

U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Advisory Committee
October 23, 2014

Minutes

Attendance:

Bar: Brenda Bishop, Thomas Capehart, Bob Chernicoff, Jim Jones, Lisa Rynard, Jill Spott, Ann Swartz, Tracy Updike, Henry Van Eck, and Elliott Weiss

Clerk's Office: Terry Miller (by phone), Seth Eisenberg, Belinda Wagner and Sue Frisch

Chambers: Judge Mary France and Judge John Thomas

The meeting was convened at 3:00 pm and concluded at 4:20 pm. Introductions were made and Judge France welcomed the members of the Committee and Clerk's Office.

I. Old Business

There was no old business for the committee to discuss.

II. New Business

A. Pro bono update (Judge France)

Judge France informed the Committee that she has noticed an increase in pro se Ch. 13 filings and that debtors are not qualified to represent themselves. Prior to the meeting, Cathy Sisk, Judicial Assistant to Judge Thomas, provided case filing statistics for pro bono cases and the automation department provided case filing statistics for pro se Ch. 13 cases.

Pro Bono cases	Pro Se Ch. 13 Cases
2011 = 236	2011 = 102
2012 = 198	2012 = 116
2013 = 196	2013 = 164
2014 = 119 (January - June)	2014 = 156 (January - September)

These statistics and ones provided by the MDBBA for its pro bono referrals during this same time were reviewed and discussed. Attorneys Jill Spott, Elliott Weiss and Bob Chernicoff added they have received direct referrals from other agencies also. It was clarified that pro bono assignments come from a variety of agencies, the MDBBA program was created to support the counties that did not have an organized system in place.

Judge Thomas expressed his gratitude for what Mollie Oleyar is doing with the MDBBA program and the Court is also very proud of the bar and their involvement in Pro Bono cases. Judge France acknowledged that Mid Penn Legal Services is also very complimentary of Mollie Oleyar's services.

The Committee also discussed the significant increase in pro se Ch. 13 filings and what can be done to make life easier for everyone involved. Can efforts be made to make pro se filers better filers or make them aware of the importance of obtaining an attorney? A suggestion was made to have the MDBBA maintain a list of attorneys who handle Ch. 13 cases and whether they require a fee up front. Another suggestion was to work with legal services to establish a set of guidelines that would allow a debtor to qualify for representation by an attorney at a reduced rate.

Attorney Lisa Rynard was asked to have this topic listed for the next MDBBA board meeting.

B. Results of MMM Program survey by Federal Judicial Center (Judge France)

Judge France circulated the lengthy results of the survey that was recently conducted by the Federal Judicial Center. The survey demonstrated that the MMM Program ("MMMP") has only been marginally successful at addressing the issues it was intending to address. The general consensus was that it would work better if it were mandatory and the judges took a more active role.

The Committee was asked to provide input to the Court with regards to what should be done with the MMMP going forward or if it should be abandoned. Attorney Spott requested that the MMMP continue because there are several counties in the Northern Tier that do not have a program established. Attorney Swartz noted that banks are confused by the Middle District's MMMP since it is voluntary but if they choose to participate, a portal is not available like there is in the Western District of Pennsylvania.

Judge France requested debtor and creditor attorneys discuss the value of this program and return with suggestions. If the mechanism of a portal would be helpful, provide the specifications that would be good for the portal to contain. Attorneys Tracy Updike and Ann Swartz both indicated they are willing to discuss this further.

Attorney Lisa Rynard will have this topic listed for the next MDBBA board meeting.

C. Chapter 13 Breakfast Club (Judge France)

Judge France discussed the possibility of implementing a program similar to the "Ch. 13 Breakfast Club" program that is currently in place in the US Bankruptcy Court in Eastern District of Wisconsin. Once a month before each Ch. 13 Confirmation hearing day, there is an early morning 1 hour CLE session on a discreet topic. Judge France advised that if this were pursued, it would be possible to obtain CLE credits for it. Attorney Ann Swartz added

that the Eastern District has a similar program they conduct in the afternoon and serve wine and cheese. Attorney Jim Jones stated if it were offered by webinar, it could reach a bigger audience.

Attorney Lisa Rynard was asked to have the MDBBA talk about whether this is something that should be considered.

D. CM/ECF Technical Failure Procedures (Seth Eisenberg)

The Committee was provided a copy of the proposed new procedures for handling CM/ECF Technical Failures since they will impact the bar. Seth Eisenberg advised that on Columbus Day the Court experienced technical problems with its CM/ECF system and filers could not file electronically or contact the Clerk's Office for assistance. The proposed procedures were modeled after other Court's established procedures for CM/ECF technical failures. These procedures will provide the e-filer with other acceptable methods of filing during these situations without needing to contact the Court.

Some initial comments were: (1) the designated e-mail account should provide an auto reply acknowledging the email was successfully received by the Court; (2) in addition to an email address, a phone number should also be included for filer's to use when these types of failures occur; and (3) to clarify whether this procedure applies to planned outages that are documented on the Court's website.

The Committee was asked to review these proposed procedures and e-mail their comments and recommendations to Seth at Seth_Eisenberg@pamb.uscourts.gov by **Friday, October 31, 2014**.

E. Proposed meeting dates for 2015

Starting in January, Judge Thomas will chair this Committee. The next meeting is scheduled for Thursday, January 22, 2015 at 3:00 PM.