

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: :
Application for Exemption from the : General Order M-372
Electronic Public Access Fees by Anne :
Lawton :
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This matter is before the Court upon the application and request by Anne Lawton (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 from the Applicant, dated March 11, 2009, 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. 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 on behalf of the Applicant and the Applicant's research assistants 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 March 31, 2010.

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
March 19, 2009

/s/ Stuart M. Bernstein
STUART M. BERNSTEIN
Chief United States Bankruptcy Judge



March 11, 2009

Hon. Stuart M. Bernstein
U.S. Bankruptcy Court
Alexander Hamilton U.S. Custom House
One Bowling Green, 6th Floor
New York, NY 10004-1408

ANNE LAWTON
Associate Professor of Law

Dear Judge Bernstein:

I am writing to request a waiver of PACER fees for one year from April 1, 2009, through March 31, 2010.

I am creating a large dataset of chapter 11 cases in order to examine the following issues: (1) the percentage of cases that emerge from chapter 11 with confirmed plans; (2) the percentage of cases with liquidating plans; (3) common characteristics, if any, of confirmed-plan cases; (4) the average time from bankruptcy filing to plan proposal, and from bankruptcy filing to plan confirmation; and (5) the impact of BAPCPA on plan confirmation.

In prior research, I created a dataset of 5,550 closed chapter 11 business cases. *See* Lawton and Oswald, *Scary Stories and the Limited Liability Polluter in Chapter 11*, 65 WASHINGTON AND LEE LAW REVIEW 451 (2008). I am updating that dataset to include all chapter 11 cases filed in 2004 – open and closed, converted and dismissed, business and individual. I also am creating a new dataset of all cases filed in calendar year 2006 in order to provide a comparison of the plan confirmation process before and after the passage of BAPCPA.

PACER fees may be waived “to avoid unreasonable burdens and to promote public access to such information.” My request satisfies both criteria. First, the cost of searching on PACER to create the relevant datasets, coupled with the cost of obtaining dockets, plans, and other relevant case orders, is prohibitive. My home academic institution helped to defray the costs of my prior research. This project, however, will draw on a much larger group of cases and funds from MSU College of Law are limited for PACER research. Second, I plan to publish the results of my research, thereby not only providing public access to the data but also promoting greater understanding of the plan confirmation process.

Therefore, I request a waiver of PACER fees for one year, starting on April 1, 2009, and ending on March 31, 2010. I agree not to sell any data that I obtain from PACER or to share such information with any person who might derive a financial benefit from using such data. For your convenience, I am enclosing a proposed order that is similar to one used by some bankruptcy courts for waiver of PACER fees. If the waiver is granted, please notify the PACER service center to grant a waiver of access fees for your district for account number ms6605. In addition, please send an electronic copy of the waiver order to alawton@law.msu.edu or return a paper copy in the enclosed envelope.

PACER Service Center
P.O. Box 780549
San Antonio, TX 78278
(800) 676-6856

Thank you for considering my request.

Sincerely,

A handwritten signature in black ink that reads "Anne Lawton".

Anne Lawton