Recommended changes to the Bill of Costs form (form B 263 - 9/94)

Michael Wint   to: Rules_Support   02/23/2015 10:13 AM

History: This message has been forwarded.

Good Morning, Committee Members,

On behalf of The Honorable Judge, S. Martin Teel, Jr., of the US Bankruptcy Court for the District of Columbia, I would like to draw your attention to the Bill of Costs form (form B 263 - 9/94). Specifically, there are a few aspects of the form that we believe need addressing.

First, I'd like to discuss page one of the form. On that page there is a box, the accompanying instructions for which state, "The address of the clerk's office and the date and time the bill will be presented to the clerk should be stated in the box provided." The purpose of this section is to permit parties to appear at the clerk's office on the day the Bill of Costs is filed so as to address disputed costs with the clerk acting as mediator. Additional form instructions further support this assertion by stating that, "If both parties appear before the clerk and cannot reach agreement on the costs being sought, or if the fees sought are miscalculated, the clerk should exercise the clerk's best judgment as to the amount of the costs to be awarded." We do not believe that the clerk/clerk's office should be required to act as mediator, at any location, during such a dispute. Consequently, it is our recommendation that this box, and its accompanying instructions, be removed from the form. It is worth noting that the US District Courts' version of the Bill of Costs form, form AO 133 (12/09), does not include any such section.

Next, I draw your attention to page two of form B 263. In the "Notice" section of this page, there are references to three Rules of the Federal Rules of Bankruptcy Procedure. Rules **7054(b)**, and **9006(f)**, as listed in this Notice, are outdated. Additionally, Rule **9021** was revised and no longer applies. The new, applicable rule is Rule **7058**.

I hope you find our above recommendations helpful, and we look forward to their implementation.

Please feel free to contact me should you have any questions. I thank you kindly for your attention to this matter.

mike

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