

Federal Rules of Bankruptcy Procedure Summary of Amendments

Effective Date: December 1, 2014
Applies to: All Filing Parties
Case type: All Chapters and Case Types
Amended Rules: 1014, 7004, 7008, 7054, 8001–8028, 9023, and 9024

<u>Rule No.</u>	<u>Summary</u>
1014(b)	Amendment provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending and expands the list of persons entitled to receive notice of a motion in the first court for a determination of where the related cases should proceed.
7004(e)	Amendment alters the period of time during which service of the summons and complaint must be made, reducing the period from 14 days to 7 days after issuance of the summons.
7008(b); 7054	<p>Amendment changes the procedure for seeking attorney's fees in bankruptcy proceedings, bringing the Bankruptcy Rules in closer alignment with the Civil Rules.</p> <ul style="list-style-type: none">• Rule 7008(b) which currently addresses attorney's fees is deleted.• Rule 7054 includes procedures for seeking an award of attorney's fees, unless the governing substantive law requires the fees to be provided at trial as an element of damages.

8001 – 8028

Amendments are the product of a multi-year project to bring bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; to incorporate a presumption favoring electronic transmission, filing and service of court documents; and to adopt a clearer and simpler style.

Highlighted Rules *(all amendments not included):*

8003 - Requires bankruptcy clerk to serve the notice of appeal instead of providing notice of the filing of the notice of appeal. The Notice of Electronic Filing (NEF) will suffice as notice except when pro se parties are involved.

8003(d)(1) –requires the bankruptcy clerk to transmit the notice of appeal promptly to the district court or BAP.

8009

- Addresses transcripts - when a transcript is or is not ordered, and allows an appellant to file a statement of in lieu of transcript, when a transcript is unavailable.
- Permits the parties to file an agreed statement as to the record on appeal (in lieu of the record on appeal).
- If a sealed document is designated as part of the record on appeal, the party making the designation must file a motion requesting that the appellate court accept the sealed document.

8010 - requires that if a party moves in the district, BAP, or court of appeals for any of the following: leave to appeal; dismissal; a stay pending appeal; approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or any other intermediate order, the bankruptcy clerk must transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

9023; 9024

Add reference to procedure in amended Rule 8008 addressing indicative rulings.

8008

Provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief that the court concludes is meritorious or raises a substantial issue.

Official Bankruptcy Forms
New and Revised
December 1, 2014

New Forms *(Replaces Official Form 17 due to revised bankruptcy appellate rules)*

- B 17A** Notice of Appeal and Statement of Election
- B 17B** Optional Appellee Statement of Election to Proceed in District Court
- B 17C** Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)

Revised Forms

- B 3A** Application for Individuals to Pay the Filing Fee in Installments
- B 3B** Application to Have the Chapter 7 Filing Fee Waived
- B 06** Summary of Schedules
- B 22A-1** Chapter 7 Statement of Your Current Monthly Income
- B 22A-1 Supp** Statement of Exemption for Presumption of Abuse Under §707(b)(2)
- B 22A-2** Chapter 7 Means Test Calculation
- B 22B** Chapter 11 Statement of Your Current Monthly Income
- B 22C-1** Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period
- B 22C-2** Chapter 13 Calculation of Your Disposable Income

**Bankruptcy Court Miscellaneous Fee Schedule
Summary of Changes
December 1, 2014**

<u>New</u>	<u>Description</u>	<u>Change in Fee</u>
Item 21	Motion to Redact a Record*	New \$25 fee per affected case.
 <u>Amended</u>		
Item 11	Motion to Reopen	*Reopen fee is not required if sole purpose is redaction.
Item 14	Acceptance of direct appeal or direct cross appeal by court of appeals.	\$50 increase (from \$157 to \$207)