



AMERICAN
BANKRUPTCY
INSTITUTE

2020 Alexander L. Paskay Memorial Bankruptcy Seminar

Judicial Merry-Go-Round

Roy S. Kobert, Moderator

GrayRobinson, PA; Orlando

Hon. Roberta A. Colton

U.S. Bankruptcy Court (M.D. Fla.); Orlando

Hon. Caryl E. Delano

U.S. Bankruptcy Court (M.D. Fla.); Tampa

Hon. Jeffrey P. Hopkins

U.S. Bankruptcy Court (S.D. Ohio); Cincinnati

Hon. Laurel Myerson Isicoff

U.S. Bankruptcy Court (S.D. Fla.); Miami

Hon. Cynthia C. Jackson

U.S. Bankruptcy Court (M.D. Fla.); Orlando

Hon. Catherine P. McEwen

U.S. Bankruptcy Court (M.D. Fla.); Tampa

Hon. Mindy A. Mora

U.S. Bankruptcy Court (S.D. Fla.); West Palm Beach

Hon. Karen K. Specie

U.S. Bankruptcy Court (N.D. Fla.); Tallahassee

Hon. Michael G. Williamson

U.S. Bankruptcy Court (M.D. Fla.); Tampa

AMERICAN BANKRUPTCY INSTITUTE

44th Annual Alexander L. Paskay Seminar
Judicial Merry-Go-Round!

JUDICIAL PARTICIPANTS:	HOT TOPIC:
Hon. Roberta A. Colton (Tpa/Orl)	10 Things You Need to Know About the Small Business Act
Hon. Caryl E. Delano (Tpa/Ftm)	Discovery Do's and Don'ts
Hon. Jeffrey P. Hopkins (SD/Ohio)	(1) Appearance Attorneys of (2) How to Position Your Client for Mediation
Hon. Laurel M. Isicoff (Miami)	Issues Relating to Reaffirmations
Hon. Cynthia C. Jackson (Orl)	Attempts to Fix the Student Loan Crisis: Creation of Utopia or Opening of Pandora's Box
Hon. Catherine P. McEwen (Tpa)	Stopping the Serial Filer Merry Go Round
Hon. Mindy A. Mora (Wpb)	Early Case-Dispositive Motions in Chapter 11: Do Phoenix-Piccadilly Factors Still Apply?
Hon. Karen K. Specie (ND/FI)	Listing the Curtain on Stay Relief: How to Get it. How to Keep it. And How to Defend Against it.
Hon. Michael G. Williamson (Tpa)	Avoiding Privilege Pitfalls: Exceptions to the Attorney-Client Privilege

Roy S. Kobert, Moderator/Cupid

Lifting the Curtain on Stay Relief: How to Get it. How to Keep it. And how to Defend Against it.

The automatic stay and the intricacies of 11 U.S.C. § 362 present avoidable issues for practitioners. This topic will be a reminder of how to *properly* obtain stay relief; especially prospective stay relief; and how to effectively and correctly defend against motions for relief from stay.

Faculty

Hon. Roberta A. Colton is a bankruptcy judge for the U.S. Bankruptcy Court for the Middle District of Florida in Tampa, the first bankruptcy judge to be appointed under a memorandum of understanding between the Eighth and Eleventh Circuit Courts. She also serves as a member of the mediation team involved in the Puerto Rico PROMESA cases. Prior to taking the bench, Judge Colton practiced at Trenam Law in Tampa, Fla., where she was a shareholder and a member of the firm's Executive Board. Her practice areas included business reorganization, bankruptcy litigation, foreclosure/lender liability, creditors' committees, bankruptcy trustee representation, commercial litigation and bankruptcy asset sales. Prior to joining Trenam Law, she served as a judicial law clerk for Hon. James C. Hill of the U.S. Court of Appeals for the Eleventh Circuit in Atlanta. During her more than 30 years in practice, Judge Colton has been listed in *The Best Lawyers in America* for Bankruptcy & Creditor-Debtor Rights, Bet-the-Company Litigation and Bankruptcy Litigation. She was also featured as a "Tampa Best Lawyer of the Year" in bankruptcy law. Prior to her appointment, Judge Colton was named one of the top 10 *Super Lawyers* in Florida from 2011-16. She has served as Eleventh Circuit Regent for the American College of Bankruptcy, chair of the Local Rules Committee for the U.S. Bankruptcy Court of the Middle District of Florida, and chair of the Grievance Committee of the U.S. District Court for the Middle District of Florida. She also is the former chair of the Florida Bar Business Law Section's Bankruptcy/UCC Committee, as well as the Tampa Bay Bankruptcy Bar Association. Judge Colton has taught numerous CLE programs over the past 20 years, both for the Florida Bar and for bankruptcy programs across the country, on topics ranging from specific bankruptcy and foreclosure issues, workout issues, mediation, and trial and discovery issues. She received her B.A. in commerce with distinction from the University of Virginia in 1979 and her J.D. from William & Mary Law School in 1982, where she served on its law review and was a national moot court finalist.

Hon. Caryl E. Delano is Chief Bankruptcy Judge for the U.S. Bankruptcy Court for the Middle District of Florida in Tampa, initially appointed on June 25, 2008, and named Chief Judge on October 1, 2019. She also was appointed Presiding Judge of the Fort Myers Division in July 2012. Previously, Judge Delano practiced before the bankruptcy courts of the Central District of California for 14 years. In 1994, she returned to Tampa and most recently practiced law with the firm of Addison & Delano, P.A., where she concentrated her practice on bankruptcy and commercial litigation. Judge Delano has represented debtors and creditors in numerous chapter 11 cases and related adversary proceedings. She is a member of the Florida Bar, the State Bar of California, the National Conference of Bankruptcy Judges, ABI, the Business Law Section of The Florida Bar (Executive Council, CLE Committee), the Hillsborough County Bar Association and the Tampa Bay Bankruptcy Bar Association. In addition, she serves as the liaison judge to the Middle District of Florida's Local Rules Lawyers' Advisory Committee and is a member of the National Conference of Bankruptcy Judges Federal Rules Advisory Committee. In 2017, Judge Delano received the Southwest Florida Bankruptcy Professionals Association's Alexander L. Paskay Professionalism Award. In addition, she is the former executive director and past-president of the J. Clifford Cheatwood American Inn of Court. Judge Delano received her B.A. in English *cum laude* in 1976 from the University of South Florida and her J.D. in 1979 from Indiana University School of Law, having completed her final year of law school at Emory University School of Law.

Hon. Jeffery P. Hopkins is a Bankruptcy Judge for the U.S. Bankruptcy Court for the Southern District of Ohio in Cincinnati, appointed in 1996 and reappointed in 2010. After graduating from law

school, he clerked for Hon. Alan E. Norris on the U.S. Court of Appeals for the Sixth Circuit, then worked as an associate with Squire, Sanders & Dempsey, LLP, specializing in complex commercial litigation. In 1990, Judge Hopkins sought appointment as an Assistant U.S. Attorney and advanced to become chief of the Civil Division for the Southern District of Ohio. During his tenure on the bankruptcy court, he has served on several committees of the Judicial Conference of the United States and for bar-related and civic organizations. In 2002, the late Chief Justice William H. Rehnquist appointed Judge Hopkins to the Federal Judicial Center's Education Committee for bankruptcy judges. Chief Justice John G. Roberts, Jr. appointed him to the Advisory Committee on Bankruptcy Rules, for which he chaired its Business Bankruptcy Subcommittee until 2009. Judge Hopkins formerly served on the boards of ABI, the ABA Business Bankruptcy Committee and the Cincinnati Symphony Orchestra, and as chair of the Queen City Foundation. Judge Hopkins is a Fellow of the American College of Bankruptcy and a frequent lecturer on bankruptcy law. He also was an adjunct professor at the University of Cincinnati College of Law. In 2010, Judge Hopkins received the William K. Thomas Distinguished Jurist Award from his alma mater, The Ohio State College of Law. He also is a past president of the National Conference of Bankruptcy Judges. Judge Hopkins received his A.B. in government and legal studies and anthro-sociology from Bowdoin College in 1982 and his J.D. in 1985 from The Ohio State University's Michael E. Moritz College of Law.

Hon. Laurel Myerson Isicoff is Chief Judge for the U.S. Bankruptcy Court for the Southern District of Florida in Miami, initially appointed on Feb. 13, 2006, and named chief judge on Oct. 1, 2016. She is the president of the National Conference of Bankruptcy Judges, and is also a member of ABI's Board of Directors. Judge Isicoff is a member of the *Pro Bono* Committee of the American College of Bankruptcy, as well as chair of its Judicial Outreach Committee. She also currently serves as judicial chair of the *Pro Bono* Committee of the Florida Bar's Business Law Section and is a member of the Florida Bar's Standing Committee on *Pro Bono*. Prior to becoming a judge, Judge Isicoff specialized in commercial bankruptcy, foreclosure and workout matters both as a transactional attorney and litigator for 14 years with the law firm of Kozyak Tropin & Throckmorton, after practicing for eight years with Squire, Sanders & Dempsey, now known as Squire Patton Boggs. In private practice, she also developed a specialty in SEC receiverships involving Ponzi schemes. Following law school, Judge Isicoff clerked for Hon. Daniel S. Pearson at the Florida Third District Court of Appeals before entering private practice. She is a past president of the Bankruptcy Bar Association (BBA) of the Southern District of Florida, and, until she took the bench, chaired its *Pro Bono* Task Force. Judge Isicoff speaks extensively on bankruptcy around the country, and is committed to increasing *pro bono* service, diversity in the bankruptcy community and financial literacy. She received her J.D. from the University of Miami School of Law in 1982.

Hon. Cynthia C. Jackson is a U.S. Bankruptcy Judge for the Middle District of Florida in Orlando, Fla., appointed on March 5, 2013. Starting Feb. 3, 2020, she will be in the Jacksonville Division for the Middle District of Florida Bankruptcy Court. Judge Jackson is a member of The Florida Bar, ABI, the Turnaround Management Association and the Bankruptcy Bar Association for the Southern District of Florida, and she was the former president of the Jacksonville Bankruptcy Bar Association. She also was a member of the Local Rules Committee for the Middle District of Florida. Judge Jackson is rated AV by Martindale-Hubbell and is recognized in *Chambers USA: American's Leading Lawyers for Business* and in *The Best Lawyers in America*. Prior to her appointment to the bench, she was a member of Smith Hulsey & Busey in Jacksonville, Fla., and she limited her practice to bankruptcy and insolvency matters throughout the U.S. She had represented debtors, creditors, committees and

trustees in both commercial and consumer cases. Judge Jackson attended Tulane University and received her B.S. from Florida State University in 1981 and her J.D. from the University of Florida Levin College of Law.

Roy S. Kobert is a shareholder in the Orlando and Tampa, Fla., offices of GrayRobinson, P.A., where he focuses his practice in the areas of bankruptcy, creditor/debtor law, lender liability, Article 9 and commercial litigation. He has mediated more than 100 bankruptcy and commercial litigation disputes and is the first Florida graduate of the 40-Hour Bankruptcy Mediation Training Program, jointly sponsored by ABI and the Hugh Carey Center for Dispute Resolution at St. John's University Graduate School of Law. He also is a Supreme Court Certified Circuit Civil Mediator. Ms. Kobert has been Board Certified in Business Bankruptcy Law by the American Board of Certification for over a 15 years, is a former president of the Central Florida Bankruptcy Law Association, and founded the Orlando Chapter of the Credit Abuse Resistance Education (CARE) program. He received both his B.A. and J.D. from the University of Miami.

Hon. Catherine P. McEwen is a U.S. Bankruptcy Judge for the Middle District of Florida in Tampa, appointed by the Eleventh Circuit Court of Appeals on Aug. 22, 2005, and an adjunct professor at Western Michigan University Cooley Law School. She is the first female judge appointed in her district. Prior to becoming a judge, she was in private practice for almost 23 years in Tampa and was a solo practitioner from 2001 until the date of her appointment to the bench. Before opening her solo practice, she was a shareholder of Akerman Senterfitt & Eidson, P.A., formerly known as Moffitt, Hart & Herron, P.A., where she practiced law from 1982-2001 in its Tampa office, concentrating on commercial litigation with an emphasis on representing parties in bankruptcy cases. Judge McEwen was elected into the American Law Institute in 2012. Among her other honors are the Stetson University College of Law Distinguished Alumnus Award (2007), Hillsborough County Bar Association Jimmy Kynes Pro Bono Service Award (2008), the Stetson University College of Law J. Ben Watkins Award (2009), the Florida Association for Women Lawyers Leaders in the Law inaugural class designation (2010), the Tampa Bay Hispanic Bar Association's Luis "Tony" Cabassa Award (2012), the George Edgecomb Bar Association's Delano S. Stewart Diversity Award (2015), the inaugural Florida Supreme Court Chief Justice's Distinguished Federal Judicial Service Award (2016), the Stetson Lawyers Alumni Association Ben C. Willard Award (2016), the University of South Florida Distinguished Alumna Award (2016) and the Bay Area Legal Services Inc. Judge Don Castor Justice Award (2016). In 2017, Judge McEwen was appointed by Chief Justice John Roberts, Jr. to serve a two-year term as the nonvoting bankruptcy judge observer to the Judicial Conference of the United States, which ended on Sept. 30, 2019. Prior to becoming a lawyer, she was a sportswriter from 1975-79 for the *Tampa Tribune* and the *Tampa Times*. Judge McEwen received her B.A. in political science from the University of South Florida in 1979 and her J.D. *cum laude* from Stetson University in 1982.

Hon. Mindy A. Mora is U.S. Bankruptcy Judge for the Southern District of Florida in West Palm Beach, appointed on April 6, 2018. In 2014, she was named a Fellow of the American College of Bankruptcy, and in 2016, in light of her professional achievements in the area of commercial finance, she was named a Fellow in the American College of Commercial Finance Attorneys. She also previously chaired the Business Law Section of The Florida Bar. Previously, Judge Mora was active in the development of Florida's commercial laws, having chaired the Florida Bar Task Force that sponsored the 2007 revisions of the Assignment for the Benefit of Creditors Statute (chapter 727, Florida Stat-

utes); co-sponsored the 1997 revisions to Article 8 and the 1999 revisions to Article 9 of the Uniform Commercial Code (chapters 678 and 679, Florida Statutes); led a task force for the Business Law Section of The Florida Bar on revisions to Florida's foreclosure laws, which resulted in the enactment of Fla. Stat. §702.12; and served on a committee studying the Uniform Commissioner's proposed Uniform Real Estate Receivership Act. She has often lectured and published articles about insolvency, restructuring, and commercial lending. Judge Mora continues to serve on the Eleventh Circuit Council of the American College of Bankruptcy and is a member of the Business Law Sections of the American Bar Association and The Florida Bar, as well as the Association of Commercial Finance Attorneys, the Bankruptcy Bar Association of South Florida, the International Women's Insolvency & Restructuring Confederation, ABI and the National Conference of Bankruptcy Judges, for which she serves on its Technology and New Member Committees. She received her B.B.A. from George Washington University in 1979 and her J.D. from New York University School of Law in 1982.

Hon. Karen K. Specie is the Chief U.S. Bankruptcy Judge for the Northern District of Florida in Tallahassee, also presiding over cases in Gainesville, Panama City and Pensacola. She was initially appointed on July 25, 2012. Judge Specie began her legal career with a Manhattan law firm, representing creditors in commercial litigation and bankruptcy. She then practiced with Fowler, White, Boggs, *et al.* in Tampa and has practiced solo and as a shareholder with firms in Gainesville; just prior to taking the bench, Judge Specie was Of Counsel to Akerman LLP as part of its Bankruptcy and Reorganization practice group in Jacksonville, Fla. While in private practice, she focused on commercial litigation and commercial and consumer bankruptcy cases throughout Florida and the Southeast. Judge Specie has taught bankruptcy and secured transactions as an adjunct professor of law at the University of Florida Levin College of Law, where she still teaches advanced bankruptcy. She has served as a chapter 7 panel trustee for the Northern District of Florida, is a founder of the Federal Bar Association for North Central Florida, and has been a member of the Bankruptcy/UCC Committee of the Business Law Section of The Florida Bar since the early 1990s. Judge Specie currently serves on the Executive Council of the Florida Bar Business Law Section, is a Fellow of the American College of Bankruptcy, and is a member of ABI, INSOL, IWIRC and NCBJ. In 2018, she chaired the committee that organized and presented the Bankruptcy Roundtable at the Eleventh Circuit Judicial Conference. In addition to traveling throughout the Northern District to perform her judicial duties, Judge Specie routinely speaks at CLE programs for various organizations such as The Florida Bar, the Alabama Bar Association, the Jacksonville Bankruptcy Bar Association and the Northern District of Florida Bankruptcy Bar Association. She received her B.A. from the University of South Florida and her J.D. from Florida State University College of Law.

Hon. Michael G. Williamson is Chief U.S. Bankruptcy Judge for the Middle District of Florida in Tampa, initially appointed as bankruptcy judge in March 2000 and as chief judge on Oct. 1, 2015. He also served as an adjunct professor at Stetson University College of Law, where he taught bankruptcy law, and he co-authors West's *Bankruptcy Law Manual*. Judge Williamson served as a chapter 7 panel trustee from 1977-79 and represented numerous chapter 11 corporate debtors, creditors' committees and trustees in bankruptcy cases throughout Florida for 20 years afterward. He is a past chair of the Committee on Creditors' Rights for the Section of Litigation of the American Bar Association, past chair of the Business Law Section of the Florida Bar and its Bankruptcy/UCC Committee, and a Fellow in the American College of Bankruptcy. Judge Williamson received his undergraduate undergraduate degree from Duke University in 1973 and his J.D. from Georgetown University Law Center in 1976.