



## THE PRACTICE OF LAW AND THE PANDEMIC

By: Chief Judge Laurel M. Isicoff

We have reached the two-year anniversary of the COVID pandemic. In those two years, it seems in some ways like the world stood still, and in other ways the world is completely changed. In our “law world,” we have learned to function through virtual means – whether telephonically or by video – in matters that we never felt we could. But that virtual ability has created its own set of personal and professional challenges. Personally, we have all experienced feelings of isolation; even in the last year, as vaccination numbers have increased, the threat of contamination continues to loom over all of us, especially during these “surges.” We have also all experienced additional work-related stress – “will my internet work?”; “can I figure out screen share?”; is there someone in the room with the witness coaching him or her?”; “will I be sick on the day of trial/major hearing?”; “ will a child/pet/leaf blower interfere with my hearing?”.

Mental health issues - anxiety, stress, depression, and alcohol and substance abuse have been a challenge for lawyers for many years. Over the years, we have seen friends, colleagues, and adversaries struggle with challenges of the practice. We all know that our jobs come with tremendous responsibility and with time and work pressures associated with that responsibility. And the stresses of the pandemic have exacerbated these problems for so many. We have all heard stories ranging from job changes, career changes, to some tragic choices.

Sometimes these stresses impact the way in which lawyers represent their clients, including being properly prepared for court or even showing up for court at all. Many times this results in clients being abandoned in the middle of a bankruptcy case. We have all seen this from time to time; it has increased over these past two years.

The District Court has an Ad Hoc Committee on Attorney Admissions, Peer Review, and Attorney Grievance (District Court Local Rule 6 of the RULES GOVERNING THE ADMISSION, PRACTICE, PEER REVIEW, AND DISCIPLINE OF ATTORNEYS). This Rule sets forth a procedure for dealing with attorneys who have caused concerns with judges or attorneys with respect to the manner in which he or she has conducted himself or herself as an attorney.

All attorneys admitted to this Court are subject to that same district court procedure. However, the Ad Hoc Committee is really set up more for lawyers who are displaying levels of incompetency in the manner in which he or she represents the client or fails to abide by the rules of the Court. It is not set up to deal with attorneys who have mental health or substance abuse issues. For this reason, the judges of the bankruptcy court have asked the Lawyers’ Advisory Committee to look into ways in which our bankruptcy community and the Court can help lawyers struggling with mental health or substance abuse issues. The LAC is in the process of doing so.

But regardless of what the LAC ultimately recommends or the Court puts in place, there are resources to help those in need now. The Florida Bar website has an extensive list of resources available to attorneys. See <https://www.floridabar.org/member/healthandwellnesscenter/>. This website contains a comprehensive list of state, national

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### Bankruptcy Cases Filed From 01/01/2022 to 2/28/22

<b>TOTAL FILED:</b>	<b>1,701</b>
• Chapter 7	844
• Chapter 9	0
• Chapter 11	37
• Chapter 12	1
• Chapter 13	817
• Chapter 15	2

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

Select: [“Case Filing Statistics”](#)

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and online mental health and wellness resources. There are resources relating to substance abuse, depression, stress, and anxiety, including videos, suggested reading, and a list of places around the state to find help if you need it. Here you can find information about the Florida Lawyers Helpline – 833-351-9355. You can learn about, including how to reach out to, Florida Lawyers Assistance, Inc. which is described on the website as follows:

*FLA provides confidential assistance and support to lawyers, judges, and law students who have been negatively affected in their ability to function in their careers and personal lives by alcohol, drugs, mental health issues, or cognitive decline. FLA fosters identification, intervention and recovery by providing assessments, referrals, education and maintaining a supportive network of recovering legal professionals.*

And in case you are worried about getting “reported” because you have a mental health or substance abuse problem, Florida Bar Rule 4-8.3(c) creates an exception to the obligation of a lawyer to report another lawyer who has committed a violation of the bar rules that “raises a substantial question as to that lawyer’s . . . fitness as a lawyer”. If the information is learned while that attorney is “participating in an approved lawyers assistance program” for reasons unrelated to a bar disciplinary proceeding, the reporting obligation is excused.

So, if you are suffering from stress, anxiety, depression or substance abuse, please don’t be afraid to reach out for help. And if you see someone, whether they are a friend, or just someone who you see in court, or in a matter, please reach out to him or her if you feel comfortable doing so. Also, if you learn that a client has been abandoned, please alert the Florida Bar, the Court, or even the Court’s Pro Bono Committee. We have an obligation to our clients, the courts, but most importantly, we have an obligation to each other.

Remember, you are not alone.

**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 15-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](mailto: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>.

**RECENT USBC SDFL ADMINISTRATIVE ORDERS AND CLERK’S NOTICES**

Link to Current Administrative Orders: <https://www.flsb.uscourts.gov/general-orders>. Link to Clerk’s Notices: From the home page of the Court website <https://www.flsb.uscourts.gov/> select “News and Announcements” in the lower-left column on the page.

- [Clerk’s Notice Regarding Pending Changes in Bankruptcy Forms \[Effective April 1, 2022\]](#)
- [Clerk’s Notice of Amendments to Local Form “Chapter 13 Plan” and Amendment to Internal Bankruptcy Form “Order Confirming Chapter 13 Plan”](#)
- [AO 2021-13](#) Adoption of Amended Schedule of Transcript Rates
- [AO 2021-12](#) Adoption of Interim Local Rules 9036-1 and 9076-1

**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](http://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](http://www.flsd.uscourts.gov).

EFFECTIVE Monday, November 1, 2021, the Clerk's Office in all divisions resumed normal business hours of operation to serve the public for in-person filings between the hours of 8:30 a.m. and 4:00 p.m. on Monday through Friday. (See: [AO 2021-10 "Full Reopening of the Clerk's Office Intake Hours of Operation to Serve the Public for In-Person Filings"](#)).

**General Procedures For Hearings By Video Conference:**

Individuals not represented by counsel will be permitted to use court telephonic services FREE of charge. All attorneys shall advise their clients NOT to appear at the courthouse. Information regarding video/telephonic service providers 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](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](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](http://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 face-mask/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 at the Courthouse:**

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

**CENTER FOR DISEASE CONTROL EVICTION MORATORIUM IS NO LONGER IN EFFECT**

The CDC (Center for Disease Control) Eviction Moratorium is no longer in effect, and there is no moratorium to protect Florida tenants from eviction.

For additional Covid 19 information and resources from Legal Services of Greater Miami, please access this link:

<https://www.legalservicesmiami.org/covid-19>

In addition, this link on the Court website provides information on other legal aid programs

<https://www.flsb.uscourts.gov/legal-assistance-debtors>



## FROM THE JUDGES' CHAMBERS

**MOTIONS TO REINSTATE? CITE TO RULES 59(e) OR 60(b)**

By: Hon. Scott M. Grossman

“Motions to Reinstate” are a common form of relief sought in consumer bankruptcy practice. After a case – typically a chapter 13 case (but sometimes a chapter 7 case) – is dismissed, a debtor may file a motion to “reinstate” the case. The debtor would propose to cure or rectify the deficiencies that led to the case being dismissed (e.g., missed plan payments, failure to attend the 341 meeting, failure to file certain required documents, etc.), and reinstate the case so that the debtor could continue with her or his chapter 13 plan, or continue pursuit of a chapter 7 discharge, without having to commence a new case, pay another filing fee, and seek to extend or impose the automatic stay under Bankruptcy Code section 362(c)(3) or (4). Consistent with this common practice, our Local Rules have a number of provisions addressing reinstated cases, including Local Rule 9013-1, which sets forth specific requirements to seek to reinstate a dismissed chapter 13 case.

But nothing in the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure actually provides a basis for seeking to “reinstate” a dismissed case. When a case is dismissed, and a debtor seeks to “reinstate” the case, what she or he is really doing is seeking relief from the dismissal order. This relief should more properly be sought as either a motion to alter or amend a judgment under Federal Rule of Civil Procedure 59(e) (made applicable by Bankruptcy Rule 9023), or as a motion for relief from judgment under Federal Rule of Civil Procedure 60(b) (made applicable by Bankruptcy Rule 9024). Although similar, these two rules are different and have different requirements. Usually though, the timing of the motion dictates which rule will apply. To be considered under Rule 59(e), the motion must be filed within 14 days after entry of the dismissal order. Otherwise, the motion must be treated as a motion under Rule 60(b).

But whether under Rule 59(e) or 60(b), the motion needs to cite the applicable rule and – as required by Bankruptcy Rule 9013 – must “state with particularity the grounds therefor.” Too frequently, debtors file motions to reinstate cases without mentioning either Rule 59(e) or 60(b), and more importantly, without discussing how the motion satisfies the requirements of the applicable rule. In many cases – particularly those with missed plan payments, a missed 341 meeting, or missing documents – an appropriate basis for relief may be “mistake, inadvertence, surprise, or excusable neglect” under Rule 60(b)(1). Without articulating that in the motion, however, the Court is unable to determine whether a legal basis exists to alter or amend, or grant relief from, a dismissal order. So, when preparing motions to reinstate, in addition to complying with Local Rule 9013-1(E) (for chapter 13 cases), debtors and their counsel should be sure to cite either Rule 59(e) or 60(b) and articulate why their motion satisfies the rule’s requirement.



## FROM THE JUDGES' CHAMBERS

**IT'S YOUR BURDEN: A REMINDER TO DEBTOR'S COUNSEL IN  
MOTIONS TO EXTEND THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(c)**

By: The Hon. Peter D. Russin and  
Zachary R. Needell, Esq., Law Clerk to the Hon. Peter D. Russin

If an individual debtor files under chapter 7, 11 or 13 but has had a case pending within the preceding 1-year period which was dismissed, the automatic stay terminates on the thirtieth day of the new case. See 11 U.S.C. § 362(c)(3)(A). The new case is “presumptively filed not in good faith” which may only be rebutted by clear and convincing evidence “after notice and a hearing completed before the expiration of the 30-day period” and “only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed[.]” See 11 U.S.C. § 362(c)(3)(B) & (C). The statute provides that the debtor may overcome the presumption of bad faith if there has “been a substantial change in the financial or personal affairs of the debtor since the dismissal of the” last case or if there is “any reason to conclude that the later case will be concluded” with a discharge in a chapter 7 or a confirmed plan that will be performed in a chapter 11 or 13.

The statute places a somewhat heavy burden on the debtor to overcome the presumption of bad faith by clear and convincing evidence. As a result, this Court's Local Rules require movants seeking to extend the stay to include

a declaration or affidavit by the debtor in support of the motion describing the facts upon which the debtor is relying to rebut the presumption that the case was not filed in good faith, or such motion must contain a description of such facts and be verified by the debtor in accordance with 28 U.S.C. § 1746.

S.D. Fla. Local Rule 4001-1(L).

In the year and a half since I have taken the bench, I have noticed that practitioners often treat these motions as rote and frequently file form motions with little to no information. These motions generally fail to satisfy the statutory standard and risk denial. The statute places the burden on the debtor, and it is therefore counsel's responsibility to prove that the case has been filed in good faith. Presumably, in preparing to file the case in good faith, counsel will have already reviewed and considered the information necessary to make a determination whether there has “been a substantial change in the financial or personal affairs of the debtor since the dismissal of the” last case “or any reason to conclude that the later case will be concluded” with a discharge in a chapter 7 or a confirmed plan that will be performed in a chapter 11 or 13. In most circumstances then, preparing a motion including the necessary details should be relatively quick and simple.

So, how should lawyers handle these issues?

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## FROM THE JUDGES' CHAMBERS

**IT'S YOUR BURDEN: A REMINDER TO DEBTOR'S COUNSEL IN MOTIONS TO EXTEND THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(c)** (continued from page 5)

First, whenever possible, motions to extend the stay should be a first day motion. Counsel knows the stay must be extended and therefore there is no reason not to file the motion as early as possible. Many of these motions are filed as emergencies as the 30 days is expiring. There is no reason for that – these are not emergencies. A matter is not an emergency where counsel could have obtained “relief in the traditional, non-emergency way.” See *VMR Prod., LLC v. Elec. Cigarettes Outlet, LLC*, No. 12-23092, 2013 WL 5567320, at \*2 (S.D. Fla. Oct. 3, 2013). When the debtor signs the petition, they can sign the verification or affidavit in support of the motion. The emergency is avoided with the added benefit that if the court requires more information, there is time to provide it and develop the record before the expiration of the 30 days.

Second, do not simply draft a bare bones motion and hope no one objects. The court is the gatekeeper, and the debtor must overcome the presumption of bad faith. It is not the creditors' burden to challenge that which is the debtor's burden to justify. What are the changes in the financial or personal affairs of the debtor and what makes them “substantial” or, alternatively, in the absence of such substantial change, why should the Court have any confidence that this new case will be concluded with a discharge or confirmed plan? For example, has the debtor's income increased and/or the expenses decreased? Compare what has changed since the prior case was dismissed that will allow a chapter 13 plan to be confirmed and performed. The numbers are all available on the docket of the prior case and the schedules of the new case. In a chapter 7, explain why the debtor, for example, failed to file the necessary papers or failed to appear at the 341 meeting, leading to dismissal, and why that will not happen in the new case.

Every case is different so the motion must be catered to the relevant facts. But if the motion does not specify the facts, the effort is bound to fail. In other words, spend a few minutes and make your case in the motion leaving nothing to chance.

Third, ensure that the motion gives the Court actual evidence (whether through verification or an affidavit) enabling the Court to grant the relief.

By following these steps, counsel will have served their client well. By not doing so, counsel risks the motion being denied and the case dismissed.

**FROM THE JUDGES' CHAMBERS****WAIT, WHAT WAS THAT?**

By: Tara Trevorrow, Law Clerk to the Honorable Mindy A. Mora

Court can be a stressful experience, even for seasoned practitioners. While we all want to perform well under pressure and keep our cool no matter what, we are often so busy performing that we miss details about what is happening around us. That tiny lapse becomes a problem in post-hearing orders.

Judge Mora's chambers has established a ritual "Chambers Chat" after each motion calendar to ensure that our internal hearing notes are accurate. The chat keeps us on the same page regarding scheduling hearings, order content, and submitting attorneys. We often discover issues requiring additional focus. Luckily, there are several of us paying attention and taking notes. (Plus, of course, we have the digital audio recording.)

On the attorney side, it's a bit different. It's not easy for one person to present a motion, argue the facts and law, and still process everything in the moment. Each of us can only absorb so much, which is why it is critical to: 1) take the best written notes possible during a hearing, and 2) circulate proposed orders with opposing counsel. The reasons for this approach go beyond professionalism and extend to the pragmatic.

We are all human. We all make mistakes. By trusting your pen rather than your overloaded brain, and listening to the perceptions of fellow counsel who may have caught a detail that you did not, you will arrive at a more balanced and accurate order.

In future hearings, think about how to model behavior for newer attorneys, including those who practice alone. Learning how to work professionally with opposing counsel is a skill that takes time. Temper commentary on proposed orders with politeness. Have notes ready to back up your memory. And, if there's a sticky issue, consider picking up the phone to discuss any requested changes. In the heat of the moment, it's possible that you may have missed a point.



## PRO BONO CORNER



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



### PRO BONO UPDATE

March begins with exciting news! The West Palm Beach Division of the Bankruptcy Bar Association for the Southern District of Florida (“BBA”) will be partnering with the Legal Aid Society of Palm Beach County, Inc. (“LASPBC”) by assisting with the intake of individuals who have applied for pro bono representation through both the BBA and LASPBC pro bono programs. LASPBC “Pro Bono Project” attorney Melissa Kellner, joined by LASPBC attorney Steven Spaulding, along with the undersigned, met to discuss launching the joint effort. Volunteer bankruptcy attorneys from both LASPBC and the BBA will combine to increase the number of available volunteer attorneys. LASPBC has also agreed to utilize the BBA Pro Bono intake form and to conduct due diligence in respect of at least 50% of the BBA applications received. The team discussed the thresholds for qualification of pro bono candidates and the techniques to be used in the due diligence process. We are grateful to the Legal Aid Society of Palm Beach County for agreeing to become an integral part of the BBA’s Pro Bono Program. We now have all three Divisions of our Court partnering up with their corresponding legal aid associations. Not only does this cut down on the amount of time needed for an applicant to get through the qualification process, but these joint efforts also increase the number of volunteer attorneys available to provide representation to qualified individuals in our bankruptcy courts.

Our Court’s own Pro Bono Committee met on January 10, 2022, with 16 members, including our Judicial Chair, Hon. Mindy Mora and our Former Judicial Chair, Hon. Laurel Isicoff. Melissa Kellner, Esq., from LASPBC, was in attendance in lieu of Kim Enright and will be our newest Committee member. The Committee meeting began with the undersigned, joined by our Clerk of Court, Joe Falzone, reviewing the National Filing Statistics along with our local statistics for FLSB. The good news, statistically, is that the pro se filings are continuing their downward trend. In past years, the pro se filings in our District approached 15% of the filings. We are now down to approximately 4%! The pro se clinics in our District have become a conduit for the BBA’s Pro Bono Program by not only educating attendees about the Bankruptcy Code but by using that education to coax attendees to apply for pro bono representation, assuming they meet the minimum qualifications (150% of current national poverty level).

The Pro Bono Committee formed the Elder Law Subcommittee at our January meeting. Peter Kelly, Penter Holmes, Nadine White-Boyd, Melissa Kellner, and Ariel Sagre volunteered to serve on this important subcommittee which is being chaired by Hon. Mindy Mora. The formation of the Elder Law Subcommittee grew out of the Committee’s discussion of the slow down in stimulus dollars and the absence of retirement plans for (too) many of our elder citizens. Other considerations that led to the formation of the Elder Law Subcommittee included expiration of the moratorium on reverse mortgage foreclosures along with increases in homeowners’ insurance. The realities of our citizens who are over 55 years of age will be well-addressed by our Subcommittee.

Update on the Pro Se Clinics: Guidelines for presenters have been prepared by the undersigned and discussed amongst the 3 Division Chairs from the BBA. Training sessions for new presenters have been organized. The first training session was a non-starter as for the second time in 2 months, no attendees were present for the Pro Se Clinic. Undersigned has since reached out to the Diocese of Palm Beach and Publix for the purpose of having a flyer posted in every place of worship and, hopefully, in every Publix within our District. With the assistance of our Clerk of Court, Joe Falzone, along with Peter Kelly and Joe Grant, we are leading a new charge to bring attendees to our pro se clinics.

In our next issue of the Courthouse Beacon, I will be providing a full report on the progress of our Court’s Pro Bono Committee, our interface with the BBA and the progress we have all made by pitching in.



## MIGRATION TO NEXTGEN: ACTION REQUIRED FOR EXISTING CM/ECF REGISTERED USERS

By: Cameron Cradic

### TO ALL E-FILERS:

The United States Bankruptcy Court for the Southern District of Florida will upgrade its Case Management/Electronic Case Filing system (CurrentGen CM/ECF) to the Next Generation system (NextGen CM/ECF). We expect to be live on NextGen on **April 4<sup>th</sup>, 2022**.

NextGen enables use of a single login and password for access to all Appellate, District and Bankruptcy courts. This is known as Central Sign-On (CSO). Please visit <https://www.flsb.uscourts.gov/node/1433> as actions are required by ALL e-filers (if not already done).

Please pay particular attention to the section titled **DO THIS NOW**.

Know that:

- Every e-filer must have their own PACER account.
- Shared PACER accounts cannot be used.
- Only register for a new PACER account if you do not already have one.
- **“Legacy” PACER accounts that were issued prior to August 11, 2014, must be upgraded.** If the upgrade has not already been completed, please follow the step-by-step guide located on our webpage. The steps are very simple and take only a few minutes to complete.

On or after April 4, 2022, before e-filing your first document in NextGen, each e-filer must link their upgraded PACER account to their CM/ECF account. *Ensure that you know your CM/ECF login and password.*

Thank you in advance for your cooperation, and please stay tuned for more announcements as the court approaches its GO LIVE date.



The [“NextGen Preparation E-filer Information”](#) form on pages 11 and 12 of this newsletter may be used to store court-issued and PACER credentials.



## MIGRATION TO NEXTGEN: FILING AGENTS

By: Cameron Cradic

A Filing Agent is a person who e-files on behalf of another, such as a paralegal for an attorney or trustee. In CurrentGen CM/ECF, an attorney or trustee created these support staff accounts by selecting:

Utilities > Maintain Your ECF Account > select “More user information” > type a name in “Find filing agent (then click the magnifying glass icon) > if the filing agent is not already in the database, click the “Create a new filing agent” link.

**(IMPORTANT: Click the “Return to Account Screen” button, then the “Submit” button, to save all data).**

The system automatically generates a court-issued login and password, and that account is used in CurrentGen to e-file on behalf of the attorney or trustee.

The process is slightly changed in NextGen CM/ECF. Because all e-filing in NextGen requires a PACER account for access, *not* the court-issued login and password, **all Filing Agents MUST register for their own “Non-Attorney” PACER account.** After the account is created in PACER and has been accepted by the court, the attorney or trustee can then link the Filing Agent account to their account in the same manner as in CurrentGen.

Information on registering for a Non-Attorney PACER account is located in the **DO THIS NOW** section of our NextGen [webpage](#).

[Filing Agents – Register for a non-attorney account](#)

Filing Agents may wish to add stored payment data (e.g., Visa or Mastercard) to their PACER account if they intend to e-file fee-based documents.

After the court migrates to NextGen on April 4, 2022, **all** e-filers, including Filing Agents, **MUST** link their PACER account to their court-issued CM/ECF account. Please refer to the section on our [webpage](#) titled **DO THIS ON OR AFTER APRIL 4<sup>TH</sup>, 2022.**



# NextGen Preparation E-filer Information

Note: This Form is for Your Private Use Only.

## FLORIDA SOUTHERN BANKRUPTCY COURT E-FILE CREDENTIALS

\*Please complete this form for each e-filer who will be e-filing with FLSB. Keep this form to use on the Go Live Date: 4/4/2022.

ECF Login

ECF Password

Name on E-filer Account

Primary Email Address

Secondary Email Address(es) (if any)

## PACER INFORMATION - this will be your ECF Access for all NextGen courts in which you have filing privileges.

Username

Password

Credit Card Information

(Can store up to 3 credit cards in your PACER account)

[Upgraded or New PACER Account Information](#)  
*(click here for more information)*

**LIVE DATE to START LINKING to  
Florida Southern Bankruptcy Court  
\*\*\*Monday, APRIL 4, 2022\*\*\***

NextGen Account link request to FLSB  
Sent on Date

FLSB Confirm Date

Helpful Links:

E-Filer Information [WWW.FLSB.USCOURTS.GOV](http://WWW.FLSB.USCOURTS.GOV)

PACER Information <https://pacer.uscourts.gov/>





## NextGen Preparation E-filer Information

### PACER Security Question and Answers

Security Question #1

Answer #1

Security Question #2

Answer #2


You will need this information if you need to reset your PACER Password.

CONFIDENTIAL

Clear Form

Print Form



## Help Desk Corner

By: Lorraine Adam

The help desk corner will highlight questions the clerk's office routinely receives by telephone or through the court's website at: <https://www.flsb.uscourts.gov/contact-us>. Whether you are contacting the Miami, Ft. Lauderdale, or West Palm Beach division, clerk's office staff are readily available to assist you during court hours of 8:30 am to 4:00 pm.

Miami:	305-714-1800
Ft. Lauderdale:	954-769-5700
West Palm Beach:	561-514-4100



*I hear your court is going on NextGen soon and I was told I needed to do something with my PACER account. Do I upgrade, link, or both?*

This court will be upgrading from CM/ECF to NextGen on Monday, April 4, 2022.

**Upgrade** if you obtained your PACER login prior to August 11, 2014. However, if you are one of the many attorneys who e-file in a federal NextGen court (FLMB and FLNB), your PACER account has already been upgraded. FLMB went live on November 22, 2021, and FLNB went live on December 6, 2021.

*How to?* Log into your PACER account and go to [Manage My Account](#) and upgrade your account by clicking the Upgrade link next to your "Account Type" or click on any of the options under the Settings tab. Then you will be prompted to upgrade your account.

**Link** your PACER login with each federal court as they upgrade to NextGen. Linking your account will occur one time for each court. **Linking cannot be done until after a court has gone live on NextGen.**

In short, **upgrade** now, and, for this court, **link** your PACER account on or after April 4, 2022.



## DIVISIONAL ASSIGNMENT FOR NEW PETITIONS WITH VENUE IN THIS DISTRICT

By: H.S. Montygierd

New petitions filed with the Court must indicate that venue is appropriate in this district. (See Official Bankruptcy Forms: “Voluntary Petition for Individual,” Part I, item 6; “Voluntary Petition for Non-Individuals”, item 11; “Involuntary Petition Against An Individual” Item 10 and “Involuntary Petition Against A Non-Individual,” item 10.

If venue is indicated for this district, the case will be assigned to one of the three divisions within this district. The divisional assignment is governed by Local Rule 1073-1(A). Specifically, the first address of the individual debtor that is listed in the Voluntary Petition, and the principal place of business for non-individual debtors, will be reviewed by the clerk upon filing.

The Clerk’s Office offers three tools for determining venue based upon the debtor’s address. Before submitting a petition, you may wish to query the debtor’s zip code by clicking a Search feature – see snapshot below.

UNITED STATES BANKRUPTCY COURT  
Southern District of Florida  
Laurel M. Isicoff, Chief Judge  
Joseph Falzone, Clerk of Court

Home | Court Information | Rules and Procedures | Forms | Judges | For Attorney

Click: [Court Information](#) > [Court Locations](#) > "Where do I File?".

Home » Court Information

Where do I File?

enter zipcode

[Court Locations](#)

[Frequently Asked Questions](#)

[Entrance Requirements](#) [See [Local Rule 5072-2](#)]

At “Where do I File?,” enter a zip code and click Search. You will either see a confirmation for a divisional office, or you may see “Your search yielded no results”. A response of “Your search yielded no results” will occur if the debtor’s address is outside of our jurisdiction or if the zip code contains an error. Also, in the Court Locations tab, you may wish to click the Miami, Fort Lauderdale, or West Palm Beach division to see a list of cities served by that division or view of map of the division’s geographical boundaries.



## TEST YOUR NEXTGEN IQ

By: Lorraine Adam

1. This is the Southern District of Florida Bankruptcy Court GO LIVE date for NextGen.  
August 4, 2022                      April 4, 2022                      October 4, 2022
2. Who can access PACER?  
Anyone                      Attorneys Only                      Pro Se Parties Only
3. Can anyone with a PACER account e-file with the SDFL Bankruptcy Court?  
Yes                      No
4. PACER accounts not already upgraded must be upgraded before a person can e-file in NextGen.  
True                      False
5. Relating to NextGen, what do the initials CSO mean?  
Court Service Only                      Central Sign-On                      Community Service Overview
6. Would a paralegal working for an e-filing attorney or trustee be considered a Filing Agent?  
Yes                      No
7. Do Filing Agents need their own individual PACER account?  
Yes                      No
8. Whose name will appear in the docket text for an item filed by a Filing Agent?  
Trustee/Attorney                      Filing Agent                      Both
9. Do I call the Southern District of Florida Bankruptcy Clerk of Court to resolve PACER billing inquiries?  
Yes                      No
10. What federal courts use the Central Sign-On process?  
Bankruptcy                      District and Appellate                      Bankruptcy, District and Appellate
11. When I upgrade my attorney PACER account, will that also upgrade my trustee account?  
Yes                      No
12. Will Internet Explorer work in NextGen?  
Yes                      No

(Answers on page 16)

**ANSWERS TO QUIZ TEST YOUR NEXTGEN IQ:** (from page 15)

1. April 4, 2022 is the date FLSB will GO LIVE on NextGen.
2. Anyone can access PACER to view federal court records, but not everyone's PACER account will have e-filing privileges.
3. No. Presently, this court allows attorneys, trustees, limited filers, and filing agents to e-file with the court.
4. True.
5. Central Sign-On. A singular login code is used for NextGen as it fully integrates with PACER. The two systems are linked by a process that simplifies e-filing, paying fees, and user account maintenance.
6. Yes. Any party who e-files on behalf of an attorney or trustee, such as a paralegal. This type of account enables "mirror access," which means he/she will have the same filing privileges as the linked attorney/trustee account.
7. Yes. Filing Agents must have their own individual PACER account, can be associated with any attorney or trustee, and may store payment data. Register in PACER as a "Non-Attorney" Filer. An attorney or trustee may have multiple Filing Agents.
8. Trustee/Attorney.
9. No. The clerk's office does not have access to any firm's PACER Administrative Accounts.
10. Bankruptcy, District, and Appellate. NextGen enables single-login access to all federal courts in which the user is eligible to practice.
11. No, you must upgrade both PACER accounts.
12. No. Microsoft is retiring support for Internet Explorer. NextGen works with the following browsers: Firefox, Chrome, Edge, and Safari.

10 -12 correct: You are ready for NextGen!

5-9 correct: You get to retake the quiz!

1-4 correct: Have you thought of any other career choices?



## FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through February 28, 2022)

	<u>MIA</u>	<u>FTL</u>	<u>WPB</u>	<u>TOTAL</u>
MMM Motion (Attorney Rep.)	7970	5309	3069	16348
MMM Motion (Pro Se)	104	44	30	178
<b>Total Motions Filed</b>	8074	5353	3099	16526
Order Granting MMM Motion	7083	4674	2623	14380
Final Report of Mediator	6036	3731	2050	11817
Mediation Agreement Reached	2613	1772	965	5350

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

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>	<u>Sep</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	
<b>MIAMI</b>													
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	18	14	16	21	16	11	29	217
2022	31	13											44
													<b>TOTAL = 8074</b>
<b>FT. LAUDERDALE</b>													
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	5	15	9	9	16	15	20	152
2022	16	12											28
													<b>TOTAL = 5353</b>
<b>WEST PALM BEACH</b>													
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	6	7	10	9	5	19	10	95
2022	1	0											1
													<b>TOTAL = 3079</b>

### UPCOMING COURT HOLIDAY CLOSINGS \*

Monday, May 30 - Memorial Day

Monday, June 20 - Juneteenth National Independence Day

Monday, July 4 - Independence 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](mailto:Debbie.Lewis@flsb.uscourts.gov).

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

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

Thank you.

Miami: (305) 714-1800

Ft. Lauderdale: (954) 769-5700

West Palm Beach: (561) 514-4100

**Please Note:**

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