

U.S. Bankruptcy Court for the Middle District of Pennsylvania  
Attorney Advisory Committee  
February 15, 2024, at 1:00 PM

Attendance: Judge Van Eck; Judge Conway; Seth Eisenberg; Troy Sellars; Jack Zaharopoulos; Gary Imblum; Kara Gendron; David Harris; Jill Manuel-Coughlin; Bob Kidwell; Jim Jones; Jill Durkin; Leigh Nazzario; Karen Muroski; Rick Thompson

**OLD BUSINESS:**

1. Updating the Certified Mediator List for the Court (Judge Van Eck)
  - Judge Van Eck: During the last committee meeting, we discussed updating the Court’s certified mediator list. This process has since been completed. The list of certified mediators was live online as of February 1, 2024. The Court appreciates everyone willing to serve on our mediator list.
  - Judge Conway: We appreciate all of our mediators – they are useful for helping to resolve cases.
  - Judge Van Eck: We will continue to update the list every 2 years or so.
  
2. Attorney Mentorship Program (Troy Sellars)
  - Troy Sellars: The mentorship program has been established and an email has been sent out to those who have been accepted to the panel.
  - Judge Van Eck: We got a good response to the program and it was assembled within a day or so. Both Judges and the Court as a whole appreciate those willing to help out with this panel.
  - Troy Sellars: The bar responded quickly. People have been and continue to be generous with their time to help out and we appreciate that.

**NEW BUSINESS:**

1. Discussion Regarding Updates to the Chapter 13 Confirmation List Provided by the Chapter 13 Trustee’s Office (Judge Van Eck)
  - Judge Van Eck: As many are aware, we have been enforcing the 24 hour rule with respect to Chapter 13 confirmation hearing days. The Chapter 13 Trustee’s office works hard to assemble the list of plans to be confirmed for the Court, which the Court then reads into the record during the hearings. There is lots of work behind the scenes for the bar and the Chapter 13 Trustee’s office leading up to the 24 hour rule. We, as the Court, have to pick up where the bar and the Chapter 13 Trustee’s office leaves off in terms of

finalizing the Court's calendar. We have noticed a strange development with these confirmation lists where the attorneys are reporting to the Chapter 13 Trustee that objections to their plan can be sustained with an amended plan in 14 or 30 days. This report ends up on the list from the Chapter 13 Trustee's office, but then attorneys sometimes file amended plans in between the Chapter 13 Trustee sending the list to the Court and the Court reading the list during the hearing. This creates some unnecessary work for Court staff. We would appreciate it if attorneys could please wait until after the hearing occurs to file amended plans if they have already reported an outcome to the Chapter 13 Trustee so we can ensure that our confirmation lists are accurate.

- Jim Jones: There is a similar issue with stipulations that have been reached with the Chapter 13 Trustee's office. The process can create confusion.

2. What else can the Court do to solicit issues from the bar for discussion at attorney advisory committee meetings? (Judge Van Eck)

- Judge Van Eck: We want to make sure that attorneys feel as though they can raise issues with the Court at these meetings and the lists have been pretty sparse lately. We don't want to go searching for issues, but if there are issues, we would like to know about them.
- Kara Gendron: We could solicit issues from the bar at the annual conference in June? Separately, for Chapter 7 Trustees, is it possible to get a one-click link for 341 meetings? Currently, debtors and attorneys have to type an ID and password instead of a one-click link, which would be much easier for them.
  - Troy Sellars: The current notices were part of extensive negotiations with the AO. The ID and password are required to be on the notice, per the AO.
  - Rick Thompson: There are limitations to the program that sends the notices. Attorneys have used the links before, so they just need to type a password.
  - Kara Gendron: The concern is with Debtor's access.
  - Troy Sellars: Would be happy to discuss with Kara offline. Lots of these things have been discussed with the AO and are not able to be modified.
  - Judge Van Eck: Has there been any push to get 341 meetings in person again?
  - Troy Sellars: Not currently, but trends come in pendulum swings. Most people have requested to stick with zoom 341s.
  - Judge Van Eck: It takes some time for the government to catch up with the technology.
  - Jack Zaharopoulos: The current setup for 341 meetings is much more streamlined.
  - Judge Conway: I can't imagine people coming back to court the way they used to. We still want people in person for evidentiary hearings. The remote experience can create a loss of experience for newer lawyers.
  - David Harris: Yes, oftentimes, cases would be resolved that we never expected to because of chance encounters with opposing counsel when waiting in courtrooms.

- Troy Sellars: The MDBBA listserv doesn't currently publish notice of attorney advisory committee meetings. We could forward notices to Katie Green to publish on the listserv to generate more comments.
- Jim Jones: I think by and large, people know who's on the advisory committee and can reach out to them to raise concerns at the meetings.
- Judge Van Eck: Jill Durkin would be a good point of contact for issues to bring up at the committee meeting as president of the MDBBA.
- Jill Durkin: People could send concerns directly to me or whoever. That might create some discussion before the meetings.
- Judge Van Eck: It would be good to for some people to have a point person they could talk to rather than just relying on email. Whatever works best.
- Jill Manuel-Coughlin: We could use the MDBBA listserv to solicit issues in the month before the meetings. As a separate point, the Western District of Pennsylvania offers a pre-court zoom break-out session for discussion amongst colleagues to discuss/resolve cases.
  - Rick Thompson: We could start zoom at 8:30 to allow an open forum without the court present.
  - Jill Manuel-Coughlin: Other judges have put parties in a breakout room to discuss issues during court as well.
  - Jim Jones: It is easier to work on other matters when attending court via zoom instead of in person.

#### 4. Update from the bar regarding market conditions (Judge Van Eck)

- Judge Van Eck: What's going on with the market? It seems as though we have bounced. Filings are no longer going down.
- Gary Imblum: Filings are picking up. Statistics for my office show that debtors are filing more Chapter 13 cases last month than the year prior. We are getting a lot of calls. Tax refunds this time of year allow for debtors to pay their retainers.
- Kara Gendron: Statistics show Chapter 13 cases coming neck and neck with Chapter 7 cases proportionately.
- Troy Sellars: In 2023, Chapter 13 cases beat Chapter 7 cases by 100-200 per year. Previously, Chapter 7 cases beat Chapter 13 cases by several thousand.
- David Harris: There are high rate of credit card defaults right now.
- Jack Zaharopoulos: As of December 2023, vehicle delinquencies were at an all-time high.
- Troy Sellars: Consumer credit card debt is also at an all-time high.
- Judge Van Eck: Interest rates are high too.
- Jack Zaharopoulos: Chapter 13 filings keep increasing. Last year, our office was up by 27-30%. This January showed another 20% increase over the year prior.
- Jill Durkin: Creditors are still doing a lot of workouts. They are trying to extend loan terms and find ways people can pay.
- Troy Sellars: Home values are also still high.
- Jill Durkin: Home values likely drive Chapter 13 filings.

- Jack Zaharopoulos: We're not seeing many conversions from Chapter 13 to 7.
- Judge Van Eck: Everything trends toward increased filings. However, we haven't seen many new faces appearing yet.

**FUTURE MEETING DATE:**

Thursday, May 16, 2024 at 1:00 PM

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