



PRO BONO WEEK CELEBRATED OCTOBER 22-26

By: Chief Judge Laurel Myerson Isicoff

As you all know, the Southern District of Florida once again celebrated Pro Bono Week. During the week of October 22 – 26, in fact, during the entire month of October, members of the bankruptcy community, and in many instances with colleagues from the Federal Bar Associations of West Palm Beach, Broward, and the Southern District of Florida, sponsored or participated in events to increase awareness of the need for pro bono services in the Southern District of Florida. On October 4, BBA Palm Beach Pro Bono Chair Steven Newburgh spoke at the Judicial Reception hosted by the Palm Beach Chapter of the Federal Bar Association. On October 17, I had the honor of speaking with my friend and partner in pro bono, District Judge Patricia Seitz, at a luncheon hosted by the Broward Chapter of the Federal Bar Association. Two other speakers - one from the LIFT Project, a Broward Legal Aid program, and the other from Coast to Coast Legal Aid - spoke about the need for attorneys to assist women who are the victims of domestic violence. On October 23, the District Court hosted a reception to honor all attorneys who have taken pro bono cases during the past year – our bankruptcy volunteers’ names appear on the Bankruptcy Court website.

As always, the Bankruptcy Bar Association of the Southern District of Florida organized sign up desks in each of the courthouses to make signing up for a pro bono case easy. The regular pro se assistance clinics available around the District continue. Most exciting, however, was the introduction of the new Pro Se Bankruptcy Assistance Program, organized and put together by Peter Kelley and Steven Newburgh, both members of the Standing Pro Bono Committee of the Bankruptcy Court of the Southern District of Florida. This program, patterned after programs in the Central District of California and the Middle District of Florida, involves volunteer lawyers staffing a help desk during a busy court calendar. If a pro se party is running into a legal issue that he or she does not understand, the judge can send him or her to the help desk to get some legal advice on the issue and then come back to court. In the Middle District of Florida, Judge McEwen, who provided invaluable advice to Peter and Steven, writes a “prescription” with the legal issue; I understand the judges of the Southern District of Florida will be getting our own prescription pads soon.

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Bankruptcy Cases Filed From 1/1/18 to 10/31/18

Total Filed: 13,655

- Chapter 7 : 7,537
- Chapter 9 : 0
- Chapter 11 : 179
- Chapter 12 : 0
- Chapter 13 : 5,934
- Chapter 15 : 5

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](#)”

BANKRUPTCY RULES AND FORMS ARE AMENDED EFFECTIVE 12/1/18

Amendments to the federal rules and forms scheduled to take effect 12/1/18 can be reviewed at the U.S. Courts website at this link:

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

A clerk’s [Notice of Federal Bankruptcy Rules and Forms Amendments effective 12/1/18](#) (which includes as an attachment a summary of the amendments to Bankruptcy Rules 3002.1, 5005, 7004, 7062, 8002, 8006, 8007, 8010, 8011, 8013, 8015, 8016, 8017, 8021, 8022, 9025, new Rule 8018.1, and new Part VIII Appendix) is available on the USBC, SDFL website.

**PRO BONO WEEK CELEBRATED OCTOBER 22-26** (continued from page 1)

For those of you lawyers who are concerned about secured creditor client conflicts and think you cannot help at the help desk please read Florida Bar Rule 4-6.6 (reprinted on page 15); **YOU TOO CAN HELP!** And, of course there are many ways you all can volunteer – law school clinics, chapter 7, chapter 13, low bono, adversary proceedings, MMM – you name it and the Southern District of Florida has it.

The final event of our Pro Bono Week observations occurred after Pro Bono Week was over. On November 9, 2018, at the View From the Bench, Judge Mora, on my behalf and on behalf of the court, thanked and presented this year's Chief Judges' Pro Bono Award to Thomas M. Messina. Tom Messina, of Messina, P.A. is a former president of the Bankruptcy Bar Association of the Southern District of Florida. Tom has been a passionate supporter of pro bono his entire adult life and was very active in pro bono activities before he moved to South Florida. Once here, Tom continued to represent indigent clients in need of legal assistance. When Tom was president-elect of the BBA, he reached out to several members of the bankruptcy community to form the Bankruptcy Bar Foundation. Tom believed it was necessary to have a vehicle through which funds could be raised to finance pro bono activities in the Southern District of Florida. The BBF was formed in 2000 and continues to collect funds for support of pro bono services in our District. Also, while president-elect of the BBA, at the request of Judge Ray, Tom put together a team of lawyers to assist a bankruptcy attorney who had approximately twenty clients who had all lost their homes in a mortgage rescue scheme to the same group. Thanks to the efforts of those lawyers (including Tom) eventually all the victims got back their homes or money. More recently, Tom participated in my Pro Bono Summit and led the task force that addressed our existing pro bono programs and whether, and in what ways, those programs could be improved. Finally, Tom created a pamphlet that is now available at all pro se clinics, clerks' offices and some courtrooms, outlining for pro se parties situations that present themselves in bankruptcy cases and how legal advice may be a good idea. Tom, of course, continues with his commitment to pro bono, taking cases, and serving on the Court's Pro Bono Committee. Thank you Tom!



And thanks to all of you who have participated in pro bono in the past and in the future! The need for legal help is great and when you agree to take a case at no cost or low cost, or just spend fifteen minutes explaining to someone what they need to understand during what can be an intimidating and certainly stressful time in their lives, you have made a difference – one person, one starfish, at a time.

There are many versions of the starfish story. Here is one:

One day, a man was walking along the beach, enjoying the morning sun and cool breeze from the ocean. Suddenly, far off in the distance, he saw what looked like someone dancing. But as he drew closer, the man noticed that it was a little girl picking up starfish from the shore and tossing them back into the ocean. As he approached the girl, he paused for a moment, kind of puzzled, then asked, "Young lady – why are you throwing starfish into the ocean?" And she replied... "Well, the sun is up, and the tide is going out. If I leave these starfish on the beach, the sun will dry them up and they will die." And the man said "But there are thousands of starfish washed up all along this beach for miles! You can't possibly make a difference!" The young girl thought for a moment, then slowly leaned over, and carefully picked up another starfish from the sand. And with the starfish in hand, she turned to the man and gently said "You may be right, but it'll make a difference to this one!" And with that, she reached back and threw the starfish as far as she could back into the ocean.

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PRO BONO CORNER



By: STEVEN NEWBURGH, ESQ
BBA Palm Beach Pro Bono Chair and
BBA Director – Palm Beach County Division

This year's annual presentation of the Demystifying Bankruptcy Pro Bono seminar was presented in the West Palm Beach Division on August 23, 2018. The judicial panel discussion was lively and informative, with Chief Judge Laurel M. Isicoff and the Honorable Mindy A. Mora highlighting important legal, ethical and practical considerations for pro bono volunteer attorneys. Chapter 7 Trustees, Deborah A. Menotte and Robert Angueira joined the panel discussion and also provided practice pointers for new bankruptcy attorneys and those interested in learning more about the trustee's perspective concerning pro se debtors and problems commonly encountered at the 341 Meeting of Creditors, especially where a debtor is appearing pro se. Attendance this year was strong, thanks in part to complimentary Brightline train service for all registrants of the 4.5 credit hour CLE from Miami and Fort Lauderdale. West Palm Beach Division BBA Director and Pro Bono Chair, Steven Newburgh, moderated the judicial panel discussion and presented the CLE with the BBA Pro Bono Chair for Broward, Grace C. Robson and the BBA Pro Bono Chairs for Miami-Dade, Eric Silver and Jessika Graham. The Pro Bono Chairs were joined by bankruptcy practitioner, Ariel Sagre, who presented an engaging and practical journey through a sample chapter 13 plan. Attendees, qualified to practice in bankruptcy court, were required to volunteer their services through the Bankruptcy Bar Association's pro bono program in lieu of a registration fee for the CLE program and luncheon.

The West Palm Beach Division launched the Pro Se Help Desk during this year's Pro Bono Week, with Steven Newburgh and Peter Kelly assembling the format and procedures for this important resource. Pro se parties, appearing during court calendars without legal counsel, can now talk to a bankruptcy lawyer prior to their hearing. West Palm Beach division judges will now be able to move through their calendars by hearing pro se matters only after the unrepresented party has been given the opportunity to discuss the matter with a volunteer lawyer. The Pro Se Help Desk volunteers will assist otherwise unrepresented debtors and creditors by examining the motion to be heard and suggesting possible courses of action available to the party. In certain limited instances, the pro se party may allow the volunteer lawyer to discuss the matter with opposing counsel prior to the hearing in an effort to reach an agreement that can then be presented to the court by opposing counsel. Pro se parties with substantive legal issues that cannot be immediately resolved and who are otherwise qualified, are referred for Pro Bono program intake; Pro se parties may otherwise be counseled to retain a bankruptcy lawyer before proceeding further. An online calendar system will be operational in the next few weeks. Bankruptcy lawyers will have the opportunity to satisfy their pro bono requirements by selecting 0.5 to 1.0 hour time slots in which to staff the Help Desk. The Pro Se Help Desk has been designed to be staffed by two lawyers during the busier morning calendars and is expected to be fully operational on or before December 1, 2018.



FROM THE JUDGES' CHAMBERS



DIVERSITY ON THE BENCH

By: Chief Judge Laurel M. Isicoff

We have been reading a lot lately about the need for diversity on the bench. There is no question that diversity on the bench is important and the bankruptcy bench is no exception. A few years back I attended a judges' seminar at which we learned that the public's exposure to the courts are greatest in state courts, in family court, and in federal court, in the bankruptcy courts. And yet, the bankruptcy bench continues to be one of the least diverse of the federal benches. That is due in no small part to the fact that the practice of bankruptcy needs to be more diverse.

What can you do to change that? First, whether you fall within what would be called a "diverse group" – female, a person of color, Hispanic, Asian, LGBT, physically impaired – consider mentoring a high school student, a college student, a law student who is a member of a diverse group. If your mentee is not in law school, expose your mentee to the practice of law, and to the practice of bankruptcy law. Second, visit elementary schools, middle schools and high schools. Offer to speak about your journey to your profession – your challenges and your triumphs. I have had the pleasure of organizing and participating for several years, with District Court Judge Beth Bloom, a Law Day program that includes a panel of diverse judges and attorneys talking to high school students about their paths to the legal profession. We have had, for example, lawyers that grew up in the projects, lawyers of immigrant parents, lawyers and judges with single parents, a lawyer who had dyslexia, a judge who is gay, and a lawyer who has been blind since birth (his computer was the biggest hit). Third, organize a mock trial for elementary students. I once had a trial in my courtroom conducted completely by fourth graders (*The Big Bad Wolf v. the Pigs*, if I recall correctly). Bring the students to the courthouse and we will give them a tour and the trial.

And keep your eyes open. Next October there will be a nationwide diversity program designed to increase participation in the practice of bankruptcy law and increase the pool of potential applicants to the bankruptcy bench. I will be telling you more about this in the coming months and hope you will participate. But don't wait until next October – get started now. Reach back . . . Hopefully someone helped you, but even if they didn't - help someone else.

Thank you.



FROM THE JUDGES' CHAMBERS



VIEW FROM VICTOR ARCA: THE CAREER PATH OF JUDGE MARK'S FELLOW HIGHLIGHTS INTERESTING DIFFERENCES BETWEEN EUROPEAN AND AMERICAN APPROACHES TO LAW ENFORCEMENT

By: Corinne S. Aftimos, Judicial Law Clerk to the Honorable Robert A. Mark

Victor Arca, a recent graduate from the University of Richmond School of Law, is completing a six-month internship in Judge Mark's Chambers. Victor was born in Seville, Spain. He attended high school in Rennes, France, then returned to Seville where he completed a six-year bachelor degree in law and political science. Victor's first legal experience came in the form of a six-month internship with a criminal law judge.

Spanish courts are unlike their U.S. district court counterparts in many material ways. The civil and criminal divisions of Spanish courts are divided, so a Spanish judge is either a criminal judge or a civil judge. A single judge does not adjudicate both types of matters.

There are two types of judges within the Spanish criminal justice system. The "instrucción" judges have an investigative role. Like magistrate judges, instrucción judges handle pretrial matters and write a report and recommendation that is submitted to "penal" judges. The penal judges preside over the trial in panels of one to three judges. The size of the panel depends on the severity of the crime.

There are practically no juries in Spain. Instead, criminal matters go through a two-step, bench process at the trial level. First, instrucción judges establish the facts, then penal judges apply the law.

The investigative role of instrucción judges blurs the line between judicial and executive powers. Instrucción judges issue their own subpoenas and personally question witnesses to further their investigation. Prosecutors independently subpoena and question witnesses, as do defendants.

Moreover, the court accompanies police on searches. The law clerks of instrucción judges personally ensure that police searches comply with applicable law. As an intern working on a case involving the theft of high-cost bicycles, Victor wore a bulletproof vest and accompanied a law clerk and the police on a search-and-seizure mission in a dangerous neighborhood.

Victor's next legal forays were no less interesting than the bicycle heist. After getting some big law experience working in the EU tax litigation department of Cuatrecasas, a premier Spanish law firm, Victor worked for the Director General of Transportation at the European Commission.

Victor analyzed Uber's role in the European marketplace. Specifically, he researched whether Uber is an electronic intermediary subject to e-commerce regulations or a business subject to transportation regulations. The distinction between transport and e-commerce was an issue of great importance because the European Commission could sanction France and Spain, countries that led the charge in restricting Uber's European operations, for violating EU E-commerce laws only if Uber could be considered an electronic intermediary.

Thereafter, Victor gained experience in the laws applicable to Artificial Intelligence while working for a leading Indian IT law firm in Bangalore. He describes Bangalore as "one of the hottest IT hubs in the world" and Indian culture as "one of the most fascinating and exotic cultures on the planet."

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FROM THE JUDGES' CHAMBERS



THERE'S SERVICE, AND THEN THERE'S 7004 SERVICE

By: Emily R. Stone, Law Clerk to the Hon. Laurel M. Isicoff, Chief Judge of the United States Bankruptcy Court for the Southern District of Florida

Imagine you have filed a Chapter 13 bankruptcy for a client with a severely underwater home. You object to the claim of the lender, appropriately file a Motion to Value, serving both via first class mail, and get set for hearing on the Chapter 13 calendar. Sure enough, you are uncontested. Big win for your client, but a few years later, the lender, Big Bank, comes back into the picture arguing that the lien was not reduced to the value of the property upon the debtor's discharge. Why? You did not properly notice Big Bank of the Objection or the Motion to Value because you served the filings via regular first-class mail to the bank and addressed it to "CEO." This is the most common type of insufficient 7004 service that law clerks encounter.

In December 2017, the rules changed with respect to service of an objection to claim on an FDIC insured institution, which must now comply with 7004. It is incredibly important for practitioners to be aware of this change to properly effectuate service. Chapter 13 calendar comes but once a month and no one wants to go back to their client to inform them that their hearing was pushed to next month because the law office failed to serve the Objection and Motion via certified mail to John Smith, the CEO of Big Bank.

Remember, if you are serving a motion or objection in a contested matter on an FDIC insured institution, you must serve 1. via certified mail, and 2. on a named officer or director. First class mail is bad service. Addressing the motion to the "CEO" or "Vice President" is bad service; you must find the name of the specific officer or director. If you are unsure whether the opposing party in your case is an FDIC insured institution, an easy way to check is by going to the FDIC website to do a search: <https://research.fdic.gov/bankfind>.

The second most common 7004 service error happens with respect to serving a motion on the Department of Education or the IRS. You are required to serve the United States via first class mail on 1. the Attorney General, 2. the United States Attorney in our district, AND 3. the agency. Don't forget to remind your colleagues at the office that the United States Attorney for the Southern District of Florida changed; Ariana Fajardo Orshan started in September of this year.

View From Victor Arca (continued from page 5)

Victor has now passed the Florida bar and is interested in practicing bankruptcy law. Victor interned with Judge Mark last summer and came back to chambers after law school graduation. He says U.S. bankruptcy law is "fascinating," explaining that in Spain, debtors rarely find any relief in bankruptcy. A Spanish discharge is contingent on the debtor remaining insolvent post-discharge. If a debtor's circumstances improve post-bankruptcy, creditors can pursue collection of pre-bankruptcy debts for five years post-discharge. In Victor's view, "practicing bankruptcy is serving the cornerstone of an innovative and brave market economy because entrepreneurs will only assume risky businesses when they can find a fresh start."



The United States Trustee Program: Celebrating 30 Years

By Charles R. Sterbach, Asst. U. S. Trustee

Between 1987 and 1988, the United States Trustee Program opened more than 70 offices that enhanced the 14 offices opened earlier during a pilot phase, and commenced its nationwide efforts to serve as the “watchdog” of the national bankruptcy system with the singular goal of promoting the integrity and efficiency of the bankruptcy system. This year marks the 30th anniversary of the Program. For three decades, the Program has endeavored to provide an impartial and independent process for oversight of bankruptcy cases, a mission made possible only with the invaluable contributions by panel and standing trustees as well as Program employees. This article will recap the bankruptcy system before the advent of the Program, highlight the growth and development of the Program, and recognize the Program employees who have been here for the entire 30 years.

The Bankruptcy Act of 1898 suffered from the absence of a means of effectively monitoring the actions of debtors, creditors and fiduciaries. The deficiencies in the law reached their peak during the 1920’s, when multiple and widespread bankruptcy fraud, scandals and abuses resulted in an exhaustive investigation by the Southern District of New York. The grand jury investigation covered six cities, nineteen federal judges, over 200 current and former bankruptcy receivers or trustees across several federal districts. It embraced 1,000 cases and approximately 4,000 witnesses. The investigation triggered numerous resignations, disbarments and criminal convictions, but the comprehensive report submitted in the wake of the investigation also traced many abuses to the absence of supervision over bankruptcy cases. The report also recommended bankruptcy reforms, including setting trustee qualifications, conducting initial examinations of debtors, and overseeing case administration. Unfortunately, without reform the bankruptcy abuses continued until the 1970’s.

In 1970, Congress created a Commission on the Bankruptcy Laws to investigate the bankruptcy process and propose structural changes. Three years later, the Commission concluded that bankruptcy lacked adequate oversight and recommended creation of an oversight agency with a network of local offices. With the Bankruptcy Reform Act of 1978, Congress did not create a national program, but authorized a pilot program in a handful of judicial districts with directives to: prevent fraud, dishonesty and overreaching; establish trustee qualifications; and develop a structure for trustee supervision.

After the pilot program received positive evaluations in 1983 and 1985, and in light of support from the bankruptcy community, including the National Bankruptcy Conference and the Commercial Law League, Congress took the Program to a national stage under the Bankruptcy Judges, United States Trustees, and Family Farmer Act of 1986. The Program then accepted the challenge of building a federal agency from the ground up. The key to developing and maintaining a crucial infrastructure would be employees who came on board during the formative years and are still serving today. (More on that later.)

The Program’s mission (promoting and protecting the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders, especially the American public), is premised on the nationwide expansion of the impartial and independent role of the United States Trustee and the removal of the bankruptcy courts from case administration. The United States Trustee has a unique role in the bankruptcy system: administrator; regulator; and enforcer. See 28 U. S. C. §586 (duties of the United States Trustee). As an administrator, the United States Trustee designates chapter 7 trustees and chapter 13 standing trustees, approves credit-counseling education providers, and appoints committees in chapter 11 cases. As a regulator, the United States Trustee promulgates formal guidelines for trustee financial reporting, selects cases for audit, and conducts trustee performance reviews. As an enforcer, the United States Trustee acts to ensure that all parties comply with the Bankruptcy Code and Rules, and, when necessary, take action against abusers of the bankruptcy system.

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The United States Trustee Program: Celebrating 30 Years (continued from page 7)

Since 1988, the Program has evolved in many ways. From removing ineffective trustees to addressing changes in the nation's economy to enhancing flexibility in the wake of wide fluctuations in bankruptcy case filings and compressed federal budgets, the Program has accepted all challenges. In 2005, Congress presented sweeping reform called BAPCPA and initiated changes/additions to over 130 Code sections. Many of the changes affected the Program's administrative, regulatory and enforcement roles. BAPCPA required the Program to:

- Prevent abuse. Foremost, BAPCPA installed the means test
- Protect consumer-debtors from petition preparers and debt relief agencies who preyed on them
- Appoint trustees in chapter 11 cases, where management was suspected of financial irregularities
- Report criminal activity to law enforcement agencies

After 30 years, the Program continues to face new challenges, including mortgage and foreclosure rescue abuses, internet law firms and document preparation services, and individual chapter 11 debtors. As new abuses come to the fore, the Program will continue to undertake concentrated and coordinated efforts to deal with these problems.

Thirty-Year Employees: Sofie Kesep and Lupe Martinez

As referenced above, the key to building an effective federal agency would be its employees. The Program has been blessed with having ten percent of its current employees along for the entire thirty years since its full inception. The Miami office can boast having two of these employees: Bankruptcy Analyst Sofie Kesep and Paralegal Specialist Lupe Martinez.

Sofie Kesep started working for the Bankruptcy Court in the Southern District of Florida at the age of 18, and joined the Program's Miami Office 8 years later as a paralegal. During her first 15 years with the Program, her primary duties included trustee oversight, legal research and reviewing trustee final reports. After fifteen years, she received a promotion to Bankruptcy Analyst, where she has continued her trustee oversight role, and supervised paralegals and legal assistants in the Miami office. During her tenure, she also attended school at night to obtain her bachelor's degree and paralegal certificate.



Lupe Martinez and Sofie Kesep

Lupe Martinez started with the Bankruptcy Court Clerk's office in Miami in 1987, where she started as a noticing clerk, and later moved to scheduling 341 meetings for all three court divisions, and then to docketing clerk, including docketing for cases assigned to then Chief Judge Thomas C. Britton. In 1987, Lupe joined the Program first as a new legal clerk, then as a legal data technician, and since 1994 (when she received her paralegal certificate) as a paralegal for the Program. She plays a significant role in the Program's Debtor Audit function, and enjoys working with all trustees. She enjoys the bankruptcy field because there is something different every day.

All of Sofie and Lupe's years with the Program have been in the Claude D. Pepper Building in Miami. They can name all the Assistant U. S. Trustees in the Miami office during this time: David Bird; Lynn Gelman; Charles Glidewell; Robert Angueira; Gina Thomas; Steve Turner; and Charles R. Sterbach. They can also recite the Clerks of the Court during their tenure: David Bird; Karen Eddy; Kathy Gould; and Joseph Falzone. They have also weathered several government shutdowns.

As many of you can understand and appreciate, when they started, Sofie and Lupe wielded the hottest technology of the 1980's: the typewriter. It was a world of carbon paper, manual records, and white out. Today, technology permits them to access information faster and more easily, although they both miss the smell of early fax paper. Sofie and Lupe are key to the continued success of the Miami office. Their experience, people skills and institutional knowledge are invaluable resources to the bankruptcy community and to Program management. We salute them, and wish them much success and happiness in the years ahead.

**HELPFUL TIPS REGARDING PROPOSED ORDERS**

By: Cameron Cradic

The court has posted Guidelines for Preparing, Submitting and Serving Orders to assist with compliance on matters related to the requirements of Local Rules 5005-1(G), 9021-1, 9036-1 and 9072-1. It can be accessed by clicking the red "Rules and Procedures" tab on this court's website's homepage.

The following is a list of helpful tips that reiterate or supplement the above Guidelines and Local Rules. Please also refer to each judge's webpage link under the "Judges" tab for any additional requirements specific to that judge. For example, some judges may require a blank line in which to fill in a hearing date for a continuance and others may require an actual date.

- ALL proposed orders, without exception, must contain 4" of blank space at the top of page 1. The judge's electronic signature is affixed in this area.
- Use local form orders where required.
- Submit proposed orders confirming to the decision of the court within **seven business days** following a hearing or trial pursuant to Local Rule 5005-1(G)(1)(c).
- If you are required to serve an order, timely serve a signed order upon all parties within **three business days** from entry AND file a certificate of service in accordance with Local Rule 2002-1(F).
- Regarding content: If a hearing was held, always include the date of the hearing.
 - The title should clearly indicate the decision of the court; "Order" is insufficient.
 - Agreed matters must reflect "Agreed" in the title.
 - Amended orders must contain a footnote specifying the reason it is amended.
 - Reference the corresponding motion's title AND docket entry number in the order's title or opening paragraph.
 - Prior to uploading a proposed order, ensure that the motion's title, motion's wherefore clause, and the order's content are in sync. Multipart motions require a ruling for each type of requested relief.
 - The "Submitted by" section must contain the remitter's name, law firm if applicable, address, email, and phone number AFTER the "###" symbols.
 - If the remitter is required to serve the order, include the service statement as identified in Part Three: Service of Orders of the above guidelines.
- Proposed orders for ex parte and agreed matters should be uploaded **immediately** after submitting the corresponding motion. LR 5005-1(G)(1)(a)
- Proposed orders for motions filed on negative notice must contain ALL elements as specified in the local rule's preamble (e.g., Local Rule 4001-1(C), Relief from Automatic Stay; and Local Rule 9013-1(D)(2), Motions Considered on Negative Notice).

A sample of the format and key elements is provided in the guidelines. Also, e-filers should monitor their email inbox for "resubmit requests" sent from the Court. If such a request is received, kindly take prompt corrective action and resubmit.

NEW BANKRUPTCY CASES FALL 2.2 PERCENT*

Bankruptcy filings fell by 2.2 percent for the 12-month period ending September 30, 2018, compared with the year ending September 30, 2017, continuing a series of slight annual declines in new cases.

The September 2018 annual bankruptcy filings totaled 773,375, compared with 790,830 cases in the previous year, according to statistics released by the Administrative Office of the U.S. Courts. The number of bankruptcy cases filed was the lowest for any 12-month period since the year ending June 2007.

A national wave of bankruptcies that began in 2008 reached a peak in the year ending September 2010, when nearly 1.6 million bankruptcies were filed.

*To view this article which was published on October 31, 2018 and other news from the Administrative Office of the US Courts, visit <http://www.uscourts.gov/judiciary-news>



WHO DO YOU CALL?

By: Lorraine Adam

Bankruptcy is a complicated process with long-term financial and legal consequences. Hiring a competent lawyer is strongly recommended. If you cannot hire a lawyer, you may obtain procedural information by contacting the U.S. Bankruptcy Court (“USBC”) or the U.S. Trustee Program (“USTP”). Below are examples of frequently asked questions.

REASON	USBC www.flsb.uscourts.gov	USTP www.justice.gov
<i>I need help finding a credit counseling agency.</i>		✓
The USTP maintains a list of approved agencies on its website. The USTP cannot endorse or recommend any particular agency on its list of approved agencies, or guarantee the quality of its pre-bankruptcy counseling or services.		
<i>I think someone engaged in bankruptcy fraud. How do I report it?</i>		✓
You may report suspected bankruptcy fraud by using the USTP’s internet hotline at USTP.Bankruptcy.Fraud@usdoj.gov or you may report the suspected bankruptcy fraud to a USTP field office.		
<i>I want to file for bankruptcy. Where can I get the forms?</i>	✓	
All forms for filing bankruptcy in the Southern District of Florida can be found on the USBC website. You may also stop in to any one of our divisional offices and pick up a petition package. You must know the chapter you are filing when requesting the forms.		
<i>I have a complaint about the trustee in my case. How do I file my complaint?</i>		✓
You may contact the USTP field office if you have a complaint about a trustee in a chapter 7, chapter 12, or chapter 13 case. You will be asked to make a written complaint.		
<i>What are the requirements for an attorney to be able to appear before the court?</i>	✓	
There is no “Bankruptcy Bar” to which attorneys must be admitted, however, as required under Local Rule 2090-1(A), certain attorneys must be a member of the Bar of the US District Court for the Southern District of Florida and must earn a least 12 credit hours of Bankruptcy Law during each attorney’s Florida Bar three-year CLE reporting period. Additionally, Local Rule 2090-1(C) lists Appearances Permitted as Exceptions to Qualification Requirements.		
<i>I need help filling out the means testing form.</i>		✓
A debtor must enter income and expense information onto the appropriate form (i.e., the 122A Forms or the 122C Forms) and then make calculations using the information entered. Some of the information needed to complete these forms, such as a debtor’s current monthly income, comes from the debtor’s own personal records. However, other information needed to complete the forms comes from the Census Bureau and the IRS. Links are provided on the USTP website to find this information. For questions related to this data, e-mail: ust.mt.help@usdoj.gov		
<i>I don’t speak or understand English well. How can I understand the bankruptcy proceedings?</i>		✓
Debtors who do not speak or understand English well may request free telephone interpreter services at the section 341 meeting of creditors. The USTP pays for these services. More information on free telephone interpreter services is available from the USTP field offices and on the USTP Website. PLEASE NOTE: the Court does not provide translators in court hearings. If you do not speak English, you must bring an interpreter with you to court.		
<i>There is a bankruptcy filing listed on my credit report, but I never filed bankruptcy. What do I do?</i>		✓
This may indicate that another person used your identity when filing a bankruptcy petition. Please report this suspected crime to the US Trustee Program by using the internet hotline at USTP.Bankruptcy.Fraud@usdoj.gov.		



FREE BANKRUPTCY CLINICS

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**

Friday, January 4, 2019	12:00 p.m. – 2:00 p.m.
Friday, February 1, 2019	12:00 p.m. – 2:00 p.m.
Friday, March 1, 2019	12:00 p.m. – 2:00 p.m.
Friday, April 5, 2019	12:00 p.m. – 2:00 p.m.
Friday, May 3, 2019	12:00 p.m. – 2:00 p.m.
Friday, June 7, 2019	12:00 p.m. – 2:00 p.m.

***Bankruptcy Court - Fort Lauderdale Division: 299 East Broward Boulevard, Conference Room 120**

Friday, January 18, 2019	12:00 p.m. – 1:30 p.m.
Friday, February 15, 2019	12:00 p.m. – 1:30 p.m.
Friday, March 15, 2019	12:00 p.m. – 1:30 p.m.
Friday, April 19, 2019	12:00 p.m. – 1:30 p.m.
Friday, May 17, 2019	12:00 p.m. – 1:30 p.m.
Friday, June 7, 2019	12:00 p.m. – 1:30 p.m.

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

Wednesday, January 9, 2019	12:00 p.m. – 1:30 p.m.	Courtroom B
Wednesday, February 13, 2019	12:00 p.m. – 1:30 p.m.	Courtroom B
Wednesday, March 13, 2019	12:00 p.m. – 1:30 p.m.	Courtroom B
Wednesday, April 10, 2019	12:00 p.m. – 1:30 p.m.	Courtroom B
Wednesday, May 8, 2019	12:00 p.m. – 1:30 p.m.	Courtroom B

Stuart/Port Saint Lucie/Indian River: Peter & Julie Cummings Library, Deterlizzi Room
2551 Matheson Avenue, Palm City, FL 34990

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

Thursday, January 17, 2019	6:00 p.m. – 8:00 p.m.
Thursday, February 14, 2019	6:00 p.m. – 8:00 p.m.
Thursday, March 14, 2019	6:00 p.m. – 8:00 p.m.
Thursday, April 11, 2019	6:00 p.m. – 8:00 p.m.
Thursday, May 16, 2019	6:00 p.m. – 8:00 p.m.
Thursday, June 13, 2019	6:00 p.m. – 8:00 p.m.

Treasure Coast Bankruptcy Clinics (Indian River, Saint Lucie, Martin, Okeechobee)

Seating is limited please call Florida Rural Legal Services for more information and to register

1-772-466-4766 ext. 7016

Wednesday, January 2, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, February 6, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, March 6, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, April 3, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, May 1, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, June 5, 2019	2:00 p.m. – 4:00 p.m.
Wednesday, July 3, 2019	2:00 p.m. – 4:00 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:

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Fort Lauderdale:	(Kimberly Salamone)	ksalamone@ntmlawfirm.com
West Palm Beach:	(Rilyn Carnahan)	rilyn.carnahan@gmlaw.com
	(Steven S. Newburgh)	snewburgh@mclaughlinstern.com
Stuart/Port Saint Lucie:	(Jon Martin)	jimbklaw@gmail.com
Treasure Coast:	(Carolyn Fabrizio)	carolyn.fabrizio@frls.org
	(Glenda Montes de Oca)	glenda.montesdeoca@frls.org

**PRO BONO WEEK CELEBRATED OCTOBER 22-26** (continued from page 2)**RULE 4-6.6 SHORT-TERM LIMITED LEGAL SERVICES PROGRAMS**

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization, court, government agency, bar association or an American Bar Association-accredited law school, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to rules 4-1.7 and 4-1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to rule 4-1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by rule 4-1.7 or 4-1.9(a) with respect to the matter.

(b) Except as provided in subdivision (a)(2), rule 4-1.10 is inapplicable to a representation governed by this rule.

Comment

Legal services organizations, courts, government agencies, local and voluntary bar associations, law schools and various nonprofit organizations have established programs through which lawyers provide short-term limited legal services, such as advice or the completion of legal forms, that will assist persons to address their legal problems without further representation by a lawyer. In these programs, such as legal-advice hotlines, advice-only clinics or pro se counseling programs, a client-lawyer relationship is established, but there is no expectation that the lawyer's representation of the client will continue beyond the limited consultation. These programs are normally operated under circumstances in which it is not feasible for a lawyer to systematically screen for conflicts of interest as is generally required before undertaking a representation. See, e.g., rules 4-1.7, 4-1.9 and 4-1.10.

A lawyer who provides short-term limited legal services under this rule must obtain the client's informed consent to the limited scope of the representation. See rule 4-1.2(c). However, a lawyer is not required to obtain the consent in writing. *Id.* If a short-term limited representation would not be reasonable under the circumstances, the lawyer may offer advice to the client but must also advise the client of the need for further assistance of counsel. Except as provided in this rule, the Rules of Professional Conduct, including rules 4-1.6 and 4-1.9(b) and (c), are applicable to the limited representation.

Because a lawyer who is representing a client in the circumstances addressed by this rule ordinarily is not able to check systematically for conflicts of interest, subdivision (a) requires compliance with rules 4-1.7 or 4-1.9(a) only if the lawyer knows that the representation presents a conflict of interest for the lawyer, and with rule 4-1.10 only if the lawyer knows that another lawyer in the lawyer's firm is disqualified by rules 4-1.7 or 4-1.9(a) in the matter. Because the limited nature of the services significantly reduces the risk of conflicts of interest with other matters being handled by the lawyer's firm, subdivision (b) provides that rule 4-1.10 is inapplicable to a representation governed by this rule except as provided by subdivision (a)(2). Subdivision (a)(2) requires the participating lawyer to comply with rule 4-1.10 when the lawyer knows that the lawyer's firm is disqualified by rules 4-1.7 or 4-1.9(a). Because of subdivision (b), however, a lawyer's participation in a short-term limited legal services program will not preclude the lawyer's firm from undertaking or continuing the representation of a client with interests adverse to a client being represented under the program's auspices. Nor will the personal disqualification of a lawyer participating in the program be imputed to other lawyers participating in the program.

If, after commencing a short-term limited representation in accordance with this rule, a lawyer undertakes to represent the client in the matter on an ongoing basis, rules 4-1.7, 4-1.9(a) and 4-1.10 become applicable.

Added November 20, 2017 (SC17-458).



MEET OUR OPERATIONS MANAGER, MIAMI DIVISION

By: Jacqueline Antillon

Nora Blanco, our court's Operations Manager for the Miami Division, has over 27 years of service in the federal judiciary. She began her career with the Bankruptcy Court in Puerto Rico as a docket clerk. As she gained extensive knowledge and in-depth understanding of the bankruptcy system there, her professional career advanced with successive promotions to case management supervisor, courtroom deputy and financial administrator. Upon being selected to fill the Operations Manager position in 2015, Nora packed her belongings and traded the Puerto Rican sunshine for the sun rays of South Florida, a decision which not only allowed her to continue her successful federal court career, but also enabled her to live closer to her siblings.

Nora oversees the daily operations functions in the Miami division, which includes supervising case administrators, a data quality analyst, and the courtroom deputies.

Nora, whose parents are from Cuba and the Dominican Republic, is originally from New York, but she was raised partly in Puerto Rico. She is fluent in English and Spanish. Nora graduated summa cum laude with a master's degree in Business Administration and Finance. Nora's teenage daughter, a member of a national volleyball team, keeps Nora busy, including when she cheers her on at games. Nora also cares for her mom and, in her spare time, she enjoys reading and just relaxing.

Nora's coworkers enjoy working with her and are thrilled to know that she looks forward to serving the judiciary in our court until she retires. We appreciate her commitment to the court on both a professional and personal level and her many contributions of new ideas for improving court operations.

RECENT COURT NOTICES

[Notice of Federal Bankruptcy Rules and Forms Amendments effective 12/1/18](#)

UPCOMING COURT HOLIDAY CLOSINGS *

Thursday, November 22 - Thanksgiving Day and Friday, November 23 - Day after Thanksgiving

Monday, December 24 - Day before Christmas and Tuesday, December 25 - Christmas Day

Monday, December 31 - Day before New Year's Day and Tuesday, January 1, 2019 - New Year's Day

*Any additions to the court closing schedule will be announced by General Order and posted on the court website <http://www.flsb.uscourts.gov/general-orders>

COURT MISSION STATEMENT

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

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

CONTACT "COURTHOUSE BEACON NEWS" PUBLICATION STAFF

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

Debbie_Lewis@flsb.uscourts.gov

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.