

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

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TO: Anthony J. Scirica, Chair
Committee on Rules of Practice and Procedure

FROM: A. Thomas Small, Chair
Advisory Committee on Bankruptcy Rules

DATE: November 30, 2000

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on September 21-22, 2000 in Harriman, New York

II. Action Items

The Advisory Committee on Bankruptcy Rules will not be presenting any matters for action at the Standing Committee's meeting in Tucson, Arizona on January 4-5, 2001.

III. Information Items

A. *Publication of Proposed Rule Amendments*

At its June 2000 meeting, the Standing Committee authorized the publication of a preliminary draft of proposed amendments and an addition to the Bankruptcy Rules. There are seven proposed rules amendments and one proposed new rule. There is also a proposed amendment to Official Form 1.

The preliminary draft was published in August, 2000 for comment by the bench and bar. The deadline for submitting comments is February 15, 2001, and the public hearing is scheduled in Washington, DC for January 25, 2001. Thus far, five written comments have been received, and we have received no requests for personal appearances at the public hearing. The Advisory Committee will review all of the comments at its March 2001 meeting. The Advisory Committee expects to present these proposed rules and form amendments and proposed rule for

approval by the Standing Committee at its June 2001 meeting.

B. *Privacy and Public Access*

The Advisory Committee is studying a variety of issues relating to the protection of the privacy of participants in the bankruptcy process while maintaining appropriate levels of public access to the information contained in bankruptcy files. The Advisory Committee will be presenting proposed amendments to the bankruptcy rules and forms to the Standing Committee at its June 2001 meeting. Like all proposals regarding these issues, the recommendations must strike a careful balance between the protection of legitimate privacy interests while maintaining appropriate levels of access to the information by other participants in the process as well as the public. Additional statutory constraints such as those set out in Sections 107 and 342 of the Bankruptcy Code must be accommodated.

C. *Financial Disclosure Rules*

The Advisory Committee is currently studying the proposals of the other advisory rules committees to determine the extent of appropriate disclosure in bankruptcy cases and proceedings. The Advisory Committee will consider these matters again at its March 2001 meeting. The Advisory Committee is working to conform its proposed rule as closely as possible to the proposals of the other committees while addressing the particular problems presented by bankruptcy law and practice.

D. *Proposed Bankruptcy Law Legislation*

Congress continues to consider bankruptcy reform legislation. In their last session, both the House and the Senate passed their own versions of the legislation by substantial majorities. Differences in the bills, and other factors (including a threatened veto) resulted in no legislation being enacted. It is likely that bankruptcy reform bills will be introduced early in the next Congress. The Advisory Committee will continue to monitor these developments focusing particularly on the need for adoption of new rules and the amendment of existing rules to take account of legislative developments.

Attachments:

Draft of the minutes of the Advisory Committee meeting of September 21-22, 2000.