

**EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

**Expedited Consideration of Proposed Amendments to Federal Rules of Bankruptcy
Procedure Producing Cost Savings for the Federal Judiciary**

The Advisory Committee on Bankruptcy Rules submitted proposed amendments to Rules 2002(g), 9001(9), and 9036, with a recommendation that they be approved and transmitted to the Judicial Conference. The amendments were circulated to the bench and bar for comment in August 2004. The public comment period expired on February 15, 2005. The scheduled public hearing on the amendments was canceled because no one requested to testify on these proposed amendments. No comments on the proposed amendments were submitted.

The proposed amendments are expected to save the courts considerable amounts of money in mailing and administrative expenses. As noted in the original report, the Committee decided to process the proposed amendments on an expedited basis to reap the proposals' benefits as soon as possible. The amendments will take effect twelve months earlier under the expedited rulemaking.

The Committee's report explained that under the proposed amendments to Rule 2002(g), notice providers (newly defined entities under proposed amendments to Rule 9001(9)) may enter into agreements with creditors on the manner of service and mailing address to which service may be made. The amendments facilitate the transmission of notices to creditors that operate nationally by permitting a notice provider to send a creditor all notices to a centralized, agreed-upon electronic mailing address.

Confirmation that an electronic notice was transmitted and received would no longer be required under the proposed amendments to Rule 9036. Many internet service providers no longer provide such confirmations, and confidence in the delivery of electronic transmissions now rivals or exceeds confidence in the delivery of mail. The advisory committee considered adding a provision recognizing that service of notice is not effective if the sender learns that the transmission of the notice was never received, paralleling a similar provision in Civil Rule 5. But the advisory committee decided that adding the provision to Rule 9036 was unnecessary because, though inapplicable to non-contested matters, Civil Rule 5 applies by incorporation to adversary proceedings and contested matters and a court would unlikely find notice effective if it is established that the notice was never received.

The advisory committee recommends that the amendments to the three Bankruptcy Rules be approved and transmitted to the Judicial Conference. The Committee concurs with the advisory committee's recommendation.

Recommendation: That the Judicial Conference approve the proposed amendments to Bankruptcy Rules 2002, 9001, and 9036 and transmit them to the Supreme Court for its consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

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