

AUG 31 2023

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

RECEIVED FOR ENTRY
Patricia Crawford
US BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:

ORDER REGARDING CHAPTER 13
CASES FILED PRO SE

ADMINISTRATIVE ORDER 23-3

This Administrative Order governs all Chapter 13 cases filed in which a Debtor is filing a Chapter 13 petition without the assistance of an attorney and therefore is filing “*Pro Se*.” Due to the nuances and complexities of the Bankruptcy Code and Bankruptcy Rules, certain issues can arise in a *Pro Se* Chapter 13 that affect the due process rights of creditors more so than when an attorney for the Debtor(s) is involved. These and other issues can render a *Pro Se* Debtor, despite their best intentions, unable to propose a confirmable Chapter 13 Plan or cause time-sensitive problems that if not addressed in a timely manner, will be unable to be cured. Historically, *Pro Se* Chapter 13 cases have had a minimal success rate in this district and have a higher-than-average chance of being dismissed. It is for these reasons that this Order is drawing a distinction between cases filed with and without the assistance of counsel.

In the event a Chapter 13 bankruptcy is filed *Pro Se*, the Court may set a Status Hearing on an expedited basis to evaluate the status of the *Pro Se* Chapter 13 bankruptcy. Such a hearing will be set as soon as practicable and will typically be set on the next available Chapter 13 Docket but in no event in no less than four business days. The Status Hearing will be set to determine the sufficiency of notice to creditors and other affected parties as well as address any deficiencies in the filing of the required forms with the Court Clerk. At such a hearing, the Court will evaluate evidence and testimony from the Debtor(s), Trustee, or other party relating to the status of the case.

The *Pro Se* Debtor(s) should be prepared to discuss the particulars of the case, including but not limited to, the status of the filing of all necessary forms, the likelihood of completion of any unfiled forms, service of the forms on creditors, any intentions by the Debtor(s) to obtain counsel, the goals or intentions of the Debtor(s) in filing the Chapter 13, the payment of the filing fee, any previous dismissed bankruptcy cases, and/or the good faith of the Debtor(s) in the filing of the case. Based upon the evidence presented at such a hearing, the Court may:

- A. Enter an Order dismissing the Case for the failure of the Debtor(s) to appear;
- B. Enter an Order dismissing the Case without further hearing upon the expiration of fourteen (14) days from the filing of the petition in the event all required forms are not filed with the Clerk;
- C. Extend the time for the filing or amending of any deficient, missing, or improperly completed forms;
- D. Establish a pay schedule for the payment of the filing fees;
- E. Enter an Order as appropriate to the circumstances of the case.

IT IS SO ORDERED

Dated: 8-31-23



RANDAL S. MASHBURN, CHIEF JUDGE



MARIAN F. HARRISON, JUDGE



CHARLES M. WALKER, JUDGE