SUMMARY OF LOCAL RULE CHANGES

LBR 1007-1

This rule contains disclosure requirements under sub-paragraph (f) when filing amended schedules in Chapter 13 cases. The threshold for reporting newly acquired assets or income has been adjusted, and the rule provides the trustee an opportunity to object by way of filing a modification of the debtor's plan.

LBR 1017-2

This local rule concerns dismissals of cases and first requires that a dismissal of a Chapter 7 case must set out the cause for the voluntary dismissal of the case. It also requires disclosure of any newly acquired assets or income.

Further down in the rule in paragraph (c) is the added requirement that upon dismissal of any Chapter 13 case, any unpaid filing fee shall be tendered to the Court from any proceeds held by the Chapter 13 trustee.

Attention is also directed to sub-paragraph (h). That rule has been adjusted to make clear that adversary proceedings will be dismissed when the main case is dismissed unless the dismissal of the main case provides for the Court reserving jurisdiction over the adversary. The rule goes on to make a standing order that the Court retains jurisdiction over any other contested matters, but those contested matters will be deemed moot 14 days after dismissal of the case if no action is taken to pursue the contested matter.

A new sub-paragraph (i) has been added. You may have received a blast email notification issued on this earlier, and this rule is being proposed to mandate that orders of dismissal should not state whether the dismissal is with or without prejudice unless the Court specifically directs that the order states that. To understand the purpose of the rule, one must remember that a voluntary dismissal of a Chapter 13 case with a motion for relief pending is a dismissal automatically with prejudice by law. Even with that circumstance, we are seeing orders presented for voluntary dismissal of Chapter 13 cases when such motions for relief are pending that state the dismissal is without prejudice. If that order accidentally gets entered, there is an inconsistency between the Court's order and the bankruptcy law on whether or not the actual dismissal is with or without prejudice. Therefore, orders should not state that a dismissal is without prejudice unless specifically directed by the Court.

LBR 2002-1

Sub-paragraph (h) has been changed to provide for the new Noticing Centers policy of alerting attorneys when there is returned mail and provides for the same duties on the attorney to follow up on such notification.

LBR 2091-1

New wording has been added in the hopes of stating clear the intent of the Court regarding attorney withdrawals. It is the desire of the Court to make clear that attorneys shall not assume they can withdraw from a case simply because they no longer want to be in the case. The Court is aware that often attorneys wish to withdraw because they are unable to effectively communicate with their clients or are no longer being adequately compensated for continuing to represent a debtor. While the rule does not state this, it is anticipated that such a circumstance, if reasonable, can be grounds to allow an attorney to withdraw from the case. However, the rule makes clear that the ultimate decision on whether an attorney withdraws from the case is with the Court. An attorney who makes an appearance in the case on behalf of a client is expected to remain the representative of that client unless or until the Court excuses the attorney.

LBR 3002.1-1 and LBR 3002.1-2

Two new rules are being added that relate to the new Federal Rule of Bankruptcy Procedure 3002.1. The first rule provides procedural guidance on how to address the supplemental claims that are filed in Chapter 13 cases. The second rule makes it clear that filings by creditors in response to the trustee's notice of final cure payment can be filed by non-attorneys even though the creditor may be a corporation. This is to avoid the problem of secured creditors having to incur additional attorney's fees simply to file a response agreeing to the trustee's notice and then turn around and file a claim for those attorney's fees.

LBR 3015-2

This rule is being changed to address the method and procedure for modification of Chapter 13 cases. The primary change is that when a Chapter 13 plan is to be modified, the modification itself must state each change being made to the Chapter 13 plan. This objective can not be met by simply attaching a new plan to the modification. Simply attaching a new plan requires one to compare line by line a new modified plan with the previous plan to determine what is being changed. This rule will put the burden on the party modifying the plan to specify in the modification each change being proposed in the new plan.

LBR 4001-1

A slight wording change can be found in sub-paragraph (e) to further clarify that modification of mortgages can be done without approval of the Court eliminating the need of motions to approve modification of mortgages.

LBR 9011-1

This rule has been completely re-written in hopes of making clear the intent of the Court on attorneys who request a leave of absence. The general substance of the rule is not changed as much as the presentation of the rule itself. It is hoped that the new rule will make it clear that the Georgia State Bar rules governing appearance conflicts do not apply in the Bankruptcy Court. Those should not be filed with the Bankruptcy Court expecting the Court to abide by whatever is stated in those notices. The primary emphasis is that an attorney representing a party in the Bankruptcy Court is expected to represent that party despite conflicts or absence from the

jurisdiction. The rule sets out ways in which an attorney can obtain accommodations, and hopefully attorneys who are unable to appear will be able to easily protect their client's interest. If everyone complies with this stated rule, it is hoped that the Court can reasonably accommodate attorneys who need to be absent.