

REPORT OF THE ADVISORY COMMITTEE ON BANKRUPTCY RULES
to the
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
June 30, 1965

During the first four and one-half years of its existence, the Advisory Committee on Bankruptcy Rules was engaged in formulating proposals for amendments of the General Orders and Official Forms in Bankruptcy. Until the enactment of Public Law 88-623 on October 3, 1964, the scope of the proposals considered by the Advisory Committee on Bankruptcy Rules was restricted by section 30 of the Bankruptcy Act. A bill to insert a new section on Bankruptcy Rules in Title 28 of the United States Code and to repeal section 30 of the Bankruptcy Act, originally introduced in the 87th Congress on June 1, 1961, finally became law near the end of the 88th Congress on October 3, 1964.

In the meantime the Advisory Committee continued to work on proposals for changes in the "rules, forms, and orders as to procedure and for carrying the provisions of this [Bankruptcy] Act into force and effect" within the limitations imposed by section 30 of the Act. Accompanying this report are proposed amendments of fifteen General Orders and thirty Official Forms and proposals for seven new General Orders and nine new Official Forms which have been approved by the Advisory

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Committee and laid on the shelf pending the completion of the Committee's assignment under its original charge. In addition the Advisory Committee approved proposals to abrogate two General Orders and nine Official Forms. As has been intimated, all drafts of proposals laid on the shelf, except for a few items recently approved, have been prepared and considered on an assumption that no longer holds, viz., that they must consist with the Bankruptcy Act.

At its last meeting, held on June 17 and 18, the Committee considered whether any of the proposals previously approved were of such urgency that early publication to the bench and bar should be recommended to the Committee on Rules of Practice and Procedure. It was concluded that the advantages of an interim submission of proposals for consideration by the bench and bar and ultimately by the Supreme Court and Congress would be more than offset by the disadvantages, particularly in light of the risk that some if not all of the proposals now apparently ready for submission may require modification in the light of future decisions that involve supersession of provisions of the Act itself.

The Advisory Committee is proceeding to carry out its new duties under 28 U.S.C. § 20 in accordance with the assignment given it by the Committee on Rules of Practice and Procedure.

At its last meeting (on June 17 and 18) it considered proposed amendments of the Federal Rules of Civil Procedure which would accommodate unification of civil and bankruptcy procedure insofar as the latter involves adversary proceedings. The Committee has now directed the Reporter to prepare a comprehensive draft of Bankruptcy Rules covering administrative as well as adversary matters and designed to supersede the provisions of the Bankruptcy Act dealing with procedure and practice.