

Summary of 2014 Changes to Federal Rules of Bankruptcy Procedure

Rule 1014(b)

Rule 1014(b) addresses the procedure when petitions involving the same or related debtors are filed in different courts. The amendment to Rule 1014(b) provides that proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending, and expands the list of persons entitled to receive notice of a motion in the first court for a determination of where the related cases should proceed.

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.

- Rule 7008(b), which currently addresses an award attorney's fees, is deleted.
- Rule 7054 provides the procedures for seeking an award of attorney's fees, unless the governing substantive law requires otherwise.

Rules Governing Appeals - Rules 8001-8028

- The amendments to Part 8 of the Bankruptcy Rules govern appeals to district courts and bankruptcy appellate panels.
- Some highlights of the revised rules related to appeals include:
- 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, transmission is no longer be delayed until the record is complete.

- **Rule 8005(a)** eliminates the requirement that a separate Statement of Election be filed when a party to an appeal opts out of the BAP. This change is reflected in modified Official Form 17.
- **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.
 - ▶ 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) reference to the procedure in amended Rule 8008, which addresses 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.