

U.S. Bankruptcy Court for the Middle District of Pennsylvania
Attorney Advisory Committee

February 20, 2025 at 1:00 P.M.

Attendance: Judge Van Eck, Judge Conway, Troy Sellars, Lisa Doran, Jill Durkin, Jack Zaharopoulos, Rick Thompson, Seth Eisenberg, Larry Young, Chad Julius, Robert Chernicoff, Sarah Rothermel, Dawn Cutaia , Jim Jones, Gary Imblum

Judge Van Eck: We have a new board today.

OLD BUSINESS:

Judge Van Eck: Discussion of service of motions to impose the auto stay.

Judge Conway: BNC cost – clerk’s office balking for doing service of motion. Terry said no, Clerk’s office serves the notice – counsel serves the motion.

Judge Conway: Probably don’t need to serve all creditors but a risk - but one way to reduce cost.

Judge Van Eck: Congrats to Seth - First Official meeting

Seth: Thank you very much.

Seth: I’m thinking outside the box – if it’s a financial issue for attorneys, maybe we can add a link to ECF notice – one free look – to reduce service costs.

Judge Van Eck: open to discussions

Rick Thompson: even if you forward the notice – not everyone can get a free look – just forwarding link won’t give a free look to all involved.

Judge Van Eck: Shifting burden of service. This topic motion to extend/ oppose auto stay. The Debtors bar attempts to minimize own costs. We are open to a broader discussion. In 2017-2018, the rules were modified to indicate electronic service is the same as paper service. Debtors don’t have to serve those electronic

creditors by first class mail. It's possible we can create a link to satisfy due process concerns.

Rick : We received big pushback from the AO as this is a centralized paid service. They do not want the court to add things to serve because it increases the judiciary's overall costs (coming out of taxpayers money).

Judge Conway: It may be sufficient to limit service to only those creditors impacted.

Judge Van Eck – discussion should continue – Jim take point on this – how we might address this. Since it is the Debtor the base positions seems to be it is on them to ensure their creds are notified.

Jim Jones: I've seen in the past where service costs have been added to expenses. In chapter 13, costs are passed on to unsecured creds if enough funding.

Judge Van Eck : flat fee filer – additional charge – and file app with the court. Loadstar folks include in apps their expenses as well. That proposal makes sense. This can be discussed further offline. That solution might address a broad range of issues. We can identify concerns and potential solutions

Jim Jones: include the anticipated costs in the motion

Judge Van Eck : Jim is point for attorneys – Seth, for Clerk's office.

Seth: Fine with me. Out of the box suggestion, maybe the bar could obtain a cloud service and send a link as notice to act as workaround for those that don't have a free look. The outstanding question is whether that would satisfy due process concerns. ECF is our official record. Something to think about.

Judge Van Eck : We will leave this on the agenda on for one more round – Jim Jones to lead discussion. Identify obstacles and solutions.

NEW BUSINESS:

Seth taking over as Clerk of Court. Troy has been selected as Chief Deputy Clerk and we excited to have him. We will have a great management team. He will be starting April 7th.

Troy Sellars : thanks for the kind words –We are a little thin at the U.S, Trustee’s Office and ask for your patience. My 11 caseload will go to Joe.

Judge Van Eck: We hope your position gets filled and Greg’s gets filled. Welcome to new members. Come to as many meetings as you can. Think about issues that you’ve wanted to see addressed. Is there any new business?

Judge Conway: successful mediation training session in HB. About 15 people were certified as mediators. I’m all for getting cases settled and getting them to a mediator. The need for mediators isn’t that great currently because caseload isn’t high.

Judge Van Eck : it is moving up

Jack Zaharopoulos: chapter 13’s are up 15-20 percent. Seeing an uptick.

Seth: Connie is updating the mediation list and Rick will post on website.

Judge Van Eck: any other new business?

Meeting adjourned.

Future Meeting Date:

Thursday, May 15, 2025 at 1:00 P.M.