



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO
José V. Toledo Post Office & Courthouse Federal Building
300 Recinto Sur St, Suite 109
San Juan, Puerto Rico 00901

Notice to the Bar and the Public

In Re: CHANGES TO THE MISCELLANEOUS FEE SCHEDULES

EFFECTIVE NOVEMBER 21, 2012

At its September 2012 session, the Judicial Conference approved several changes to the miscellaneous fee schedules. Specifically, it approved (1) a new claims transfer fee for the bankruptcy courts; (2) a new general administrative fee for the district courts; (3) two changes to the Electronic Public Access (EPA) fee schedule to adjust for inflation; and (4) increases to three bankruptcy fees to conform with recently enacted legislation.

The changes to the Bankruptcy Court Miscellaneous Fee Schedule, effective on November 21, 2012 are: item 11, the fee for filing a motion to reopen a Chapter 11 bankruptcy case; item 15, the fee for filing a case under Chapter 15 of the Bankruptcy Code; and item 18, the fee for filing a motion by a debtor to divide a joint Chapter 11 case. The fee approved for the transfer of a claim in a bankruptcy case, appears as item 20, will become effective on May 1, 2013.

The changes to the EPA fee schedule, hereby attached, amend both the records search and returned check fees (items III and V of the fee schedule) to make them consistent with similar inflationary increases in the appellate, district, and bankruptcy court schedules. These changes became effective October 1, 2012.

In San Juan, Puerto Rico, this 9th day of October, 2012.

A handwritten signature in black ink, appearing to read "María de los Angeles González".

María de los Angeles González, Esq.
Clerk of the Court

Bankruptcy Court Miscellaneous Fee Schedule¹

The fees included in the Bankruptcy Court Miscellaneous Fee Schedule are to be charged for services provided by the bankruptcy courts.

- The United States should not be charged fees under this schedule, with the exception of those specifically prescribed in Items 1, 3 and 5 when the information requested is available through remote electronic access.
 - Federal agencies or programs that are funded from judiciary appropriations (agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and bankruptcy administrators) should not be charged any fees under this schedule.
1. For reproducing any document, \$.50 per page. This fee applies to services rendered on behalf of the United States if the document requested is available through electronic access.
 2. For certification of any document, \$11.
For exemplification of any document, \$21.
 3. For reproduction of an audio recording of a court proceeding, \$30. This fee applies to services rendered on behalf of the United States if the recording is available electronically.
 4. For filing an amendment to the debtor's schedules of creditors, lists of creditors, or mailing list, \$30, except:
 - The bankruptcy judge may, for good cause, waive the charge in any case.
 - This fee must not be charged if -
 - the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules; or
 - the amendment is to add the name and address of an attorney for a creditor listed on the schedules.
 5. For conducting a search of the bankruptcy court records, \$30 per name or item searched. This fee applies to services rendered on behalf of the United States if the information requested is available through electronic access.

¹ Issued in accordance with 28 U.S.C. § 1930.

6. For filing a complaint, \$293, except:
 - If the trustee or debtor-in-possession files the complaint, the fee must be paid only by the estate, to the extent there is an estate.
 - This fee must not be charged if -
 - the debtor is the plaintiff; or
 - a child support creditor or representative files the complaint and submits the form required by § 304(g) of the Bankruptcy Reform Act of 1994.
7. For filing any document that is not related to a pending case or proceeding, \$46.
8. Administrative fee for filing a case under Title 11 or when a motion to divide a joint case under Title 11 is filed, \$46.
9. For payment to trustees pursuant to 11 U.S.C. § 330(b)(2), a \$15 fee applies in the following circumstances:
 - For filing a petition under Chapter 7.
 - For filing a motion to reopen a Chapter 7 case.
 - For filing a motion to divide a joint Chapter 7 case.
 - For filing a motion to convert a case to a Chapter 7 case.
 - For filing a notice of conversion to a Chapter 7 case.
10. In addition to any fees imposed under Item 9, above, the following fees must be collected:
 - For filing a motion to convert a Chapter 12 case to a Chapter 7 case or a notice of conversion pursuant to 11 U.S.C. § 1208(a), \$45.
 - For filing a motion to convert a Chapter 13 case to a Chapter 7 case or a notice of conversion pursuant to 11 U.S.C. § 1307(a), \$10.

The fee amounts in this item are derived from the fees prescribed in 28 U.S.C. § 1930(a).

If the trustee files the motion to convert, the fee is payable only from the estate that exists prior to conversion.

If the filing fee for the chapter to which the case is requested to be converted is less than the fee paid at the commencement of the case, no refund may be provided.

11. For filing a motion to reopen, the following fees apply:
 - For filing a motion to reopen a Chapter 7 case, \$245.
 - For filing a motion to reopen a Chapter 9 case, \$1000.
 - For filing a motion to reopen a Chapter 11 case, \$1167.

- For filing a motion to reopen a Chapter 12 case, \$200.
- For filing a motion to reopen a Chapter 13 case, \$235.
- For filing a motion to reopen a Chapter 15 case, \$1000.

The fee amounts in this item are derived from the fees prescribed in 28 U.S.C. § 1930(a).

The reopening fee must be charged when a case has been closed without a discharge being entered.

The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee should be waived if no additional assets are discovered.

The reopening fee must not be charged in the following situations:

- to permit a party to file a complaint to obtain a determination under Rule 4007(b); or
- when a debtor files a motion to reopen a case based upon an alleged violation of the terms of the discharge under 11 U.S.C. § 524; or
- when the reopening is to correct an administrative error.

12. 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, \$53.
13. For a check paid into the court which is returned for lack of funds, \$53.
14. For filing an appeal or cross appeal from a judgment, order, or decree, \$293.

This fee is collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1930(c) when a notice of appeal is filed.

Parties filing a joint notice of appeal should pay only one fee.

If a trustee or debtor-in-possession is the appellant, the fee must be paid only by the estate, to the extent there is an estate.

Upon notice from the court of appeals that a direct appeal or direct cross-appeal has been authorized, an additional fee of \$157 must be collected.

15. For filing a case under Chapter 15 of the Bankruptcy Code, \$1167.

This fee is derived from and equal to the fee prescribed in 28 U.S.C. § 1930(a)(3) for filing a case commenced under Chapter 11 of Title 11.

16. 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.
17. 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.

For management of registry funds invested through the Court Registry Investment System, a fee at a rate of 2.5 basis points shall be assessed from interest earnings.

18. For a motion filed by the debtor to divide a joint case filed under 11 U.S.C. § 302, the following fees apply:
- For filing a motion to divide a joint Chapter 7 case, \$245.
 - For filing a motion to divide a joint Chapter 11 case, \$1167.
 - For filing a motion to divide a joint Chapter 12 case, \$200.
 - For filing a motion to divide a joint Chapter 13 case, \$235.

These fees are derived from and equal to the filing fees prescribed in 28 U.S.C. § 1930(a).

19. For filing the following motions, \$176:
- To terminate, annul, modify or condition the automatic stay;
 - To compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure; or
 - To withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d).

This fee must not be collected in the following situations:

- For a motion for relief from the co-debtor stay;
- For a stipulation for court approval of an agreement for relief from a stay;
or
- For a motion filed by a child support creditor or its representative, if the form required by § 304(g) of the Bankruptcy Reform Act of 1994 is filed.

- [20. For filing a transfer of claim, \$25 per claim transferred.]²

² This fee will be effective May 1, 2013.

ELECTRONIC PUBLIC ACCESS FEE SCHEDULE¹

As directed by Congress, the Judicial Conference has determined that the following fees are necessary to reimburse expenses incurred by the judiciary in providing electronic public access to court records. These fees shall apply to the United States unless otherwise stated. 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, and bankruptcy administrator programs. Furthermore, the fee increase from eight cents per page to ten cents per page has been suspended for local, state, and federal government entities until April 1, 2015.

- I. For electronic access to court data via a federal judiciary Internet site: ten cents per page, with the total for any document, docket sheet, or case-specific report not to exceed the fee for thirty pages – provided however that transcripts of federal court proceedings shall not be subject to the thirty-page fee limit. For electronic access to an audio file of a court hearing via a federal judiciary Internet site: \$2.40 per audio file. Attorneys of record and parties in a case (including *pro se* litigants) receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. No fee is owed under this provision until an account holder accrues charges of more than \$15 in a quarterly billing cycle. Consistent with Judicial Conference policy, courts may, upon a showing of cause, exempt indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not-for-profit organizations, court appointed pro bono attorneys, and pro bono ADR neutrals from payment of these fees. Courts must find that parties from the classes of persons or entities listed above seeking exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information. For individual researchers, courts must also find that the defined research project is intended for academic research, and not for commercial purposes or internet redistribution. Any user granted an exemption agrees not to sell for profit the data obtained as a result. Any transfer of data obtained as the result of a fee exemption is prohibited unless expressly authorized by the court. Exemptions may be granted for a definite period of time and may be revoked at the discretion of the court granting the exemption.
- II. For printing copies of any record or document accessed electronically at a public terminal in the courthouse: ten cents per page. This fee shall apply to services rendered on behalf of the United States if the record requested is remotely available through electronic access.
- III. For every search of court records conducted by the PACER Service Center, \$30 per name or item searched.

¹ Issued in accordance with 28 U.S.C. § 1913, 1914, 1926, 1930, 1932.

- IV. For the PACER Service Center to reproduce on paper any record pertaining to a PACER account, if this information is remotely available through electronic access, 50 cents per page.
- V. For a check paid to the PACER Service Center which is returned for lack of funds, \$53.

JUDICIAL CONFERENCE POLICY NOTES

Courts should not exempt local, state or federal government agencies, members of the media, attorneys or others not members of one of the groups listed above. Exemptions should be granted as the exception, not the rule. A court may not use this exemption language to exempt all users. An exemption applies only to access related to the case or purpose for which it was given. The prohibition on transfer of information received without fee is not intended to bar a quote or reference to information received as a result of a fee exemption in a scholarly or other similar work.

The electronic public access fee applies to electronic court data viewed remotely from the public records of individual cases in the court, including filed documents and the docket sheet. Audio files of court hearings do not include naturalization ceremonies or appellate oral arguments. Electronic court data may be viewed free at public terminals at the courthouse and courts may provide other local court information at no cost. Examples of information that can be provided at no cost include: local rules, court forms, news items, court calendars, opinions, and other information – such as court hours, court location, telephone listings – determined locally to benefit the public and the court.