


07-BR-021

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TS**

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Subject Re proposed amendment to Fed R Bankr P 8002 

Dear Committee

Thank you for the opportunity to comment.

I think the appeal period should just be extended to the same 30 days that prevails in the rest of the federal system (and probably most state systems as well), and that should be done now (or within whatever time it takes to go through the rules process)

The ten day limit has always been a trap for the non-bankruptcy person (lawyers especially), and the practice of law (and life in general) is capricious enough without that addition. Further, these days, when appeals typically take at least several months to resolve, there will not be an appreciable difference in terms of getting a decision from any appellate court by saving the extra 20 days (without even taking into consideration requests for an extension of the ten days)

The primary negative concern is the finality of sale orders, and, to a lesser extent, stay orders, effective dates of confirmed plans, etc. With respect to sale orders, and probably stay orders, that is a quite legitimate concern, less so for effective dates of plans, which are often carefully defined to constitute whatever period of time the plan proponent wants anyway. To deal with this issue, the rules ought to allow the appeal period to be shortened, with a specific order that is incorporated prominently into the order to be appealed, which shortens the time down to no less than ___ [10, perhaps] days upon showing of good cause.

Please note these are my own thoughts, and do not necessarily reflect the views of anyone else in this courthouse. Other than what is in this message, I agree with the thoughts/recommendations of Ms Gay for the Clerk's office.

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