

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the Electronic : General Order M-522
Public Access Fees by Michelle M. Miller, :
: :
: :
-----X

This matter is before the Court upon the application and request by Michelle M. Miller (the “Applicant”), an Assistant Professor of Economics at Loyola Marymount University, for exemption from the fees imposed by the Electronic Public Access Fee Schedule adopted by the Judicial Conference of the United States Courts.

The Court finds, based upon the attached letter received on August 15, 2018, that the Applicant has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the Applicant shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this Court to the extent such use is incurred in connection with the project described in the attached letter and application. The Applicant shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court.

Additionally, the following limitations apply:

- 1. This fee exemption applies only to the Applicant, and is valid only for the purposes stated above.
- 2. This fee exemption applies only to the electronic case files of this Court that are available through the PACER system;
- 3. By accepting this exemption, the Applicant agrees not to sell for profit any data obtained as a result of receiving this exemption.
- 4. This exemption is valid from August 15, 2018 through September 30, 2019.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated: September 4, 2018
New York, NY

/s/ Cecelia G. Morris
CECELIA G. MORRIS
Chief United States Bankruptcy Judge

**Application for Multi-Court Exemption from the
Judicial Conference's Electronic Public Access (EPA) Fees**

1.) I am requesting an exemption from fees for public access to electronic case records for the courts selected below:

Courts of Appeal

- | | |
|---|---|
| <input type="checkbox"/> All Courts of Appeal | <input type="checkbox"/> Seventh Circuit |
| <input type="checkbox"/> First Circuit | <input type="checkbox"/> Eighth Circuit |
| <input type="checkbox"/> Second Circuit | <input type="checkbox"/> Ninth Circuit |
| <input type="checkbox"/> Third Circuit | <input type="checkbox"/> Tenth Circuit |
| <input type="checkbox"/> Fourth Circuit | <input type="checkbox"/> Eleventh Circuit |
| <input type="checkbox"/> Fifth Circuit | <input type="checkbox"/> D.C. Circuit |
| <input type="checkbox"/> Sixth Circuit | <input type="checkbox"/> Federal Circuit |

Bankruptcy Appellate Panels (BAP)

- | |
|---|
| <input type="checkbox"/> First Circuit - BAP |
| <input type="checkbox"/> Sixth Circuit - BAP |
| <input type="checkbox"/> Eighth Circuit - BAP |
| <input type="checkbox"/> Ninth Circuit - BAP |
| <input type="checkbox"/> Tenth Circuit - BAP |

District Courts

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> All District Courts | <input type="checkbox"/> Illinois Northern | <input type="checkbox"/> Nebraska | <input type="checkbox"/> Rhode Island |
| <input type="checkbox"/> Alabama Middle | <input type="checkbox"/> Illinois Central | <input type="checkbox"/> Nevada | <input type="checkbox"/> South Carolina |
| <input type="checkbox"/> Alabama Northern | <input type="checkbox"/> Illinois Southern | <input type="checkbox"/> New Hampshire | <input type="checkbox"/> South Dakota |
| <input type="checkbox"/> Alabama Southern | <input type="checkbox"/> Indiana Northern | <input type="checkbox"/> New Jersey | <input type="checkbox"/> Tennessee Eastern |
| <input type="checkbox"/> Alaska | <input type="checkbox"/> Indiana Southern | <input type="checkbox"/> New Mexico | <input type="checkbox"/> Tennessee Middle |
| <input type="checkbox"/> Arizona | <input type="checkbox"/> Iowa Northern | <input type="checkbox"/> New York Eastern | <input type="checkbox"/> Tennessee Western |
| <input type="checkbox"/> Arkansas Eastern | <input type="checkbox"/> Iowa Southern | <input type="checkbox"/> New York Northern | <input type="checkbox"/> Texas Eastern |
| <input type="checkbox"/> Arkansas Western | <input type="checkbox"/> Kansas | <input type="checkbox"/> New York Southern | <input type="checkbox"/> Texas Northern |
| <input type="checkbox"/> California Central | <input type="checkbox"/> Kentucky Eastern | <input type="checkbox"/> New York Western | <input type="checkbox"/> Texas Southern |
| <input type="checkbox"/> California Eastern | <input type="checkbox"/> Kentucky Western | <input type="checkbox"/> North Carolina Eastern | <input type="checkbox"/> Texas Western |
| <input type="checkbox"/> California Northern | <input type="checkbox"/> Louisiana Eastern | <input type="checkbox"/> North Carolina Middle | <input type="checkbox"/> Utah |
| <input type="checkbox"/> California Southern | <input type="checkbox"/> Louisiana Middle | <input type="checkbox"/> North Carolina Western | <input type="checkbox"/> Vermont |
| <input type="checkbox"/> Colorado | <input type="checkbox"/> Louisiana Western | <input type="checkbox"/> North Dakota | <input type="checkbox"/> Virgin Islands |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Maine | <input type="checkbox"/> Northern Mariana Islands | <input type="checkbox"/> Virginia Eastern |
| <input type="checkbox"/> Delaware | <input type="checkbox"/> Maryland | <input type="checkbox"/> Ohio Northern | <input type="checkbox"/> Virginia Western |
| <input type="checkbox"/> District of Columbia | <input type="checkbox"/> Massachusetts | <input type="checkbox"/> Ohio Southern | <input type="checkbox"/> Washington Eastern |
| <input type="checkbox"/> Florida Middle | <input type="checkbox"/> Michigan Eastern | <input type="checkbox"/> Oklahoma Eastern | <input type="checkbox"/> Washington Western |
| <input type="checkbox"/> Florida Northern | <input type="checkbox"/> Michigan Western | <input type="checkbox"/> Oklahoma Northern | <input type="checkbox"/> West Virginia Northern |
| <input type="checkbox"/> Florida Southern | <input type="checkbox"/> Minnesota | <input type="checkbox"/> Oklahoma Western | <input type="checkbox"/> West Virginia Southern |
| <input type="checkbox"/> Georgia Northern | <input type="checkbox"/> Mississippi Northern | <input type="checkbox"/> Oregon | <input type="checkbox"/> Wisconsin Eastern |
| <input type="checkbox"/> Georgia Middle | <input type="checkbox"/> Mississippi Southern | <input type="checkbox"/> Pennsylvania Eastern | <input type="checkbox"/> Wisconsin Western |
| <input type="checkbox"/> Georgia Southern | <input type="checkbox"/> Missouri Eastern | <input type="checkbox"/> Pennsylvania Middle | <input type="checkbox"/> Wyoming |
| <input type="checkbox"/> Guam | <input type="checkbox"/> Missouri Western | <input type="checkbox"/> Pennsylvania Western | |
| <input type="checkbox"/> Hawaii | <input type="checkbox"/> Montana | <input type="checkbox"/> Puerto Rico | |
| <input type="checkbox"/> Idaho | | | |

Bankruptcy Courts

- All Bankruptcy Courts
- Alabama Middle Illinois Northern Nebraska Rhode Island
- Alabama Northern Illinois Central Nevada South Carolina
- Alabama Southern Illinois Southern New Hampshire South Dakota
- Alaska Indiana Northern New Jersey Tennessee Eastern
- Arizona Indiana Southern New Mexico Tennessee Middle
- Arkansas Eastern Iowa Northern New York Eastern Tennessee Western
- Arkansas Western Iowa Southern New York Northern Texas Eastern
- California Central Kansas New York Southern Texas Northern
- California Eastern Kentucky Eastern New York Western Texas Southern
- California Northern Kentucky Western North Carolina Eastern Texas Western
- California Southern Louisiana Eastern North Carolina Middle Utah
- Colorado Louisiana Middle North Carolina Western Vermont
- Connecticut Louisiana Western North Dakota Virgin Islands
- Delaware Maine Northern Mariana Islands Virginia Eastern
- District of Columbia Maryland Ohio Northern Virginia Western
- Florida Middle Massachusetts Ohio Southern Washington Eastern
- Florida Northern Michigan Eastern Oklahoma Eastern Washington Western
- Florida Southern Michigan Western Oklahoma Northern West Virginia Northern
- Georgia Northern Minnesota Oklahoma Western West Virginia Southern
- Georgia Middle Mississippi Northern Oregon Wisconsin Eastern
- Georgia Southern Mississippi Southern Pennsylvania Eastern Wisconsin Western
- Guam Missouri Eastern Pennsylvania Middle Wyoming
- Hawaii Missouri Western Pennsylvania Western
- Idaho Montana Puerto Rico

National Courts

- Judicial Panel on Multidistrict Litigation
- U.S. Court of Federal Claims
- U.S. Court of International Trade

2.) I am an individual associated with Loyola Marymount University

3.) Please summarize why the case information from the Public Access to Court Electronic Records (PACER) service is needed and how it will be used. Also, please explain why an exemption from the courts identified is necessary. If you need more space, please provide in an attachment.

See attached

4.) In support of this application, I affirm the following:

a) An exemption from the Judicial Conference's EPA Fee is necessary in order to avoid unreasonable burdens and to promote public access to information.

b) That the exemption will be for a definitive period of time: 1 year

c) I understand that this fee exemption will apply only to me, will be valid only for the purposes stated above, and will apply only to the electronic case files of the court(s) indicated above that are available through the PACER service.

d) I agree that any data received through this exemption will not be sold for profit, will not be transferred, will not be used for commercial purposes, and will not be redistributed via the Internet.

Declaration: I declare that all the above information is true and understand that a false statement

may result in termination of my exempt access and an assessment of Electronic Public Access usage fees. (The box must be marked or your request will not be considered)

Michelle M. Miller

Applicant's Printed Name

Assistant Professor of Economics

Applicant's Title

Michelle M. Miller

Applicant's Signature

(310) 338-1811

Applicant's Phone Number

Michelle.Miller@lmu.edu

Applicant's email address

1 LMU Drive, Suite 4214

Applicant's Mailing Address

Los Angeles

City

CA

State

90045

Zip Code

8/15/2018

Date

Please submit your completed, signed request via email to Multi-CourtExemptions@ao.uscourts.gov or by mail to:

Attention: Multi-Court Exemptions
Court Programs Division
DPS-CSO-PRGD
One Columbus Circle, N.E.
Washington, DC 20544

** Requests sent through the US mail may take up to two weeks to clear security.**

Attachment to Application for Multi-Court Exemption from the
Judicial Conference's Electronic Public Access (EPA) Fees

Section 3

I wish to examine how state exemption laws and state garnishment rates differentially impact an individual's decisions to file for bankruptcy. Prior works have shown that these laws have a minimal impact on the *average* individual, but I wish to show that these laws have a *large impact on specific individuals*. In particular, I want to show that high exemption laws significantly increase the likelihood that high asset individuals file for bankruptcy while high garnishment rates significantly increase the likelihood that low income individuals file for bankruptcy. This will be a significant contribution to the literature and aid in policy analysis.

Publicly available datasets do not have enough bankrupt individuals to perform this analysis. This analysis requires a large sample of bankrupt individuals from numerous states; ideally, this research is best addressed with a dataset of every individual who filed for bankruptcy on a particular date.

With a PACER exemption, I would access every petition filed nationwide on February 2, 2015. For each filing, I will collect information on unsecured debts (from schedule F), home equity (from schedule A), employment status (from schedule D) and income over the previous two calendar years (from the Statement of Financial Affairs).

I have previously performed this analysis using a sample of individuals who filed for bankruptcy on February 1, 2007. My analysis can be found at the following link: http://michellemiller.lmu.build/wp-content/uploads/2018/02/who_files.pdf. Recently, the *American Law and Economics Review* indicated that it would be interested in publishing my findings if I could update my paper with recent data. However, Loyola Marymount University does not have the funds to allow me to create a new updated dataset. Therefore, I ask for an exemption from the courts so these findings can be updated and published for all to read.