

ORDERED.

Dated: March 22, 2018



Catherine Peek McEwen
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Chapter 13

David Frank Petrano and
Mary Katherine Day-Petrano,

Case No. 8:14-bk-03348-CPM
Case No. 8:14-bk-01368-CPM

Debtors.

(Cases Jointly Administered under
Case No. 8:14-bk-03348-CPM)

**ORDER APPROVING THE FLORIDA BAR'S
POLICY ON RECORDING COST JUDGMENTS**

THIS CASE came on without a hearing for consideration of the Notice of Compliance (Doc. 603) filed by The Florida Bar, notifying the Court of compliance with the Court's prior directive that it develop a policy to prevent the recording of a cost judgment against a debtor in bankruptcy while the debtor's bankruptcy case remains pending.¹ The Court has reviewed the policy ("Policy on Recording Cost Judgments"), a copy of which is attached to the Notice, and

¹ A judgment of this type is nondischargeable pursuant to 11 U.S.C. § 523(a)(7). See *Disciplinary Board of the Supreme Court of Pennsylvania v. Feingold (In re Feingold)*, 730 F.3d 1268, 1273 (11th Cir. 2013) ("cost assessments in attorney proceedings are properly viewed as penalties [under § 523(a)(7)]") (citations omitted). Therefore, The Florida Bar may record such judgment once a debtor's bankruptcy case is either dismissed or closed upon completion of plan payments and/or entry of a discharge if the judgment remains unsatisfied.

finds that it satisfies the Court's directive. In response to the Debtor's disagreement as to the sufficiency of this policy, as stated in the Notice, the Court finds such disagreement without merit because the Court did not, and could not, direct that the policy be adopted as an amendment to the Rules Regulating The Florida Bar. With limited exceptions not applicable here, the Supreme Court of Florida has the exclusive authority to adopt and amend such rules.²

Accordingly, it is

ORDERED that the Court approves The Florida Bar's Policy on Recording Cost Judgments.

The Clerk is directed to serve a copy of this order on the Debtors and on any interested non-CM/ECF filers.

² See Introduction to Chapter 1 and Rule 1-12.1, R. Regulating Fla. Bar (governing the adoption and amendment of the Rules Regulating The Florida Bar).