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## Researching Bankruptcy Law on the Internet

Timothy L. Coggins

University of Richmond, [tcoggins@richmond.edu](mailto:tcoggins@richmond.edu)

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## Researching Bankruptcy Law on the Internet

by Timothy L. Coggins

Attorneys researching bankruptcy law use a diverse collection of print resources to locate bankruptcy primary and secondary sources. Bankruptcy code provisions appear in Title 11 of the codified federal statutes, available either in the official *U.S. Code* (published by the U.S. Government Printing Office) or one of the two commercially published unofficial codes, *U.S.C.A.* (Thomson-West) and *the U.S.C.S.* (LexisNexis). Attorneys find bankruptcy rules and official forms (Rules 1-9036; Forms 1-35) in the same three sets. Researchers often find the unofficial codes preferable because they are annotated with case summaries and references to other materials and are supplemented more frequently than the *U.S. Code*. When an attorney needs legislative history materials about a bankruptcy code section, he or she can find legislative history information and documents in several sources, including West's *U.S. Code Congressional and Administrative News* as well as *Collier Bankruptcy Service* and *Norton Bankruptcy Law and Practice*. Code conversion tables and rules conversion tables can be found, also with Title 11 in the three codes.

Although there is no official reporter for bankruptcy court decisions, bankruptcy court decisions can be found in *West's Bankruptcy Reporter*, *American*

*Bankruptcy Reports*, *Collier Bankruptcy Cases* (Matthew Bender) and *Bankruptcy Court Decisions* (CRR Publishing). Pre-bankruptcy code district and circuit court bankruptcy court opinions are published in *West's Federal Reporter* and *West's Federal Supplement*. The *West's Bankruptcy Digest* locates cases dealing with particular bankruptcy facts. Attorneys also can shepardize bankruptcy court decisions using *Shepard's Bankruptcy Citations* and *Shepard's Bankruptcy Case Names Cimator*. Bankruptcy rules and regulations are found in the *Code of Federal Regulations*, updated through the *Federal Register*.

Frequently, however, attorneys are searching for commentary and explanations about the bankruptcy code. Commentary, analysis, critiques, etc., of bankruptcy law can be found in treatises

and loose-leaf services. The two most widely used treatises dealing with bankruptcy law are *Collier on Bankruptcy* (15<sup>th</sup> ed. Alan Resnick & Henry J.

Sommer eds.) and *Norton Bankruptcy Law and Practice* (2nd ed. William L. Norton, Jr.). Both sets include commentary, cases, forms, rules and primary source materials. *Cowan's Bankruptcy Law and Practice* (6<sup>th</sup> ed. Daniel R. Cowan) is a more manageable four-volume set. For Virginia practitioners the Virginia Law Foundation, Virginia CLE publishes *Creditors' Rights in Bankruptcy, Chapter 13 in the Bankruptcy Code: A Review of the Process and Discussion of Ideas*, and *Chapter 11 Case Study: a Business Bankruptcy*. Print loose-leaf services dealing with bankruptcy law include *Bankruptcy Court Decisions* (CRR Publishing Co.), *Bankruptcy Law Reporter* (CCH), and *Bankruptcy Law Reporter* (BNA). Loose-leaf services are especially useful for finding current decisions and legislative and administrative updates.

***Attorneys researching bankruptcy law use a diverse collection of print resources to locate bankruptcy primary and secondary sources.***

Increasingly, attorneys are finding bankruptcy materials on the Internet. They include the decisions, rules, forms, commentary, filing information and com-

pany information. Following are a few Internet sites an attorney might consult to research bankruptcy law on the Internet. (This “top ten” list does not include the two most well known online legal research systems, LexisNexis and Westlaw, even though both have extensive collections of bankruptcy materials.)

## No. 1—Articles

Andrew Zimmerman’s “Research Guide at LLRX.com—Bankruptcy” lists important bankruptcy resources, including many available only on the Internet. Zimmerman includes information about finding filings documents, (<http://pacer.uspci.uscourts.gov>) statutes, rules, financing agreements and troubled companies. This short article links to other Internet sources, such as the Bankruptcy Appellate Panels, *Dun & Bradstreet Reports* and PACER. Find Zimmerman’s article at <http://www.llrx.com/guide-gen/4/124.html>.

“A Guide to Researching Bankruptcy Law on the Internet” by Professor Pearl Goodman of Nova Southeastern University School of Law describes general, legal and bankruptcy-related search engines and directories, subscriber-based research services on the Internet and access to primary and secondary bankruptcy resources on the Internet. Her article appears in Volume 8 (1999) of the *Journal of Bankruptcy Law & Practice*, beginning on page 449.

## No. 2—PACER (<http://pacer.psc.uscourts.gov>)

Public Access to Court Electronic Records (PACER), an electronic public access service, offers attorneys access to

case and document information from federal appellate, district and bankruptcy courts and from the U.S. Party/Case index. A service of the U.S. judiciary, PACER requires a login and password. PACER lists all parties and participants, including judges and attorneys, and compiles case-related information such as the cause of action, a chronology of dates and a claims registry. There are minimal charges associated with the use of PACER (see the PACER overview at the Web site for information about “cost”).

## No. 3—ABIWorld (<http://abiworld.org>)

The American Bankruptcy Institute describes itself as “the largest multi-disciplinary, non-partisan organization dedicated to research and education on matters related to insolvency.” The ABI was founded in 1982 to provide Congress and the public with unbiased analyses of bankruptcy issues. It has more than 9,000 attorneys among its diverse membership. ABI identifies its Web site as the “premier site for bankruptcy information on the Web.” The site references court and legislative actions, provides statistical information about bankruptcies, summarizes bankruptcy developments in a yearly review and has a “What’s New” section.

## No. 4—Findlaw (<http://www.findlaw.com>)

Many attorneys already use Findlaw (now owned and operated by Thomson-West) for research because of its consistent organization from subject to subject and its comprehensiveness. Findlaw is useful for bankruptcy attorneys as well. An attorney interested in bankruptcy

materials should select the “Legal Subjects” category and choose topics ranging from gaming, administrative, tax and transportation law. After selecting “bankruptcy law,” the user can select journals, newsletters and articles, bankruptcy-related Web sites that include “Do It Yourself,” “Bankruptcy Basics,” a “Dictionary of Bankruptcy Terminology,” official bankruptcy forms, Supreme Court bankruptcy cases and mailing lists and list servs. Especially interesting are [BANKRLAW@polecat.law.indiana.edu](mailto:BankRLAW@polecat.law.indiana.edu) (a list serv for bankruptcy law professors) and Roundtable Discussion Group, an open, unmoderated forum for use by bankruptcy professionals to pose questions and comments (send subscription message to [listserv@bankrupt.com](mailto:listserv@bankrupt.com)).

## No. 5— BankruptcyClearinghouse (<http://www.bankruptcyclearinghouse.com>)

This site, the newest web site for bankruptcy materials, promises “one-stop shopping for bankruptcy court data nationwide, providing access to bankruptcy filings from courts in all 50 states, the District of Columbia and Puerto Rico.” Data for most courts dates back to January 1, 1997, and as far back as 1988 for some jurisdictions. Users pay by the search or can subscribe at a monthly rate for unlimited searches (see the “pricing” link on the first page of the site). BankruptcyClearinghouse offers many services, including the ability to prepare custom proof-of-claim forms and saving them for future use and the ability to search across multiple jurisdictions simultaneously.

## No. 6—Bankruptcy Court Web Sites

Nearly all bankruptcy courts have a Web site with its local court rules, opinions and decisions, case information, calendars, forms and other information. The U.S. Bankruptcy Court for the District of Columbia, an excellent example of what a court can do to provide its information to attorneys and the public, recently was selected as one of the ten best Web sites by Justice Served, an alliance of court management and justice experts providing management services, consultation and training to courts and justice agencies. Justice Served recognized the D.C. bankruptcy court site (<http://www.dcb.uscourts.gov>) for its design and its online access for daily calendars, credit card acceptance from attorneys and the PACER system. The D.C. court site offers links to other sites, including the federal courts home page, the Federal Judiciary Center, the ABI and the D.C. District and Court of Appeals.

## No. 7— Academic Law Libraries/ Law School Web Sites

Access to research path finders and bibliographies in many legal subjects are available at law school and law library Web sites and can provide excellent descriptions of resources as well as links to sources. Bankruptcy is no exception. The Mercer School of Law Library's page (<http://library.law.mercer.edu/bankrupt.htm>) is a good example. The site links to the primary sources for bankruptcy research (codes and rules) as well as to commentaries and guides about bankruptcy law, organizations and groups dealing with

bankruptcy law—such as the National Association of Bankruptcy Trustees—dictionaries of bankruptcy terms and to publications such as the Nolo Press guides to Chapter 7 and Chapter 13 bankruptcy. Other law schools such as Cornell (<http://www.law.cornell.edu/topics/bankruptcy.html>) and Washburn (<http://www.washlaw.edu/bankrupt/ntlsites/ntlsites.htm>) have bankruptcy research pages.

## No. 8— Bankruptcy Lawfinder (<http://www.swiggartagin.com/lawfind/default.html>)

The Bankruptcy Lawfinder was created and is maintained by Warren E. Agin of Swiggart & Agin, LLC, in Boston. The Web site is similar to other bankruptcy sites because it links to statutes, regulations, courts and cases. The “Frequently Asked Bankruptcy Questions” section is an interesting component of this Web site.

## No. 9— Internet Bankruptcy Library (<http://bankrupt.com>)

The IBL, which began in 1994, presents information in six different areas related to large-scale business restructurings targeted to the bankruptcy professional. The site includes a collection of news archives, a listing of books and periodicals about bankruptcy law, troubled companies, an update on conferences and institutes dealing with bankruptcy, a list and links to local bankruptcy rules and, finally, a “mailing list” that links to various Internet discussions groups dealing with bankruptcy and troubled companies such as Creditworthy-L. Although

IBL is free, access to the content in books and periodicals is not. IBL gives attorneys a purchase option.

## No. 10—Hieros Gamos (<http://www.hg.org>)

Hieros Gamos identifies itself as the “#1 Legal Research Center” and offers a diverse collection of news, business, legal and other information for the legal community. The “Law Practice Center” portion of the site lists 70 areas of practice, including bankruptcy law. The HG bankruptcy page offers a guide to world bankruptcy laws and links to an extensive collection of U.S. primary and secondary bankruptcy resources.

The preceding “top ten” bankruptcy research sites are among the many Internet sources for bankruptcy materials. When comparing information at these and other Internet sites to print materials, attorneys should look at how frequently and how recently the Web sites are updated, as well as who maintains the Web site to avoid bias. Users also should be aware that many bankruptcy sites do not include comprehensive collections of materials, thus requiring the continued use of print resources for earlier cases and other information. ☞

**Timothy L. Coggins**  
is director of the law  
library and professor  
of law at the University  
of Richmond School  
of Law.

