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Judicial Conference of the United States
Committee on Rules of Practice and Procedure
Washington, DC 20544

Re: Proposed Revisions to Official Bankruptcy Forms

To the Committee,

I am a consumer bankruptcy attorney engaged primarily in the representation of Chapter 7 and 13 debtors. I am frequently involved in the planning and presentation of various continuing education programs within the Eastern District of Michigan and have spoken several times on the topic of best practices and completing the Petition and Schedules completely and accurately. As such, I believe I have a firm understanding of the objectives of the pleadings and offer my comments and suggestions in that light.

I would like to start by saying that I concur with, and appreciate, the detailed comments submitted by attorney Walter Oney and hope his comments and suggestions are given a great deal of consideration as, from my perspective, they are practical and relevant.

As to each of the forms of particular concern to me on behalf of my clients and in the interest of the public's understand of same, I submit the following comments, suggestions, and/or inquiries:

All forms.

The use of shading and multiple font styles should be eliminated for the time being as:

- a. Not all of the Official Forms are being revised,
- b. Shading is unnecessary and may increase difficulty of use for individuals with certain disabilities,
- c. Shading may increase costs of printing, copying, etc., and/or increase the file size when being scanned or otherwise converted to ECF required pdf documents, and
- d. Neither shading or multiple font usage furthers the objectives of making the forms more pro se user-friendly or more "disclosure-friendly".

Official Form 61: Your Income.

While I appreciate the intent to revise the form to account for ease of use by pro se debtors, I don't believe a revision of the entire form is necessary to achieve that result. I believe the objective is more appropriately met by revising the *Instructions for Schedule I*. The revision of the Official Form, as proposed, unnecessarily extends the pleading without adding substantive

information¹ warranting such an extension as the extension appears to be directly due to a partial incorporation of instructions on the face of the form.

Notwithstanding the foregoing, I additionally submit that while the addition of lines 5b and 5c are welcome, the lack of additional explanation of appropriate figures to be included on each line on the *Instructions for Schedule I* may lend to a misunderstanding by pro se debtors who may not be permitted to include such deductions, depending on the chapter being elected. I also recommend the designation of line 5f (or any line previous to it) be revised to identify Child Support, Spousal Support, or Other Domestic Support Obligations as a specific payroll deduction².

I find the specific inclusions set forth under line 8c lend themselves to being restrictive, not encompassing, in nature. To maximize accurate and full disclosure, additional instructions regarding what “income” is may be best included on the *Instructions for Schedule I*. In plain terms: regular people (read: not bankruptcy professionals) don’t think of their “roommate’s half” or “food stamps” as “income” – quite frankly because it either isn’t cash or it isn’t paid directly to them. Absent such instructions, a pro se debtor may believe that he or she may be eligible for relief under Chapter 7 when in fact he or she may have sufficient available income with which to fund a Chapter 13 plan.

Line 11, as written, is confusing and I believe it will lead to misreporting by pro se debtors. Reiterating that additional instructions regarding what is “income” may be best included on the *Instructions for Schedule I*, I would incorporate this inquiry as a more specific line item as a subline of Line 8; relocating the inquiry will further lend itself to accurate disclosure as it would be included in the same section soliciting “other income” information.

I propose that the language of the current Official Form, indicating that “The column labeled “Spouse” must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C....” should not be omitted. Following the simplified nature of the instructions on the face of the proposed form, changing the column heading to “Debtor 2/Spouse” may be more appropriate as the use of the term “non-filing” may be confusing to a pro se debtor. Lastly, I suggest removing all individual references to “monthly” and add a blanket title, question, or instruction at the top of the form indicating that all amounts are to be provided on a monthly basis.

Official Form 6J: Your Expenses.

Overall: I am a bit disappointed by the expansion of this form from one page to three, with little (save Part 1) additional information being solicited. I echo other commentator’s observations that the more technologically advanced and more “paper free” we try to become, the more paper that is ultimately generated.

Part 1:

The transfer of dependent information from current Schedule I to revised Schedule J is logical and will likely lend itself to a more time efficient review of Schedule J items by the Trustee and

¹ And in fact deleting dependant information.

² I cannot speak as to other jurisdictions, however in Michigan, the vast majority of DSO obligations are mandated payable through wage withholding.

creditors; however, the addition of Part 1(3) regarding other residents, in its proposed form and position, may be mis-placed for several reasons. Grounded in the concept that the objective of the revisions are to create a more pro se debtor-friendly form, designed to assist the pro se debtor in making accurate and complete disclosures, the placement of this inquiry, as well as the limited information solicited, doesn't make the most sense.

While the proposed Official Form 6I does inquire as to "all other income regularly received" (Line 8, Form 6I), the limitations established by the very examples used does not solicit the disclosure of income or contributions from individuals listed on Official Form 6J, Part 1(3). (See also my comments regarding Official Form 6I) So, while inclusion of this information at this location in the proposed revisions may be '6 of one, half dozen of the other', the objective behind soliciting the information doesn't appear to be met by the revision as currently proposed. That being said, I recommend an additional column of check boxes, potentially applicable to all individuals identified in Part 1 of Official Form 6J, asking "Does this individual contribute to your household expenses?" For the benefit of pro se debtors, I recommend additional instructions on the *Instructions for Schedule J* stating that for each individual identified on the schedule as contributing, their contribution must be included on Official Form 6I.

Part 2:

I find the use of two columns, and specifically the limitation of Column B to Chapter 13 cases, to be cumbersome and unnecessary. However, if the objective is to illustration the debtor(s)' pre- and post-petition expenses, there is no reason to limit the use of Column B to Chapter 13 debtors(s) as debtors in both chapters should be experiencing changes in their budgets upon filing for relief.

Types of expenses that may exist pre-petition, that may substantially change post-petition, regardless of the chapter:

- a. Non-priority income tax debt,
- b. Residential mortgage expense (due to surrender),
- c. Second mortgage expenses (some Districts have allowed stripping of second mortgages in Chapter 7),
- d. Medical and dental expenses (due to debtor(s)' ability to purchase insurance absent their previous debt (i.e. expenses decrease)),
- e. Health insurance (see previous example),
- f. Priority income tax debt (that will begin or continue in a Chapter 7 absent a debtor(s)' previous debt)

If the inclusion of Column B remains in the revision, I would urge that it be made applicable to all consumer cases for the foregoing reasons.

Line 11: For clarity, I recommend that this line be revised to continue to specify "uninsured" medical expenses, which is the inquiry on the current Schedule J

Line 18: For clarity, and for the reasons I previously set forth regarding specific payroll deductions on Official Form 6I, I recommend that this line be revised to include the limitation "Do not include payments deducted from your pay."

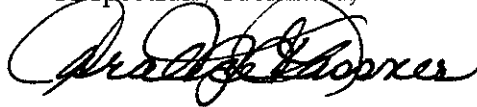
Line 20: I question the frequency with which debtors have second properties, warranting the inclusion of these line items in *all* cases (and thus extending the length of the Official Form in *every* case). Respectfully submitting that it is more likely, at least in my perspective, for a debtor to have income from operation of rental property or some sort of business; and observe that despite that likelihood, the proposed revised Official Form 6I still instructs a debtor to attach an appropriate supplement if that is the case; and therefore, I question the necessity of extending

Official Form 6J to include line items for a less likely line item. I submit that such an expense should be treated in kind with the disclosure expected regarding business and rental income, as set forth on the proposed revised Official Form 6I, accounting for the exception, rather than the rule.

Line 24: Believing the objective of this revision to assist a pro se debtor in identifying the type of information sought on the current Official Form 6J, Line 19 (Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document), I would revise the example to read, in part, as follows: "...expect your mortgage payment to increase or decrease because of "a variable rate mortgage" or a modification to the terms of your mortgage...."

Overall, I applaud the effort to make the Official Forms more easily understood by, and thus accessible to, the public. Consistent with my specific comments herein, I believe a step back and fresh review by the drafters may be in order as anytime we work on something immediately before us for too long, we miss the little things (and revert back to our training as attorneys and/or lawmakers).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Caralyce M. Lassner", written in a cursive style.

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