



## MEMORANDUM

**To:** Bankruptcy Practitioners in the Middle District of Georgia  
**From:** Kyle George, Clerk of Court, U. S. Bankruptcy Court, Middle District of Georgia  
**Subject:** **Review of December 1, 2020 Changes to Federal Rules of Bankruptcy Procedure**  
**Date:** November 9, 2020

1. The language in this memorandum is based substantially on information provided to courts by the Court Operations Division at the Administrative Office of the United States Courts.
2. On September 17, 2019, the Judicial Conference of the United States approved proposed amendments to the Federal Rules of Bankruptcy Procedure. The proposed amendments were transmitted to the Supreme Court on October 23, 2019. The Supreme Court adopted these proposed amendments and transmitted them to Congress on April 27, 2020, and they will take effect on December 1, 2020, absent congressional intervention. The materials transmitted to Congress are available [here](#). While our focus is on the changes to the Federal Rules of Bankruptcy Procedure (FRBP), the materials also include all changes to Federal Rules that will take effect on December 1, 2020.
3. On March 17, 2020, the Judicial Conference approved a recommendation to increase certain miscellaneous fees for inflation. Several fees in the Bankruptcy Court Miscellaneous Fee Schedule will be revised pursuant to this action. These fee increases will take effect on December 1, 2020. We previously published the fee changes on September 17, 2020. The information can be found in our News and Announcement section of our website [here](#).
4. The Advisory Committee on Bankruptcy Rules approved technical changes to several Official Forms as well as a change to the instructions for Official Form 410A. Several Director's Forms were also updated to reflect the inflationary increase in administrative fees on the Bankruptcy Court Miscellaneous Fee Schedule. These pending form changes are also available [here](#).

5. Changes to FRBP 2002:

- Extends the requirement that the clerk or someone designated by the clerk give notice to the debtor and creditors of entry of order confirming chapter 13 plan (this Rule currently applies to chapters 9, 11, and 12). The Clerk's office will continue to serve the Order Confirming Chapter 13 Plan.
- Limits the need to provide notice to creditors that do not file timely proofs of claim in chapter 12 and chapter 13 cases (Currently, in a chapter 7 case, the rule eliminates the requirement to provide certain notices to creditors that fail to file a timely proof of claim). The proposed amendment to subdivision (h) would similarly eliminate the requirement to provide such notices to creditors who have not timely filed a proof of claim in chapter 12 or 13 cases. It would also conform the time periods in the subdivision to the respective deadlines for filing proofs of claim under Rule 3002(c).
- Adds a cross-reference in response to the relocation of the provision specifying the deadline for objecting to confirmation of a chapter 13 plan. Subdivision (k) would be amended to add a reference to 2002(a)(9). Because the deadline for giving notice of the time for filing objections to confirmation of chapter 13 plans was recently moved from subdivision (b) to subdivision (a)(9), which currently is not specified in subdivision (k), the provision would be amended to include a reference to (a)(9) to ensure that the U.S. trustee continues to receive notice of this deadline. The rule continues to require transmittal of notice of that deadline to the United States trustee.

6. Changes to FRBP 2004:

- Amends the rule regarding examination of the debtor to refer specifically to the production of electronically stored information, in addition to the production of documents. This change acknowledges the form in which information now commonly exists and the type of production that is frequently sought in connection with an examination under Rule 2004.
- Harmonizes Rule 2004's subpoena provisions with the current version of F.R. Civ. P. 45, which Rule 9016 makes applicable in bankruptcy cases. Under Rule 45, a subpoena always issues from the court where the action is pending, even for a deposition in another district, and an attorney admitted to practice in the issuing court may issue and sign it. Under proposed subdivision (c), a subpoena for a Rule 2004 examination would be issued from the court where the bankruptcy case is pending and by an attorney authorized to practice in that court, even if the examination is to occur in another district.

7. Changes to FRBP 8012:

- Subdivision (a) is amended to include nongovernmental corporations that seek to intervene on appeal.
- New subdivision (b) requires disclosure of the name of all debtors in the bankruptcy case and would apply the subdivision (a) disclosure requirements to corporate debtors.
- Subdivision (c), previously referenced as subdivision (b), is amended to make clear that all the disclosure requirements in Rule 8012 must be supplemented when the information provided changes.

8. Changes to FRBP 8013, 8015, and 8021: These three rules are amended to conform to changes in the appellate rules. Technical amendments have been made to these rules to remove or qualify references to “proof of service,” or otherwise conform to amendments that have already been made to Appellate Rules 5, 21, 26, 32, and 39.

9. If there are any questions, please contact me at 478-752-3506 or via email at [Kyle\\_George@gamb.uscourts.gov](mailto:Kyle_George@gamb.uscourts.gov).