

Summary of Amendments to Fed. Rules of Bankruptcy Procedures

Effective December 1, 2024¹

Restyled Federal Rules of Bankruptcy Procedure to throughout the Rules including:

- Formatting changes designed to make the structure clearer and easier to read;
- Changes to reduce inconsistent, ambiguous, redundant, repetitive, or archaic words – help reduce inconsistencies by using the same words to express the same meanings;
- Rule numbers have not changed, subdivisions have been rearranged within some rules to achieve greater clarity and simplicity; and
- Stylistic changes without substantive changes.

Rules 2002(n), 3001(g), and 7004(b) and (h) have not been restyled.

Rule 1007(b)(7):

- Language added to make the rule inapplicable to debtors who are not required to complete financial management course as a condition of discharge; and
- Language added to require an individual debtor to file the certificate of course completion (Certificate of Debtor Education) issued rather than filing Official Form 423.

Rules 4004(c), 5009(b), and 9006(b)(3)(B) and (c)(2):

- Replaces the requirement for submission of a statement showing debtor has completed the financial management course. Instead, debtor is required to provide the certificate of course completion.

Rule 7001:

- Paragraph (a) creates an exception for certain turnover proceedings under § 542(a):
 - Individual debtors;
 - Tangible personal property – such as vehicles or tools of the trade;
 - Used to produce income to fund the plan; or
 - Exempt property.²

Debtor to proceed by motion pursuant to Rule 9014.

Rule 8023.1:

This is a new rule dealing with substitution of parties and is derived for Fed. R. App. P. 43.

- Death of a party:
 - After Notice of Appeal is filed – personal representative may be substituted as a party on motion. If decedent does not have a representative, any party may suggest the death on the record and the appellate court may then direct the appropriate proceedings.

¹ This information originally part of a presentation by Tiffany S. Franc, Attorney Advisor at the Administrative Office of Courts at a meeting August 6, 2024, in New Orleans.

² This new procedure does not abrogate the Eleventh Circuit's ruling in *In re Lewis*, 137 F.3d 1280 (11th Cir. 1998).

- Before Notice of Appeal is filed (potential appellant) – decedent’s personal representative, or if no personal representative, decedent’s attorney of record may file notice. After Notice of Appeal filed, substitution procedure is as above.
- Before Notice of Appeal is filed (potential appellee) – appellant proceeds as though death has not occurred. After the Notice of Appeal is filed, substitution is to be made as stated in the first bullet point above.
- Substitution for a reason other than death – Proceed as stated in the first bullet point above.
- Public Office: Identification; Substitution:
 - A public officer who is a party to an appeal in an official capacity may be described by the party’s official title rather than by name.
 - Automatic substitution of an officeholder, subject to Rule 2012 when the officeholder dies, resigns, or otherwise ceases holding office.