



**Northern District of Florida
Bankruptcy Bar Association Annual Seminar**

Clerk's Office Update

By Traci E. Abrams, Clerk of Court

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Introduction

Thank you for inviting me to speak with you today. All of the information that I am about to provide may be found in your conference materials. Feel free to ask questions during the presentation or hold them until the end. If I cannot answer you today, please send your questions to me by email (Traci_Abrams@flnb.uscourts.gov) and I will follow up with you or will refer your question to a specialist.



Court Operating Status

Staffing. The Clerk's Office has managed to maintain a minimum staffing floor of 16 people despite budgetary reductions. Retirements, the internal reorganization of staff, and a careful stewardship of funds have made this possible. While many employees are performing the work of multiple positions and must take care to ensure that all work is being done even when employees are out of the office, our quality of work and commitment to you and the Judiciary remains high.

Two areas of reorganization include our Operations and Finance Departments. As you know, Melissa McClure retired in June of this year. In her place, I have promoted Tammi Boswell into the Director of Court Operations position. Tammi was formerly our CM/ECF Analyst and financial assistant. Before that, she worked as a supervisor in the mortgage industry. Her formative court years were spent at Louisiana Western Bankruptcy where she worked for 15 years. Tammi has been doing a wonderful job so far, and I expect more great things from her in the future. I also promoted one of our Case Administrators, Mrs. Ne'Shoni Love-Beane, into a new Budget Analyst position. Ne'Shoni's organizational skills, five years of accounting experience with the State of Florida, and her years of experience with this court as a bankruptcy generalist turned case administrator has made her a perfect fit for the position.

Beginning in January 2017, we will experience a change in one of our top management positions. My Chief Deputy Clerk and right-hand, Paul Neely, is eligible for retirement in December but has agreed to remain with the court in his former capacity as our Network Administrator. The Judiciary will be rolling out a substantial number of national IT initiatives, and Paul's project management and IT

expertise will be of great assistance. In his place as my Chief Deputy, I have hired Travis Green. Travis has been with the Northern District of Florida District Court for 24 years. He is currently the resident Deputy-In-Charge of the Pensacola Division and was formerly the Resident Deputy of the Panama City division as well. In addition to his years of experience, Travis holds a Master in Public Administration and a Bachelor of Science in Business Administration. He will begin work in Tallahassee in January, 2017.

At the same time, Bruce Justham in my IT Department will resume his supervisory role as the Director of Information Technology in January of 2017.



Budget. Fiscal year 2017 is right around the corner, and we are still waiting for Congress to approve a budget. Internal to the Judiciary, a preliminary budget is being discussed. It is likely that all court and probation units will receive an across the board cut of 2.5% based on full funding requirements. Bankruptcy courts will continue to experience formula-based budget cuts in addition to the 2.5% due to low caseloads and will also shoulder a shared administrative services (or SAS) cut. The good news is that it appears our SAS cut for FY2017 will only be 1.45% of our authorized work units as compared to the 9.8% cut this year. Of course, all of this can change depending on how Congress plans to proceed.



Filings. Bankruptcy filings per judgeship for our court continue to exceed the national average. Overall, Judge Specie ranks 28th in the nation for weighted filings per judgeship as of June 30, 2016.



We have ranked first in the Eleventh Circuit for Chapter 11 filings for the past five years (see Figure 1), and are currently ranked 8th in the nation out of 90 courts in this category.



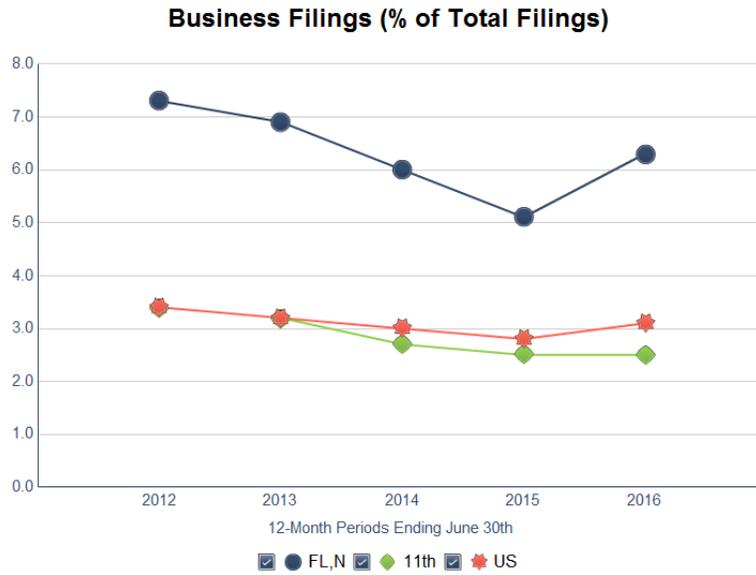
While *pro se* filings have dropped in the Circuit or have remained flat nationally, they have steadily increased for the Northern District of Florida to the tune of 12.6% over last year (see Figure 2).



Chapter 7 filings are dipping within the Eleventh Circuit and across the nation, but the Northern District of Florida has seen a minimal decrease in comparison. Filings were down from last year just 0.4% compared to a Circuit average reduction of 9.7% and a national average reduction of 7.2% (see Figure 3).



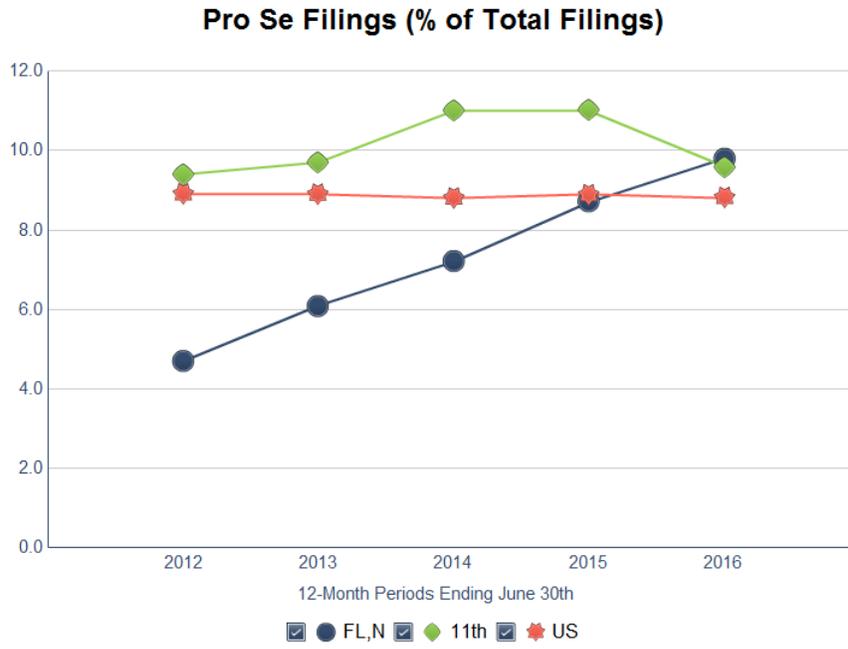
Figure 1



	2012	2013	2014	2015	2016	% Chg., 2015-16
FL,N	7.3	6.9	6	5.1	6.3	23.5%
11th Circuit	3.4	3.2	2.7	2.5	2.5	0.0%
US	3.4	3.2	3	2.8	3.1	10.7%

Circuit Rank: 1 U.S. Rank: 14

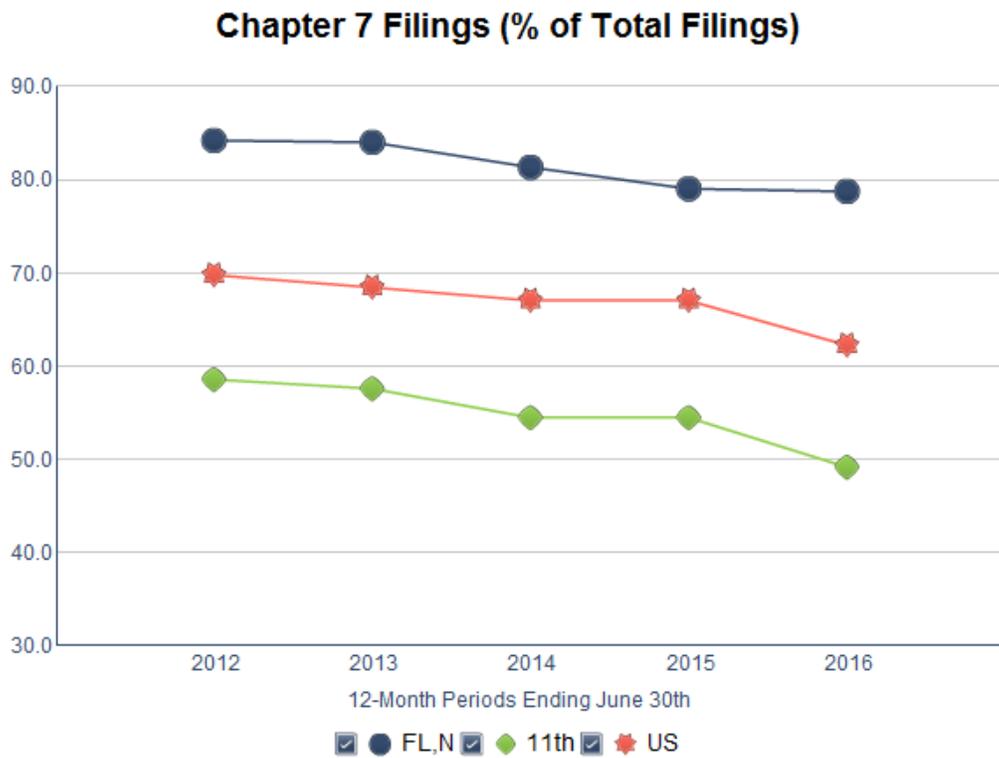
Figure 2



	2012	2013	2014	2015	2016	% Chg., 2015-16
FL,N	4.7	6.1	7.2	8.7	9.8	12.6%
11th Circuit	9.4	9.7	11	11	9.6	-12.7%
US	8.9	8.9	8.8	8.9	8.8	-1.1%

Circuit Rank: 4 U.S. Rank: 21

Figure 3



	2012	2013	2014	2015	2016	% Chg., 2015-16
FL,N	84.2	84	81.3	79	78.7	-0.4%
11th Circuit	58.5	57.5	54.4	54.4	49.1	-9.7%
US	69.7	68.4	67	67	62.2	-7.2%

Circuit Rank: 1 U.S. Rank: 26

Information Technology News and Cost Containment

The Judiciary is continually striving to contain costs in order to conserve taxpayer funding. Since the Third Branch operates using a decentralized funding model for the most part, it is up to each court unit to participate in cost containment efforts. Information Technology is one area where we have been successful in that regard.

An example of cost savings is cloud hosting. Rather than maintaining and replacing certain physical servers situated within local, specially cooled court space, the Clerk's Office has opted to take advantage of virtual servers hosted within a private Judiciary cloud as much as possible. While court staff are still responsible for maintaining the software and data, all hardware and facilities maintenance are managed off-site. The use of off-site server management by local courts contributes to a reduction of the Judiciary's maintenance costs (including overtime utilities) by co-locating servers in two facilities instead of maintaining them in 94 different locations.

Another project that we have just completed is called "JIFMS" or the Judiciary Integrated Financial Management System. JIFMS serves as the Judiciary's official financial, procurement, and financial information management system of record. One benefit of JIFMS is electronic funds transfers or "EFTs". Instead of printing and mailing treasury checks from each of the 94 District Court headquarter divisions, vendor payments are electronically transferred to designated bank accounts. This practice eliminates a number of costs associated with paper checks.

Other projects include NextGen (a modular replacement for CM/ECF), JETS (a travel approval and reimbursement system internal to the Judiciary), the IT Scorecard Initiative (a project focusing on judiciary-wide computer security efforts), the Judiciary National Fax Service (NFAX), and the UNIFY project. UNIFY involves the migration of court users to the Microsoft Office 365 software suite.



NextGen

Regarding NextGen, the Bankruptcy Court will implement NextGen after we are certain that the program is running well. This may not happen until late in 2017. Note that I am in discussions with the Bankruptcy Courts for the Middle and Southern Districts of Florida to pool our IT resources by rolling out NextGen simultaneously across the state. Stay tuned for more information.



Bankruptcy Advisor Newsletter

The August edition of the Bankruptcy Advisor newsletter contains valuable information about our court and upcoming or proposed rule changes. This periodical may be accessed any time by going to our website (www.flnb.uscourts.gov), clicking on the “Court Resources” tab, and then clicking “Newsletters”. You should have also received an email blast announcement concerning its publication. The email blast is sent to the addresses provided in your CM/ECF user account. Please check your user profile if you did not receive this announcement as that may mean you are missing Notice of Electronic Filings on your cases as well. The Bankruptcy Advisor is arranged and edited by Julie Gibson. Articles are provided by Judge Specie, myself, and members of my staff.



Rule Changes

The August edition of the Bankruptcy Advisor contains two articles detailing proposed and adopted rule changes. The first article entitled *Proposed Amendments to the Fed. R. Bankr. P. Published for Public Comment* is an important one to review. The article describes proposed amendments to Rule 3015 and the adoption of new Rule 3015.1 modifying the prior proposal for an official form for the plan of reorganization under Chapter 13 of the Bankruptcy Code. The proposed amendment to Rule 3015 would require use of the national official plan form unless a district instead adopts a local plan form that meets the requirements of proposed new Rule. Comments are due no later than Monday, October 3, 2016, and must be submitted through the uscourts.gov website (<http://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>).

The second article entitled *Amendments to Fed. R. Bankr. P. Effective December 1, 2016* contains a list of all Rules adopted by the Supreme Court and transmitted to Congress that will take effect on December 1, 2016.



Local Rules Committee

Our Local Rules Committee members, including me, Judge Specie, formerly Melissa McClure and now Tammi Boswell, have been hard at work reviewing the Local Rules and working through proposed changes. To date, the latest draft contains 77 modifications. Many of these modifications are small; others are more in-depth. I would like to thank the bar membership on this committee for their dedication and assistance including:

- William “Bill” Miller, Esq.
- Jeff Childers, Esq.
- Karin Garvin, Esq.
- Roland Kiehn, Esq.
- Michael Moody, Esq.
- Rick Savage, Esq.
- Sharon Sperling, Esq.
- Trevor Thompson, Esq. (our newest member)



One change voted on by the committee and approved by Judge Specie concerns how forms and other references will be addressed within the Local Rules text. It was decided that the form name or related document reference and URL will be omitted from Local Rule text and replaced by a general reference to the court’s website Home page URL (www.flnb.uscourts.gov). The Home page of the website will be amended to include a very obvious link to a separate document that cross references each Local Rule to any form or related document reference and URL. Links on this new document will take users directly to the information they need. Figure 4 in your packet is a snap shot of the basic and initial draft format of the index. The final format is still to be decided. Clerk’s Office staff, with your input and assistance, will ensure that these links remain up to date. This change will allow the Local Rules to remain accurate even when form numbers or locations of resources on our website change over time.

Once completed, a draft copy of the Local Rules will be posted to the Local Rules page of the court’s website for public comment.



Figure 4

Local Rule	Description	Website References
1001-1	Introduction and General Statement of Adoption and Application of Local Rules	N/A
1005-1	Petition – Caption	N/A
1006-1	Filing Fee	N/A
1007-1	Lists, Schedules, Statements, and Other Documents	http://www.flnb.uscourts.gov/forms Form LF-2 Corporate Ownership Statement LF-16 Statement of No Employer Income Form B 121 Your Statement About Your Social Security Numbers Form B 201 A Attachment to Voluntary Petition for Non-Individuals Filings for Bankruptcy Under Chapter 11

Staff Reminders

The following items were submitted by my staff so that I may relay this important information to you.



Proposed Orders. Proposed orders are to be *timely* submitted on pending motions and as directed. Clerk’s Office staff are not required to send a reminder to you but do so on a regular basis out of respect for you, their position, and the court. Submitted orders are routed internally to the assigned Case Administrator who performs a quality control review. Case Administrators perform this review based on criteria set by Judge Specie. Once completed, and once all required corrections have been made by the submitting attorney, the proposed order is routed to chambers. The Law Clerk has the option to direct the Clerk’s Office to return the document to you for additional changes.



Some of the elements to be QCd by Clerk's Office staff appear in your conference materials under the heading "Proposed Orders" and the subheading "Quality Control Elements for Proposed Orders". Please review this list prior to your order submission in order to prevent processing delays.



Quality Control Elements for Proposed Orders

- Correct district and division at the top of the order;
- Correct case style and the case name and number matches docket information;
- Date line present near the signature block;
- The judge's name in the signature block;
- Signature block is on the same page as the body of the order;
- Document number of the underlying motion/application/objection is in the title of the order;
- Referenced motion/application/objection was actually filed in the case;
- Parties/creditors named are the same as named in the motion/application/objection;
- An order has not been previously entered on the same motion/application/objection; and
- If a hearing was held, ensure that the order text agreed with the judge's ruling.

Note that the Local Rules for the District Court have changed; Fourteen (14) point font is now required for all documents. The Bankruptcy Local Rules will be updated to follow suit. In the meantime, please use 14 point font for all proposed orders. Submission in Microsoft Word is preferred although other word processing formats will also be accepted. Word processing formats other than Word may take longer for the Clerk's Office to process due to required formatting corrections that must be made upon receipt.



As a reminder, please be sure to turn off your pop-up blocker when submitting proposed orders.



Emergency Operations. With storms already churning in the Gulf of Mexico, I wanted to take this opportunity to remind you of the court’s emergency procedures. We are fortunate to have an excellent failover system for our servers and applications which will allow us to remain open for business from a technology standpoint in most emergency situations, even if staff cannot physically enter a courthouse. But there will be times when court events, such as hearings, will need to be temporarily suspended and rescheduled.

The first resource to consult any time an emergency threatens a staffed or unstaffed divisional office is the court’s internet site located at www.flnb.uscourts.gov. We will always post helpful information about our status, hours, and details about the emergency under the heading “Court Announcements and News” (see example at Figure 5). Note that this section of our website allows users to establish an RSS (or “Really Simple Syndication”) feed which will automatically send an update to your RSS reader anytime that portion of the website has changed. Should our WWW site become unavailable, we have an alternate COOP (Continuity of Operations Plan) site that functions in the same manner and provides the same information except that you will see a red stop sign graphic displaying “COOP” on the Home page. You will be redirected to the COOP website automatically.

During emergency situations, we will also use email to notify you of our status or of the status of CM/ECF. Emails are sent to primary and secondary addresses found in our CM/ECF database and are our most direct means of delivering information to you in a timely manner. In addition to maintaining an accurate primary email address in CM/ECF, be sure to update your secondary (or copied recipient) addresses as well.

Finally, in cases where a hearing must be rescheduled quickly, you may receive a phone call from Chambers or Clerk’s Office staff advising you of this fact.



Figure 5



Courtroom Technology and Testing Requirements. We are blessed in the Northern District of Florida with a state of the art, high definition, and digital courtroom technology environment in most courtrooms. Many tools are available to attorneys during court hearings. But as with any type of technology, testing and practice is required. Please be sure to contact the Courtroom Deputy at least two (2) days in advance of any hearing or trial where a personal laptop or other device will be used for display purposes so that testing and training may be arranged with IT staff. The attorney or other individual charged with using the equipment during the hearing or trial should be present for the scheduled training date.



Submission Error Notifications (SENs). Case managers will docket a submission error notification when there is something in the case that requires your attention. Please be sure to take action on these quickly so that your case may proceed smoothly. Call the Case Administrator who entered the submission error if you have any questions.



Rule of Thumb from our Case Administrators. When in doubt, always give us a call especially *before* hitting that final "Submit" button on your docket entry. The use of the correct docketing event when filing is crucial as there are many automated functions that are dependent on and reactive to the event selected by the filer. It is much easier to talk you through a filing on the phone than it is to correct an errant filing after the fact.



Amending Schedules. Be sure to review Local Rule 1009-1 and include all requirements when amending schedules.



Reaffirmation Agreements. Please check that all portions of the reaffirmation agreement have been completed by all parties prior to filing.



Conclusion

Thank you for your time and attention today. We at the Clerk's Office appreciate your support and will continue to provide excellent assistance to those we serve.



My remaining slides contain court resources. This information may also be found in your seminar materials. Thank you again for your time.

Resources

The court's internet site located at www.flnb.uscourts.gov contains everything you need to know about local policies, procedures and practices. The links below are just a few of the resources available to you through the site.

- ✚ Court Announcements and News RSS Feed/Information:
<http://www.flnb.uscourts.gov/rss.xml>
- ✚ Court Calendar:
<http://www2.flnb.uscourts.gov/publiccalendar/>
- ✚ Court Call Procedures:
http://www.flnb.uscourts.gov/sites/default/files/court_resources/telephonic_appearance_procedures.pdf
- ✚ Court Contacts:
<http://www.flnb.uscourts.gov/contacts>
- ✚ Filing Requirements – Instructions and Procedures (Chambers):
<http://www.flnb.uscourts.gov/filing-requirements/instructions-and-procedures-chambers>
- ✚ Forms:
<http://www.flnb.uscourts.gov/forms>
- ✚ Local Rules:
<http://www.flnb.uscourts.gov/court-resources/local-rules>
- ✚ Mortgage Modification Mediation Page:
<http://www.flnb.uscourts.gov/mortgage-modification-mediation>
- ✚ Newsletters:
<http://www.flnb.uscourts.gov/court-resources/bankruptcy-advisor-newsletter>
- ✚ Permissive Use of Negative Notice List:
http://www.flnb.uscourts.gov/sites/default/files/filing_requirements/negative_notice.pdf
- ✚ **Proposed Orders Guidelines:**
http://www.flnb.uscourts.gov/sites/default/files/filing_requirements/4-inst.pdf
- ✚ Trustee Contacts:
<http://www.flnb.uscourts.gov/trustee-info>