

TO: Honorable Alicemarie H. Stotler, Chair
Standing Committee on Rules of Practice
and Procedure

FROM: Honorable Adrian G. Duplantier, Chair
Advisory Committee on Bankruptcy Rules

DATE: December 2, 1996

RE: Report of the Advisory Committee on Bankruptcy Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on September 26-27, 1996, in San Francisco, California. A draft of the minutes is attached to this report.

II. Action Items

The Advisory Committee on Bankruptcy Rules will not be presenting any matters for action at the Standing Committee's meeting in Tucson, Arizona, on January 9-10, 1997.

III. Information Items

- A. At its June 1996 meeting, the Standing Committee authorized the publication for comment by the bench and bar of a preliminary draft of proposed amendments to the Official Bankruptcy Forms. The preliminary draft was published in August and the deadline for submitting comments is February 15, 1997. The Advisory Committee will consider comments at its next meeting to be held on March 13-14, 1997, and it is expected that proposed amendments to the Official Bankruptcy Forms will be presented for approval by the Standing Committee at its June 1997 meeting.
- B. At its meetings held in September 1995, March 1996, and September 1996, the Advisory Committee considered and approved proposed amendments to 14 Bankruptcy Rules (Rules 1017, 1019, 2002, 2003, 3020, 3021, 4001, 4004, 4007, 6004, 6006, 7062, 9006, and 9014). It is expected that these proposed amendments -- as well as others if approved by the Advisory Committee at its March 1997 meeting -- will be presented to the Standing Committee in June 1997 with a request for publication for comment by the bench and bar. Preliminary drafts of these proposed amendments have been forwarded to the Standing Committee's Style Subcommittee for its comments. The Advisory Committee has received the Style Committee's comments regarding several of these

rules, and expects to receive its stylistic comments regarding the others. All stylistic comments of the Standing Committee's Style Subcommittee will be forwarded to the Advisory Committee's Style Committee for its consideration and recommendations to the Advisory Committee at its March 1997 meeting.

- C. The Subcommittee on Litigation has been working on possible amendments that would substantially revise the rules governing adversary proceedings, contested matters, applications, and other litigation procedures. Preliminary drafts of proposed amendments to Bankruptcy Rules 9013 (motions) and 9014 (contested matters) were presented as works-in-progress to the Advisory Committee at its September 1996 meeting. After a lengthy discussion, the Advisory Committee encouraged the subcommittee to continue its work, to consider comments and issues raised by the Advisory Committee at the meeting, and to present revised drafts of proposed amendments at the March 1997 meeting. The subcommittee is scheduled to meet in Tucson on January 8, 1997, to continue this work.
- D. The Subcommittee on Rule 2014 Disclosure Requirements has been working on revising the rule that requires professionals seeking to be retained in a case to disclose all connections with parties in interest. The subcommittee presented to the Advisory Committee at its September 1996 meeting a preliminary draft of proposed amendments to Rule 2014. The Advisory Committee gave the subcommittee further direction regarding the draft and it is expected that the subcommittee will present a revised draft at the March 1997 meeting.
- E. The Advisory Committee has been considering a number of proposed amendments to Rule 2004 on examinations of the debtor and other persons. After discussing proposed amendments to Rule 2004 at the September 1996 meeting, the chair formed a new subcommittee on Rule 2004 to study the rule and to consider alternative proposals.

Attachments:

Draft of minutes of the Advisory Committee meeting of September 26-27, 1996