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January 19, 1996

Hon. William H. Rehnquist
Chief Justice of the United States
Supreme Court Building
One 1st Street, N.E.
Washington, D.C. 20543

Re: Bankruptcy Rule 9009

Dear Mr. Chief Justice:

The administration of Bankruptcy Rule 9009 is in need of a prompt revision in the interest of justice.

In order to obtain a copy of Official Form 5, Involuntary Petition, for a client filing, I was compelled ultimately by the unavailability of the form from any other conventional public or private source to obtain a courtesy copy by fax from an attorney in the Administrative Office. I was forced to waste over five hours of my own time and of judicial branch staff time in the process. This situation is destined to be repeated over and over to the continuing detriment of the public until the forms mandated by Rule 9009 are actually, as opposed to theoretically, readily available.

In the District of Massachusetts, forms are not readily available. Upon initial inquiry, the Bankruptcy Court Clerks in Boston and Worcester told me that they do not provide forms, that forms are available from any legal stationery store or from Staples. The two legal stationery stores in Boston told me that they do not stock or sell Form 5, or any isolated bankruptcy forms for that matter; their stock is limited to Microsoft-compatible diskettes and 6-part snap carbon sets for filing voluntary petitions under Chapters 7, 11, and 13. (In the 15% minority, I use Apple Macintosh.) Staples carries one consumer bankruptcy kit.

The lawyer in the Bankruptcy Judges Division of the Administrative Office told me that a book of forms suitable for photocopying was circulated to each bankruptcy court. On my arrival at the Bankruptcy Court in Boston, however, a formation of three bankruptcy clerk's staff members notified me in no uncertain terms that they do not provide blanks and do not make originals available for public photo-

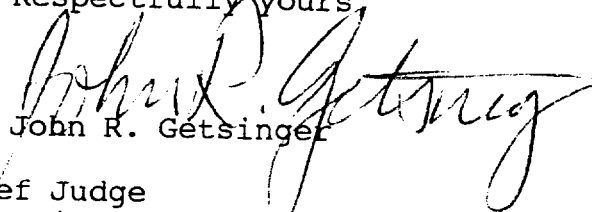
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copying. On appeal to the Administrative Office, I was told that the last time the form collection was printed, it was sold out instantly. It was then that I received the courtesy of a Form 5 by fax.

In light of the foregoing facts, the statement parroted by the clerk's offices, that forms are available at legal stationers, applies only to voluntary petitions and then only if you intend to buy a complete kit. Other forms or individual forms cannot be had from them at any price. This is understandable. Just as de minimis non curat lex, market forces fail to operate where the expected profit is too small. That is the situation here. Despite the substantial benefits of requiring the use of official forms, the market has spoken: except for kits, there is no profit in supplying them at retail, presumably owing to low volume and high stocking costs, or else they would in fact be available in abundance. The infinite demand for the AO's form set provides very strong corroboration.

For interim relief, I suggest that the bankruptcy clerks be ordered to place the AO book of forms near the copy machines forthwith. For more permanent relief, I suggest that the AO be ordered to work with West and Bender et al. to revise the forms in their bankruptcy pamphlets to make them suitable for photocopying on any copier with zoom.

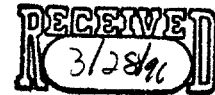
Respectfully yours,


John R. Getsinger

JRG/hs

cc: Hon. Carol J. Kenner, Chief Judge
U.S. Bankruptcy Court, District of Massachusetts
1101 Thomas P. O'Neill Jr. Building
Boston, Massachusetts 02222-1074

Mr. L. Ralph Meham, Director
Administrative Office, United States Courts
One Columbus Circle, N.E.
Washington, D.C. 20544



Supreme Court of the United States
Washington, D. C. 20543

ADMINISTRATIVE ASSISTANT TO
THE CHIEF JUSTICE

March 21, 1996

Mr. John R. Getsinger
Coppermine Farm
698 Concord Street
Carlisle, Massachusetts 01741-1554

Dear Mr. Getsinger:

On behalf of the Chief Justice, I am belatedly responding to your letter by forwarding a copy to the Chairman of the Bankruptcy Rules Advisory Committee of the Judicial Conference of the United States, the Honorable Paul Mannes.

Sincerely,

A handwritten signature in black ink, appearing to read "Harvey Rishikof". The signature is fluid and cursive, with a long, sweeping tail on the right side.

Harvey Rishikof

HR:es

cc: Honorable Paul Mannes
 Mr. John K. Rabiej