

## **Pilot Program “Pep Talk” for First-Time Individual Pro Se Filers**

The maxim “necessity is the mother of invention” proves true once more. Given federal budget limitations that preclude the hiring of a dedicated pro se law clerk for the Court, Judge McEwen is going to try the next best thing—a pilot program aimed at giving individual pro se debtors a better chance for success. She will set a status conference for first-time chapter 7 and chapter 13 pro se filers to make sure they understand their basic obligations and what’s needed to make their case a success. These hearings will be held in batches (based on chapter) at least ten days before the initial 341 meeting. The first batch is set for hearing later this month. Debtors are given the option of appearing by telephone.

“Call it a pep talk, of sorts,” said Judge McEwen, “but it’s really a way to triage a case before something bad happens as a result of the debtor’s lack of compliance—such as a debtor failing to file required papers, to provide required documents to the trustee in advance of the 341 meeting, or to use the correct form of a chapter 13 plan.” Judge McEwen will also point the debtor to useful places on the Court’s website, including the Bankruptcy Basics videos and the portal where residential mortgage modification procedures are found. Other trouble-shooting topics will include the importance of making chapter 13 plan payments on time (“pay to play, pay to stay,” is Judge McEwen’s familiar mantra) and what *not* to do with tax refunds (spend them).

“Our district has been Number 1, 2, or 3 in the nation, out of 90, over the last two years or more for pro se filings per judge,” said Judge McEwen. Without a pro se law clerk, and notwithstanding the generosity of the pro bono lawyers who staff the pro se courthouse clinics and otherwise represent indigent clients for free, she said that she didn’t believe that maintaining the status quo was any way to improve that bad statistic. If more filers are successful the first time, then the number of repeat filings should decrease. “I’m aiming for a higher rank by this same time next year, assuming this experiment works,” she said.

Judge McEwen is also hoping this process leads to fewer failures by good-faith filers. It may also help weed out individuals who file solely to gain time to challenge a state court foreclosure judgment, delay a foreclosure sale, or for some other improper purpose. Of course, she will remind the pro se filers that the best chance for success is to hire a lawyer! (And lawyers are welcome to attend.)