

**United States Bankruptcy Court
Southern District of Indiana
Office of the Clerk**

17-BK-A

Kevin D. Dempsey
Clerk of Court

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January 31, 2017

SUBMITTED VIA USCOURTS.GOV

Honorable Sandra Segal Ikuta
Chair, Advisory Committee on Bankruptcy Rules
United States Court of Appeals
Richard H. Chambers Court of Appeals Building
125 South Grand Avenue, Room 204
Pasadena, California 91105-1621

Re: Public Record of Compensation (Fed.R.Bankr.P. 2013)

Dear Judge Ikuta:

The Committee on Bankruptcy Rules may wish to reconsider Fed.R.Bankr.P 2013, particularly its requirement that the Clerk maintain a public record – separate and apart from the data available in CM/ECF – of compensation awarded. This requirement, as well as the requirement that the Clerk prepare a summary and distribute it to the United States Trustee, may no longer be necessary.

Informal discussions with other Clerks suggest compliance with this rule is spotty. During the seventeen years I worked in the United States Trustee's office, we never once received this report nor did we ever request it. After my appointment, my replacement at that office agreed that the report is not needed. Clerk staff is committed to providing the data if requested. In my ten years as Clerk, we have never had such a request from the United States Trustee or any other entity.

Public access to information about compensation awarded to trustees and professionals is certainly a desirable goal but now that such information is tracked in CM/ECF, it is simple to generate a report on demand. Furthermore, it is more likely an interested party would seek information about fees awarded to specific entities, not a report on all fees awarded. Even without Fed.R.Bankr.P. 2013, our office would entertain such requests.

Elimination of Fed.R.Bankr.P. 2013 might result in inconsistent treatment of such requests by the various Clerk's offices, including inconsistency as to whether to charge a search fee for generating the data. Therefore, I recommend that instead of eliminating the rule, the Committee modify it to require the Clerk to make information about fees awarded to professionals available upon request. Perhaps the rule could protect us from unduly burdensome demands by limiting the time period as to which data can be sought, and by clarifying the Clerk need only provide data available electronically.

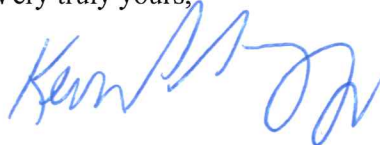
Finally, it has always puzzled me that the rule excludes from coverage the fees awarded to professionals employed by Chapter 11 debtors-in-possession. Historically, such fees have eclipsed the

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amounts awarded to trustees and their professionals. Perhaps the limitation to trustees and their professionals could be removed.

Thank you for considering this suggestion.

Very truly yours,



Kevin P. Dempsey, Clerk
United States Bankruptcy Court
for the Southern District of Indiana

KPD:la

cc: Hon. Robyn L. Moberly, Chief Bankruptcy Judge