



CHIEF JUDGE'S CORNER

This too shall pass

By: Hon. Laurel M. Isicoff

Well, I had planned to open this article with a glowing report about how the Court reopening is complete. Unfortunately, for reasons that we all know about, that was delayed. In late August, as you all know, the numbers for testing positive, and COVID-related deaths, in the three major divisions were higher than they had ever been since this all started in March, 2020. Thus, for the safety of our Court family and the public we had to roll back the openings that had taken place, including full days at the Clerk's offices and live hearings in our Courtrooms.

But, the numbers are back down and WE ARE READY! Our hybrid hearings – both evidentiary and non-evidentiary, have gone well. The in-person hearings that we did have, albeit short-lived, underscored how much we all want to be together again in person. AND, my law clerk has perfected the art of changing the microphone covers. Most of the judges are going back into the courtroom and switching from telephonic hearings to video hearings. Carefully read the notices of hearing and orders setting (or re-setting) hearings to see whether the hearings are live, hybrid or totally remote. All of this information is also on all the judges' individual websites, which I am sure ALL of you read on a regular basis . . .

In other news . . . Judge Russin's formal investiture is this Monday, October 18 at 3:30 p.m., in the ceremonial courtroom of the Wilkie D. Ferguson District Court courthouse. For safety reasons only limited seating will be available in the ceremonial courtroom. Only guests who bring proof of vaccination will be able to attend. So, if not being hospitalized or not dying is not enough of an incentive to get vaccinated, now you have another reason to get those shots.

In other news, the Atkins Courthouse is going to be very noisy for the next 15 months, but when we are finished, the courthouse will have a beautiful new front entrance. The area behind the columns will now become a glassed-in atrium. In addition to the improvement to the outward appearance (decent landscaping is promised . . . we will see), the new entrance will be more comfortable for those entering the courthouse and will be much safer for our court security officers. The entrance will move to the back of the building (across from the entrance to the jail) in the next couple of months.

Finally, in new courthouse news, the plans for the Fort Lauderdale courthouse are plugging along. Joe Falzone, our Clerk of Court, and Judges Grossman and Russin are working as part of the planning committee to make sure we have

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Bankruptcy Cases Filed From 01/01/2021 to 9/30/21

TOTAL FILED:

• Chapter 7	5,927
• Chapter 9	0
• Chapter 11	171
• Chapter 12	2
• Chapter 13	3,466
• Chapter 15	10

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

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

**CHIEF JUDGE'S CORNER** (continued from page 1)

a beautiful courthouse, clerk's office and courtrooms. The courthouse will be located on the banks of the Tarpon River so hopefully there will be some nice walks around the courthouse for those visiting.

Before I close – two reminders about what should always be on the top of your “to-do” list. First, please sign up for a pro bono case if you have not done so already. You can reach out to Dade Legal Aid, Broward Lawyers' Care, Palm Beach Legal Aid, or members of the Pro Bono Committee of the Bankruptcy Bar Association. There is plenty of need. This is “Pro Bono” month, but folks need your help all year round. Second, remember to mentor young and diverse lawyers. We will never be able to make the bankruptcy bench look more like the public we serve if the bankruptcy bar doesn't look like the public we serve.

Stay safe everyone and stay well. I enjoyed the brief time we were together again in person and look forward to seeing you all again. Let's all do what we can and must to make sure we can be back together again soon safely.

FREE PRO SE BANKRUPTCY CLINICS ARE NOW VIRTUAL VIA ZOOM

During the COVID-19 pandemic, unless otherwise posted, all bankruptcy clinics will be conducted via Zoom. Each clinic will feature a 15-minute video providing an overview of certain procedures for filing bankruptcy, followed by a Question & Answer session staffed by one or more pro bono attorneys who are available to give general advice on bankruptcy matters. Attendees will be advised that the attorneys at these clinics do NOT represent them and will NOT provide them with legal advice regarding their particular circumstances.

Attendees are also advised that if they have already filed their case and it is still pending, they are solely responsible for responding to any pleadings or motions and for compliance with any order issued by the assigned Bankruptcy Judge or to a request for information and documentation from the assigned Bankruptcy Trustee. Attendees are also advised that unless they are represented by a lawyer, they are solely responsible for protecting their own legal rights. Notice is also provided to attendees at the program that this is a FREE service, and the attorneys are not there to attempt to acquire them as clients or ask them for payment for advice or future services.

Any person unable to access zoom due to a lack of equipment (a “smartphone” or suitable tablet), please email Steven Newburgh: snewburgh@mclaughlinstern.com Assistance may be available.

Visit this link on the court website for additional information and dates scheduled for these clinics.:

<https://www.flsb.uscourts.gov/node/231>

RECENT USBC SDFL ADMINISTRATIVE ORDERS AND CLERK'S NOTICES

To view all current Administrative Orders: visit <https://www.flsb.uscourts.gov/general-orders>
To view Clerk's Notices, visit the home page of the Court's website <https://www.flsb.uscourts.gov/> and view “News and Announcements” in the lower-left column on the page.

- [GO 2021-03](#) Order Adopting Additional Court Closure During Holiday Schedule of US District Court, Southern District of Florida
- [GO 2021-02](#) Vaccination Policy Addressing Exigent Circumstances Created by the COVID-19 Pandemic
- [GO 2021-01](#) Judicial Assignment of Chapter 11 and Chapter 15 Cases Filed After July 9, 2021 and Assigned Under Local Rule 1073-1(A) to the Miami Division
- [AO 2021-10](#) Full Reopening of the Clerk's Office Intake Hours of Operation to Serve the Public for In-Person Filings
- [AO 2021-09](#) Amendment of Local Rule 5081-1 to Reflect Change in Policy on Acceptable Forms of Payment for Fees Collected by Clerk of Court
- [AO 2021-08](#) Adoption of: I. Interim Local Rules 2002-1(F), 9073-1(B) and 9073-1(D) (to reflect modifications to service requirements for notices of hearings); and II. Interim Local Rule 3002.1-1(B) (technical amendment)

**CORONAVIRUS RELATED INFORMATION FOR THE PUBLIC**

Our court continues to take whatever steps are necessary to assist in ensuring reduced risk of any potential spread of this virus. In addition to the items posted below, please visit the court website: www.flsb.uscourts.gov for all public notices and administrative orders posted by the court in order to keep current with future updates and new notifications. For U.S. District Court, Southern District of Florida information on this topic, please visit that court's website at www.flsd.uscourts.gov.

Effective Monday, November 1, 2021, the Clerk's Office in all divisions will resume normal business hours of operation to serve the public for in-person filings between the hours of 8:30 a.m. and 4:00 p.m. on Monday through Friday. (See: [AQ 2021-10](#) "Full Reopening of the Clerk's Office Intake Hours of Operation to Serve the Public for In-Person Filings").

General Procedures For Hearings By Video Conference:

Individuals not represented by counsel will be permitted to use court telephonic services FREE of charge. Amended pricing is available for other users. All attorneys shall advise their clients NOT to appear at the courthouse. Information regarding telephonic service providers and pricing and contact information for each judge is posted in notices on the court website.

https://www.flsb.uscourts.gov/sites/flsb/files/documents/judges/General_Procedures_for_Hearings_by_Video_Conference.pdf

The U.S. Trustee Program Telephonic or Video Section 341 Meetings.

The U.S. Trustee Program has extended the requirement that section 341 meetings be conducted by telephone or video appearance to all cases filed during the period of the President's "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak" issued March 13, 2020, and ending on the date that is 60 days after such declaration terminates. <https://www.flsb.uscourts.gov/news/ustp-notice-us-trustee-program-extends-telephonic-or-video-section-341-meetings-august-28-2020>

U.S. Federal Center For Disease Control Website For Updated Information www.coronavirus.gov

Florida Department of Health websites for Miami-Dade, Broward and Palm Beach counties:

<http://miamidade.floridahealth.gov>

<http://broward.floridahealth.gov>

<http://palmbeach.floridahealth.gov>

Information About Face Masks: The CDC has advised that facemasks/coverings made at home from common materials available, or at low cost, can be used as a public health measure providing the mouth and nose are fully covered. The covering should fit snugly against the sides of the face so there are no gaps and should be washed after each use. Remember to handle your facemask/covering by the ear loops or ties only and wash your hands often. For more information, visit

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

FLSB Court Website Link For Reporting Covid-19 Concerns and Issues:

<https://www.flsb.uscourts.gov/node/1246>

CENTER FOR DISEASE CONTROL EVICTION MORATORIUM IS NO LONGER IN EFFECT

The CDC (Center for Disease Control) Eviction Moratorium is no longer in effect, and there is no moratorium to protect Florida tenants from eviction.

For additional Covid 19 information and resources from Legal Services of Greater Miami, please access this link:

<https://www.legalservicesmiami.org/covid-19>

In addition, this link on the Court website provides information on other legal aid programs.

<https://www.flsb.uscourts.gov/legal-assistance-debtors>



FROM THE JUDGES' CHAMBERS



EPK CORNER

By: Hon. Erik P. Kimball

Please Get Vaccinated. Unfortunately, because of the remarkable rise in the COVID-19 infection rate in this district, including in my division, I moved back to Zoom-only hearings for a while. At my son's school, there were more COVID-19 infections in the first week of school than there were in the entirety of the prior school year. A shocking number of people we know recently have become infected and all of them were not vaccinated. Neighbors who work in two different hospital emergency departments tell us the situation has been dire. This was substantially avoidable. I strongly encourage anyone who can get vaccinated to do so. The risk is not just to yourself but to everyone you interact with and everyone they interact with. In the immortal words of Sgt. Esterhaus, "Let's be careful out there."

Pretrial Procedure in Adversary Proceedings. Practitioners seem to be confused by the Court's "new" adversary proceeding procedure. For decades, we relied on a form of "pretrial order" issued as soon as a complaint was filed, setting a variety of deadlines mostly measured backward from a pretrial hearing set at the beginning of the case. Under the present procedure, the Court sets a status conference in each new adversary proceeding. At that status conference, the parties are required to provide dates for each of the deadlines to be set out in a pretrial order. Importantly, under this procedure there are no deadlines in an adversary proceeding until after the status conference and entry of the pretrial order. Because of this, it is almost never appropriate to seek a continuance of the status conference. -- If the parties are unable to reach agreement on the entirety of the pretrial order, including all relevant deadlines, I will inquire only as to the timing of the pretrial hearing and will enter the standard pretrial order subject to modification as I see fit. In other words, I expect the parties to negotiate every deadline. I will not mediate some of the deadlines at the status conference. Your choices are full agreement or the Court's order. -- The Court's standard pretrial order sets a deadline for summary judgment motions ten days prior to the pretrial hearing. This makes sense only if the pretrial hearing is set relatively quickly. If the parties agree to an extended date for the pretrial hearing, with discovery completed substantially before that date, then the summary judgment deadline should be closer to the discovery cutoff rather than the pretrial hearing date. If you nevertheless choose a summary judgment deadline too close to the pretrial hearing, I will insert my own deadline.

Calm Before the Storm. For more than a decade, our district has ranked in the top 5 of the 94 districts in caseload per judge. Although we still rank 6th, bankruptcy filings are way down, particularly filings by individuals. The reason for this is fairly obvious – moratoria on evictions and foreclosures have led to greatly reduced individual bankruptcy petitions. This will of course, come to an end eventually. Most of those rent and mortgage payments are still due and owing. Early in the pandemic, an economist retained by the Administrative Office of the U.S. courts estimated that bankruptcy filings would increase by 100% when the foreclosure and eviction moratoria ceased. At this point, I will be surprised if it is only a doubling in filings. If you have not taken a vacation in a while, perhaps this is the time to do it. Workload in chambers has not decreased as much as one might think. I sometimes wonder whether all of the dispositive motions, more than usual in light of the caseload, are because lawyers have more time to write them. There have been so many during the pandemic that I have sometimes been ruling on 1 or 2 a week.

New Term Clerk. Each of the judges has two staff members in chambers plus our invaluable courtroom deputies. Since my appointment, I have had the benefit of two law clerks at all times. One of them is a career law clerk, a brilliant lawyer who clerked with the district court before joining me. The other is a term clerk who typically stays with me for two years. My most recent term clerk, James Keefe, departed mid-August. He will be joining a firm in Houston. One of the highlights of being a bankruptcy judge (among many) is the ability to act as mentor for law clerks. The quality of applicants for law clerk positions is simply amazing. I have at times had more than 200 applicants for a law clerk position. I often say that the criteria I use to narrow those down would result in me not interviewing myself. Several of my former law clerks have been editors of their law reviews, graduated in the top few of their class (including one valedictorian), and won national awards. Inspired by one of my colleagues at the district court, each of my former term clerks leaves behind a photo of themselves (hopefully showing a little of their personality) which I hang in the hallway in chambers. There are now 7 of those portraits. They have all gone on to distinguish themselves in practice and in business, here in our district, elsewhere in the United States, and even abroad. Sam Hess has just joined my chambers as term clerk. When we are finally back in the courtroom, I invite you to introduce yourself to Sam after motion calendars.



FROM THE JUDGES' CHAMBERS

**PUTTING YOUR BEST FOOT FORWARD****By: Hon. Scott M. Grossman**

I should not be learning for the first time about a material dispute in a chapter 11 case – be it over authority to file, ownership of a valuable asset, or other significant pre-petition litigation – from an objecting party. Yet in a surprising number of cases, that is exactly what has happened. A debtor files a chapter 11 case, then shortly thereafter seeks some relief – use of cash collateral, to assume an executory contract, or to approve a sale – making no mention of this material dispute. I then learn, for the first time through a timely objection, about the dispute from the objecting party. At this point, the objecting party has the chance to be the first party to frame the issue and argue why I should not approve the debtor's proposed action.

Disputes over ownership of assets, authority to file, and other pre-petition litigation are of course, not uncommon. Most debtors are the subject of some pending disputes; that is usually part of the reason why they need to file for bankruptcy. But what is unusual – at least to me – is when the debtor's counsel does not take the opportunity to preemptively address these issues. Indeed, when counsel files a chapter 11 case and essentially says "nothing to see here," and then I see an objection that raises a material dispute about which the debtor clearly knew or should have known, the credibility of the debtor (and its counsel) is often tarnished.

In most larger chapter 11 cases, a debtor will often explain in a well-drafted "first day" declaration why it filed its case, what it hopes to accomplish, and what material disputes it anticipates will need to be resolved. While I would encourage counsel even in smaller cases to consider preparing a first day declaration in support of any requested first day relief, I certainly recognize that in many smaller chapter 11 cases, it is often cost-prohibitive to do so. But, in our district we do have another vehicle that counsel can use – even in smaller cases – to "put its best foot forward" and alert the Court to material disputes it anticipates: the Chapter 11 Case Management Summary required by Local Rule 2081-1(B).

Unfortunately, many lawyers approach the Case Management Summary as just another box to check, rather than using it as an opportunity to be an advocate and to advise the Court of material disputes and other issues in the case. By addressing these matters head-on in the Case Management Summary, counsel can present their view of the issues and explain to the Court why the debtor believes it will prevail on the disputes.

Much like in trials where trial advocacy experts recommend lawyers elicit negative facts on direct examination, to take the "sting" out of these facts coming up for the first time on cross examination, the same holds true for presenting a chapter 11 case. Even if the economics of the case cannot support a thorough first day declaration, at a minimum counsel should use the required Case Management Summary to address pending disputes and anticipated challenges to the debtor's actions. I really shouldn't be learning about these issues for the first time from an objecting party. When that is the case, debtor's counsel has done its client a great disservice.



FROM THE JUDGES' CHAMBERS

**A LESSON ON ROOKER-FELDMAN, YOUNGER ABSTENTION,
AND THE IMPORTANCE OF CORRECTING ONE'S MISTAKES**

**By Hon. Peter D. Russin
and Zachary Needell, Law Clerk to The Hon. Peter D. Russin**

Ah ne'er so dire a Thirst of Glory boast,
Nor in the Critick let the Man be lost!
Good-Nature and Good-Sense must ever join;
To err is Humane*; to Forgive, Divine.

This proverb by the English poet Alexander Pope in the poem *An Essay on Criticism, Part II* (1711) explains that, while anyone can make a mistake, we should aspire to show mercy and forgive. Perhaps the fear of not being forgiven drives some to hide from their mistakes and hope no one will notice. It is important to always acknowledge one's mistakes and work to correct them. Not only is doing so right but owning your mistakes will invariably reduce the potential damage caused; forgiveness is a bonus.

I recently made a mistake in a ruling that likely would have gone unnoticed. As a new judge having issued an unpublished decision, I could have simply done nothing. To do so, however, would have compounded the problem and I would have missed a learning and teaching opportunity.

The case was *In re Forsyth*, No. 21-12491-PDR. Before the Debtor's bankruptcy case, she lost a foreclosure lawsuit to her Lender. The Debtor asserted that the Lender lacked standing because it allegedly did not hold the note and mortgage secured by her property. The state court disagreed, found that the Lender did hold the note and mortgage, and entered judgment on the Lender's count for mortgage foreclosure. The Debtor appealed to Florida's Fourth District Court of Appeal and then filed for bankruptcy. The appeal remained pending.

The Debtor submitted her Chapter 13 plan, but the Lender raised several well-founded objections to confirmation. I denied confirmation and dismissed the case. But shortly thereafter, the Debtor returned with new counsel seeking reinstatement of her case. Counsel argued, in part, that the Lender did not hold the note and mortgage, leaving it without standing to object to the plan – the same argument the Debtor lost in State Court and that remained on appeal. The Lender responded in opposition that consideration of its standing was barred by *Rooker-Feldman* because the issues had already been decided by the state court.

I denied the motion for reconsideration for a variety of reasons, including that the *Rooker-Feldman* doctrine barred consideration of the Lender's standing. But shortly after I entered the order, I came across case law that made it clear that consideration of the Lender's standing was not barred by *Rooker-Feldman*.

* Note that Alexander Pope's original wording uses the word "humane" rather than, as it is now usually spelled, "human". This wasn't a spelling mistake. "Humane" was the accepted spelling of "human" in the early 18th century.



FROM THE JUDGES' CHAMBERS


A LESSON ON ROOKER-FELDMAN, YOUNGER ABSTENTION, AND THE IMPORTANCE OF CORRECTING ONE'S MISTAKES (continued from page 6)

Rooker-Feldman applies to cases “brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.”** But the doctrine is narrow and only applies in three circumstances: (1) when the highest state court in which review is available has affirmed the judgment below and nothing is left to be resolved; (2) if the state action has reached a point where neither party seeks further action; and (3) if the state court proceedings have finally resolved all the federal questions in the litigation, but state law or purely factual questions (whether great or small) remain to be litigated.*** According to the Eleventh Circuit, *Rooker-Feldman* does not apply to state court judgments on appeal because they are not technically “final.”**** I wrongly applied *Rooker-Feldman*.

Turns out, I still could not consider the Lender’s standing because I was required to abstain under the *Younger* abstention doctrine, which applies where “(1) the federal proceeding would interfere with ongoing state judicial proceedings; (2) the state proceedings implicate important state interests; and (3) the plaintiffs have an adequate state remedy available.”***** In *Shepherd*, the Eleventh Circuit applied the *Younger* doctrine to a nearly identical situation to the matter that was before me. The district court *sua sponte* dismissed a case as violative of *Rooker-Feldman* where, prior to filing, the state court entered a foreclosure judgment, and the judgment was pending on appeal before Florida’s Fourth District Court of Appeal. On appeal, the Eleventh Circuit concluded that *Rooker-Feldman* was not the appropriate doctrine, but affirmed the dismissal under the *Younger* abstention doctrine, explaining that a ruling by the district court would “unduly interfere with the ongoing state foreclosure proceedings in numerous ways and would effectively nullify the state court foreclosure judgment.”

I simply applied the wrong legal principle. While I could have ignored the doctrinal mistake and moved on, I knew I made a mistake and rather than allow it to persist, I entered an order correcting it, which gave me the opportunity to learn and to explain why *Younger* abstention was the appropriate doctrine. And I’m glad I did because it gave me an excuse to write this article and – not two weeks later – the Eleventh Circuit, the closest thing we have, at least legally, to the divine in Florida, issued its opinion in *Behr v. Campbell*.*****

Behr is a strong rebuke of the federal courts that overuse and misapply *Rooker-Feldman*. Had I not corrected my mistake, I would have been one of those courts! The Eleventh Circuit explained that *Rooker-Feldman* grew into “a sweeping doctrine” over several decades, but that the Supreme Court’s decision in *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.* “restored *Rooker-Feldman* to its original boundaries.”***** The decisions of the Supreme Court and the Eleventh Circuit, therefore, make it clear that *Rooker-Feldman* only extends under limited circumstances to prevent federal courts from altering or directly reviewing the final judgments of state courts – but no further. But the lack of applicability of *Rooker-Feldman* does not prevent the application of other doctrines such as issue preclusion, abstention, or comity.

You will make many mistakes in your career. Doing so is, as Pope says “humane”! How you respond to those mistakes makes all the difference. Own them and work to correct them. You, your clients, the legal community, and the courts will all be better for it. As Alexander Pope explained, to err is human – and I promise, the courts won’t fault the lawyers that appear before them for being human or at least the consequences of your mistake can be mitigated significantly.

**See *Lozman v. City of Riviera Beach, Fla.*, 713 F.3d 1066, 1072 (11th Cir. 2013).

***Id.

****See, e.g., *Bertram v. HSBC Mortg. Serv., Inc. (In re Bertram)*, 746 F. App’x 943, 949–50 (11th Cir. 2018).

******Shepherd v. U.S. Bank*, 839 F. App’x 304, 305–06 (11th Cir. 2020); see *Younger v. Harris*, 401 U.S. 37 (1971).

*****No. 18-12842, – F.4th –, 2021 WL 3559339 (11th Cir. Aug. 12, 2021).

*****544 U.S. 280 (2005).



FROM THE JUDGES' CHAMBERS

**Better Than 50/50**

By: Tara Trevorrow, Law Clerk to the Honorable Mindy A. Mora

A few years ago, I worked with a partner who explained to clients that any lawsuit carried a 50/50 risk of failure. His theory was that, in the end, litigation is always a win/lose proposition. There are no guarantees.

Initially, I resisted his theory. Weren't we good attorneys who worked hard to present solid, thoughtful cases? How could the client truly face 50/50 odds if we believed that the case had merit?

The more I thought about it though, the more I came around to the partner's way of thinking. He was right. The best case might topple under an obscure procedural requirement. The worst case might have strong equitable factors. Life is full of surprises.

So, what can you do to help your client improve the odds? Master legal drafting skills. They matter more than you might realize.

Good attorneys usually submit beautifully written papers that tell an engaging story. Often, however, those same submissions fail to clarify which facts in the story are critical. Code provisions with an unusual case law gloss compound the error.

For example, a creditor's attorney might draft a complaint that recounts a vivid "bad things happened" tale. The complaint seeks non-dischargeability under 11 U.S.C. § 523(a)(4). Precedential case law in this Circuit requires the existence of an express or technical trust to sustain liability for fraud or defalcation in a fiduciary capacity. Does the complaint identify an existing trust and attach the trust documents? Typically, it does not.

The next potential bases of liability under § 523(a)(4), embezzlement and larceny, are equally problematic. The elements of these claims are not coextensive and yet, all too often, the factual allegations in the complaint are broadly non-specific. The Court is left to guess which legal theory the plaintiff intends to assert. Is it embezzlement? Or larceny? How is the Court supposed to know? The end result is usually an exercise in frustration for all involved, including the Court.

So, to avoid surprises, familiarize yourself with the legal standard for every element of each claim prior to filing, including case law interpretations. This tiny bit of extra effort will uncover key requirements, like the necessity of a trust for "fiduciary capacity" allegations under § 523(a)(4). Then, even if it feels pedantic, point out precisely which facts meet the standard, element by element.

In the end, the great "story" will still be there... and the client's chance of success just might be better than 50/50.



FROM THE JUDGES' CHAMBERS



MIAMI JUDGES AND CHAPTER 13 ZOOM HEARINGS

**By: Jacqueline Antillon,
Courtroom Deputy to the Honorable Robert A. Mark**

Starting in October of this year, Miami Judges will be converting to Chapter 13 Zoom hearings and will no longer be using CourtSolutions on chapter 13 days. Movants will be able to self-calendar their motions as we move closer to the chapter 13 hearing date. If you are unfamiliar with Zoom guidelines, etiquette, and procedures, we encourage you to read the last newsletter dated June 2021. Under “Zoom Hearings, Tips and Tricks”, you’ll find valuable information that will make your life easier when transitioning to Zoom. We encourage first-time users to become familiar with the product and follow Nancy Neidich’s lead at the start of the chapter 13 motion and confirmation calendar. In addition, please make sure you register for “each chapter 13 hearing”. Under – “Time” – Using the drop-down box, choose the meeting you will attend. For example, if you plan to attend all hearings, you’ll have to register for each individual hearing by selecting each date. You’ll repeat this process until you have registered for all hearings (see diagram below). Upon registration, you’ll receive a confirmation email. Your email will include the number to dial in, meeting ID, and passcode. Please do not share your registration email. The Miami judges look forward to seeing everyone on Zoom starting in October.

Time	Please choose only one meeting to attend.
	Oct 19, 2021 09:00 AM
	Oct 19, 2021 09:00 AM
	Nov 9, 2021 09:00 AM
First Name*	Dec 14, 2021 09:00 AM

LMI – 13 Dates: 10/21/21, 11/2/21, 12/1/21

AJC – 13 Dates: 10/26/21, 11/16/21, 12/21/21

RAM – 13 Dates: 10/19/21, 11/9/21, 12/14/21



PRO BONO CORNER



BY:
STEVEN S. NEWBURGH, ESQ.
(GUEST CONTRIBUTOR)
LAY CHAIR,
PRO BONO COMMITTEE



OCTOBER IS PRO BONO MONTH!

The American Bar Association has set the theme for this year's celebration: "Moving Forward in a Post Pandemic World." While there has always been a need for bankruptcy pro bono services in our District, the COVID-19 pandemic has substantially increased the need for us to all pitch-in.

In addition to participating in our upcoming Pro Bono Week events. I am asking that each of you consider devoting a portion of your time to undertake one or more of the following: (1) participate in presenting one or more of the Bankruptcy Bar Association's virtual Pro Se Clinics, (2) volunteer to "take a case" by signing up or sending an email to snewburgh@mclaughlinstern.com so that we can assist in placing you with a qualified pro bono applicant who may require a chapter 7 filing, and (3) participate in the mentoring of a young lawyer seeking to become a bankruptcy practitioner. Please contact Trish Redmond if you are interested in getting involved as a Mentor: PRedmond@stearnsweaver.com and (4) encourage your colleagues to get involved in our bankruptcy pro bono programs. While we are always seeking volunteer lawyers to assist in the filing of consumer chapter 7 cases, there is plenty of room for you to get involved.

Contact me if you would like to discuss the various ways you can contribute to our pro bono initiatives. If you are a veteran, for example, our Veteran's Committee would be happy to hear from you and to find ways for you to get involved with other veterans who may not even know of our pro bono programs and the help they can provide.

The Court's Pro Bono Committee has now secured the participation of Legal Services of Greater Miami, Broward Legal Aid and Florida Rural Legal Services in upcoming consumer bankruptcy clinics planned for Nova University Law Center, the 15th Judicial Circuit's Law Library and other venues. These consumer bankruptcy clinics are in addition to the monthly Pro Se Clinic presented by each Division as part of the Committee's continuing commitment to provide unfettered access to our bankruptcy courts and to provide a rudimentary understanding of the Code and how the process works in chapter 7 and chapter 13 for consumer debtors. Our Committee has greatly broadened the scope of its coverage. The goal is to ensure that persons who are qualified to receive pro bono assistance get the help they need, whether they are a veteran living in Stuart, Florida, a fisherman in Key Largo, an office worker in Fort Lauderdale or a farmer in the western reaches of our District. Everyone must be covered.

Pro Bono Week runs from Monday, October 25, 2021 through Friday, October 29, 2021. This year, we have a full slate of CLE and clinical programs, including our annual presentation of the Demystifying Bankruptcy Pro Bono CLE. The "Demystifying" seminar runs from noon until 1:30 P.M. and has been approved for 3.0 CLE credits hours. The Demystifying seminar was designed to provide state and federal court lawyers who are considering practice in our bankruptcy courts with a broad survey of the fundamentals of consumer bankruptcy law.

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**PRO BONO CORNER** (Continued from page 10)

BY:
STEVEN S. NEWBURGH, ESQ.
(GUEST CONTRIBUTOR)
LAY CHAIR,
PRO BONO COMMITTEE

**OCTOBER IS PRO BONO MONTH!** (continued from page 10)

While we touch upon Chapter 11, our treatment is limited to the new Subchapter V, intended primarily for small business filings. Otherwise, complex commercial Chapter 11 issues are reserved for more specialized seminars and the “Brown Bag” luncheons which are conducted by our Bankruptcy Bar Association. We are all excited to have Hayley Gerson Harrison, of BastAmron, as the BBA’s newly inducted President and look forward to another year of exciting and engaging social and CLE events. Our Demystifying CLE covers Title 11 of the United States Code (the “Bankruptcy Code”) as it relates to everything from pre-filing considerations to post-discharge injunction issues. The Demystifying seminar will be presented via Zoom to registrants and should be considered by existing bankruptcy practitioners as a great way to brush-up on the fundamentals and to earn 3.0 CLE credits in the process. We have always received great feedback from our attendees at the Demystifying seminar and we hope to provide you with the best available overview of the Code that you will find anywhere in the United States. This year’s presentation will feature the Honorable Mindy A. Mora, Bankruptcy Judge for the Southern District of Florida’s West Palm Beach Division as a Presenter and the Honorable Erik P. Kimball, also from the West Palm Beach Division of our Court, will be participating in our Question and Answer Panel that will close-out the seminar.

Pro Bono Week will also include two “Pro Se Clinics,” the first, on Tuesday, October 26, 2021, will be broadcast via Zoom so that all registrants can attend. This will be the typical Pro Se Clinic format, where we review and discuss the schedules and other papers that are required for filing a consumer bankruptcy case. A short film is shown to reinforce the live presentation and to assist the attendees in remembering the more important points covered by the Clinic. The pro se clinic on Tuesday will conclude with an interactive question and answer session. The Pro Se Clinic we have scheduled for Wednesday, October 27, 2021, is specifically for our volunteer lawyers who wish to take on cases for our veterans. Because of the challenges presented by the eligibility requirements for VA services and benefits, Wednesday’s Pro Se Clinic will cover these issues and provide tips on how to effectively represent veteran clients with a variety of claims. Approved for 3 CLE credits, conforms with VA accreditation requirements. Finally, this year’s Pro Bono Week and Pro Bono Month close out with the “Tech Savvy & Foodie Fundraising Silent Auction.” The Silent Auction begins on Thursday, October 28 with winning bidders being announced on Friday, October 29! Watch for more information coming on the Silent Auction!

Everyone: Please reserve a few hours of your time, monthly, to volunteer. We have found that the attorneys who most often volunteer their time are those who have handled pro bono matters in the past. The experience of representing someone who might otherwise be a pro se filer can be gratifying. There is nothing quite like the feeling you get when you help someone in need by handling their bankruptcy filings. Please feel free to contact me in the event you have any questions about our upcoming Pro Bono Week events. We look forward to seeing everyone at our Zoom sessions!



WHITHER FILINGS?

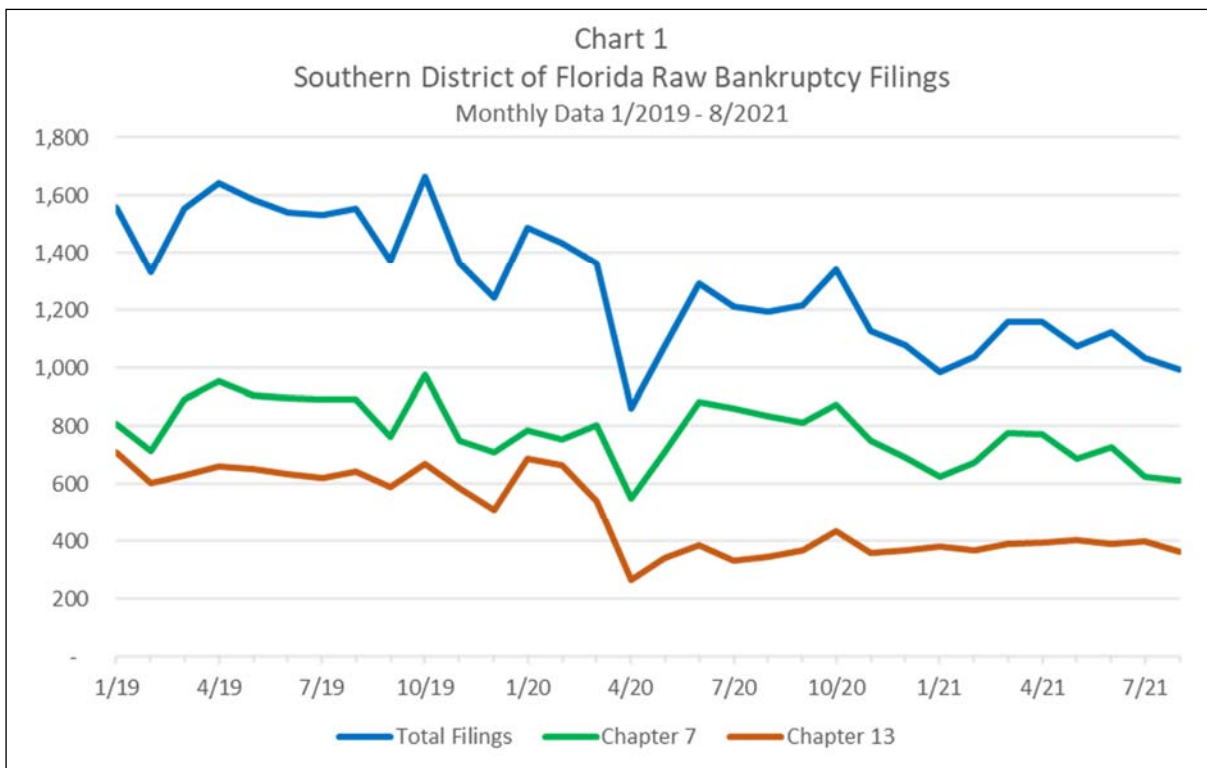
**By: Guest Contributor William Rule, Senior Economist,
Administrative Office of the U.S. Courts**

**(Note: The views expressed by Mr. Rule do not reflect the official position
of the Administrative Office of the U.S. Courts)**



Nationally, the collapse of bankruptcy filings has been remarkable and durable. Whereas the economy, in general, has shown some signs of life, bankruptcy filings have proven less resilient. In the Southern District, filings advanced from their April 2020 lows but then have slowly deteriorated. However, it has not been easy to discern just what the impact has been because of the seasonal patterns exhibited by both chapter 7 and chapter 13 filings. In fact, monthly bankruptcy filings tend to look saw-toothed with underlying trends that are sometimes hard to tease out.

As Chart 1 shows, total filings appeared to be declining throughout 2019, although a similar trend in chapter 7 and chapter 13 filings is quite difficult to discern. Chart 2, which shows seasonally adjusted filings data, makes the situation in 2019 much clearer. On a seasonally adjusted basis, total, 7 and 13 filings were all nearly flat throughout the year. Interestingly, a slight upward trend in the data can be detected beginning in the fall of 2019 and peaking in February 2020.

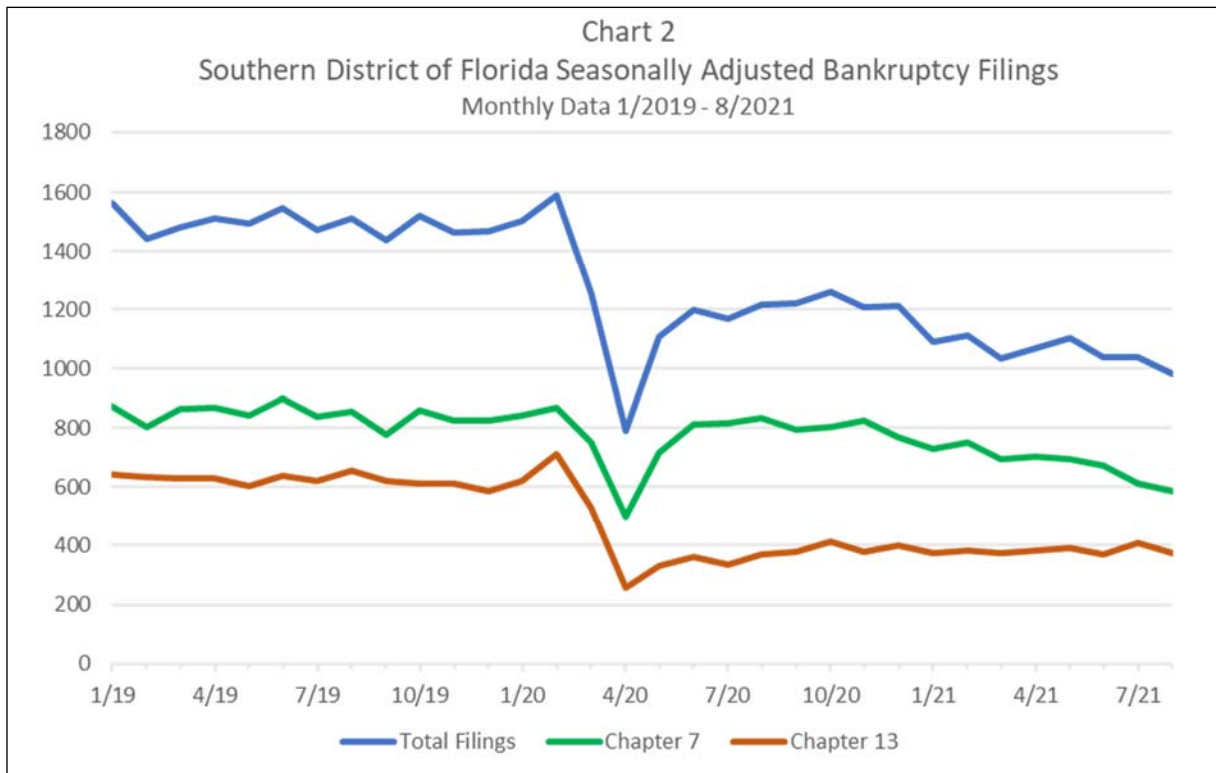


(continued on page 13)



Whither Filings? (continued from page 12)

Much more than the raw data in Chart 1, the seasonally adjusted data in Chart 2 clearly demonstrate the extent of the impact the pandemic had on filings. While the raw data indeed shows declines from February to April 2020, the seasonally adjusted data make the extent of the declines apparent.



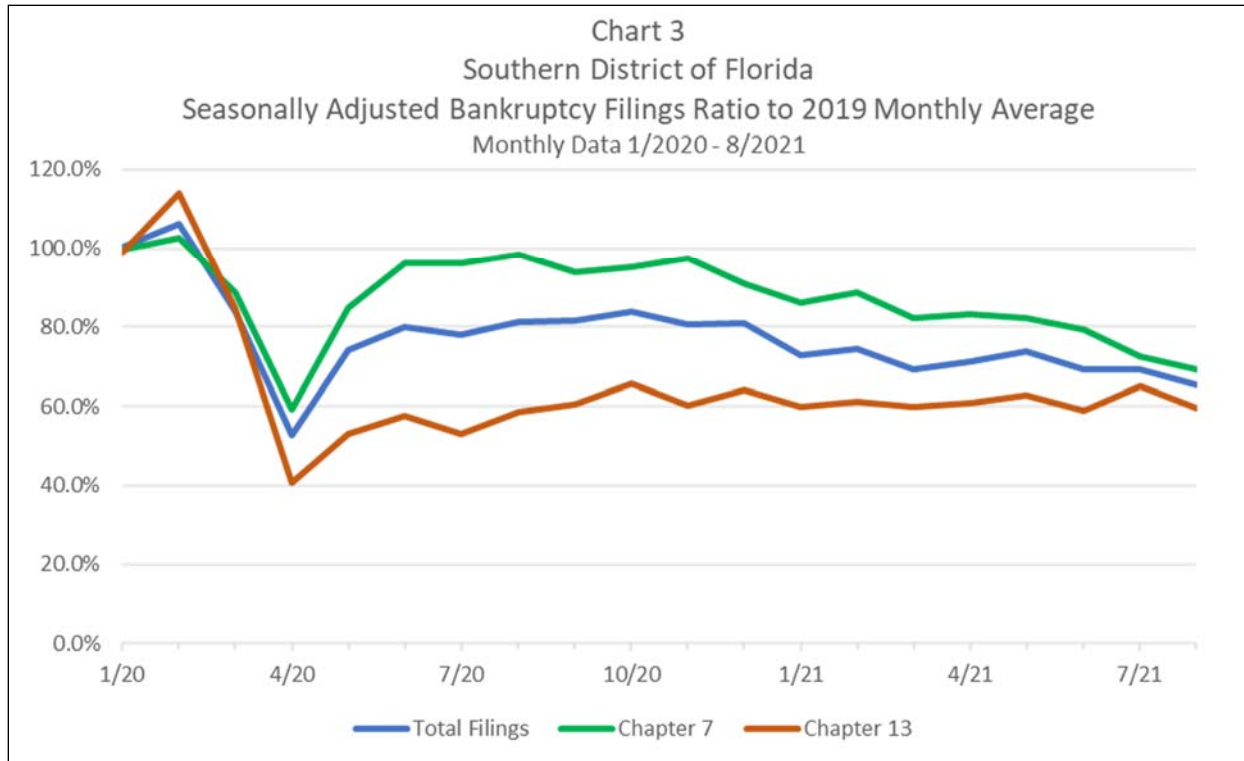
On an unadjusted basis, total filings declined 40% from February to April 2020. Over the same period, chapter 7 filings declined 27% and chapter 13 filings fell 60%. However, the seasonal patterns inherent in filings masked the true extent of the impact. Considering the seasonal factors, total filings fell 50% from February to April 2020, while chapter 7 filings declined 42% and chapter 13 filings plunged 64%.

Another way to look at the data is to compare the seasonally adjusted monthly data during the pandemic to the monthly average filings during 2019. As previously observed, there was little if any trend detected in filings during 2019 after seasonal adjustment, so the monthly average represents a good benchmark with which to compare the monthly filings during 2020 and 2021.

Chart 3 shows the ratio of seasonally adjusted monthly filings from January 2020 to August 2021 relative to the 2019 monthly average. As clearly shown in the chart, filings ticked up significantly from January to February 2020. They then plunged, with total filings in April dropping to 53% of the 2019 average. Chapter 7 filings fell slightly more than the total at 59%, while chapter 13 filings dropped from 114% of the 2019 average in February to 41% in April.



Whither Filings? (continued from page 13)



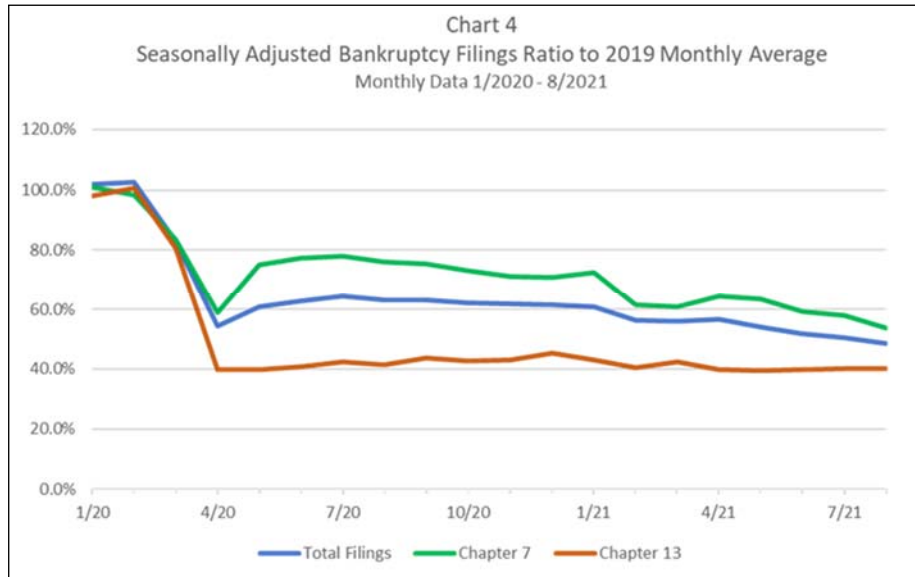
While the initial impact of the pandemic on filings in the Southern District was nearly the same as nationally (see Chart 4), their recovery was much stronger. Following the April 2020 low point, total filings recovered to 84% of their 2019 average in the Southern District compared to 64% nationally. Similarly, chapter 7 filings recovered to 99% compared to a national recovery of 78% and chapter 13 recovered to 66% compared to a U.S. recovery to only 45%.

Both total filings and chapter 7 filings have shown declining trends for most of the past 12 months in the Southern District and nationally, but, significantly, filing levels for the U.S. are lower now than in the Southern District compared to their respective 2019 averages. Nationally and in the Southern District chapter 13 filings have been flat for the past year but at a significantly lower level in the U.S. than locally with U.S. 13s settling at about 40% of their 2019 average, while in the Southern District they have settled at about 60%. Notice also that chapter 13 filings in the Southern District had a significant bounce-back from their April 2020 low point while there was no recovery nationally.

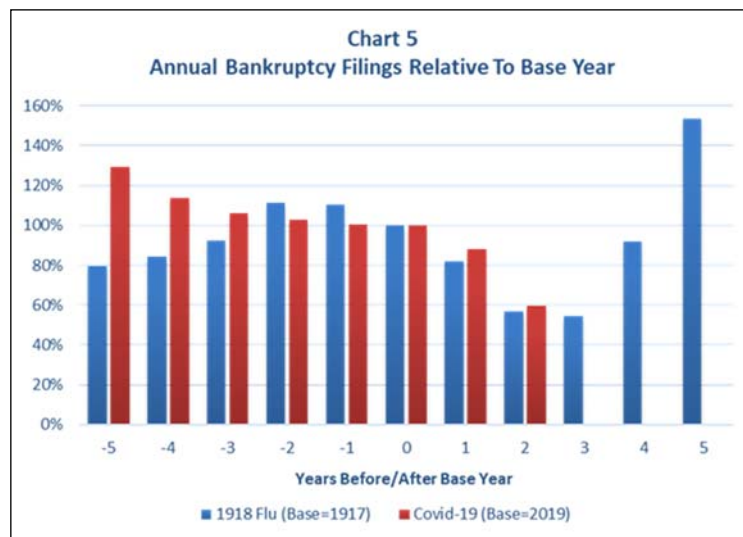
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Whither Filings? (continued from page 14)



When will filings start to climb, and will there be a “tidal wave” or a gradual “rising of the tide?” Frankly, no one knows. Statistical models need to be based on analysis of comparable events and there are nearly none for the Covid-19 pandemic. The exception is the 1918 Flu pandemic. The onset of the 1918 pandemic is generally dated March 1918, while the Covid-19 pandemic was March 2020. Using the prior years as respective base years, the first and second years of the pandemics follow nearly the same paths (see Chart 5).



If, and it is a very big if, filings follow the same path now as the 1918 experience, then national bankruptcy filings would decline slightly to 446,000 in 2022 then jump to 751,000 in 2023 and 1,256,000 in 2024. Significantly, filings in the early 20th century were trending up, while prior to the Covid-19 pandemic they were trending slightly down so the current recovery would likely not be as strong as from the 1918 Flu. Only time will tell.



WHAT CONSTITUTES AN ELECTRONIC APPEARANCE BY A CM/ECF REGISTERED USER AND ACCESSING CM/ECF SERVICE LISTS IN A CASE OR PROCEEDING

By: Cameron Cradic

Local Rule 9076-1 provides that an electronic filing of a document by a registered user will constitute an electronic appearance and consent to receive service of CM/ECF documents and paperless entries in that case or proceeding. An attorney must e-file a document on behalf of his or her client to receive NEFs.

Electronic Service will be provided via Notices of Electronic Filing (NEF) if the following conditions are met:

A. The registered user has e-filed a document on behalf of his or herself or, for attorneys, a party the filer represents (debtor, joint debtor, creditor, trustee, or other client)

In CM/ECF, each added or selected party filer will be identified by their “Role” during the e-filing process. Immediately after creating or selecting a client for the first time, the attorney will be prompted to “link” themselves to that party. The attorney becomes an electronic recipient for all subsequent entries ONLY when he or she is properly linked to the selected party.

B. The docket entry that created an electronic appearance must be displayed in that case or proceeding’s docket.

In other words, filing a Proof of Claim or a chapter 11 ballot will not provide electronic notifications of any main case or adversary proceeding’s docket entries. Similarly, filing an appearance in a main case does not constitute an electronic appearance in a related adversary proceeding. Further, in jointly administered or consolidated cases, an appearance in a member case does not automatically constitute an appearance in the lead case (exceptions may apply depending upon the date of joint administration or consolidation). See Local Rule 9076-1(B)

C. Regarding transferred-in cases from other districts, parties who e-file in the original district’s case must also e-file a document in this district to receive electronic notifications.

Accessing CM/ECF Service Lists in a Case or Proceeding

To confirm an electronic appearance, as well as view service lists of all parties in a case, click (from the blue menu bar in CM/ECF) “Utilities > Mailings > Mailing Info for a Case.” Case participants are separated into electronic and manual notice lists.



MIGRATION TO NEXTGEN; ACTION REQUIRED FOR EXISTING CM/ECF REGISTERED USERS

By: Cameron Cradic

The Bankruptcy Court for the Southern District of Florida will migrate to a new CM/ECF platform within the next several months.

Our Go-Live date was originally scheduled for Monday, December 13, 2021. **HOWEVER**, due to significant technical issues with the Judge/Trustee assignment module in the new NextGen software, this Court has decided to push back out Go-Live date to the first quarter in 2022.

What is NextGen and how will it differ from the current CM/ECF system?

The e-filing operations are identical to the current generation system. The main difference is the login process. In a nutshell, NextGen is an e-filing system that fully integrates with PACER, and therein lies its benefits.

Using **Central Sign-On** (also known as CSO), a single PACER login and password is used to access every NextGen court in which the user is eligible to e-file. This includes all Appellate, District, and Bankruptcy NextGen courts.

Because a PACER account is used for all NextGen CM/ECF e-filing, currently registered CM/ECF users may need to take action as indicated below to upgrade an existing PACER account. *The locally issued CM/ECF login and password will no longer work after we Go-Live with the new NextGen software.*

Do I take action now, and if so, how much time does an upgrade take?

Some e-filers may not need to do anything. If you currently e-file in any NextGen court OR if you obtained your PACER account after August 11, 2014, you already have completed the steps to upgrade your PACER login and password.

In this district, we have an estimated 1,083 e-filers who need to upgrade their PACER accounts. Upgrading is easy, and it takes only a few minutes.

STEP 1. Click the link below (or copy/paste into your browser) to confirm or upgrade your PACER account. <https://pacer.uscourts.gov/help/faqs/my-pacer-account-not-upgraded-how-do-i-upgrade-my-account>

STEP 2. Click “Manage My Account” > click “Log in to Manage My Account”.

STEP 3. After logging in, at Account Type, check if the “Upgrade” hyperlink is displayed. If so, simply click it and follow the prompts. If an “Upgrade” link is not displayed, it means that you already have an upgraded PACER account.

(continued on page 18)



MIGRATION TO NEXT GEN (continued from page 17)

Example of an account that needs to be upgraded:

Manage My Account

Account Number	2654871
Username	us5505
PAA Number	4258410
Case Search Status	Active
Account Type	Legacy PACER Account (Upgrade)

Settings | Maintenance | Usage

[Change Username](#) [Update PACER Billing Email](#)
[Change Password](#) [Set Security Information](#)
[Remove Your PACER Account from a PAA](#) [View All My Requests](#)

Example of an already upgraded account:

Account Number	7043830
Username	cradicTest
Account Balance	\$0.00
Case Search Status	Inactive
Account Type	Upgraded PACER Account

Settings | Maintenance | Payments | Usage

[Change Username](#) [Update PACER Billing Email](#)
[Change Password](#) [Set PACER Billing Preferences](#)
[Set Security Information](#)

Stay tuned for more NextGen information that will be posted on our website and in future newsletters.



EMAIL REQUESTS FOR REPRODUCTION OF RECORDS AND OTHER MISCELLANEOUS ITEMS

By: Cameron Cradic

As a result of the ongoing COVID-19 pandemic, the clerk's office created a method for pro se parties to submit Emergency Filings to a dedicated email address. The filing protocols and requirements are specified in [Administrative Order 2021-06](#).

As an additional service, the Emergency Filings inbox has been expanded to accept requests for the reproduction of records and other miscellaneous items, all of which are listed in the [Clerk's Summary of Fees](#). The most frequent requests are for certified copies of entered documents and orders. The request process is summarized as follows:

- 1) Email a request to FLSB-EMERGENCY-FILINGS@flsb.uscourts.gov. Include the case number and all pertinent detail related to the request, such as the docket entry number of a document and/or order. If a local form is required in support of the request, attach a PDF image of the completed form.
- 2) The clerk's office will respond with a confirmation of acceptance. The confirmation will contain the amount due, a hyperlink to pay and instruct the remitter to confirm their mailing address. *The remitter is also directed to reply with their proof of payment. IMPORTANT: The link accepts only debit cards and ACH payments. Credit card payments are not allowed.*
- 3) After paying, the remitter receives an emailed confirmation from Pay.gov. The remitter must then email that proof of payment to FLSB-EMERGENCY-FILINGS@flsb.uscourts.gov so that the clerk's office may complete the request.
- 4) Upon receipt of the proof of payment by the clerk's office, the item requested is subsequently mailed.

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



I need a copy of my bankruptcy case, but I have no way of getting to the courthouse. Can you email it to me?

You may obtain copies of any document filed in your case by accessing pacer.gov. You can print and save the PDF image. PACER is an electronic public access service that allows users to obtain case and docket information online from federal appellate, district, and bankruptcy courts, and the PACER Case Locator. You will need to establish a login and password attached to a credit or debit card. Electronic docket information and images of all documents filed in a bankruptcy case or adversary proceeding may be retrieved at a cost of .10 cents per page. However, if you accrue less than \$30.00 in a particular quarter, the fees are waived for that quarter. You may also contact PACER via telephone by calling: (800) 676-6856.



I need a certified copy for a closing tomorrow, but I live in New York, how can I get one?

You may email your request to: FLSB-EMERGENCY-FILINGS@flsb.uscourts.gov. Please include the case number, docket entry number, and the number of copies you will need of each document requested. The clerk's office will immediately respond to your email with an exact amount due and provide a link to pay the fee.



FEDERAL CELEBRATIONS!

By: Jacqueline Antillon, Courtroom Deputy to the Honorable Robert A. Mark

Have you noticed, there is a holiday for everything, observance or occasion to celebrate. Some of these celebrations focus on very famous people who defined our country, they celebrate our history, focus on lifestyle, activities, foods we love, others focus on raising awareness such as cancer, diabetes, and heart disease. But no matter what the occasion or how we celebrate, one thing that is probably relevant, food, family, and friend gatherings go hand in hand. So many reasons to celebrate, I could probably take over the newsletter. There's a celebration for everything, from National Spaghetti, Pizza, Bacon Lovers, Make Your Bed Day to Sky-scrapers, there is an infinite list. Anything for a celebration, but for now, let's focus on Federal Holidays. In total, there are 11 Federal Holidays recognized by the U.S. Government. Federal government offices are closed, including, for the most part, the suspension of the stock market. State and private companies are not obligated to observe, although many local, state and businesses have approved these holidays and close their doors. The United States Congress, under Title V of the U.S.C., has the authority to create federal holidays. Have you ever wondered how they started and their origins?

New Year's Day, for others known as National Hangover Day, after a night spent with loved ones, known as New Year's Eve. Some still party like it's 1999, eating, drinking and dancing! When did we start celebrating NYE? You might be surprised, this festivity mounts back to 4,000 years ago in ancient Babylon; the Babylonians celebrated the new year on the first moon after the vernal equinox, which was usually in late March. According to tradition, it was created by Romulus, the founder of Rome, in the eighth century. For history buffs, the early Roman calendar consisted of 10 months and 304 days, later King Numa Pompilius was credited for adding the months of January and February. The calendar was out of sync with the sun, and Roman emperor Julius Caesar in 46 B.C. consulted with astronomers and mathematicians to solve the problem. And the birth of the Julian calendar was conceived. Today, most countries around the world have adopted the Gregorian calendar. As part of Caesar's reform, he instituted January 1st as the first day of the year. January was named after the Roman god of beginnings, Janus, whose two faces allowed him to look back into the past and forward into the future. Later throughout history the traditions have evolved or modified. You guessed it; New Year's Day is celebrated on January 1st.

Martin Luther King Jr. – 1983 President Ronald Reagan designated MLK a federal holiday in honor of the Reverend. We observe, honor, and celebrate his legacy on the third Monday in January. Dr. King spoke of community, non-violence, service, empowerment, and civil rights. He is mostly known for his campaign to end racial segregation. His courage, determination, and perseverance continue to live on in his "I Have a Dream Speech".

Washington's Birthday, a/k/a President's Day, is the first federal holiday to honor an individual person. Established by Congress in 1885 as a paid holiday for all Federal workers and celebrated on February 22nd, Washington's actual birthday. But, in 1971, under the Uniform Monday Holiday Act, it was moved to the 3rd Monday in February, an attempt to further create a three-day weekend for workers. Originally the holiday only applied in the District of Columbia, but in 1885 it was expanded to all states. This holiday celebrates all U.S. presidents, past and present.

The merry month of May, flowers blooming and one of the most significant federal holidays, celebrated the last Monday in May, **Memorial Day**, a day of remembrance. We honor, salute and pay our respect to those men and women who gave it their all and died while serving in the U. S. military. They fought for our safety and freedom. Originally called Decoration Day and borne out of the Civil War, the desire to honor our dead. In 1966 the federal government declared Waterloo, NY, the official birthplace of Memorial Day and observed on May 30th. As part of the Uniform Monday Holiday Act, the celebration was moved to the last Monday in May, starting in 1971. Did you know each year on Memorial Day a national moment of remembrance takes place at 3 p.m. local time?

Juneteenth – In June of this year, President Joe Biden declared it a federal holiday. Commemorates and honors the end of slavery in the U.S. In 1863, President Abraham Lincoln had issued The Emancipation Proclamation, where all enslaved people in the Confederate States, "shall be then, thenceforward, and forever free". Although slavery did not immediately end, as the Proclamation only applied to places under Confederate control and not to slave-holding border states. After the civil war ended, General Granger arrived in Galveston, Texas in June and signaled freedom for 250,000 enslaved Texans. Celebrations broke out among the newly freed people of color, and Juneteenth was born. The adoption of the 13th Amendment, in December of that year eradicated slavery in America. Freedman in Texas organized what became the annual celebration of "Jubilee Day" on June 19th. In 1979, Texas became the first state to make Juneteenth an official holiday.

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**FEDERAL CELEBRATIONS** (continued from page 20)

Fourth of July – We start the month with a bang, wishing America a Happy Birthday. On Independence Day we celebrate, life, liberty, and pursuit of happiness as we gather with family and friends. From parades, concerts, barbecues, ice-cold beers, ice cream, and ending the night with spectacular fireworks! Since the 18th century, during the American Revolution, the 4th of July has been celebrated. A few colonists wanting independence from Great Britain formed The Continental Congress (TCC). On July 2, 1776 the TCC voted in favor of independence, and two days later, the 13 colonies adopted the Declaration of Independence. On July 4th, TCC adopted the Declaration of Independence, although the actual vote took place on July 2nd. Did you know, John Adams turned down invitations to appear at 4th of July events. He believed July 2nd was the correct date to celebrate America's independence. Ironically, John Adams died on July 4, 1826; on the 50th year anniversary of the Declaration of Independence. Celebrating America's birthday, became more of a patriotic celebration after the War of 1812, where once again the U.S. faced Great Britain. And in 1870, Congress officially made July 4th a holiday. Celebrated on July 4th!

Labor Day – since becoming a federal holiday is celebrated on the first Monday in September. On this day, we pay tribute to the contributions and achievements made by hardworking Americans. It originated during one of America's most dismal chapters. During the Industrial Revolution, workers averaged 12-hour days, seven days a week. Children as young as 5 or 6 were relegated to work in mills, factories, and mines, earning a mere fraction of working adults. The poor were faced with extremely unsafe working conditions, labor unions were growing more prominent and vocal. They started organizing strikes and rallies in protest of the poor working conditions, compelling employers to work out better hours and pay. On September 5, 1882, 10,000 workers from New York City took unpaid time off, holding the first Labor Day parade. They marched from city hall to Union Square. The idea of the "workingmen's holiday," celebrated on September 1st caught on across the country, mostly industrial. In the aftermath of much unrest and in an attempt to repair relationships with American workers, Congress passed an act making Labor Day a legal holiday. President, Grover Cleveland on June 28, 1894, signed into law Labor Day.

Columbus Day commemorates the landing of Christopher Columbus in the Americas in 1492. It officially became a federal holiday in 1937. Throughout the years, it has generated controversy. In recent years, Native Americans and other groups have protested this celebration and have asked to change the holiday legally to "Indigenous People's Day," currently recognized and celebrated in several U.S. states, like Alaska, Hawaii, and Oregon. The first Columbus Day celebration took place in New York, 1792. Italians and Catholics prided themselves in Columbus' birthplace, Italy and in his faith. Soon many communities in various regions of the U.S. started honoring Columbus with celebrations. In 1937, President Frank D. Roosevelt declared Columbus Day a national holiday, largely an intense lobbying by the Knights of Columbus. Columbus Day is celebrated the 2nd Monday in October. While considered a federal holiday, not all states recognize this holiday.

Veterans Day, formally known as "Armistice Day, is celebrated on November 11th to mark the end of World War I. In 1926, Congress passed a resolution for an annual observance and on May 13, 1968, made it a legal federal holiday. Veterans Day pays tribute to all American veterans, living or dead. It is a celebration to all who served our country honorably during war or peace time, who unselfishly have defended our liberties. In 1954, President Eisenhower officially changed the name to Veterans Day. In 1968, Congress passed the Uniform Holidays Bill, the law went into effect in 1971 and moved the celebration to the 4th Monday in October. President, Gerald Ford, returned the holiday back to its historical significance, November 11. It is customary in Europe, Great Britain, and Commonwealth countries to observe two minutes of silence at 11 a.m. every November 11. Arlington National Cemetery holds an annual memorial service every Veterans Day and Memorial Day. Thank you to all our veterans who fought/fight for our freedom. We thank you for your honor and courage.

Thanksgiving Day – Many of us celebrate with our loved ones and friends on the 4th Thursday in November. Whether we celebrate with ham, roasted turkey, mashed potatoes, pumpkin pie, we can concur, it is a day to reflect and give thanks for our blessings. It was the first pilgrims who left England in September 1620 in search of a new home. They were in search of the new world, a place where they could freely practice their faith, lured by the promise of prosperity and land ownership. After 66 days, they arrived in Cape Cod, a month later, they crossed Massachusetts Bay. Although the voyage was treacherous, the land unfamiliar, unyielding, their unwavering hard work and dedication paid off. They persevered, and in November of 1621, they yielded their first successful corn harvest. They invited a group of Native American and together they gave thanks on what is known to be the first Thanksgiving. It was George Washington who issued the first Thanksgiving proclamation, he asked Americans to express their gratitude. New York in 1817, was the first of several states to adopt Thanksgiving. The prolific writer, Sarah Hale, best known for her "Mary Had a Little Lamb" nursery rhyme, launched a campaign to establish Thanksgiving as a national holiday. President

(continued on page 22)



FEDERAL CELEBRATIONS (continued from page 21)

Abraham Lincoln heeded her request in 1863 during the height of the Civil War, and the annual celebration was held the final Thursday in November. President, Franklin D. Roosevelt, moved the holiday a week up to spur retail sales during the Great Depression. I guess we know who is responsible for establishing, black Friday.

Christmas for many is considered a sacred religious holiday worldwide and celebrated on December 25th. On June 26, 1870, Christmas was declared a federal holiday. Celebrations and origins vary from region to region, most popular customs include exchanging gifts, decorating the Christmas tree, attending church, sharing memories with family and friends. If you happen to be a child, the excitement of waiting for Santa Claus or Papa Noel, depending on your region. How and why did this tradition start? Centuries before the arrival of Jesus, early Europeans celebrated the light and birth of the winter sky, the winter solstice. Throughout the world, early traditions and celebrations differ. The Germans paid homage to the pagan god Oden, and the Romans celebrated Saturnalia, a holiday in honor of Saturn, the god of agriculture. The upper-class society in Rome celebrated the birthday of Mithra, the sun goddess. It may surprise you; early Christians did not celebrate Jesus in December at all, Easter was the main holiday, and the birth of Jesus was not celebrated. It was not until the 4th century, church officials decided to implement the birth of Jesus as a holiday. No bible or scholar can point to the actual birthday date of Jesus. The decision to implement December 25 as the birth of Jesus goes to Pope Julius I. By combining the winter solstice celebration and that of Jesus, church leaders believed Christmas would be embraced and enable many pagans to convert to Christianity. And then came Santa, the legend can be traced back to a monk named, St. Nicholas. The wealthy St. Nicholas gave away his wealth, helping the poor and sick. He later received the title of protector of children and sailors. In the late 18th century in New York, Dutch families gathered to honor his death, "Sint Nikolaas", or "Sinter Klaas" for short. The iconic jolly man, Santa Claus, was immortalized in 1881 in his red/white suit, sporting a beard and carrying a sack of toys, when political cartoonist Thomas Nast created the image we know, and is loved by many kids today.

The holidays are always a special time to get together. You spend quality time with your loved ones and the perfect opportunity to get reacquainted with old friends. Some holidays are traditional and only bring us closer, while others are a way to say thanks! Whether you celebrate on a grand scale or on a more intimate level, remember to always celebrate in style.

2022 Holiday Schedule Copied from U.S. Office of Personnel Management (OPM) website

Date	Holiday
Friday, December 31, 2021*	New Year's Day
Monday, January 17	Birthday of Martin Luther King, Jr.
Monday, February 21**	Washington's Birthday
Monday, May 30	Memorial Day
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Monday, October 10	Columbus Day
Friday, November 11	Veterans Day
Thursday, November 24	Thanksgiving Day
Monday, December 26***	Christmas Day

*January 1, 2022 (the legal public holiday for New Year's Day), falls on a Saturday. For most Federal employees, Friday, December 31, 2021 will be treated as a holiday for pay and leave purposes. (See section 3(a) of Executive order 11582, February 11, 1971.)

**This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always refer to holidays by the names designated in the law.

***December 25, 2022 (the legal public holiday for Christmas Day), falls on a Sunday. For most Federal employees, Monday, December 26, will be treated as a holiday for pay and leave purposes. (See section 3(a) of Executive order 11582, February 11, 1971.)



QUIZ: FAREWELL TO CLERK'S INSTRUCTIONS FOR CHAPTER 11 CASES

By: Lorraine Adam

[Administrative Order 2021-04](#) directed the Clerk to cease publishing the *Guidelines for Prepackaged Chapter 11 Cases* and the *Clerk's Instructions for Chapter 11 Cases*, stating that they, "in light of the current local rules and procedures set forth on the individual webpages for each judge, are no longer necessary or helpful for the efficient administration of chapter 11 cases." The individual web pages of each of the judges can be found on the court's website at: www.flsb.uscourts.gov, along with other clerk's instructions and links to the Bankruptcy Rules and Bankruptcy Code.

This quiz tests your knowledge of some documents that are either required to be filed by participants in a chapter 11 business case or are prepared and entered by the court. Using the pen feature in Adobe, draw a line to match the requirement on the left to the appropriate form on the right.

This Local Form is due within 14 days of the date of filing or date of conversion.

Chapter 11 Case Management Summary

This Official Form is not required for non-individual business cases.

Corporate Ownership Statement

Small Business Debtors must file this Official Form each month.

Debtor's Notice of Filing Payroll and Sales Tax Reports

This Local Form is due within three business days of filing or conversion or one business day prior to the first scheduled hearing.

Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest

An attorney representing a debtor shall file this Director's Form.

Statement About Your Social Security Numbers

Entered by the Court upon filing of a new chapter 11 business case.

Monthly Operating Report for Small Business Under Chapter 11

If required under Bankruptcy Rule 2015.3, this Official Form is filed no later than seven days before the first date set for the meeting of creditors and no less frequently than every six months thereafter.

Disclosure of Compensation

Bankruptcy Rule 1007(a)(1) requires that this form, containing the information described in Rule 7007.1 must be submitted within seven days of the date of filing.

Order Authorizing Debtor in Possession to Continue Operation of its Business



**ANSWERS TO QUIZ: FAREWELL TO CLERK'S INSTRUCTIONS
FOR CHAPTER 11 CASES** (continued from page 23)

This Local Form is due within 14 days of the date of filing of the chapter 11 petition, entry of an order for relief under chapter 11 in an involuntary case, entry of an order reinstating the case or entry of an order converting the case to chapter 11.

Answer: Debtor's Notice of Filing Payroll and Sales Tax Reports
(LR 2081-1(A)) and Clerk's Filing Instructions, page 16

This Official Form is not required for non-individual business cases.

Answer: Statement About Your Social Security Numbers
(LR 9011-4(C)) and Clerk's Filing Instructions, page 5

Small business debtors must file this Official Form each month.

Answer: Monthly Operating Report for Small Business Under Chapter 11
(BR 2015(a)(6) and LR 2015-1)

This Local Form is due within three business days of filing or conversion or one business day prior to the first scheduled hearing.

Answer: Chapter 11 Case Management Summary
(LR 2081-1(B)) and Clerk's Filing Instructions, page 16

An attorney representing a debtor shall file this Director's Form.

Answer: Disclosure of Compensation
(LR 2016-1(A)) and Clerk's Filing Instructions, page 16

Entered by the Court upon the filing of a new case.

Answer: Order Authorizing Debtor in Possession to Continue Operation
of its Business (LR 2081-1(C)(1))

This Official Form is filed no later than seven days before the first date set for the meeting of creditors, and no less frequency than every six months thereafter.

Answer: Periodic Report Regarding Value, Operations and Profitability of
Entities in Which the Debtor's Estate Holds a Substantial or
Controlling Interest (BR 2015.3(b))

This form must be submitted within seven days of the date of filing.

Answer: Corporate Ownership Statement
(LR 1002-1(A)(2)) and Clerk's Filing Instructions, page 16



FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through September 30, 2021)

	MIA	FTL	WPB	TOTAL
MMM Motion (Attorney Rep.)	7870	5230	3016	16116
MMM Motion (Pro Se)	104	44	28	176
Total Motions Filed	7974	5274	3044	16292
Order Granting MMM Motion	6997	4600	2577	14174
Final Report of Mediator	5974	3693	2026	11693
Mediation Agreement Reached	2599	1757	949	5305

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL =
MIAMI													
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				161
													7974
FT. LAUDERDALE													
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				101
													5274
WEST PALM BEACH													
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				61
													3044

UPCOMING COURT HOLIDAY CLOSINGS *

Thursday, November 11 & Friday November 12 - Veteran's Day*

Thursday, November 25 & Friday, November 26 - Thanksgiving *

Friday, December 24 - Christmas Day*

Friday, December 31 - New Year's Day

Monday, January 17 - Birthday of Martin Luther King, Jr.

Monday, February 21 - Washington's Birthday

*Any additions to the official federal holiday court closing schedule are announced by General Order and posted on the court web-site <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.