

United States Bankruptcy Court

Office Of The Clerk  
Eastern District Of New York

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Joseph P. Hurley  
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02-BK-A  
Addendum

September 9, 2002

Mr. Peter G. McCabe  
Secretary of the 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:

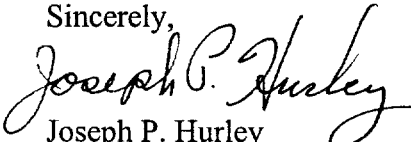
On behalf of the Administrative Office's Bankruptcy Noticing Working Group, I am writing to follow-up the group's recommendation to the Advisory Committee on Bankruptcy Rules to modify Bankruptcy Rule 2002(g), and other noticing-related rules, to permit an entity to register an address to be used in any case in any district. At the Advisory Committee's Spring 2002 meeting, the Chairman referred the suggestion to the committee's Technology Subcommittee for further study.

In response to some of the questions raised at the last advisory committee meeting, and to address certain implementation concerns, I ask that you share with the Technology Subcommittee the following:

1. *Certificates of service.* A member of the rules committee indicated the certificate of service should say if the notice was sent to the address requested by the creditor. A procedure currently being used by the judiciary's Bankruptcy Noticing Center (BNC) program would meet this requirement. Currently, parties can request notices to be redirected to a single electronic mailbox as part of the Electronic Bankruptcy Noticing (EBN) program. The certificate of service will list two addresses for a registered EBN participant: 1) the address listed on the debtor's schedules and provided as part of the mailing list transmitted by the court, and 2) the electronic mailbox address registered by the entity to which the notice was sent.

2. Notices not sent through the noticing contractor. Of the 90 bankruptcy districts, 88 utilize the services of the national noticing contractor. Over 94 million notices were sent through the center in fiscal year 2001, and that number is expected to reach approximately 100 million this fiscal year. It is envisioned that a national database would be maintained by the judiciary's contractor, and a process would be devised to provide courts that do not use the BNC's service the ability to develop scripts that would "pass" addresses through the database to identify those entities that have registered a standard address for notification. In addition, the database could be accessed for certain notices locally by courts that use the BNC. However, with the national implementation of CM/ECF, the Administrative Office's Bankruptcy Court Administration Division has reported that the volume of court noticing being directed through the Bankruptcy Noticing Center contractor by CM/ECF sites has increased, indicating that local noticing has decreased or been eliminated.
  
3. Creditors with multiple addresses. As indicated in the minutes of the March Advisory Committee meeting, some creditors have multiple addresses, and during the course of an individual bankruptcy case, different ones might be used depending on the purpose. The judiciary's experience using the "name and address matching" software developed for the EBN program has provided a great deal of flexibility to creditors in meeting their addressing needs. By using an address list provided by the creditor, the program can accommodate a range of options, including regional addresses as well as circumstances where the creditor is represented by an authorized agent.

The noticing working group is encouraged that the committee has agreed to further consider its recommendation through the Technology Subcommittee. Thank you for your continued attention and support. I would be pleased to respond to any questions or provide additional information to you or any of the subcommittee members.

Sincerely,  
  
Joseph P. Hurley

cc: Honorable A. Thomas Small, USBC, North Carolina Eastern  
Mr. Jeffrey W. Morris, Esq., Reporter to the Committee  
Glen Palman, AOUSC, Bankruptcy Court Administration Division  
Mrs. Patricia Ketchum, AOUSC, Bankruptcy Judges Division

Attachment