

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

PUBLIC NOTICE

**APPELLATE, BANKRUPTCY CIVIL, CRIMINAL AND EVIDENCE RULES –
PROPOSED FEDERAL RULES AMENDMENTS PUBLISHED FOR PUBLIC COMMENT**

The Judicial Conference Advisory Committees on the Appellate, Bankruptcy, Civil, Criminal, and Evidence Rules have proposed amendments to their respective rules and requested that the proposals be circulated to the bench, bar, and public for comment. The proposed amendments, rules committee reports explaining the proposed changes, and other information are posted on the Judiciary's *Federal Rulemaking* web site at <http://www.uscourts.gov/rules>. On this page, under the heading Rules Currently Published for Public Comment, click the link Submit Comments via Email to provide comments regarding the proposed rules. The public comment period ends on February 17, 2009.

Below is a listing of the proposed changes to the above noted Federal Rules:

Federal Rules of Appellate Procedure

- Appellate Rule 1 (definition of "state")
- Appellate Rule 29 (conforms to recently revised Supreme Court Rule 37.6 on amicus briefs)
- Appellate Form 4 (conforms to new privacy rules)

Federal Rules of Bankruptcy Procedure

- Bankruptcy Rule 1004.2 (new rule requiring entity filing a chapter 15 petition to state the country of the debtor's main interest, filer to list each country in which a case involving debtor is pending, and setting deadline for challenging the statement asserting the country of the debtor's main interest)
- Bankruptcy Rule 1007 (shortens time for debtor to file a list of creditors after the entry of an order for relief in an involuntary case. Also extends time for individual chapter 7 debtors to file statement of completion of course in personal financial management)
- Bankruptcy Rule 1014 (includes chapter 15 cases in the rule that authorizes the court to determine where cases should go forward when multiple petitions involving the same debtor are pending)
- Bankruptcy Rule 1015 (includes chapter 15 cases in the rule that authorizes the court to order consolidation or joint administration of cases)
- Bankruptcy Rule 1018 (reflects enactment of chapter 15 in 2005), 5009 (adds new subdivisions (b) and (c) to the rule on closing cases and sending notices to individual debtors re completion of personal financial management courses)
- Bankruptcy Rule 1019 (with some exceptions, a new time period to object to a claim of exemption arises when a case is converted to chapter 7 from chapter 11, 12, or 13)
- Bankruptcy Rule 4004 (is amended to: (a) include a new deadline for filing of motions (rather than complaints) under Rule 7001(b) objecting to a debtor's discharge; (b) direct the court not to grant a discharge if a motion or complaint objecting to discharge has been filed unless the objection has been decided in the debtor's favor; and (c) direct the court in chapter 11 and 13 cases to withhold the entry of the discharge if the debtor has not filed with the court a statement of completion of a course concerning personal financial management)
- Bankruptcy Rule 5009 (amended to add new subdivisions (b) and (c) to the rule. Subdivision (b) requires the clerk to provide notice to individual debtors in chapter 7 and 13 cases that their cases may be closed if they fail to file a statement of completion of financial management course. Subdivision (c) requires a foreign representative in a chapter 15 case to file and give notice of the filing of a final report)
- Bankruptcy Rule 5012 (new rule establishing procedures in chapter 15 cases for obtaining approval of an agreement regarding communications and coordinating of proceedings with cases involving the debtor pending in other countries)

- Bankruptcy Rule 7001 (objections to discharge under §§ 727(a)(8), (a)(9), and § 1328(f) are to be commenced by motion rather than by complaint, corresponding to the proposed amendment to Rule 4004)
- Bankruptcy Rule 9001 (amended to add § 1502 to the list of definitions)

Federal Rules of Civil Procedure

- Civil Rule 26 (discovery of expert witness)
- Civil Rule 56 (summary judgment)

Federal Rules of Criminal Procedure

- Criminal Rule 5 (implements the Crime Victims' Rights Act)
- Criminal Rule 12.3 (implements the Crime Victims' Rights Act)
- Criminal Rule 15 (authorizes a deposition outside the presence of the defendant in limited circumstances and after court makes case-specific findings)
- Criminal Rule 21 (implements the Crime Victims' Rights Act)
- Criminal Rule 32.1 (clarifies standard and burden of proof regarding the release or detention of a person on probation or supervised release)

Federal Rules of Evidence

- Evidence Rule 804 (extends corroborating circumstances requirement to all declarations against penal interest offered in criminal cases)(publication of proposed Restyled Evidence Rules 101-415 was deferred until the entire restyled Federal Rules of Evidence has been approved for publication)

Katherine Gould Feldman
Clerk of Court

Date: August 22, 2008