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Subject Bankruptcy Appeal Period

In the history repeats itself category, I would point out that something similar was done in the 80s. While I do not know the precise dates, Rule 9006(a) was amended to make it consistent with Rule 6(a) of the Civil Rules so that weekends and holidays were not counted for periods of less than 11 days. The Committee received no comments on the proposed change and it was not until after the change was made that many bankruptcy practitioners realized that this had the effect of extending the appeal period in most situations by a couple of days. A furor followed and the rule was changed a few years later to the present 8 days.

While this makes no difference, really, to judges, I think the extension to 30 days makes sense for the consistency purposes mentioned in the memo. The current short period has two unfortunate effects. It catches the uninitiated (including pro se litigants) unawares and it encourages the initiated to file protective NOAs that they later withdraw.

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