



COMMERCIAL LAW LEAGUE OF AMERICA®

07-BR-034

February 14, 2008

The Advisory Committee on Bankruptcy Rules
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Washington, D C 20544

Re: FRBP Rule 8002 Amendment

Dear Sir or Madam:

The Commercial Law League of America ("CLLA"), founded in 1895, is the nation's oldest organization of attorneys and other experts in credit and finance actively engaged in the field of commercial law, bankruptcy and reorganization. Its membership consists of nearly 4,000 individuals. The Bankruptcy Section of the CLLA is made up of approximately 1,450 bankruptcy lawyers and bankruptcy judges from virtually every state in the United States. Its members include practitioners with both small and large practices, who represent divergent interests in bankruptcy cases.

The CLLA has long been associated with the representation of creditor interests, while at the same time seeking fair, equitable and efficient administration of state-law collection and bankruptcy cases for all parties-in-interest. Members of the CLLA have testified on numerous occasions before Congress as experts in the collection, bankruptcy and reorganization fields. The CLLA submits this comment with respect to the proposal to amend Rule 8002 of the Federal Rules of Bankruptcy Procedure (the "Rules") for the time for filing a notice of appeal in a bankruptcy case from 10 to 14 days, and the suggested proposal to further extend that time period to 30 days.

As to the extension from 10 to 14 days, the CLLA has no comment on the extension because it sees little appreciable difference in the effect of the change, although the Rules Committee's efforts to streamline and make uniform the many time periods provides for in the Rules are commendable.

However, the CLLA does oppose the 30-day extension. Conceptually, this suggested amendment appears to be a solution in search of a problem. The proffered justification, that a 30-day extension would make bankruptcy practice consistent with that of other federal courts, incorrectly assumes that bankruptcy is like commercial litigation. Bankruptcy involves a

multiplicity of interests and various parties who, to varying degrees, are dependent upon the actions of other parties, including whether those parties decide to appeal adverse judgments before the bankruptcy court. In commercial Chapter 11 cases, the debtor's reorganization would be slowed significantly by a logjam of vital but unresolved issues concerning funding, sales of assets and compromises of controversies. In consumer cases, the extension to 30 days undermines the debtor's fresh start, which is the very purpose of seeking bankruptcy relief. And creditors, similarly, could face delays in the administration of the case, including the distribution of assets.

The CLLA is aware of concerns that a time period of less than 30 days can lay a trap for the unwary, occasional bankruptcy practitioner. Although not unsympathetic, we believe this is insufficient justification for a Rule amendment that could dramatically affect a large number of cases. Therefore, on balance, the CLLA believes that the current 10-day rule for noticing an appeal in a bankruptcy case should remain unchanged.

Respectfully submitted,

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