



UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON U.S. COURTHOUSE
111 SOUTH TENTH STREET, FOURTH FLOOR
ST. LOUIS, MISSOURI 63102

www.mocb.uscourts.gov

09-BK-I

DANA C. MCWAY
CLERK OF COURT

DIANA DURKEE AUGUST
CHIEF DEPUTY CLERK

(314) 244-4500
VCIS (314) 244-4999
FAX (314) 244-4990
PACER (314) 244-4998

November 23, 2009

Mr. Peter McCabe
Secretary, Committee on Rules of Practice and Procedure
Administrative Office of the U. S. Courts
One Columbus Circle, N.E.
Washington, DC 20544

Dear Mr. McCabe:

I write on behalf of the Next Generation Bankruptcy CM/ECF Clerk's Office Functional Requirements Group (FRG). We ask that the Bankruptcy Rules Committee consider revision of Rule 1007(b)(7) in light of proposed changes in functional requirements.

Rule 1007(b)(7) states that "[a]n individual debtor in a chapter 7 or chapter 13 case shall file a statement regarding completion of a course in personal financial management, prepared as prescribed by the appropriate Official Form." The terms of this rule clearly state that the debtor shall make the filing. In practice, the debtor or debtor's attorney files this document with the court. Members of the Clerk's Office FRG have conveyed that debtors report occasional difficulty obtaining these statements from personal financial management counselors approved by the United States Trustee or Bankruptcy Administrator to provide financial management instruction, sometimes resulting in the debtor's case being closed without entry of discharge.

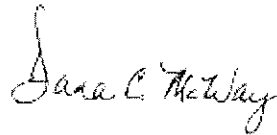
As part of our effort to envision the Next Generation of Bankruptcy CM/ECF, the Clerk's Office FRG would like to streamline the process of receiving these financial management statements, thereby lessening the number of cases closed without entry of discharge. The Clerk's Office FRG recommends that approved personal financial management counselors be authorized to file directly with the court a statement evidencing the debtor's completion of the financial management course. Our reading of the current rule and our review of Official Form B23, Debtor's Certification of Completion of Post-Petition Instructional Course Concerning Personal Financial Management, leads us to believe that making this change a reality would require action by the Bankruptcy Rules Committee to recognize the ability for an approved personal financial management counselor to file the statement.

We have identified two solutions to facilitate timely filing of the statement and minimize the possibility of human error in the transaction. First, we foresee use of limited user logins/passwords only by approved personal financial management counselors. A limited user login/password is a common option within the court community that has a proven track record and we see its applicability to this

setting. Second, we foresee leveraging automated systems to allow an approved personal financial management counselor to file the statement with court as a computer transaction directly after the debtor finishes the course.

On behalf of the Clerk's Office FRG, thank you for considering our suggestion. Members of the FRG would be happy to provide input on the current and future capabilities of CM/ECF to the Committee at the Committee's convenience. We look forward to the opportunity to work with you on this issue in the future.

Sincerely,

A handwritten signature in cursive script that reads "Dana C. McWay".

Dana C. McWay
Clerk of Court

cc: Jim Waldron, Clerk, USBC- NJ
Glen Palman, Chief, BCAD
Clerk's Office FRG members