

Above and Beyond the Call of Duty

By: Chief Judge Michael G. Williamson

In the October 2017 edition of the Court Connection, I expressed the Court's appreciation for our staff members who serve on one or more of the committees that Judge Jennemann created when establishing uniform procedures throughout the District (i.e., thinking "District Wide").

In this issue I would like to recognize five of our judges who contribute to the practice of bankruptcy law, either in our court or on a national scale, by volunteering for critical projects. Already burdened by substantial caseloads here in the Middle District, these five judges truly are going "above and beyond the call of duty."

We start with Judge Karen Jennemann, who, of course, was the progenitor of our current system of uniformity embodied in our motto, "One Court, One Team." It would have been both understandable and expected that when Judge Jennemann concluded her duties as chief judge, she would have handed off her role as the principal architect of our Procedures Manual, which is the veritable heart of "The Source"—a collection of resources the likes of which are not available anywhere else in our bankruptcy system.

The success of the Procedures Manual as a resource for practitioners can be measured by the number of times it has been accessed: In the Procedures Manual's first six months, the ten most frequently accessed procedures have been accessed over 14,000 times! For example, the procedures for motions for payment of unclaimed funds have been accessed 2,197 times, while the procedures for stay relief motions have been accessed 1,711 times. The impact Judge Jennemann has had—and continues to have—on our Court cannot be overstated.

Next is Judge Caryl Delano. As you all know, one of the byproducts of the streamlining of our procedures is the reworking of our administrative orders, local rules, and local forms. For this, our judges have collectively called on Judge Delano and her stellar drafting skills to give effect to any decisions we collectively make that require an administrative order or form to be rewritten.

Like Judge Jennemann and Judge Delano, Judge Cynthia Jackson has also made substantial contributions to our Court. As you may know, our Court has

routinely been ranked among the top districts in terms of pro se filings. Pro se filers typically face two major problems: lack of representation and an inability to fully participate in their cases because of language barriers. Judge Jackson has been instrumental in procuring funding for our pro se legal clinics, as well as for interpreter services, which should make it easier for pro se debtors to navigate their way through our bankruptcy system.

Finally, on a national scale, two of our judges have been appointed to important national positions. The first is Judge Catherine Peek McEwen, who last fall was appointed by Chief Justice John Roberts to serve as a bankruptcy judge observer at sessions of the Judicial Conference of the United States. For those of you who don't know, the Judicial Conference of the United States is the national policy-making body for the federal courts. It sits as a sort of super board of directors for our federal court system. Judge McEwen was appointed to a two-year term beginning on October 1, 2017.

The second is Judge Roberta Colton. As you know, the Commonwealth of Puerto Rico filed one of the largest "bankruptcy" cases in recent history. That case is pending in the United States District Court for the Southern District of New York before Chief U.S. District Judge Laura Taylor Swain. But cases that big can't be litigated; they require consensus. The Detroit bankruptcy case is a perfect example. That case was resolved through intense mediation with key mediators drawn from the judiciary. Following a similar approach, Chief Judge Swain has appointed a team of five judicial mediators drawn nationally from the ranks of Circuit, District, and Bankruptcy Judges, one of whom is Judge Colton. Judge Colton will spend about half of each month in New York involved in intensive mediations for what no doubt will be many months to come.

We are fortunate to have judges who not only process and decide bankruptcy cases with fairness, impartiality, and excellence, but who are also willing to go above and beyond the call of duty.