

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHUTDOWN PLAN

Pursuant to the Guide to Judiciary Policy, Volume 13, Chapter 2, Section 230.50, and in consultation with the district court, the bankruptcy court adopts the following plan for operating during a Judiciary shutdown. A Judiciary shutdown¹ occurs after all funding derived from fees and no-year appropriations has been exhausted² and a continuing resolution or appropriations bill is not enacted.

- I. Declaration of Policy. The policy of the United States District Court for the Eastern District of Pennsylvania is that the functions performed by all judicial officers and staffs of judicial officers and all employees of the court units, including the bankruptcy court, are determined to be necessary and essential to address the court's constitutional duty to hear and decide cases without interruption. The activities set forth in this plan are excepted activities, and the employees who perform these duties are deemed exempt from furlough due to a lapse in appropriations.
- (A) Because the spirit of the Anti-Deficiency Act requires a very narrow interpretation regarding the performance of other functions by judicial branch personnel during a shutdown period, the only work considered essential and thus permissible includes:
- (1) activities necessary to support the exercise of the Article III judicial power, i.e., the resolution of cases in which there is a constitutional or statutory grant of jurisdiction;
 - (2) emergency activities necessary for the safety of human life and the protection of property; and,
 - (3) activities otherwise authorized by law, either expressly or by necessary implication, including:
 - (a) items guaranteed by the Constitution;
 - (b) entitlement programs (e.g., Judicial Survivors Annuities System, which is partly funded by judges' salaries); and,
 - (c) minimal activities needed for an orderly shutdown of other official functions.
- (B) The bankruptcy court will continue to: 1) hear and decide petitions without interruption; 2) process all old and new bankruptcy petitions; and, 3) issue and

¹The term "shutdown" is commonly used when referring to a lapse in appropriations for the judiciary. As reflected in the title of this document, the court will not actually shutdown during a lapse in appropriations, but will implement this plan to ensure continuation of essential case related services.

²The Judiciary can continue operations with funding derived from all possible sources of fees and no-year appropriations as previously authorized by the Executive Committee of the Judicial Conference.

enforce judgments, according to normal schedules and priorities. The bankruptcy court will continue to provide all essential case support with the services of bankruptcy judges, chambers staff, Clerk's Office staff, and others.

- (C) Staff will only perform essential functions as set forth in this plan.
- (D) This bankruptcy court suspends all activities not authorized in this plan.
 - (1) These activities include, but are not limited to, the following:
 - (a) Hiring employees and related pay actions not deemed essential;
 - (b) Purchasing equipment, supplies, and contractual services³;
 - (c) Entering into new contractual obligations;
 - (d) Performing non-essential administrative tasks;
 - (e) Compiling non-essential statistics;
 - (f) Training; and
 - (g) Travel⁴.
 - (2) The suspension of such activities will be carried out in an orderly manner to ensure that all records and statistics are preserved and secured, and that resumption of full activities will begin without limits once funding is restored.
- (E) The bankruptcy court will consult the following individuals of the level of services required to maintain continuing operation of the court system:
 - (1) U.S. Marshal, Eastern District of Pennsylvania;
 - (2) Clerk, U.S. District Court;
 - (3) Director, U.S. General Services Administration; and,
 - (4) United States Trustee, Region III.

In addition, the bankruptcy court will limit after hours and weekend work.

³Even if a contract is currently in place, any actions that would result in further expenses under the contract will be curtailed unless they are clearly in support of designated essential activities. Further, payment on any goods and services acquired during a lapse in appropriations could have payment delayed until funds become available through another continuing resolution or an appropriation. The court's Contracting Officers (CO's) will notify contractors prior to an appropriations lapse if at all possible.

⁴All court personnel will conclude their travel and return to their normal duty station prior to shutdown. Travel can continue if it is deemed absolutely necessary to the performance of essential work (e.g., case resolution activities) as described in section 1(a) of this plan. If the travel is not required for purposes of an orderly shutdown, or if the individual is not performing essential work on travel, then the travel should not occur if it would incur further expense to the government.

II. Bankruptcy Judges and Their Staffs

- (A) The bankruptcy court, as a unit of the district court, should continue those operations that may be considered part of the exercise of the judicial power of the United States or which preserve life or property.
- (B) Because bankruptcy judges' salaries are fixed by statute, they may not be furloughed without pay and should continue to work during an appropriations lapse. The judiciary must request the Secretary of Treasury to authorize bankruptcy judges' salaries during a government shutdown. If not authorized, bankruptcy judges' salaries would be paid retroactively upon the enactment of the judiciary's appropriations act.

III. Bankruptcy Clerk's Office

- (A) This bankruptcy court finds that Clerk's Office staff who support the court in case-resolution activities are essential. These activities include, but are not limited to, the following:
 - 1) Ensuring the proper and timely processing of all petitions, filings, motions, orders, emergency applications, and other documents;
 - 2) Accepting and processing new bankruptcy petitions and adversary proceedings;
 - 3) Collecting and depositing of fees, costs and payments into the U.S. Treasury;
 - 4) Performing regular administration and support to the bankruptcy judges and their respective chambers, the Office of U.S. Trustee, the offices of the Standing Chapter 13 Trustees, and the Chapter 7 Panel Trustees;
 - 5) Upkeep and maintenance of the bankruptcy court's information technology systems; and,
 - 6) Timely processing of the bankruptcy court's financial, budget, and human resources records and reports.
- (B) The essential functions and employees performing these functions are listed below.
 - (1) Administration and Oversight of Office's Statutory Duties:
 - (a) Clerk
 - (b) Chief Deputy Clerk
 - (c) Deputy-In-Charge
 - (d) Case Administration Supervisor

(2) Court Proceedings, Court Reporting, and Recording:

- (a) Courtroom Deputies
- (b) Electronic Sound Recorders (ESRs)

(3) Intake, Cashiering, Docketing, Quality Control, Case Management, and Records Management:

- (a) Deputy-In-Charge
- (b) Case Administration Supervisor
- (c) Case Administrators
- (d) Generalists

(4) Information Technology:

- (a) Systems Administrator
- (b) IT Security Officer/Network Administrator
- (c) IT Technician I

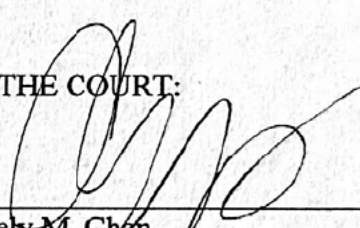
(5) Finance, Procurement and Human Resources:

- (a) Budget Analyst/Personnel Specialist
- (b) Financial Specialists
- (c) Procurement Specialist

(C) The Clerk and Chief Deputy will monitor the employees performing essential functions and may move or reassign duties based on changing circumstances in the court and the length of the appropriations lapse.

Date: 10/16/25

BY THE COURT:



Ashely M. Chan,
Chief Bankruptcy Judge