

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

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August 22, 2005

MEMORANDUM TO ALL: Chief Judges, United States District Courts
Judges, United States Bankruptcy Courts

On April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) was enacted into law. Most provisions of the Act are effective October 17, 2005. Several of its provisions were effective upon enactment, while other provisions have individualized effective dates. Since the enactment of the Act, the Advisory Committee on Bankruptcy Rules has been engaged in an intensive effort to review the new Act and determine the necessary changes to the rules to implement the Act by the effective date. The general effective date of 180 days after enactment has not provided sufficient time to promulgate National Rules and Official Forms under the Rules Enabling Act, 28 U.S.C. §§ 2071-2077. This is normally a three-year process.

As a result, the Advisory Committee on Bankruptcy Rules has prepared Interim Rules and Official Forms designed to implement the substantive and procedural changes mandated by the Act. These Interim Rules and Official Forms have been approved by the Advisory Committee on Bankruptcy Rules and the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The Advisory Committee and the Standing Rules Committee recommend and urge all local courts to adopt the Interim Rules. Widespread adoption of the Interim Rules will provide uniform procedures for implementing the Act and at the same time supply a valuable base of experience for the ongoing work of the Advisory Committee. The Official Forms have also been approved by the Judicial Conference of the United States, and pursuant to Bankruptcy Rule 9009, the Official Forms must be observed and used with alterations as may be appropriate. Please note that two sections of the means testing forms are under study and subject to revision.

The Interim Rules have been drafted so they are integrated into, and are consistent with, the Federal Rules of Bankruptcy Procedure, and are highlighted by underlining and strikeouts. The Committee Notes that follow the rules explain the purpose of the

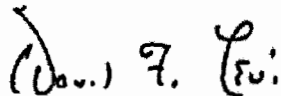
particular Interim Rule. With the Federal Rules of Bankruptcy Procedure, they apply as one set of rules for cases and proceedings governed by the Act. For cases and proceedings not governed by the Act, the Federal Rules of Bankruptcy Procedure and the local rules of court will continue to apply. The Interim Rules, Official Forms with explanatory Committee Notes, memorandum prepared by the Committee's Reporter summarizing the Interim Rules and amended and new Official Forms, and a draft court order adopting the Interim Rules can be found on the internet at <www.uscourts.gov/rules>.

The Advisory Committee intends to continue to carefully study the new Act with the goal to publish proposed National Rules no later than August 2006 with final adoption and an effective date of December 1, 2008. We anticipate the National Rules will be substantially in the form of the Interim Rules modified after considering input from the bench and bar as a result of the use of the Interim Rules.

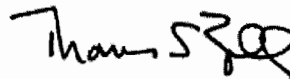
In emphasizing the temporary nature of the Interim Rules, the Committee seeks comments from the bench and bar relating to the use of the Interim Rules and Official Forms. Comments should be directed to:

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
Thurgood Marshall Federal Judiciary Building
Washington, D.C. 20544

To allow for early comments on the Interim Rules and Official Forms you may also send comments electronically via the internet at <www.uscourts.gov/rules>.



David F. Levi
Chair, Committee on Rules of
Practice and Procedure



Thomas S. Zilly
Chair, Advisory Committee on
Federal Rules of Bankruptcy Procedure

cc: District Court Executives
Clerks, United States District Courts
Clerks, United States Bankruptcy Courts