

United States Bankruptcy Court
Southern District of Mississippi

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NOTICE CONCERNING NEW & AMENDED FEDERAL BANKRUPTCY RULES
Effective December 1, 2009

Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033 are each amended to make the deadlines under the rules multiples of seven days for any period less than 30 days. The various deadlines in these rules are amended in the following manner:

5 day periods become 7 day periods
10 day periods become 14 day periods
15 day periods become 14 day periods
20 day periods become 21 day periods
25 day periods become 28 day periods

The changes to the Bankruptcy Rules to implement the Time-Computation project, other than the changes to Rule 9006(a), are limited to changes in the deadlines as set out above.

Rule 2016(c) Disclosure of Compensation Paid or Promised to Bankruptcy Petition Preparer is amended to reflect the 2005 amendment to § 110(h)(1) of the Code which now requires that the declaration be filed with the petition. The amendment to the rule also corrects the cross reference to § 110(h)(1), which was redesigned as subparagraph (h)(2) of § 110 by the 2005 amendment to the Code. The amendment also changes the deadline for filing a supplemental statement to conform to the time computation amendments that change all 10 day periods to 14 day periods.

Rule 4008(a) Filing of Reaffirmation Agreement is amended to insert a requirement that the Official Form of a reaffirmation cover sheet be filed with the court along with the reaffirmation agreement. The cover sheet will include the information necessary to assist the court in determining what action to take regarding the proposed reaffirmation.

Rule 7052 Finding by the Court is amended by limiting the time for filing post judgment motions for amended or additional findings. The deadline is set at 14 days in contrast to the 28-day deadline included in the Federal Rules of Civil Procedure. This is necessary because the deadline for filing a notice of appeal under Bankruptcy Rule 8002 is 14 days rather than the 30 days allowed under Rule 4(a)(1)(A) F. R. App. P.

Rule 7058 (NEW) Entering Judgment in Adversary Proceeding is added and makes Rule 58 F.R. Civ. P. applicable in adversary proceedings and is in connection with the amendments to Rule 9021.

Rule 9006(a) Time (Computation Template Rule) replaces subdivision (a) with the template being adopted throughout the Federal Rules for computing time. There are minor differences from the template in the Committee Note that include changes specific to bankruptcy law and practice. The amendment is offered in conjunction with proposed amendments to the deadlines set out in 39 rules and those amendments include changes only in the time periods.

Rule 9006(f) Additional Time After Service by Mail is amended to correct a cross reference to subparagraphs of Rule 5(b)(2) F.R. Civ. P. Those subparagraphs were renumbered as a part of the civil rules restyling project.

Rule 9015(a) Applicability of Certain Federal Rules of Civil Procedure is amended by deleting the reference to Rule 50 F. R. Civ. P. from the list of civil rules that are applicable in cases and proceedings. Subdivision (c) is added to make Rule 50 applicable in cases and proceedings, but it limits the time for filing certain post judgment motions to 14 days rather than 28 days as set out in the civil rules.

Rule 9021 Entry of Judgment is amended in connection with the addition of Rule 7058. Since that rule governs in adversary proceedings, Rule 9021 no longer needs to make Rule 58 of the F. R. Civ P. applicable in those actions. This amendment and the addition of Rule 7058 results in the explicit adoption of the separate document requirement for judgments in adversary proceedings, while the effectiveness of an order or judgment in other actions within the case is determined under Rule 5003, which does not include the separate document requirement.

Rule 9023 New Trials; Amendment to Judgments is amended to limit the time for filing a post judgment motion for a new trial or for the court to order sua sponte new trial to 14 days after entry of judgment. This is necessary because the deadline for filing a notice of appeal under Rule 8002 is 14 days.

October 22, 2009