

U.S. Bankruptcy Court for the Middle District of Pennsylvania  
Attorney Advisory Committee  
May 18, 2023, at 1:00 PM

Attendance: Judge Van Eck, Judge Conway, Matt Smith, Sarah Rothermel, Terry Miller, Karen Muroski, Seth Eisenberg, David Harris, Jack Zaharopoulos, Jim Jones, Bob Chernicoff, Dawn Cutaia, Lisa Doran, Bob Kidwell, Kara Gendron, Rick Thompson, Jen Misceovich, Mario Hanyon, Jill Manuel-Coughlin, Rick Thompson

**OLD BUSINESS:**

1. Proposed L.B.R. 9019 Amendments (Jim Jones)
  - a. Judges' thoughts for Rules Committee
  - b. Jim Jones: Troy originally brought this issue to the Rules Committee – which party would provide notice that a loan modification took place after the loan modification was granted and after relief from stay was granted.
  - c. Judges Van Eck and Conway discussed and agreed – it is advisable to file a motion, and the party who files the motion should be the one to notice it. However, the Court does not want a one-size-fits all solution.
  - d. Kara Gendron: agrees with the Judges that if a party files a motion, they should be the one to serve it
  - e. Dawn Cutaia: Clients don't always tell counsel when they get mortgage modifications
  - f. Jack Zaharopoulos noted that there were position statements written regarding the rule proposals if the Judges were interested in reviewing them
  - g. Judges noted that they had discussed scrapping the rule entirely, but that 84 motions had been filed in the past year
  - h. This matter will be removed from the agenda for the next meeting.
- 2/3. Chapter 11 Small Business Procedures and Sub Chapter V Procedures (Judge Van Eck)
  - a. Judges' thoughts on service of orders
  - b. Judge Van Eck: The Court will leave the service requirements alone. Noted that the judges would be unlikely to find contempt for violating the order/missing the deadlines
  - c. Judge Conway: Agrees with Judge Van Eck's summary
  - d. This matter will be removed from the agenda for the next meeting.

## **NEW BUSINESS:**

1. Streamlining Chapter 7 cases with pro se debtors (electronic notices; encouragement to provide email addresses to the Trustee) (Kara Gendron)
  - Kara Gendron: Noticed that many pro se filers have email addresses, but they are not visible. It would be helpful to encourage pro se filers to provide their email addresses as an alternative form of contacting them
  - Jen Misceovich: The petition has a location for the pro se filer to input their email address
  - Discussion had regarding the various systems available to pro se filers
  - Judge Van Eck: We will investigate further re: whether the Court can ask/encourage pro se filers to provide their email addresses
    - (Note: Pro Se filers are required to enter a personal email address when using EDSS in order for the clerk to notify that person that their document has been accepted for filing into ECF. A concern was raised that pro se filer email addresses, unlike registered ECF users (i.e. attorney filers) could be used to attempt to satisfy service requirements, which is not currently provided for in the national rules or local rules. See FRBP 9011 and 9036 generally)
2. Service of motions to sell under FRCP 6004 and LR 6004 (Jim Jones)
  - Jim Jones: there has been confusion regarding when motions to sell should be served
  - Dave Harris: as long as the sale isn't free and clear, he has always served the notice, rather than the motion
  - Bob Chernicoff: 6004(c) – serve only the motion on responding parties, serve notice on everyone. The rule does not require service of the motion as long as the sale isn't free and clear.
  - Judges: agreement with Bob Chernicoff
3. Hardship discharges procedural updates (Seth Eisenberg)
  - Seth Eisenberg: procedures have been updated to add an extra layer. Until recently, the clerk's office set the complaint deadline, but now, they will set an objection deadline with a 14-day deadline
4. Pay.gov forms (Rick Thompson)
  - Rick Thompson: payments can now be processed online; no credit cards are accepted
  - Terry Miller: using this system, the transfer of funds is immediate; cash is no longer accepted
5. Update regarding Court's self-help program (Terry Miller)
  - Terry Miller: self-help program has been streamlined. Once a participant has visited the Court's Self-Help site and completed the financial questionnaire, an email is sent to Dawn, who then passes along the request to an available volunteer attorney. Discussion ensued whether such emails should simply be forwarded to the entire volunteer list.

Terry will follow up with Dawn to make a final determination. The five current attorney volunteers are Dawn Cutaia, Kara Gendron, Paige Macdonald-Matthes, Jim Jones, and Tulio DeLuca.

6. Harrisburg Courthouse move, parking availability, and open house (Terry Miller)
  - Terry Miller: there is paid parking behind the Courthouse on 7<sup>th</sup> Street and free parking along Reily Street. Bethesda Mission also has monthly paid parking. The Court would like to host an open house to practitioners can come see the new building, if they haven't already. Open house will be scheduled for June 9 in the afternoon – keep an eye out for an invite on the listserv.
7. Update from the bar regarding market conditions (Judge Van Eck)
  - Judge Van Eck: What's going on with the market?
  - Seth Eisenberg: slow but steady increase in Chapter 7 and 13 filings
  - Jill Manuel-Coughlin: volume is holding steady. Motions for relief are up, but loan modifications and workouts are steady.
  - Bob Kidwell: Chapter 13s have reached pre-pandemic levels, but 7s are still down
  - Jack Zaharopoulos: Chapter 13 filings are up 30% over this time last year
  - Kara Gendron: we are seeing higher income Chapter 13 filers
  - Dawn Cutaia: seeking increased income overall
  - Terry Miller: money and loans are becoming more expensive
  - Bob Chernicoff: business clients are feeling the pressure of having rates go up
  - Dave Harris: seeing increased tax debts

**FUTURE MEETING DATE:**

Thursday, August 17 at 1:00 PM

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