

**THE FOLLOWING AMENDMENTS TO THE
FEDERAL RULES OF BANKRUPTCY, APPELLATE, AND CIVIL PROCEDURE
WILL BE EFFECTIVE DECEMBER 1, 2025**

Fed. R. App. P. 6

Subdivision (a) is amended to clarify that, when a district court is exercising original jurisdiction in a bankruptcy case or proceeding under 28 U.S.C. § 1334, the time in which to file post-judgment motions that can reset the time to appeal under Rule 4(a)(4)(A) is controlled by the FRBP. This chart is a visual representation of such time periods:

FRCP	FRBP	Time under FRBP
50(b)	9015(c)	14 days
52(b)	7052	14 days
59	9023	14 days
54(d)(2)(B)	7054(b)(2)(A)	14 days
60	9024	14 days

Amendments to subdivision (c) are intended to address a problem created in 2014 when FRAP 6(c) incorporated by reference most of FRAP 5. Over time it became evident that FRAP 5 is not a perfect fit for direct appeals of bankruptcy court orders to the court of appeals. The amendments to subdivision (c) make the rule self-contained and limit the applicability of FRAP 5 to direct appeals, except as otherwise specified in FRAP 6(c).

Fed. R. App. P. 39

The amendment to FRAP 39 is in response to the Court’s holding in *City of San Antonio v. Hotels.com*, 141 S. Ct. 1628 83 (2021). The Supreme Court held that FRAP 39 does not permit a district court to alter a court of appeals’ allocation of the costs listed in subdivision (e) of that Rule. The Court also observed that “the current Rules and the relevant statutes could specify more clearly the procedure that such a party should follow to bring their arguments to the court of appeals....” *Id.* at 1638.

Fed. R. Bankr. P. 3002.1

The rule is amended to encourage a greater degree of compliance with its provisions and to allow assessments of a mortgage claim’s status while a chapter 13 case is pending in order to give the debtor an opportunity to cure any post-petition defaults that may have occurred. Stylistic changes are made throughout the rule, and its title and subdivision headings have been changed to reflect the amended content.

Subdivision (a) is amended to delete “contractual” and “installment” to clarify and broaden the rule’s applicability. Subdivision (b) is amended to provide more detailed provisions about notice of payment changes for HELOCs. HELOC claimants may now choose to file only an annual payment change notice while also ensuring at least 21 days’ notice before a payment increase takes effect. Subdivision (b)(3) now provides that a late notice of a payment increase until the first payment due after the required 21-day notice period expires.

Subdivision (f) has been added to the rule to provide an optional procedure for assessing the status of a mortgage at any point before the trustee files the notice required under (g)(1). This procedure is initiated by motion, on the newly adopted Official Forms.

Subdivision (h) (previously subdivision (i)) is amended to clarify that the listed sanctions are authorized in addition to any other actions that the rule authorizes the court to take if the claim holder fails to provide notice or to respond as required.

Other amendments to the rule are made to incorporate the new Official Forms.

Fed. R. Bankr. P. 8006

Rule 8006(g) is revised to clarify that any party to the appeal may file a request that a court of appeals authorize a direct appeal. There is no obligation to do so if no party wishes the court of appeals to authorize a direct appeal. This amendment dovetails with the amendments to Appellate Rule 6.

Fed. R. Civ. P. 16

FRCP 16(b) is amended in tandem with FRCP 26(f)(3)(D). Because the specific method of complying with FRCP 26(b)(5)(A) depends greatly on the specifics of a case, there is no overarching standard for all cases. In the first instance, the parties themselves should discuss these specifics during their FRCP 26(f) conference; these amendments to FRCP 16(b) recognize that the court can provide direction early in the case.

Fed. R. Civ. P. 16.1 (new rule)

New FRCP 16.1 is designed to provide a framework for the initial management of multidistrict litigation (MDL) proceedings. FRCP 16.1(a) encourages the transferee court to schedule an initial MDL management conference soon after transfer, recognizing that this is currently regular practice among transferee judges. FRCP 16.1(b) encourages the court to order the parties to submit a report prior to the initial management conference, and it identifies matters that, unless the court orders otherwise, the parties must address in the report, including the appointment of leadership counsel. Because court action on some matters may be premature before leadership counsel is appointed, the rule distinguishes between matters on which the parties must offer their views and those on which they must offer only initial views. FRCP 16.1(c) prompts courts to enter an initial MDL management order after the initial MDL management conference.

Fed. R. Civ. P. 26

The amendment to FRCP 26(f)(3)(D) requires the parties to address in their discovery plan the timing and method for complying with FRCP 26(b)(5)(A)'s requirement that producing parties describe materials withheld on grounds of privilege or as trial-preparation materials (attorney work-product).