



## **Revisions to Bankruptcy Rules and Forms and Revised Miscellaneous Fees**

On September 17, 2019, the Judicial Conference of the United States approved proposed amendments to the Federal Rules of Bankruptcy Procedure. The proposed amendments were transmitted to the Supreme Court on October 23, 2019. The Supreme Court adopted these proposed amendments and transmitted them to Congress on April 27, 2020, and they will take effect on December 1, 2020, absent congressional intervention. A summary of the proposed amendments is outlined in Attachment A.

On March 17, 2020, the Judicial Conference approved a recommendation to increase certain miscellaneous fees for inflation. Several fees in the Bankruptcy Court Miscellaneous Fee Schedule will be revised pursuant to this action. These fee increases will take effect on December 1, 2020. See Attachment B for a summary of the relevant fee increases.

And finally, the Advisory Committee on Bankruptcy Rules approved technical changes to several Official Forms to reflect the inflationary increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule. Attachment C provides a summary of the form changes.

## SUMMARY OF RULE CHANGES

### Rule 2002 – Proposed amendments to this rule would:

- extend the requirement that the clerk, or someone designated by the clerk, give notice to the debtor and creditors of entry of an order confirming a chapter 13 plan (this Rule currently applies to chapters 9, 11, and 12);
- limit the need to provide notice to creditors that did not file timely proofs of claim in chapter 12 and chapter 13 cases (currently, in a chapter 7 case, the rule eliminates the requirement to provide certain notices to creditors that fail to file a timely proof of claims). The proposed amendment to subdivision (h) would similarly eliminate the requirement to provide such notices to creditors that did not timely file a proof of claim in chapter 12 or 13 cases. It would also conform the time periods in the subdivision to the respective deadlines for filing proofs of claim under Rule 3002(c);
- add a cross-reference in response to the relocation of the provision specifying the deadline for objecting to confirmation of a chapter 13 plan. Subdivision (k) would be amended to add a reference to 2002(a)(9). Because the deadline for giving notice of the time for filing objections to confirmation of chapter 13 plans was recently moved from subdivision (b) to subdivision (a)(9), which currently is not specified in subdivision (k), the provision would be amended to include a reference to (a)(9) to ensure that the U.S. trustee continues to receive notice of this deadline. The rule continues to require transmittal of notice of that deadline to the United States trustee.

### Rule 2004 – Proposed amendments to this rule would:

- amend the rule regarding examination of the debtor to refer specifically to the production of electronically stored information, in addition to the production of documents. This change acknowledges the form in which information now commonly exists and the type of production that is frequently sought in connection with an examination under Rule 2004.
- harmonize Rule 2004's subpoena provisions with the current version of F.R. Civ. P. 45, which Rule 9016 makes applicable in bankruptcy cases. Under Rule 45, the court where the action is pending always issues the subpoena, even for a deposition in another district, and an attorney admitted to practice in the issuing court may issue and sign it. Under proposed subdivision (c), a subpoena for a Rule 2004 examination would be issued from the court where the bankruptcy case is pending and by an attorney authorized to practice in that court, even if the examination is to occur in another district.

### Rule 8012 – This rule is amended to conform with Fed. R. App. P. 26.1:

- subdivision (a) would be amended to include nongovernmental corporations that seek to intervene on appeal as corporate parties that must file a disclosure statement;
- new subdivision (b) would require disclosure of the name of all debtors in the bankruptcy case, and would apply the subdivision (a) disclosure requirements to corporate debtors; and
- subdivision (c), previously reference as subdivision (b), would be amended to make clear that all disclosures made pursuant to Rule 8012 must be supplemented when the information provided changes.

### Rule 8013, 8015, and 8021 – These three rules would be amended to conform to changes in the appellate rules:

- Technical amendments to these rules to remove or qualify references to “proof of service,” or otherwise conform to amendments that been made to Appellate Rules 5, 21, 26, 32, and 39.

**SUMMARY OF INFLATIONARY INCREASES**  
**BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE**

<u>Item</u>	<u>Current Fee</u>	<u>New Fee</u>
2. Exemplification	\$22	\$23
3. Audio Recording	\$31	\$32
4. Amended Schedules	\$31	\$32
5. Record Search	\$31	\$32
7. Filing Document Unrelated to a Case or Proceeding	\$47	\$49
8. Chapter 7, 12, or 13 Petition	\$75	\$78
Chapter 9, 11, or 15 Petition	\$550	\$571
Motion to Divide	\$75	\$78
Joint Chapter 7, 12, or 13 Case		
Motion to Divide	\$550	\$571
Joint Chapter 11 Case		
19. Filing Specific Motions	\$181	\$188
20. Claims Transfer	\$25	\$26
21. Motion to Redact	\$25	\$26

**CHANGES TO BANKRUPTCY FORMS – EFFECTIVE DECEMBER 1, 2020**  
**(Related to Inflationary Increases of Certain Miscellaneous Fees)**

- Form 1320 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- Form 2000 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- Form 2010 - This form is updated to reflect an increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule, Item 8, approved by the Judicial Conference in March, 2020.
- 1310 - Instructions The instructions to the form are updated to reflect an increase in the administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule.