



New Bankruptcy Forms

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To the Bankruptcy Rules Committee:

I have filed several thousand consumer bankruptcy in Virginia in the last 20 years, and have seen little change in the forms during that time. While I applaud the idea of improving the forms, I think the current proposed forms have not achieved that goal. The best of the changes is splitting Form 22 into 2 parts so that under-median debtors do not file an extra 5-6 pages of paper when there is no need to complete the entire form.

I agree with all of the comments of Walter Oney, finding that the shaded portions of the forms will cause issues with faxing them, and will cause the file sizes of the PDF's filed with the court to increase due to the shading. I agree with 99% of his issues with the forms, and have some additional comments below

Schedule I - The instructions at the top need to include the statement about not including a non-filing spouse if the debtor has separated from that spouse. That instruction is on the side, but I believe it is more properly included above the "Part 1" line.

The sections of Schedule J dealing with dependents of the debtor are confusing at best. *Pro se* debtors barely understand the current forms, but asking multiple questions about their dependents is going to lead to less clarity not more.

Schedule J - Column B is confusing and unnecessary. If the object is to put Lanning or Ransome adjustments here, this is not the place for them, as they need to be incorporated into the Form 22 figures. There are no Lanning adjustments to income on the proposed Schedule I, so why have them for expenses only? The standardized allowances in Form 22 will never allow the Debtor's Schedule J expenses to match those on Form 22, so any effort to achieve that is wasted.

Schedule J - Line 5 - description needs to include the words "second mortgage" and "HELOC," in addition to "home equity loans" as many debtors are fixated on these terms as applied to second

mortgages, and will leave one of these off if the exact words they apply to their 2nd mortgage is not shown.

Form 22A-1 and Form 22C-1, Line 2 - (as defined by 38 U.S.c. Section 3741(1)) - Why is this Code section not included in the Instructions for completing the form? Its not a long section of code and will clarify for a debtor whether or not his disability is sufficient to take the debtor out of the Form or not.

Form 22A-1 and Form 22C-1, Line 3 - needs examples - spouse's separate debt payments, insurance, taxes, etc. so someone (other than an attorney) might have some idea what these might be.

Form 22A-1 and Form 22C-1, Line 13b and 13e - if a lease payment does not go here, where else in this section would it go/ Lines 13a and 13d - ask for "ownership or leasing costs using IRS standards.

Form Form 22A-1 and Form 22C-1, Line 25 - "Do you actually spend this amount?" what is the purpose of this question - it does not appear to have any associated adjustment to the total for the line.

Overall, while I think the efforts of the Committee have resulted in some minor improvements, bankruptcy laws and the cases interpreting them are extremely difficult to put into terms that a lay person can understand. The same is true for the tax laws, which is why people with even the simplest tax returns have H&R Block or another tax preparer handle the 1040EZ for them. The chances of a *pro se* debtor properly completing these forms is close to zero. As an attorney, I have completed numerous hours of CLE on the Means Test and Form 22, and still have difficulty working it when the debtors financial situation is not "normal" and thus not really covered in the forms. The complexity of blended, extended families, boomerang children (employed and otherwise), the difference between family and household size, among only a few real world examples, mean we will long be at odds with any standardized forms, yet we cannot do this without them.

Thank you for considering these comments.

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