



# BANKRUPTCY BUZZ

LOCAL NEWS AND INFORMATION

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

UNITED STATES  
BANKRUPTCY COURT  
SOUTHERN DISTRICT OF  
FLORIDA

DECEMBER 2010

## FEDERAL BANKRUPTCY RULES AND FORMS AMENDED

Inside this issue:

On April 28, 2010, the Supreme Court of the United States approved amendments to the federal rules and forms which will take effect on December 1, 2010.

A complete summary and text of the amended rules are available on the US Courts website at the following link: <http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules/ProposedSupCt1210.aspx>

A summary of the amendments to the national bankruptcy forms is on page 4 of this issue of Bankruptcy Buzz.

The federal rules amendments include:

### Amended Bankruptcy Rule

**1007:** Shortens the time for the debtor to file a list of creditors after the entry of an order for relief in an involuntary case.

**Amended Bankruptcy Rules 1014, 1015, 1018, 5009, 9001, and New Rule 5012** include new Chapter 15 related provisions.

### Amended Bankruptcy Rule

**1019:** Establishes a new time period (with some exceptions) to object to a claim of exemption when a case is converted to chapter 7 from chapter 11, 12, or 13). **(See also this court's AO 10-5 for BR 1019 related Local Rule amendments).**

(continued on page 5)

Several rules amendments address

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## NEW ADMINISTRATIVE ORDERS 10-5 AND 10-6 ARE EFFECTIVE DECEMBER 1, 2010

Administrative Order 10-5 "Adoption of Certain Interim Local Rules of this Court" addresses required amendments to the local rules in conjunction with amendments to the federal bankruptcy rules, effective December 1, 2010. This Order amends Local Rules 1019-1(C), 4003-1(B), 4004-2, 9013-1(C)(6) by replacing them with interim amended local rules which will be in effect pending conclusion of the local rules revision process.

Administrative Order 10-6 "Order Adopting Amended Interim Bankruptcy Rule 1007-1" amends Interim Bankruptcy Rule 1007-1, which has been adopted locally by the court and is being amended to reflect a deadline change in Bankruptcy Rule 1007.

These Administrative Orders are posted on the court website and copies are available in all clerk's office intake areas.

~Debbie Lewis

### Bankruptcy Cases Filed From 1/1/10 to 10/31/10:

**Total Filed: 33,784**

- Chapter 7: 24,633
- Chapter 9: 0
- Chapter 11: 353
- Chapter 12: 5
- Chapter 13: 8,790
- Chapter 15: 3

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

Case  
Information



## FREE BANKRUPTCY CLINICS OFFERED TO THE PUBLIC

Due to the recent increase of cases being filed by individuals without attorneys, the Bankruptcy Bar Association of the Southern District of Florida is now offering free Pro-Se Clinics in each of the three divisional offices. The clinics will provide prose filers with the opportunity to view a video that will give them an overview of the bankruptcy process. The public may also meet with a volunteer bankruptcy attorney to seek advice on general bankruptcy matters.

The next Pro-Se Clinics are

scheduled to be held as follows:

### **Miami**

December 10th from 12:00-2:00 PM, and February 10, 2011 (Judge Cristol's Courtroom #1410).

### **Ft. Lauderdale**

December 17th from 12:00-2:00 PM (Judge Olson's Courtroom #301).

### **West Palm Beach**

December 15th from 11:30 AM—1:00 PM (Judge Hyman's Courtroom)  
 January 19, 2011 from 11:30 AM—1:00 PM (Judge Kimball's Courtroom).

Attorneys who wish to volunteer their services at a Miami or Ft. Lauderdale clinic or members of the public who are interested in attending one of the clinics in Miami or Ft. Lauderdale should contact Grace Robson at [Grobson@HoughRobson.com](mailto:Grobson@HoughRobson.com). Attorneys who wish to volunteer their services at a West Palm Beach clinic or members of the public who are interested in attending one of the West Palm Beach clinics should contact Heather Ries, Esquire at [hries@foxrothschild.com](mailto:hries@foxrothschild.com).

~Dawn Leonard

## BANKRUPTCY REFERENCE INFORMATION

### **Miami Dade County**

**"Put Something Back"**

305-579-5733, ext. 2252 and  
**Legal Aid Service of Greater Miami**

305-576-0080

**Legal Aid Service of Broward County, Inc.**

954-765-8950

**Legal Aid Society of Palm Beach County, Inc.**

561-655-8944

### **Bankruptcy Basics**

[www.uscourts.gov/bankruptcycourts/bankruptcybasics.html](http://www.uscourts.gov/bankruptcycourts/bankruptcybasics.html)

### **Florida Bar Referral Service**

1-800-342-8011

Ask for "Low-Fee Panel"/ \$25 for first half-hour.

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

Hit link "Public Information"

Hit link "Legal Aid/Pro Bono"

### **Approved Credit Counselors and Debtor Education Courses**

<http://www.justice.gov/ust/eo/bapcpa/ccde/index.htm>

### **Free Pre-Bankruptcy Credit Counseling Class**

[www.consumerbankruptcycounseling.info](http://www.consumerbankruptcycounseling.info)



## CORRECTLY LINKING MOTIONS TO CONTINUE HEARING

Case Management

CM / ECF

Electronic Case Filing

The Motion to Continue Hearing event is designed so that the filer may request a continuance for an already scheduled motion or request. To electronically file this motion, the e-filer will select Motions/Applications > "Continue Hearing." During the entry of the motion the e-filer will see the following prompt, "Select the appropriate event(s) to which your event relates". At this prompt, select only the currently scheduled matter(s). By making this selection, a link is established between the Motion to Continue Hearing and the scheduled matter within the docket text. Do not select any Notice of Hearing.

For example, if a Motion to Compel was set for hearing and an e-filer would like a continuance on that particular motion, they will proceed through the "Continue Hearing" event and place a check mark next to "Motion to Compel" when prompted. Below is an example of how the docket text must appear.

**Motion to Continue Hearing On: [(46) Motion to Compel] Filed by Debtor XYZ, LLC. (De Lara, Natalia)**

Below is an example of an INCORRECT entry because it is erroneously linked. If your docket text resembles the following, abort the transaction by clicking on Bankruptcy from the blue menu bar and start over.

**Motion to Continue Hearing On: [(48 Notice of Hearing)] by Creditor XYZ, LLC. (De Lara, Natalia)**

Agreed motions for continuances may be considered without a hearing pursuant to Local Rule 9013-1(C) (8). Below is an example in which the bold items are incorrectly linked.

**Agreed Motion to Continue Hearing On: [( 36 BNC Certificate of Mailing - PDF Document, 39 Objection to Confirmation of Plan, 48 Motion for Relief From Stay, Motion to Dismiss Case, 49 Notice of Hearing)] [13cal] Filed by Creditor.**

~ Natalia De Lara

## UNCLAIMED FUNDS DEPOSITS AND WITHDRAWALS

The United States Bankruptcy Court administers thousands of asset cases every year. From these cases, large sums of dollars are distributed to creditors by the trustee or disbursing agent as dividend checks or plan payments. Some payments are returned to the trustee for various reasons: undeliverable-no forwarding address; or the checks are simply not cashed or claimed by the original recipients. Before the trustee or disbursing agent can close the estate, they must deposit any undistributed funds with the court. See LR 3011-1.

In order for these funds to be claimed by the original creditor or, if applicable by the debtor, the claimant's designee must comply with the Clerk's

Instructions for Deposit into and Withdrawal from Unclaimed Funds (CI-5), and file with the court (delivered or mailed to the Miami clerk's office, Attn: Financial Office) an "Application to Withdraw Unclaimed Funds" and proposed "Order for Payment of Unclaimed Funds." Additional filing requirements are included in the Clerk's Instructions (CI-5) and can be found on the court's website at [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov). All distributions of unclaimed funds will be made payable to the person on whose behalf the application was submitted and if applicable, to the third party claimant who submitted the application.

~Dawn Leonard



## BANKRUPTCY FORMS AMENDED

The following bankruptcy forms are amended effective December 1, 2010.

**Official Forms 22A, 22B, and 22C.** These forms are amended as follows:

**Forms 22A and 22C** are amended in several places to delete references to “household” and “household size” and to replace them with “number of persons” or “family size.” (Form 22A at lines 19A, 19B, 20A, and 20B; Form 22C at lines 24A, 24B, 25A, and 25B).

**Form 22A** is also amended to add an instruction to line 8 to clarify that only one joint filer should report regular payments by another person for household expenses. **Forms 22B and 22C** are similarly amended on line 7 of each form.

The introductory instruction to **Part I of Form 22A** is amended to give debtors in joint case the choice of filing separate forms if they believe they are required to do so by § 707(b)(2)(C) of the Bankruptcy Code.

**Official Form 23.** The “deadlines” section at the bottom of the form is amended to conform to amended Rule 1007(c).

The national amended forms are posted on the US Courts website at the following link:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

~ Debbie Lewis

## READER'S TIPS/QUESTIONS

A reader asked: Is there a way in PACER to view **ONLY** specific types of documents in a particular case, since this would be a great time saver?

Answer: Select **Reports**, then select **Docket Activity**, (see image below) When this screen displays, enter a case number, then in the “Category” field select the type of document(s) that you wish to view (e.g., motion, order, notice, etc.). Multiple categories of documents may be selected by holding down the control key. A docket activity report displaying the selected category(ies) will display.

~ Joe Falzone

**Docket Activity Report**

Case number

Office

Case type

Category

Open cases  
 Closed cases

Entered between  to

Summary Text  
 Full Docket Text

Sort by



## THE ROLE OF THE CASE ADMINISTRATOR IN THE CLERK'S OFFICE

Case Administrators (CAs) are responsible for maintaining the official court records and for monitoring bankruptcy cases and adversary proceedings from initial filing to final disposition to ensure the orderly and efficient progress of cases. The CA performs quality control reviews of entered documents to ensure accuracy and compliance with filing requirements, procedures, standards and rules, and, when applicable, issues clerk's notices of deficiency. The red "Notice to Filer of Apparent Filing Deficiency" and other paper deficiency notifications advise the filer of the deficiency and, if applicable, any corrective action taken by clerk's office, or if corrective action is required on the part of the filer. Quality control requires attention to detail, the ability to multi-task and exercise good

judgment and teamwork. CAs must monitor docket activity within one business day of the "filed" date in order to timely review for errors or deficiencies, since documents are available to the public immediately upon filing in CM/ECF. CAs also serve as a filing and procedural resource to the public (pro-se filers and attorneys) as well as internal staff. Other CA duties include assisting callers with procedural information on the CM/ECF Help Desk, processing and transmitting records on appeal to the U.S. District Court within two business days after the record is complete, docketing all orders within one business day of receipt, and quality review of all motions and other documents to ensure correct linkage and disposition of pending motions. The CA also reviews orders setting and continuing hearings to ensure that matters are entered accurately and conform to prescheduled hearing

dates and times for the judges' calendars.

CAs play a vital role within the clerk's office and are appreciated and valued for their efforts in maintaining the accuracy and integrity of the court docket. CAs are assigned by terminal digits for all judges' in their respective divisions. The public may contact a CA regarding deficiency and filing requirement notices, and for procedural advice and information. CAs may not provide legal advice or research court dockets.

~ Maria Cervino

### FEDERAL BANKRUPTCY RULES AND FORMS AMENDED (continued from page 1)

Several rules amendments address the Personal Financial Management Course Requirement: **Rule 1007** (provides additional time for chapter 7 debtor to file statement); **Rule 4004** (consequences of failure to timely comply); and **Rule 5009** (requirement of clerk to provide notice that case may be closed without entry of discharge).

#### **Amended Rule 4004:**

- provides for a new deadline for filing of motions under Rule 7001(b) objecting to a debtor's discharge; **(see also Amended Rule 7001)**
- directs that the court not grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor.

**Amended Rule 7001:** provides that objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) be commenced by motion rather than by complaint. (Corresponding to the proposed amendment to Rule 4004.)

~ Debbie Lewis



**BANKRUPTCY WORD SEARCH:  
COUNTIES IN THE SOUTHERN DISTRICT OF FLORIDA**

~ Debbie Lewis

FIND THE FOLLOWING COUNTIES HIDDEN IN THE PUZZLE: BROWARD, HIGHLANDS, INDIANRIVER,  
MARTIN, MIAMIDADE, MONROE, OKEECHOBEE, PALMBEACH, ST. LUCIE

S	N	I	T	R	A	M	T	Z	J	Y	R	M
S	Y	S	C	P	A	L	M	B	E	A	C	H
N	G	D	J	L	M	V	S	J	J	L	B	Y
F	D	M	E	I	C	U	L	T	S	F	R	M
A	E	P	B	R	Q	X	G	Z	E	U	O	E
M	I	A	M	I	D	A	D	E	D	I	W	R
T	E	O	R	N	O	M	H	B	Z	C	A	O
B	D	L	P	O	R	B	K	T	I	V	R	Q
K	G	H	O	C	S	Y	S	D	U	I	D	Q
R	D	N	E	R	T	B	Q	T	L	G	C	P
X	R	E	V	I	R	N	A	I	D	N	I	L
W	E	R	H	I	G	H	L	A	N	D	S	V
L	S	J	O	K	E	E	C	H	O	B	E	E

**FAST FACTS:**

**FROM JULY 2009 TO JUNE 2010**

**12.1 % OF CASES FILED IN THIS COURT WERE BY PRO SE DEBTORS.**

**DURING THE LAST QUARTER FOR WHICH THESE STATISTICS WERE COM-  
PILED, APRIL THROUGH JUNE 2010, PRO SE FILINGS INCREASED TO 13.6%.**

**OUR COURT IS NOW RANKED 6TH IN THE NATION FOR THE HIGHEST  
PERCENTAGE OF PRO-SE DEBTOR FILERS.**

**The US Courts website provides statistics from all bankruptcy courts at this link:  
<http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx>**



## THE INSIDE BUZZ: CLERK'S OFFICE ANNOUNCEMENTS



**THE COURT AND CLERK'S OFFICE  
WILL BE CLOSED FOR THE  
HOLIDAYS ON  
FRIDAY, DECEMBER 24 AND  
FRIDAY, DECEMBER 31, 2010**

### CLERK'S OFFICE PARTICIPATES IN HOLIDAY GIFT PROGRAM FOR FOSTER CHILDREN

Every year our court participates in the Holiday Gift Program. This event brings out the best in us as we open our hearts in order to brighten the holidays for the needy children in our community. This year we did it again and sponsored 32 children. The gifts collected were wrapped and delivered to the Voices for Children Foundation in early December just in time for the Holiday season.

~ Lourdes Paredes

### COMBINED FEDERAL CAMPAIGN

The Combined Federal Campaign (CFC) is the only authorized solicitation of federal employees in their workplaces on behalf of approved charitable organizations. Federal employees continue to make the CFC the largest and most successful workplace fundraiser and our court is a big contributor to this cause. For the third year in a row we surpassed our court's goal and raised a total of \$15,711.

~ Lourdes Paredes

### \*\*\*\*\*WANTED\*\*\*\*\*

EXPERIENCED CM/ECF REGISTERED USERS IN THIS COURT WILLING TO SHARE INFORMATION THAT MIGHT BENEFIT THE NEWLY REGISTERED CM/ECF FILER FOR USE IN A FUTURE ARTICLE INCLUDING:

- RED NOTICES OF APPARENT DEFICIENCIES THAT THE CLERK HAS ALREADY CORRECTED: WHAT, IF ANY, ACTION, DOES YOUR OFFICE TAKE TO REVIEW THEM TO PREVENT THEM FROM REOCCURRING?
- DO YOU HAVE ANY TIPS FOR REGISTERED USERS YOU HAVE DISCOVERED ON YOUR OWN?

PLEASE EMAIL YOUR SUGGESTIONS TO :

Debbie\_Lewis@flsb.uscourts.gov

### CONTACT BANKRUPTCY BUZZ PUBLICATION STAFF

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

Debbie\_Lewis@flsb.uscourts.gov.

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 members are not permitted to give legal advice.**