

BANKRUPTCY RULES SUGGESTIONS DOCKET

(By Rule Number)

ADVISORY COMMITTEE ON BANKRUPTCY RULES

The docket sets forth suggested changes to the Federal Rules of Bankruptcy Procedure considered by the Advisory Committee since 1997. The suggestions are set forth in order by: (1) bankruptcy rule number, (2) form number, and where there is no rule or form number (or several rules or forms are affected), (3) alphabetically by subject matter.

Suggestion	Docket No., Source & Date	Status
BANKRUPTCY RULES		
Rule 1019(5)(A) Deal with “nonexistence” of debtor-in-possession.	04-BK-C R. Bradford Leggett, Esq. 5/21/04	5/04 - Referred to chair and reporter 9/04 - Committee considered and declined to adopt COMPLETED
Rule 2002 Limit notices to creditors.	97-BK-G Judge Arthur J. Spector 9/19/97	11/97 - Referred to chair, reporter and committee 9/99 - Committee declined to take action COMPLETED
Rule 2002(a) Eliminate notices to late creditors in Chapter 13 cases.	00-BK-H Judge James A. Pusateri 7/31/00	8/00 - Referred to chair, reporter, and committee 9/00 - Committee declined to take action COMPLETED
Rule 2002(f) Provide for notice of order confirming Chapter 13 plan.	99-BK-E Judge Paul Mannes 4/28/99	8/99 - Referred to chair, reporter, and committee 9/99 - Committee considered 3/00 - Committee declined to take action COMPLETED

<p>Rule 2002(g) Allow entity to designate address for purpose of receiving notices.</p>	<p>02-BK-A Bankruptcy Clerk Joseph P. Hurley, for the BK Noticing Working Group 2/4/02</p> <hr/> <p>00-BK-A Raymond P. Bell, Esq., Fleet Credit Card Services, L.P. 1/18/00</p>	<p>2/02 - Referred to chair and reporter 3/02 - Committee considered 4/03 - Committee considered 9/03 - Committee considered and approved in principle 3/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 2003 Restore temporary allowance of claims provision to Rule 2003.</p>	<p>98-BK-B Jeffrey K. Garfinkle, Esq. 7/15/98</p>	<p>8/98 - Referred to chair, reporter, and committee 10/98 - Committee declined to take action</p> <p>COMPLETED</p>
<p>Rule 2003 Clarify debtor's obligation to provide substantiating documents</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter 9/03 - Committee considered and referred to Consumer Subcommittee 1/04 - Consumer Subcommittee considered at focus group meeting</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 2010(b) Provide procedures for bringing action on depository bond.</p>	<p>99-BK-H Martha L. Davis, Esq. Executive Office for US Trustees, DOJ 7/20/99</p>	<p>7/99 - Referred to chair, reporter, and committee 9/99 - Committee declined to take action</p> <p>COMPLETED</p>

<p>Rule 2015(a) Require payment of quarterly fees in pending Chapter 11 case.</p>	<p>99-BK-H Martha L. Davis, Esq. Executive Office for US Trustees, DOJ 7/20/99</p>	<p>7/99 - Referred to chair, reporter, and committee 9/99 - Committee considered and deferred decision 3/00 - Committee approved amendment with revisions 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 3/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective</p> <p>COMPLETED</p>
<p>Rule 2016 Require debtor's attorney to disclose details of professional relationship with debtor</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter 9/03 - Committee considered and referred to Consumer Subcommittee 1/04 - Consumer Subcommittee considered at focus group meeting 3/04 - Committee considered and deferred action</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 3002(a) Consider all claims listed by debtors in Chapter 13 and asset 7 cases be deemed filed (as is current law in Chapter 11 cases).</p>	<p>99-BK-003 00-BK-A Raymond P. Bell, Esq. Fleet Credit Card Services, L.P. 1/18/00</p>	<p>2/00 - Referred to chair, reporter, and committee. Issue previously considered. Committee declined to take action.</p> <p>COMPLETED</p>
<p>Rule 3002(c) Provide exception for Chapters 7 and 13 corporate cases where debtor not an individual.</p>	<p>01-BK-F Judge Paul Mannes 6/23/00</p>	<p>6/00 - Referred to chair, reporter, and committee</p> <p>PENDING FURTHER ACTION</p>

<p>Rule 3005 Conforming amendments.</p>	<p>03-BK-005 Judge Dennis Lynn 1/6/04</p>	<p>1/04 - Referred to chair, reporter, and committee PENDING FURTHER ACTION</p>
<p>Rule 3007 Serving a copy of the objection on the claimant.</p>	<p>03-BK-B Judge Robert J. Kressel 7/2/03</p>	<p>7/03 - Referred to chair and reporter 9/03 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 3017.1 Eliminate rule extension number.</p>	<p>00-BK-013 01-BK-C Patricia Meravi 1/22/01</p>	<p>2/01 - Referred to chair and reporter PENDING FURTHER ACTION</p>
<p>Rule 4002 Clarify debtor's obligation to provide substantiating documents</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter 9/03 - Committee considered and referred to Consumer Subcommittee 1/04 - Consumer Subcommittee considered at focus group meeting 3/04 - Committee approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment PENDING FURTHER ACTION</p>
<p>Rule 4003 Impose burden of proof upon the debtor.</p>	<p>01-BK-D Judge Barry Russell 4/4/01</p>	<p>4/01 - Referred to chair and reporter 3/02 - Committee considered and deferred decision 9/03 - Committee considered and took no action but continues to monitor case law PENDING FURTHER ACTION</p>

<p>Rule 4003(b) Allow retroactive extension of deadline, and provide that secured creditors may object to exemption claim.</p>	<p>04-BK-B Judge Eugene R. Wedoff 2/17/04</p>	<p>3/04 - Sent to chair and reporter 9/04 - Committee considered and referred to Consumer Issues Subcommittee</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 4004 Dispense with requirement of filing adversarial complaint in certain circumstances</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 4004 Provide for delay in entry of discharge when motion to dismiss is filed.</p>	<p>99-BK-H Martha L. Davis, Esq. Executive Office for US Trustees, DOJ 7/20/99</p>	<p>7/99 - Referred to chair, reporter, and committee 9/99 - Committee approved amendment 6/00 - Standing Committee approved for publication 8/00 - Published for public comment 3/01 - Committee approved 6/01 - Standing Committee approved 9/01 - Judicial Conference approved 4/02 - Supreme Court approved 12/02 - Effective</p> <p>COMPLETED</p>
<p>Rule 4008 Provide a deadline for filing reaffirmation agreement.</p>	<p>01-BK-E Francis F. Szczebak, Esq., for the BK Judges Advisory Group 11/30/01</p>	<p>1/02 - Referred to chair and reporter 3/02 - Committee considered and deferred decision. Referred to subcommittee. 10/02 - Committee approved for publication 1/03 - Standing Committee approved for publication 8/03 - Published for public comment 3/04 - Committee approved 6/04 - Standing Committee approved 9/04 - Judicial Conference approved</p> <p>PENDING FURTHER ACTION</p>

<p>Rule 5005(a)(2) Authorize courts to require electronic filing, with appropriate exceptions</p>	<p>04-BK-D Judge John W. Lungstrum 8/2/04</p>	<p>8/04 - Referred to reporter and chair 9/04 - Committee approved for publication</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 5005(c) Add Clerk of the Bankruptcy Appellate Panel to entities already listed.</p>	<p>03-BK-B Judge Robert J. Kressel 7/2/03</p>	<p>7/03 - Referred to chair and reporter 9/03 - Committee considered and approved for publication 1/04 - Standing Committee approved for publication 8/04 - Published for public comment</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 6007(a) Require the trustee to give notice of specific property he intends to abandon.</p>	<p>99-BK-I Physa Griffith South, Esq. 10/13/99</p>	<p>12/99 - Referred to chair, reporter, and committee</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 7001 Dispense with requirement of filing adversarial complaint in certain circumstances</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter 9/03 - Committee considered and referred to Consumer Subcommittee 1/04 - Consumer Subcommittee considered at focus group meeting 3/04 - Committee considered and referred to Attorney Conduct Subcommittee</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 7004(b)(3) To ensure that service on a corporation by mail reaches the appropriate individual.</p>	<p>03-BK-B Judge Robert J. Kressel 7/2/03</p>	<p>7/03 - Referred to chair and reporter 9/03 - Committee considered and declined to take action</p> <p>COMPLETED</p>

<p>Rule 7004 Require that motion be served upon a specific individual on behalf of business entity.</p>	<p>98-BK-D Judge David H. Adams 10/8/98</p>	<p>10/98 - Referred to chair, reporter, and committee 9/99 - Committee declined to take action COMPLETED</p>
<p>Rule 7023.1 Eliminate rule extension number.</p>	<p>00-BK-013 01-BK-C Patricia Meravi 1/22/01</p>	<p>2/01 - Referred to chair and reporter PENDING FURTHER ACTION</p>
<p>Rule 7026 Eliminate mandatory disclosure of information in adversary proceedings.</p>	<p>00-BK-008 01-BK-A Jay L. Welford, Esq. and Judith G. Miller, Esq., for the Commercial Law League of America 1/26/01</p> <hr/> <p>00-BK-009 01-BK-B Judy B. Calton, Esq. 1/12/01</p>	<p>2/01 - Referred to chair and reporter 3/04 - Committee considered and referred to the Privacy, Public Access, and Appeals Subcommittee COMPLETED</p>
<p>Rule 8001(d) Dismiss an unperfected appeal.</p>	<p>02-BK-B Richard Craig Friedman, Esq. 2/25/02</p>	<p>2/01 - Referred to chair and reporter 4/03 - Committee considered and declined to take action COMPLETED</p>
<p>Rule 8014 Revise rule to follow FRAP 39 regarding taxation of costs.</p>	<p>99-BK-A Judge Paul Mannes 3/8/99</p>	<p>8/99 - Referred to chair, reporter, and committee 3/00 - Committee declined to take action COMPLETED</p>

<p>Rule 9001 Expand definition to include an accountant.</p>	<p>03-BK-C Robert R. Barnes, Esq. 7/3/03</p>	<p>7/03 - Referred to chair and reporter 9/03 - Committee considered and declined to take action</p> <p>COMPLETED</p>
<p>Rule 9006 Limit after-the-fact extensions of time under Rules 3004 and 3005.</p>	<p>03-BK-005 Judge Dennis Lynn 1/6/04</p>	<p>1/04 - Referred to chair, reporter, and committee 9/04 - Committee considered and declined to adopt</p> <p>COMPLETED</p>
<p>Rule 9011 Make grammatical correction.</p>	<p>97-BK-D John J. Dilenschneider, Esq. 5/30/97</p>	<p>6/97 - Referred to chair, reporter, and committee</p> <p>PENDING FURTHER ACTION</p>
<p>Rule 9014 Allow local districts the option of amending rule.</p>	<p>02-BK-E Thomas J. Yerbich, Esq. 2/22/02</p>	<p>5/02 - Referred to chair and reporter 8/02 - Draft excepting provisions of Civil Rule 26 in contested matters published for comment 4/03 - Committee approved 6/03 - Standing Committee approved for publication 8/03 - Published for public comment 9/03 - Judicial Conference approved 4/04 - Supreme Court approved</p> <p>PENDING FURTHER ACTION</p>

<p>Rule 9020 Make contempt orders effective immediately.</p>	<p>97-BK-A Judge A. Thomas Small 2/14/97</p>	<p>2/97 - Referred to chair, reporter, and committee 3/98 - Committee appointed subcommittee to study rule 10/98 - Committee adopted subcommittee's recommendation to amend rule 3/98 - Committee recommended publishing rule 6/99 - Standing Committee approved for publication 8/99 - Published for public comment 3/00 - Committee approved amendments with modification 6/00 - Standing Committee approved 9/00 - Judicial Conference approved 4/01 - Supreme Court approved 12/01 - Effective</p> <p>COMPLETED</p>
<p>Rule 9022 Delegate responsibility to the prevailing party to give notice of entry of judgments or orders.</p>	<p>97-BK-E Bankruptcy Clerk Richard G. Heltzel 7/14/97</p>	<p>7/97 - Referred to chair, reporter, and committee 3/98 - Committee declined to take action</p> <p>COMPLETED</p>
<p>Rule 9027 Amend remand procedures.</p>	<p>97-BK-C Judge Christopher M. Klein 5/13/97</p>	<p>5/97 - Referred to chair, reporter, and committee 9/99 - Committee considered 3/00 - Committee declined to take action</p> <p>COMPLETED</p>

<p>Rule 9036 State that notice by electronic means is complete upon transmission.</p>	<p>02-BK-A Bankruptcy Clerk Joseph P. Hurley, for the BK Noticing Working Group 2/1/02</p>	<p>2/02 - Referred to reporter, chair and committee 9/03 - Committee considered and approved for publication 1/04 - Standing Committee approved for publication 8/04 - Published for public comment PENDING FURTHER ACTION</p>
BANKRUPTCY FORMS		
<p>Official Form 1 Amend Exhibit C to the Voluntary Petition.</p>	<p>02-BK-D Gregory B. Jones, Esq. 2/7/02</p>	<p>2/02 - Referred to reporter, chair, and committee PENDING FURTHER ACTION</p>
<p>Schedule I Amend to make applicable in Chapter 7 and 11 proceedings</p>	<p>03-BK-D Lawrence A. Friedman 8/1/03</p>	<p>8/03 - Sent to chair and reporter 9/03 - Committee considered and approved for publication 3/04 - Committee approved 6/04 - Standing Committee approved 8/04 - Published for public comment PENDING FURTHER ACTION</p>
<p>Official Form 9 Amend format of form; clarify role of trustee.</p>	<p>99-BK-F A. Thomas DeWoskin, Esq. 5/17/99</p>	<p>8/99 - Referred to reporter, chair, and committee 9/99 - Committee referred to Forms Subcommittee 1/00 - Forms Subcommittee recommended no action 3/00 - Committee declined to take action COMPLETED</p>
<p>Official Form 9 Direct that information regarding bankruptcy fraud and abuse be sent to the United States trustee.</p>	<p>97-BK-B US Trustee Marcy J.K. Tiffany 3/6/97</p>	<p>3/97 - Referred to reporter, chair, and committee PENDING FURTHER ACTION</p>

<p>Official Form B9C Provide less confusing notice of commencement of bankruptcy form to debtors and creditors.</p>	<p>00-BK-E Ali Elahinejad 2/23/00</p>	<p>5/00 - Referred to reporter, chair, and committee PENDING FURTHER ACTION</p>
<p>Official Form B10 Amend Proof of Claim form.</p>	<p>04-BK-A Glen K. Palman 2/19/04</p>	<p>3/04 - Referred to reporter, chair, and Subcommittee on Forms 9/04 - Committee considered PENDING FURTHER ACTION</p>
<p>Official Form B10 Amend form and provide a block for the unsecured creditor.</p>	<p>00-BK-C Bankruptcy Clerk Kenneth J. Hirz 1/10/00</p>	<p>2/00 - Referred to reporter, chair, and committee 3/00 - Committee considered 9/00 - Committee considered 3/01 - Committee considered 12/01 - Committee approved amendments 1/02 - Standing Committee approved for publication 1/02 - Published for public comment 3/02 - Committee approved amendment 6/02 - Standing Committee approved 9/02 - Judicial Conference approved COMPLETED</p>
<p>Official Form 20B Amend requirement that creditors respond and appear in court.</p>	<p>99-BK-B Judge Susan Pierson Sonderby 1/8/99</p>	<p>8/99 - Referred to reporter, chair, and committee 9/99 - Committee referred to Forms Subcommittee 1/00 - Forms Subcommittee recommended no action 3/00 - Committee declined to take action COMPLETED</p>

<p>Director's Form B240 Make grammatical corrections.</p>	<p>99-BK-G Judge Paul Mannes 7/12/99</p>	<p>8/99 - Referred to reporter, chair, and committee 9/99 - Committee referred to Forms Subcommittee 1/00 - Forms Subcommittee recommended no action 3/00 - Committee declined to take action</p> <p>COMPLETED</p>
<p>New Bankruptcy Form Chapter 13 Plan</p>	<p>03-BK-A Judge Keith M. Lundin 2/26/03</p>	<p>3/03 - Referred to chair and reporter 4/03 - Committee declined to take action</p> <p>COMPLETED</p>
SUBJECT MATTER		
<p>Attorneys' Fees Amend award of attorneys' fees in Chapter 13 cases.</p>	<p>99-BK-C Wayne R. Bodow, Esq. 3/12/99</p>	<p>8/99 - Referred to reporter, chair, and committee 9/99 - Committee declined to take action</p> <p>COMPLETED</p>
<p>Fraud Amend the rules to protect creditors from fraudulent bankruptcy claims and the mishandling of cases by trustees.</p>	<p>02-BK-B Dr. & Mrs. Glen Dupree 2/4/02</p>	<p>2/02 - Referred to chair and reporter</p> <p>PENDING FURTHER ACTION</p>
<p>Manipulation of Postal Bar Codes Prevent manipulation of postal bar codes on court mailings.</p>	<p>00-BK-G Tom Scherer 3/2/00</p>	<p>7/00 - Referred to reporter, chair, and committee 9/00 - Committee declined to take action</p> <p>COMPLETED</p>
<p>New Rule Incorporate proposed Civil Rule 5.1 in the bankruptcy rules.</p>	<p>03-BK-F Judge Geraldine Mund 10/14/03</p>	<p>10/03 - Referred to reporter and chair 3/04 - Committee approved 4/04 - Civil Rules Committee tabled proposed CV Rule 5.1</p> <p>PENDING FURTHER ACTION</p>

<p>Notice to Governmental Entities Provide adequate notice to governmental entities.</p>	<p>97-BK-F Karen Cordry, Esq., Bankruptcy Counsel for the National Association of Attorneys General 8/14/97</p>	<p>8/97 - Referred to reporter, chair, and committee 9/97 - Committee referred amendments to subcommittee 2/98 - Subcommittee recommended approval of revised amendments 3/98 - Committee adopted subcommittee's recommendations 6/98 - Standing Committee approved for publication 8/98 - Published for public comment 3/99 - Committee approved amendments 6/99 - Standing Committee approved 9/99 - Judicial Conference approved 4/00 - Supreme Court approved 12/00 - Effective</p> <p>COMPLETED</p>
<p>Service of Writs Allow bankruptcy judges to order service of writs of execution.</p>	<p>99-BK-D Scott William Dales 4/23/99</p>	<p>8/99 - Referred to reporter, chair, and committee 9/99 - Committee declined to take action</p> <p>COMPLETED</p>
<p>Small Claims Procedure Establish a "small claims" procedure.</p>	<p>00-BK-D Judge Paul Mannes 3/13/00 (see also 98-BK-A)</p>	<p>5/00 - Referred to reporter, chair, and committee</p> <p>PENDING FURTHER ACTION</p>
<p>Social Security Number Allow credit reporting agencies to have access to debtor's full social security number.</p>	<p>03-BK-E Experian (Janet Slane, Director, Product Infrastructure) 10/07/03</p>	<p>10/03 - Referred to reporter and chair</p> <p>PENDING FURTHER ACTION</p>