2022 Consumer Practice Extravaganza

Intersection of Ethics and Technology

CONCURRENT SESSION

Hon. Beth E. Hanan
U.S. Bankruptcy Court (E.D. Wis.); Milwaukee

Michael Hoffman
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Hoover Penrod PLC; Harrisburg, Va.

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2022

The Intersection of Ethics and Technology

HONORABLE BETH HANAN, U.S. BANKRUPTCY JUDGE,
EASTERN DISTRICT, WISCONSIN

HANNAH WHITE HUTMAN, HOOVER PENROD, PLC
HARRISONBURG, VIRGINIA

DANA KAPLAN, KELLEY, FULTON, KAPLAN & ELLER, P.L.
WEST PALM BEACH, FLORIDA

Lawyers must adapt while maintaining all ethical and professional obligations

Benefits of Technology

- Efficiency in case handling and representation
- Cost
- Elimination of dead time
- Reduction in scheduling issues

Benefits of Technology, cont'd

- Expedition of discovery, meetings, and Court appearances (multiple places on same day)
- Client and witness meetings can now always be face to face
- Focus of participants in conferences better with video than just on phone
- Social and marketing "happy hours"

Challenges to Technology

- Lack of down time
- Less time to prepare (no more quiet time on flights)
- Candor of lawyers and third parties is more difficult to gauge when separated by technology
- Need to rethink rules in conducting negotiations, auctions, pitch sessions, depositions and trials when people are dispersed and separated geographically
- Need to rework "rules of the road" for handling examinations and trials under remote practice

Challenges to Technology, cont'd

- Can we request in-court sessions or live depositions or meetings and under what circumstances?
- Lack of interaction with the bar, hallway negotiation sessions, and mentoring of younger lawyers
- Establish discovery, hearing and trial protocols

Challenges to Technology, cont'd

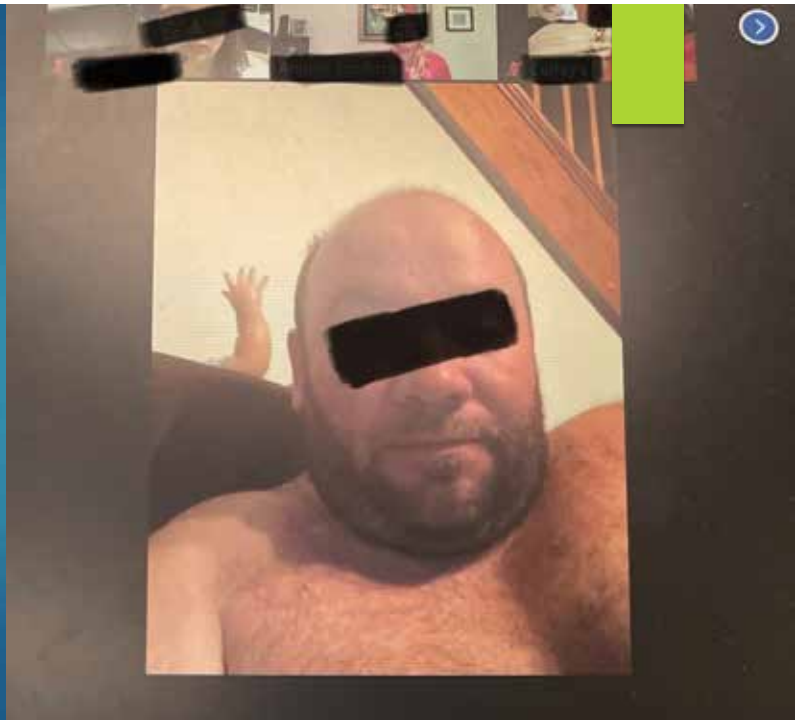
- Ability to judge witness credibility
- Use of exhibits

Zoom Etiquette

- **Audio** – suggest headset; discourage speakerphones, earbuds, cells; remember to mute
- **Name** – use proper name; avoid "the Dude Abides" or "Ron's iPhone"
- **Video** – no Star Wars background; be cognizant of lighting
- **Etiquette** – wear court attire; use video whenever speaking; consider "raise hand" function

See the "Zoom Etiquette" posted by US Bankruptcy Court for the District of Delaware on its website on June 17, 2020

Zoom Etiquette Is EQUALLY Important For Your Clients!



Ethical Considerations

Rule 1.6 Confidentiality.

(c) **A lawyer shall make** *reasonable efforts* **to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client**.

New work environments mean new challenges…

CORONAVIRUS PANDEMIC

Experts warn lawyers of cyber risks to remote work

March 29, 2020

Share this:

Amid the U.S. response to the COVID-19 outbreak, experts warn law firms to protect themselves from all viruses — cyber and real — when pivoting to a completely remote workforce and eventually back to an office setting.

Threats to systems and data security increase as law firms decentralize

Rule 1.6 - Comment 19

Factors to be considered in determining the reasonableness of the lawyer's efforts include

- Sensitivity of the information,
- Likelihood of disclosure if additional safeguards are not employed,
- Employment or engagement of persons competent with technology,
- Cost of employing additional safeguards,
- Difficulty of implementing the safeguards, and
- Extent to which the safeguards adversely affect the lawyer's ability to represent clients

Communicate with clients appropriately and effectively under Rule 1.4

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

Rules 5.1 and 5.3 require supervision of other lawyers in the firm and of nonlawyer staff

"Remote" Supervision

- Schedule regular and reoccurring meetings with staff;
- Do not rely on emails alone as much can get lost in translation. Consider regularly scheduled conference calls or video meetings with immediate reports to review work expectations and progress;
- Develop and use checklists and task lists for oversight;
- Implement and improve standard operating procedures.

Don't Assume you are secure.

Reach out for knowledgeable help.

Evaluate your vulnerabilities.

Address any security weaknesses.

... Repeat.

Bankruptcy Rules Governing Electronic Signatures

F.R.B.P 5005(a)(2)(C)

An electronic filing by a registered CM/ECF user with a /s/ Jane Doe is the person's signature

CM/ECF Registration

- "Use of a log and password constitute the official signature of the User on all documents filed"
- A "/s/ Jane Doe" on an electronic filing indicates the original signature exists. *In re Wenk*, 296 B.R. 719 (Bankr. E.D. Va. 2002)


Final
Thoughts

The Intersection of Ethics and Technology

Honorable Beth Hanan
U.S. Bankruptcy Judge
Eastern District, Wisconsin

Hannah White Hutman
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A. Benefits of Technology

1. Efficiency in case handling and representation
2. Cost
3. Elimination of dead time sitting in Court
4. Reduction in scheduling issues
5. Expedition of discovery, meetings, and Court appearances (multiple places on same day)
6. Client and witness meetings can now always be face to face
7. Focus of participants in conferences better with video than just on phone
8. Social and marketing "happy hours"

B. Challenges to Technology

1. Lack of down time
2. Less time to prepare (no more quiet time on flights)
3. Candor of lawyers and third parties is more difficult to gauge when separated by technology

4. Need to rethink rules in conducting negotiations, mediations, auctions, pitch sessions, depositions and trials when people are dispersed and separated geographically

5. Need to rework "rules of the road" for handling examinations and trials under remote practice

6. Can we request in-court sessions or live depositions or meetings and under what circumstances?

7. Lack of interaction with the bar, hallway negotiation sessions, and mentoring of younger lawyers

8. Establish discovery, hearing and trial protocols

    a. Case specific
    b. Local Rules

9. Ability to judge witness credibility

10. Use of exhibits

    a. Effective
    b. Ineffective

C. Ethical Implications of Technology[1]

1. Ethics Rules, statutory and civil procedure and evidence rules and local norms are still intact.

Complying with Confidentiality Obligations While Working Remotely

Since March 2020, most of us have attended virtual proceedings, meetings, and probably even some awkward social gatherings over Zoom, Google Hangouts, Skype, WebEx- the platforms are endless. The pandemic changed how everyone operates, even, and perhaps begrudgingly, law firms. The change in the methods of the delivery of legal services, however, does not change the requirement that lawyers comply with the ethical rules of the profession. The rules remain the same, but lawyers face new challenges in applying them in virtual environments.

[1] This portion of the materials were adapted with permission from materials entitled *Use of Information Technology in Times of Pandemics and Other Circumstances Preventing In-Person Meetings and Hearings* prepared by H. David Cox and Justin Paget.

Confidentiality

The American Bar Association (ABA) released Formal Opinion Letter 498 in March 2021 addressing some of the key ethical implications of virtual practice. Among them is Confidentiality. Rule 1.6 of the Model Rules of Professional Conduct addresses client confidences and provides as follows:

> (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
>
> (b) ….
>
> (c) **A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.**

Working to Make "Reasonable Efforts"

Comment 18 addresses how Paragraph (c) of Rule 1.6 requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. (See also Rules 1.1, 5.1 and 5.3.) **Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use).**

Comment 19 explains that lawyers have an ethical obligation, when transmitting communications that include information relating to the representation of a client, to take reasonable precautions to prevent unintended disclosure of confidential information. "Reasonable precautions," however, does not imply special security measures if the communication itself affords a "reasonable expectation of privacy." However, special precautions may be warranted in some circumstances. In considering expectations of privacy or confidentiality, the

> [f]actors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule.

Keep in mind that some jurisdictions may require additional steps, so please check the rules of your local jurisdiction to ensure compliance with all confidentiality obligations.

Competence, Diligence, and Communication

Virtual practice sets additional ethical rules in motion. The ABA's Formal Opinion 498 also discussed Model Rules 1.1 (Competence), 1.3 (Diligence) and 1.4 (Communication) in connection with ethical virtual practice.

Rule 1.1 provides that "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." While "competence" generally invokes the obligation for lawyers to maintain fundamental lawyering skills, of relevance to virtual practice specifically, Comment 8 to Rule 1.1 explains that in order to

> maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice**, including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Relatedly, Model Rule 1.3 specifies that a "lawyer shall act with reasonable diligence and promptness in representing a client." To this end, Comment 1 to Rule 1.3 specifies that a "lawyer should pursue a matter on behalf of a client despite opposition**, obstruction or personal inconvenience to the lawyer**, and take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor." In the context of virtual practice, the burden is on the lawyer to exercise diligence in accommodating the uses of technology to deliver legal services to clients, though it may incur inconvenience.

Zoom Competence, Tips and Advice.

Learning to use technology tools is necessary to meet the duty of competence in the same way that learning substantive law is required. Technology rapidly changes and the need to be proficient at emerging platforms and systems can become urgent as many in the Bar recently found with the sudden widespread use of Zoom. Fortunately, the US Bankruptcy Court for the District of Delaware posted "Zoom Etiquette" on its website on June 17, 2020, to help the Bar to meet a minimum standard of competency in using Zoom for court hearings. Your local jurisdictions may have also posted similar materials to help alleviate the technological learning curve.

Audio

– Sound quality over ear buds, cell phones and land lines are poor. Please consider investing in a high-quality headset. Also, please mute your phone when not speaking.

– Speaker phones should be used as a last resort.
– Be mindful of your microphone if you are using earbuds. It often rubs against your clothes and creates background noise.

Video

– Please put you proper name on your screen ID while in Zoom. Using only your first name or "iPhone" or "Ron's iPhone" or "The Dude Abides" is inappropriate and unhelpful. Remember this is a court appearance so formality should be preserved. Also, using your name helps as a cheat sheet for the judge. This is not necessary with the local bar but is very helpful with co-counsel and witnesses.

– Be cognizant of lighting. If you have a bright light or window to the side or behind you, or you are in the dark we cannot see your face. This is a problem with witnesses as we must be able to discern the expression on the witness's face to take the testimony.

– Consider using an appropriate virtual background (no Star Wars themes) if you are appearing from a location that is not a business setting, such as a bedroom. Again, this is a court appearance.

Etiquette

– Please wear court attire. For men this means coat and tie. For women it is suitable business attire.

– Please remember that if you or your co-counsel intends to speak, you should be on Zoom with your video turned on. Appearing by Zoom without showing your video may help you but it does not help the court.

– It is unnecessary to stand when addressing the Court but it is appreciated.

Questions?

Any questions?

Please use the Raise Hand function on Zoom.

In the context of virtual practice, at the heart of the ethical obligations of competence and diligence is the duty to communicate with clients appropriately and effectively under Model Rule 1.4. The Rule provides:

a) A lawyer shall:

(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;

> (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
>
> (3) keep the client reasonably informed about the status of the matter;
>
> (4) promptly comply with reasonable requests for information; and
>
> (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
>
> (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Communicating promptly and effectively over virtual media may have its complications, and lawyers will need to assess their clients' needs in each representation. Attorneys representing consumer debtors, for example, may need to be particularly sensitive to the ability of their clients to afford the tools (internet, cell phones, webcams, etc.) necessary for effective communication in a virtual environment during the period of the pandemic. Lawyers should make special accommodations as appropriate for clients that may need additional time, follow up forms of communication, or even in person meetings (arranged safely and socially distant). Similarly, lawyers should ensure that clients know how to communicate best with them when they are working remotely.

As the ABA's Formal Opinion 498 explains, these conditions for competence, diligence, and communication apply to lawyers whether they are interacting with clients face-to-face or virtually, and accordingly, they "**should have plans in place to ensure [that] responsibilities regarding competence, diligence, and communication are being fulfilled when practicing virtually.**"

2. *Unfortunate need to think about how technology can be used to unethically take advantage*

Competence and diligence in current practice also implicates familiarity with cybersecurity. How to deal with specific cybersecurity threats is beyond the scope of these materials, but lawyers should ensure they educate themselves on the issues relevant to their systems. Many "fixes" to address cybersecurity threats involve the purchase and implementation of technological protections, like virus and malware prevention solutions. Other threats may require behavioral changes within the firm in addition to the use of technology.

One of the most significant threats to maintaining client confidences involves phishing. In a phishing scam, a hacker "fishes" for breaches of the security of a network in order to intercept private data or even implant malware or ransomware to shut down the systems. Lawyers may prevent phishing scams with planning. In addition to determining what technology safeguards are required, lawyers also must train all firm members and staff to ensure they are properly handling risky emails.

Lawyers must ensure that their access and the access of their staff to client files and data is secure. If an attorney utilizes an outside vendor for the storage of client information, that does not change the attorney's obligation to take reasonable steps to protect and secure the client's data. An attorney must also exercise reasonable due diligence in implementing such a system and selecting such a vendor.

When staff are using devices issued by the firm or using remote connections to the firm's network, they should only visit trusted websites. Law firms should ensure that they have up-to-date policies and security measures regarding use of firm computers, employees' internet use, and employees' use of personal and firm-issued computers. Firms should require personal computers to have security measures consistent with those that the firm would have in the office.

3. Need for Rules Amendments

The pandemic has certainly exposed some challenges in ethical practice warranting deeper or new consideration of the Rules and what guidance they supply for virtual practice. One area specifically has emerged with the scenario of lawyers practicing remotely from the jurisdiction in which they are licensed. The ABA issued Formal Opinion 495 at the end of 2020 addressing this issue and the ethical issue it poses: the unauthorized practice of law.

Model Rule 5.5 outlines the unauthorized practice of law, stating that

> (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
>
> **(b) A lawyer who is not admitted to practice in this jurisdiction shall not:**
>
> **(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or**
>
> (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
>
> (c) …
>
> (d) …
>
> (e) …

Lawyers establishing their home offices around the country while their brick-and-mortar law offices closed, working remotely for months at a time, seems to contradict Rule 5.5(b)(1). However, the ABA's position in Formal Opinion 495 is that lawyers

> may remotely practice the law of the jurisdictions in which they are licensed while physically present in a jurisdiction in which they are not admitted **if the local**

> **jurisdiction has not determined that the conduct is the unlicensed or unauthorized practice of law and if they do not hold themselves out as being licensed to practice in the local jurisdiction, do not advertise or otherwise hold out as having an office in the jurisdiction, and do not provide or offer to provide legal services in the local jurisdiction.**

Lawyers practicing from home thus generally appear to be in compliance with the Rules in avoiding the unauthorized practice of law, so long as they follow the additional guidance in Formal Opinion 495 and check the jurisdiction in which they are physically present for additional requirements.

4. Electronic Signatures

Introduction.

In 2018, Rule 5005 of the Federal Rules of Bankruptcy Procedures was amended to officially mandate electronic filings across all jurisdictions. The Advisory Committee Note to the 2018 Amendment provided, in part:

Electronic filing has matured. Most districts have adopted local rules that require electronic filing and allow reasonable exceptions as required by the former rule. The time has come to seize the advantages of electronic filing by making it mandatory in all districts, except for filing made by an individual not represented by an attorney. But exceptions continue to be available. Paper filing must be allowed for good cause. And a local rule may allow or require paper filing for other reasons.

As part of the 2018 amendments, Rule 5005 also was amended to provide that an electronic filing by an attorney registered with CM/ECF is deemed to constitute the attorney's signature if it has the attorney's name on a signature block. This rule also appears to apply to registered users who are not attorneys if they are issued credentials by the court.

However, there is no national rule that governs signature requirements for court documents when an original signature of a person not registered with CM/ECF is required. This issue most frequently arises in jurisdictions that require a debtor declaration containing an original signature to be filed with petition and other documents. Nearly all jurisdictions have adopted local rules that govern the signature requirements for filing documents electronically by non-registered individuals, but they differ from jurisdiction to jurisdiction. In many jurisdictions, the local rules are supplemented by administrative procedures that are specific to the court's case management and electronic case filing system. Some local rules contain the signature requirements within the rules themselves, while others defer to the requirements of the administrative procedures governing electronic filings. These rules commonly require that an attorney retain the original ink signatures for a period of time. Other jurisdictions require that the attorney file a scanned version of the original signatures.

Following the inception of the COVID-19 pandemic, many courts entered standing orders temporarily suspending or altering the rules concerning the requirements of obtaining original

signatures. Nevertheless, the orders typically still require some minimum requirements for authenticating a signature, such as using a commercially available digital software tool, such as DocuSign, or obtaining written consent of the person through electronic means or otherwise.

Examples of the Signature Requirements.

A. An attorney files a motion using the attorney's own CM/ECF account that is not required to contain a declaration or original signature of any non-attorneys.

Under Rule 5005(a)(2)(C), the attorney must include, with the filing, the attorney's name on a signature block. Local rules likely spell out requirements for information to be included in a signature block. For instance, to comply with CM/ECF Policy 8 for cases filed in the Eastern District of Virginia, the attorney shall provide his or her State Bar number, complete mailing address, telephone number, and the name of the party represented.

B. An attorney files a chapter 7 petition on behalf of an individual debtor.

The attorney must comply with the above requirements applicable to any electronic filing, as well as their jurisdiction's local requirements. For instance, both the Eastern and Western Districts of Virginia require a petition to contain an unsworn declaration signed by all debtors. *See* L.B.R. 5005-1(D)(1) (Banker. E.D. Va.); L.B.R. 1002-1(C)(1) (Banker. W.D. Va.). For other jurisdictions, attorneys should consult the rules as certain jurisdictions require scanned copies of non-attorney original signatures to be filed. *See, e.g.*, L.B.R. 9011-4(c) (Banker. D. Minn.). Since a debtor, utilizing an attorney to file a petition on his or her behalf, does not fall under Rule 5005(a)(2)(C), the attorney needs to obtain the original signatures of each debtor and the local rules will govern the form and duration of retention of such signatures by the attorney. That requirement is currently suspended for cases pending at least in Virginia, and many other jurisdictions, to allow for the debtor to utilize a commercial digital signature service, such as DocuSign, or for the attorney to obtain express written consent to affix the debtor's electronic signature. In the latter case, the attorney must preserve the written consent as if it were the original signature.

C. An attorney files a joint motion with another party represented by an attorney.

The requirements of example 1 will apply to the attorney filing the motion. Neither the Bankruptcy Rules nor local bankruptcy rules appear to specifically address whether the filing attorney is required to obtain an original signature of the other attorney(s) prior to electronically filing the motion. In bankruptcy court, it *may* be sufficient for a filing attorney to obtain written consent from the attorney(s) for the other parties joining in the motion to electronically endorse the motion on their behalf. The better approach may be for the parties to comply with the U.S. District Court requirement in their jurisdiction or arrange the filing so that the parties joining the motion file separate joinders by counsel, which would avoid the issue.

D. A debtor's attorney submits an order that the Court requests be endorsed by the U.S. Trustee and the creditor's attorney.

At least in the U.S. Bankruptcy Court for the Western District of Virginia, the attorney tendering the order should place the attorney's name on the order as follows: /s/ John Doe. The tendering attorney should circulate the order in the same form tendered to the other attorneys whose endorsement is required and electronically endorse the order on behalf of such attorneys in a similar manner once confirming whether the other attorney's consent or object to the form of order. The tendering attorney should note any objection to the order immediately above the objecting attorney's name. Different jurisdictions likely have similar protocols, so practitioners should check their local rules pertaining to this scenario.

Faculty

Hon. Beth E. Hanan is a U.S. Bankruptcy Judge for the Eastern District of Wisconsin in Milwaukee and Green Bay, appointed in May 2015. Previously, she was an appellate lawyer and litigator in Wisconsin, and served several terms as managing member of a trial practice boutique, Gass Weber Mullins. Judge Hanan was chair of the Wisconsin Judicial Council and president of the Milwaukee Bar Association, and she remains a Fellow in the American Academy of Appellate Lawyers. Since joining the bench, she has been the judicial co-chair of ABI's annual Wedoff Consumer Conference (in 2020 renamed the Consumer Summit) and has served as the bankruptcy representative to the Seventh Circuit Judicial Council (2019-21). She also chaired the Public Outreach committee of the National Conference of Bankruptcy Judges (NCBJ) from 2020-22 and is a member of NCBJ's Ethics and International Judicial Relations committees. Judge Hanan received her undergraduate degree from Marquette University and her J.D. in 1996 from the University of Wisconsin Law School.

Michael Hoffman is a partner with Hoffman, Larin & Agnetti, P.A. in Miami, where he focuses his practice in the areas of bankruptcy, business litigation and commercial collections. He has experience representing parties in all aspects of bankruptcy and insolvency proceedings including individual debtors, business debtors, mortgagees, unsecured creditors, commercial landlords, equity securityholders, trustees, assignees for the benefit of creditors and receivers. On the litigation side, Mr. Hoffman handles a wide range of commercial disputes, including contract and shareholder litigation, foreclosures, commercial evictions and fraudulent transfers. He also represents creditors in pursuing collections of judgments and other delinquent accounts. Mr. Hoffman has served as director for the Bankruptcy Bar Association for the Southern District of Florida, as a member of the Southern District of Florida Bankruptcy Local Rules Committee, and as a member of the Lawyer Advisory Committee for the Southern District of Florida Bankruptcy Court. He received his B.A. from Yeshiva University in 2004 and his J.D. from the University of Miami in 2007.

Hannah W. Hutman is a partner at Hoover Penrod, PLC in Harrisonburg, Va., where her practice focuses on representing both creditors and debtors in bankruptcy proceedings under chapters 7, 11, 12 and 13 and insolvency-related matters. In addition, she frequently represents creditors in collection matters, including restructuring obligations, asset liquidations and dispositions, and foreclosures. Ms. Hutman is a member of the panel of Chapter 7 Trustees for the Western District of Virginia and is a frequent presenter on a wide variety of insolvency-related topics. She is the immediate past chair of the Board of Governors of the Bankruptcy Law Section for the Virginia State Bar. In addition, she co-authored a chapter in *Bankruptcy Practice in Virginia*. Ms. Hutman is AV-rated by Martindale-Hubbell, has routinely been listed in *Super Lawyers* as a "Rising Star" and selected as a member of Virginia's "Legal Elite," and was honored as one of ABI's "40 Under 40" in 2018. She received her B.A. *summa cum laude* from Columbia Union College in Takoma Park, Md., and her J.D. from the Marshall Wythe School of Law at the College of William and Mary in Williamsburg, Va.

Dana Kaplan is a partner with Kelley Fulton Kaplan & Eller in West Palm Beach, Fla., and focuses her practice in the representation of debtors, creditors and interested parties in chapter 7, 11 and 13 bankruptcy proceedings, including contested and complex proceedings as well as adversary pro-

ceedings. She has experience handling a wide variety of complex bankruptcy matters and represents clients in foreclosure cases, as well as general workout matters including general debt negotiation/resolution, collections and restructuring matters. In addition, she represents clients in general business matters, including the formation of business entities, dissolution and business sales transactions. Ms. Kaplan is admitted to practice in all the State courts of Florida and Connecticut, as well as in the U.S. District and Bankruptcy Courts for the Southern District of Florida and the U.S. District and Bankruptcy Courts for the District of Connecticut. She is a member of the Bankruptcy Bar Association for the Southern District of Florida. Ms. Kaplan received her B.A. *magna cum laude* from Manhattanville College and her J.D. *magna cum laude* from Quinnipiac University School of Law.