

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the Electronic : General Order M-469
Public Access Fees by Margaret Howard, :
: :
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This matter is before the Court upon the application and request by Margaret Howard, (the "Applicant") for exemption from the fees imposed by the Electronic Public Access Fee Schedule adopted by the Judicial Conference of the United States Courts.

The Court finds, based upon the attached letter dated April 2, 2014, that the Applicant has demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information.

Accordingly, the Applicant shall be exempt from the payment of fees for access via PACER to the electronic case files maintained in this Court, to the extent such use is incurred in connection with the project described in the attached letter and application. The Applicant shall not be exempt from the payment of fees incurred in connection with other uses of the PACER system in this Court.

Additionally, the following limitations apply:

1. This fee exemption applies only to the Applicant, and is valid only for the purposes stated above.
2. This fee exemption applies only to the electronic case files of this Court that are available through the PACER system;
3. By accepting this exemption, the Applicant agrees not to sell for profit any data obtained as a result of receiving this exemption.
4. This exemption is valid from the date of this order through May 30, 2015.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated: New York, New York
May 7, 2014


CECELIA G. MORRIS
Chief United States Bankruptcy Judge



WASHINGTON AND LEE
UNIVERSITY
SCHOOL OF LAW

April 2, 2014

Hon. Cecelia G. Morris
Chief Judge
U.S. Bankruptcy Court
Southern District of New York
One Bowling Green, 5th Floor
New York, NY 10004-1408

Re: Request for Pacer Fee Exemption

Dear Judge Morris:

I am writing to request an exemption from payment of PACER per page fees. I am a member of the faculty of Washington and Lee University School of Law, and I qualify under the PACER rules as an individual researcher associated with an academic institution. I am requesting this exemption, applicable to account number wl1719, through March 31, 2015.

I was recently awarded a grant by the American Bankruptcy Institute Endowment Fund to study Chapter 11 cases filed by individual debtors. A pilot project will be conducted during 2014, with completion expected by December. A second phase—a larger study—is anticipated during 2015. When the full study is completed, I will produce a Final Report of the study's findings. The Final Report will provide a complete textual and quantitative description of individual chapter 11 cases, along with comparisons to chapter 13 cases and corporate chapter 11s. The data and analysis will further a better understanding of the bankruptcy system and the difficulties of applying chapter 11, as currently drafted, to such disparate types of cases. It is hoped that the findings, and recommendations based on them, can be used to inform policy decisions and reforms, with the objective of improving the judicial administration of individual bankruptcy cases and proceedings.

I agree neither to sell for profit the data obtained, nor to transfer data obtained as the result of a fee exemption.

I am attaching for your convenience a copy of (1) a Motion for Exemption, (2) an Affidavit attesting to my eligibility for the exemption, and (3) a proposed Order granting the exemption.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Margaret Howard".

Margaret Howard
Law Alumni Association Professor of Law
Washington and Lee University School of Law

UNITED STATES BANKRUPTCY COURT

MOTION FOR EXEMPTION FROM PAYMENT OF THE PACER USER FEE

Margaret Howard, holding PACER account login name wl1719 ("Movant") requests an exemption from payment of the Electronic Public Access Fee ("PACER User Fee") which is prescribed by the Judicial Conference of the United States, as set forth in 28 U.S.C. § 1930. In support of the Motion for Exemption from Payment of the PACER User Fee, Movant states as follows:

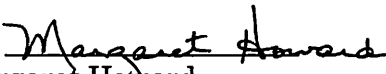
1. Movant is an individual researcher associated with an education institution.
2. Exemption from payment of the PACER User Fee is necessary in order to avoid unreasonable burdens and to promote public access to information. As specific grounds for exemption Movant states the following:
 - a. Movant was awarded a grant by the American Bankruptcy Institute Endowment Fund to study Chapter 11 cases filed by individual debtors.
 - b. As part of Movant's Study, thousands of filings will be accessed and examined to collect data with respect to the subject matter of the Study. Without an exemption, the cost of accessing the bankruptcy files is prohibitive.
3. Movant agrees that no information, reports, documents and other data obtained using a fee exempt PACER account will be sold for profit or otherwise exchanged for value.
4. Movant further agrees that all information, reports, documents and other data obtained using a fee-exempt PACER account will be used only in connection with her activities that qualify for the exemption and not for activities that are unrelated to the exemption. Movant agrees to establish a separate fee-based PACER account for any activities that are not exemption-related and to use the appropriate PACER account for those activities.
5. Movant acknowledges that exemption from payment of the PACER User Fee will be granted for a maximum term of 12 months.
6. Movant acknowledges that the exemption from payment of the PACER User Fee may be revoked at any time at the discretion of the Court.
7. Movant acknowledges that she may not knowingly permit or cause to permit the PACER User Fee exemption to be used by anyone other than her authorized agent. Furthermore, Movant acknowledges that any agent's use of the exemption shall be only in connection with exemption-related activities for which she was granted the exemption.
8. In support of the Motion, an affidavit is attached regarding Movant's current status as an individual researcher associated with an education institution.

9. Movant declares, under penalty of perjury, that the foregoing statements and information are true and correct to the best of her knowledge, information and belief.

Based on the foregoing, Movant requests that the Court grant the Motion for Exemption from Payment of the PACER User Fee.

Dated: April 2, 2014
Lexington, Virginia

Respectfully submitted,

By: 
Margaret Howard
Law Alumni Association Professor of Law
Washington and Lee University School of Law
#1 Denny Circle
Lexington, Virginia 24450
(540) 458-8581
howardm@wlu.edu

AFFIDAVIT

I, Margaret Howard, am an individual researcher and member of the faculty of Washington and Lee University School of Law. I have been awarded a grant from the American Bankruptcy Institute Endowment Fund to conduct a study of Chapter 11 cases filed by individual debtors.

I declare under penalty of perjury that the foregoing statements and information are true and correct to the best of my knowledge, information and belief.

Signed: Margaret Howard
Margaret Howard
Law Alumni Association Professor of Law
Washington and Lee University School of Law
#1 Denny Circle
Lexington, VA 24450
(540)458-8581
howardm@wlu.edu

Commonwealth of Virginia
County of Rockbridge

The foregoing instrument was acknowledged before me
this 2nd day of April, 2014, by Margaret Howard.

Linda F. Johnson
Notary Public's signature

Notary registration number: 166633
My commission expires: 12/31/15

