

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

FILED

2013 OCT -4 P 1:56

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

In re:

Administrative order regarding the
operation of the United States Bankruptcy
Court for the Eastern District of Michigan
in the absence of legislation appropriating
funds or enacting a continuing resolution

Administrative Order No. 13-13

ORDER REGARDING COURT OPERATIONS DURING LAPSE IN FUNDING

A lapse in federal appropriations occurred effective October 1, 2013. Consistent with the direction of the Administrative Office of the United States Courts (“AO”), the Bankruptcy Court for the Eastern District of Michigan is presently continuing all operations, with all employees continuing to report to work, for the first ten business days after the lapse in appropriations became effective. The AO has informed our Court that in the event that appropriations legislation or a continuing resolution is not enacted by October 14, 2013, the federal judiciary will operate under the terms of the Anti-Deficiency Act, which allows “essential work” to continue during a lapse in operations.

The Guide to Judiciary Policy, Volume 13, Finance and Budget, Chapter 2, § 220.30, sets forth guidelines permitting each court to determine which of their functions are essential, and which court staff are necessary to perform such functions during the period of an appropriations lapse. Pursuant to the Guide to Judiciary Policy, this Court has thoroughly reviewed all of its functions to determine which are essential, and has thoroughly reviewed

the responsibilities and performance of each employee of the Court to determine which individuals are necessary to perform the essential work of this Court.

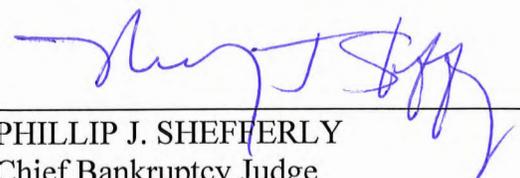
After conducting such review, the Court concludes that all of the services provided by this Court constitute essential work that must continue to be performed. The Bankruptcy Court for the Eastern District of Michigan is an extraordinarily high volume bankruptcy court, serving an economically depressed region. Processing court filings, conducting hearings, trying cases, and issuing orders in bankruptcy cases and adversary proceedings are all essential to the individuals and businesses that have filed and continue to file bankruptcy cases and adversary proceedings in our Court. The Court does not engage in any activities that are not essential to perform these functions.

The Court also concludes that all of the employees of this Court are necessary to the performance of these essential functions. In reaching this conclusion, the Court notes that it has endured a 28% reduction in its workforce during the last two years. This substantial reduction in the Court's workforce came at a time when the Court already had and continues to have the highest weighted caseload per authorized bankruptcy judgeship of any bankruptcy court in the country. Further exacerbating the workload of this reduced workforce is the largest Chapter 9 municipal bankruptcy case in our country's history, filed in this Court by the City of Detroit on July 18, 2013. The Court does not have any employees who are not necessary to the performance of its essential functions.

Accordingly, all Court employees, including Clerk's office employees, judicial assistants and law clerks, must report for duty during the lapse of appropriations until further

notice. In the event that the lapse of appropriations continues for an extended time, the Court will continue to assess which functions of the Court are essential and which employees of the Court are necessary to the performance of those functions.

IT IS SO ORDERED.



PHILLIP J. SHEFFERLY
Chief Bankruptcy Judge

Dated: October 4, 2013