

**Changes to the Bankruptcy Court Miscellaneous Fee Schedule**

Outlined below are changes to fees included in the Bankruptcy Miscellaneous Fee Schedule that were approved by the Judicial Conference at its March 2001 session, or by prior Conference action that was contingent upon passage of legislation permitting the judiciary to retain any increase. The Federal Courts Improvement Act of 2000, P.L. 106-518 (Nov. 13, 2000, 114 Stat. 2410) included such a provision. These changes will become effective on July 1, 2001.

*Fee for Reproduction of Recordings*

This fee was modified to account for changes in technology that have occurred since this fee was originally established. Many courts today record proceedings using digital equipment rather than magnetic tape recordings. Members of the public requesting reproductions of recordings would prefer that the recording be provided on or through media other than cassette or reel-to-reel. This fee has been expanded to remove the reference to a particular medium. In addition, in order to be consistent with the principle of encouraging government users to utilize electronic access when available and avoid burdening the clerks' offices with requests, the exemption for federal agencies from the payment of this fee is eliminated for reproduction of recordings of proceedings, when the record is available through a court's Case Management/Electronic Case Files (CM/ECF) system.\* The amount of the fee (\$20) remains the same.

*Amendment Fee*

This fee has been amended to clarify that amendments to the matrices or to the mailing lists of creditors should also generate the \$20 fee. By clearly applying this fee to the matrix or mailing list, a debtor would have an incentive to ensure that the matrix or mailing list is accurate at filing. The amount of the fee remains the same.

*Fee for Filing or Indexing a Document Not in a Case Already Filed*

The miscellaneous fee schedules for the district and bankruptcy courts impose a \$30.00 fee for filing or indexing a miscellaneous document not in a case or proceeding for which a filing fee has been paid. The language in the district court item for this fee, however, differs substantially from the language of the bankruptcy item, as it lists four specific instances to which the fee is applicable, while the bankruptcy item lists only one example. For consistency and clarification, the Judicial Conference amended both items to remove the specific examples and to simply state that the fee shall apply when filing or indexing a document not in a case or proceeding for which a filing fee has already been paid. The amount of the fee remains the same.

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\*Currently, there are very few courts that provide this information electronically.

### *Archived Record Retrieval Fee*

In September 1997, the Judicial Conference approved an increase from \$25 to \$35 for the fee for retrieval of a record from the Federal Records Center, National Archives, or other storage location removed from the place of business of the court, contingent upon enactment of legislation to permit the judiciary to keep the increased amount. Such a provision was included in the Federal Courts Improvement Act of 2000. Therefore, the archive retrieval fee will increase to \$35.

### *Fee for Ancillary Filings in Bankruptcy Courts*

Item 17 of the Bankruptcy Court Miscellaneous Fee Schedule establishes a fee of \$500 for filing a petition ancillary to a foreign proceeding. In September 1997, the Judicial Conference approved an increase in this fee from its current amount to the same amount as the filing fee for commencing a case under Chapter 11 of the Bankruptcy Code, as prescribed by 28 U.S.C. § 1930(a)(3). This increase was contingent upon passage of legislation to permit the judiciary to keep the increased amount. The Federal Courts Improvement Act of 2000 included such a provision. Therefore, the fee for filing an ancillary proceeding in a bankruptcy court will increase from \$500 to the amount of the fee for filing a Chapter 11, currently \$800.

### *Local Rules*

This fee was modified to reflect current technologies by removing the term “printing” and replacing it with the word “providing” to allow courts to provide electronic copies of local rules. As provided in the language of the fee item, courts may still opt to provide local rules without charge.

### *Electronic Public Access Fees*

The fees for electronic public access have been removed from the miscellaneous fee schedules for each court unit and have been placed in a new Fee Schedule for Electronic Public Access. Information regarding this new schedule and other Judicial Conference action with respect to electronic public access fees has been sent by separate memorandum dated April 30, 2001.

### Bankruptcy Court Miscellaneous Fee Schedule\*

Following are fees to be charged for services to be performed by clerks of the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 3, and 5, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

- (1) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.
- (2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$7. For exemplification of any document or paper, twice the amount of the charge for certification.
- (3) For reproduction of recordings of proceedings, regardless of the medium, \$20, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.
- (4) For amendments to a debtor's schedules of creditors, lists of creditors, matrix, or mailing lists, \$20 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case.
- (5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$20 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.
- (6) For filing a complaint, a fee shall be collected in the same amount as the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If the United States, other than a United States trustee acting as a trustee in a case under title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor

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\*Issued in accordance with 28 U.S.C. § 1930(b).

or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

- (7) For filing or indexing any document not in a case or proceeding for which a filing fee has been paid, \$30.
- (8) In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$30. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.
- (9) Upon the filing of a petition under chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).
- (10) Upon the filing of a motion to convert a case to chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion.
- (11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.
- (12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$4.
- (13) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$35.
- (14) For a check paid into the court which is returned for lack of funds, \$35.

- (15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee.
- (16) For filing a petition ancillary to a foreign proceeding under 11 U.S.C. § 304, the fee shall be the same amount as the fee for a case commenced under chapter 11 of title 11 as required by 28 U.S.C. § 1930(a)(3).
- (17) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (18) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (19) When a joint case filed under § 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to one-half the current filing fee for the chapter under which the joint case was commenced.
- (20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), a fee shall be collected in the amount of one-half the filing fee prescribed in 28 U.S.C. § 1914(a) for instituting any civil action other than a writ of habeas corpus. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.
- (21) For docketing a cross appeal from a bankruptcy court determination, the fee shall be the same amount as the fee for docketing a case on appeal or review to the appellate court as required by Item 1 of the Courts of Appeals Miscellaneous Fee Schedule.

**ATTACHMENT 6**

	<b>Current Fee</b>	<b>New Fee (Effective 7-1-01)</b>	<b>Fund Distribution</b>	<b>Fund Number</b>	<b>Fund Distribution</b>	<b>Fund Number</b>
<b>Court of Appeals</b>						
Archived Record Retrieval Fee	\$25	\$35	\$25	322360	\$10	510000
<b>District Court</b>						
Archived Record Retrieval Fee	\$25	\$35	\$25	322360	\$10	510000
<b>Court of Federal Claims</b>						
Attorney Admission Fee	\$20	\$50	\$20	085000	\$30	510000
Certificate of Good Standing	\$5	\$15	\$5	085000	\$10	510000
<b>Bankruptcy Court</b>						
Archived Record Retrieval Fee	\$25	\$35	\$25	322360	\$10	510000
Ancillary Filing Fee	\$500	\$800	\$500	086900	\$300	510000
<b>Judicial Panel on Multidistrict Litigation</b>						
Archived Record Retrieval Fee	\$25	\$35	\$25	322360	\$10	510000