



CHIEF JUDGE'S CORNER: BEST PRACTICES FOR SUMMARY JUDGMENT MOTIONS

By: Hon. Erik P. Kimball

Summary Judgment Applies In Contested Matters

Bankruptcy Rule 7056 incorporates all of Federal Rule 56, adjusting only the deadline for filing motions for summary judgment. Bankruptcy Rule 9014 makes Bankruptcy Rule 7056 applicable in contested matters. This means that parties may seek summary judgment on nearly any matter filed by way of motion or application. Keep in mind, however, that if a summary judgment motion is filed in a fast-moving contested matter, the Court may simply determine to set it along with the evidentiary hearing and the motion may be a waste of time.

Specifically Request Partial Summary Judgment

Parties most often seek summary judgment on entire claims for relief, asking the court to rule that the plaintiff is entitled to judgment or that the plaintiff cannot obtain any relief. But it is rare for the Court to grant or deny all relief requested. On the other hand, in most cases some component of the claim is subject to summary judgment. Under Rule 56(a), it is appropriate to seek summary judgment on just one or two elements of a claim, or on just certain facts, so as to eliminate the need to address those matters at trial.

While Rule 56(g) explicitly permits the Court to grant partial relief even when it is not requested, the Court is not required to do this. One can find many instances where a plaintiff sought summary judgment on an entire count of the complaint and the Court denied the motion stating that there were material facts in dispute, naming only a few factual disputes as examples. Such an order is of limited use to the parties. Even where a party thinks it is possible to obtain summary judgment in its favor on an entire claim, it is useful to also ask for partial summary judgment on specific matters.

Present The Motion And Response In The Context Of The Elements Of The Claim

Many motions for summary judgment launch directly into the issues the movant believes are most likely to support relief, without putting the arguments in the context of the claim before the Court. When seeking

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Bankruptcy Cases Filed From 01/01/24 to 09/30/24

TOTAL FILED:	9,022
• Chapter 7	4,683
• Chapter 9	0
• Chapter 11	143
• Chapter 12	4
• Chapter 13	4,185
• Chapter 15	7

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"](#)

**BEST PRACTICES FOR SUMMARY JUDGMENT MOTIONS** (continued from page 1)

summary judgment on an entire claim for relief, start with the elements of the claim. After presenting the elements by reference to a statutory provision or case law, then address each element one at a time, pointing to evidence in the record in support of or negating that element as appropriate. A plaintiff seeking summary judgment on a claim should build the claim by presenting undisputed evidence in support of each element. A defendant opposing that relief should indicate where the plaintiff failed to supply evidence to support each element, or point to contrary evidence on each element. A defendant seeking summary judgment denying an entire claim should address each element of the claim and indicate why the plaintiff cannot provide evidence to meet its burden. In cases where the parties do not present their arguments in the context of the elements of the claim, I spend a great deal of time placing their arguments in this structure in order to determine whether summary judgment is appropriate. It would be helpful if the original motions and responses already did this.

Do Not File Doomed Motions For Summary Judgment

If you prepare a motion for summary judgment using my suggested framework, organized around the elements of the claim, it may become apparent that you are unlikely to obtain relief absent a trial. Do not file a motion for summary judgment just because there is a deadline and it will delay the pre-trial conference. I typically require full briefing on motions for summary judgment, which is time consuming and expensive for your client. After you file the briefs, we spend weeks in chambers studying the briefs and researching the issues. In many cases, it is obvious that motions for summary judgment will be denied. But this does not reduce the court's work, as I typically prepare a detailed ruling or order for each motion. If you are unable to file a motion for summary judgment that has a reasonable chance of success, consider whether partial summary judgment could be useful to limit issues for trial.

Carefully Cite Appropriate Evidence

Rule 56(c)(3) states that the Court need consider only the material cited by the parties. Although the Court can consider any evidence in the record, the Court is not required to do so. Thus, the failure to cite something, even if it is an exhibit to a brief, could result in an unfavorable ruling.

Read Your Opponent's Brief

In one case before me, a party failed to file an affidavit that it had referenced in a response brief. Even after the opponent clearly noted this in the reply, they failed to seek permission to file the missing affidavit. Because there was no affidavit on file, the ruling did not consider it. If they had simply read the reply, the outcome might have been different.

Limit The Reply To Issues Raised In The Response

The response brief is an opponent's entire presentation on the requested relief. In the reply, do not tilt at windmills by addressing arguments not actually before the court. Likewise, do not use the reply brief to restate all of the primary arguments from the motion itself. In the reply, limit presentation to the issues raised in the response.



FROM THE JUDGES' CHAMBERS

**Proper Service on the United States and Insured Depository Institutions**

By: Hon. Scott M. Grossman

Federal Rule of Bankruptcy Procedure 7004 contains specific requirements for service on the United States and on insured depository institutions. Rule 7004 applies not only to adversary proceedings, but also to contested matters under Rule 9014(b) (like motions to value collateral and motions to avoid liens on exempt property), objections to claims of the United States under Rule 3007(a)(2)(A)(i), and objections to claims of insured depository institutions under Rule 3007(a)(2)(A)(ii).

Service on the United States

Rule 7004(b)(4) requires service on the United States be made by first class mail, postage prepaid, to both the civil process clerk at the office of the United States attorney for the district in which the action is brought and to the Attorney General of the United States. In addition, if the relief sought attacks the validity of an order of an officer or agency of the United States, or if any relief is sought against any officer or agency of the United States, the agency must also be served as required by Rule 7004(b)(5).

For example, an objection to a proof of claim filed by the Internal Revenue Service (an agency of the United States) must be served as follows:

<u>Service Requirement:</u>	<u>Rule:</u>	<u>Current Mailing Address:</u>
Civil process clerk at the U.S. Attorney's office	3007(a)(2)(A)(i); 7004(b)(4)	Hon. Markenzy Lapointe U.S. Attorney Southern District of Florida 99 N.E. 4th Street Miami, FL 33132 Attn: Civil Process Clerk
Attorney General of the United States	3007(a)(2)(A)(i); 7004(b)(4)	Hon. Merrick B. Garland Attorney General of the United States U.S. Department of Justice 950 Pennsylvania Avenue NW Washington DC 20530
Internal Revenue Service	3007(a)(2)(A)(i); 5003(e); ¹ 7004(b)(5)	Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia PA 19101-7346
Address for notices listed on proof of claim	3007(a)(2)(A)	[address listed on proof of claim] ²

¹ Rule 5003(e) permits the United States and the state in which the court is located to file a statement designating its mailing address. The Clerk of Court is required to keep a register of these addresses. That register can be found at: <https://www.flsb.uscourts.gov/5003-e-register-mailing-addresses>.

² Most proofs of claim filed by the IRS appear to list the current Rule 5003(e) address on file with the Court.



FROM THE JUDGES' CHAMBERS

**Proper Service on the United States and Insured Depository Institutions** (continued from page 3)Service on Insured Depository Institutions

For insured depository institutions, Rule 7004(h) requires they be served by certified mail addressed to an officer of the institution, unless: (1) the institution has appeared through counsel, in which case the attorney must be served by first class mail; (2) the court orders otherwise after service upon the institution by certified mail of notice of an application to permit service on the institution by first class mail sent to an officer of the institution designated by the institution; or (3) the institution has waived in writing its entitlement to service by certified mail by designating an officer to receive service.

Rule 7004(h) defines an insured depository institution by reference to section 3 of the Federal Deposit Insurance Act, which is codified at 12 U.S.C. § 1813(c). Under section 1813(c)(3), an insured depository institution is any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation under chapter 16 of Title 12 of the United States Code. The FDIC website has a search page (<https://banks.data.fdic.gov/bankfind-suite/bankfind>) that can be used to determine if a bank or savings association's deposits are insured by the FDIC and, if so, to obtain the mailing address for the institution.

So if an insured depository institution has not appeared through counsel in a case, then an objection to its proof of claim would have to be served both: (1) by first class mail to the address for notices listed on the proof of claim form, as required by Rule 3007(a)(2)(A); and (2) by certified mail addressed to an officer of the institution, as required by Rules 3007(a)(2)(A)(ii) and 7004(h).

Bookmarks, Please

By: Tara Trevorrow

Bookmarking a pdf is a huge help to the Court, but rarely done. We're not sure why not, because it's a great way to navigate through lengthy documents. Rather than endless scrolling, you can quickly and easily toggle between sections of a document. Bookmarks help the reader keep track of thoughts and arguments across sections of a long pdf, which is precisely what you hope the Court will do as it reviews your submissions.

Here's one way (there are others) to bookmark a pdf on a PC:¹

- 1) Open your pdf document.
- 2) Click on the side arrow about halfway down the left side of the page. This will open a vertical toolbar.
- 3) Click on the image of a bookmark. This will open the "Bookmarks" toolbar.
- 4) Place your cursor in the part of the document that you want to designate ("Count I", "Exhibit A", etc.). You can scroll as far up or down as needed before the next step.
- 5) Click on the icon of a bookmark with a plus (+) symbol on it. (Located at the top of your bookmarks toolbar.)
- 6) Insert the title of your bookmark ("Count I", "Exhibit A", etc.). into the box next to your new bookmark.
- 7) Hit enter or click anywhere in the document to exit the title box.
- 8) That's it!

The process is fast and easy. You can repeat the process for as many sections as you would like to bookmark. If you go out of order and miss one, don't worry. You can easily move bookmarks up and down the index list by clicking and dragging.

Think of it this way: if you would like for the Court to consider "Exhibit A" along with your argument, doesn't it make sense to provide a quick way to do that? Inserting a bookmark allows the Court to stop reading your argument, hop over to Exhibit A, consider its relevance, and then seamlessly go back to reading your argument. Bookmarking also makes it easier for the Court to navigate to key components of a complaint (like each of the counts) or sections of motion (background, argument headings, requests for relief). And, for truly complex issues, bookmarking makes it so much easier to pick back up from where the reader left off yesterday (or 5 minutes ago, before that Teams message about something unrelated ... you get the idea).

TL, DR: Please bookmark lengthy documents before submitting them to the Court. You know what you have written and what documents you have selected as exhibits; we do not, and it takes us a long time to go through and index each part of an unfamiliar document. Please remember that anything you can do to help facilitate the Court's review of lengthy documents will (probably) expedite a quick(er) ruling.

¹ The process is virtually identical on a Mac. (It's close enough so that the above instructions will get you where you need to go.)



FROM THE JUDGES' CHAMBERS

**TO LIST OR NOT TO LIST – THAT IS THE QUESTION**
(OR WHAT SHOULD I BE PUTTING ON MY EXHIBIT REGISTER)

Musings of Judge Laurel M. Isicoff

In some recent trials over which I have presided, I have seen there is a great deal of confusion regarding what should be listed as an exhibit, especially with respect to depo designations, items from the Court's docket, and (other) items of which I am being requested by a party to take judicial notice.

Let's start with the Exhibit Register. The Court has a form Exhibit Register – Local Form 49. **USE IT!** What is the purpose of the Exhibit Register? It is to provide a list of all exhibits that either party seeks to introduce at the evidentiary hearing or trial, as well as a system to keep track of what exhibits have or have not been admitted. By remembering the purpose of the Exhibit Register, it should help inform you of what you should list as an exhibit – any document or other item that you seek to rely on as evidentiary support for your case.

I see depositions used in two ways in a court proceeding. One use is to impeach testimony. When a deposition is only being used for impeachment purposes, the deposition does not need to be introduced into evidence. (*Stay tuned for another article on using depositions for impeachment – Hint: almost everyone needs a refresher course*). The second use of depositions is in support of one's case, and usually in the form of depo designations (*this is the case even if portions of the designated depositions are also being presented by video*). If a party is relying on deposition testimony in its case in chief, then the deposition designation must be marked as an exhibit. In most instances that means the entire deposition transcript is included as an exhibit but only the designated portions (subject to all evidentiary rules) are actually admitted into evidence. (*My preference, as those of you who have appeared before me know, is to use color coded designations and cross designations, with objections, if any, typed in the margins.*) **Practice tip** – be careful with your designations; make sure you don't leave out something that will provide explanatory context to the portion you are designating. Examples would be people's full names and identities, or dates relating to the designated testimony. The best way to make sure you don't leave anything out is to ask someone who doesn't know anything about the case to read just the designated portions and ask you any questions about information they don't understand.

Documents on the docket must also be listed on the exhibit register if the party intends to rely on that document in its case (again, subject to all evidentiary rules). It is up to the particular judge (and more importantly what CM/ECF demands) whether, when you put your exhibits on the docket, the judge wants the docketed document to be uploaded as an exhibit as well. But regardless, the document (with the court docket number) must be listed on the Exhibit Register.

Documents of which a party asks the Court to take judicial notice must also be included in the Exhibit Register. The process by which a court may take judicial notice of an adjudicative fact is governed by Federal Rule of Evidence 201. If a party is asking the Court to take judicial notice of evidence of any kind, the exhibit must be listed on the Exhibit Register. Whether the Court actually takes judicial notice of the exhibit, and for what purpose, will be governed by the applicable rules of evidence.

In sum, if you are relying on something as evidence in your case, it goes on the Exhibit Register. (*Stay tuned for another article on what to do with documents you are using for impeachment purposes.*) See you in court!



FROM THE JUDGES' CHAMBERS

**What is (and isn't) the Best Evidence Rule?**By: Judge Corali Lopez-Castro¹

Evidentiary objections can be tricky, even for the most experienced practitioners. The best evidence rule, as simple as it sounds, is no exception. Encapsulated in Rule 1002 of the Federal Rules of Evidence, the best evidence rule (“BER”) provides that “an original writing, recording, or photograph is required in order to prove its content unless these rules or a federal statute provides otherwise.” FED. R. EVID. 1002. Sometimes called the Original Writing Rule, the BER was established in the 18th Century when copies of documents were rewritten by hand and prone to human error. Because a simple misplaced comma can cause a contract to have an entirely different meaning, courts prefer using original documents when a party is attempting to prove the contents of that document. This preference ensures the reliability and accuracy of evidence presented to courts.

Technology for duplicating evidence has come a long way since the 18th Century, and we can now easily copy documents, photos, and recordings with complete accuracy. Nevertheless, the preference for using original documents remains the gold standard, subject to numerous exceptions:

- Rule 1003 provides that duplicates are freely admissible in lieu of the original unless a genuine question exists regarding the authenticity of the original. If not, it would be unfair to admit the duplicate, such as where only a portion of the original was reproduced.
- Rule 1004 allows for proving the contents of a writing, recording, or photograph without the original if the original (i) is lost or destroyed, (ii) is unobtainable, (3) in the possession of an opponent, or (4) relates to a collateral matter.
- Rule 1005 allows the use of a copy of an official/public record when certain conditions are met.
- Rule 1006 allows the use of summaries when necessary to condense vast amounts of evidentiary documents, provided the originals or their duplicates are available and subject to being produced in court.

When proving the content of a contract, the original contract (or a duplicate if permitted by one of the exceptions) is preferred over one covered with a lawyer's notes. Although this is a clear example, misconceptions about the scope and application of the BER are easy to come by. One such misconception is the difference between the BER and the rule excluding hearsay. The BER is used to establish the *content* of a statement but does not apply when establishing the *truth* of the matter (where hearsay is called for). Take the following hypothetical: Bob entered into a contract with Charlie under which Bob agreed to build a shed for Charlie, and Charlie agreed to pay Bob \$500 by the end of the day. Bob builds the shed, but Charlie fails to pay by the end of the day, so Bob sues Charlie to enforce the contract. As a defense, Charlie testifies that Bob's best friend (Daniel) texted him, saying, “No need to pay Bob, he decided this will be a favor.” The proper objection here would be BER, as Charlie should provide evidence of the actual text message if

¹ With assistance from Mindy Kubs, law clerk to the Honorable Corali Lopez-Castro.



FROM THE JUDGES' CHAMBERS

**What is (and isn't) the Best Evidence Rule?** (continued from page 6)

possible. Hearsay would not necessarily apply because Charlie is not trying to prove that Bob did intend to build the shed as a favor, modifying the contract (the truth of the matter). Instead, he is explaining how it affected his decision not to pay. If Charlie cannot get the text message for whatever reason, it is up to the jury to determine his reliability.

Finally, the BER does not mean you must provide the “best evidence” when proving anything. Instead, you must provide the original evidence to prove the item’s content in question. A witness’ testimony, for example, as to the content of an oral statement is inherently original, and the BER is irrelevant.

To conclude, the BER is much narrower than many people think. Ensure you know exactly how it applies before raising it as an objection in court!

WHAT WE LEARNED FROM OUR INTERNS

By: Judge Corali-Lopez Castro, Mindy Kubs¹, and Michelle Adams²

Each year, the judges and courthouse staff have the pleasure of hosting a new set of interns. Although our interns have often just completed their first year of law school, we can learn a lot from them. This group of interns was filled with fresh perspectives and questioning minds that sparked novel discussions. Whether they provided insight into the minds of future attorneys or recommendations for the best pizza in the city, the interns brought a breath of fresh air to chambers.

This Year’s Interns***Judge Scott M. Grossman’s Interns***

Christina Codrington – Michigan State University College of Law

Judge Laurel M. Isicoff’s Interns

Iara Dircie – University of Miami School of Law

Brianna Mauvais – University of Miami School of Law and a member of the U.S. Army Reserve

Anisa Zwolinski – St. Thomas University College of Law

Judge Corali Lopez-Castro’s Interns

Catherine Allison – Florida International University College of Law

Amanda Carballo – University of Miami School of Law

Srimayi Chaturvedula – University of Miami School of Law

Camille Garcia-Mendoza – Northwestern University

Barak S. Koren – University of Miami School of Law

Gabriella Maria Socarras – University of Miami School of Law

Caitlin Wilson – University of Miami School of Law

¹Mindy Kubs is Judge Lopez-Castro’s career clerk.

²Michelle (“Michi”) Adams started her term with Judge Lopez-Castro on May 20, 2024.



FROM THE JUDGES' CHAMBERS



WHAT WE LEARNED FROM OUR INTERNS (continued from page 7)

Judge Robert A. Mark's Interns

Mia Baranovsky – University of Miami School of Law
Sameer Gupta – George Washington University Law School
Karina Trujilo – University of Miami School of Law

Judge Mindy A. Mora's Interns

Enrika Delince – University of Miami School of Law
Otto Fernandez – University of Miami School of Law

Judge Peter D. Russin's Interns

Marianna Gonzalez – Nova Southeastern University Shepard Broad College of Law
Marco Pagano – [University of Miami School of Law](#)

What We Learned

Our interns displayed a sense of curiosity and confidence, without arrogance. They were not afraid to ask questions when they did not understand a concept. They were not easily intimidated by authority figures, and they were eager to discuss cases and share their ideas. They had a thirst for feedback, whether it was positive or negative. They saw all feedback as constructive.

The interns brought different and new perspectives to chambers. Their fresh and forthright perspective was a welcome tool in analyzing cases. Along with their different perspectives, they also taught us the meaning of popular Gen Z slang like “bussin” and “situationship.”

The interns suggested ways we can make our summer program more enriching and rewarding. The students greatly appreciate any observational opportunities since they have limited exposure to the law in practice. For example, many interns have not taken an evidence class as first-year law students and have stated that the rules of evidence can seem very abstract and confusing. Observing arguments over evidence and seeing the rules in action helped the interns understand why the rules are in place.

Overall, we learned that the interns are hardworking and eager to learn. Some interns had two-hour commutes, while others learned to use challenging public transportation routes to their advantage. Despite these obstacles, the interns showed up every day ready to work, learn, and have fun along the way. We are so grateful for their great effort and look forward to welcoming the next cohort of interns.



FROM THE JUDGES' CHAMBERS

**Beware the Self-Executing Provisions of Section 362(e) of the Bankruptcy Code**

By: Hon. Peter D. Russin

The automatic stay provisions of section 362 of the Bankruptcy Code function as a broad injunction of virtually all types of actions against the debtor and the debtor's assets upon the filing of a bankruptcy case. If a creditor believes that it qualifies for relief from the stay, however, it can seek such relief by filing a motion under section 362(d) in accordance with Fed. R. Bankr. P. 4001.

There are undoubtedly times when a creditor entitled to stay relief faces imminent harm and therefore requires prompt consideration of a motion seeking relief from the stay as it pertains to property of the Debtor's estate. Enacted in recognition of these property concerns and the resulting need for a priority hearing,¹ section 362(e)(1)² provides that 30 days after a request for relief from the stay of any act against property of the estate the stay will be automatically vacated unless the court, after notice and a hearing, orders such stay continued in effect pending, or as a result of, a final hearing.³ The court may continue the stay in effect *only if* it finds that there is a reasonable likelihood that the party opposing relief will prevail at the conclusion of the hearing or at a final hearing.⁴

There are limitations as to the setting of the final hearing as well; the final hearing must be concluded (and not merely commenced) no later than 30 days after the conclusion of the preliminary hearing, unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances.⁵

In a case under chapter 7, 11, or 13 involving an individual debtor, section 362(e)(2) provides that the stay shall terminate 60 days after the request for relief unless a final decision is rendered during the 60-day period.⁶ However, the stay shall not terminate if such 60-day period is extended by agreement of all parties in interest or is extended by the court for a specific period of time that the court finds is required for good cause, as described in findings of the court.⁷

¹Bankruptcy Reform Act of 1978, H.R. REP. No. 595, 95th Cong., 2ndSess. 175 (1977), reprinted in 1978 U.S. Code Cong. & Admin. News 5963, 6136 ("Too often today, court delay in handling requests for relief amounts to a complete denial of relief").

²The procedures set forth in section 362(e) are relevant only to a motion seeking relief from the section 362(a) stay of acts against property of the estate.

³11 U.S.C. § 362(e)(1).

⁴*Id.*

⁵*Id.*

⁶11 U.S.C. § 362(e)(2).

⁷*Id.*; see also *In re Ramos*, 357 B.R. 669, 671 (Bankr. S.D. Fla. 2006) ("This Court views Lender's request to brief this issue as a consent to hold a final hearing more than thirty (30) days after the Motion was filed. Moreover, in light of the agreement by Lender and Debtor to continue the deadline to file the memoranda while they tried to resolve the dispute amicably, this Court finds Lender further consented to extend the sixty (60) day deadline of 11 U.S.C. § 362(e)(2) until such time as this Order is final.")



FROM THE JUDGES' CHAMBERS

**Beware the Self-Executing Provisions of Section 362(e) of the Bankruptcy Code** (continued from page 9)

Our local rules have modified the forgoing deadlines in limited circumstances. First, any party seeking stay relief on negative notice as provided by Local Rule 4001-1(C) is deemed to have agreed to extend the provision of section 362(e) to a date 60 days after issuance of any notice of hearing.⁸ Second, a party seeking relief from the automatic stay who moves for, or consents to, continuance of the hearing waives the right to enforce the 30 or 60 day rules contained in 11 U.S.C. §362(e), and the 30 or 60 day hearing requirements shall be deemed extended until the court's ruling at the rescheduled hearing.⁹

Congress has mandated strict time constraints within which the court must act; failure to act results in automatic termination of the stay. These time constraints must be strictly observed¹⁰ and a waiver of these constraints by a party will only be found where there is clear action.¹¹ Counsel should be aware that failure of the court to timely schedule hearings does not stop the self-executing nature of section 362(e). As observed by the Fifth Circuit, "[t]he debtor must, through 'aggressive litigation management,' obtain a timely hearing if it wants to ensure the continued protection of the automatic stay. ... [I]t is the debtor's burden to call the issue to the court's attention if it desires that the stay be continued."¹²

⁸Local Rule 4001-1(C).

⁹Local Rule 4001-1(H).

¹⁰See *Wedgewood Investment Fund, Ltd. v. Wedgewood Realty Group, Ltd.* 878 F.2d 693, 698 (3d Cir. 1989) ("court failed to observe the stringent time constraints . . . resulting in termination of the automatic stay").

¹¹*Id.* at 698 (waiver only found where "creditor takes some action which is inherently inconsistent with adherence to the time constraints").

¹²*River Hills Associates Ltd. v. River Hills Apartments Fund (In re River Hills Apartments Fund)*, 813 F.2d 702, 707 (5th Cir. 1987).



PRO BONO CORNER



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



Our Pro Se Help Desk Turns the Corner!

Get ready everyone! Through the efforts of Joey Grant, David Berkowitz, Judge Jacob Brown (Middle District), and Peter Kelly, the Southern District's Help Desk is about to go live and interactive! This project was encouraged by Southern District Judges Laurel M. Isicoff and Mindy A. Mora, with the gracious guidance of Judge Brown in the Middle District. Joey Grant of Lorium Law spearheaded our Pro Bono Committee's efforts in organizing the think tank and implementing the program. Working with and by our own Joe Falzone, the website landing site and link will shortly be active. As Joey Grant said, "This new format for our District's Help Desk and it is a real game-changer for bankruptcy pro bono efforts here in the Southern District of Florida." I couldn't agree more. A superb job by all who contributed.

Joey Grant worked with David Berkowitz, who handled setting up a similar website for the Middle District's Bankruptcy Court. Joey points out that Judge Brown was a powerful driving force for this new program and coordinated his working with David Berkowitz.

Thanks to Tom Messana and the Bankruptcy Bar Foundation for its generous support and funding. To defray some of our costs, Joey and our Subcommittee recently secured a sponsorship from Amazon thanks to Mike Lessne and his wife. The sponsorship will help fund future operations. More about sponsorships in the next edition of *Pro Bono Corner*.

I asked our Lay-Chair, Peter Kelly, to provide a brief description of our new Pro Se Help Desk. Here's what he had to say:

"At the core of the program, a web-based platform will allow pro se individuals seeking assistance, as well as bankruptcy attorneys who wish to volunteer some of their time for pro bono assistance, to sign up for scheduling of brief, private consultations with pro se individuals. For many individuals, this consultation can help answer basic questions about general bankruptcy matters and procedures, as well as help provide information about available pro bono representation programs and assistance with applications. For attorneys, the program does not require acceptance of client representation, but instead allows for convenient scheduling to consult with individuals and provide them with much needed assistance about their individual situation and how bankruptcy may (or may not) be an effective course of action to consider. The program is also designed to help attorneys be involved with facilitating intake and placement of deserving individuals into the formal pro bono programs available in the Southern District or to accept the case themselves for handling pro bono."

The Virtual Help Desk program is slated to go live this October as part of Pro Bono Week, and more information will be distributed to bar members soon. We are very thankful to all those who have contributed to the development of this program in many ways, and especially to the herculean efforts of Joe Grant who has succeeded in progressing this project from a seedling idea into an effective program capable of providing real assistance to pro se individuals and greater opportunity for attorneys seeking to devote time to pro bono assistance. Please join our excitement about the possibilities of this program and help out by volunteering a small piece of your time to sit for a consultation."

So well put, Peter Kelly.

The development and implementation of our new Pro Se Help Desk is just another example of how effective we can be as a committee. All our Subcommittees have been very effective in setting goals and getting the job done. Sometimes, issues are raised at a Board meeting and by the time of our next Board meeting, one or more of our issues or goals have been evaluated by the appropriate subcommittee members and resolved. When we identify an issue that falls within the purview of our committee's stated purpose, but where no subcommittee exists to address same, we create one.

Implementation of our new Pro Se Help Desk is calculated to reach out, farther than ever before, to those who need assistance in considering bankruptcy. We will have a portal through the Court's website, where volunteer attorneys will be presented with a visual calendar of available dates and time slots. We expect these time slots will be quickly filled, especially given the new Florida Bar CLE credits available for pro bono volunteers. This is a great way to earn those five allowable CLE credits, but we sincerely hope you can contribute more than five hours over a three year reporting period.

Please remember that we have many opportunities for *pro bono* volunteerism. Creditors are sometimes *pro se* and need direction. Prospective debtors always need direction and assistance. That's our mission and we get it done only with your generous time and effort. Thank you, everyone.

**Filing Agent Access**

By: Cameron Cradic

A Filing Agent is a person who electronically files court documents on behalf of another, such as a paralegal or office manager of an attorney (or trustee). By adding a Filing Agent to an attorney's account, personal and professional data is kept private. *PACER and the clerk's office recommend that professionals not share their e-filing credentials.*

In essence, the Filing Agent assumes an attorney's identity for electronic filing in CM/ECF, and attorneys have full control over who is authorized to e-file on their behalf. Attorneys may add multiple Filing Agents to their account. Conversely, a Filing Agent may e-file on behalf of one or more attorneys.

To **Add** a Filing Agent to an attorney account:

1. The person must register for his or her own PACER account as a non-attorney filer.
 - a. Click <https://pacer.uscourts.gov/register-account/non-attorney-filers-cmecf>.
 - b. Click Register for a PACER Account and complete the data fields.
 - i. At User Type, use the drop-down list, scroll to the bottom of that list, and select "INDIVIDUAL."
 - ii. Follow the remaining prompts.
 - c. The registration process includes a step in which PACER electronically submits a request for approval to the court. The court will then activate his or her account. *IMPORTANT: The email address of the Filing Agent must reflect the law firm.*
 - d. The Filing Agent is notified by the court via email when an account is authorized.
2. The attorney must log into CM/ECF.
3. Add a Filing Agent to the attorney's account.
 - a. Click [Utilities > Maintain Your ECF Account > select "More user information"](#) > type the Filing Agent's last name in "Find filing agent" (then click the magnifying glass icon to search) > click "Select" at the popup window.
 - b. The Filing Agent will be displayed with a checkbox.
4. Click Return to Account Screen.
5. Click Submit.

To **Remove** a Filing Agent from an attorney account:

1. Click [Utilities > Maintain Your ECF Account > select "More user information"](#) > find the Filing Agent's name.
2. Uncheck the box to the left of the Filing Agent name to sever the connection.
3. Click Return to Account Screen.
4. Click Submit.

If a Filing Agent has been added by more than one attorney, he or she will see a drop-down list in which to select one attorney name. The Filing Agent can switch between multiple attorneys at any time. After selecting, an on-screen identifier will appear at the top left of the Filing Agent's screen to confirm the attorney's name. *IMPORTANT: The attorney's name on the PDF document being filed MUST be the same as the attorney selected.*



The Importance of Dual-Factor Authentication in Information Systems Security

By: Tony Diaz

In today's digital age, protecting information systems from unauthorized access has become paramount. As cyber threats continue to evolve and grow in sophistication, traditional security measures such as passwords are no longer sufficient. Dual-factor authentication (DFA), also known as two-factor authentication (2FA) or Multi-Factor Authentication (MFA), has emerged as a critical component in the cybersecurity landscape, providing an additional layer of protection that significantly enhances the security of information systems.

Understanding Dual-Factor Authentication

Dual-factor authentication is a security process that requires users to provide two different authentication factors to verify their identity. These factors typically fall into three categories:

1. **Something You Know:** This could be a password, PIN, or an answer to a security question.
2. **Something You Have:** This might include a physical device such as a smartphone, a hardware token, or a smart card.
3. **Something You Are:** This encompasses biometric verification methods such as fingerprints, facial recognition, or voice recognition.

By combining two of these factors, dual-factor authentication creates a more secure authentication process, making it much more difficult for unauthorized users to gain access to sensitive information and systems.

Benefits of Dual-Factor Authentication

1. **Enhanced Security:** By requiring a second form of verification, DFA makes it significantly harder for attackers to gain unauthorized access, even if they have obtained the user's password.
2. **Protection Against Phishing:** Even if a user falls victim to a phishing attack and divulges their password, the attacker would still need the second factor to access the account.
3. **Mitigation of Password Theft:** In the event that passwords are compromised through data breaches or other means, the second factor acts as a critical safeguard.
4. **Compliance with Regulations:** Many industries are subject to regulatory requirements that mandate the use of multi-factor authentication to protect sensitive information. Implementing DFA can help organizations meet these compliance standards.
5. **User Confidence:** Knowing that their accounts have an extra layer of security can increase users' trust and confidence in an organization's commitment to protecting their personal information.

Conclusion

In conclusion, dual-factor authentication is a vital component of modern information systems security. By addressing the inherent weaknesses of password-only authentication and providing a robust defense against unauthorized access, DFA plays a crucial role in safeguarding sensitive information and maintaining user trust. As cyber threats continue to evolve, the adoption and implementation of dual-factor authentication will remain an essential strategy for organizations committed to protecting their information systems.



The Power of Pets

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



We love our pets, and they love us back, they complete our family! For dog owners, I can imagine your doggie patiently waiting for mom or dad to get home. The powerful overwhelming joy when they see us, they can't contain their excitement. How gratifying to pull up to our driveway or walk through our doors and Fifi or Zeus anxiously waiting to shower us with unconditional love, some may say the most effective medicine. They help us unwind after a long day at work or stuck in traffic, they make us forget about our hard day and soothe our nerves. Sometimes, snuggling with your furry pet can be the cure for a bad day, best free therapy. Our pets, whether a dog, cat, bird, bunny, pig, horse, turtle, or another type of animal are our companions, they are a part of our family, they give us joy, they make us happier! There is so much satisfaction in petting our pets, *they have a positive impact on our well-being, they bring a smile to our face. Our pet is much more than a loyal sidekick, they offer an array of benefits, they physically and mentally help us. According to medical studies, *spending time with your pet can trigger increase levels of oxytocin, known as the "love hormone" and beta endorphins. The increase in these levels has the power to lower blood pressure and slow our heart rate. Having a pet improves our mood, helps reduce stress, anxiety, they help improve our social life, and some experts believe, make us a better person, we exercise more patience and affection. I can go on and on, enumerate the power and benefits of owning a pet. For example, owning a pet for many of us can nurture our creative side, they truly can inspire us. Having a pet can be good for the family, they bring us closer, and provide comfort. **Petting, holding, or cuddling our pets increases the serotonin levels in our bodies; the ones we crave for feel-good, calming, positive effects. Owning a pet, can also help and teach our children responsibility, caretaking and in some cases, provide emotional support, comfort, and improve social skills. They can help reduce depression, increase our confidence level, feel needed/wanted, our pets offer tranquility and connection. So many health benefits in being a pet owner. Pets are much more; they "definitely are" a part of our clan, companions, teachers, healers and yes, friends. They believe we are pretty amazing.

Pets never judge us, they love us with no strings attached, have unwavering love and devotion, and for the most part have eagerness to please. They don't care what we drive, who we know, what we wear, what we look like, where we live, they're only care is loving, pleasing us and in return, us loving them. Their enthusiasm knows no bounds, and in even on our worst days, they think the world of us. Some pets increase our physical activity, walking, running, playing frisbee, catch and yes, pet yoga or "doga"*** (it's a doggy thing). Doga improves physical health, not only for you, but your dog too!

Who can forget the moment you met your dog, cat or your first pet! For me, happy, love, excitement, while my heart was melting. If you're thinking of a getting another dog, cat, or your first pet, a wonderful option is adoption. Why adopt? ***You are saving the life of a homeless pet by giving them a second chance at life. Your adoption will make more room at the shelter to house more animals, costs less, guaranteed to get just as much love and joy. Listed below are a few agencies where you can adopt. Loving a rescue can be one of the greatest joys in your life. They have the gift of touching our hearts and in some cases healing our hearts.

Just like humans, our pets can feel stressed, make sure you give them lots of love, attention, engage with them, make them feel safe, comfortable, happy, and healthy. Choosing the right pet for you is a must and thoughtful research should be done. Making the right match is equally important to both the pet owner and the pet. It's also very important to be a responsible pet owner, including regular veterinarian visits. The strong bond created between an owner and their pet can reap benefits and satisfaction for many years to come! For dog and cat lovers, I recommend the documentary "Inside the Mind of a Dog," and "Inside the Mind of a Cat," both streaming on Netflix. They make our world brighter, more beautiful, and who can't use a little or a lot of beauty!! "Until one has loved an animal, a part of one's soul remains unawakened." – Anatole France.

I'd like to express my gratitude to the staff who took the time and followed up with a picture of their adorable family pet(s). Thank you for sharing your ray of sunshine. It is greatly appreciated! So many cutie patootie's. I absolutely loved every picture. I hope everyone enjoys our court families' pets. May they bring a smile and joy to your day!

*<https://www.businessinsider.com/reasons-why-having-a-pet-is-good-for-you>

**<https://www.psychologytoday.com/us/blog/the-mind-body-connection/202010/the-psychological-and-physical-benefits-having-pet>

***<https://www.veterinarians.org/dog-yoga/>

***<https://www.hhhstopeka.org/adopt/top-10-reasons-to-adopt-from-an-animal-shelter/>

Adoption agencies:

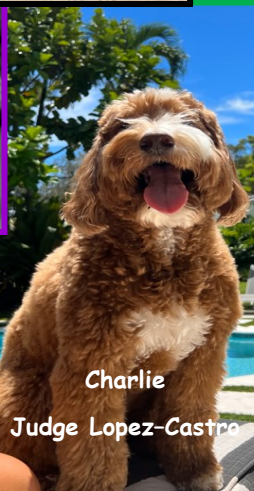
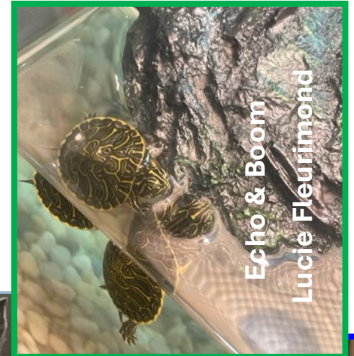
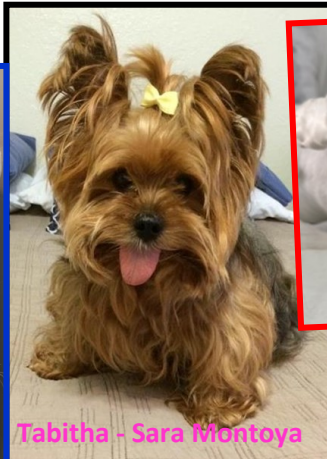
Miami-Dade: https://www.miamidade.gov/global/service.page?Mduid_service=ser159925122910773

Broward: <https://humanebroward.com/>

West Palm Beach: <https://www.adoptapet.com/shelter/83973-palm-beach-county-animal-care-and-control-west-palm-beach-florida>



Meet our Court Family Pets



"Time spent with cats is never wasted." — Sigmund Freud
"Love is a four-legged word." — Unknown

"It's difficult to understand why people don't realize that pets are gifts to mankind." — Linda Blair





Meet our Court Family Pets (Continued from page xx)

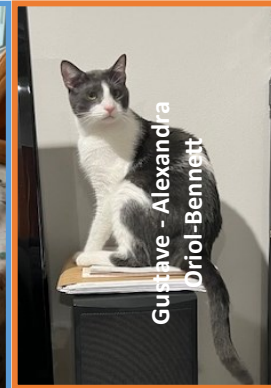
"Once you have had a wonderful dog, a life without one is a life diminished." — Dean Koontz



Baby - Maggie Ferrere



Poe, Billie and Pip
Dawn Leonard



Gustave - Alexandra
Oriol-Bennett



Buddy - Judge Mark



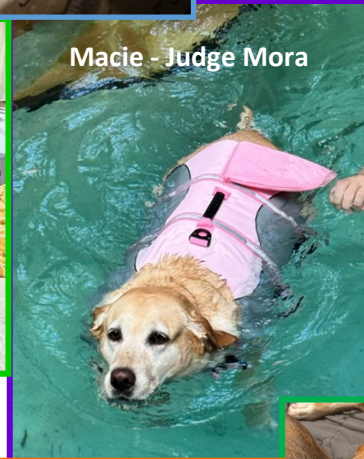
Baku - Susan Gutierrez



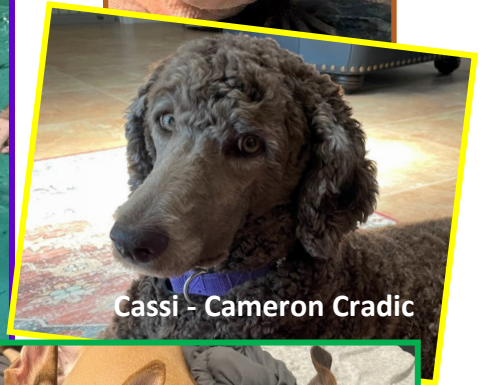
Jake - Edy Gomez



Daisy - Randy
Eisenberg



Macie - Judge Mora



Cassi - Cameron Cradic



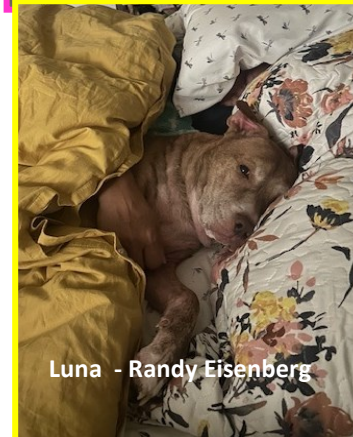
Mila Ines and her BFF/pillow,
Sasha - Olga Rodriguez's grandkids



Soñadora - w/Giancarlo
Yami Valencia



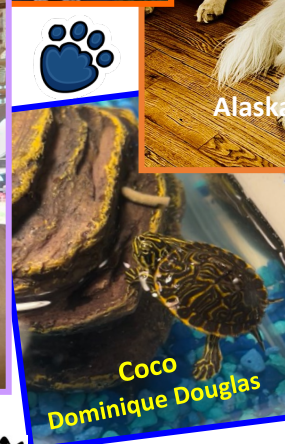
Gambit and Obi - Emily Maza's grandkids



Luna - Randy Eisenberg



Mia - w/Gianna
Yami Valencia



Coco
Dominique Douglas



Alaska (front), Logan and Arya (golden)
Emily Maza



Ben - Dominique Douglas

"No matter how crappy your day is, there is always a happy face waiting for you to get home." — Unknown





Why Does CM/ECF Event Selection Matter When E-Filing a Motion?

By: Cameron Cradic

When the clerk's office quality controls electronically filed motions, staff ensure that the title of the PDF image, the prayer for relief or request for remedy, and the docket text are in sync.

After all, the docket text is intended to convey to a viewer the content of the PDF images.



If CM/ECF had only one type of motion event, electronic filing would be extremely basic. With such a basic process, e-filers would be required to type or “cut and paste” a title *every time* a document is filed, which could be time-consuming.

Even if typing every document's title does not sound like a big task, know that having a singular motion event reduces efficiency. Why? **Dedicated motion events enable the clerk's office to automate behind-the-scenes activities that speed up overall case management.**

E-filers can select motion events by entering a keyword in “Search” (located in the menu bar), as well as by typing a keyword in the text box above the motion title pick list (all events are listed in alphabetical sequence).

Here are some reasons why dedicated event selection is beneficial to everyone.

- Some motions require a filing fee. Invoking a fee upon entry enables subsequent actions to take place immediately. If the clerk's office had to wait until a fee was paid before acting, the entry of a Notice of Hearing or order would be delayed.
- Specific motions are programmed with specific actions. Some motions may be filed upon negative notice, and some may be self-calendared. The docket text and CM/ECF functions reflect how these motions are processed. This is why some motion events have prompts built into the docketing function.
- Deadlines for certain matters are automatically set and/or terminated, either when the motion was filed or upon entry of the motion's ruling. The clerk's office tracks certain deadlines to ensure proper case progression.
- Flags can be set, which are case management tools that provide quick information to the clerk's office. Some flags are publicly visible on the docket, while some are visible only to internal staff. They indicate conversion from one chapter to another, case disposition (e.g., dismissed, reopened), whether an individual debtor is eligible or ineligible to receive a discharge, if a case is jointly administered and if it is a lead or member case, status of fees paid/outstanding/deferred, if an appeal is pending, and so much more.
- The Administrative Office of the U.S. Courts tracks specific case activity. As such, the use of certain dedicated events is not discretionary for local courts.

When a dedicated motion event is properly selected, the clerk's office spends significantly less time on corrective actions. Corrective actions may include requiring that a motion be refiled, editing the docket text, and invoking filing fees (doing so locks a user's e-filing account until the fee is paid). The goal of the clerk's office is to have well-organized public records.

**Motions for Relief from Stay**

By: Sara Montoya

When filing a Motion for Relief from Stay, use the search bar in the CM/ECF menu bar with keywords of the document to see which events to use.

Here's a helpful tip to consider when using the search button:

Using just one keyword will yield a broad result:

Bankruptcy Events → Motions/Applications

[Stay](#)
[Stay Pending Appeal](#)
[Clarification of the Automatic Stay](#)
[Continue/Extend the Automatic Stay](#)
[Extend or Impose Automatic Stay](#)
[Relief from Stay](#)
[Relief from Stay \(Agreed\)](#)
[Relief from Co-Debtor Stay](#)

Search Menus and Events

stay

However, using two words separated by a comma will yield a more narrowed result:

Bankruptcy Events → Motions/Applications

[Relief from Stay](#)
[Relief from Stay \(Agreed\)](#)
[Relief from Co-Debtor Stay](#)

Search Menus and Events

relief, stay

It is important to select the correct event in CM/ECF so that the docket entry matches the document being filed and the correct fees are invoked. It is good practice, when requesting relief from stay, to include the code or rule under which the motion is being filed. Choosing the incorrect event that does not match the document may result in the clerk's office requiring corrective action by the e-filer. **NOTE: Corrections that require refileing are NOT backdated to the date of the originally misfiled motion.**

Below are the different Relief from Stay motions, the fee requirements, and the CM/ECF event:

- MOTION FOR RELIEF FROM STAY (and for IN REM RELIEF)
 - ◊ Fee: \$188.00
 - ◊ CM/ECF Event: Relief from Stay
- AGREED MOTION FOR RELIEF FROM STAY
 - ◊ No Fee
 - ◊ CM/ECF Event: Relief from Stay (Agreed)
- MOTION FOR RELIEF FROM CO-DEBTOR STAY
 - ◊ No Fee
 - ◊ CM/ECF Event: Relief from Co-Debtor Stay

**Navigating CM/ECF and Helpful Tips**

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

Decisions, decisions, what should I select? Ever wonder if there is a suitable event in CM/ECF before filing your response, objection, or motion? Here are a few helpful tips to make your event selection and e-filing experience easier.

Motions Requesting More Than One Relief Type:

Trying to file a motion requesting multiple reliefs under the same pleading, such as requesting relief from stay and/or adequate protection, or a motion to dismiss or convert? These are considered multi-part motions, and they require the user to select each of those dedicated motion events. Selecting one and typing in the rest simply won't do, and doing so may result in the clerk's office issuing a "Notice to Filer of Apparent Filing Deficiency." Many times, the notice requires the e-filer to correct their entry as no action will be taken by the court. If so, the motion will not be set for hearing, or worse, the court may cancel your hearing on the self-calendared motion. Should you find yourself on the receiving end of this deficiency, please take appropriate action as requested.

Motion and Response/Objection in One Document:

Selecting the motion event(s) and typing in a response/objection is not correct. The filing should be separated, or the least it requires a two-part entry. To file as a two-part entry, first select your *motion* event (s), upload your document, and accept your final entry. Next, select the *response/objection* event, upload the same PDF image, and accept your final entry. Yes, in the end you will have two different docket entry number with the same PDF image. Failure to properly file the document(s) may result in the court issuing a deficiency notice.

Bankruptcy vs. Adversary Module:

Ever notice that the Bankruptcy and Adversary menu options located on the tool bar? They play an important significance in e-filing. The Bankruptcy menu is used when filing document(s) that relate to the main case, and the Adversary menu is used when filing document(s) that relate to adversary proceedings. The CM/ECF system will not allow you to select "Order Upload" for an adversary proceeding by selecting the bankruptcy option.

Self-Calendaring:

When you can, please self-calendar your matter when the event selection provides this option. You will have several dates and times to choose from. Nobody knows your work schedule better than you or your assistant. If you choose not to self-calendar your motion, it may take up to 48 hours before the clerk's office issues a Notice of Hearing. If your motion is set for a hearing on a date where you have a conflict, the e-filer must file a motion to continue. Contact the judge's Courtroom Deputy when requesting a continuance or check the court's website (www.flsb.uscourts.gov – click "Judges" tab, then select the appropriate judge for procedural requirements).

**Navigating CM/ECF and Helpful Tips** (continued from page 19)

If you want to save time, and not wait for the clerk's office to act, efficiency is the name of the game, and self-calendaring is a great option. Please note that not all judges allow self-calendaring for the same matters. Refer to the Court website for guidance. Rest assured that CM/ECF is tailored for each judge, and when you can, it is best to self-calendar your motions. Emergency or expedited motions **should never be self-calendared** as these motions are reviewed by chambers. The clerk's office will issue the Notice of Hearing or scheduling order.

My Only Menu Option is "Utilities":

Do you ever wonder why your only CM/ECF option is "Utilities"? This occurs when outstanding filing fees must be paid. This includes any duplicate document or case where a filing fee is required. Pay your fee(s), and if applicable, file a motion to request a refund of a duplicate filing fee(s) (*select the "Refund" dedicated motion event*).

Failure to pay filing fees results in suspension of e-filing privileges until the outstanding fees are paid. This is referred to as a "lockout," meaning that the account holder is unable to e-file any document. If this happens, select [Utilities > Internet Payments Due](#), and pay the outstanding balance. Once the payment has been remitted and processed by the system, refresh your screen and your e-filing permission will be restored. If your e-filing permission has not been immediately restored, contact the Help Desk at cmecf_support@flsb.uscourts.gov or call (305) 714-1791.

Adding a Secondary Email Address:

If you want to add a staff member as an additional email recipient, which means he or she will receive a Notification of Electronic Filing (NEF), please do the following. From the menu bar, click [Utilities > Maintain Your ECF Account > Email information > select Secondary email address > Type in the recipient\(s\) email address in both "Secondary email address" AND "Reenter secondary email address" > click "Send the notices specified below.... ☒ to the secondary address." \(see screenshot below\). > Return to Account screen > Submit. You may add more recipients by clicking the "Enter" key on your keyboard and typing another email address.](#)

Secondary email address	person1@lawfirm.com	Reenter secondary email address	person1@lawfirm.com
<input type="checkbox"/> Enable confirmation of Free Look Use to verify your one free look will be used when a document link is clicked from CM/ECF emails (NEFs).			
Send the notices specified below			
<input checked="" type="checkbox"/> to my primary email address			
<input checked="" type="checkbox"/> to the secondary addresses			



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, the 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 to file bankruptcy. Can I do that without an attorney?

If you are filing as an individual, you are not required to have an attorney represent you. However, bankruptcy law is complicated, and you will be required to act as your own advocate. Although the clerk's office is prohibited from providing legal advice, we will provide information on processes and provide official and local forms upon request.

If you are filing as a non-individual, such as under a business name, then an attorney is required to file the bankruptcy petition, other court documents and appear in court.

To better understand the bankruptcy process, access our court website at: www.flsb.uscourts.gov. Under the "Don't Have a Lawyer" tab, there is a section called Debtor Resources with links to Pro Bono Resources and frequently asked questions. There is also a Bankruptcy Basics video which is not long and is full of helpful information.

UPCOMING COURT HOLIDAY CLOSINGS *

- ♦Monday, October 14 - Columbus Day
- ♦Monday, November 11 - Veterans Day
- ♦Thursday, November 28 and Friday, November 29 - Thanksgiving Day
- ♦Tuesday, December 24 and Wednesday, December 25 - Christmas Day

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

COURT MISSION STATEMENT

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

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

CONTACT "COURTHOUSE BEACON NEWS" PUBLICATION STAFF

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

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.



FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through September 30, 2024)

	<u>MIA</u>	<u>FTL</u>	<u>WPB</u>	<u>TOTAL</u>
MMM Motion (Attorney Rep.)	8529	5689	3321	17539
MMM Motion (Pro Se)	107	51	31	189
Total Motions Filed	8636	5740	3352	17728
Order Granting MMM Motion	7605	5055	2858	15518
Final Report of Mediator	6432	4046	2219	12697
Mediation Agreement Reached	2726	1879	1027	5632

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

MIAMI

	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	24	17	12	29	274
2023	25	20	32	23	20	26	16	12	20	21	8	9	232
2024	12	21	11	10	10	15	7	13	16				115
										TOTAL =			8651

TOTAL = 8651

FT. LAUDERDALE

DALE	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2013				49	92	98	116	144	189	118	99	77
2014	91	82	69	108	89	89	107	61	99	100	121	93
2015	96	101	109	89	94	94	82	74	93	89	91	79
2016	86	81	58	61	68	63	46	75	59	43	54	50
2017	38	25	38	26	47	42	40	34	33	39	29	26
2018	20	21	36	24	33	43	47	46	28	33	26	21
2019	34	20	31	24	28	20	20	18	25	19	26	19
2020	26	13	25	19	22	17	8	12	5	5	6	8
2021	9	21	13	12	8	5	15	9	9	16	15	20
2022	16	12	15	17	22	19	21	16	15	7	10	11
2023	12	7	20	18	20	6	8	8	10	10	18	16
2024	21	9	9	7	7	17	8	10	10			

TOTAL = 5757

WEST PALM BEACH

BEACH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2013				9	35	56	91	83	147	63	68	67
2014	47	43	64	54	66	74	54	43	83	52	49	44
2015	51	57	52	41	47	54	48	39	35	35	33	36
2016	46	33	33	32	36	29	29	32	18	13	16	25
2017	22	18	21	22	20	10	23	27	18	24	17	13
2018	19	8	10	15	21	20	26	18	24	25	13	12
2019	22	20	13	28	14	20	27	19	10	31	18	10
2020	16	14	18	13	10	10	15	5	11	11	7	13
2021	4	8	6	4	7	6	7	10	9	5	19	10
2022	1	0	12	5	6	16	8	8	12	6	7	5
2023	14	7	12	6	8	11	6	4	4	10	4	8
2024	7	9	4	10	14	6	9	7	14			

TOTAL = 3338