

UNITED STATES BANKRUPTCY COURT
Eastern District of California
501 I Street, Suite 3-200
Sacramento, CA 95814-7303

Chambers of
FREDRICK E. CLEMENT
Chief Bankruptcy Judge

916-930-4540

July 10, 2024

Re: Local Bankruptcy Rule 2018-1 (Proposed)

An Open Letter to the Bar

You spoke and we listened. In April 2023, I asked for after-the-fact comments about our standardized Certificate of Service, EDC Form 7-005, and of our new local rules, LBR 2002-3, 2002-4, 3015-1(d)(3), 7005-1, 9036-1. Many of you responded. Most comments were positive. Many spoke of the roadmap for service and notice that EDC Form 7-005 provides. Several attorneys told me of savings in time and money that the limited noticing rules provided. But there was one recurring negative comment: EDC Form 7-005 needs to be more “user friendly,” shorter, and simpler.

Request for Notice

Consistent with those requests, the bench has approved for public comment what I hope will be the first in a series of reforms that will eventually simplify and shorten EDC Form 7-005. Our first reform deals with Requests for Notice. Fed. R. Bankr. P. 2018(e); *see also*, Fed. R. Bankr. P. 2002(i), 3017(a), 9070, 9010(b). Completing the Request for Notice sections of the standardized Certificate of Service, EDC Form 7-005 § 6B(1)(b) has been a particular irritation to the bar and to trustees. Several members of the bar have inquired whether notice for those persons requesting notice might be accomplished electronically.

LBR 2018-1

We have done just that. As we speak, the Information Technology Department of the Clerk’s Office is building a portal to allow persons requesting notice to register their request in that manner. That technology, working in conjunction with proposed LBR 2018-1, which requires parties wishing notice to express their request via the portal, will accomplish that goal. Transmitted with this letter is LBR 2018-1. Do note: LBR 2018-1 does: (1) preclude Request for Notice in other manners, e.g., paper filing; and (2) does require the party make the request to consent to e-notice under Rule 9036.

Simply put, if adopted, LBR 2018 will shift the task of noticing persons requesting notice from the bar and trustees to the Clerk of the Court. Eventually, the standardized Certificate of Service, EDC Form 7-005, will be amended to delete the Request for Notice portion, i.e., EDC Form 7-005 § 6(B)(1)(b) and Attachment 6B(3), as no longer necessary.

In the same vein, I am working on other changes to the EDC Form 7-005, to make it simpler and shorter. I have not yet presented those proposals to my colleagues on the bench. And until I do so, I am reluctant to go into detail about those suggested changes. Suffice it to say, the bench has heard your request for a more user friendly, shorter and simpler Certificate of Service and we are working that direction.

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Soliciting Your Comments

Proposed Rule 2018-1 has not yet been adopted. We, the collective bankruptcy bench, are interested in hearing from you about this proposal. Perhaps this rule is worthy of adoption; perhaps it is not. No later than August 9, 2024, please send your comments to me in writing. You may do so either (1) by letter addressed to Fredrick E. Clement, Chief Judge, United States Bankruptcy Court, 501 I Street, Suite 3-200, Sacramento, CA 95814; or (2) if you prefer, particularly for shorter comments, by sending an email to localrules@caeb.uscourts.gov. If you are comfortable, please do provide your name and telephone number; frequently, we have follow-up questions or comments that we would like to discuss with you. I will personally be sure that your comments are brought to the attention of each member of the bench and that your views are considered.

I look forward to hearing from you.

Sincerely,



Fredrick E. Clement
Chief Judge, U.S. Bankruptcy Court