Judge Harris and the Committee, thank you for considering my proposal on eliminating unneeded and wasted regular mailings in bankruptcy cases. I did submit my proposal to the rules committee so I am hoping they will take it into consideration and run with the idea. I think the ideas can use some refinement and a committee of experts on court procedure and national rules may be able to work out the details as to how to make it work best. I think it could save millions of dollars a year in postage and wasted time by debtor attorneys and even more in the commercial bankruptcy arena. Our firm files about 400 cases per year but most post petition mailings involve pending chapter 13 cases and are for fee applications and plan amendments. I think that I alone could save $1500 per year just avoiding serving plan amendments and fee applications on the "matrix" of "interested parties" that are no longer interested.

I am starting here locally, with a proposal for our local rules committee to take up. I am not on the committee this year but have submitted it for consideration. I may also be putting something in my chapter 13 plan but I am not sure what will fly since we can't do much that is inconsistent with national rules.
Thanks for taking the time. I would be happy to follow up with questions or concerns that anyone may have. David Andersen

UNNECESSARY MAIL NOTICES from Attorney David Andersen

Judge Harris,

It was nice to meet you at the Central States Workshop and thank you for listening to my proposal to amend rules relating to notices in bankruptcy cases.

As I pointed out to you in Traverse City, there are tons of waste committed daily in unneeded mailings. I would estimate that at least 90 percent of all post-petition mailings are needless and wasteful and add unnecessary costs and burdens on all parties to the bankruptcy process. After all, it is the creditors who pay for administrative expenses since their dividends are reduced accordingly. So what I propose, to virtually eliminate or substantially reduce mailing and noticing costs post petition, essentially saves money for creditors more than anyone. Moreover the debtors, trustees and counsel for both debtor and creditor save money that would otherwise be
wasted. If the following proposal is implemented, the $ savings would be trememdous and easily be in the millions of dollars yearly!

Here essentially are the elements of my proposal, and obviously much editing and refinements are needed:

ELIMINATION OF UNNECESSARY NOTICES BY MAIL: Require all parties in interest, other than the debtor, to "opt in" to receive electronic notices within a time deadline after the initial notice of bankruptcy. Failure to take action of some kind will waive the right to receive any further notices in the case.

An individual party in interest may file a written request to receive written notices certifying that it is not possible or unduly burdensome to

receive electronic notices and explaining the reasons.

All other persons and entities must register to receive electronic notices, whether or not a proof of claim is filed and in addition to any filed proof of claim.

The initial bankruptcy notice of every case will give instructions on how to register for electronic notice. Each bankruptcy court would have a web portal with place to type in a case number or code for the case in question and a method for entry of several email addresses for interested parties. Email confirmation would be sent immediately. Thereafter, every action taken on the case would generate an email and link to a "free look" as now occurs for attorneys of record and ECF users.

Failure to opt in for further notices waives the right to receive any further notices on that case, other than adversary proceedings or offensive motions directed against that party. The waiver includes the right to receive notices of the filing or contents of plans, plan amendments, applications for payment of administrative expenses or professional compensation, notices of dividends, notices of amendments to schedules or statements, appearances, treatment of claims and secured interests, sales of property, plan confirmation, reaffirmations, stipulations; orders, motions, dismissal, discharge, case closing, case re-opening, etc. The court in any particular case may order otherwise as to a particular matter or as to a particular party.

Adversary proceedings would still be served in the usual fashion. Offensive motions would be defined as motions for turnover or to seek possession, control, money or sanctions from a party, but would not include treatment of a claim or a lien that is provided for by a plan (since that is res judicata, see Espinoza).

ELIMIATION OF UNNECESSARY PROOF OF SERVICE: In all cases where a party in interst is served electronically, no proof of service is required to be submitted as to those parties so served. If a party in interest has requested written notice as provided by rule, a proof of service must be filed certifying service of the written notice on such party unless served by the court.

PARTY IN INTEREST DEFINED: After expiration of the time for opting to receive notice, a party in interest in a bankrutpcy case is defined as a party who opts to receive further notices in accordance with the rule.

LATE OPT IN: A party may opt in to receive notices at any time to receive notice of filings and court actions that occur after the (late) opt in.

DUE PROCESS GUARANTEE: Nothing in the rule prevents a party from showing good cause, such as the failure to be included on the initial mailing matrix, for objecting, challenging or seeking to set aside orders, deadlines or to otherwise seek relief if such party has not received fair notice and opportunity.

Respectfully submitted,

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