

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

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**TO: Hon. David F. Levi, Chair
Standing Committee on Rules of Practice and Procedure**

**FROM: Hon. Thomas S. Zilly, Chair
Advisory Committee on Bankruptcy Rules**

DATE: December 1, 2004

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on September 9-10, 2004, at Half Moon Bay. The Committee considered a number of issues and will continue discussion of several matters at its next meeting. The Committee also adopted several proposed amendments to the Bankruptcy Rules and Forms for recommendation to the Standing Committee. Judge Small, by letter dated September 15, 2004 provided you with an outline of proposed fast track items relating to Rules 2002(g), 5005(a)(2), 9001(9), and 9036. A copy of that letter is attached for your convenience.

II. Action Items

The Advisory Committee approved for publication (next year) a proposed amendment to Rule 1014 to allow a court on its own motion to initiate, (after notice and a hearing), a change of venue. Courts have generally held that they have authority to dismiss or transfer cases on their own motion. This amendment would recognize this authority but only after notice and a hearing. This proposed amendment was recommended by the Joint Committee on Chapter 11 Venue Issues

described in this report. The Advisory Committee requests that the Standing Committee approve this item for publication in August 2005.

The Advisory Committee approved for publication (next year) a proposed amendment to Rule 3007 which would clarify the procedure when a party objects to a claim and also attempts to seek affirmative relief at the same time. The proposed amendment would bar a party from joining in an objection to a claim the type of relief required to be brought by an adversary proceeding. A creditor may include an objection to a claim in an adversary proceeding. Unlike a contested matter, an adversary proceeding requires the service of a summons and complaint, thus putting the party served on notice of a potential affirmative recovery. The court could also consolidate a separate objection to a claim with a separate adversary proceeding for purposes of trial. The Advisory Committee requests that the Standing Committee approve this item for publication in August 2005.

The Advisory Committee approved a technical amendment to Rule 7007.1 and recommended that it be approved without publication. The proposed amendment clarifies that a party must file a corporate ownership statement with its initial paper filed with the court in an adversary proceeding. The proposed amendment replaces the reference in Rule 7007.1 to the "first pleading" filed in an adversary proceeding with a reference to the first appearance, pleading, petition, motion, response, or other request addressed to the court in the proceeding. The Advisory Committee requests that the Standing Committee approve this technical amendment without publication.

Text of these proposed amendments is also attached.

III. Information Items - Proposed Amendments to Bankruptcy Rules 1009, 4002, 5005 and 7004 and Schedule I of Official Form 6.

Rule 1009 would be amended to require the debtor to submit a corrected statement of social security number when the debtor becomes aware of an error in a previously submitted statement. The debtor would be required to give creditors notice of the corrected number.

Rule 4002 would be amended to add a new subdivision (b) to implement the directives of § 521 of the Bankruptcy Code. This proposed amendment would require that individual debtors bring to the meeting of creditors picture identification issued by a government unit, evidence of social security number(s), and certain documentation of current income, ownership of financial accounts as well as the debtor's most recently filed federal income tax return.

Rule 5005(c) would be amended to update the rule and authorize the district judge and the clerk of the bankruptcy appellate panel to transmit erroneously delivered papers to the bankruptcy clerk and the United States trustee.

Rule 7004(b)(9) and (g) would be amended to require service on the debtor's attorney whenever the debtor is served with a summons and complaint. Service on the debtor's attorney may be accomplished by any means permitted under Civil Rule 5(b). Because Rule 9014 requires that a motion initiating a contested matter be served in manner provided for service of a summons and complaint under Rule 7004, the proposed change would also apply to contested matters.

The proposed amendment to Schedule I of Official Form 6 would require that a married debtor include the income of the non-filing spouse in the statement of the debtor's income in chapter 7 cases, as is already required in chapter 12 and chapter 13 cases.

All of these proposed amendments were published in August 2004 with comments due February 15, 2005. The Advisory Committee will consider each of these proposed amendments at its next meeting in March 2005 after the comment period. If approved, the proposed amendments will be forwarded to the Standing Committee for action. Each proposed amendment is on an effective date track of 2006.

IV. Other Items

A. Joint Subcommittee on Chapter 11 Venue Issues

In March of 2004, the chairs of the Committee on the Administration of the Bankruptcy System and the Advisory Committee agreed to establish the Joint Subcommittee on Chapter 11 Venue Issues. The Joint Subcommittee is analyzing the choice of venue and other aspects of practice in large, sophisticated chapter 11 cases with the goal of developing new rules or amendments which facilitate fairness and efficiency, including access to the courts for out-of-town parties and attorneys in these cases.

The Joint Subcommittee met in August 2004 and proposed three amendments for consideration by the Advisory Committee at its meeting in September 2004. The Advisory Committee has now approved for publication a proposed amendment to Rule 1014, which clarifies the bankruptcy court's authority to transfer or dismiss cases on its own motion. The Advisory Committee approved in concept amendments to Rule 3007 (omnibus objections to claims), and to

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Rule 6006 (omnibus motions to assume, reject, or assign executory contracts and unexpired leases.)
The Joint Subcommittee will meet again in January 2005 to complete its work.

The Advisory Committee anticipates completing work on the proposed amendments to Rules 3007 and 6006 at its meeting in March 2005 so that all three amendments if approved by the Standing Committee can be published for comment in August 2005.

B. E-Gov Privacy Amendments

The Advisory Committee has approved in concept the proposal to create a new rule in Part IX (General Provisions) of the Bankruptcy Rules to protect privacy and security concerns relating to electronic filing and the public availability of documents filed electronically, as required by the E-Government Act of 2002 (Pub. L. 107-347). Any proposal will track the Revised Privacy Template Rule which is being developed by the E-Government Committee chaired by Judge Fitzwater (N.D. Tex.). The Advisory Committee will consider a proposed privacy rule at its meeting in March 2005, when the Advisory Committee will have the benefit of comments from the other Rules Committees which are considering similar amendments.

Any proposed rule would provide in substance that, unless a court orders otherwise, a party would be required to redact a person's social security number and tax identification numbers, the name of a minor (unless the minor is the debtor in the case or a creditor not identified as a minor), a person's date of birth, and financial account numbers. The E-Government Act and the proposed rule would permit a party to file an unredacted copy of the document under seal at the same time that the party files a redacted copy of the document. The court would be required to retain the unredacted copy as part of the court record.

Reference is made to Judge Tom Small's letter to you dated September 20, 2004, which discusses this matter.

C. Amendments Approved by Judicial Conference

At its meeting in September 2004, the Judicial Conference approved proposed amendments to Bankruptcy Rules 1007, 3004, 3005, 4008, 7004, and 9006(f), and Official Form 6 - Schedule G. If approved by the Supreme Court, and if Congress does not act to modify or abrogate them, the amendments will take effect on December 1, 2005.

Rule 1007 would be amended to require the debtor in a voluntary case to include the name and address of each person included or to be included on Schedules D, E, F, G, and H of the Official Forms on the list of creditors or mailing matrix filed at the start of the case. Schedule G would be amended to delete the statement that parties listed on the Schedule of executory contracts and unexpired leases will not receive notice of the case unless the parties also are listed on one of the schedules of creditors.

Rule 3004 would be amended to conform the rule to 11 U.S.C. § 501(c) and specify that the debtor or the trustee may not file a proof of claim on behalf of a creditor until the time for the creditor to file has expired. Rule 3005 would be amended to delete the reference to a creditor filing a proof of claim that supersedes a claim on behalf of the creditor by a codebtor. The proposed amendment would conform the rule to 11 U.S.C. § 501(b).

The proposed amendment to Rule 4008 would require that a reaffirmation agreement be filed within 30 days after the entry of the discharge but would leave to the discretion of the court the scheduling of any reaffirmation hearing. The proposed amendment to Rule 7004 would expressly authorize the clerk to sign, seal, and issue to the plaintiff's attorney electronically a summons which then would be printed and served with the complaint in the conventional manner. The proposed amendment to Rule 9006 would track the proposed amendment to Rule 6 of the Federal Rules of Civil Procedure. The amendments are intended to clarify the method of counting the number of days to respond after service by specifying that three days are added at the end of the period.

The Conference also approved proposed technical amendments to Official Bankruptcy Forms 16D and 17. The amended forms will be effective on December 1, 2004.

D. Rules Docket

We have also prepared a docket which describes the status of Rules considered by the Advisory Committee. Attached is the current docket.

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DAVID F. LEVI
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SECRETARY

September 15, 2004

Honorable David F. Levi, Chair
Committee on Rules of Practice and Procedure
Chief Judge, United States District Court
501 I Street, 14th Floor
Sacramento, CA 95814

Re: Fast Track Consideration of Bankruptcy Rules Amendments

Dear Judge Levi:

Thank you for attending the meeting of the Advisory Committee on Bankruptcy Rules last week. It was a pleasure to see you, and it was especially helpful for the Committee to have the benefit of your views on the need to fast track certain proposals so that they can be promulgated more quickly and generate significant savings for the judiciary. To that end, the Advisory Committee has recommended four rules amendments for fast track consideration by the Standing Committee. Three amendments have already been published for comment, and these proposals would become effective via the fast track on December 1, 2005. The fourth amendment being recommended by the Advisory Committee for fast track consideration has not yet been published. The Advisory Committee recommends that it be published on an expedited basis so that it can become effective, if approved, on December 1, 2006.

Proposals to Become Effective on December 1, 2005

The first three amendments for fast track treatment have already been published for comment not later than February 15, 2005. The proposed amendments to Bankruptcy Rules 2002(g) and 9001(9) authorize entities and notice providers to establish the method and address for notices being sent to those entities. These amendments should facilitate electronic noticing as well as the batching of paper notices to national creditors, thereby creating a savings over the costs currently incurred by the courts. The third proposal, an amendment to Bankruptcy Rule 9036, would eliminate the need for the receipt of confirmation of an electronic notice, which currently is a prerequisite to the electronic notice being complete under the rule. This proposal is intended to encourage greater use of electronic noticing, which should also translate into savings for the judiciary.

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Immediately upon the close of the comment period, our Reporter will compile the comments and distribute an appropriate memorandum to the Committee for its consideration. The Advisory Committee will act thereafter by electronic ballot on the proposals. If the Committee acts favorably on the proposed amendments, we will forward the proposals to you for consideration by the Standing Committee for its recommendation to the Judicial Conference that the proposals be approved and forwarded to the Supreme Court. We understand that the Standing Committee will take its action in time to allow the Judicial Conference to approve the recommendations and send them to the Supreme Court for final promulgation before May 1, 2005. This would allow the amendments to become effective on December 1, 2005, in the absence of Congressional action to the contrary.

Proposal to Become Effective on December 1, 2006

At last week's meeting, the Advisory Committee voted to recommend to the Standing Committee that an amendment to Bankruptcy Rule 5005(a)(2) be published for comment. The amendment would recognize the authority of the courts to adopt local rules that "permit or require" the filing of papers electronically. In the ordinary course, this recommendation, even if made to the Standing Committee at the January 2005 meeting, would result in a publication for comment of the proposal in August 2005 with the comment period expiring in February 2006. This process would lead to promulgation of an amendment that would become effective on December 1, 2007, at the earliest. Rather than follow that time line, the Advisory Committee recommends that the Standing Committee approve the amendment for publication in time to allow publication of the proposed amendment with a three month comment period ending in February 2005. The Advisory Committee could then consider the proposal at the March meeting of the Committee and could make a recommendation to the Standing Committee at its June 2005 meeting for adoption of the proposal and for forwarding of the proposed amendment to the Judicial Conference. Assuming that the proposal is acceptable, this time line would result in the promulgation of the rule by the Supreme Court in April of 2006 with an effective date of December 1, 2006. This would shorten by one year the normal track for an amendment.

Attached are copies of the amendments to Bankruptcy Rules 2002(g), 9001(9), and 9036 that have been published for public comment.

The proposed amendment to Rule 5005(a)(2) will follow under separate cover. As is our practice, the Advisory Committee's approval of the amendment is followed by our Style Subcommittee's review and possible style revision of the amendment and its Committee Note. This action will be taken next week, and as soon as the final form of the amendment is ready, I will forward it to you. The Advisory Committee recommends to the Standing Committee that it

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approve the amendment to Bankruptcy Rule 5005(a)(2) and that it be published for comment with a three month comment period concluding in February 2005.

Please feel free to contact me or our Reporter, Professor Jeffrey Morris, if you have any questions regarding the Advisory Committee's actions.

Sincerely yours,



A. Thomas Small, Chair
Advisory Committee on Bankruptcy Rules

Enclosures

cc: Hon. Thomas S. Zilly
John K. Rabiej
James H. Wannamaker III

**RULE 2002. Notices to Creditors, Equity Security Holders,
United States, and United States Trustees¹**

(g) ADDRESSING NOTICES

(1) Notices required to be mailed under Rule 2002 to a creditor, indenture trustee, or equity security holder shall be addressed as such entity or an authorized agent has directed in its last request filed in the particular case. For the purposes of this subdivision –

(A) a proof of claim filed by a creditor or indenture trustee that designates a mailing address constitutes a filed request to mail notices to that address, unless a notice of no dividend has been given under Rule 2002(e) and a later notice of possible dividend under Rule 3002(c)(5) has not been given; and

(B) a proof of interest filed by an equity security holder that designates a mailing address constitutes a filed request to mail notices to that address.

(2) If a creditor or indenture trustee has not filed a request designating a mailing address under Rule 2002(g)(1), the notices shall be mailed to the address shown on the list of creditors or schedule of liabilities, whichever is filed later. If an equity security

¹ The amendment to Rule 9001 should be considered in tandem with the proposed amendment to Rule 2002. Rule 9001 as proposed to be amended is set out at the end of this section of the report.

holder has not filed a request designating a mailing address under Rule 2002(g)(1), the notices shall be mailed to the address shown on the list of equity security holders.

(3) If a list or schedule filed under Rule 1007 includes the name and address of a legal representative of an infant or incompetent person, and a person other than that representative files a request or proof of claim designating a name and mailing address that differs from the name and address of the representative included in the list or schedule, unless the court orders otherwise, notices under Rule 2002 shall be mailed to the representative included in the list or schedules and to the name and address designated in the request or proof of claim

(4) Notwithstanding Rule 2002(g) (1) - (3), an entity and a notice provider may agree that when the notice provider is directed by the court to give a notice, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

COMMITTEE NOTE

A new paragraph (g)(4) is inserted in the rule. The new paragraph authorizes an entity and a notice provider to agree that the notice provider will give notices to the entity at the address or addresses set out in their agreement. Rule 9001(9) sets out the definition of a notice provider.

The business of many entities is national in scope, and technology currently exists to direct the transmission of notice (both electronically and in paper form) to those entities in an accurate and much more efficient manner than by sending individual notices to the same creditor by separate mailings. The rule authorizes an entity and a notice provider to determine the manner of the service as well as to set the address or addresses to which the notices must be sent. For example, they could agree that all notices sent by the notice provider to the entity must be sent to a single, nationwide electronic or postal address. They could also establish local or regional addresses to which notices would be sent in matters pending in specific districts. Since the entity and notice provider also can agree on the date of the commencement of service under the agreement, there is no need to set a date in the rule after which notices would have to be sent to the address or addresses that the entity establishes. Furthermore, since the entity supplies the address to the notice provider, use of that address is conclusively presumed to be proper. Nonetheless, if that address is not used, the notice still may be effective if the notice is otherwise effective under applicable law. This is the same treatment given under Rule 5003(e) to notices sent to governmental units at addresses other than those set out in that register of addresses.

The remaining subdivisions of Rule 2002(g) continue to govern the addressing of a notice that is not sent pursuant to an agreement described in Rule 2002(g)(4).

RULE 9001. General Definitions

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3 (9) "Notice provider" means any entity approved by the
4 Administrative Office of the United States Courts to give notice to
5 creditors under Rule 2002(g)(4).

6 (10) (9) "Regular associate" means any attorney regularly
7 employed by, associated with, or counsel to an individual or
8 firm.

9 (11) (10) "Trustee" includes a debtor in possession in a
10 chapter 11 case.

11 (12) (11) "United States trustee" includes an assistant
United States trustee and any designee of the United States trustee.

COMMITTEE NOTE

The rule is amended to add the definition of a notice provider and to renumber the final three definitions in the rule. A notice provider is an entity approved by the Administrative Office of the United States Courts to enter into agreements with entities to give notice to those entities in the form and manner agreed to by those parties. The new definition supports the amendment to Rule 2002(g)(4) that authorizes a notice provider to give notices under Rule 2002.

Many entities conduct business on a national scale and receive vast numbers of notices in bankruptcy cases throughout the country. Those entities can agree with a notice provider to receive their notices in a form and at an address or addresses that the creditor and notice provider agree upon. There are processes currently in use that provide substantial assurance that notices are not misdirected. Any notice provider would have to demonstrate to the Administrative Office of the United States Courts that it

could provide the service in a manner that ensures the proper delivery of notice to creditors. Once the Administrative Office of the United States Courts approves the notice provider to enter into agreements with creditors, the notice provider and other entities can establish the relationship that will govern the delivery of notices in cases as provided in Rule 2002(g)(4).

RULE 9036. Notice by Electronic Transmission

1 Whenever the clerk or some other person as directed by the
2 court is required to send notice by mail and the entity entitled to
3 receive the notice requests in writing that, instead of notice by
4 mail, all or part of the information required to be contained in the
5 notice be sent by a specified type of electronic transmission, the
6 court may direct the clerk or other person to send the information
7 by such electronic transmission. ~~Notice by electronic transmission~~
8 ~~is complete, and the sender shall have fully complied with the~~
9 ~~requirement to send notice, when the sender obtains electronic~~
10 ~~confirmation that the transmission has been received. Notice by~~
11 ~~electronic means is complete on transmission.~~

COMMITTEE NOTE

The rule is amended to delete the requirement that the sender of an electronic notice must obtain electronic confirmation that the notice was received. The amendment provides that notice is complete upon transmission. When the rule was first promulgated, confirmation of receipt of electronic notices was commonplace. In the current electronic environment, very few internet service providers offer the confirmation of receipt service. Consequently, compliance with the rule may be impossible, and the rule could discourage the use of electronic noticing.

Confidence in the delivery of email text messages now rivals or exceeds confidence in the delivery of printed materials. Therefore, there is no need for confirmation of receipt of electronic messages just as there is no such requirement for paper notices.

Action Items

RULE 1014. DISMISSAL AND CHANGE OF VENUE

(a) Dismissal and Transfer of Cases

(1) Cases filed in proper district.

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3 If a petition is filed in the proper district, the court, on the
4 timely motion of a party in interest or on its own motion, and after
5 hearing on notice to the petitioners, the United States trustee, and
6 other entities as directed by the court, may transfer the case ~~may be~~
7 ~~transferred~~ to any other district if the court determines that the
8 transfer is in the interest of justice or for the convenience of the
9 parties.

10 **(2) Cases filed in improper district.**

11 If a petition is filed in an improper district, the court, on the
12 timely motion of a party in interest or on its own motion, and after
13 hearing on notice to the petitioners, the United States trustee, and
14 other entities as directed by the court, may dismiss the case or
15 transfer it ~~the case may be dismissed or transferred~~ to any other
16 district if the court determines that the transfer is in the interest of
17 justice or for the convenience of the parties.

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COMMITTEE NOTE

Courts have generally held that they have the authority to dismiss or transfer cases on their own motion. The amendment recognizes this authority and also provides that dismissal or transfer of the case may take place only after notice and a hearing.

presented to the courts, it is appropriate to allow each court to make these decisions, at least initially, on a local level.

RULE 3007. Objections to Claims

1 (a) An objection to the allowance of a claim shall be in writing and
2 filed. A copy of the objection with notice of the hearing thereon
3 shall be mailed or otherwise delivered to the claimant, the debtor
4 or debtor in possession and the trustee at least 30 days prior to the
5 hearing. ~~If an objection to a claim is joined with a demand for~~
6 ~~relief of the kind specified in Rule 7001, it becomes an adversary~~
7 ~~proceeding.~~

8 (b) A party in interest shall not include in an objection to the
9 allowance of a claim a demand for relief of a kind specified in Rule
10 7001, but the objection may be included in an adversary
11 proceeding.

COMMITTEE NOTE

The rule is amended to prohibit a party in interest from including a request for relief that requires an adversary proceeding in a claims objection. A party in interest may, however, include an objection to the allowance of a claim in an adversary proceeding. Unlike a contested matter, an adversary proceeding requires the service of a summons and complaint, thus putting the party served on notice of a potential affirmative recovery. Permitting the plaintiff in the adversary proceeding to include an objection to a claim would not unfairly surprise the defendant as might be the case if the action were brought as a contested matter that included an action to obtain relief of a kind specified in Rule 7001 from the claimant.

RULE 7007.1. Corporate Ownership Statement

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(b) Time for filing

A party shall file the statement required under Rule 7007.1(a) with its first ~~pleading in an adversary proceeding~~ appearance, pleading, motion, response, or other request addressed to the court.

A party shall file a supplemental statement promptly upon any change in circumstances that this rule requires the party to identify or disclose.

COMMITTEE NOTE

The rule is amended to clarify that a party must file a corporate ownership statement with its initial paper filed with the court in an adversary proceeding. The party's initial filing may be a document that is not a "pleading" as defined in Rule 7 F.R. Civ. P., which is made applicable in adversary proceedings by Rule 7007. The amendment also brings Rule 7007.1 more closely in line with Rule 7.1 F.R. Civ. P.

Bankruptcy Rules Tracking Docket (By Rule Number) 11/16/04

Approved Items - No Further Action by Committee Necessary

Suggestion	Track
Rule 1007 Debtor to include matrix name/address persons for schedules D-H	12/1/05
Schedule G Amend to delete statement re notice	12/1/05
Rule 1011 Technical amendment to conform to Rule 1004	12/1/04
Rule 2002(j) Technical amendment to correct reference to IRS	12/1/04
Rule 3004 Debtor or trustee may not file proof of claim until creditor time expires	12/1/05
Rule 3005 Conform to code	12/1/05
Rule 4008 Reaffirmation agreement to be filed within 30 days of discharge	12/1/05
Rule 7004 Clerk sign, seal summons electronically	12/1/05
Rule 9006(f) Additional time after service by mail	12/1/05
Rule 9014 Opt out of mandatory discovery provisions of Rule 7026 for contested matters	12/1/04
Official Forms 16D and 17 Technical changes	12/1/04

Active Items

Suggestion	Docket No., Source & Date	Status Pending Further Action	Track
Rule 1009 Social security number - amended statement		4/04 - Committee approval 6/04 - Standing Committee affirm 8/04 - Published for public comment	12/1/06
Rule 2002(g) Allow entity to designate address for purpose of receiving notices.	02-BK-A Bankruptcy Clerk Joseph P. Hurley, for the BK Noticing Working Group 2/4/02 <hr/> 00-BK-A Raymond P. Bell, Esq., Fleet Credit Card Services, L.P. 1/18/00	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	12/1/05
Rule 3007 Procedure for objection to claim - no affirmative relief at same time		9/04 - Committee approval to be sent to Standing Committee tentative publish date 05	12/1/07
Rule 4002 Clarify debtor's obligation to provide substantiating documents	03-BK-D Lawrence A. Friedman 8/1/03	8/03 - Sent to chair and reporter 9/03 - Committee considered and referred to Consumer 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	12/1/06

Rule 4003(b) Allow retroactive extension of deadline, and provide that secured creditors may object to exemption claim.	04-BK-B Judge Eugene R. Wedoff 2/17/04	3/04 - Sent to chair and reporter 9/04 - Reviewed by Committee - Tab 11 11/04 - Referred to Consumer Subcommittee for study	
Rule 5005(a)(2) Permit or require electronic filing	04-BK-D Judge John W. Lungstrum 8/2/04	8/04 - Referred to reporter and chair 11/04 - Publication (3 month period) Fast Track	12/1/06
Rule 5005(c) Add Clerk of the Bankruptcy Appellate Panel to entities already listed	03-BK-B Judge Robert J. Kressel 7/2/03	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	12/1/06
Rule 6004(a) and 2002(c)(1) Sale of property	9/04 letter from Judge Vincent Zurzolo	10/04 - referred to reporter for review	
Rule 7007.1 Corporate ownership statement with initial filing suggestion		9/04 - Committee approval technical amendment no publish No publication necessary	12/1/05
Rule 7004(b)(9) and (g) Service summons and complaint on attorney for debtor	Committee proposal will be sent to Standing Committee	8/04 - Published for public comment	12/1/06
Rule 8002(a) Extending the appeal time	Committee proposal	8/04 - Referred to Committee 9/04 - Tab 16 Committee Notebook 10/04 - Referred to Technology Subcommittee for study	

Rule 9001 Notice provider definition	Committee proposal	3/04 - Committee approval 6/06 - Standing Committee approval 8/04 - Published for public comment	12/1/05
Rule 9021 Separate Document Requirement	Letter from Judge David Adams	8/04 - Referred to Committee 9/04 - Committee Review - Tab 12 11/04 - Referred to Privacy, Public Access and Appeals Subcommittee for study	
Rule 9036 Notice by electronic means is complete upon transmission	02-BK-A Bankruptcy Clerk Joseph P. Hurley, for the BK Noticing Working Group 2/1/02 2005 or for 2006	2/02 - Referred to reporter, chair and committee 9/03 - Committee considered and approved in principle 1/04 - Standing Committee approved for publication 8/04 - Published for public comment Fast Track	12/1/05
Schedule I to Form 6 Income of non-filing spouse disclosure	03-BK-D Lawrence A. Friedman 8/1/03	8/03 - Sent to chair and reporter 9/03 - Committee considered and approved for publication 6/04 - Standing Committee approved for publication 8/04 - Published for public comment	12/1/05
Official Form B10 Amend Proof of Claim form. (May affect Rule 3001)	04-BK-A Glen K. Palman 2/19/04	3/04 - Referred to reporter, chair and Subcommittee on Forms 11/04 - Referred to Form Subcommittee	

Inactive Items / Historical Information

Suggestion	Docket No., Source & Date	Status
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 - Tab 13 Discussed by Committee - Vote to take no action

<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 4/04 - Tabled motion carried</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 NO FURTHER ACTION REQUIRED</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 NO FURTHER ACTION REQUIRED</p>
<p>Rule 6007(a) Require the trustee to give notice of specific property he intends to abandon</p>	<p>99-BK-I Physsa Griffith South, Esq. 10/13/99</p>	<p>12/99 - Referred to chair, reporter, and committee NO FURTHER ACTION REQUIRED</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 NO FURTHER ACTION REQUIRED</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 NO FURTHER ACTION REQUIRED</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 NO FURTHER ACTION REQUIRED</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 defers action FURTHER ACTION MAY BE APPROPRIATE</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 NO FURTHER ACTION</p>
<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</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 considered and approved 4/04 - Civil Rules Committee tabled proposed Rule 5.1</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 NO 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 NO FURTHER ACTION</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 PENDING FURTHER ACTION DENIED</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 NO 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 NO FURTHER ACTION</p>