

Federal and Local Bankruptcy Rule and Form Changes

Effective December 1, 2019

United States Bankruptcy Court,
District of Rhode Island



Released November 25, 2019

Amendments to the Federal Bankruptcy Rules to Take Effect 12/1/19

On April 25, 2019, the Supreme Court adopted changes to the Federal Rules of Bankruptcy Procedures which are scheduled to **take effect on December 1, 2019**.

The following slides contain a summary of these proposed changes to the Bankruptcy Rules and Official Forms, as well as the 12/1/19 Local Rule and Local Form changes, many of which relate to the federal changes.

Disclaimer: This packet is not intended to be all encompassing and should not be considered legal advice. All parties acting before the Court should perform any and all research prior to filing.



The following Federal Bankruptcy Rules are amended as of December 1, 2019

- 4001
- 6007
- 9036
- 9037



In addition, the following Local Rules and Forms are amended as of 12/1/19

- Local Rule 1002-1
- Local Rule 3011-1
- Local Rule 4001-3
- Local Rule 5001-2
- Local Rule 5005-1
- Local Rule 9036-1*
- Local Rule 9037-1
- Local Rule 9070-1
- R.I. Local Form 1002-1.1 (abolished)
- R.I. Local Form 3011-1.1 (abolished)
- Appendix III (amended)
- Appendix VI (abolished)

*(abolished and replaced by FRBP 9036)



Federal Rule 4001: Relief from Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Use of Cash Collateral; Obtaining Credit; Agreements

FRBP 4001(c) Obtaining Credit

New subdivision (c)(4) was added to exclude chapter 13 cases from subdivision (c). This amendment does not speak to the underlying substantive issue of whether the Bankruptcy Code requires or permits a chapter 13 debtor not engaged in business to request approval of post-petition credit.

See conforming amendment in [Local Rule 4001-3](#)



Federal Rule 6007: Abandonment or Disposition of Property

FRBP 6007(b) Motions By Party in Interest

Subdivision (b) was amended to specify:

- The parties to be served with a motion to compel the trustee to abandon property, and any notice of the motion;
- Establish a deadline for filing an objection to the motion;
- Clarify that, unless the court directs otherwise, no further action is necessary to notice or effect the abandonment of property ordered by the court in connection with a motion filed under subdivision (b).



Federal Rule 9036: Notice and Service Generally

- The rule is amended to permit both notice and service by electronic means on a registered user who has appeared in the case, by filing with the court's electronic-filing system.
- To allow, with the consent of the person served, electronic service by means that do not use the court's system. Consent can be limited to service at a prescribed address or in a specified form, and it may be limited by other conditions.
- The rule does not make the court responsible for notifying a person who filed a paper with the court's electronic-filing system that an attempted transmission by the court's system failed, but a filer who receives notice that the transmission failed is responsible for making effective service.
- This rule does not apply to any pleading or paper required to be served in accordance with Rule 7004 concerning service/process in an adversary proceeding.

See conforming amendment in [Local Rule 9036-1](#)



Federal Rule 9037: Privacy Protection for Filings Made with the Court

FRBP 9037(h) Motion to Redact a Previously Filed Document

- New subdivision (h)(1) prescribes the procedure for redacting previously filed documents that do not complying with the filing requirements in subdivision (a). This subdivision provides for the filing of motion, including the content of the motion and service requirements.
- New subdivision (h)(2) further adds requirements for the court to:
 - restrict public access to the motion and the unredacted document pending ruling on the motion;
 - docket the redacted document [ensuring public access to the motion and unredacted document remains restricted] if the motion is granted; and
 - lift the public access restriction to the motion and unredacted document if the motion is denied.



These Official Bankruptcy Forms are New or Revised, as of December 1, 2019

- Official Form 122A-1 Chapter 7 Statement of Current Monthly Income – Amended to add instructions to line 14a to remind debtors that if there is no presumption of abuse, Official Form 122A-2 does not need to be filled out or filed.
- Director's Form 1340 Application for Payment of Unclaimed Funds - This new form was created to reduce variation in courts' requirements and provide a standard application for withdrawal of unclaimed funds, accompanying instructions, and proposed orders for granting or denying the application. **This form replaces former Local Form 3011-1.1, which is abolished.**



Amendments to Local Rules, Forms and Appendices, effective December 1, 2019

- Local Rule 1002-1
- Local Rule 3011-1
- Local Rule 4001-3
- Local Rule 5001-2
- Local Rule 5005-1
- Local Rule 9036-1*
- Local Rule 9037-1
- Local Rule 9070-1
- R.I. Local Form 1002-1.1 (abolished)
- R.I. Local Form 3011-1.1 (abolished)
- Appendix III (amended)
- Appendix VI (abolished)

*(abolished and replaced by FRBP 9036)



Local Rule 1002-1: Petition – General

LR 1002-1(c)(1) Mailing List Format for Conventionally Filed Cases

Subdivision (c)(1) modifies the instructions for filing a creditor list in conventionally filed cases (non-ECF).

- Debtors will file their list of creditors either using the [Creditor List Program](#) or in the format specified in the [Self Help Manual](#), both of which are located on the [Debtor Without an Attorney](#) page of the Court's website.
- Due to enhanced IT security measures, the option to submit the list via electronic media (i.e. CD, DVD or USB key) has been eliminated.



Local Rule 3011-1: Unclaimed Funds

- Subdivision (b) has been moved to new subdivision (b)(4).
- Subdivision (b)(2)(A) and (b)(2)(B) replaces R.I. Local Form 3011 with new Director's Form 1340.
- Subdivision (b)(3) removes language regarding specific procedure for opposed and unopposed petitions.



Local Rule 4001-3: Obtaining Credit

- Subdivision(a) is a conforming amendment which omits Chapter 13 cases from this subsection.
- The reference to Fed.R.Bankr.P. 4001 subdivision is changed to (c)(1)(A).
- In Chapter 13 cases, subdivision (b) changes the date by which debtors shall file Supplemental Schedules I and J if there is a change in the debtors' income as a result of obtaining credit.

See amendment to [FRBP 4001](#).



Local Rule 5001-2: Clerk's Office

LR 5001-2(b) - Non-Public Hours

Subdivision (b) is amended to include an email address by which non-electronic filing parties may file, for cause shown, emergency requests during non-public hours.



Local Rule 5005-1: Filing of Papers

LR 5005-1(a) - Transmittal by Electronic or Facsimile Means

Subdivision (a) addresses transmittal by electronic or fax means by non-ECF filers under certain circumstances. It is amended to include the Clerk's Office fax number and helpdesk email address and to include "emailed documents" as among those applicable to this rule.



Local Rule 9036-1: Notice By Electronic Transmission

This rule is abolished and replaced by

[FRBP 9036](#)



Local Rule 9037-1: Privacy Protection

LR 9037-1(a)(2)(D) - Service of the Motion

Subdivision (a)(2)(D) is a conforming amendment which addresses service of motions to redact documents containing personal data identifier(s) to include the filer of the unredacted document, if other than the filer of the motion to redact.

See amendment to [FRBP 9037](#)



Local Rule 9070-1: Exhibits

- Subdivision (a) is amended to require exhibits be filed with the Clerk's Office via email to: ribhelpdesk@rib.uscourts.gov
- Due to enhanced IT security measures, subdivision (b) has been amended to omit the option to submit exhibits via electronic media (i.e. CD, DVD or USB key).



Appendix III: District of Rhode Island Maximum Attorney Fee Without Written Fee Application

The no-look fee for an attorney representing a Chapter 13 debtor is adjusted as shown below. Fees above these amounts will require a separate fee application.

- Preconfirmation services -- \$4,000
- Post confirmation services -- \$1,000
- Loss mitigation services -- \$3,000



Appendix VI: Electronic Bankruptcy Noticing

This appendix is abolished.



R.I. Local Form 1002-1.1

Instructions for Submission of Creditor List by
Non-Electronic Filers

This form is abolished.

See amendment to [LBR 1002-1](#)



R.I. Local Form 3011-1.1

Application for Payment of Unclaimed Funds

This form is abolished.

See amendment to [LBR 3011-1](#)



Please Refer to the Below Resources for Additional Information about these National and Local Changes:

- [Federal Bankruptcy Rules and Forms](#) –The Bankruptcy Rules appear in the amendments adopted by the Supreme Court section near the bottom of the page, and Bankruptcy Forms are directly above that section.
- [Local Rule and Form Changes](#), under [Rules and Procedures](#) or under the News and Announcements column on the home page.

Please direct any procedural questions to the Clerk's Office at 401-626-3100.

