

**UNITED STATES BANKRUPTCY COURT**

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May 24, 2006

05-BR-036

Mr. Peter G. McCabe  
Secretary, Committee on  
Rules of Practice and Procedure  
Washington DC 20544

Dear Peter:

With my tenure on the Advisory Committee on Bankruptcy Rules coming to an end after our meeting in September, it seems a good time to share with you a concern drawn from my years as chairman of the forms subcommittee. I believe the time has come for the committee to undertake a fundamental review and modernization of the bankruptcy forms. Pat Ketchum, the committee's consultant on forms, agrees and supports these suggestions.

You are as familiar as anyone with the format of the forms that serve as the backbone to the bankruptcy system as we have known it. These forms, as they now exist and as we continue to revise them, reflect a business process that is being rendered essentially archaic by the advent of CM/ECF and other electronic methods of transacting business, including court business. While our data management and processing systems are moving ahead, unfortunately, the format for presenting these data continues to be firmly rooted in the past.

Our committee and its predecessors have anguished over the process of creating and revising forms that were designed to be completed on manual typewriters. Now, computers have automated the collection of the data from the debtor into a form that can be electronically presented to the court by their lawyers. We have one more step to take, and it is that step I urge that the committee now begin to formally study.

The deficiency of our system of paper forms is highlighted by the recent request by the U.S. Trustee urging the Bankruptcy Rules Committee adopt a system of mandatory embedded data into our forms. Their proposal would require the filing of our forms electronically in a way that would permit the data to be programed into the forms as a PDF document that could thereafter be readily extracted by the U.S. Trustee and anyone else who might want to make use of the data such as the bankruptcy clerk and the AO.

The idea is an excellent one and would be an essential component of any electronic form system we might adopt. The Bankruptcy Rules Committee, however, has been resistant to this requirement, not because it is a bad requirement, but instead because the committee believes it is not appropriate for our committee to adopt a rule compelling a particular electronic format for the presentation of information.

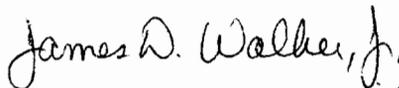
Currently, our forms specify with careful precision the information our committee believes a debtor or creditor should provide in the prosecution of a bankruptcy matter. Unfortunately, because of our ties with the past and the paper forms, we must in addition also adopt an official format for the presentation of that information. That latter step has been rendered essentially unnecessary by the electronic revolution.

As the chairman of the forms subcommittee, with Pat Ketchum's assistance and with the invaluable input from other members of the subcommittee and full committee, I have participated in the adoption of a new generation of forms to implement BAPCPA. In this effort we have all struggled with the constraints of WordPerfect, Page Maker and Microsoft Word in trying to fit the requirements for content into a piece of paper that will look like something that can be prepared manually but which will in fact in most cases never be prepared manually. Without the constraints of this paper-based format, I believe we could be much more precise in our requirements and provide a more thorough picture of the facts in a case.

The commercial bankruptcy petition preparation programs have mastered the task of gathering the information from debtors and presenting the information in the required PDF format. It is that last step I wish to urge that we consider and study for a more efficient alternative. Rather than trying to outline my vision of how this might work to you, I assume that you are well acquainted with this proposition and already have ideas of your own. The purpose of the letter is to urge that you, as Secretary to the Committee on Rules of Practice and Procedure, consider initiating a formal study of this subject towards the end that the study might make recommendations which can be proposed for adoption. Based on her experience with the last major overhaul of the forms in 1991, Pat Ketchum estimates such a project to require about five years of the committee's time.

Thank you in advance for considering this proposal and for taking such steps you believe to be appropriate. Always, I am glad to provide any help you might determine to be useful. I am a tremendous fan of your office and in particular the work you have done in your position as secretary and steward for all the rules committees. I hope you will find a way to take this next step in the evolution of the administration of the bankruptcy law in this country.

Yours truly,



James D. Walker, Jr.

*with permission /cls*

JDWjr/cs

cc: Hon. Thomas S. Zilly  
Prof. Jeffrey W. Morris  
Patricia S. Ketchum, Esq.  
John K. Rabiej