

Changes are a Comin'

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Just kidding—the changes have already taken place! Important amendments to the Federal Rules of Bankruptcy Procedure took effect on December 1, 2016. Below is a quick snapshot of a few of the updates.

Be sure to look at the changes to Rule 7008, General Rules of Pleading, and Rule 7012, Defenses and Objections. Prior to the amendments, a pleader must have stated if the matter was core or noncore in their pleadings. This requirement was eliminated. The pleader must now state if they consent to final orders or judgments by the bankruptcy court regardless of whether the matter is core or noncore.

Section (b), Determining Procedure, was added to Rule 7016, Pre-Trial Procedures. This amendment gives bankruptcy courts more leeway to take appropriate action that matches the particulars of each case.

Another big change took place to Rule 9006(f). Subdivision (f) was amended to remove electronic service from the modes of service that allow three days added to some deadlines. This means that some parties will have the additional three days if they were served by regular mail, but parties served by electronic service will not.

For all the Chapter 13 practitioners, be aware of the changes to subdivision (a) of Rule 3002.1. The amendment clarified the rule applies to any debtor that wishes to maintain his residence whether the debtor will pay the mortgage payment to the Trustee or directly to the creditor.

But that's not all. If you are looking for an official form and you can't find it—keep in mind a few forms were renumbered.

Each year the amendments to the rules make the bankruptcy process better. Check out the updated Federal Rules of Bankruptcy Procedure to get the full scoop on all of the amendments.