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To <Rules_Comments@ao.uscourts.gov>
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Subject Proposed Amendments to Bankruptcy Rules

Dear Committee:

I have reviewed the proposed amendments (Aug. 2004) to the bankruptcy rules and have the following comments:

The proposed Rule 4002(b) is excessive and burdensome with no meaningful benefit. I see no need for this rule. The rule will unnecessarily complicate the process whereby the debtor(s) must appear and testify. I see no need for government issued proof of identity because the risk that someone other than the purported debtor(s) would impersonate the debtor and file a false case or stand in for the debtor(s) must be low to none. Also, if the debtor(s) already must provide the correct social security number and provide notice of correction in the event of an error, then a requirement to bring written documentation is unnecessary and/or redundant.

The proposed requirement to bring bank statements, pay stubs, tax returns, etc., is also excessively burdensome and unnecessary. The trustee already may already require additional documentation if he or she sees the need in any particular case. That's within the trustee's discretion and authority, why require it when it hasn't been determined to be necessary by the individual trustee reviewing the case? I say there is no reason. Many times, this type of documentation is unavailable or cannot be readily located. Even though the notes to the proposed rule claim that there is no requirement to create or obtain documents in the hands of third parties, the note clearly conflicts with the text of the rule. This kind of rule always breeds disputes, which translates into costs. We should strive to reduce costs, not increase them for no meaningful benefit.

I also see not reason to require disclosure of a non-filing spouse's income. Given the current state of affairs where many households contain non-spouse couples, the rule as stated would only apply to a portion of the filing population. Why single out the married couples for the new requirement? This is unfair to married couples where one only spouse seeks bankruptcy. But the new requirement is especially unfair to the non-filing spouse who must disclose personal information without regard to whether the non-filing spouse is obligated on filing spouse's debts or not. The proposed requirement also would encourage separation of married couples during this already difficult time by exempting disclosure where the couple is separated. This sounds like counter-productive policy.

Thank you for your consideration to my views.

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