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Notice Regarding Changes to Bankruptcy Fees, Forms and Rules Effective December 1, 2014

The Judicial Conference of the United States approved fee and form changes effective December 1, 2014. The changes or clarifications to bankruptcy fees include 1) Motions to Redact; 2) Direct Appeals and 3) clarification that the fees for Motions to Sell under 11 U.S.C. § 363(f) cannot be deferred. Several official forms will be updated to address the amended rules. A complete list of the revised forms and instructions is posted at:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx> .

On April 25, 2014, the Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which will take effect on December 1, 2014. The amendments to the bankruptcy rules address: 1) petitions involving the same debtors filed in different courts; 2) time limits for serving a summons and complaint; 3) general pleadings and judgments and costs; 4) bankruptcy appeals; and 5) new trials and relief from a judgment or order. The amended rules are located at:

<http://www.uscourts.gov/uscourts/RulesAndPolicies/rules/congressional-package-for-congress.pdf>

Please see the attachment for summary information pertaining to the amendments to the rules and forms.

Summary of 2014 Changes to Federal Rules of Bankruptcy Procedure

Fees	
The Judicial Conference of the United States approved the following fee changes effective December 1, 2014	
Fee	Summary of Amendment
\$25 Motion to Redact NEW	New fee; Charged per affected case for filing a motion for redaction. The Judicial Conference clarified that if the case is closed, no reopening fee is required if the only purpose for reopening is redaction per Fed. R. Bankr. P. 9037
\$207 Appeals – Direct or Cross Appeal	Increase from \$157.
\$176 Motions To Sell Under § 363(f)	Clarification; Fee is due when motion is filed.
Forms	
The Judicial Conference of the United States approved the following form changes effective December 1, 2014. Click here for amended forms.	
Form	Summary of Amendment
OF #B3A Installment payments	Revised to remove fee amounts.
OF # B3B Filing Fee Waiver	Revised to remove fee amounts.
OF # B06 Summary of Schedules	Page two of the form is updated to cross reference and reflect the new OF #B22 form numbers.
OF # B17A Notice of Appeal NEW	New forms set to go into effect with the revised bankruptcy appellate rules
OF # B17B Appellee Statement NEW	
OF # B17C Certificate of Compliance NEW	
OF # B22A-1 Ch. 7 Current Monthly Income NEW	These forms are revised to accommodate changes in the law as a result of Supreme Court precedent and as part of the Bankruptcy Rules Advisory Committee’s ongoing Forms Modernization Project.
OF # B22A-1 Supp Ch. 7 Statement of Exemption NEW	
OF # B22A-2 Ch 7 Means Test Calculation NEW	
OF # B22B Ch 11 Current Monthly Income	
OF # B22C-1 Current Monthly Income and Commitment Period NEW	
OF # B22C-2 Disposable Income NEW	
Rules	
On April 25, 2014, the Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which will take effect on December 1, 2014 absent Congressional action to the contrary. Click here for amended rules.	
Rule	Summary of Amendment
1014(b)	Rule 1014(b) addresses the procedure when petitions involving the same or related debtors are filed in different courts. The amendment to Rule 1014(b) provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending.

Rule	Summary of Amendment
7004(e)	The amendment to Rule 7004(e) alters the period of time during which service of the summons and complaint must be made, reducing the period from 14 days to 7 days after issuance of the summons. Because Rule 7012 provides that the defendant's time to answer the complaint is calculated from the date the summons is issued, a lengthy delay between issuance and service of the summons may unduly shorten the defendant's time to respond. Therefore, this amendment seeks to ensure prompt service.
7008 (b) and 7054	<p>The proposed amendments to these rules would change the procedure for seeking attorney's fees in bankruptcy proceedings, bringing the Bankruptcy Rules in closer alignment with the Civil Rules.</p> <ul style="list-style-type: none"> • Rule 7008(b), which currently addresses attorney's fees, will be deleted. • Rule 7054 will include the procedures for seeking an award of attorney's fees, unless the governing substantive law requires the fees to be provided at trial as an element of damages.
8001-8028	<p>The amendments to Part 8 of the Bankruptcy Rules govern appeals to district courts and bankruptcy appellate panels. The purpose of the amendments is to: (1) bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedure; (2) incorporate a presumption favoring electronic transmission, filing and service of court documents; and (3) adopt a clearer and simpler style. Some highlights of the revised rules related to appeals include:</p> <ul style="list-style-type: none"> • Rule 8003 requires the clerk to serve the notice of appeal instead of providing notice of the filing of the notice of appeal. The Notice of Electronic Filing (NEF) will suffice as notice except when pro se parties are involved. • Rule 8003(d)(1) requires the clerk to transmit the notice of appeal promptly to the district court or BAP. The Committee note makes clear that this transmission should no longer be delayed until the record is complete. • Rule 8005(a) eliminates the requirement that a separate document be filed when a party to an appeal opts out of the BAP. • Rule 8009 addresses transcripts, when a transcript is or is not ordered, and allows an appellant to file a statement in lieu of transcript, when a transcript is "unavailable"; permits the parties to file an agreed statement as to the record on appeal (in lieu of the record on appeal); if a sealed document is designated as part of the record on appeal, the party making the designation must file a motion requesting that the appellate court accept the sealed document. The Committee Note states that the bankruptcy court may not transmit the designated sealed document without an order from the appellate court. • Rule 8010 requires that if a party moves in the district, BAP, or court of appeals for any of the following: leave to appeal; dismissal; a stay pending appeal; approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or any other intermediate order, the bankruptcy clerk must transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

Rule	Summary of Amendment
9023 and 9024	<ul style="list-style-type: none"> • Rule 9023 (governing new trials and amendment of judgments) and Rule 9024 (governing relief from a judgment or order) will add reference to the procedure in amended Rule 8008 addressing indicative rulings. • Rule 8008 provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief that the court concludes is meritorious or raises a substantial issue.