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09-BK-022

January 26, 2010

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Thurgood Marshall Federal Judiciary Building
Washington, DC 20544

Dear Secretary McCabe:

I am hereby requesting the opportunity to testify on behalf of my client the American Bankers Association (ABA) before the hearing scheduled to be conducted in New York, NY on February 5, 2010 by the Advisory Committee on Bankruptcy Rules. The ABA has concerns about, and suggestions for technical and clarifying improvements to, the proposed amendments to Rule 3001 and proposed new Rule 3002.1. While ABA plans to submit written comments on these matters an appearance before the Advisory Committee would allow for a constructive dialogue that we believe would be of substantial assistance to Committee members as they consider these proposals further after the February 16th close of the public comment period.

I realize that the granting of this request would require the Advisory Committee to waive the requirement that such requests be submitted at least 30 days prior to the hearing. We mistakenly assumed that, as has regularly occurred for the past several years, this Bankruptcy Rules Committee hearing would be canceled. Indeed, every one of the other six rulemaking hearings scheduled to date in 2010 has been so canceled (see <http://www.uscourts.gov/rules/newrules2.html>). While we have not seen a witness list for this hearing we do not know of any other credit-granting institution or trade association that has made a request to testify, which raises the distinct possibility that ABA may provide the only potential witness to present views on these pending Rules from creditors' perspective. We would therefore respectfully request that the Committee waive the 30 day advance request requirement in the interest of a balanced and full understanding of the potential effects and policy implications of these proposed Rules.

Thank you in advance for your response to this request.

Sincerely,



Philip S. Corwin