permitted to use the format of their choice when filing plans and disclosure statements. L.R. 3017-2 was revamped to simplify the process of obtaining conditional approval of a disclosure statement in a small business case by eliminating the service requirement for the plan and disclosure statement prior to conditional approval of a disclosure statement. Conditional approval is unlikely to prejudice creditors, who may still object to the adequacy of a disclosure statement at a combined hearing on confirmation. These revisions are intended to reduce expenses and simplify the confirmation process in small business cases.

Utility Service – Adequate Assurance Motion.

Revised L.R. 9013-1(L) sets forth a new procedure for obtaining relief where a dispute arises over adequate assurance required by a utility provider. If agreeable terms cannot be negotiated with a utility provider, an adequate assurance motion must be filed and served (in accordance with L.R. 9013-1(L)) so that a hearing can occur prior to the expiration of the § 366(b) and (c) timeframes. The rule contains specific requirements for the motion, which include a statement of whether or not the debtor is current, the amount owed on the petition date, average monthly bills, and the amount of the deposit that is in dispute. A proposed order must accompany the motion, and the motion must contain a bold-faced bulletin above the preamble indicating that the hearing may be cancelled and relief granted without a hearing if the utility provider does not file a written response at least two business days prior to the hearing. The form of that bulletin is in L.R. 9013-1(L)(2)(f). If the utility fails to respond to the motion and the hearing on the motion is cancelled, L.R. 9013-1(L)(6) includes language to include in the proposed order describing that notice was given, the response time expired, no response was received, and the proposed order was included as an exhibit to the motion.

CORONAVIRUS RELATED INFORMATION FOR THE PUBLIC

Our court continues to take whatever steps are necessary to assist in ensuring reduced risk of any potential spread of this virus. In addition to the items posted below, please visit the court website: www.flsb.uscourts.gov for all public notices and administrative orders posted by the court in order to keep current with future updates and new notifications. For U.S. District Court, Southern District of Florida information on this topic, please visit that court's website at www.flsd.uscourts.gov.

The Bankruptcy Court reopened for limited in-person access on June 14, 2021. See AO 2021-05 Reopening the Bankruptcy Court to Allow Limited In-Person Hearings, and Reopening the Clerk's Office Intake with a Reduced Schedule for In-Person Filings and subsequent Administrative Orders and notices.

General Procedures For Hearings By Video Conference:

Individuals not represented by counsel will be permitted to use court telephonic services FREE of charge. Amended pricing is available for other users. All attorneys shall advise their clients NOT to appear at the courthouse. Information regarding telephonic service providers and pricing and contact information for each judge is posted in notices on the court website.

https://www.flsb.uscourts.gov/sites/flsb/files/documents/judges/General_Procedures_for_Hearings_by_Video_Conference.pdf

The U.S. Trustee Program Telephonic or Video Section 341 Meetings.

The U.S. Trustee Program has extended the requirement that section 341 meetings be conducted by telephone or video appearance to all cases filed during the period of the President's "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak" issued March 13, 2020, and ending on the date that is 60 days after such declaration terminates. https://www.flsb.uscourts.gov/sites/flsb/files/documents/news/USTP_Notice_-_U.S._Trustee_Program_Extends_Telephonic_or_Video_Section_341_Meeting_[August_28_2020].pdf

U.S. Federal Center For Disease Control Website For Updated Information www.coronavirus.gov

Florida Department of Health websites for Miami-Dade, Broward and Palm Beach counties:

http://miamidade.floridahealth.gov **http://broward.floridahealth.gov** **http://palmbeach.floridahealth.gov**

Information About Face Masks: The CDC has advised that facemasks/coverings made at home from common materials available, or at low cost, can be used as a public health measure providing the mouth and nose are fully covered. The covering should fit snugly against the sides of the face so there are no gaps and should be washed after each use. Remember to handle your facemask/covering by the ear loops or ties only and wash your hands often. For more information, visit

https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html

FLSB Court Website Link for Reporting Covid-19 Concerns and Issues:

https://www.flsb.uscourts.gov/node/1246

FREE PRO SE BANKRUPTCY CLINICS ARE NOW VIRTUAL VIA ZOOM

During the COVID-19 pandemic, unless otherwise posted, all bankruptcy clinics will be conducted via Zoom. Each clinic will feature a 45-minute video providing an overview of certain procedures for filing bankruptcy, followed by a Question & Answer session staffed by one or more pro bono attorneys who are available to give general advice on bankruptcy matters. Attendees will be advised that the attorneys at these clinics do NOT represent them and will NOT provide them with legal advice regarding their particular circumstances.

Attendees are also advised that if they have already filed their case and it is still pending, they are solely responsible for responding to any pleadings or motions and for compliance with any order issued by the assigned Bankruptcy Judge or to a request for information and documentation from the assigned Bankruptcy Trustee. Attendees are also advised that unless they are represented by a lawyer, they are solely responsible for protecting their own legal rights. Notice is also provided to attendees at the program that this is a FREE service, and the attorneys are not there to attempt to acquire them as clients or ask them for payment for advice or future services.

Any person unable to access zoom due to a lack of equipment (a "smartphone" or suitable tablet), please email Steven Newburgh: snewburgh@mclaughlinstern.com. Assistance may be available.

Visit this link on the court website for additional information and dates scheduled for these clinics:

https://www.flsb.uscourts.gov/node/231

NOTICE REGARDING THE UNITED STATES TRUSTEE PROGRAM'S NEW CHAPTER 11 PERIODIC REPORTS (28 C.F.R. § 58.8)

(Effective June 21, 2021)

On December 21, 2020, the U.S. Trustee Program (USTP) promulgated a final rule, "Procedures for Completing Uniform Periodic Reports in Non-Small Business Cases Filed Under Chapter 11 of Title 11" (hereinafter referred to as the "Final Rule").[i] The Final Rule, which is authorized by 28 U.S.C. § 589b, requires that chapter 11 debtors in possession and trustees — other than small business debtors[ii] — file monthly operating reports (MORs) and post-confirmation reports (PCRs) using streamlined, data-embedded, uniform forms in every case in every judicial district where the USTP operates.

The Final Rule will become effective for all reports filed on or after June 21, 2021. Before the effective date, the USTP encourages bankruptcy professionals to engage with their local USTP offices to learn more about the Final Rule and forms and to be ready to file data-embedded MORs and PCRs after June 21, 2021. Local USTP offices will make training available for bankruptcy professionals about completing, filing, and serving the new uniform MOR and PCR forms.

The uniform forms, and instructions for their use and filing, which may be periodically updated prior to the effective date, are available on the USTP's website: https://www.justice.gov/ust/chapter-11-operating-reports.

In addition to familiarizing themselves with the forms, practitioners should understand potential changes to applicable filing and service requirements. Unless otherwise provided by local rule, each report must be filed with the bankruptcy court no later than the 21st day of the month immediately following the covered reporting period.

Debtors in possession (DIP) should confer with local USTP representatives early in the case, whether at the initial debtor interview or some other initial meeting, to discuss the DIP's reporting capabilities and the supplemental documentation that the DIP may be required to file in conjunction with the reports.

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[i] 28 C.F.R. § 58.8.

[ii] Small business and subchapter V debtors (including those covered by the temporarily expanded debt limits) file MORs on official forms promulgated by the Judicial Conference of the United States. *See* 11 U.S.C. §§ 308, 1187; Fed. R. Bankr. P. 2015 (a)(6); Official Bankruptcy Form 425C. Contact the U.S. Trustee in the district in which the case is pending for further instructions regarding post-confirmation reporting requirements in small business and subchapter V cases.

UPSIDES OF THE SHUTDOWN

By: Dawn Leonard

A little over a year ago, our lives were put on pause as a deadly virus swept across the globe. The CDC announced that gatherings of 50 people or more were ill advised. Schools closed. Restaurants closed. Shops closed. The Court entered an administrative order advising the public that, as of March 30, 2020, all divisions of the court would be closed to the public for in-person hearings and in-person filings and will not reopen until further notice.

For over a year, the clerk's office remained closed to in-person access to the public. Most of the staff and judges have been working remotely, fortunate that our jobs allow us this privilege. Many have not been so fortunate, however, and we are all aware of the devastating impact that this pandemic had on our fellow Americans' lives and livelihoods. We have a renewed appreciation for essential workers who had to show up, both physically and emotionally, standing on the front lines of this war with the virus.

Across the globe, as the virus continued to spread, more and more closures were eventuated. The pandemic forced us all to slow down. Notwithstanding this harrowing upheaval, surprising upsides to slowing down have occurred, including benefits our environment, our productivity, and some aspects of our heath. These benefits have been observed by many of us in our own lives and also have been documented by independent studies, research and surveys.

Probably the most surprising and beneficial outcome of the global shutdown is the effect that it has had on mother nature. Fewer vehicles in the air, on the sea and on land mean less pollution. Satellite images and ground sensors are revealing lower fossil fuel emissions, such as nitrogen dioxide, due to restricted air and ground traffic. People all over the world are noticing better air quality, cleaner waters, and bourgeoning wildlife.

Los Angeles experienced its best air quality in 40 years. China's toxic gas has been cut in half. And in India, due to the drastic reduction in smog, the majesty of the Himalayas is now visible from the city after 30 years of hiding behind a wall of haze. The canals of Venice are clear enough to see fish, and the San Francisco Bay in California has also seen a drastic reduction in pollutants.

Wildlife and animals are flourishing without human disruption. In Kenya, no rhinos were killed for their horns for the first time since 1999. In Cape Town, South Africa, endangered penguins have a record-breaking mating season. All over the world, wild animals have been seen in urban settings. Mountain gorillas gave birth to twice the number of babies. On the west coast, whale communication has increased due to a reduction in noise in the oceans created by humans. And in our own back yard of Juno Beach, sea turtle nesting exploded to 61% nesting rate, as compared to a previously reported 40%. With less human traffic, the quiet beaches are more appealing to mama turtles.

For many of us who were able to do it, telework has produced some beneficial productivity side effects. Researchers calculated the time commuters spent traveling to and from work and then calculated time gained back by not making that daily commute. Naturally, those commuting to work in larger cities gained the most time back from not having to travel to work. A list of the top 25 large cities reflected a range of from 4.2 to 7.0 hours per week of commuting time saved. For example, New Orleans commuters gained back 4.2 hours per week, Atlanta, 4.7 hours, Miami, 5.1 hours, and New York City, with 7.0 had the most gained back time.

A survey of 400 businesses done by a company that provides time tracking software for virtual offices found that remote work helped prevent layoffs for 66% of those companies and an increase of productivity of 45%. Companies have found that removing the commute, eliminating office distractions and interruptions from co-workers and allowing employees to create their own schedule, created more productivity and less stress. In addition, working from home is a major cost-saving measure. We are spending less money for gas and lunch meetings, and making a "cup a joe" at home, as opposed to stopping off for that $7 latte.

(Continued on page 23)

REMOTE FILING TIPS
By: Sandra Manboard

1. Test your system in advance of any deadlines to verify it is ready to work when you need it. Check all connections (e..g., Internet, CPU, monitor, etc.)

2. Secure your environment. Ensure that sensitive information is not viewable to anyone around you who should not have access to it. This also applies to confidential conversations.

3. Update passwords regularly to prevent unauthorized access to data.

4. Add Internet resources to favorites in your browser (e.g., court websites https://www.flsb.uscourts.gov - https://www.flsd.uscourts.gov - https://www.uscourts.gov)

5. Always leave a direct contact phone number (or extension number) when leaving a voicemail that requires a return call.

6. Make sure current written procedures and directives are stored and available electronically either by using a portable device and/or cloud-based environment in the event you are unable to access the site directly.

7. Keep software products updated (e.g., security, case filing, and word processing software programs.

8. Review internet speed with your IT department and/or internet provider if you have problems downloading/uploading documents.

9. Keep an electronic day planner with reminders which should include "Do Not Disturb" for remote court appearances.

10. If you are a pro se filer, follow the information and instructions posted on the court website, including at the following link : https://www.flsb.uscourts.gov/node/1212

UPSIDES OF THE SHUTDOWN (continued from page 22)

Another survey of 1,000 adults that was conducted last summer by Parade Magazine and The Cleveland Clinic found that 65% of respondents said they are cooking more at home, and 85% said they'd most likely continue to do so. This survey also conveyed that over 60% of those surveyed are making mostly positive lifestyle changes due to the challenges posed by the pandemic. Generally, people are eating better, exercising more, paying better attention to health concerns.

In addition, the question that received the highest percentage was whether the quarantine has made them value their relationships more. A whopping 78% of those surveyed said that it had. Fears of losing those you love to the virus, not being able to hug and comfort in a time of suffering when interactions have relegated to a voice over the phone or an image on a screen, we begin to reassess the importance of our relationships. We also begin to reevaluate how we spend our time. For many of us, people have taken precedence over objects and ambition.

This has been a difficult time for most of us. Some have been more negatively affected than others and, although the horizon is looking much brighter, there are still those who are struggling to get back to "normal." Although the intent of this article is to try to focus on the reassuring upsides of the pandemic, the harrowing aspects of this ordeal patently overshadow. I would be remiss if I didn't acknowledge the negative impacts of the pandemic on our emotional and mental well-being. For those who suffered personal losses of family and others close to them, the same normal may not be totally possible again. Seventy-five percent of the adults questioned reported experiencing greater stress, anxiety, loneliness, and depression.

So, it is my hope that as the number of cases decrease and the number of fully vaccinated increase, and, as the nation, the world begins to open up again (including this Court), one more positive upside is that we'll have more opportunities to reunite with those that we have missed. Share experiences. Talk. Listen. Empathize. Handshakes and hugs are on the horizon.

VIRTUAL COURTROOM ETIQUETTE QUIZ (Answers on page 25)

By Lorraine Adam

The courtroom, whether in-person or virtual, remains a formal setting. All participants are to maintain appropriate behavior and decorum in the virtual world, just as they would in person. Take the quiz below to rate your virtual courtroom etiquette. See also, *Guidelines for Courtroom Decorum* at: flsb.uscourts.gov

1. It is appropriate to use a colorful, busy background that reflects your personality.

-True -False

2. Your microphone should be on mute when you are not speaking.

-True -False

3. When registering for a hearing, you must sign in as yourself. Don't use anyone else's registration.

-True -False

4. Avoid looking at the camera on your computer or device.

-True -False

5. Being able to text during a hearing is beneficial.

-True -False

6. You must be familiar with how to use Zoom prior to your hearing.

-True -False

7. You should use a good computer and internet connection.

-True -False

8. Using a nickname when attending a hearing is an appropriate way to express yourself.

-True -False

9. If your internet goes down, your motion will be denied.

-True -False

10. Positioning your camera is important.

-True -False

ANSWERS TO VIRTUAL COURTROOM ETIQUETTE QUIZ (Quiz on page 24)

1. **False.** Ensure you have a clean, work-appropriate background. All attendees' focus should be on the hearing, not your messy office or your extravagant memorabilia.

2. **True.** Mute your microphone when you are not speaking. Avoid creating any distracting noises. When you are speaking, do not talk over anyone. This will help to create an accurate record of the proceeding.

3. **True.** Avoid having multiple registrations under one name. For example, there should not be 10 John Doe, Esqs. appearing at a hearing. Every participant who intends to appear for a hearing needs to register separately under their own name and title.

4. **False.** Look into the camera when talking instead of looking at yourself or the screen. If you're looking at yourself on the screen, it will seem like your attention is elsewhere. Also, do not use the screen as your mirror (i.e., do not fix your hair).

5. **False.** Notifications from messaging applications, ringtones, and applications running on your desktop or device can be distracting and disrupt the hearing.

6. **True**. Practice using Zoom and test your equipment for possible video and audio problems before you appear in a Zoom court hearing.

7. **True.** Make sure you have a reliable computer and a good internet connection. It is good practice to close out any other programs and apps you have running on your computer, as Zoom can consume a lot of bandwidth and interfere with your connection.

8. **False.** Use your real name to log in. When you join the virtual court hearing, you will be placed in a virtual waiting room. If you have not used your real name to log in to the hearing, the judge may not recognize who you are.

9. **False.** If your Internet goes down, use the alternative call-in number. Every Zoom registration confirmation email provides you the option to join the meeting by computer audio/visual or by phone. If you lost Internet access for some reason, you may call into the hearing on your phone.

10. **True.** Position your camera carefully. If your camera is positioned above you, the only thing that may appear on the screen is the top of your head. If you are using two screens and watching the one that does not have the camera, you are going to look like you're not paying attention to the hearing. When you talk to the judge, you need to look directly into the camera, not at the computer screen, or anywhere else.

10 correct = Virtual Master
5 correct = Virtual Zombie
0 correct = Virtual Wreck

THE JUDICIAL ROBE
By: Dawn Leonard

Over this past year, professional attire was not something that many of us had on our list of concerns. Comfy sweats, a favorite tee, and hair ties were the ensemble for the day. Once zoom hearings began, however, we were forced to replace that favorite tee with a shirt and tie for the lads and a chic blouse for the ladies. But I suspect many were still wearing those comfy sweats on the unseen bottom half.

The 2020 couture conundrum; the disinterestedness in high fashion, and the embrace of slouchy, frumpy, comfy duds, got me thinking about one fashionable item that has never gone out of style and has been worn for centuries here and abroad - the judicial robe. Why do judges wear them? Are they required garb? And why are they black?

In 14th Century England, robes were all the rage for academics and scholars while attending the royal court (that's Kings and Queens, not judges and lawyers); therefore, it was only natural that while on the job, a High Court judge should also wear attire befitting of their status.

Swaths of ermine, taffeta, and silk were awarded as a grant from the King in order to make the judicial robes grand and opulent. And not only were the robes made of the finest materials, but they came in fashionable colors. In the summer, judges wore violet, in the winter, they wore green, and scarlet was worn for special occasions.

In the early 1600's, the definitive guide to court dress was published in the Judges' Rules. This was when the black robe was introduced to the judicial ensemble. According to these new set of rules, a judge was to wear a black robe with fur trim in the winter and violet or scarlet faced with pink taffeta in the summer. And lest we not forget the piece de resistance, the powdered wig was an accessory for all seasons.

A little over a century later and an ocean away, judges continued the English tradition into the American colonies. The question became, were these new American judges going to follow in the English tradition or forge a new path for judicial attire? A debate between two lawyers, Thomas Jefferson and John Adams ensued. Mr. Adams wanted judges to maintain the English tradition of robes and wigs, and Mr. Jefferson wanted to forgo English tradition altogether and have judges wear suits. There was a revolution underway after all, and breaking with British tradition was vintage founders. So, they came to a compromise; keep the robe, lose the wig. Thomas Jefferson was noted as saying, "discard the monstrous wig, which makes the English judges look like rats peeping through bunches of oakum".

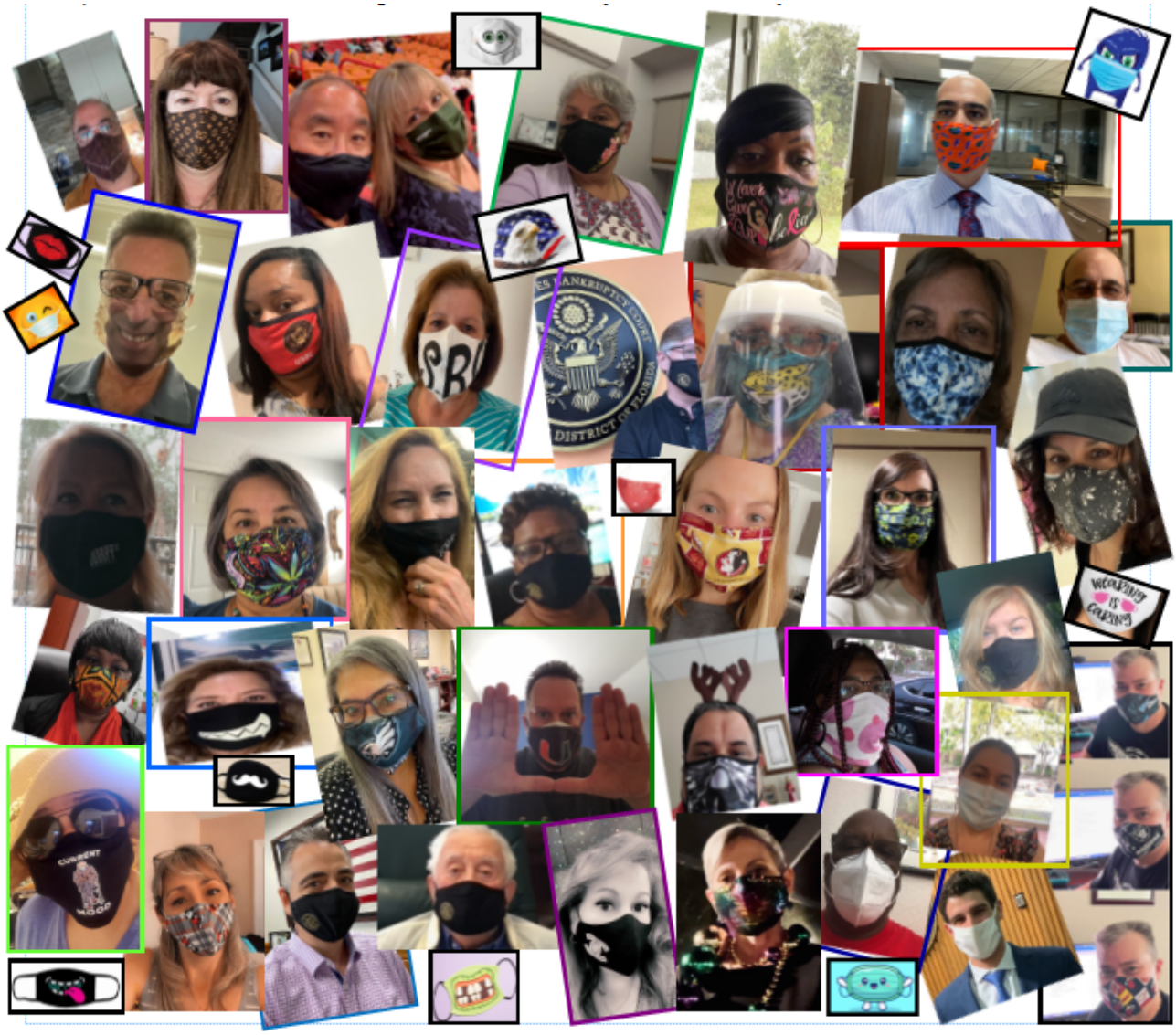
Today, judges carry on the tradition of wearing robes, however, there is no rule that dictates this attire. No one really knows why black was ultimately adopted as the go-to hue for judicial robes. But over time, this color came to represent the solemnity and dignity of the profession.

In a 2013 article in Smithsonian Magazine, Justice Sandra Day O'Connor wrote, "Today, every federal and state judge in the country wears a very similar, simple black robe. I am fond of the symbolism of this tradition. It shows that all of us judges are engaged in upholding the Constitution and the rule of law. We have a common responsibility."

Masks! Masks! and More Masks!

By Jacqueline Antillon, Courtroom Deputy to the Honorable Robert Mark

Who's that? No, matter where you go these days mask-wearing is a thing (CDC has updated their guidelines - https://www.cdc.gov). Over the last year, anywhere we went, we had to wear a mask. Think of the advantages of wearing a mask. Greatest advantage, keeping yourself and others safe. It shows respect, but not having to shave, and for most ladies (I'm included), not having to wear makeup seems like a "win" "win" situation. Personally, give or take, I have around 20 masks (I know, it can be addicting like shoes, you can't seem to have enough). I have an assortment, "colorful" colors, solids, patterns, some patriotic, and some would say very chic (fancy - bling, bling), always ready for an occasion. The masks we choose can say a lot about our-self and the mood we're in. Are we in the designer frame of mind, floral/springy, support for our favorite team, hailing our alma-mater, company logo, funny, cool? Do we love to color coordinate with our outfits? A true fashionista! Or simply opt for paper bought stores mask? Neck gaiter mask? Masks can bring out our hidden coolness, cheer/wit, childish side, adorable side, tropical/beach vibes, our crafty-talented side, our fabulous side, the list goes on and on! So many choices, decisions, decisions, which mask do I choose? A big shout-out and thanks to everyone who took the time to send a picture. Below is a compilation of staff members wearing their favorite masks, maybe not! Mask away.



FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through May 31, 2021)

	MIA	FTL	WPB	TOTAL
MMM Motion (Attorney Rep.)	7804	5193	2985	15982
MMM Motion (*Pro Se*)	101	43	27	171
Total Motions Filed	7905	5236	3012	16153
Order Granting MMM Motion	6939	4564	2550	14053
Final Report of Mediator	5920	3657	2000	11577
Mediation Agreement Reached	2581	1748	940	5269

MMM MOTIONS FILED BY MONTH (Attorney Rep. & *Pro Se*)

MIAMI	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				18	82	106	137	130	173	181	169	141	1137
2014	171	157	184	179	170	164	156	126	198	146	123	138	1912
2015	161	168	189	183	142	164	127	122	127	108	93	93	1677
2016	111	124	79	102	119	110	60	92	99	84	78	74	1132
2017	59	49	59	52	59	56	54	44	48	57	63	39	639
2018	40	48	54	64	57	44	59	50	44	52	40	39	591
2019	57	39	48	41	48	35	31	42	45	45	35	23	489
2020	35	38	24	20	31	19	8	14	5	15	9	18	236
2021	18	19	15	22	18								92
												TOTAL =	7905

FT. LAUDERDALE	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				49	92	98	116	144	189	118	99	77	982
2014	91	82	69	108	89	89	107	61	99	100	121	95	1111
2015	96	101	109	89	94	94	82	74	93	89	91	79	1091
2016	86	81	58	61	68	63	46	75	59	43	54	50	744
2017	38	25	38	26	47	42	40	34	33	39	29	26	417
2018	20	21	36	24	33	43	47	46	28	33	26	21	378
2019	34	20	31	24	28	20	20	18	25	19	26	19	284
2020	26	13	25	19	22	17	8	12	5	5	6	8	166
2021	9	21	13	12	8								63
												TOTAL =	5236

WEST PALM BEACH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				9	35	56	91	83	147	63	68	67	619
2014	47	43	64	54	66	74	54	43	83	52	49	44	673
2015	51	57	52	41	47	54	48	39	35	35	33	36	528
2016	46	33	33	32	36	29	29	32	18	13	16	25	342
2017	22	18	21	22	20	10	23	27	18	24	17	13	235
2018	19	8	10	15	21	20	26	18	24	25	13	12	211
2019	22	20	13	28	14	20	27	19	10	31	18	10	232
2020	16	14	18	13	10	10	15	5	11	11	7	13	143
2021	4	8	6	4	7								29
												TOTAL =	3012

UPCOMING 2021 COURT HOLIDAY CLOSINGS *

Monday, July 5 - Independence Day
Monday, September 6 - Labor Day
Monday, October 11 - Columbus Day
Thursday, November 11 - Veteran's Day
Thursday, November 25, Thanksgiving Day*
Friday, December 24 - Christmas Day*

*Any additions to the court closing schedule are announced by General Order and posted on the court website http://www.flsb.uscourts.gov/general-orders

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 "COURTHOUSE BEACON NEWS" PUBLICATION STAFF

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