



# THE COURT CONNECTION

**United States Bankruptcy Court  
Middle District of Florida  
Jacksonville, Orlando, and Tampa/Fort Myers Divisions**

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**MISSION STATEMENT**  
**Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.**  
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April 2013

The Court Connection

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## Seeing the Big Picture By: Chief Bankruptcy Judge Karen S. Jennemann

On a recent visit to Whistler, British Columbia, I visited the Squamish Lilwat Cultural Centre. The Centre is much more than a museum explaining the history of the Squamish Tribe and the Lilwat Tribe—two of over six hundred recognized First Nations aboriginal societies that spread their cultures across Canada. Rather, it is a place where the two cultures explain their past, teach their young people traditional skills, and maintain their heritage for the future. I saw a young man carving a totem 50 feet long, and then he sat in a canoe that is hundreds of years old. I was particularly struck by the *joint* symbol the two First Nations use to remind them every day to honor their past, focus on the present, and plan for the future:



As you can “see,” the eye looks towards the past, directly into the present, and glances toward the future.

I see our Court similarly. We need to remember and honor our past. We need to reflect on the lessons we have learned from the attorneys and judges that precede us, like the Honorable Judge Alex Paskay who I hope we all remember on the anniversary of his death, April 27, 2013.



He was beloved throughout our Court and truly shaped our district. On April 9, the Tampa Bay Bankruptcy Bar Association presented a plaque to his widow, Mrs. Rose Paskay, which will hang outside the courtroom Judge Paskay used in Tampa. We plan to hold a similar ceremony in Ft. Myers when construction on a new video room is completed.

“The big picture doesn’t just come from distance; it also comes from time.”

— Simon Sinek

While remembering our past, we need to focus on our current problems and issues, largely caused by the Court’s declining budget. We all need to work together to live up to our joint mission of providing needed bankruptcy relief with “fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.”

But, we cannot ignore the call of the future and the need to plan for the years to come. We need to see the vision of a unified District in order to reach our goal. On this point, I wanted to share another lesson from the Squamish and the Lilwat.

For centuries, the two groups fought, formerly in bloody conflicts and more recently in courts over the resources of the lands they share. In 2001, they entered into a formal agreement to work together. One example was the opening of the Cultural Centre in 2008, that features traditional arts of both cultures, wood carvings, a theater with shows demonstrating the history of both First Nations, and other exhibits. They have agreed to recognize their differences while cohabiting peacefully and sharing the land and their natural resources. The place truly was magical.

These folks have figured out a way to make their “district” work while preserving the beauty and history of their independent cultures or “divisions.” In the same way, as we are working together to make our District more unified and cohesive, we cannot lose track of the independent history and traditions of our various Divisions and their bankruptcy bar associations. We need to come together on many issues but still preserve what is best left to the Divisions, like building the relationships and friendships that make each bankruptcy bar so special.

In this edition of the Court Connection, I wanted to share these lessons of the Squamish and the Lilwat. We need to honor our past, address our current concerns, and plan for the future while still working together to form one unified district that honors the traditions of our individual Divisions. We collectively and collaboratively are making great strides in reaching this goal, and for this, I thank all of the judges, our Court staff, and, most of all, the bar and their associations that make this Court, just like the Cultural Centre, a magical place to work.

“Happy is the person who knows what to remember of the past, what to enjoy in the present, and what to plan for the future.”

— Arnold H. Glasow

## Sequestration – Long Term Effects

By: LeeAnn Bennett, Clerk of Court

Just a few years ago, the word *sequestration* was not part of our vocabulary. Today, we see and hear the word on a daily basis. The Budget Control Act of 2011 requires \$1.2 trillion in spending cuts over the next 10 years. These automatic federal budget cuts, known as sequestration, began March 1 after Congress and the White House failed to reach an agreement on deficit reduction. All three branches of government are affected by the sequester. These cuts resulted in reduced Judiciary funding by approximately \$350 million in fiscal year 2013. In 2012, the Judiciary accounted for only 0.2 percent of the federal budget.

Because judiciary funding is decentralized, each court will decide how to implement the cuts. Some courts have chosen to freeze hiring, reduce operational costs, and move money from other accounts to help cover payroll. To accommodate furloughs in the offices of the Federal Public Defender and the U.S. Marshals Service, many courts have reduced or eliminated Friday court hearings. Many courts are reducing staffing levels before the end of this fiscal year based on 2014 budget projections. This reduction is on top of approximately 1,800 federal employees laid off over the past 18 months.

How does sequestration affect the Middle District of Florida? Because of prior personnel actions taken by the District Court and Bankruptcy Court in the Middle District of Florida, no furloughs will be necessary for the remainder of the fiscal year. The United States Trustee's Office does anticipate that furloughs will be necessary but are awaiting further guidance.

Judge Julia S. Gibbons, chair of the Judicial Conference Budget Committee, testified on March 20 before the House Appropriations Subcommittee on Financial Services and General Government. Judge Gibbons told the subcommittee that "the Judiciary cannot continue to operate at such drastically reduced funding levels without seriously compromising the Constitutional mission of the federal courts." She added "we don't choose our work. Other people choose what comes to us, and we have to meet those demands."

Although I am very concerned about our budget situation going into the future, I realize we cannot focus on things outside our control. While watching the final game of the NCAA basketball tournament, I noticed both teams wore tee shirts with the statement "rise to the occasion" and thought that's exactly what we must do as a court. We must continue to focus on those things we can control, such as our push towards uniformity, our commitment to providing excellent service and our quest to meet our court goals. We must look at innovative solutions to the budget problem facing us and continue to look at new and improved ways of completing the mission of the court. I know that my staff will rise to the occasion as they have done many times in the past.

## The Rededication of the George C. Young United States Federal Building and Courthouse Orlando, Florida

**By: Kristina Szurkus, Temporary Law Clerk to the Honorable Karen S. Jennemann, Chief United States Bankruptcy Judge, the Honorable Cynthia Carson Jackson, and the Honorable Arthur B. Briskman**

On February 8, 2013, the renovated George C. Young United States Federal Building and Courthouse was rededicated in a ceremony attended by the contractors and professionals who worked on the project, attorneys, tenants who will use the building daily, judges of the Middle District of Florida, and most significantly, the retired jurist for whom the building is named.

The Orlando Division of the United States Bankruptcy Court for the Middle District of Florida is the largest resident of the newly renovated building. The renovated building also is the new home of the United States Attorney's Office for the Middle District of Florida, the Office of the United States Trustee, and a few other federal agencies.



Originally opened in 1975, the Young Building has undergone complete refurbishment over the last six years. The scope of the Young Building renovation was considerable. Contractors demolished all interior walls in the 183,000 square foot building. Every window was replaced. New mechanical and electrical systems were designed specifically for the building. The renovated building is projected to receive at least a LEED-Gold rating from the U.S. Green Building Council. It faces an inviting park which joins the renovated and newly-constructed buildings into one campus.



On the morning of the ceremony, Chief Bankruptcy Judge Karen S. Jennemann welcomed a crowd of approximately two hundred and fifty. Chief United States District Judge Anne C. Conway shared memories of her experiences in the original Young Building, and Senior United States District Judge William Terrell Hodges delivered a poignant tribute to Senior Judge George C. Young.

The highlight of the program for many was Judge Young's heartfelt and witty response.



Judge Young was Orlando's first full-time District Court Judge. He received his law degree from the University of Florida College of Law in 1940. In 1961, after a stint in the U.S. Navy and ten years in private practice, Young was nominated by President John F. Kennedy to serve the United States District Courts for the Southern and Northern Districts of Florida. He heard cases all over the state before being permanently assigned to the newly-formed Middle District in 1962. During his judicial career, he presided over many controversial cases, including the school integration cases of the 1960's. Judge Young assumed senior status on September 18, 1981, and retired from the bench in 2004.

The celebration of the Young Building's reopening continued with an afternoon, family friendly open house attended by more than seven hundred people. Guests had the opportunity to tour the courtrooms and peek behind the scenes into the chambers of the judges and offices of the Court, U.S. Attorney, and U.S. Trustee. Children had the pleasure of donning judicial robes to preside over the courtrooms, meeting bomb-sniffing dogs, and peering through the U.S. Marshal's night vision equipment. Everyone enjoyed the sounds of the Good Luck Penny Band and the tastes of good old fashioned barbeque.



We are proud of the renovated George C. Young United States Federal Building and Courthouse. We hope you will stop in for a tour the next time you visit Orlando.

**NOTE: All registered CM/ECF users may view the videotaped ceremony in its entirety by accessing the CLE Attorney Credits section of the Court website.**



**United States  
Bankruptcy Court  
Middle District of Florida**

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**\*\*\*\* SAVE THE DATE \*\*\*\***

**The Investiture Ceremony**

**of the**

**Honorable Cynthia C. Jackson  
United States Bankruptcy Judge**

**will be held in Jacksonville, FL**

**on**

**June 21, 2013**

**Time and Location  
To Be Announced**

**\*\*\*\* SAVE THE DATE \*\*\*\***

## LOCAL RULES UPDATE

### By Judge Caryl E. Delano

Last summer, the Local Rules Attorneys Advisory Committee commenced a review of the Middle District's current Local Rules. The process began with the solicitation of suggestions from members of the Bar and Clerk's Office staff. The Committee reviewed the suggestions, and made recommendations to the Judges. Once the Judges had conceptually approved the proposals for new and revised Local Rules, drafts were reviewed by the Committee and Clerk's Office staff. Final drafts were posted on the Court's website for public comment from March 1 through April 15, 2013. The Judges will review and approve the final versions of the amendments at an upcoming judges' meeting. On June 1, 2013, the new and amended Local Rules will be disseminated via CM/ECF and posted on the Court's website, with an effective date of July 1, 2013.

On behalf of the Judges, I would like to thank all those who made suggestions during the solicitation period, as well as the members of the Committee, Roberta Colton, Donald Kirk, Betsy Cox, Richard Webber, Greg Champeau, and Raymond Waguespack. Court employees who were instrumental to this process include Michael Schumpert, Gull Weaver, Laura Stevenson, and Mary Maddox.

In addition, at the recommendation of the Committee, a Sub-Committee was formed to examine current Local Rule 9019-2 "Alternative Dispute Resolution (ADR); Mediation." Sub-Committee members are Bob Glenn, Mike Horan, Doug Neway, Paul Molle, and Chair Brad Saxton. The Sub-Committee presented the Judges with a detailed report and recommendation for a completely revamped local mediation rule, addressing the issues of confidentiality, conflicts of interest and good faith. The Judges anticipate approval of a final draft within the next several days, at which time it will be posted on the Court's website for public comment, and will become effective with the other amendments on July 1, 2013. Thank you to the Sub-Committee members for the untold hours they spent working on this important project!

With the exception of the still-in-process mediation rule, the following is a summary of the upcoming new and amended Local Rules:

**Local Rule 1001-2 Case Management and Electronic Case Filing System– CM/ECF** (amends existing Local Rule to provide instructions for PACER and CM/ECF access, and for filing proofs of claim and ballots via CM/ECF)

**Local Rule 1007-2 Mailing – List or Matrix** (amends existing Local Rule to clarify that only debtors who are not represented by an attorney are required to file a matrix with their petitions)

**Local Rule 1009-1 Amendments to Lists & Schedules** (amends existing Local Rule to require that both additional and deleted information be indicated on amended schedules)

**Local Rule 1015-1 Joint Administration of Cases** (amends existing Local Rule to provide a mechanism for the severance of jointly administered cases)

**Local Rule 2002-1 Notice to Creditors and Other Interested Parties** (amends existing Local Rule to limit notice in Chapter 7 cases to creditors who have filed proofs of claim)

**Local Rule 2002-4 Negative Notice Procedure** (amends existing Local Rule to refer parties to Negative Notice List on Court's website, and to change the negative notice legend so that the response time runs

from the date of service rather than from the date of docketing of the motion)

**Local Rule 2081-1 Chapter 11–General** (amends existing Local Rule to require the debtor to file the case management summary prior to filing any motions in the case, and contains a checklist of issues that debtor’s counsel should be prepared to address at the initial case management conference (if held))

**Local Rule 2091-1 Attorneys – Withdrawals and Substitutions** (amends existing Local Rule to allow attorneys for parties other than the debtor who are not parties to any contested matters or proceedings, to withdraw without Court approval by filing a notice)

**Local Rule 2092-1 Appearances by Law Students** (establishes procedures for law students to appear in court under the supervision of an attorney)

**Local Rule 3018-1 Ballots – Voting on Plans** (amends existing Local Rule to provide for electronically filed ballots, and clarifies procedure for ballot tabulation)

**Local Rule 3021-1 Disposition of Unclaimed or Undistributable Funds in a Chapter 11 Liquidating Plan** (permits liquidating Chapter 11 plans to disburse unclaimed and undistributable funds to other creditors or to a non-profit organization)

**Local Rule 3022-1 Final Report/Decree (Ch. 11)** (amends existing Local Rule to provide for administrative closure of individual Chapter 11 cases)

**Local Rule 5005-2 Filing of Petition and Other Papers** (amends existing Local Rule to reflect current CM/ECF procedures)

**Local Rule 8001-1 Notice of Appeal** (amends existing Local Rule to state that the appeal cover sheet is available on the Court’s website)

**Local Rule 8007-1 Completion of Record – Appeal** (supersedes Local Rule 8006-1, provides for the electronic transmission of the record to the District Court)

**Local Rule 9011-4 Signatures** (amends existing Local Rule to delete the requirement of “Declaration Under Penalty of Perjury for Electronic Filing,” and to permit execution of Proofs of Service by non-attorneys)

“You can’t connect the dots looking forward; you can only connect them looking backwards. So you have to trust that the dots will somehow connect in your future.”

— Steve Jobs





## The United States Bankruptcy Court for the Middle District is “BLESSed”...

By: Paul A. Giordano, Esq.,  
Roetzel & Andress

BLES is the newest acronym that Bankruptcy practitioners in the Middle District will need to learn and know. What does it stand for? The Bankruptcy Law Educational Series Foundation, Inc. BLES, the brainchild of Judge Michael Williamson, is a newly chartered foundation established by the various bankruptcy bar associations (BBAs) in the Middle District of Florida to promote bankruptcy legal education and to fund pro bono and other public service projects relating to the practice of bankruptcy in the Middle District. BLES went from concept to incorporation through the leadership of Judge Williamson, who was instrumental in its creation and spearheaded the effort with the support of Chief Bankruptcy Judge Jennemann and the other members of the Middle District bankruptcy bench.

BLES is a Florida not for profit 501(c)(3) and is managed by a Board of Directors consisting of the president or the president’s designee of each participating BBA. In addition, the Chief Judge of the bankruptcy court or the Chief Judge’s designee also serves as an ex-officio non-voting board member. The BLES Board shall make decisions concerning the expenditure of BLES funds, funding of BLES projects by a unanimous vote, and other issues concerning management of BLES by majority vote. In the event of a tie vote on matters that require a majority vote, the ex-officio member may cast the deciding vote. The Chair of the Board of Directors shall be the board member of one of the BBA members and shall change each year. The first year the BBA board member that shall serve as chair is the designee of the Southwest Florida Bankruptcy Professionals Association. This shall change each year by going to the next BBA proceeding north from Ft. Myers (Tampa, Orlando, Jacksonville, and back to Ft. Myers and so forth).

The current BLES Board of Directors is comprised of Paul A. Giordano (Chair) on behalf of the Southwest Florida Bankruptcy Professionals Association; Keith Appleby on behalf of the Tampa

Bay Bankruptcy Bar Association; Denise Dell-Powell on behalf of the Central Florida Bankruptcy Law Association; Mark S. Mitchell on behalf of the Jacksonville Bankruptcy Bar Association; Ex-Officio non-voting member is Jeffery S. Ainsworth on behalf of the Orange County Bar Association, Bankruptcy Committee; and Judge Michael G. Williamson on behalf of the United States Bankruptcy Court, Middle District of Florida.

BLES shall be funded by initial one-time contributions by each BBA of \$1,000. Additional funding for BLES will come from several sources. First, funding will be derived from a portion of the registration fees paid by attendees in connection with BLES sanctioned educational programs (“BLES Program Contributions”). BLES Program Contributions will be equal to the greater of \$10 or 10% of the attendees’ registration fee. Second, funding may come from undistributed plan funds under the terms of a confirmed plan. Third, as an alternative to a sanction, a court could order a party to make a tax deductible contribution to BLES. Finally, voluntary contributions may be made by individuals and institutions. The BLES Fund shall be deposited in a single bank account to be set up and maintained as directed by the BLES Board. BLES has already received several voluntary contributions and the initial funding is almost complete.

In order for a program to be designated as part of the Bankruptcy Law Educational Series, the BLES program must have the active participation of at least one bankruptcy judge who must actively participate as a moderator or speaker. Each BBA has committed to sponsor at least one BLES program each year.

BLES will fund *pro bono* and other public service projects relating to the practice of bankruptcy in our district. There are many ways that BLES funds will be used to assist *pro bono* debtors and defendants in adversary proceedings and education to members of the bar, and members of our communities. Whether BLES provides grants to attorneys who take on *pro bono* cases to cover filing fees and costs, or sponsors

BLES Article (continued)

seminars for the general public to promote wise use of credit and managing debt, BLES is here to provide a valuable service to the members of the bar and the community.

The Board of Directors is very excited about the creation of BLES and watching it grow, evolve, and become a mainstay in this District. BLES will provide a valuable service to the members of the bar and the individuals we serve. If you want more information, please do not hesitate to contact one of the board members, any one of us will happily provide you with more information. In the meantime, if you want to make a donation, contact your local Bankruptcy Bar Association President.

“Do all you can  
With what you have  
In the time you have  
In the place where you are”

— Nkosi Johnson

#### NOTICE:

TO: All Bankruptcy Law Professionals within the  
Orlando Division

FROM: Mariane L. Dorris, Esq., Chair  
Diversity Committee  
Central Florida Bankruptcy Law Association

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In January 2011, The Florida Bar set forth its Strategic Plan designed to encourage a more diverse and inclusive environment within the Business Law Section. In an effort to gage and fulfill the goals of diversity, inclusion, and active participation within The Florida Bar and the Voluntary Bar Associations, the Diversity Committee of the Central Florida Bankruptcy Law Association is conducting a pilot survey study on attorneys who practice within the Orlando Division of the United States Bankruptcy Court for the Middle District of Florida. The survey is designed to be anonymous and all responses will be kept confidential. Please take a moment to access the web and complete the Survey which can be found at the following link:

<https://www.surveymonkey.com/s/H63ZCXQ>

Please complete and return the Survey by **June 7<sup>th</sup>, 2013**.

Thank you for your assistance and participation.

## Revised Permissive Use of Negative Notice List

UNITED STATES BANKRUPTCY COURT,  
MIDDLE DISTRICT OF FLORIDA  
PERMISSIVE USE OF NEGATIVE NOTICE

Revision effective March 25, 2013

The Court permits and encourages service of the following papers using negative notice as permitted by Local Rule 2002-4. The negative notice legend shall provide for a 21-day objection period unless state otherwise below.

Chapter 7

Application for Payment of Administrative Expenses (Interim)
Motion for Relief from Stay
Motion for Order Confirming that the Automatic Stay is Terminated (362(c) and (j))
Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) <b>(14-day notice)</b>
Motion/Notice of Intent to Abandon Property filed by Trustee <b>(14-day notice</b> , pursuant to Fed. R. Bankr. P. 6007)
Motion to Compel Abandonment
Motion to Approve Compromise or Settlement
Motion to Avoid Lien on Exempt Property
Motion to Assume Lease/Executory Contract
Motion to Confirm Priority of Modified Mortgage
Motion to Determine Property is of Consequential Value to Estate filed by Trustee (362(h)(2))
Motion to Determine Secured Status /Value Property <b>(30-day notice required)</b>
Motion to Determine Secured Status/Strip Lien on Real Property <b>(30-day notice required)</b>
Motion to Dismiss for Failure to Attend 341 Meeting filed by Trustee
Motion to Redeem
Motion/Notice to Sell or Lease Property (does not apply to sales free and clear of interests)
Motion for Turnover of Property by Trustee <b>(30-day notice required)</b>
Objection to Claim <b>(30-day notice required)</b>
Objection to Exemptions (However, in Tampa, Orlando, and Ft. Myers the Court will enter an order sustaining an objection that relates <b>solely</b> to the value of personal property claimed exempt without a hearing)

Chapter 11

Application for Interim Compensation
Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) <b>(14-day notice)</b>
Motion to Avoid Lien on Exempt Property
Motion to Approve Compromise or Settlement
Motion to Administratively Close Individual Chapter 11 Case
Objection to Claim <b>(30-day notice required)</b>

Chapter 12 and Chapter 13

Application for Quantum Meruit Compensation by Chapter 7 Trustee or Trustee's Attorney
Motion for Relief from Co-Debtor Stay (if plan surrenders property or payments are made outside plan) <b>(14-day notice)</b>
Motion for Relief from Stay as to the Debtor, but if the plan surrenders collateral or payments are made outside the Plan, neither a hearing nor negative notice is required if the motion is accompanied by an affidavit to that effect (This does not apply in Jacksonville)
Motion for Order Confirming that the Automatic Stay is Terminated (362(c) and (j))
Motion to Approve Agreements Relating to Relief from Stay, Prohibiting or Conditioning the Use, Sale or Lease of Property, Providing Adequate Protection, Use of Cash Collateral and Obtaining Credit pursuant to Fed. R. Bankr. P. 4001(d) <b>(14-day notice)</b>
Motion to Avoid Lien on Exempt Property
Motion to Approve Compromise or Settlement
Motion to Assume Lease/Executory Contract
Motion to Confirm Priority of Modified Mortgage
Motion to Determine Secured Status /Value Property <b>(30-day notice required)</b>
Motion to Determine Secured Status/Strip Lien on Real Property <b>(30-day notice required)</b>
Motion to Dismiss for Failure to Attend 341 Meeting filed by Trustee
Motion to Modify Confirmed Plan (Except in Tampa and Ft. Myers)
Motion to Modify Mortgage
Motion for Turnover of Property by Trustee <b>(30-day notice required)</b>
Motion to Sell or Lease Property (does not apply to sales free and clear of interests)
Objection to Claim <b>(30-day notice required)</b>

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**ATTENTION ALL CM-ECF USERS**

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**Look for a new improved version of CM-ECF**

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**The Court will upgrade to Version 5.1 on April 22, 2013**

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### **Notice of Procedural Change Regarding Service of Orders**

Effective May 1, 2013, the Clerk's Office of the Middle District of Florida Bankruptcy Court will no longer serve copies of orders to interested parties in a case.

With very few exceptions it will be the responsibility of the movant, the prevailing party or other party as directed by the Court ("Responsible Party") to serve copies of signed orders to interested parties and file a proof of service in compliance with Local Rules 7005-1, 7005-3, 9014-1 and 9072-1 and F.R.B.P. 2002, 5005, 7004 and 7005.

Proposed orders submitted for review and consideration must include one of the following statements:

- Attorneys: "Attorney [Name of submitting attorney] is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order."
- Trustees: "Trustee [Name of submitting trustee] is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order."

The statement should be located after the signature block with two hard returns preceding it. **Proposed orders that do not include this statement will be rejected and the submitting party will be required to submit a new order with the appropriate language included.**

Example:

<p>Dated: _____</p> <p>_____</p> <p>Michael G. Williamson United States Bankruptcy Judge</p> <p>Attorney [Name of Submitting Attorney] is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.</p>
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Docketing of the order by the Clerk's office will generate a Notice of Electronic filing (NEF). The Responsible Party can obtain a copy of the order to be served by clicking on the NEF link or by accessing it on the case docket via PACER. Please be aware that if the order is retrieved from the NEF, this will count as your one free look.

Once entered on the CM/ECF docket, the Responsible Party must promptly serve a copy of the order to interested parties and file a proof of service of the order within 3 days of the entry of the order.

The proof of service should be filed using the CM/ECF docket event *Proof of Service* and be properly related to the served order.



## NEWS FROM THE JACKSONVILLE BANKRUPTCY BAR ASSOCIATION

**In re Parker**, 485 Fed Appx 989 (11th Cir. 2012). Bankruptcy Court did not abuse its discretion in ordering attorney disbarred where attorney failed to appear or habitually came late to court, was unprepared for scheduled hearings, failed to pay filing fees on numerous occasions, made a practice of misappropriating clients' funds, intentionally filed false or incomplete information with the court, and concealed assets and mismanaged trust funds.

**DON'T LET THIS BE YOU!**

**COME TO THE JBBA PROFESSIONALISM BOOTCAMP**

**MAY 15<sup>TH</sup>**

**11:30am to 1:30pm**

**Courtroom 4-C**

### **Save the Date!**

The JBBA has scheduled its annual seminar on Friday, August 23, 2013 at the Marriott Sawgrass in Ponte Vedra, Florida. On Thursday, August 22, 2013, the JBBA and Michael Moecker & Associates, Inc. will put on our annual golf tournament at TPC Sawgrass. Please put these dates on your calendar, and we hope to see you there.

Please contact Barbara Campbell at [bcampbell@ch13jaxfl.com](mailto:bcampbell@ch13jaxfl.com) regarding attendance.

Questions about sponsorship opportunities, please contact Jason Burgess at [jason@jasonaburgess.com](mailto:jason@jasonaburgess.com).

**NEWS FROM THE TAMPA BAY BANKRUPTCY BAR ASSOCIATION****Florida Bar/Business Law Section UCC Seminar -  
Register Now!**

Uninformed, Confused, and Confounded by Article 9?  
Uppdate, Cultivate, and Clarify Your Knowledge!

This is an intermediate level seminar focusing on Article 9 of the UCC. The seminar will be April 26, 2013 at the Renaissance International Plaza in Tampa. This seminar provides 8 hours of CLE, 6 of which qualify as business litigation certification credits. For more information, access the web and go to the following link:

<http://www.floridabar.org/FBWEB/CLEReg.nsf/zLocations2/MAOS-92WKQL?OpenDocument>

**NEWS FROM THE SOUTHWEST FLORIDA  
BANKRUPTCY PROFESSIONALS ASSOCIATION****"Available Noticing and Mailing Services"**

**By: Luis Rivera, Esq., Henderson Franklin, Attorneys at Law and  
Chapter 7 Trustee (Ft. Myers Division)**

For the past two years I have utilized a service provided by BK Attorney Service, Inc. called Certificate of Service.com to mail papers to creditors in chapter 7 cases in which I am appointed trustee. The service is available at <http://www.certificateofservice.com>. Certificate of Service.com allows practitioners to upload their mailing projects online in PDF format and they take care of the printing, stuffing and mailing. They pull the mailing matrix directly from the Court and, upon completion of the mailing, generate a PDF affidavit of mailing. The fee for the service is \$0.15 per page plus actual postage. I have been pleased with the service.

I recently became aware The Bankruptcy Noticing Center has begun offering a similar service to practitioners. The BNC service is available at <https://www.noticingcenter.com/>. The BNC offers substantially the same service as Certificate of Service.com, except that with the BNC service you need to upload the mailing matrix. The fee for the BNC service is \$0.14 per page plus actual postage.

## NEWS FROM THE CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION

You are cordially invited to a Welcome Reception honoring

*The Honorable Cynthia Carson Jackson*

Thursday, May 16, 2013  
From 5:30 p.m. to 8:30 p.m.

The Rooftop Clubhouse, 29<sup>th</sup> Floor  
111 North Magnolia Avenue, Orlando, Florida

Please RSVP by May 9, 2013 to [mniquette@lseblaw.com](mailto:mniquette@lseblaw.com)

## PRO SE CLINIC

Have you signed up to be a member of the Pro Se Clinic yet? Don't be left out. Join many of your fellow bankruptcy attorneys and become a member today. It's a small time commitment with big rewards! Come and be a part of this great program. SIGN UP ONLINE at [www.cfbla.org](http://www.cfbla.org).

## WiFi AVAILABLE!

WiFi at the Bankruptcy Court and 341 Meeting Rooms in Orlando is available to all CFBLA members for free. Contact Kelly Crumbaker for more information.

## STAY CONNECTED

Did you know that all CFBLA news is posted on Facebook and on our website?

- Find out about upcoming events
- Register for an event
- Sign up to volunteer at the Pro Se Clinic
- Find CLE information
- Get information about other bankruptcy bar events around the state
- Get news from the Bankruptcy Court
- Download membership application & other forms



Facebook.com/CentralFlorida  
BankruptcyLawAssociation



@ProSeBankruptcy



[www.cfbla.org](http://www.cfbla.org)



## CENTRAL FLORIDA BANKRUPTCY LAW ASSOCIATION: ONWARD AND UPWARD

**By: Justin M. Luna, Esq.**

The Central Florida Bankruptcy Law Association has been busy over the last few months. First, in February, CFBLA hosted its annual Bankruptcy Primer, which featured a special presentation by the Office of the United States Trustees. The event was a huge success with over 100 attendees and we have begun planning for next year.

Second, CFBLA has recently created a Diversity Committee, whose mandate is to expand the public's (and bar at large) general knowledge of bankruptcy related legal issues facing the Court today. The Diversity Committee, among other things, continues to establish relationships with a number of local bar associations and has begun the planning stages of joint seminars as well as social gatherings. We anticipate that such programs and seminars will commence later in 2013. Additionally, CFBLA and the Diversity Committee have further cemented our commitment to local law schools including, without being limited to, Barry Law School and FAMU Law School. Specifically, CFBLA has waived its membership fees for qualified law students and is endeavoring to have these law students become involved in CFBLA as well as the Bankruptcy Pro Se Assistance Clinic.

Third, in implementing the Court's efforts to establish a uniformed district, CFBLA has commenced meetings with the leaders of the Jacksonville Bankruptcy Bar Association, the Tampa Bankruptcy Bar Association, as well as the Bankruptcy Committee of the Orange County Bar Association to exchange ideas, coordinate scheduling and open information channels pertaining to the respective association's activities in order to establish best practices throughout the District. Notably, the bar associations are in the process of scheduling a joint meeting at this year's Florida Bar Convention in Boca Raton, on **June 26-29, 2013**. The details of the "Middle District Bankruptcy Bar Association" meeting will be released after we confirm the details.

Fourth, the Bankruptcy Pro Se Assistance Clinic continues to be a wild success. Over the past few months, the Clinic has received over 400 calls requesting assistance from the Clinic and its members. In order to accommodate the unexpected, but welcomed, increase in demand the Clinic continues to request assistance from its members by volunteering at the Clinic. The Clinic has also established relationships with FAMU Law School and Barry Law School students that will soon be providing assistance within the Clinic in a limited capacity.

Fifth, on **May 10, 2013** at the Embassy Suites Hotel in downtown Orlando, CFBLA will host its annual seminar, which will feature speakers from across the southeast on various consumer and commercial bankruptcy topics. In order to facilitate requests for a more detailed program, the seminar's afternoon session shall be dual tracked, with simultaneous sessions addressing consumer and commercial bankruptcy topics.

Last, but certainly not least, CFBLA welcomes the Honorable Cynthia Carson Jackson as Orlando's newest bankruptcy judge

In conclusion, CFBLA and its Board look forward to an exciting but challenging second quarter. If any person is interested in learning about the CFLBA and its activities, please do not hesitate to contact Kelly Crumbaker at [kbcumbaker@gmail.com](mailto:kbcumbaker@gmail.com) or Justin Luna at [jluna@lseblaw.com](mailto:jluna@lseblaw.com).



Board of Directors

Left to Right Standing: Jeffrey Ainsworth, Michael Nardella, Justin Luna, Bradley Saxton, Andrew Roy  
Left to Right Seated: Cynthia Lewis, Jeanne Kraft, Jill Kelso  
Not pictured: Nicolette Vilmos, Elizabeth Green



## Judges Corner



### MEET JUDGE CYNTHIA JACKSON

On March 5, 2013, Cynthia Carson Jackson was sworn in as a Bankruptcy Judge of the United States Bankruptcy Court for the middle District of Florida, Orlando Division. While a press release was issued at the time of her appointment, this article offers a more personal introduction to our newest judge.

Judge Jackson was born in Jacksonville, Florida, to the late Dale and Doris Carson. Dale was an FBI agent and later served as the Sheriff of Duval County for nearly three decades. Doris was a widely-respected physician and community leader, as well as the first woman to practice obstetrics/gynecology in Duval County and the first female chief of staff at Baptist Hospital. Judge Jackson was actually on her way to an event honoring her mother when she learned that the Eleventh Circuit had selected her as its nominee for bankruptcy judge.

Judge Jackson attended Tulane University for two years and studied two semesters abroad at the University of Warwick in Coventry, England. By then however, she had met her future husband, Dale Jackson, and decided to complete her undergraduate degree closer to home. She graduated from Florida State University with a double major in Government and History and a double minor in Economics and International Relations. Judge Jackson then obtained her law degree from the University of Florida. Although she has always maintained her neutrality when the Gators played the Noles, her son says he is going to change that when he becomes a Gator.

In July, Judge Jackson and her husband, Dale, will celebrate their 30<sup>th</sup> anniversary. Dale recently retired after 29 year career as a firefighter and EMT with the Jacksonville Airport Authority Fire Department.

The Jacksons have three children. The oldest, Trace, has a Master's degree in Engineering from Northwestern University and has been offered a scholarship to law school at the University of Florida. He plans to become a patent attorney. Twins Lily and Courtney are freshmen in college taking pre-med classes – Lily at the University of North Florida and Courtney at Florida Atlantic University. Through FAU, Courtney is currently completing an internship at Disney World. When asked about their mother becoming a Judge, each of the children talked about how hard she has worked, how much she deserves it, and how very proud they are of her.

Prior to her appointment, Judge Jackson was with Smith, Hulsey & Busey since she graduated from law school. Her practice there included all aspects of bankruptcy, insolvency and restructuring. She represented debtors, creditors, committees and trustees in commercial and consumer cases. Some of her significant cases include The Charter Company, Prime Hospitality Corporation, Winn-Dixie Stores, and RQB Resorts (the Sawgrass Marriott). Judge Jackson earned a state-wide reputation for being a collegial, effective problem solver in the most difficult of cases.

Pictured with this article is a lithograph which hung for many years in Judge Jackson's law office and now hangs in her chambers. The quotation on this lithograph provides a unique insight into Judge Jackson's perspective on problem solving.





# Judges Corner



## TAMPA LAW FIRM RECEIVED COMMENDATION FOR PRO BONO WORK

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The law firm of Clark & Washington, P.C., of Tampa, was the 2013 Law Firm Commendation recipient. The award honors significant contributions in the delivery of legal services to individuals or groups on a pro bono basis. The commendation was presented at a January 31st ceremony at the Supreme Court of Florida by Chief Justice Ricky Polson.

The law firm is one of the largest filers of bankruptcies in the southeastern United States, with offices in Florida, Georgia and Tennessee. It provides counsel and support to individuals facing trying financial times and focuses exclusively on personal bankruptcy, specializing in Chapter 7 and Chapter 13 cases. Emory L. Clark co-founded the firm in 1983.

Since its inception, the law firm has striven to help as many people as possible achieve a brighter financial future. This is evident in their lawyers' strong presence in various community organizations and in their large pro bono case load.

The Tampa location was opened in January 2008. It has five attorneys and eight staff members, led by managing attorney Glenn E. Gallagher. Last year, the Tampa office took 42 referrals cases. Twelve of the cases were referred by the Bay Area Volunteer Lawyers Program.

In 2011, the firm's Tampa attorneys handled 60 pro bono cases, donating 300 hours. In 2009 the firm offered to accept all pro bono cases referred to it from the BAVLP and the Tampa Bay Hispanic Bar Association. That act significantly reduced the backlog of bankruptcy cases awaiting placement.

### OPEN DOOR HOURS WITH CHIEF JUDGE JENNEMANN

The Chief Judge has decided to discontinue open door hours as a matter of judicial efficiency. Judge Jennemann continues to welcome all comments and suggestions.

**Please do not hesitate to contact Chambers:**

Chief Judge Karen S. Jennemann's Chambers  
U.S. Bankruptcy Court  
Middle District of Florida  
400 W. Washington St.  
Suite 6100  
Orlando, Florida 32801  
407.237.8110

Karen\_Jennemann@flmb.uscourts.gov  
JA: Kimosment@flmb.uscourts.gov

## FLMB – The Early Years (1962-1987)

The evolution of the Clerk's Office of the United States Bankruptcy Court of the Middle District of Florida has been marked by rapid growth both in staff and divisional offices.

In 1962, the court had two divisions. The Tampa Division consisted of only two staff members which supported Alexander L. Paskay who was appointed as a Bankruptcy Referee on July 1, 1963 and later appointed a Bankruptcy Judge. The Division was then located in the United States Courthouse resident in the Post Office building on Florida Avenue in downtown Tampa. At that time, Judge Paskay held hearings in Tampa and Orlando. The District was then experiencing about 420 filings per year. The hearings in Orlando were held in the Post Office building in downtown Orlando. The Jacksonville Division also had only a few staff members who supported George L. Proctor who became the Division's first Judge when appointed on December 23, 1975. Upon taking the Bench, Judge Proctor assumed responsibility for hearings in Jacksonville and Orlando. At that time, Jacksonville petitions were filed with the District Court, who collected fees and forwarded documents to the bankruptcy clerks to process. Orlando cases were filed in Orlando but sent to Jacksonville for processing and keeping. In 1979, the Orlando Division moved to the George C. Young Federal Building and Courthouse but had only one employee, Mr. Ed Starkey. Ms. Linda Middleton became the second Orlando employee and later became the Deputy-in-Charge of the Division.

With the enactment of the Bankruptcy Code in October 1979, the Clerk's offices in both Jacksonville and Tampa grew to seven employees and the Chief Judge of the Court, Judge Paskay, hired the first Clerk, Mr. Aaron Nathan, who was a retired Army Colonel and a Chapter 13 Trustee. Mr. Nathan established his office within the Tampa Division which had then moved to 700 Twiggs Street in downtown Tampa. The Jacksonville Division handled cases for both the Jacksonville and Orlando areas while the Tampa Division handled cases for the Tampa area and all cities within the District south of Tampa. Judge Paskay routinely traveled to Ft. Myers to hear cases while Judge Proctor traveled to Orlando to meet the needs of Florida's growing populations. At that time, petitions were filed with the Bankruptcy Clerk's office, receipts were prepared on a hand-cranked machines and money collected was stored in a small metal gray boxes at the front counters. Mimeograph machines were used to make copies of 341 notices. Around 1985, the Orlando division staff had grown sufficiently in size to support the Orlando area filings and, as a result, the case files were maintained in Orlando rather than Jacksonville.



## Halloween is every Monday; and Christmas is every Thursday!

By: Charles R. Sterbach, Assistant United States Trustee

Analyst Bob Lynch and Paralegal Lori Luce in the Orlando United States Trustee's Office are involved as volunteers or "Angels" with Give Kids the World (GKTW) in Orlando. They have donated over 500 volunteer hours as airport greeters, food service workers and entertainment characters. (See picture above.) Angels also assist with resort operations, hospitality, administration, and entertainment programs.

GKTW provides children with life-threatening illnesses, along with their families, an all-expense paid week filled with theme parks, priceless memories and magical experiences. The organization was started in 1989 by Henri Landwirth, a Holocaust survivor. After migrating to the U.S. through Ellis Island, Henri worked up the ranks and became a successful hotelier in central Florida. He heard of a young girl with leukemia named Amy, who had a wish to visit the theme parks in Orlando. Sadly, although Amy's wish was granted, logistics delayed her trip and she passed away before she was able to make the trip to Orlando. Landwirth was so saddened by Amy's story; he endeavored to ensure no child would ever again be denied his or her dream due to bureaucratic red tape. He garnered the support of his hospitality and theme park colleagues and began Give Kids the World. Today, the turnaround time for wish granting is less than 24 hours.

GKTW has now welcomed more than 120,000 families from all 50 states and over 72 countries. The families experience a week of no medical bills, no needles, and no doctors. More importantly, they create memories to last a lifetime. The GKTW village is a 70-acre resort with over 140 two-bedroom villas, entertainment attractions and whimsical venues. Each building and venue is designed through the eyes of a child. For example, the ice cream palace is topped with a giant banana and opens at 7:30 a.m. One of the prominent things you will hear around the village is, "Yes, you can have ice cream for breakfast!"

Each evening features a themed celebration, because at GKTW, holidays are celebrated 52 weeks a year! For example, every Thursday is Christmas. The celebration begins early in the morning as Christmas carols play throughout the village. In the evening, turkey dinner with all the trimmings is served in the Gingerbread House restaurant. Dinner is followed by the Winter Wonderland Parade, cookie decorating and special visits with Santa. Every child receives a gift shipped in from the elves at the North Pole. For families unsure of what the future may hold, these memories are invaluable.

GKTW operates on donations from individuals and corporations. It takes millions of dollars each year to make wishes come true. The key to continued success are the Angels, like Bob and Lori, who help fill 1,200 shifts every week. Angels work tirelessly to ensure that each family has the perfect guest experience. For more information regarding the GKTW village, volunteering, or to make a donation, please contact Bob or Lori or you may view the website at [www.gktw.org](http://www.gktw.org).



An Orlando UST staff member entertains as "Bakes" at GKTW Village



## Court Committee Updates

### **IT Committee Update**

**By: Scott Lumpkins, IT Committee**

The IT Committee has been very busy lately with the upcoming conversion to CM/ECF 5.0/5.1 looming. We have tested multiple events in the training database to ensure that the modifications being made function the way they were intended before releasing them live. IT Committee held a meeting to discuss the CM/ECF 5.0/5.1 upgrade on March 14, 2013. The Committee discussed each person's role in regard to the conversion to CM/ECF 5.0 and 5.1. Mike Shadburn, Raymond Waguespack, Bill Miguenes, Mike Brown, CM/ECF Administrators and Trainers were present. This gave us the opportunity to hear all the information and ask questions. In preparation for the conversion to CM/ECF 5.0/5.1, the IT Committee members also attended two, two hour Webex Sessions on CM/ECF Release 5, on Tuesday March 19 and Wednesday March 20, 2013. The IT Committee anticipates testing CM/ECF 5.0 on Sunday April 21<sup>st</sup>, 2013 before the projected release to the general public.

### **Procedures Committee I**

**By: Christiane Thomas**

Our committee met three times via email this month to answer the Review Committee questions to our procedure on the Application to Pay Filing Fees in Installments. The questions have been answered and sent back to the Review Committee on April 4, 2013. We are planning our next meeting via telephone to start working on our next procedure, Amendment to Schedules.

### **Procedures Committee II**

**By: Anel Merritt**

The Procedures Committee II met with the Procedures Review Committee to discuss questions and suggestions. Currently working on separating Chapter 7 case opening into two procedures based on paper cases and electronically filed cases.

### **Procedures Committee III**

**By: Mary Henry**

Our second project was to consolidate the criteria used for Chapter 7 discharges in the three divisions. We submitted the proposals to Raymond Waguespack who will submit them to the Review Committee. Our third project is to review Chapter 13 discharge criteria for consolidation. Each committee member is researching her division's procedures, and we will conduct our first meeting on April 17<sup>th</sup>.

### **Procedures Review Committee**

**By: Susan Carter**

The Procedure Review Committee has completed discussion of the proposed procedure for Application to Pay Filing Fee in Installments as well as the suggested procedure for Chapter 7 Case Opening. Additional questions from the Review Committee are currently being addressed by the respective Procedure Committee on these first two items. The Review Committee is now in the process of examining and discussing the revision of the Objection to Claims procedure.

## Court Committee Updates (continued)

### **Training Committee**

**By: Ann Iannarelli**

The Training Committee was busy during January and February putting the finishing touches on the Strategic Training Plan. On February 22<sup>nd</sup> we presented the plan to Chief Judge Jennemann, Lee Ann and Raymond. We were thrilled that Judge Jennemann approved the plan. We repeated the presentation for the Judges and Senior Management on March 11<sup>th</sup> and unveiled the plan to the entire court family on April 3<sup>rd</sup> at a video conference meeting. Our next step is to focus on the education courses scheduled for the 2<sup>nd</sup> quarter and develop a training calendar.

### **Website Committee**

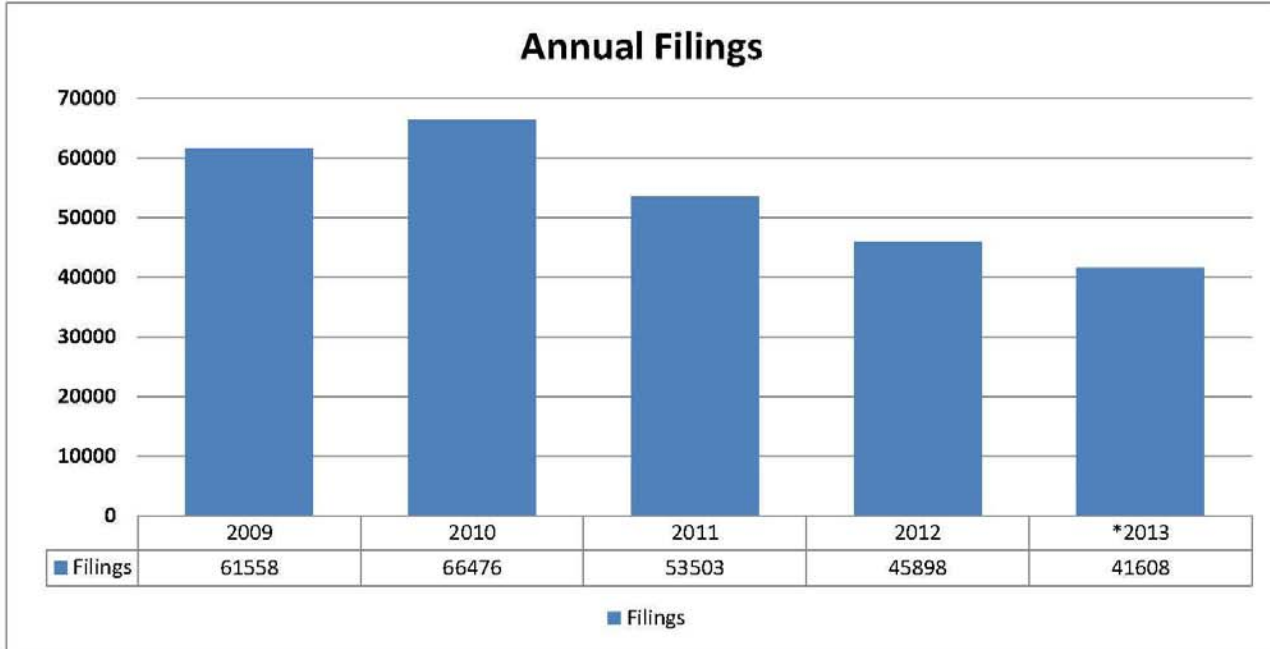
**By: Sarah Weiner**

The Website Committee recently happily welcomed two new team members, Brenton Pierce, Tampa case manager on the Judge Williamson team and our Human Resources guru, Celia Rodenmeyer. The team has accomplished quite a bit in the last month. A new survey will be soon forthcoming to all ECF users-internal and external to assess our current live website. The process will be simple and will be accessible via the ECF system. Don't be shy in sharing your thoughts and ideas! We encourage you as this is "OUR" website. The team is still in process of checking all information and links on the live website for accuracy and correct link information- a very big challenge! The team is also working on a website link to devote an entire web page to Mortgage Modification to allow for easy access to all interested. A lot of great things on the way so stay tuned...



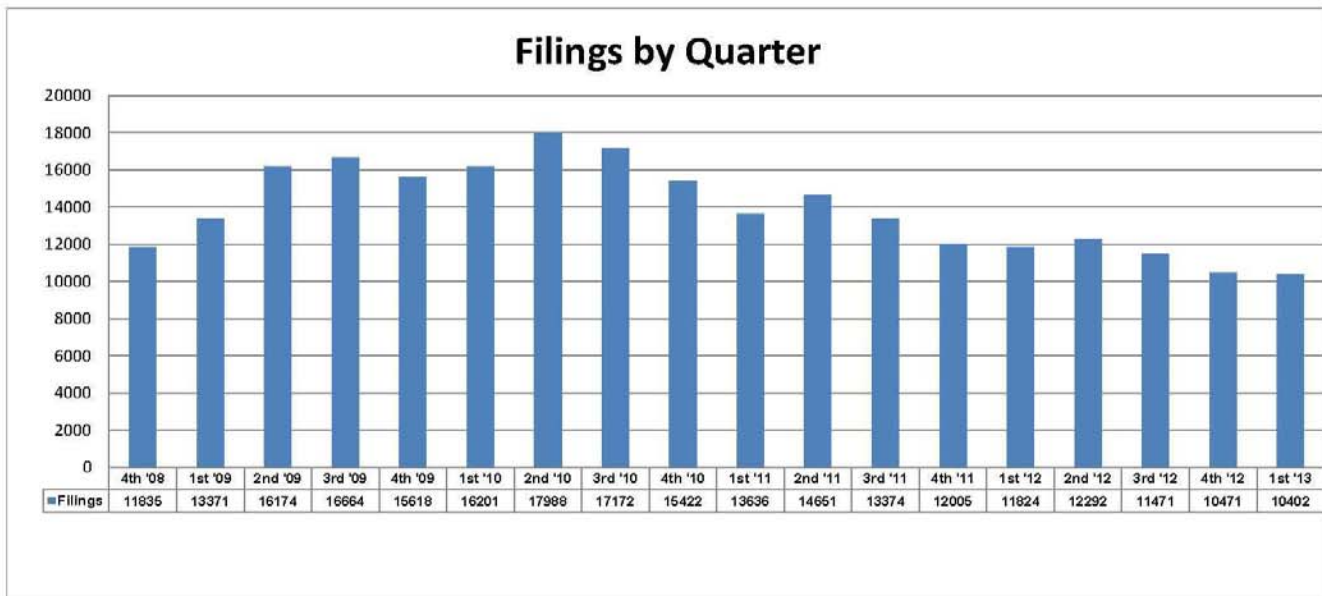
**QUARTERLY STATISTICS AS OF APRIL 8, 2013, FOR THE  
UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**

United States Bankruptcy Court - Middle District of Florida  
Updated April 8, 2013 Meeting Data and Information  
Statistics as of December 31, 2012



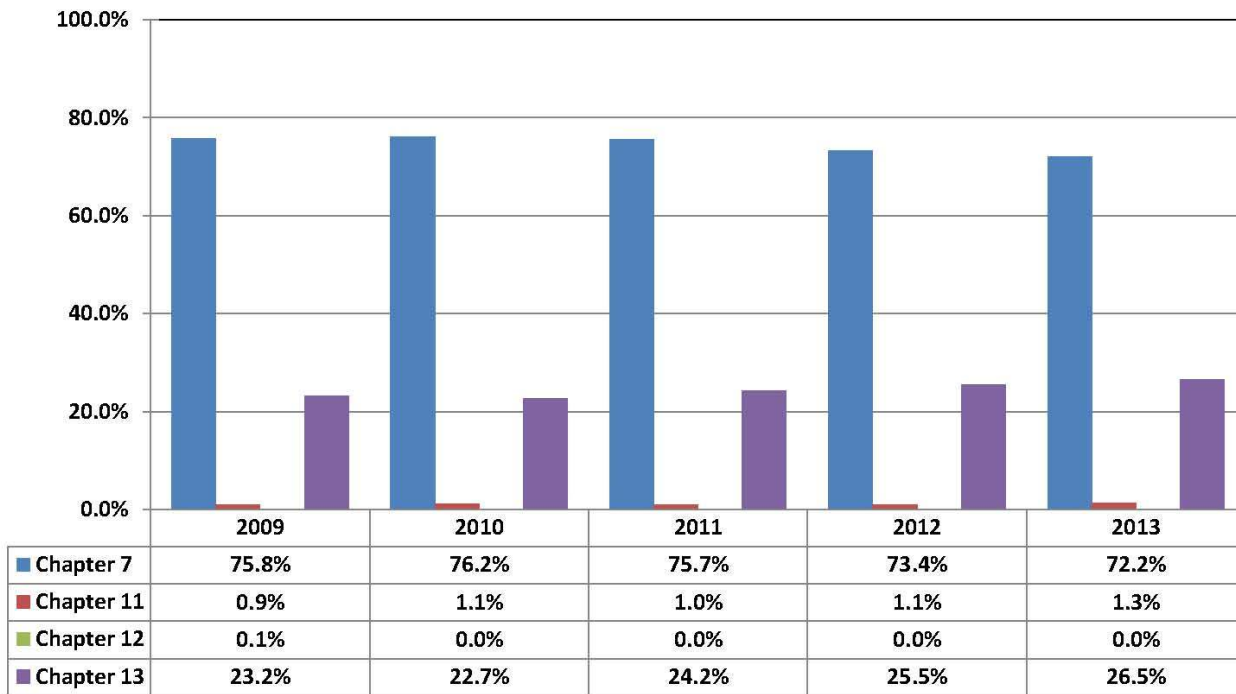
Year	Annual Filings	vs. 2009	vs. Prior Yr.
2009	61558		
2010	66476	8%	8%
2011	53503	-13%	-20%
2012	45898	-25%	-14%
*2013	41608	-32%	-9%

\* Projected Filings

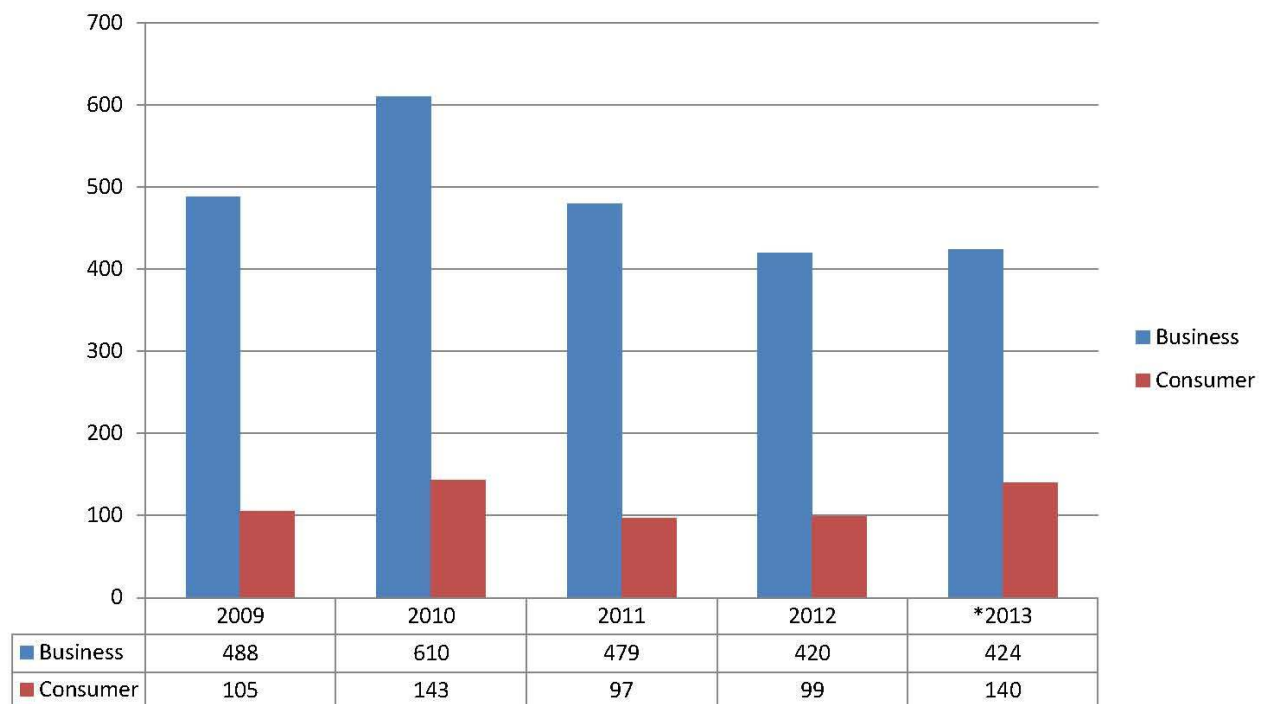


**QUARTERLY STATISTICS AS OF APRIL 8, 2013, FOR THE  
UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**

**Filings by % of Chapter Type**

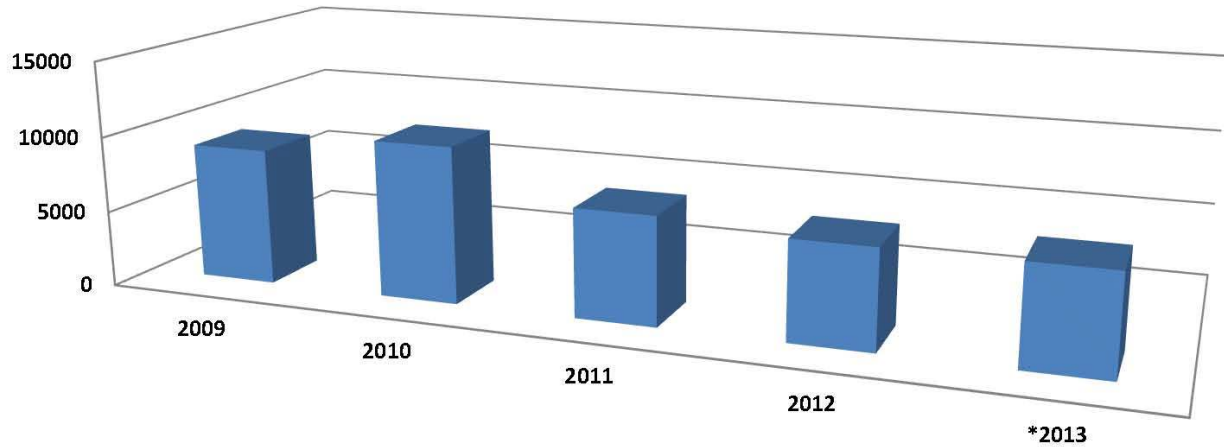


**Chapter 11 Filings**



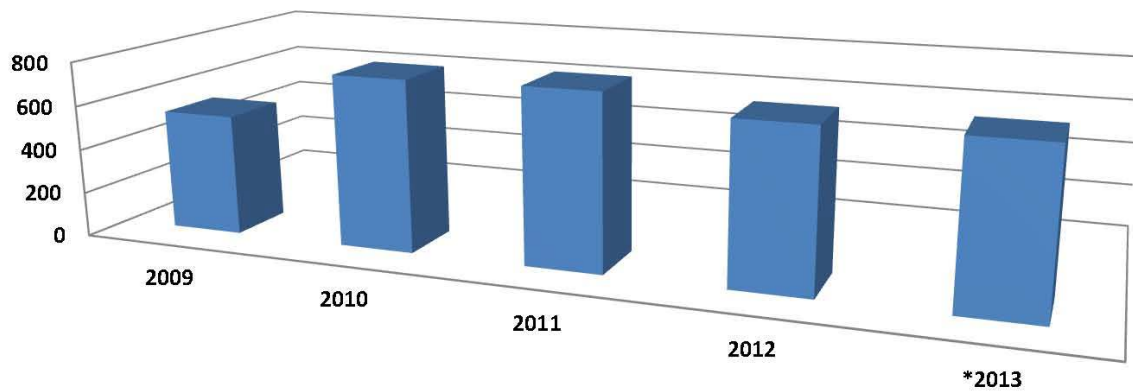
**QUARTERLY STATISTICS AS OF APRIL 8, 2013, FOR THE  
UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**

**Pro Se Filings**



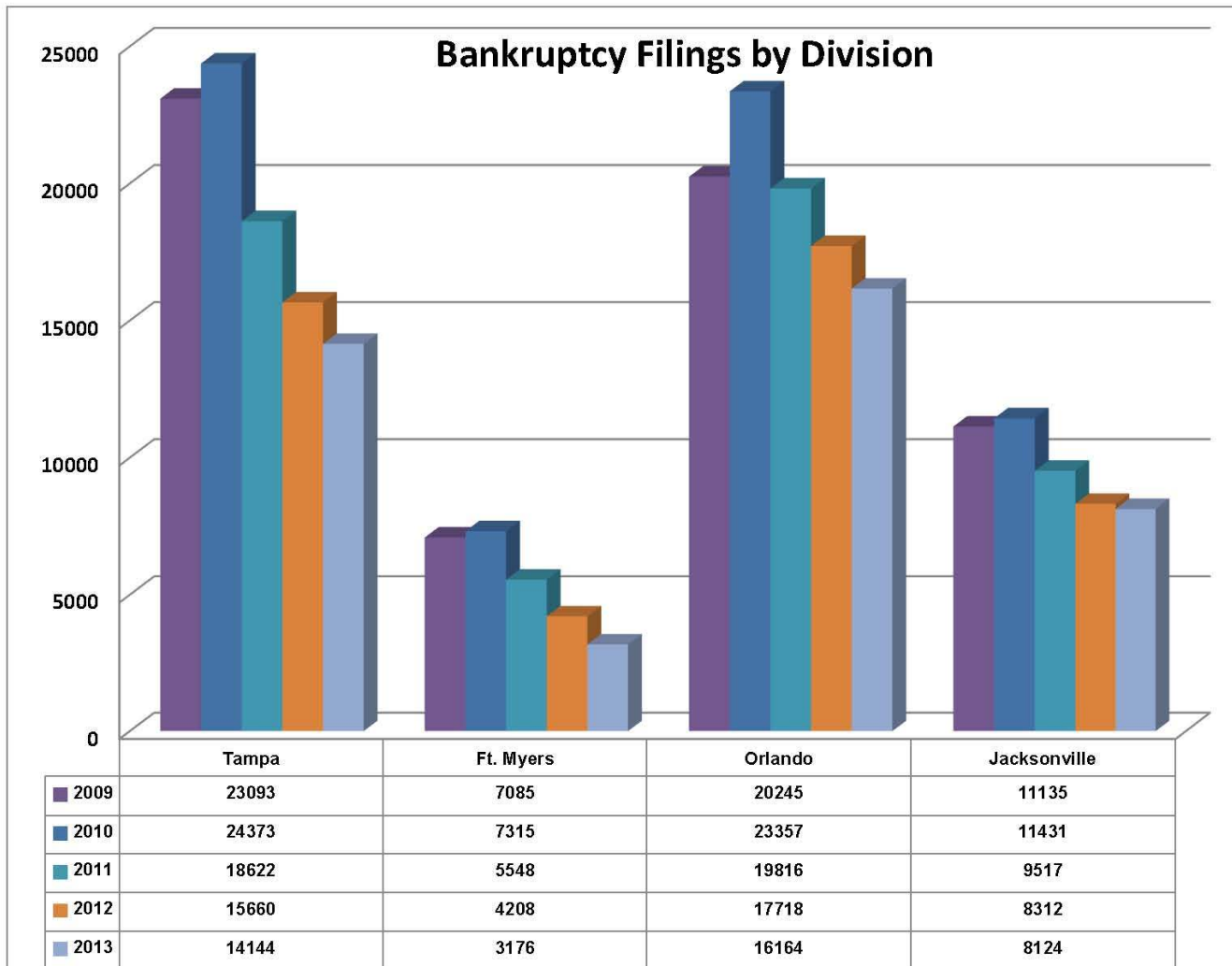
	2009	2010	2011	2012	*2013
■ Pro Se	8985	10293	7123	6511	6532
% of All Filings	15%	15%	13%	14%	16%

**In Forma Pauperis Filings**



	2009	2010	2011	2012	*2013
■ IFP Granted	544	771	781	711	712
% of All Filings	1%	1%	1%	2%	2%

**QUARTERLY STATISTICS AS OF APRIL 8, 2013, FOR THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF FLORIDA**



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings.



**United States  
Bankruptcy Court**

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**[** [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov) **]**