



# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA

## NOTICE

### Change to Federal Bankruptcy Rules, Forms, and Fees Effective December 1, 2014

The following is a summary of the upcoming changes to the Federal Bankruptcy Rules and forms effective December 1, 2014. Detailed information is available at [www.uscourts.gov](http://www.uscourts.gov) under the tabs for Rules & Policies and Forms & Fees.

#### Federal Rules of Bankruptcy Procedure

##### **Rule 1014(b)**

Rule 1014(b) addresses the applicable procedure when petitions involving the same or related debtors are filed in different courts.

##### **Rule 7004(e)**

The amendment to Rule 7004(e) alters the period of time during which service of the summons and complaint must be made, reducing the period from 14 days to 7 days after issuance of the summons.

##### **Rules 7008(b) and 7054**

The amendments to these rules change the procedure for seeking attorney's fees in bankruptcy proceedings, bringing the Bankruptcy Rules in closer alignment with the Civil Rules.

- Rule 7008(b), which currently addresses attorney's fees, will be deleted.
- Rule 7054 will include the procedures for seeking an award of attorney's fees, unless the governing substantive law requires the fees to be provided for at trial as an element of damages.

##### **Rules Governing Appeals - Rules 8001-8028**

The amendments to Part 8 of the Bankruptcy Rules govern appeals to district courts and Bankruptcy appellate panels.

- Rule 8003 requires the clerk to serve the notice of appeal instead of providing notice of the filing of the notice of appeal.
- Rule 8003(d)(1) requires the clerk to transmit the notice of appeal promptly to the district court or BAP.

- Rule 8005(a) eliminates the requirement that a separate document be filed when a party to an appeal opts out of the BAP.
- Rule 8009 addresses transcripts, when a transcript is or is not ordered, and allows an appellant to file a statement of in lieu of transcript, when a transcript is unavailable. It permits the parties to file an agreed statement as to the record on appeal (in lieu of the record on appeal). If a sealed document is designated as part of the record on appeal, the party making the designation must file a motion requesting that the appellate court accept the sealed document.
- Rule 8010 requires that if a party moves in the district, BAP, or court of appeals for any of the following: leave to appeal; dismissal; a stay pending appeal; approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or any other intermediate order, the bankruptcy clerk must transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

#### **Rules Governing New Trials, Amendment of Judgments and Relief from Judgment or Order**

- Rule 9023 (governing new trials and amendment of judgments) and Rule 9024 (governing relief from a judgment or order) are being amended to add reference to the procedure in amended Rule 8008 addressing indicative rulings.
- Rule 8008 provides a procedure for the issuance of an indicative ruling when a bankruptcy court determines that, because of a pending appeal, the court lacks jurisdiction to grant a request for relief that the court concludes is meritorious or raises a substantial issue.

### **Official Bankruptcy Forms**

**Official Forms 3A** (Application for Individuals to Pay the Filing Fee in Installments) and **3B** (Application to Have the Chapter 7 Filing Fee Waived) are revised to remove references to fee amounts.

**Official Form B6Sum** (Summary) is revised to update line number cross references to the revised means test forms (Official Forms 22A-1, 22A-1 Supp, 22A-2, 22B, 22C-1 and 22C-2).

**Official Forms 17A** (Notice of Appeal and Statement of Election), **17B** (Optional Appellee Statement of Election to Proceed in District Court) and **17C** (Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)) are new forms set to go into effect with the revised bankruptcy appellate rules.

**Official Forms 22A-1** (Chapter 7 Statement of Your Current Monthly Income), **22A-1 Supp** (Statement of Exemption from Presumption of Abuse Under §707(b)(2)), **22A-2** (Chapter 7 Means Test Calculation), **22B** (Chapter 11 Statement of Your Current Monthly Income), **22C-1** (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period) and **22C-2** (Chapter 13 Calculation of Your Disposable Income) are the revised means test forms. These forms are revised to accommodate changes in the law as a result of Supreme Court precedent and as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project.

### Bankruptcy Court Miscellaneous Fee Schedule

The Judicial Conference has approved changes to the Bankruptcy Court Miscellaneous Fee Schedule which become **effective December 1, 2014**, as shown below:

AUTHORITY		DESCRIPTION	OLD FEE	NEW FEE
28 USC 1930(b)	(14)	Direct Appeal/Cross Appeal [Due upon notice that request is authorized]	\$157.00	\$207.00
Misc. Fee Schedule Item:	(21)	Motion to redact a previously filed record/per affected case	---	\$25.00

For the complete Bankruptcy Court Fee Schedule visit: <http://www.lawb.uscourts.gov/fees>