



CHIEF JUDGE'S CORNER OUR CONSTITUTION AND THE JUDICIARY

By: Hon. Laurel M. Isicoff

September 17 is Constitution Day. That is the day we commemorate the signing of the United States Constitution in Philadelphia on September 17, 1787. Ceremonies include public readings of the Constitution and various other programs around the country. The Constitution is not very long. It has seven Articles and twenty-seven amendments. We should all re-read the Constitution every year. Each federal employee, no matter in which branch of the government he or she serves, swears that we will uphold the Constitution of the United States.

As you know, one of the important foundational elements of our republic is our system of checks and balances, the balance of power, represented by the three branches of government – executive, legislative and judicial. Each leg of that stool must remain strong for our government to function.

The judiciary is a non-partisan branch of government. Every federal judge is charged with applying the law. And we do so, recognizing that those decisions may not always be popular. Unfortunately, for some of our colleagues that unhappiness has translated into violence against judges and their families. Last summer, a disgruntled civil litigant found out where District Judge Esther Salas lived, murdered her eighteen-year-old son, and almost killed her husband. A few years before this tragedy, another disgruntled civil litigant murdered the husband and mother of District Court Judge Joan Lefkow in her home. And there are other incidents as well, including close to home. Just last year, a disgruntled debtor found out to which synagogue I belonged and cornered my rabbi in his office for almost forty-five minutes. Just a few weeks ago, there was a podcast in which participants advocated for the killing of several judges, including one of the bankruptcy judges of the Southern District of Florida. Currently, there is a bill pending in Congress that would make it more difficult for anyone to find judges' personal information on the internet. Hopefully, that bill will pass.

What can you do? Every year I am honored to speak to the various bankruptcy clinic classes offered at law schools located in the Southern District of Florida. One of the quotes I always share with the students is this:

“ATTORNEYS ARE THE FILTER UPON WHICH COURTS RELY TO MAINTAIN THE INTEGRITY OF, AND TRUST IN, OUR JUDICIAL PROCESS.”

Peer v. Lewis, 606 F. 3d 1306 (11th Cir. 2010).

You can continue to be ambassadors of professionalism, both with respect to how you treat each other, and how you speak about judges and the judicial system. And we, in turn, will continue to treat you with respect. We may not always rule in your favor, but we will always rule in the way we believe the facts and the law dictate we must.

Always remember the importance of the Third Branch, and the importance of your role in it. Thank you.

INSIDE THIS ISSUE

FEDERAL RULES AND FORM AMENDMENTS EFFECTIVE 12/1/22	2
RECENTLY ENTERED ADMINISTRATIVE ORDERS	2
FREE PRO SE BANKRUPTCY CLINICS	2
CURRENT COVID INFO	3
FROM THE JUDGES' CHAMBERS	4-7
PRO BONO CORNER	8-9
CLERK'S OFFICE STAFF ARTICLES, HELP DESK QUESTION & QUIZ	10-12
MMM STATISTICS	13

Bankruptcy Cases Filed From 01/01/2022 to 8/31/22

TOTAL FILED:	6,865
• Chapter 7	3,387
• Chapter 9	0
• Chapter 11	118
• Chapter 12	1
• Chapter 13	3,344
• Chapter 15	15

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](#)"



FEDERAL RULES AMENDMENTS EFFECTIVE DECEMBER 1, 2022

The following Federal Rules of Bankruptcy Procedure will be amended effective December 1, 2022:

Bankruptcy Rules 1007, 1020, 2009, 2012, 2015, 3002, 3010, 3011, 3014, 3016, 3017.1, 3017.2 (new), 3018, 3019, 5005, 7004, and 8023.

All pending federal rules and form amendments can be reviewed on the U.S Courts website at the following link:

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

Proposed amendments to Official Forms 101, 309E1, and 309E2 will be considered by the Judicial Conference at its September 2022 meeting. If approved, the revised forms will go into effect December 1, 2022.

For more information on the above proposed official bankruptcy form amendments, review the information on the U.S. Courts website at the following link:

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

RECENT USBC SDFL ADMINISTRATIVE ORDERS

Link to Current Administrative Orders: <https://www.flb.uscourts.gov/general-orders>

Link to Clerk's Notices: From the home page of the Court's website <https://www.flb.uscourts.gov/> select "News and Announcements" in the lower left column on the page

GO 2022-01	Order Adopting Additional Court Closure Holiday of United States District Court, Southern District of Florida
AO 2022-08	Formation of Diversity, Equity, and Inclusion Committee of the United States Bankruptcy Court for the Southern District of Florida
AO 2022-07	Amendment of Local Rules and MMM and Student Loan Procedures to Reflect Abrogation of the Requirement For Filing a Certificate of Contested Matter
AO 2022-06	Adoption of Amended SBRA Interim Bankruptcy Rule 1020 to Reflect BTATC Act Implementation
AO 2022-05	Permissible Uses of the Electronic Emergency Mailbox for Self-Represented Filers

ATTEND FREE PRO SE BANKRUPTCY CLINICS VIA ZOOM

During the COVID-19 pandemic, unless otherwise posted, all bankruptcy clinics are being 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@lubellrosen.com Assistance may be available.

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

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

**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 resumed 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: [AO 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/sites/flsb/files/documents/news/USTP_Notice_-_U.S._Trustee_Program_Extends_Telephonic_or_Video_Section_341_Meeting_\[August_28_2020\].pdf](https://www.flsb.uscourts.gov/sites/flsb/files/documents/news/USTP_Notice_-_U.S._Trustee_Program_Extends_Telephonic_or_Video_Section_341_Meeting_[August_28_2020].pdf)

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>

EMERGENCY RENTAL ASSISTANCE (ERA) PROGRAMS

The United States Trustee Program is disseminating information about Emergency Rental Assistance (ERA) programs that may be available to debtors in bankruptcy. According to the Director of the USTP, Congress has appropriated more than \$46 billion in ERA funding and most of these appropriated funds remain available for use - primarily because eligible renters and landlords simply are not aware of them. The USTP has developed a one-page Emergency Rental Assistance Informational Notice, which provides an overview of ERA programs. For more information, click here [\[English\]](#) [\[Spanish\]](#)



FROM THE JUDGES' CHAMBERS



ELECTRONIC EVIDENCE PRESENTATION – TEST IT OUT FIRST

By: Hon. Scott M. Grossman

Since even before the pandemic, I have operated a paperless courtroom and chambers. This includes evidence. By now, everyone should be familiar with Local Rule 9070-1 regarding the submission and exchange of electronic exhibits for evidentiary hearings. But few attorneys have tried an evidentiary hearing in my courtroom since the return to in-person (or at least hybrid) hearings and trials.

Any attorney who has an evidentiary hearing scheduled for my courtroom is strongly encouraged to contact my courtroom deputy in advance of the evidentiary hearing, to test out the equipment and ensure the attorney is familiar with and can use the equipment with ease during the hearing to publish exhibits to the Court and witnesses. Upon request – and with sufficient advance notice – we can also arrange for a member of the Court's information technology staff to be present in the courtroom to assist you as you try it out.

And, although the equipment is user-friendly, we have found that some attorneys (who came in advance to try it out) had issues connecting to the courtroom's wireless evidence presentation system due to firewalls on their firm-issued laptops. Not to worry, there are alternative ways to connect – including using a wired connection or using a device such as a tablet or smartphone to connect wirelessly. But you may not know you need to try this workaround unless you come to test out the equipment before your trial.

Trials are stressful enough without having to worry about properly displaying your exhibits using technology with which you may be unfamiliar. So please give yourself one less thing to worry about and come into my courtroom in advance of any trial or evidentiary hearing to test out the equipment. You can contact my courtroom deputy, Edy Gomez, at edy_gomez@flsb.uscourts.gov, to make arrangements. Please do so well in advance of your evidentiary hearing, so you can focus on more substantive things like witness preparation, examination outlines, and your legal arguments in advance of your trial.



FROM THE JUDGES' CHAMBERS

**FORMATION OF THE COURT'S DIVERSITY, EQUITY, AND INCLUSION COMMITTEE**

By: Hon. Erik P. Kimball

I am honored to announce the formation of the Court's Diversity, Equity, and Inclusion Committee. By administrative order entered July 15, 2022, Chief Judge Isicoff convened a standing committee, including Judges of the Court and members of the bar, to examine how the Court may better further the interests of diversity, equity, and inclusion.

On behalf of the Court, I had previously sought volunteers for the committee. We received an overwhelming number of volunteers, more than we could possibly ask to participate in the initial committee. I sincerely hope that each of those volunteers will remain interested and become members of the committee in the future.

The initial membership of the committee is as follows:

Hon. Laurel M. Isicoff
Hon. Erik P. Kimball
Michael Bakst
Amy Carrington
Maite Diaz
Monique Hayes
Linda Leali
Bernice Lee
James Moon
Dana Quick
Carlos Sardi
Nadine White-Boyd

Bernice Lee has agreed to be the initial Non-Judicial Co-Chair of the committee and I will be the initial Judicial Co-Chair. Ms. Lee is in the process of scheduling the committee's first meeting. We expect the agenda will include establishing the committee's by-laws and electing a Vice-Chair and a Secretary.

In addition to maintaining the list of members and providing a copy of the by-laws on the Court's website, the committee will regularly communicate its activities to members of the bar and the public. We hope to include a report of the Co-Chairs here in the Beacon News later this year.



FROM THE JUDGES' CHAMBERS

**INTERACTING WITH JUDGE MARK'S CHAMBERS: A PRACTICAL GUIDE**

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

Every judge has his or her own procedures, practices, and work habits and no two judges use their staff in the same manner. Each staff member adapts and adheres to the judge's style and instructions. Below are Judge Mark's preferred practices or guidelines for communications with Judge Mark's chambers. This guide is meant to assist attorneys and their staff with when and how to communicate with Chambers staff. Chambers staff assist with as many administrative and legal tasks as possible. This article addresses procedures in only Judge Mark's Chambers. It is the responsibility of attorneys and members of their staff to review the practice tips and procedures of the other judges in our district, as they differ.

It is preferable that you use email when it is necessary and appropriate to communicate with Chambers. However, do not email the judge, unless otherwise instructed. Emails will facilitate a quick and efficient response. Please remember, we cannot provide legal advice. When contacting Chambers either by email or by phone, please make sure to include case number, docket entry number, and a detailed description of the matter. Here's a description of who we are and what we do:

Law Clerk: (Corinne Aftimos @ corinne_aftimos@flsb.uscourts.gov (305-714-1763). Corinne concentrates primarily on legal issues in Judge Mark's cases, including research, preparing for upcoming hearings, and drafting memos, opinions, and orders. Communication with the law clerk should be confined to matters concerning procedural, administrative, or practical matters that are not contentious or controversial. Corinne is prohibited from providing legal advice, and you should never contact her to discuss or describe legal issues in a case.

Judicial Assistant: (Marcy Gatell @ marcy_gatell@flsb.uscourts.gov (305-714-1762). Marcy is primarily responsible for administrative matters. She does legal research, reviews e-orders that are uploaded before they are forwarded to the judge and prepares and drafts orders. You will hear from Marcy when there are errors in your e-orders! Any issues regarding orders will typically be handled by Marcy. Please email Marcy if an agreed order has been uploaded canceling a future hearing, with a copy to the courtroom deputy.

Courtroom Deputy: (Jackie Antillon @ jackie_antillon@flsb.uscourts.gov (305-714-1766). I am primarily responsible for reviewing motions, including emergency motions which I forward to the judge, setting and re-noticing hearings, preparing and docketing certain orders, and reviewing and preparing calendars. I determine if service was executed properly on hearing notices and scheduling orders filed with the court. I maintain exhibits, review appeals and review the adversary case report. I keep judge and immediate staff informed of case progress. I'm also the DAR Recorder responsible for the sound recordings of all court proceedings, including setting up and troubleshooting electronic evidence presentation systems. I operate all ZoomGov hearings; to ensure recording is accurate and audible. Finally, I serve as the primary liaison between the clerk's office and Chambers.

Scheduling, Hearing Procedures and Appearances: Judge Mark's regular motion calendar is used for non-evidentiary matters which are allotted ten minutes each. Our motion calendar is almost always on a Thursday and is conducted by Zoom. The notice of hearing will contain date, time, and location. The moving party is responsible for filing a certificate of service, and please refer to [LR 2002-1](#) and [LR 9076-1](#) (electronic service). Parties must register by clicking on the link or manually entering the registration link in the browser, by 3:00 p.m. the day prior to the hearing. Evidentiary hearings and trials are scheduled by the judge.

(continued on page 7)



FROM THE JUDGES' CHAMBERS

**Interacting with Judge Mark's Chambers: A Practical Guide** (continued from page 6)

Motions to Continue: You may upload into e-orders a proposed order, leaving the date and time blank. Motions to continue are reviewed by the judge. If granted, the judge will determine the new date and time and Marcy will insert the date and time in the e-order. It is very important to indicate whether the other parties in interest agree to the continuance. The judge usually will set motions to continue hearing if the motion does not indicate agreement.

Ex-Parte Motions: Upload orders granting the motion. If the judge determines it is not a matter eligible for ex parte relief, the court will set the motion for hearing.

Self-Calendaring Motions: Only CM/ECF filers can self-calendar chapter 7 and 13 motions. Self-calendaring is limited to our motion calendar and chapter 13 calendars. All motions in chapters 11 and 15, and in adversary proceedings, are reviewed by Chambers and set for hearing, either by notice of hearing (NOH) or scheduling order. See guidelines for self-calendaring on the court's website.

Emergency Motions: Emergency motions cannot be self-calendared. Emergency motions are reviewed by the judge, who will determine the date, time, and location of the hearing. As courtroom deputy, I will issue a Notice of Hearing ("NOH"), or the judge will enter a scheduling order.

Exhibits and Witness Lists: The parties are responsible for filing timely all exhibits and witness lists in accordance with scheduled deadlines. Exhibit lists must contain applicable docket number in compliance with [LR 9070-1](#). Witness lists must contain the identity of each witness and scope of testimony.

Evidentiary Hearings and Trials: Generally, evidentiary hearings and trials are scheduled in the courtroom. Each party is responsible for navigating and being familiar with displaying exhibits using the share screen feature in Zoom or otherwise being able to display exhibits in the courtroom. Parties presenting evidence should come to the courthouse at least 30 minutes prior to the hearing and bring their own laptop or thumb drive to test the equipment. Judge Mark's orders setting evidentiary hearings and trials usually will provide a Zoom option but also will provide that counsel for parties presenting witnesses and all witnesses residing in the jurisdiction must attend "in person". Attorneys or witnesses not able to attend in person must get prior approval from Chambers. **The provisions in Judge Mark's scheduling orders may vary from case to case so it is critical to carefully read these orders.**

Hybrid Hearings (if applicable): Interested parties will be permitted to participate by Zoom if they are not presenting or planning to cross examine witnesses. Parties must register by clicking on the link or manually entering the registration link in the browser.

Competing Orders: Proposed orders which may need revising, or competing forms of order, should be submitted in word format to RAM_chambers@flsb.uscourts.gov or if instructed, directly sent to robert_mark@flsb.uscourts.gov.

When in doubt and for additional useful information, please refer to the Court's website, www.flsb.uscourts.gov. Under "Judges" tab you'll find valuable tips and instructions for each judge in the Southern District of Florida, including procedures, practices, calendar information and information regarding judicial settlement conferences and hearings by video conference (including registration links).

I hope this helps. We are here to serve the public and we can serve you better if you're familiar with and comply with our procedures.



PRO BONO CORNER



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



SEPTEMBER 2022

Contributions from so many of our volunteers, judges, and court staff have led to a robust outreach to many needing help with a new filing or with an existing pro se filing in our bankruptcy courts. The Pro Bono Committee has seen big improvements in providing access to our courts. Our subcommittees have been hard at work to ensure that those in our rural communities, our senior citizens, our Haitian communities, and our veterans are all provided with information on how to attend a pro se clinic and how to apply for pro bono representation. The court's website has been carefully tweaked and tuned, thanks in large part to the efforts of our Clerk of Court, Joe Falzone and our Deputy Clerk, Cameron Cradic. I am pleased to advise our readers that we are the only bankruptcy court in the United States I could find that placed a "?" after the "Don't Have a Lawyer" tab on our website! The two forms of that phrase mean entirely different things to different people so I'm glad we fixed that!

I spend a lot of time perusing bankruptcy court websites, nationally, to understand how our sister courts are providing bankruptcy pro bono services. In addition to taking note of the various programs offered and the manner in which they are structured, I'm always looking for ways that our Committee can provide the fundamental education in bankruptcy law required to be admitted to practice before our courts and to apply those fundamentals by handling a pro bono chapter 7. This is where the concept for our *Demystifying Bankruptcy Pro Bono* CLE originated; to provide an overview of the fundamentals of bankruptcy law and practice. I emphasize 'practice', as knowledge of the bankruptcy code and all applicable rules of procedure, along with all "Clerk's Guidelines", is simply not enough to teach a lawyer how to practice bankruptcy law. It is all in the doing and doing pro bono work is exactly the way to go if you want to really learn bankruptcy law and practice. I recently came across an article in The Law Society of England and Wales newsletter. The title of the article was "*Pro Bono – good for the community, good for lawyers too*". This caught my eye. In the article, the authors describe the benefits of pro bono service:

For individual lawyers

To build on existing legal skills

- Junior lawyers in particular can find themselves doing pro bono work with more client contact or responsibility than they are used to.

To increase organizational and management skills

- Firms often task their trainees to get involved with organizing the firm's pro bono activity – scheduling, liaising with other organizations etc. Again, this is a way to improve skills early on in your career which you may not otherwise have the opportunity to practice.

Volunteering is good for your mental health! It has been shown to decrease risk of depression, increase confidence, and give a sense of meaning and wellbeing.

For firms

- Volunteering promotes positivity amongst employees and can increase job satisfaction and retention rates. People generally feel proud to work in a firm which takes this kind of community work seriously.
- A strong pro bono offering is something that prospective trainees ask about and consider to be important.
- Involvement in pro bono work gives a strong message about a firm's values - to staff, clients, and others. It can enhance the way in which the firm is seen in the community.
- Involvement in student pro bono projects means access to bright, keen, passionate prospective lawyers.

(continued on page 9)


PRO BONO CORNER (Continued from page 8)


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


The Law Society says:

"There is no question that a robust pro bono program is a sign of a law firm's strength. It reflects the commitment of the firm to its employees, its community, the rule of law, and it justifiably burnishes the institution's reputation for hard work and creativity."

Even I was surprised when I read the benefits "For Firms". Promoting positivity in the workplace increases job satisfaction and retention rates. We all want to be proud of where we work and it is clear, at least from across the pond, that volunteerism creates a very positive vibe for the lawyers and staff at the firm level. If you are the managing partner of a law firm that provides bankruptcy representation, then you may want to consider the British view and the effect on your firm's fiscal performance of a workplace where lawyers and staff can devote some time to really help someone in need of a Fresh Start.

When I was about halfway finished writing this piece, my local counsel from L.A., J. Scott Bovitz called. I explained that I was working on my September, 2022 contribution to the *Courthouse Beacon*.

J. Scott Bovitz is the senior partner of Bovitz & Spitzer in Los Angeles and like myself, is actively involved in all affairs of the bankruptcy court at Committee level. I asked Mr. Bovitz about the pro bono approach in CACB.

"Well, Steve, the Central District of California has the highest percentage of pro se filings in the country. The court is very interested in providing access to justice for the un- and under-represented."

Like us, the Central District of California provides videos on bankruptcy basics. But unlike us, notice the absence of a "?" following "dont-have-attorney" (on the website. Lol!) <https://www.cacb.uscourts.gov/dont-have-attorney>. (That was an intentional jab for my good friend, J. Scott Bovitz.)

The Central District of California has an electronic self-representation (eSR) tool, to permit debtors to prepare their own filing packages and schedules. See, <https://ecf.cacb.uscourts.gov/n/esr/pages/registration.jsf>.

The Central District of California will schedule appointments with would-be-debtors to discuss the intake forms and processes. See, <https://cacb.timetap.com/#/>.

The Central District of California has an electronic drop box (CM/ECF substitute) for self-represented litigants. See, <https://www.cacb.uscourts.gov/request-access-electronic-drop-box>.

The Central District of California allows debtors to receive electronic notices, instead of relying upon postal mail. See, <https://www.cacb.uscourts.gov/debtor-electronic-bankruptcy-noticing-debn>.

Take some time to visit CACB's website to see how pro bono fares in Sunny California. I think we can learn from the programs that we don't already have here in FLSB.

Finally, if you are interested in taking-on a pro bono bankruptcy case as a way to learn, you will find the National Consumer Law Center's bankruptcy training program materials for pro bono lawyers. This is an invaluable set of materials and forms the backbone of our *Demystifying* CLE (soon to be set for another presentation!) <https://www.nclc.org/issues/pro-bono-bankruptcy-training-program-material.html>

Please get involved. We hope to see everyone during the upcoming *Pro Bono Week* events in October! Use the sign-up sheets during Pro Bono Week or email your Division's BBA Chair, anytime, and let us know you will be advancing our cause and improving the lives of others.



OBTAINING TRANSCRIPTS AND AUDIO RECORDINGS OF COURT PROCEEDINGS

By Cameron Cradic

Transcripts that are to become part of the official court record may only be filed by an authorized Transcript Provider. The following are important details for ordering both transcripts and audio recordings.

- **Ordering Transcripts**

Complete Local Form 05, “[Transcript Request Form](#),” and submit it to an authorized court transcriber. A full list of Transcript Providers is located on our website at: <https://www.flsb.uscourts.gov/obtaining-transcript-or-audio-recording-court-proceedings>.

Further, the above weblink contains access to **Guidelines on Electronic Availability of Transcripts and Procedures for Transcript Redaction** (CG-11), which is in the “Request Transcript” tab. The Court Guidelines contain critical details. They: 1. Provide that a transcript of court proceedings may only be electronically filed by authorized court reporters, 2. Advise of a 90-day restriction period in which parties may request redaction of personal data identifiers, and 3. Detail when an unredacted/redacted transcript will become publicly available.

- **Ordering Audio Recordings**

For attorneys who have CM/ECF electronic filing privileges, submit a request by selecting [Bankruptcy OR Adversary > Request for Compact Disc of Audio Recording > answer the following prompts \(see below\) > pay the fee](#).

Date of Hearing or Trial:	<input type="text"/>
Time of Hearing or Trial:	<input type="text"/>
Your Name:	<input type="text"/>
Mailing Address:	<input type="text"/>
Email Address:	<input type="text"/>
Telephone Number:	<input type="text"/>
<input type="button" value="Next"/> <input type="button" value="Clear"/>	

For conventional requests, submit Local Form 13, “[Request for Compact Disc \(CD\) of Audio Recording of Court Proceeding](#)” and pay the fee.

For both processes, a separate docket entry or local form is required for each hearing requested. Upon receipt, the clerk’s office will create a compact disc to be picked up or mailed. The courtroom technology selected for digital audio recording is *ForTheRecord® (FTR)*, which produces a proprietary file format. Depending on the length of the hearing, parties may need to use the program FTR Player to play the audio files on the compact disc. If so, FTR Player will be *included on each compact disc* for installation.

Audio recordings provided on compact disc(s) may be purchased from the court in lieu of a transcript for personal use only. **The official record of court proceedings can only be obtained in the form of a transcript through a court-approved Transcript Provider from materials provided to that transcriber by the court.** No party may obtain a transcript from a compact disc and file it with the court.



CHAPTER 13 DISCHARGE ELIGIBILITY

By Lorraine Adam

A chapter 13 debtor is eligible to receive a discharge when certain conditions are met. One requirement is filing the applicable version (A), (B), or (C) of Local Form 97. Test your knowledge about Local Form 97 by circling the appropriate answer to each of the scenarios below. (Answers on page 12)

- 1) Debtor filed the Certification of Financial Management Course and needs a discharge prior to completing plan payments. Which Local Form 97 should be filed?

A B C None

- 2) Debtor filed the Certification of Financial Management Course and has completed all plan payments. Which Local Form 97 should be filed?

A B C None

- 3) Debtor filed the Certification of Financial Management Course but has now passed away. Which Local Form 97 should be filed?

A B C None

- 4) Debtors filed their Certifications of Financial Management Course, but the joint debtor has passed away. Which Local Form 97 should be filed?

A B C None

- 5) Debtor has not filed the Certification of Financial Management Course but has completed all plan payments. Which Local Form 97 should be filed?

A B C None



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



My clients are ready to receive their chapter 13 discharge. I need to file the Certificate of Compliance and Motion for Issuance of Discharge, I think it's LF-97. The problem is, the husband died a couple of months ago. Do I still file LF-97 for both of them?

There are three local form options: LF-97A, LF-97B, and LF-97C. You will need to file LF-97A for the surviving spouse and file LF-97C for the deceased spouse. A Certificate of Financial Management is still required for each debtor. If the deceased spouse did not previously file their Certificate of Financial Management, then a motion to waive the Certificate of Financial Management requirement must be filed as well. Local Rule 4004-3(A)(3) provides details about obtaining a discharge for a deceased chapter 13 debtor. You can access Local Form 97C and the local rules on our court website.

LF-97A - Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object

LF-97B - Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object

LF-97C - Motion for Issuance of Discharge and Notice of Deadline to Object (For Deceased Debtor)

ANSWER TO QUIZ ON CHAPTER 13 DISCHARGE ELIGIBILITY FROM PAGE 11

- 1) LF 97B: Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object.
- 2) LF 97A: Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object.
- 3) LF 97C: Motion for Issuance of Discharge and Notice of Deadline to Object (For Deceased Debtor). Had the debtor failed to file the certificate of financial management prior to death, a request that the court waive the requirement must be filed. LR 4004-3(A)(3).
- 4) LF-97A for the surviving debtor, and LF-97C for the deceased debtor.
- 5) None. LF-97C does not apply, and both LF-97A and B require a debtor to certify that the personal financial management course was taken and must include the date in which the Certification of Financial Management Course was filed with the court.



FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through August 31, 2022)

	MIA	FTL	WPB	TOTAL
MMM Motion (Attorney Rep.)	8116	5417	3124	16657
MMM Motion (Pro Se)	106	46	30	182
Total Motions Filed	8222	5463	3154	16839
Order Granting MMM Motion	7218	4776	2672	14666
Final Report of Mediator	6123	3802	2097	12022
Mediation Agreement Reached	2641	1795	986	5422

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

	MIAMI												TOTAL =
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				18	82	106	137	130	173	181	169	141	1137
2014	171	157	184	179	170	164	156	126	198	146	123	138	1912
2015	161	168	189	183	142	164	127	122	127	108	93	93	1677
2016	111	124	79	102	119	110	60	92	99	84	78	74	1132
2017	59	49	59	52	59	56	54	44	48	57	63	39	639
2018	40	48	54	64	57	44	59	50	44	52	40	39	591
2019	57	39	48	41	48	35	31	42	45	45	35	23	489
2020	35	38	24	20	31	19	8	14	5	15	9	18	236
2021	18	19	15	22	18	18	14	16	21	16	11	29	217
2022	31	13	22	24	27	32	20	23					192
													8222

	FT. LAUDERDALE												TOTAL =
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				49	92	98	116	144	189	118	99	77	982
2014	91	82	69	108	89	89	107	61	99	100	121	95	1111
2015	96	101	109	89	94	94	82	74	93	89	91	79	1091
2016	86	81	58	61	68	63	46	75	59	43	54	50	744
2017	38	25	38	26	47	42	40	34	33	39	29	26	417
2018	20	21	36	24	33	43	47	46	28	33	26	21	378
2019	34	20	31	24	28	20	20	18	25	19	26	19	284
2020	26	13	25	19	22	17	8	12	5	5	6	8	166
2021	9	21	13	12	8	5	15	9	9	16	15	20	152
2022	16	12	15	17	22	19	21	16					138
													5463

	WEST PALM BEACH												TOTAL =
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2013				9	35	56	91	83	147	63	68	67	619
2014	47	43	64	54	66	74	54	43	83	52	49	44	673
2015	51	57	52	41	47	54	48	39	35	35	33	36	528
2016	46	33	33	32	36	29	29	32	18	13	16	25	342
2017	22	18	21	22	20	10	23	27	18	24	17	13	235
2018	19	8	10	15	21	20	26	18	24	25	13	12	211
2019	22	20	13	28	14	20	27	19	10	31	18	10	232
2020	16	14	18	13	10	10	15	5	11	11	7	13	143
2021	4	8	6	4	7	6	7	10	9	5	19	10	95
2022	1	0	12	5	6	16	8	8					56
													3134

UPCOMING COURT HOLIDAY CLOSINGS

- Monday, October 10 - Columbus Day
- Thursday, November 24 - Thanksgiving Day
- Monday, December 26 - Christmas Day (observed)
- Friday, November 11 - Veterans Day
- Friday, November 25 - Day After Thanksgiving
- Monday, January 2 - New Years Day (observed)

*Any additions to the court closing schedule are announced by General Order and posted on the court website

<http://www.flsb.uscourts.gov/general-orders>

COURT MISSION STATEMENT

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

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

CONTACT "COURTHOUSE BEACON NEWS" PUBLICATION STAFF

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

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 the 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.