

June 1, 2016 Rule, Form and Fee Changes

1. Amendments to Local Form 1007-1 and Local Rules 2016-1(a) and 8009-1 effective June 1, 2016

Redlined text of the amendments is included below:

Form 1007-1 - Disclosure of Compensation of Attorney for Debtor

...

6. Pursuant to Local Rules 1007-1 and 1007-3-1, I have advised the debtor of the requirements of ~~paragraph 9 of~~ **in** the Statement of Financial Affairs of the ~~duty to~~ disclose all payments made, or property transferred, by or on behalf of the debtor to any person, including attorneys, for consultation concerning debt consolidation or reorganization, relief under bankruptcy law, or preparation of a petition in bankruptcy. I have reviewed the debtor's disclosures and they are accurate and complete to the best of my knowledge.

Rule 2016-1. Compensation of Professional Persons

(a) CHAPTER 7 CASES. A professional person seeking compensation in a chapter 7 case shall file an application complying with paragraph (c) of this rule and serve copies on the trustee and the United States Trustee. The application shall be reviewed as part of the trustee's **interim or** final report and account.

Rule 8009-1. Designation of Record **on** Appeal

~~(a) DESIGNATED RECORD. The appellant and other parties shall designate in writing, in the manner otherwise provided in Federal Rule of Bankruptcy Procedure 8009 (link is external), the particular documents of the official record on appeal to be included in the designated record. Each document designated shall be described specifically by the name of document, the number of the document on the docket, and the date filed. The fact that parts of the record on appeal are not included in the designated record shall not prevent the parties or the district court from relying on them.~~

~~(b) SEPARATE APPENDICES. In lieu of a designated record, the appellant and other parties may file, within 14 days after the filing of the notice of appeal or entry of an order granting leave to appeal, a stipulation providing that the parties shall file with the clerk of the district court separate appendices. Unless the district court orders otherwise, the parties shall serve and file with the clerk of the district court, **in lieu of a designated record**, their separate appendices along with their respective briefs. The parties also shall arrange for the clerk of the bankruptcy court to transmit transcripts or exhibits separately to the clerk of the district court.~~

~~(c) TRANSCRIPTS. If the appellant or other party designates any transcript of~~

proceedings or any part thereof, the party shall order a transcript and file with the clerk of the bankruptcy court a copy of the transcript order as required by Federal Rule of Bankruptcy Procedure 8009(b)(1)(A), and if no such transcript is to be ordered, file with the clerk of the bankruptcy court a certification to that effect.

NOTE: This rule is promulgated by the district court.

IMPORTANT!!!

- The above local form and rule amendments are effective June 1, 2016.
- The amendments to Local Form 1007-1 and Local Rule 2016-1 will govern in all bankruptcy cases commenced on or after the June 1, 2016 effective date.
- **The amendments to Local Rule 8009-1 will govern in all appeals commenced on and after June 1, 2016.**

**2. Amendments to record retrieval fees on the Bankruptcy Court
Miscellaneous Fee Schedule effective June 1, 2016**

Pursuant to the Judiciary's records disposition schedules, courts may transfer records no longer needed for court business to one of the National Archives and Records Administration's (NARA) Federal Records Centers (FRCs). For many years, when members of the public wanted to see documents housed at an FRC, their options were to go to the FRC to view the documents or request that the documents be sent from the FRC to the court. In connection with the latter option, the Judiciary's miscellaneous fee schedules currently include a fee – \$64 for the first box and \$39 for each additional box – for retrieval of records from an FRC.

As an alternative to the above options, a new service offered by NARA, known as "SmartScan," will allow members of the public to request same-day electronic delivery of a limited number of scanned judiciary pages. SmartScan eliminates shipping costs, reduces clerk's office staff time required to receive, duplicate, and distribute relevant documents, and is ideal for small or urgent requests.

To implement this new service, the Judicial Conference established a new fee in the Bankruptcy Court Miscellaneous Fee Schedule for accessing records electronically from an FRC. The fee is \$10, plus charges assessed by NARA, which currently include a \$0.65 per-page cost for the transmission, plus a \$9.90 fee to pull and re-file records

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Therefore, Paragraph 12 of the Bankruptcy Miscellaneous Fee Schedule in 28 U.S.C. § 1930 will be amended, effective June 1, 2016, as follows (new text in **bold**):

For retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$64. For retrievals involving multiple boxes, \$39 for each additional box. **For electronic retrievals, \$10 plus any charges assessed by the Federal Records Center, National Archives, or other storage location removed from the place of business of the courts.**