



BANKRUPTCY BUZZ

LOCAL NEWS AND INFORMATION

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

OCTOBER 2015

COURT SETS DEADLINE FOR COMMENTS ON PROPOSED AMENDMENTS TO LOCAL RULES

Administrative Order 15-03 "In re: Proposed Amended Local Rules, Opportunity for Public Comment" was entered establishing **October 30, 2015** as the deadline for submitting written comments to the court on proposed amendments to the Local Rules. The proposed amended local rules are on the court website www.flsb.uscourts.gov at: [http://www.flsb.uscourts.gov/wp-content/uploads/LRFG/Local_Rules/DRAFT_\(REDLINE\)_-2015_Local_Rules_\(rev_09-30-15\).pdf](http://www.flsb.uscourts.gov/wp-content/uploads/LRFG/Local_Rules/DRAFT_(REDLINE)_-2015_Local_Rules_(rev_09-30-15).pdf)

Comments must be submitted in writing and mailed or delivered to Joseph Falzone, Clerk of Court, United States Bankruptcy Court, C. Clyde Atkins United States Courthouse, 301 North Miami Avenue, Room 150, Miami, FL 33128, to be received not later than October 30, 2015. Each comment must identify the specific local rule being addressed together with any supporting authority.

The proposed rules are subject to further modification prior to final approval as a result of public comments submitted and further judicial review. If the court determines that the issues raised in the public comments necessitate an en banc hearing, the court shall schedule, and the clerk of court shall publish notice of, such hearing.

After review of timely submitted comments and conclusion of any scheduled en banc hearing, the court will determine if any additional amendments to the published proposed rules are necessary. An administrative order adopting the amended local rules and clarifying status of current administrative orders, local forms, clerk's instructions and court guidelines will then be entered. It is anticipated that the amended local rules will be effective **December 1, 2015**.

SUBSTANTIALLY AMENDED OFFICIAL BANKRUPTCY AND AO DIRECTOR'S FORMS TO BE IMPLEMENTED EFFECTIVE 12/1/15

Most of the Official Bankruptcy Forms and Administrative Office of the U.S. Courts Director's forms are scheduled to be replaced with substantially revised, reformatted and renumbered versions effective December 1, 2015. Among other things, the new forms introduce different versions of case opening forms for individual debtors and non-individual debtors. FRBP 1007 will be amended effective 12/1/15 to conform the Rule to an OFB form amendment which combines separate Schedules E and F into a single Schedule E/F.

Local court forms, instructions and guidelines and internal forms will also be amended effective 12/1/15 to conform to these federal form amendments.

For detailed information about the revisions and to download a form number conversion chart and files containing copies of the amended Official and Director's forms, access this U.S. Courts website link:

<http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms>

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Bankruptcy Cases Filed From 1/1/15 to 9/30/15:
Total Filed: 17,553

- Chapter 7 : 9,757
- Chapter 9 : 0
- Chapter 11 : 199
- Chapter 12 : 2
- Chapter 13 : 7,593
- Chapter 15 : 2

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

Select: "[Bankruptcy Case Filing Statistics](#)"



THE NCBJ IN MIAMI BEACH

By: Judge Laurel Myerson Isicoff
United States Bankruptcy Court, Southern District of Florida
Note: Judge Isicoff is Secretary of the NCBJ

The National Conference of Bankruptcy Judges is a voluntary association of bankruptcy judges of the United States. The Conference has just celebrated its 89th year. One of the many purposes of the National Conference of Bankruptcy Judges is to “provide continuing legal education to judges, lawyers and other involved professionals”. To that end, each year, the members of the NCBJ have included an educational program as part of its annual meeting. This annual meeting, also known as the National Conference of Bankruptcy Judges, is held over three days in a different city each year. Everyone is invited to attend.

This year the NCBJ annual meeting was held at the Fontainebleau Hotel on Miami Beach from September 27 – September 30. The education portion of the meeting covered consumer and business law topics presented by bankruptcy judges, preeminent law professors and leaders in the insolvency world. A small sample of the many presentations at the conference were “Joint Defenses, Common Interest, Attorney-Client and Co-Client Privileges: Why I don’t Have to Answer that Question”, “How to Win (or Lose) Bankruptcy Auctions”, “Take my House – PLEASE! Getting Rid of Encumbered Property in Consumer Cases” and “Show Me the Money: Debtor’s Attorneys’ Fees in Consumer Cases”.

In addition to education sessions, there were many networking events, and breakfasts and luncheons with fascinating speakers, including the American Bankruptcy Institute (ABI) luncheon on Tuesday, where former FBI Director Louis Freeh was interviewed by Professor Michelle Harner. You can watch that interview on “Eye on Bankruptcy”, a monthly podcast available at the ABI website—www.abiworld.org. The highlight of that luncheon, however, was when JUDGE A. JAY CRISTOL was awarded the Judge William L. Norton, Jr. Judicial Excellence Award, an annual award presented by the ABI and Thompson Reuters to a bankruptcy judge, who, based upon a career of lifetime achievement, has distinguished himself or herself as an educator, writer or scholar. For those of you who know Judge Cristol, you know why he was a shoe in! In honor of the Norton Award recipient, each year Thompson Reuters donates \$10,000 jointly to the ABI and the NCBJ to fund scholarships. The NCBJ uses its share to subsidize the attendance of minority lawyers to its annual meeting, through a scholarship program named in honor of Judge Cornelius Blackshear.



Judge A. Jay Cristol accepting 2015 Judge William L. Norton, Jr. Judicial Excellence Award

© Photograph provided by ABI

Many local consumer and business practitioners attended the annual meeting and I think they will all agree that it was a worthwhile conference. In all there were over 1,700 registrants.

Next year’s annual meeting will be held October 26 – October 29 in San Francisco. If you would like to hear Judge Bonapfel from the Northern District of Georgia singing about why you should go to the NCBJ in San Francisco, go to the NCBJ website. Thankfully Judge Bonapfel has a very good voice; he apparently sings in a barbershop quartet.

For more information about the NCBJ including its mission statement and its annual meetings, feel free to visit www.ncbj.org.



C E L E B R A T E

P R O B O N O

www.floridaprobono.org

National Pro Bono Celebration

October 25 – 31, 2015

**THE SOUTHERN DISTRICT OF FLORIDA CELEBRATES
NATIONAL PRO BONO WEEK 2015**

Why Volunteer For A Pro Bono Opportunity?
Pro Bono Clients Need Your Help, And You Promised To Be There

**"I Will Never Reject, From Any Consideration Personal To Myself, The Cause Of The
Defenseless or Oppressed...."**

[Excerpt from Oath of Admission to the Florida Bar]

**FIND A
PRO BONO OPPORTUNITY TODAY!**

Online at one of the following websites:

U.S. District Court for the Southern District of Florida:

http://www.flsd.uscourts.gov/?page_id=452

Bankruptcy Bar Association of the Southern District of Florida:

<http://www.bbasdf.org/article.html?aid=107>

Visit the ONE Campaign's interactive online tool to find a pro bono opportunity near you:

<http://www.floridaprobono.org/volunteerresources/>

In person:

Stop by our sign-up desks located at the courthouses during National Pro Bono Week!

NATIONAL PRO BONO WEEK 2015 LOCAL EVENTS

The Southern District of Florida is having an extended celebration of National Pro Bono Week. There are events throughout the district all month long. Please visit our court websites for a complete calendar of events:

U.S. District Court for the Southern District of Florida:

<http://www.flsd.uscourts.gov/>

U.S. Bankruptcy Court for the Southern District of Florida:

<http://www.flisb.uscourts.gov/>



MOTIONS TO WITHDRAW THE REFERENCE OF A BANKRUPTCY CASE OR PROCEEDING

By: Conceicao Perusso

Local Rule 87.2 of the U.S. District Court, Southern District of Florida provides that all cases and proceedings arising under Title 11, United States Code are referred to the Bankruptcy Judges of this District.

Motions to Withdraw the Reference are governed by Bankruptcy Rule 5011, USDC SDFL Local Rule 87.3 and [USBC SDFL Local Rule 5011-I](#) and are filed in the Bankruptcy Court and transmitted to the District Court for rulings. All motions, including those seeking a withdrawal of only a portion of a case, a specific contested matter, or a portion of an adversary proceeding, must be accompanied by a designation of the documents and pleadings to which the motion relates.

When e filing motions in CM/ECF, file the motion using the event Bankruptcy (or Adversary) > Motions/Applications > Withdrawal of Reference. Below are some tips to assist you in complying with the federal and local rules requirements:

- The applicable filing fee must accompany the motion.
- A statement to explain the reason for the motion and identify any legal reference or authority for the motion must be included. A proposed order may be attached as an exhibit.
- A designation of record is required pursuant to [Local Rule 5011-I\(B\)\(1\)](#), and it should be filed along with the motion. It may be included in the PDF image, as an attachment, or it may be filed separately. If filed separately, file it using the event Other > Designation Re: Motion to Withdraw Reference.
- If the designation refers a related case or proceeding, clearly identify the case number(s), title of document, and any corresponding docket entry number.
- A Certificate of Service is required and it must comply with [Local Rule 5011-I\(B\)\(2\)](#).
- A [Transcript Request Form \(LF-05\)](#) is available from the USBC SDFL website.

The case or proceeding will continue to move forward in the Bankruptcy Court while a ruling on the motion is pending in the District Court. All responses to the motion are due 14 days from the date of service of the motion, and any served opposing party has 14 days to file a reply. When the time periods have elapsed, all documents are transmitted to District Court by the bankruptcy clerk. The District Court will enter and serve their ruling, as well as ensure service upon the Bankruptcy Court. The ruling will also appear on the Bankruptcy Court's docket.

TIPS FOR FILING AND SERVING ADVERSARY COMPLAINTS

By Cameron Cradic

The following tips are provided to assist with the filing and service of new adversary complaints.

Complaint: The complaint must clearly state the nature(s) of suit. The complaint title, content regarding code and rule references, and the prayer clause should be in sync. Although an "Adversary Proceeding Cover Sheet" is not required to be filed when an adversary is filed electronically, the form includes a list of nature of suit codes and legal references helpful to all filers. It is available on the court website under "[Official Bankruptcy Forms and AO Director's Procedural Forms.](#)" A Corporate Ownership Statement must be filed, as applicable, pursuant to [Local Rule 7003-I\(B\)\(2\)](#).

Service: The clerk will generate and docket the summons or, if applicable, an alias summons, and electronically transmit it to the plaintiff, who must serve the complaint, summons and notice of pretrial/trial, and order setting filing and disclosure requirements on all defendants in accordance with the [Bankruptcy Rules](#) and these local rules. See Bankruptcy Rule 7004(e) and [Local Rule 7004-2](#).

The Certificate of Service which is page three of the issued summons, identifies service requirements. A proof of service is entered in CM/ECF using the following event:

[Adversary > Other > Summons Service Executed](#) (if served), or
[Adversary > Other > Summons Service Unexecuted](#) (if not served)



**DELAY OF ENTRY OF DISCHARGE FOR CHAPTER 7 DEBTORS PARTICIPATING IN
MMM PROGRAM AND SUBMITTING THE CORRECT CORRESPONDING
ORDER TO ACCOMPANY A MOTION FOR REFERRAL TO MMM**

By Lorraine Adam

When the court's [Mortgage Modification Mediation \(MMM\) Program Procedures](#) (MMM) were amended effective April 1, 2015*, a provision was added to require that, by participating in MMM, the debtor consents to delay of entry of an eligible debtor's discharge in a chapter 7 case until the MMM process has been completed. The court's orders of referral to mortgage modification mediation state:

[For chapter 7 debtors] Notwithstanding that the Debtor may be eligible for entry of a discharge before the MMM process is completed, the Court shall delay issuance of the discharge until either an agreement is reached or the parties reach impasse as reflected in the Local Form "Final Report of Mortgage Modification Mediator".

Each of the local form motions requesting referral to mortgage modification mediation have the following provision:

[For chapter 7 debtors] Debtor understands and consents to this Court's MMM procedures which require that, if the Debtor becomes otherwise eligible for entry of a discharge before the MMM process is completed, the Court shall delay issuance of the discharge until either an agreement is reached or the parties reach impasse as reflected in the Local Form "Final Report of Mortgage Modification Mediator".

Please make sure when filing one of the three local form options for filing a motion for referral to mortgage modification mediation that you also select the correct corresponding local form order for that motion. The chart below lists the corresponding order that must be filed with each type of motion.

MMM-LF-06	Order Granting Attorney-Represented Debtor's Verified "Out of Time" Motion for Referral to Mortgage Modification Mediation	MMM-LF-03	Attorney-Represented Debtor's Verified "Out of Time" Motion for Referral to Mortgage Modification Mediation
MMM-LF-02	Order Granting Debtor's Verified Ex Parte Motion for Referral to Mortgage Modification Mediation	MMM-LF-01	Attorney-Represented Debtor's Verified Ex Parte Motion for Referral to Mortgage Modification Mediation
MMM-LF-08	Order Granting Self-Represented Debtor's Verified Motion for Referral to Mortgage Modification Mediation	MMM-LF-07	Self-Represented Debtor's Verified Motion for Referral to Mortgage Modification Mediation

*Since the April 1, 2015 amendment, additional amendments have been made to the MMM procedures. The current MMM procedures have a revision date of July 9, 2015.

**FLORIDA SOUTHERN BANKRUPTCY MORTGAGE
MODIFICATION MEDIATION STATISTICS
FROM APRIL 1, 2013 THROUGH SEPTEMBER 30, 2015**

	<u>MIA</u>	<u>FTL</u>	<u>WPB</u>	<u>TOTAL</u>
MMM Motion (Attorney Rep.)	4392	2943	1701	9036
MMM Motion (<i>Pro Se</i>)	39	20	15	74
Total Motions Filed	4431	2963	1716	9110
Order Granting MMM Motion	3828	2470	1433	7731
Final Report of Mediator	2716	1657	939	5312
Mediation Agreement Reached	1326	865	505	2696



LEGAL LATIN LINGO

By: Lorraine Adam

Latin language has survived for over 2,000 years. Once accepted and used by the Roman Empire, the Latin language has dwindled down to tried and true words and phrases mainly used in the medical and legal fields today. While some Latin words and phrases appear the same in length or longer than the English translation, they carry an underlying intent, a specific meaning which helps to condense the written English word.

Below is a list of commonly used Latin words and phrases. Place the letter identifying the English translation on the right to the corresponding Latin words and phrases on the left.

sua sponte			A	for this turn (an attorney allowed to participate in a specific case despite being in a jurisdiction he is not admitted)
in camera			B	for good (professional work done for free)
pro hac vice			C	he has sworn
inter alia			D	for this (specific to a problem or task – not intended to be adapted to other purposes)
res judicata			E	bring with you
in forma pauperis			F	among others (to indicate an item cited has been pulled from a larger and more complete list)
pro se			G	of legal age and capable of managing one's own affairs
nunc pro tunc			H	in good faith (implies sincere good intention regardless of outcome)
duces tecum			I	from (for) one party (a decision reached by or for one party without the other party being present)
sui juris			K	in the chamber (conducted in private or in secret)
de facto			J	by the fact itself (used in the context that one event is a direct and immediate consequence of another)
ad hoc			L	about a thing (used in the context of a case against property, as opposed to a particular person)
in rem			M	a matter judged (meaning no further appeals or legal actions by the involved parties is now possible)
prima facie			N	still pending (often used in the context of public announcements of legal proceedings to come)
bona fide			O	from fact (meaning something that is true in practice, but has not been officially instituted or endorsed)
ex parte			P	at first face (a matter that appears to be sufficiently based in the evidence as to be considered true)
lis pendens			Q	for himself (representing oneself, without counsel; also known as pro per representation)
affidavit			R	in the manner of a pauper
pro bono			S	of it's own accord
ipso facto			T	now for then

Answers: S, K, A, F, M, R, Q, T, E, G, O, D, L, P, H, I, N, C, B, J



FREE BANKRUPTCY CLINICS

SPONSORED BY

Dade Legal Aid Put Something Back Pro Bono Project
 Legal Aid Society of Palm Beach, Inc.
 The American College of Bankruptcy Foundation &
 The Bankruptcy Bar Association of the Southern District of Florida

FREE PRO SE CLINICS AVAILABLE AT THE LOCATIONS AND TIMES BELOW! Each clinic features a 45 minute video providing an overview of the procedures for filing bankruptcy, followed by Question & Answer Sessions staffed by pro bono attorneys who are available to give general advice on bankruptcy matters. They do **NOT** represent you and do **NOT** provide you with legal advice regarding your particular circumstances. You are responsible for responding to any pleadings and for protecting your own legal rights. This is a FREE service and the attorneys are not there to attempt to acquire you as clients, or to ask you to pay them for advice or future services.

***Bankruptcy Court – Miami Division: 301 North Miami Avenue, Training Room**

Monday, October 26, 2015	12 p.m. – 2:00 p.m.
Friday, November 13, 2015	12 p.m. – 2:00 p.m.
Friday, December 11, 2015	12 p.m. – 2:00 p.m.

***Bankruptcy Court - Fort Lauderdale Division: 299 East Broward Boulevard, Room 112**

Tuesday, October 27, 2015	12 p.m. – 1:30 p.m.
Friday, November 6, 2015	12 p.m. – 1:30 p.m.
Friday, December 4, 2015	12 p.m. – 1:30 p.m.

***Bankruptcy Court - West Palm Beach Division:- 1515 North Flagler Drive, 8th Floor**

Tuesday, October 27, 2015	11:30 a.m. – 1 p.m.	Courtroom B
Thursday, October 29, 2015	11:30 a.m. – 1 p.m.	Courtroom A
Wednesday, November 18, 2015	11:30 a.m. – 1 p.m.	Courtroom B
Wednesday, December 16, 2015	11:30 a.m. – 1 p.m.	Courtroom B

Stuart/Port Saint Lucie-/Indian River: Robert Morgade Library,

Chastain Campus Indian River State College, 5851 SE Community Dr., Stuart FL 34997

“Sponsored by Martin County Bankruptcy Committee and Martin County Library System’s
 “Lawyers in the Library” Program – For information call 772-419-0057”

Wednesday, October 28, 2015	6:00 p.m. – 8 p.m.
Thursday, November 19, 2015	6:00 p.m. – 8 p.m.
Thursday, December 10, 2015	6:00 p.m. – 8 p.m.

*You may **NOT** bring cell phones or electronic devices into the courthouse or you will be denied entry. Cell phones and electronic devices will not be stored for you.

FOR FURTHER INFORMATION, PLEASE CONTACT

Miami:	(Karen Ladis)	kladis@dadelegalaid.org
Fort Lauderdale:	(Kimberly Salamone)	ksalamone@ntmlawfirm.com
West Palm Beach:	(Eric Rosen)	erosen@fowler-white.com
Stuart/Port Saint Lucie:	(Jon Martin)	jlmbklaw@gmail.com



RECENT LOCAL BANKRUPTCY AND DISTRICT COURT ANNOUNCEMENTS

US BANKRUPTCY COURT, SDFL September 30, 2015

Administrative Order 2015-3 In re: Proposed Amended Local Rules, Opportunity for Public Comment

US BANKRUPTCY COURT, SDFL July 15, 2015

Notice of Entry of [General Order 15-1 Adopting 2015 Holiday Closing Schedule of United States District Court, Southern District of Florida](#)

US BANKRUPTCY COURT, SDFL July 9, 2015

Clerk's Notice of Revised Mortgage Modification Mediation Procedures

US BANKRUPTCY COURT, SDFL July 1, 2015

Clerk's Notice Re: Pending Changes in Official Bankruptcy and the Court's Director's Procedural Forms

US BANKRUPTCY COURT, SDFL June 16, 2015

Administrative Order 2015-2 In Re: Adoption of Interim Local Rule 4004-3(A)

US DISTRICT COURT, SDFL June 15, 2015

Administrative Order 2015-43 In Re: IN RE: COLLECTION OF FEES FOR ATTORNEYS SEEKING ADMISSION TO, AS WELL AS PRO HAC VICE APPEARANCES IN, BOTH THE DISTRICT AND BANKRUPTCY COURTS OF THE SOUTHERN DISTRICT OF FLORIDA

UPCOMING COURT HOLIDAY CLOSINGS

Columbus Day - Monday, October 12

Veterans Day - Wednesday, November 11

Thanksgiving - Thursday, November 26 and Friday November 27*

Christmas - Thursday December 24* and Friday, December 25*

New Year's— Court will close at 2 pm on Thursday December 31* 2015 and will be closed all day Friday, January 1, 2016*

Birthday of Martin Luther King, Jr.—Monday, January 18, 2016

Washington's Birthday—Monday, February 15, 2016

*These additional court closings were authorized under [General Order 15-01](#)

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.