

06-BK-D

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8/18/06



UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON U.S. COURTHOUSE
111 SOUTH TENTH STREET, FOURTH FLOOR
ST. LOUIS, MISSOURI 63102

www.moeb.uscourts.gov

DANA C. MCWAY
CLERK OF COURT

DIANA DURKEE AUGUST
CHIEF DEPUTY CLERK

(314) 244-4500
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August 17, 2006

Mr. Peter McCabe
Secretary, Committee on Rules of Practice and Procedure
Administrative Office of the U. S. Courts
One Columbus Circle, N.E.
Washington, DC 20544

Dear Mr. McCabe:

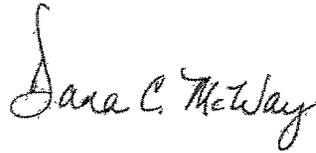
On behalf of the Bankruptcy Case Management/Electronic Case Filing (CM/ECF) Working Group, I write to you in your capacity as Secretary to the Committee on Rules of Practice and Procedure to ask that consideration be given to an issue currently addressed in the Federal Rules, namely, preparation and transmittal of the record on appeal.

As you are well aware, Federal Rules of Bankruptcy Procedure 8006 and 8007 address the actions to be taken by parties to an appeal in designating the record on appeal and how that record is prepared and transmitted by the bankruptcy courts to the district court or the bankruptcy appellate panel. These Rules impose duties upon Bankruptcy Clerk's offices and were written when the filing environment consisted of parties filing paper pleadings with the court and courts transmitting those paper pleadings between each other. With the advent of the CM/ECF system and the sophisticated applications developed at both the national and local levels addressing designation of the record and preparation and transmittal of the record on appeal, these Rules do not reflect the reality of how records are prepared and transmitted in an electronic world. The reality is that the Clerk's duties are now often satisfied through electronic transmission using CM/ECF and not through paper means. For that reason, we believe that it would be appropriate for the Bankruptcy Rules Committee to examine these Rules and consider how they may be modified to reflect the widespread practices in the federal courts now that they have entered the electronic world. While our request relates to Bankruptcy Rules 8006 and 8007, we are aware that similar Rules exist at other levels of the Judiciary and that these Rules may influence any consideration you give to this request.

Should you have questions or concerns regarding this request, please contact me directly at (314) 244-4600 or email me at dana_mcway@ca8.uscourts.gov. Alternatively, any of the members of

the CM/ECF Working Group are available to assist you. Their names and e-mail addresses are listed below. Thank you for considering this request.

Sincerely,



Dana C. McWay
Clerk of Court

cc: Jim Waldron, Clerk, USBC- NJ
Glen Palman, Chief, BCAD
Judge Arthur Federman - abf@mow.uscourts.gov
Judge Leslie Tchaikovsky - leslie_tchaikovsky@canb.uscourts.gov
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