



## CHIEF JUDGE'S CORNER: FIRST OF MANY

By: Hon. Erik P. Kimball

This is my first newsletter as Chief Judge of the United States Bankruptcy Court for the Southern District of Florida. During my 15 years with the court, we have had the benefit of leadership by Judge Hyman and Judge Isicoff. I am humbled as I try to fill their shoes. I owe a great debt of gratitude to them for their guidance and example. I thank all of you who reached out to congratulate me on my becoming Chief. In the coming year, my primary goal for the court is stability – to maintain the course established by my predecessors, and prepare for increased case filings.

On November 8, 2023, I attended a ground-breaking ceremony for the new Fort Lauderdale federal courthouse. The 11-story building will be located at the northwest corner of SE 3<sup>rd</sup> Avenue and SE 11<sup>th</sup> Street, about 1 mile south of the current courthouse, and will comprise more than 250,000 square feet with 12 courtrooms. Substantial completion is expected by December 2026 with occupancy in the first quarter of 2027.

As of November 3, 2023, there is finally an elevator in operation at the existing federal courthouse in Fort Lauderdale. Because there is just one elevator working, please take care to leave sufficient time to get to hearings.

The new lobby and security checkpoint station at the C. Clyde Atkins Courthouse in Miami are expected to be completed on November 30, 2023. This addition addresses serious security concerns presented by the previous entrance arrangement. I think you will find the new structure much more attractive as well.

Bankruptcy filings are trending upward. In the 12 months ending September 2023, national filings increased by 13%. Business cases take the lead with a 30% increase year over year. Our district is lagging the national trend, with a 6.26% increase in overall filings for the same period. But this is in marked contrast with the nearly 19% reduction in our overall filings during the same period in the prior year. We expect filings of all types to continue to increase in the coming year.

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## Bankruptcy Cases Filed From 11/01/23 to 11/30/23

<b>TOTAL FILED:</b>	<b>9,999</b>
• Chapter 7	<b>4,946</b>
• Chapter 9	<b>0</b>
• Chapter 11	<b>273</b>
• Chapter 12	<b>1</b>
• Chapter 13	<b>4,753</b>
• Chapter 15	<b>26</b>

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 the page.

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



## CHIEF JUDGE'S CORNER: FIRST OF MANY (continued from page 1)

Of the 90 bankruptcy districts, the Southern District of Florida currently ranks 6<sup>th</sup> in caseload per judge. This is the lowest ranking we have held since my appointment in 2008. The district is usually ranked between 3<sup>rd</sup> and 5<sup>th</sup> and I expect we will be in that same range shortly. In addition to our overall large caseload, we routinely rank in the top 10 in the most demanding categories of cases.

In spite of our caseload, like all bankruptcy courts our court continues to face budgetary constraints. We expect a budget reduction exceeding 11% this year. Through the substantial efforts of our clerk, deputy clerk, and clerk's office team, we hope to avoid material negative impact on the ability of the court to satisfy its mission.

The Court's Diversity, Equity, and Inclusion Committee shortly will publish on the Court's website the initial findings from the committee's survey relating to bias and prejudice concerns, conducted online this past spring. The results are sobering. A substantial portion of those responding said that they personally experienced bias or prejudice based on gender or sex, and a slightly smaller but still significant percentage said they experienced bias or prejudice based on race or ethnicity. At the recent Florida Bar View from the Bankruptcy Bench in Miami, committee members Monique Hayes and Dana Quick presented a PowerPoint that included several direct quotes from survey responses. To put it bluntly, conference attendees were shocked at what they heard. I extend my thanks to Ms. Hayes and Ms. Quick for taking the time to present this important data. I encourage you to look at the survey summary, which includes a number of such quotes.

The DEI Committee has re-opened the survey and you can find a link on the Court's website. I implore you to complete the survey if you did not do so last spring. It will take you only 5-10 minutes, at most, and is an invaluable tool for the committee to focus its outreach and educational efforts.

## Mandatory Electronic Bankruptcy Noticing

Effective December 1, 2023, the Director of the Administrative Office of the United States Courts has designated any entity that has been sent 25 or more paper bankruptcy notices by the Bankruptcy Noticing Center (BNC) in a single calendar month as a high-volume paper-notice recipient pursuant to Federal Rules of Bankruptcy Procedure 9036(b)(2)(B). If an entity reaches a threshold of 25 or more paper notices in a calendar month, the BNC will notify the entity that it must register for Electronic Bankruptcy Noticing. If the entity fails to register, the BNC will establish an electronic address on its behalf where notices will be delivered. The threshold number of paper notices that will cause a notice recipient to be designated as a high-volume paper-notice recipient pursuant to the Rule will be reviewed annually and may be adjusted yearly.

For additional information or to register for Electronic Bankruptcy Noticing, visit: <https://bankruptcynotices.uscourts.gov/>. You may also contact the BNC by email at [ebn@baesystems.com](mailto:ebn@baesystems.com) or call toll free at (877) 837-3424.



## FROM THE JUDGES' CHAMBERS

**NCBJ Diversity Equity & Inclusion Leadership Award**

BY: PETER D. RUSSIN, SOUTHERN DISTRICT OF FLORIDA

The NCBJ has established the NCBJ Diversity Equity & Inclusion Leadership Award. The award recognizes present or former bankruptcy judges who have demonstrated a commitment to promoting full and equal participation in the bankruptcy legal profession through the encouragement and inclusion of women, diverse ethnicities, persons with disabilities, and/or persons of differing sexual orientations and gender identities. Among the selection criteria that the committee considers are a nominee's activities and the extent to which they have:

- had a significant impact on the bankruptcy judiciary and legal communities;
- created or enhanced opportunities for greater diversity equity and inclusion;
- increased the profile of, or positively affected the federal bankruptcy courts generally, through enhanced opportunities for greater diversity equity and inclusion; and
- demonstrated a commitment to diversity equity and inclusion in the bankruptcy community generally.

The award recipients are selected annually by the NCBJ Diversity Equity and Inclusion Committee based on nominations received from NCBJ members. The award is presented annually in October at the NCBJ Annual Conference.

The 2023 award recipient is . . . drum roll please:

The Honorable Laurel M. Isicoff (S.D. Fla.). The award was presented to Laurel at this year's Annual Conference in Austin.

As is evident from just a sampling of her activities, Judge Isicoff has been a true leader creating and enhancing opportunities for greater diversity, equity, and inclusion in and has raised the profile of and accessibility to the bankruptcy, judiciary, and legal communities, both locally and nationally.



Her commitment to DEI already in full swing, Judge Isicoff began blazing trails when on February 13, 2006, she was sworn in as the first woman to serve as a bankruptcy judge in the Southern District of Florida. On October 1, 2016, Judge Isicoff was appointed Chief Judge, another first. But being an example for others could never be enough for Judge Isicoff. Change requires real work, and Judge Isicoff has done that work creating that change.

Lean in Bankruptcy.

Our colleague, Corali Lopez-Castro (S.D. Fla.), has witnessed first-hand Judge Isicoff's work to create a more diverse, equitable and inclusive bankruptcy legal community. A few years ago, Judge Isicoff (and a group of "seasoned" women lawyers) saw that very few women were first chairs in the bigger cases in the Southern District of Florida. There were many cases in which no women appeared in court as the lead lawyer for the key constituencies and she and others sought to change that. Judge Isicoff, Mindy Mora (S.D. Fla.) (before she was appointed), Patricia Redmond, Jacqueline Calderin, Judge Lopez-Castro (before she was appointed), and a few other lawyers decided to start an informal group – Lean in Bankruptcy. The group engaged with mentees by meeting every few months at a restaurant in Miami in

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## FROM THE JUDGES' CHAMBERS



### **NCBJ Diversity Equity & Inclusion Leadership Award** (continued from page 3)

which many lawyers and judges congregated. They chose such a public place because they wanted others to ask why a group of 10 women were meeting for lunch. At the lunch meetings the group discussed cases in the district, speaking opportunities for the young women and answered questions from the mentees. The questions ranged from how to get involved with the Florida Bar to how they may elevate their profiles. Judge Isicoff was instrumental in the group's formation and keeping it on task.

#### Law Day.

Judge Isicoff, with a district court colleague, started a Law Day program. In 2016 Judge Isicoff wrote:

For the last two years a district court colleague and I have put together a Law Day program at the district court. The program includes a panel of minority practitioners (including disabled practitioners) who talk about the challenges they faced, and overcame, to become lawyers and judges. Past panelists have included a successful prosecutor, blind since birth, a lawyer with dyslexia, an openly gay black judge, a judge who was an immigrant raised by a single mother, and several lawyers who came from abject poverty. Each year we coordinate with a couple of local high schools.

#### Mentoring of diverse law students and lawyers and National Conference of Federal Trial Judges of the American Bar Association Award.

In 2017, the National Conference of Federal Trial Judges of the American Bar Association selected Judge Isicoff as the recipient of its annual recognition award for a federal trial judge that has demonstrated leadership in ensuring that our courts are welcoming to lawyers and litigants of all races, nationalities, gender choices, and all other identities. Judge Frank Bailey says of Judge Isicoff:

Judge Isicoff's ground-breaking work in the Southern District of Florida with the mentoring of diverse law students and lawyers was the key to her nomination and selection. At the time, no other district was as direct and determined in connecting potential bankruptcy lawyers with senior members of the bankruptcy bar and judges. We all know that the bar will quickly follow the lead of the bench on initiatives such as this – but it takes leadership from the top to get it started. I know that the 400 members of the NCFTJ learned from Laurel's work, and many have worked to create similar mentoring programs in their districts. In Massachusetts we started an ambassador program to encourage diverse lawyers to come to our annual bar association meeting and to spend time with an experienced lawyer or judge. And those programs include all types of federal trial judges, not only bankruptcy judges.

#### American College of Bankruptcy Select Commission on Diversity Equity and Inclusion.

Judges Hopkins and Isicoff were inaugural co-chairs of the American College of Bankruptcy's Select Commission on Diversity, Equity and Inclusion. Throughout their careers, both have actively devoted enormous time and energy to addressing and promoting DEI objectives in the bankruptcy and restructuring communities and beyond. Judge Erithe Smith observes:

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## FROM THE JUDGES' CHAMBERS



### **NCBJ Diversity Equity & Inclusion Leadership Award** (continued from page 4)

As Co-Chair of the Select Commission on Diversity, Equity and Inclusion (“DEI Commission”), Judge Isicoff, along with Judge Hopkins, produced a brilliant report that proposed groundbreaking structural changes for the previously nonexistent DEI landscape of the College. As the direct result of the Commission’s report, the Board of Directors changed the College’s by-laws and approved Commission-recommended resolutions that resulted in the establishment of a Standing Committee on Diversity, Equity and Inclusion and that, among other things, mandated the inclusion of DEI Committee members in key leadership positions. As one of the co-chairs of the College’s first standing DEI Committee, I have witnessed firsthand the extraordinary impact the Commission’s work has had on the College. For example, this year’s class of new Fellows was the most diverse in the College’s history. Judge Isicoff’s many significant contributions to diversity, equity and inclusion in the bankruptcy community is legendary and deserving of recognition by the NCBJ.

The final report delivered to the fellows of the American College of Bankruptcy stated:

We must think about diversity, equity, and inclusion until we no longer have to think about diversity, equity and inclusion.

Last fall, by unanimous resolution of the American College of Bankruptcy’s board of directors, the College awarded its inaugural DEI Excellence Award to Judge Hopkins and Judge Isicoff in recognition of their “extraordinary commitment to and achievement realized in diversity, equity and inclusion initiatives.” Judge Hopkins adds these comments about Judge Isicoff’s efforts to improve diversity, equity, and inclusion in the bankruptcy profession:

Judge Laurel Myerson Isicoff and I have worked together on improving diversity, equity, and inclusion in the bankruptcy space for more than twenty years. Our work in this area culminated in our serving two years together as co-chairs of the American College of Bankruptcy Select Committee on Diversity, Equity, and Inclusion. For more than two decades, I have watched Judge Isicoff work tirelessly to mentor, to teach, to advise, and encourage attorneys who are women and persons of color so that they are better advocates and counsellors at law not just in Florida bankruptcy courts but also bankruptcy courts throughout the United States.

### **Cynthia Norton (W.D. Mo.) recalls Judge Isicoff’s efforts with the College’s Judicial Fellows Diversity Project:**

In 2016, Laurel was pushing the College Judicial Fellows to develop DEI projects and initiatives, even before we knew what DEI was or even stood for! As I re-read some old emails, I am marveling at how prescient and persistent she was. Laurel was the chair of Judicial Outreach for the American College and in that capacity (which in the past had been largely social/ceremonial), she was actively pushing our colleagues for DEI-related initiatives.

Judge Lopez-Castro also highlights Judge Isicoff’s work with the College:

When I was inducted in 2014 there were very few Latino female fellows. The mission of the DEI Commission, which Judge Isicoff co-chaired was stated as follows:

*To develop a comprehensive plan that instills mindfulness regarding all aspects of diversity, equity, and inclusion, and actively promotes those values through the resources and endeavors of the College and Foundation.*

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## FROM THE JUDGES' CHAMBERS

**NCBJ Diversity Equity & Inclusion Leadership Award** (continued from page 5)

Judge Isicoff was and is incredibly focused and committed to the mission. She and Judge Jeffrey P. Hopkins did their work with passion and seriousness. I particularly like the use of the word mindfulness in the mission statement. As I mentioned, when I was invited to join as a Fellow there were few fellows that looked like me. Judge Isicoff is committed to not only changing that reality but helping the minorities who are invited to join and feel welcome AND included in the College.

Roadways to the Bench.

One of the many activities demonstrating Judge Isicoff's commitment to diversity in the federal courts is the Roadways to the Bench program developed by CABS and the Administrative Office of the United States Courts. Judge Isicoff was on the initial committee that designed and produced the first Roadways program, held in 2017 in Washington, D.C. That launch served as the template for subsequent Roadways programs.

Judge Isicoff was the National Co-Chair of what has now become Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge? This most recent iteration of the Roadways event, which took place in 38 cities across the United States on April 3, 2023, was created by the Judicial Conference Committees on the Administration of the Bankruptcy System and the Magistrate Judges System, as a national diversity event for law students and attorneys. The "Roadways" event aims to further the judiciary's goal of casting a wide net to attract the broadest possible pool of qualified applicants from which to select new bankruptcy and magistrate judges. This goal aligns with the *Strategic Plan for the Federal Judiciary* and specifically Issue 4, Strategy 4.1, and the Core Value of Diversity and Respect, which highlight diversity because it promotes public confidence that the judicial system is fair and objective.

Judge Elizabeth Gunn adds:

As the National Co-Chair for the Roadways program, Laurel not only ensured that the national program was a success but ensured that each judge working on the event felt supported in their efforts to make their local event a success. She did not hesitate to offer forms, suggestions, or a friendly ear to address each of the elements of the event.

By all accounts, the Roadways event was a huge success attracting significant participation by approximately 2000 law students and lawyers who were able to learn from federal judges about the process for becoming a bankruptcy or magistrate judge. Judge Isicoff's leadership of this event is yet another example of her diversity, equity, and inclusion activities which will no doubt have a significant impact helping to attract the broadest possible pool of qualified applicants from which to select new bankruptcy judges.

NCBJ Leadership.

Finally, Judge Isicoff's work within the NCBJ to promote increased diversity and inclusion is legendary. Throughout her years in leadership positions, she has pushed the NCBJ to be mindful of the need to diversify the federal bankruptcy courts. Under her leadership as president in 2020, the NCBJ rewrote its mission statement to include fostering diversity among members of the bankruptcy bench. Again, through her leadership and example, the NCBJ through its DEI Committee and Blackshear Presidential Fellows program has worked tirelessly to support more robust pipelines with law students, young lawyers, and other professionals to implement that mission.

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## FROM THE JUDGES' CHAMBERS



### **NCBJ Diversity Equity & Inclusion Leadership Award** (continued from page 6)

When asked about her thoughts on receiving the award Judge Isicoff summed up beautifully why diversity equity and inclusion is so important:

The concept of diversity, equity and inclusion is a recognition of our uniqueness in so many different ways, which uniqueness provides different life and professional experiences that enhance the richness of any area in which those differences are able to intersect and collaborate. DEI is also a recognition that there are many who, by virtue of such uniqueness – whether by gender, race, or religion – have not had the same ability to realize the opportunities which others may have had – whether due to poverty, and the lack of educational opportunities at every level or community support, or by unconscious bias, and, of course, overt prejudice. Only by recognizing the historical limitations associated with many of those who we would traditionally recognize as diverse and developing an awareness and procedures to make such opportunities more equitably available, can we ultimately achieve the rich tapestry of experiences so necessary to our institutional and societal success.

No one is more deserving of the NCBJ Diversity Equity and Inclusion Leadership Award than the Honorable Laurel M. Isicoff, Judge, United States Bankruptcy Court of the Southern District of Florida. Please join me in congratulating Laurel for helping to change our world for the better.

### **Diversity, Equity & Inclusion: Committee News**

The Court's DEI Committee has worked to increase accessibility on the Court's website for members of the community who speak English as a second language and those who are differently abled. The DEI Committee worked with the Clerk of Court to:

- Reposition the icon for a language translation tool to make the feature more visible.
- Revise the language used on the website's "Bankruptcy Terminology" section, as well as add translation features so the text embedded within the webpage can be translated to Spanish and Creole.
- Place links to Spanish and Creole versions of the "Bankruptcy Basics" instructional videos just below the English version for ease of identification.
- Implement a website enhancement tool that enables readability of the court's web content and other assistive technologies.
- Add links to the "Don't Have a Lawyer?" page to include a wide array of resources.

Visit <https://www.flsb.uscourts.gov/dont-have-lawyer> to view the "Don't Have a Lawyer?" web page.



## FROM THE JUDGES' CHAMBERS

### MAM CORNER

#### Bridging the Gap: Improving Communication Between Bankruptcy Courts and State Courts

When Judge Mora first joined the bench in 2018, she not only learned to navigate the inner workings of the bankruptcy court, but she also embarked on a journey to bridge gaps outside of the court. Since her judicial posting took her across county lines from Miami to West Palm Beach, Judge Mora began expanding her network by building connections with local bar associations, other federal court judges in the West Palm Beach division, and state court judges in the Fifteenth Judicial Circuit. In doing so, Judge Mora sought to encourage inter-court communication and ensure that the bankruptcy court was not creating roadblocks for other courts in Palm Beach County.

As part of her goal of promoting an open dialogue between the bankruptcy bench and the state court bench, Judge Mora liaised with the Fifteenth Judicial Circuit and developed a “Bankruptcy for State Court Judges” program held at the Palm Beach County Courthouse. The presentation focused on the interplay between bankruptcy and state court proceedings and addressed the impact of the automatic stay, the co-debtor stay, suggestions of bankruptcy, and newly enacted Fla. Stat. § 702.12, which codified the 11th Circuit’s holding in *Failla v. Citibank (In re Failla)*, 838 F.3d 1170 (11th Cir. 2016). This initiative gained traction and sparked robust discussions that extended beyond West Palm Beach, as Judge Mora and other speakers continued presenting similar programs to state court judges throughout Florida.

What became abundantly clear during these discussions was the fact that state court judges were often left in the dark once a suggestion of bankruptcy was filed in a pending case. State court foreclosure counsel often handed off the case to bankruptcy counsel to obtain relief from the automatic stay, leaving both the state court counsel and the state court judge uninformed about the status of stay relief.

Uncertainties loomed large: when could state court litigation resume? What impact did a party’s filing have on a multi-party dispute? Did the state court have jurisdictional authority to interpret the effect of the automatic stay in a multi-party dispute? In response to the concerns shared by their state court counterparts, the bankruptcy judges of the Southern District of Florida approved a 2020 amendment to Local Rule 4001-1 to improve communication between the courts regarding stay relief.

Local Rule 4001-1(K) mandates that a stay relief order must be served on the applicable Florida state court clerk if the subject property is involved in a pending foreclosure proceeding. The rule requires the movant to include the state court clerk as an interested party on the certificate of service of the order granting relief from the automatic stay. The certificate of service must identify the clerk of court by name and county and list the case number of the state court action immediately below the clerk’s name. This seemingly technical directive isn’t just a rule, it’s a bridge.

Keeping channels of communication open between courts is essential to facilitating efficient case administration across the state, within our respective divisions, and throughout our district at large. Attorneys play an important role in this process, and their adherence to Local Rule 4001-1(K) is critical in fortifying the bridge between state courts and bankruptcy courts. In Judge Mora’s courtroom, attorneys are routinely reminded of their responsibility to diligently comply with Local Rule 4001-1(K). This practice fosters transparency, promotes efficient proceedings, and upholds our shared commitment to maintaining the integrity of the legal process. It’s a reminder that when courts work together with the help of attorneys, cases move forward, and the wheels of fairness keep turning.





## FROM THE JUDGES' CHAMBERS



### “COMMUNITY”

By: Robert A. Mark

This year's Boston Marathon was run 10 years after the horrific terrorist bombs that killed and injured several runners and spectators and transformed the glorious finish line into a scene of carnage. My close friend ran Boston that year and I remember well my shock when news of the bombing broke and the anxiety I felt until I heard from her hours later. Luckily, she finished just minutes before the explosions.

It's been 20 years since my last marathon. Still, I continue to run at least once a week with my running friends, and I feel blessed to be part of the larger running community. I'm writing to share some unoriginal but sincere personal observations on the importance of “communities” in our lives and how they affect our well-being.

Our country is deeply divided. With war raging in the Middle East and the 2024 election primaries looming, it's getting worse, not better. Sadly, some people are so wrapped up in partisan politics (on either side), they've cut off contact with family members, neighbors, or even old friends who don't share their views. How sad is that.

Our family is fortunate to live in a neighborhood where we feel a strong sense of community despite a demographic that ranges in age from 70-year-olds with grown kids and grandchildren to thirty somethings with young children. Just on our short block, we have Anglo, Latino, French, Indian and Filipino neighbors. And from short conversations, our political views range from very conservative to progressive. And yet it works.

One Friday evening in May 2020, early in the COVID shutdown, one of our neighbors and her husband were sitting on their front lawn with another couple, socially distanced about 8 feet apart. I walked by with my dog, and they invited me to come back with Jill, two chairs and a beverage of choice. In the hour that followed, several other neighbors joined us. That was the start of a regular Friday night, socially distanced lawn party that lasted into the summer. Though sitting apart, we grew closer in those several weeks. Not long after, the community grew larger and stronger when one of my neighbors started a WhatsApp chat group.

One site that popped when I did a google search defined “community” as a web of complex and interdependent relationships that form over time among individuals who share common interests, values, and aspirations. That common interest in our neighborhood is to help each other, which can mean Jill bringing meals to a neighbor who lost her brother, offering each other a hand to move furniture, or, in a save-the-day moment, our neighbor Jose immediately responding to our urgent chat request for a circular saw to cut the wrong-sized wood we (not actually me) were using to build the chuppah (wedding canopy) for our daughter's next-day backyard wedding.

So, what's the punch line? Nothing profound. For me, maybe it's walking my dog with my next-door neighbor. Our politics are widely apart but we talk about family, sports, and other interests in common. Or maybe it's just sitting on the front porch with Jill in the late afternoon, taking a much-needed break from the national and world news and instead, catching up on the personal news from the neighbors who stop to chat.

We all get stressed at times at work or at home, especially when health or financial issues are impacting our friends and family. We find support, of course, from our family, including our court family. But also reach out and find “community” with people who are caring, not closed-minded and aggressive. You'll be the better for it.



**Amendments to the Federal Rules of Bankruptcy Procedure 3011, 8003, 9006, and 9038 (New Rule),  
and Official Forms 410A [Mortgage Proof of Claim Attachment] and 417A  
[Notice of Appeal and Statement of Election]  
Effective December 1, 2023**

**Rule 3011 – Unclaimed Funds in Cases Under Chapter 7, Subchapter V of Chapter 11, Chapter 12, and Chapter 13**

Amended Rule requires the clerk to provide searchable access on the court’s website to information about unclaimed funds deposited pursuant to § 347(a). [See [U.S. Bankruptcy Unclaimed Funds Locator](#)]

**Rule 8003 – Appeal as a Right – How Taken: Docketing the Appeal**

Subdivision (a) is amended to clarify that the designation of a particular interlocutory order in a notice of appeal does not prevent the appellate court from reviewing all orders that merged into the judgment or appealable order or decree.

Subdivision (a)(3)(B) is amended to avoid the misconception that it is necessary to identify each and every order of the bankruptcy court that the appellant may wish to challenge on appeal.

Subdivision (a)(4) is added to call attention to the *merger principle* – an appeal from a final judgment or appealable order or decree permits review of all rulings that led up to the judgment, order, or decree.

Subdivision (a)(5) is added to clarify that the notice of appeal encompasses the final judgment if the notice identifies either an order that adjudicates all remaining claims and the rights and liabilities of all remaining parties or a post-judgment order described in Rule 8002(b)(1).

Subdivision (a)(6) is added to enable deliberate limitations of the notice of appeal.

Subdivision (a)(7) is added to provide that an appeal must not be dismissed for failure to properly identify the judgment or appealable order or decree if the notice of appeal was filed after entry of the judgment or appealable order or decree and identifies an order that merged into the judgment, order or decree from which the appeal is taken.

**Rule 9006 – Computing and Extending Time; Time for Motion Papers**

Subsection (a)(6)(A) is amended to include “Juneteenth National Independence Day” to the list of legal public holidays.

**Rule 9038 – Bankruptcy Rules Emergency (New Rule)**

New Rule is added to provide authority to extend or toll the time limits in the FRBP during times of major emergencies affecting the bankruptcy courts. Subsections (a) and (b) are similar to the Appellate, Civil, and Criminal Emergency Rules in the way they define a rules emergency, provide authority to the Judicial Conference to declare such an emergency, and prescribe the content and duration of a declaration. Subsection (c) expands existing Bankruptcy Rule 9006(b) and provides authority to extend or toll deadlines to the chief bankruptcy judge on a district-or division-wide basis or to the presiding judge in specific cases.

**AMENDMENTS TO OFFICIAL BANKRUPTCY FORMS**

**Official Form 410A – Mortgage Proof of Claim Attachment**

Part 3 is amended to provide for separate itemization of principal and interest due.

**Official Form 417 – Notice of Appeal and Statement of Election**

Part 2 and 3 are amended to conform to wording in amended Rule 8003.



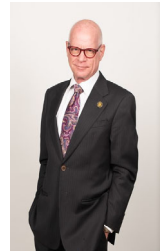




**PRO BONO CORNER** (Continued from page 12)



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



8. How has COVID-19 changed the way the Pro Se Clinics are conducted? How about attendance via zoom? Any ideas on how we can expand our reach and increase our attendance?

*I think the switch to virtual clinics has helped expand access to the program for people in a greater geographic range. We've had people attend from the farthest regions of the Southern District as well as from multiple locations outside of the state. We've also had attendees join us who would not be able to travel to an in-person meeting due to health concerns or timing/availability with their work or childcare schedules. This wouldn't be possible with clinics conducted only in person, and making these Clinic presentations available to as many people as possible is a good thing.*

*As for increasing attendance further, I'm open to suggestions! I don't have a clear answer off the top of my head, but to anyone reading this please spread the word. The Clinics are geared toward pro se individuals, but attorneys are welcome to attend these programs as well. If you have any ideas on increasing awareness about the clinics, please feel free to send them our way—we will try to run with them as best we can.*

9. What do you think about a Rule requirement that prospective debtors attend at least one Pro Se Clinic (or equivalent) in addition to the current pre-filing educational requirements?

*While this certainly would increase attendance at the Pro Se Clinics, I don't know what type of effect this would have overall. Many people benefit quite a bit by attending the Clinics, but I imagine that there are others who might experience negative consequences by having additional requirements placed in the pathway toward completion of their case. This sounds like a great research project to try to pinpoint which would work best in helping the most individuals complete their cases.*

10. On behalf of our District, the judges, the Bar, the Bankruptcy Bar Association, and everyone who benefits so greatly from your contributions, congratulations on receiving this award.

*Thank you. This is really a team effort, and to all of you who assist with Pro Bono matters, your efforts are greatly appreciated! There are dozens and dozens of you, far too many people to recognize here unfortunately. But I am very happy to know that the world is better because of your hard work!*

**Place of Birth:**

*Boston, MA*

**Educational Background:**

*University of Vermont (BA, 2000), Case Western Reserve University (JD, 2008).*

**Avocations-Hobbies:**

*Drums. I'll talk about hi-hats with you all day long if you want. Visual arts. Music production & performance. Cooking & making things. Anything else creative, really! Getting outside. Nature. Science. Philosophy. Anything to do with the ocean.*

**Family:**

*My family is amazing and I'm lucky to be a part of it!*



## Groundbreaking Ceremony for the New United States Courthouse Fort Lauderdale, Florida

On November 8, 2023, dignitaries gathered on the site of the new federal courthouse in Fort Lauderdale for a ceremonial groundbreaking event.

The ceremony was presided over by Chief United States District Court Judge, Cecilia Altonaga.

In fiscal year 2018, Congress approved funding for the construction of a new approximately 255,000-gross-square-foot federal courthouse in Ft. Lauderdale, Florida, for the Southern District of Florida. The new courthouse will be located at N.E. 3<sup>rd</sup> Avenue and Southeast 11<sup>th</sup> Street, in Broward County (south of the Tarpon River) and will include twelve courtrooms and seventeen judges' chambers and will support workspace for the 11<sup>th</sup> Circuit Court of Appeals, U.S. District Court, U.S. Bankruptcy Court, and several other federal agencies, including the U.S. Marshals Service, the U.S. Attorney's Office, and U.S. Probation and Pretrial Services.

The General Services Administration (GSA) completed the bridging design phase in February 2022, and the design-build phase began with the award of the design-build bridging contract in January 2023 to Brasfield & Gorrie, LLC, headquartered in Birmingham, Alabama. Brasfield & Gorrie began early site work activities in July 2023, and the design is scheduled to be completed next summer 2024. GSA expects construction of the new courthouse to be completed in the fall of 2026.

**[Bankruptcy Judge Scott M. Grossman  
and  
Bankruptcy Judge Peter D. Russin]**





**C. CLYDE ATKINS  
UNITED STATES COURTHOUSE  
LOBBY REOPENING CEREMONY  
Miami, FL**





## C. CLYDE ATKINS - UNITED STATES COURTHOUSE - LOBBY REOPENING CEREMONY (continued from page 15)



On December 14, 2023, the C. Clyde Atkins United States Courthouse in Miami, Florida, held a reopening ceremony to commemorate the renovation of its new public lobby.

This collaborative effort between the United States Bankruptcy and District Courts, the U.S. Marshals Service, the Administrative Office of the U.S. Courts, and the General Service Administration provides comprehensive solutions to long-standing design deficiencies and security needs in the courthouse's main entrance.

The new configuration expands the courthouse's main lobby entrance into an adjacent open-air plaza, and then the entire lobby is enclosed within a security glass curtain wall. The reconfiguration of the existing interior lobby will also relieve the lengthy congestion lines created by the huge numbers of attendees at Bankruptcy Proceedings.







## 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

*How can I get my bankruptcy off my credit report? I didn't even go through with it, my case got dismissed!*

When you file for bankruptcy and receive a case number, that creates a record of you having filed for bankruptcy. The final disposition of the bankruptcy has no bearing on a credit reporting agency recording the filing information. The bankruptcy court does not provide information to credit bureaus. However, they obtain bankruptcy case information through the government's national public access service known as PACER (Public Access to Court Electronic Records).

To find out how to remove inaccurate bankruptcy information from your credit report, you must contact each credit bureau to determine their guidelines for filing disputes. If you wish to view your bankruptcy file, it can be accessed by registering for a fee-based PACER account at: [www.pacer.gov](http://www.pacer.gov).

To learn more about the Fair Credit Reporting Act, access the Federal Trade Commission's website at: <https://www.ftc.gov/legal-library/browse/statutes/fair-credit-reporting-act>.

## Quality Control of a Notice of Substitution of Counsel

### Local Rule 2091-1(B)

By: Lorraine Adam

#### Local Rule 2091-1(B) states:

"An attorney for a creditor or chapter 7 or 13 debtor seeking to withdraw from representing a client in a case or proceeding at a time when such client is represented by new counsel of record may file a joint notice with counsel seeking to be substituted as counsel of record for the client, in each affected case or proceeding. Such notice shall contain a statement that the client has consented to the substitution or be signed by the client, and be served on all interested parties."

During the clerk's quality control of a filed Notice of Substitution of Counsel, case administrators look for the following details within the PDF image:

- Name of both attorneys with full addresses and contact information.
- A statement that the client has consented to the substitution or signature of the client; and
- Service on all interested parties, including the client.

If these details are missing, the e-filing attorney will receive a *Notice to Filer of Apparent Filing Deficiency* indicating the docket entry does not comply with Local Rule 2091-1. The representation of the party will be returned to the original attorney and the new attorney will be terminated from the case until a compliant document has been filed.

Local Rules can be found on this court's website at: [www.flsb.uscourts.gov/local-rules](http://www.flsb.uscourts.gov/local-rules).



## FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through November 30, 2023)

	MIA	FTL	WPB	TOTAL
MMM Motion (Attorney Rep.)	8420	5592	3240	17252
MMM Motion (Pro Se)	107	51	30	188
<b>Total Motions Filed</b>	<b>8527</b>	<b>5643</b>	<b>3270</b>	<b>17440</b>
Order Granting MMM Motion	7485	4941	2783	15209
Final Report of Mediator	6340	3956	2178	12474
Mediation Agreement Reached	2701	1845	1011	5557

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
<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	22	24	27	32	20	23	24	17	12	29	274
2023	25	20	32	23	20	26	16	12	20	21	8		223
													TOTAL = 8527
<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	15	17	22	19	21	16	15	7	10	11	181
2023	12	7	20	18	20	6	8	8	10	10	18		137
													TOTAL = 5643
<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	12	5	6	16	8	8	12	6	7	5	86
2023	14	7	12	6	8	11	6	4	4	10	4		86
													TOTAL = 3250

### UPCOMING COURT HOLIDAY CLOSINGS \*

- ◆ Monday, December 25 - Christmas Day
- ◆ Monday, January 1 - New Year's Day
- ◆ Monday, February 19 - Washington's Birthday
- ◆ Tuesday, December 26 - Day After Christmas ([See GO 2023-03](#))
- ◆ Monday, January 15 - Birthday of Martin Luther King, Jr.
- ◆ Monday, May 27 - Memorial 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: [Dania\\_Muniz@flsb.uscourts.gov](mailto:Dania_Muniz@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.**