

From: [Rohan Pavuluri](#)
To: [RulesCommittee Secretary](#)
Subject: Comment from Upsolve // Request for Input on Possible Emergency Procedures
Date: Monday, May 11, 2020 10:12:38 AM
Attachments: [Upsolve-COVID19-Bankruptcy-Comment.pdf](#)

Dear Committee on Rules of Practice and Procedure,

My name is Rohan Pavuluri, and I'm the CEO and co-founder of Upsolve, the largest nonprofit in the United States helping low-income families file bankruptcy for free. 3,000 to 4,000 pro se debtors per year currently use our self-service software web application to assemble their bankruptcy forms for Chapter 7 bankruptcy. Our mission is to provide equal rights to people who cannot afford lawyers.

Bankruptcy courts across the country have reacted well to uphold justice during COVID-19. We have the following three recommendations for the bankruptcy courts.

(1) Require every bankruptcy court to permit an online file transmission option for pro se debtors.

Most courts passed temporary court orders, making online file transmission available via email or online file transmissions forms. This option should be made permanent and ubiquitous, especially given the social distancing that will continue after states re-open.

One reason for the lack of online file transmission options until now appears to be [Rule 5005\(a\)\(2\)\(B\)\(i\)](#) of the Federal Rules of Bankruptcy Procedure, which states that "*An individual not represented by an attorney may file electronically only if allowed by court order or by local rule.*"

This rule should be revised, as it discriminates against low-income people who cannot afford lawyers. It requires them to file by mail or in-person, while allowing people who can afford lawyers to file their forms electronically. Printing and mailing or hand-delivering forms can be dangerous due to COVID-19 and can be expensive for pro se debtors in financial distress.

(2) Require every bankruptcy court to permit an online payment option for all debtors.

Some bankruptcy courts do not have an online payment option, which makes filing fee payments harder to make during COVID-19. This would be a win-win, as it would increase the likelihood that bankruptcy courts get paid and reduce barriers for debtors.

(3) Require bankruptcy courts to offer an alternative to having an ID and SS card affidavit notarized before 341 meetings. Requiring a debtor to go to a notary during COVID-19 is an extra barrier that may put debtors in harm's way. Alternatives we have seen trustees offer: (1) requiring debtors to provide verification through Zoom or email; (2) having debtors sign a declaration instead of a notarized affidavit.

The bankruptcy courts are doing a great public service. We are happy to provide any further assistance.

Respectfully Submitted,



Rohan Pavuluri
[Upsolve](#) | CEO + Co-Founder



Read more: [The 10 Most Innovative Nonprofits of 2020](#) (Fast Company)



Rohan Pavuluri, CEO

May 11, 2020

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rohan Pavuluri', written over a light blue horizontal line.

Rohan Pavuluri

From: jjones_pamd13trustee [REDACTED]
Sent: Tuesday, May 19, 2020 3:59 PM
To: RulesCommittee Secretary
Subject: Request for Comment on Emergency Rulemaking Signing bankruptcy documents electronically

Fed R Bankr Pro 5005(a)(2)(C) provides that the filing of a document electronically constitutes the filer's signature. However, this rule, as well as rules in other practices, does not define what is acceptable as a signature. In emergencies such as the one we face, practitioners need to obtain signatures from parties but are not always able to obtain a wet-ink signature. Commerce has evolved to a status that electronic signatures are reliable enough to be accepted as original signatures. However, statutes permitting such signatures often exclude use in the courts. Rules regarding the acceptance and requirements of electronic signatures should be adopted to permit such signatures to stand in place of wet-ink signatures in times of emergencies if not at all times. Such rules would confirm what many practitioners are practicing now while providing proper guidance regarding the proper method to utilize such tools.

James K. Jones
Staff Attorney
Standing Chapter 13 Trustee
Middle Dist. of PA
(O) [REDACTED]
(F) [REDACTED]

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From: Teri E. Johnson [REDACTED]
Sent: Monday, May 11, 2020 8:12 PM
To: RulesCommittee Secretary
Subject: Comment on Emergency Rulemaking

Hello,

I am a consumer bankruptcy attorney in the state of Washington.

1. Currently, in my region (Western District of Washington,) other than during this pandemic, bankruptcy petitions and anything else that is filed in a bankruptcy matter requiring a debtor's signature must bear the debtor's wet signature, on paper. I would love to see the rules amended to allow for digital/electronic signatures on anything and everything permanently.

2. Currently the Chapter 7 §341 Meetings of Creditors are being done telephonically. I would love for this to be made permanent. I know that all of my colleagues feel the same way. If this is simply not doable, then at least via video (Zoom or the like.) Debtors must take hours to commute to court or other hearing location, pay for parking/gas, etc. etc. for a meeting that usually takes less than five minutes in a Chapter 7. It is difficult for most of my clients, who are all below-median income, to incur the expense and the time away from work. Telephonic meetings are much more efficient, as far as time and cost, for the debtors (and their attorneys too!)

Thank you for your consideration.

Teri Johnson

LAW OFFICE OF TERI E. JOHNSON, PLLC

[REDACTED]
Phone & Text: [REDACTED] | Fax: [REDACTED]
[REDACTED] | www.TeriJohnsonLaw.com

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From: roger stetter [REDACTED]
Sent: Sunday, May 24, 2020 11:45 AM
To: RulesCommittee Secretary
Subject: Bar Date in Ch 11

Dear Rules Committee:

The bar date for filing proofs of claim by unsecured creditors in voluntary Chapter 11 bankruptcies filed during the coronavirus pandemic should be extended until at least December 1, 2020 (or without date, until further notice by the Rules Committee).

Clients with unsecured claims are unable to meet with their attorneys to assist in the preparation of their proofs of claim during the pandemic.

Very truly yours, Roger Stetter

Roger A. Stetter, Esq.

[REDACTED]

[for em w/ attachmts]

www.rogerastetter.com

From: [Joey Schmidt](#)
To: [RulesCommittee Secretary](#)
Subject: Telephonic 341 hearings
Date: Friday, May 08, 2020 9:41:29 AM

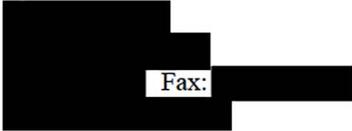
Dear Sirs:

I have now participated in several telephonic 341 hearings. I believe that the process is convenient, safe and efficient.

My clients are often old and disabled and find it much easier to have a telephonic hearing for what is usually a routine matter.

I would encourage the continued use of telephonic 341 hearings.

Joey Schmidt
Central Law Office P.C.

 Fax: 

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