SUPREME COURT OF THE UNITED STATES

No. 02–693

JOHN M. LAMIE, PETITIONER *v.* UNITED STATES TRUSTEE

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

[January 26, 2004]

JUSTICE STEVENS, concurring in the judgment, joined by JUSTICE SOUTER and JUSTICE BREYER, concurring.

As the majority recognizes, *ante*, at 12–13, a leading bankruptcy law treatise concluded that the 1994 amendments to §330(a)(1) contained an unintended error. 3 Collier on Bankruptcy ¶330.LH[5], pp. 330–75 to 330–76 (rev. 15th ed. 2003). Whenever there is such a plausible basis for believing that a significant change in statutory law resulted from a scrivener's error, I believe we have a duty to examine legislative history.[1] In this case, that history reveals that the National Association of Consumer Bankruptcy Attorneys (NACBA) not only called the assumed drafting error to Congress' attention in a timely fashion, but also deemed the error unworthy of objection.[2]

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[1] As Chief Justice Marshall stated, "Where the mind labours to discover the design of the legislature, it seizes every thing from which aid can be derived . . . ." *United States* v. *Fisher,* 2 Cranch 358, 386 (1805).

[2] See *ante*, at 14. Specifically, three months after the Senate passed the relevant amendment, the NACBA submitted written comments to the House Subcommittee on Economic and Commercial Law, which was considering the change. Those comments first noted that the amended version of §330(a)(1) "appears to have some minor drafting errors, including the apparently inadvertent removal of debtors' attorneys from the list of professionals whose compensation awards are covered." Bankruptcy Reform: Hearing on H. R. 5116 before the Subcommittee on

This evidence convinces me that the Court's reading of the text, which surely is more natural than petitioner's, is correct. I therefore concur in the judgment.

Economic and Commercial Law of the House Committee on the Judiciary, 103d Cong., 2d Sess., 551 (1994). With no proviso that these alleged errors be corrected, the NACBA then expressly did "*not* oppose" passage of the amendment. *Ibid*. (emphasis added).