

Proposed Uniform Forms Provide Useful Information Without Undue Burden on Trustees

by
Martha Hallowell, Deputy Assistant Director,
Standing Trustee Oversight, Office of Review and Oversight,
Executive Office for U.S. Trustees

Uniform Reports Required

For some time, you have been hearing about the new uniform forms for trustee final reports. Section 602 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 requires the Attorney General to issue uniform forms for final reports by trustees in chapters 7, 12, and 13. BAPCPA requires certain specified information to be included, “in addition to such other matters as are required by law or as the Attorney General ... shall propose[.]” The forms strike a balance between the reasonable needs of the public for information about the bankruptcy system and economy, simplicity, and lack of undue burden on those filing the reports. *See* 28 U.S.C. § 589b. The Attorney General delegated the responsibility for issuing the forms to the Director of the Executive Office for U.S. Trustees.

A Notice of Proposed Rulemaking was published in Volume 73, No. 23, of the Federal Register on February 4, 2008, with comments due by April 4, 2008. Use of the new forms will be required in all cases closed after the effective date of the final rule, which will be 30 days after the final rule is published. It is anticipated the final rule will be published in the late summer or early fall of 2008.

The Notice of Proposed Rulemaking and the proposed forms are posted on the U.S. Trustee Program’s Web site at www.usdoj.gov/ust/eo/bapcpa/proposed_rulemaking/index.htm. With respect to chapters 12 and 13, there are proposed uniform forms for the final reports in cases administered by standing trustees and in cases assigned to trustees on an individual basis.

Outreach to Trustees and Vendors

The Program has worked closely with the NACTT leadership over the last two years as we developed the proposed forms. NACTT members made a number of excellent suggestions, which we incorporated into the forms and guidance documents. We also included comments received from individual trustees at regional standing trustee training programs sponsored by the United States Trustees.

Between now and the effective date of the final rule, we will continue our outreach efforts to ensure that trustees and case administration software vendors fully understand the data requirements of the new forms. We plan to publish instructions to accompany the forms, as well as other guidance such as “Frequently Asked Questions” based on various scenarios trustees have presented. We will continue to discuss the forms at regional training programs, and we will participate in a training session during the NACTT’s annual seminar in July 2008.

Capturing Data

We hope all trustees have taken to heart the encouragement from the Program and the NACTT leadership to develop procedures for capturing information required by the new forms in cases as they are filed. We realize that some trustees are still not entering the required data into their case administration systems, and that significant data entry may be necessary for old cases. Some trustees may need more resources to enter the additional data, and we have encouraged Program field staff to be responsive to justified budget amendments for data entry help. The Program has been working with the Administrative Office of the U.S. Courts for three years to develop a mechanism to pull the required information from the petition and schedules automatically, so as to eliminate manual data entry by the trustee. To date, however, there is not an agreement that will provide the information to trustees electronically.

While the development process has been a long one, we believe the result is a uniform report that will provide the public with useful information on how the bankruptcy system operates without placing an undue burden upon trustees. The substantial vetting process has resulted in a document that is workable and efficient. We are pleased that the new forms will soon be available for distribution and use.