



BANKRUPTCY BUZZ USBC SDFL

LOCAL NEWS AND INFORMATION

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UNITED STATES
BANKRUPTCY COURT
SOUTHERN DISTRICT OF
FLORIDA

April 2012

REMARKS FROM CHIEF EMERITUS JUDGE A. JAY CRISTOL

Our featured judge for this issue is Judge A. Jay Cristol who offered the following comments about the bankruptcy bar in general and some specific comments about certain pitfalls in involuntary bankruptcy cases.

In my nearly 27 years on the bench, I must say that my job is made easy every day by the help of our highly professional and talented Bankruptcy Bar. When I began my foray into bankruptcy, the Bankruptcy Bar consisted mostly of seasoned veterans and only a few young professionals. Now I see many young professionals who are themselves seasoned veterans, mentoring a new generation of young lawyers in the making. This great mix has helped shape the law of bankruptcy and keeps our dockets moving and free of clogs.



Judge A. Jay Cristol

Collegiality within the bankruptcy bar is essential to the success of the bankruptcy system. Case administration demands civility, and civility is important for efficiency and efficacy, and but for our Bankruptcy Bar, our cases would be mired with loose ends and needless litigation. Now, more than ever, with record high filings, we depend on our practitioners to help efficiently and effectively administer cases while achieving the goals of debtors and creditors alike.

The court appreciates the conflicting positions of debtors and creditors and, even more, appreciates the common sense resolution of many disputes through the wisdom and skill of our Southern District lawyers. The use of mediation has become a blessing to the prompt resolution of many complex and complicated matters. Statistics show that over 53% of cases referred to mediation are settled, thus leaving court-time available for those cases that do not settle. Recent data from the District Court indicates that some civil trials are being set in 2013. That much delay will just not work in major Chapter 11 cases where early disposition of disputes results in maintaining value and saving jobs – to the ultimate benefit of all parties in particular and the economy in general.

While the majority of domestic bankruptcy proceedings in the United States are commenced voluntarily by debtors seeking the benefits of bankruptcy, be it Chapter 7, 11 or 13 relief, the court occasionally encounters instances where creditors seek bankruptcy relief through involuntary bankruptcy proceedings. Involuntary bankruptcy proceedings are rare. In days gone by, aggressive creditors would threaten their debtors with, "If you don't pay up, I'm going to throw you into bankruptcy." However, with the advent of 11 U.S.C. §303(i), the concept of "throwing a debtor

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Bankruptcy Cases Filed From 1/1/11 to 3/31/12:

Total Filed: 8,004

- Chapter 7 : 5,544
- Chapter 9 : 0
- Chapter 11 : 83
- Chapter 12 : 0
- Chapter 13 : 2,377
- Chapter 15 : 0

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





REMARKS FROM JUDGE CRISTOL (continued from page 1)

into bankruptcy” has become extremely limited. Filing an involuntary petition puts the filing creditor at substantial risk. Section 303(i) of the Bankruptcy Code provides that, if a court dismisses an involuntary petition and the alleged debtor does not consent to the dismissal, then the court may grant judgment against the petitioners and in favor of the debtor for costs and attorney’s fees. If the involuntary was filed in bad faith, then the judgment may also include proximately caused damages and punitive damages. Thus, while involuntary bankruptcy proceedings can yield benefits for creditors if used carefully and appropriately, they can also be used for tactical reasons which, if not done carefully, can create pitfalls for the petitioning creditors and possibly even their

attorneys.

Creditors should therefore be cautious when filing an involuntary petition. Attorneys for petitioning creditors should make certain that there are three (3) creditors with non-contingent, undisputed claims exceeding \$14,425.00 who each sign the involuntary petition. The status of the claims is critical to the court’s analysis and the petitioning creditors’ chance of success. If fewer than twelve (12) creditors exist and the case is filed by only one creditor, then adequate proof of the validity of the claim should be in the attorney’s file before filing the petition.

Section 303(e) also allows the court to require petitioners to post a bond to cover section

303(i) damages. This can happen if the initial showing indicates a weak position on the involuntary case. It is therefore incumbent upon the petitioning creditors, and their attorneys, to be well prepared to present compelling evidence which will support the filing, or else they should be prepared to post a bond.

In the past few years, there have been a number of involuntary petitions filed that have litigated as long as a year. Initial attorneys’ fees claimed in the unsuccessful involuntary cases have exceeded half a million dollars. In some instances, judgments against petitioning creditors have resulted in the petitioning creditors having to file voluntary petitions themselves.

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ABOUT JUDGE A. JAY CRISTOL

Chief Judge Emeritus A. Jay Cristol served as a Special Assistant Attorney General of Florida from 1959 to 1965 and as a trustee in bankruptcy from 1977 to 1985. He was appointed a United States Bankruptcy Judge for the Southern District of Florida on April 17, 1985, and served as the district’s Chief Bankruptcy Judge from 1993 until 1999. He also served his country as a Captain in the Naval Reserve, with 38 years of service in the diverse roles of both a carrier pilot and a lawyer, flying day and night from the aircraft carrier Princeton during the Korean conflict and flying volunteer air lifts to Vietnam in the 1960s.

Judge Cristol received his B.A. Degree from the University of Miami and his J.D. Degree, Cum Laude, from the University of Miami School of Law where he was Research Editor of the Law Review and recipient of other honors. He received his Ph.D. from the Graduate School of International Studies at the University of Miami on May 9, 1997 for his dissertation on the Liberty incident. He is the past president of the University of Miami Law Alumni Association and has served on the Board of Trustees of the University of Miami. He is an adjunct professor at the University of Miami School of Law, where he has taught an advanced bankruptcy course for over 20 years.

Judge Cristol has served on the Bankruptcy Committee of the Eleventh Circuit and on the Judicial Conference Advisory Committee on Bankruptcy Rules. He has taught U.S. bankruptcy law to foreign judges in the Czech Republic, Slovenia, and Thailand. He also has taught judges from Russia, India, Malaysia, Hong Kong, and South Africa, under various programs for the State Department, USAID, the American Bankruptcy Institute and the National Conference of Bankruptcy Judges. He has published numerous articles on law, aviation, history and other subjects, and has written a book, *The Liberty Incident*. Judge Cristol has presided over many high profile bankruptcy cases and related proceedings. These include the chapter 11 reorganizations of General Development Corporation, Prime Motor Inns, Flannigans, Banco Latino International, Arrow Air, Pan American Airways, Fine Air and Amerijet, which is a case he confirmed after only 85 days in bankruptcy. The Pan Am plan was confirmed after only four months and the reorganized company was so pleased with the results of the case that its first new aircraft was named the Clipper A Jay Cristol.



AN E-FILER'S POLL: REDUCTION OF CM/ECF EVENTS

The clerk's office is considering a reduction in the number of available events in its CM/ECF program. Specifically, some motion events are used infrequently or do not generally serve their intended purpose. In an effort to better meet the needs of those who e-file motions and documents, please take a moment and reflect upon the events used most often and ask yourself:

Do I prefer a dedicated motion event or a generic "Miscellaneous Motion" event? **For this situation, assume the generic event will be used to type the title of the PDF image so that the docket text better matches the PDF image.**

Will fewer events make it easier for me to e-file my motion or document?

Will it be easier to train newly hired staff if the clerk's office decreases the number of motion events?

Will fewer events reduce the likelihood of receiving a deficiency notice (the red-lettered "Notice to Filer of Apparent Filing Deficiency")?

Will a generic motion event, *in which I type the title of my PDF image*, make it easier to search the public docket?

Will use of a generic event and entry of an exact title make it easier to link a Certificate of Service or a response/objection?

In reducing the number of events, the goal of the clerk's office is to increase efficiency for both e-filers and court staff.

For example, the motion events "Withdraw as Attorney" and "Substitute Attorney" serve a different purpose, but perhaps a generic event reflecting the PDF image's title would be preferred?

In similar manner, regarding a dismissed case, does a motion to "Reinstate Case" differ significantly from a motion to "Vacate Dismissal"?

Any input to reduce infrequent or unnecessary events is appreciated. If you or your staff would like to address a specific event, to either remove or suggest a change, please send an email to:

Cameron_Cradic@flsb.uscourts.gov or call Cameron Cradic at (561) 514-4107.

All comments will be kept confidential and anonymous.

REMARKS FROM JUDGE CRISTOL (continued from page 2)

While there is dispute as to whether section 303(i) damages are dischargeable, many courts hold that they are not.

So, as we say in Miami, when considering whether to file an involuntary bankruptcy petition: Beware, Cuidado and Mefea'ou.

A final note about Stern v. Marshall. In ancient days, prior to the 1978 Code becoming effective, bankruptcy matters were divided into plenary and summary, and it was necessary to file multiple suits all over the United States to deal with a complicated case. The objective of the 1978 Code was to do away with plenary and summary and permit the complete disposition of a bankruptcy case in one court.

Unfortunately, for political reasons, bankruptcy judges were made Article I judges, rather than Article III judges, and over the years, the extent of their jurisdiction and what they can do has become an issue. The issue was raised first in Marathon, later in Granfinanciera, and now more recently in Stern v. Marshall. The creation by the Supreme Court of the concept of core and non-core matters has not conferred any benefit on the system. As a result, we spend far too much time arguing over where a case should be tried instead of trying the case.

The Stern v. Marshall case involved an unusual, perhaps even weird, set of circumstances and should be narrowly construed or for that matter, for the most part, ignored.



NEW PACER ACCESS RESTRICTION TO CERTAIN CLOSED BANKRUPTCY CASE RECORDS

The Judicial Conference recently amended the policy on privacy and public access to electronic case files by restricting public access through PACER to documents in bankruptcy cases that were filed before December 1, 2003, and have been closed for more than one year, with the following conditions:

- The docket sheet and docket information will remain available to the public via PACER.
- A party who has filed a Notice of Appearance in a case will continue to have CM/ECF access to ALL documents in that case.
- Except for documents under SEAL and/or Statements of Social Security Numbers, all documents in such cases will remain accessible at the clerk's office public query terminals.

Access to documents in bankruptcy case appeals filed in the district court, will be similarly restricted.

In response to a request for a restricted document, a printed copy will be provided by mail or at the clerk's office. The clerk's office will not provide copies of restricted documents electronically via email. Also, the clerk's office will not modify any printed document by redacting a social security number or other personal identifier. Search fees and copy charges may apply (see Clerk's Summary of Fees and Clerk's Instructions for Obtaining Copies of Court Records).

~ Cameron Cradic

PAY FILING FEES BY DEBIT PAYMENT OPTION

Filers have the option to pay filing fees by bank account debit by using the Automated Clearinghouse (ACH) function from the payment module of CM/ECF. This feature is Option 1, and a screenshot below displays the data fields which must be entered. Attorneys may find this to be more convenient than paying fees via a credit card (an image is not displayed, however it will appear just below Option 1 on a filer's screen).

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

This item is payable by [Bank Account Debit \(ACH\)](#) or [Plastic Card \(ex: VISA, Mastercard, American Express, Discover\)](#)

Option 1: Pay Via Bank Account (ACH) [About ACH Debit](#)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$306.00

Account Type: *

Routing Number: *

Account Number: *

Confirm Account Number: *

Check Number:

Routing Number Account Number Check Number

Payment Date: 03/13/2012

Select the "Continue with ACH Payment" button to continue to the next step in the ACH Debit Payment Process.

~ Cameron Cradic



PACER RESEARCH TIPS

Before registering for PACER (Public Access to Court Electronic Records), account users are able to practice searching for cases and their corresponding documents through the new Pacer Training Website at www.pacer.uscourts.gov, under “What’s New With Pacer”. Use of the website is free of charge and has been populated with real case data from the New York Western District Court from cases filed between 1/1/2007 and 7/1/2007. The following is a guide on getting started with PACER through the use of this new tool.

QUERY FUNCTION

The query function should be used when the case number is not known (“Query” is located in CM/ECF at the top of the screen in the blue menu bar along with several other menu options). A user may search by first and last name, social security number, or tax id number. Entering specific search data yields a narrow result, which may help reduce the amount of fees charged to your account. You can also use the query function when the case number is known – simply enter the two digit year, a dash, and the 5 digit main bankruptcy case number or the 4 digit adversary case number (example, 12-12345 or 12-1234, the judge’s initials are not needed) and select “Run Query” at the bottom of the screen.

Several links will display after you have found the case you wish to research. The topics listed below are the most commonly used links for research purposes.

Associated cases – any cases in connection with the case number you’ve entered such as adversary proceedings, jointly administered or consolidated cases, and miscellaneous proceedings.

Case Summary – useful information such as the parties and any attorney representation, contact information, trustee data, case filing dates, status of the case, and the case chapter.

Deadlines/Hearings – upcoming hearings and deadlines that have been set, as well as terminated or satisfied.

Docket Report – the most commonly used tool on PACER. A user may view everything that has been filed in the case, who filed it, the date of filing, as well as viewing electronic copies of documents. Document numbers underlined in blue are hyperlinks to the PDF image.

Party – this will display the parties who have made appearances, as well as any attorney information.

View Document – the newest addition to PACER which will allow you to pull up the exact document you wish to view or print instead of incurring additional charges for querying the Docket Report. The docket entry number must be known to use this function.

Claims Register – here is where the court stores the claims that have been filed for any particular case. Claims are not available on the docket report as they are kept only in the register. Users can see who filed the claim and how much was claimed.

Creditor Mailing Matrix* – lists all of the creditors in the case, either by submission of the matrix or by party filers adding themselves to the case.

VIEWING PDF IMAGES

When clicking a document’s hyperlink to view a document, a subsequent fee screen will display (see the chart below). It will advise of the amount a user will be charged to view a document. If you wish to proceed, simply select ‘view document’. If not, click the ‘back’ button.

Pacer Service Center			
Transaction Receipt			
Thu Dec 29 14:03:26 2011			
Pacer Login:	tr1234	Client Code:	
Description:	Image5-0	Case Number:	1:07-cr-00001-RJA-HKS
Billable Pages:	1	Cost:	0.08

* Option not available on the free practice site but is available on the bankruptcy PACER program.

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PACER RESEARCH TIPS (CONTINUED FROM PAGE 5)

Another very important tip is that when you are pulling up documents to view and print, make sure that the default format is HTML and not text. This should not be changed as it will alter the functionality of the PACER program.

To review your "charges" on the training website and get a feel for how much you might incur PACER fees in the live system, check your bill under Utilities – Review Billing History.

Please take note that PACER electronic public access fees increase from \$.08 to \$.10 per page on April 1, 2012.

~ Natalia De Lara

NOW AVAILABLE: McVCIS

No, it's not the most recent offering from the fast food restaurant down the street, it's the new and improved telephone-based system that has replaced VCIS, the Voice Case Information System.

McVCIS, or Multi-Court Voice Case Information System, is an interactive voice response system available 24 hours a day that allows anyone with a touchtone phone to determine whether a party has filed for bankruptcy, and gain a considerable amount of case information. One main advantage of McVCIS over the old VCIS system is that case information may be obtained from just about any bankruptcy court in the United States by dialing one toll-free number; (866) 222-8029. After speaking the name of the desired state, then district, if applicable, the caller is connected to that district's database. Using the letters on the telephone keypad, enter the debtor's name (last name first) using up to ten characters, then press the # key. If the debtor is a corporation, enter the first ten characters of the name, then press the # key. Punctuation is irrelevant, and it is recommended that all ten allotted characters are used, if necessary, to refine the search results. If more than one match is found, the caller is able to select the desired debtor from the choices given by the system. The information accessible includes debtor(s)' name(s), date of filing, chapter, attorney for the debtor(s), trustee (if applicable), date and time of any pending meeting of creditors, date of discharge, date of closing, and case status such as "Awaiting Discharge" or "Awaiting Closing."

Developed by the District of Massachusetts Bankruptcy (MAB) court, it has been adopted by the Administrative Office of the U.S. Courts, and handles the majority of the bankruptcy courts in the country. The speech recognition software it employs makes the caller's experience more enjoyable, and is available in both English and Spanish languages.

~ Bill Duncan

U.S. BANKRUPTCY COURT CASE FILINGS DECLINE IN FISCAL YEAR 2011

Bankruptcy filings fell 8 percent to 1,467,221 in fiscal year 2011. This was the first decline in filings since 2007, when filings fell dramatically after enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Eighty-seven of the 90 bankruptcy courts reported fewer filings in 2011. Only three courts reported increased filings: the District of Utah (up 6 percent), the Middle District of Louisiana (up 1 percent), and the Central District of California (also up 1 percent). Three districts had reductions of 20 percent or more: the Western District of New York (down 20 percent), the Southern District of West Virginia (down 24 percent), and the District of Vermont (down 26 percent.)

The total number of nonbusiness bankruptcy petitions decreased 8 percent in fiscal year 2011, and business petitions declined 14 percent. Filings dropped 10 percent under chapter 7, 16 percent under chapter 11, and 4 percent under chapter 13.



FILING FEES FOR NEW BANKRUPTCY PETITIONS

The clerk's office cannot accept a petition without the required filing fee. It is important for filers to be aware of the amounts and requirements for payment of fees for filing new cases.

Current fees for new case petitions are:

Chapter 7: \$306; Chapter 11: \$1,046; Chapter 12: \$246; Chapter 13: \$281; Chapter 15: \$1,046

The entire filing fee is due when the petition is filed, unless the debtor qualifies for one of the following options:

1) INSTALLMENT PAYMENTS: Individual debtors seeking to pay in installments must file a local form "Application to Pay the Filing Fee in Installments" with the petition, accompanied by a \$50.00 minimum initial payment. The application requires the debtor to set forth how the debtor will pay the balance of the fee, which must be in one to three additional payments and within 120 days. An order granting the application will be issued if the debtor meets all requirements (see Bankruptcy Rule 1006(b) and Local Rule 1006-1(A).) Additional information and forms are available on the court website homepage www.flsb.uscourts.gov by clicking on the "Information for Individuals Filing Without an Attorney" link, opening the tab "Pro se Debtor Information", then opening the link for question number four, "Filing Fees and Waiver or Installment Payment Options".

2) WAIVER OF FILING FEE (Available for chapter 7 individual cases only): The application and required supporting documentation must accompany the petition. No initial payment is required. The court will review the application and either grant the waiver in full, deny the waiver but permit payment in installments or deny the waiver and require payment of the full filing fee by a specific deadline. Additional information and forms are available on the court website under the tab "Filing and Fee Information". See also Local Rule 1006-1(B).

Payment for petitions filed at the intake counter or via mail or courier must be paid in the exact amount of cash, money order or cashier's check, payable to "Clerk, U.S. Courts". Fees for petitions filed electronically by attorneys are paid electronically via credit card during the e-filing process.

Although the clerk's office collects the fees, fees are not retained by the local court. Federal law determines how filing fees are distributed. The chart on page 8 provides details on the statutory authority for amounts and manner of distribution of initial case filing fees. The column "Fund Name" reflects the portion, if any, of that chapter's filing distributed to the case trustee, the U.S. Trustee, the judiciary fund or the general treasury fund.

~ Judy Shafron



BANKRUPTCY COURT FEE CHART						
SHOWING FEE AMOUNTS, STATUTORY						
AUTHORITIES AND DISTRIBUTION						
EFFECTIVE NOVEMBER 1, 2011						
(Note: This chart applies to all courts within U.S. Trustee districts)						
TYPE OF FILING	Statutory Reference	Statutory Fee	Misc. Fee	Misc. Fee Reference	TOTAL FEE	Fund Name
Chapter 7 - Liquidation	11 USC 330(b)(2)	45.00	15.00	Item 9 BCMFS*	60.00	Case Trustee
Filing Fee	28 USC 589a.	89.01			89.01	U.S. Trustee
28 USC 1930(a)(1)	28 USC 1931 notes	63.51	46.00	Item 8 BCMFS*	109.51	Judiciary Fee
	31 USC 3302(b)	22.48			22.48	Treasury
	PL 109-171	25.00			25.00	Treasury
TOTAL CH 7		245.00	61.00		306.00	
Chapter 11 - Non-Rail-road Filing Fee	28 USC 589a.	550.00			550.00	U.S. Trustee
	28 USC 1931 notes	250.00	46.00	Item 8 BCMFS*	296.00	Judiciary Fee
28 USC 1930(a)(3)	31 USC 3302(b)	200.00			200.00	Treasury
TOTAL CH 11 - Non-Railroad		1,000.00	46.00		1,046.00	
Chapter 12 Family Farm.	28 USC 589a.	100.00			100.00	U.S. Trustee
	28 USC 1930(a)(5)	100.00			100.00	Treasury
			46.00	Item 8 BCMFS*	46.00	Judiciary Fee
TOTAL CH 12		200.00	46.00		246.00	
Chapter 13 - Wage Earner Filing Fee	28 USC 589a.	42.50			42.50	U.S. Trustee
	28 USC 1931 notes	52.50	46.00	Item 8 BCMFS*	98.50	Judiciary Fee
28 USC 1930 (a)(1)	31 USC 3302(b)	55.00			55.00	Treasury
	PL 109-171	85.00			85.00	Treasury
TOTAL CH 13		235.00	46.00		281.00	
Chapter 15						
Item 8 BCMFS*			46.00	**PL 106-518	46.00	Judiciary Fee
Item 15 BCMFS*			500.00	**PL 106-518	500.00	Judiciary Fee
			500.00	31 USC 3302(b)	500.00	Treasury
TOTAL CH 15			1,046.00		1,046.00	

The \$7 increase in the total amount collected at filing in all chapters is a result of the \$7 inflationary increase in the administrative fee collected pursuant to Item 8 of the BCMFS.

*Bankruptcy Court Miscellaneous Fee Schedule promulgated by the Judicial Conference, authorized by 28 USC 1930(b)

Pub. L. 106-518, title I, § 102, Nov. 13, 2000, 114 Stat.2411, provided that: "For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the **special fund of the Treasury established under section 1931 of title 28."



FREE BANKRUPTCY CLINICS

**Dade Legal Aid/Put Something Back Pro Bono Project,
Legal Aid Society of Palm Beach, Inc.,
American College of Bankruptcy**

&

**The Bankruptcy Bar Association of the
Southern District of Florida**

Present a Free Pro Se Clinic at the Bankruptcy Courthouse On the Following Dates and Times

Miami Division: 51 SW 1 Avenue, Courtroom 1410

Friday, April 27, 2012 12 pm – 2 pm
Friday, May 4, 2012 12 pm – 2 pm
Friday, June 15, 2012 12 pm – 2 pm
Friday, July 20, 2012 12 pm – 2 pm
Friday, August 17, 2012 12 pm – 2 pm

Fort Lauderdale Division: 299 East Broward Boulevard, Courtroom 301

Friday, April 20, 2012 12 pm – 1:30 pm
Friday, May 18, 2012 12 pm – 1:30 pm
Friday, June 22, 2012 12 pm – 1:30 pm
Friday, July 27, 2012 12 pm – 1:30 pm
Friday, August 17, 2012 12 pm – 1:30 pm

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

Wednesday, April 4, 2012 11:30 am – 1 pm
Wednesday, May 2, 2012 11:30 am – 1 pm
Wednesday, June 6, 2012 11:30 am – 1 pm
Wednesday, July 11, 2012 11:30 am – 1 pm

*[You **cannot** bring a cell phone or other electronic device to the courthouse or you will **not** be allowed entry]*

At the clinic, there will be a 45 minute video presentation outlining procedures for filing bankruptcy. Next, there will be a question and answer session. Then, you may meet with a bankruptcy attorney to discuss your case and get advice on general bankruptcy matters.

Please note that the project/volunteers do **NOT** represent you and take no responsibility for your case. You are responsible for responding to any pleadings and for protecting your own legal rights. Please remember, cellular phones, pagers, and other electronic devices are not permitted.

FOR FURTHER INFORMATION, PLEASE CONTACT:

MIAMI: amiranda@dadelegalaid.org

FORT LAUDERDALE: kimberly.salamone@ntmlawfirm.com

WEST PALM BEACH: erosen@rosenwinig.com



U.S. DISTRICT COURT SDFL ENTERS ADMINISTRATIVE ORDERS REGARDING ATTORNEY ADMISSIONS RENEWAL FEE AND ELIMINATION OF ADMISSIONS EXAM

The U.S. District Court, SDFL has entered Administrative Order 2012-004 "In Re: Attorney Admission Renewal Fee for Retention of Membership in the Bar of This Court" and Administrative Order 2012-14 "Elimination of Attorney Admissions Examination."

We have received inquiries regarding the new District Court attorney admissions renewal fee and how it impacts bankruptcy practitioners. To clarify, there is only one Southern District bar and one renewal fee, which is paid via the District Court's CM/ECF login system. Practitioners who currently have an account with the District Court should use that account to pay the renewal fee.

Bankruptcy Court practitioners who do not have a District Court CM/ECF login account, can now login to the District Court CM/ECF system with their Bankruptcy Court CM/ECF login to pay the renewal fee. A practitioner accessing the District Court's CM/ECF system with his/her Bankruptcy Court CM/ECF login will ONLY be able pay the renewal fee and not file documents or take any other case related action.

For additional information and instructions for practitioners to pay the renewal fee, visit the district court's web page at: [Renewal Fees For Bankruptcy Attorneys](#)

~ Joe Falzone

BANKRUPTCY TRUE OR FALSE ? ~ JACQUELINE ANTILLON

1. A joint involuntary petition may be filed against a husband and wife. **T or F**
2. Attorneys and/or Limited Filers who certify that they are already registered users of CM/ECF in another bankruptcy court are not required to attend classroom training if proficiency on the system is demonstrated through the completion of a "Proof of Proficiency" exercise. **T or F**
3. A "Text-only" order docket entry does not have the same force and affect as a PDF order attached to a docket entry. **T or F**
4. Chapter 13 motions for relief from stay may be served on negative notice in this court. **T or F**
5. The plaintiff must submit a proposed "Order Setting Filing and Disclosure Requirements" in an adversary proceeding at the time the adversary complaint is filed. **T or F**

ANSWERS BELOW

1. **False - Joint Debtors.** An involuntary petition shall not be filed against joint debtors. LR 1003-1(C).
2. **True -** Attorneys currently filing in another bankruptcy court who wish to gain access to our "LIVE" system must complete a proficiency exercise. Notify the training team at: CMECF_support@flsb.uscourts.gov.
3. **False -** Local Rules 5005-4(F) and 9021-1(A) provide the authority for entry of "Text only" entries on the court docket. Text-only orders are official and binding and have force and affect even though the docket entry contains no corresponding PDF order. The "Text-only" order will indicate the party who is required to serve a copy of the associated Notice of Electronic Filing (NEF), and direct the serving party to file a certificate of service as required pursuant to Local Rule 2002-1(F).
4. **False -** ONLY Creditors in chapter 7, 11 or 12 cases, in which the debtor is represented by an attorney, may seek relief from stay on negative notice if the motion meets the requirements. LR 4001-1(C).
5. **False -** The clerk will electronically generate and docket the "Order Setting Filing and Disclosure Requirements" in an adversary proceeding and transmit it to the plaintiff who must serve the order, together with the summons and complaint on all defendants in accordance with federal and local rules.

**RECENT UPDATES TO LOCAL FORMS, COURT GUIDELINES AND CLERK'S INSTRUCTIONS**

The following revised documents are posted on the court website:

APPLICATION TO PAY FILING FEE IN INSTALLMENTS was modified to reflect stylistic changes to conform to the Official Form while keeping our local requirements.

DECLARATION UNDER PENALTY OF PERJURY TO ACCOMPANY PETITIONS, SCHEDULES, FILING FEE APPLICATIONS AND STATEMENTS FILED ELECTRONICALLY - The judges added the Application to Pay Filing Fee in Installments AND Application for Waiver of the Chapter 7 Filing Fee to the form.

THE GUIDELINES FOR COMPENSATION FOR PROFESSIONAL SERVICES OR REIMBURSEMENT OF EXPENSES BY ATTORNEYS FOR CHAPTER 13 DEBTORS PURSUANT TO LOCAL RULE 2016-1(B)(2)(a) have been revised. A public notice and revised guidelines can be viewed at: [http://www.flsb.uscourts.gov/web_folder/NEWS/12-02-23_Note_of_Revisions_to_Guidelines_for_Compensation_for_Professional_Services_or_Reimbursement_of_Expenses_by_Attorneys_for_Chapter_13_Debtors_Pursuant_to_Local_Rule_2016-1\(B\)\(2\)\(a\).pdf](http://www.flsb.uscourts.gov/web_folder/NEWS/12-02-23_Note_of_Revisions_to_Guidelines_for_Compensation_for_Professional_Services_or_Reimbursement_of_Expenses_by_Attorneys_for_Chapter_13_Debtors_Pursuant_to_Local_Rule_2016-1(B)(2)(a).pdf)

CLERK'S FILING INSTRUCTIONS have been amended to permit the electronic filing of involuntary petitions by registered users if a scanned copy of the petitioning creditor signature page with original signatures of all petitioning creditors is submitted with the petition. Other amendments include reference to a revised "Clerk's Instructions for Electronic Public Access Services" and new "Clerk's Instructions for Obtaining Copies of Court Records."

UPCOMING COURT HOLIDAY CLOSING DATES

- 05/28/12 Memorial Day
- 07/04/12 Independence Day

COURT MISSION STATEMENT

To promote public trust and confidence in the administration of bankruptcy cases:

- *through easy access to comprehensible, accurate information about the court, its procedures, and records;*
- *by the efficient, respectful, and dignified conduct of business at all levels of the court—clerk's office, chambers and courtroom;*
- *through adjudication of bankruptcy cases by a fair and impartial tribunal that is designed to provide relief to the honest debtor, equitable distribution of available assets to creditors, and preservation of jobs and value through successful business reorganizations.*

CONTACT BANKRUPTCY BUZZ PUBLICATION STAFF

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

Debbie_Lewis@flsb.uscourts.gov.

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.