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## PENDING RULES AMENDMENTS

August 2009 - December 2011 Amendments (Effective Dec. 1, 2011)

Proposed Amendments to the Federal Rules of Bankruptcy and Criminal Procedure and the Federal Rules of Evidence: August 2009



### Federal Rules of Appellate Procedure

- Appellate Rule 4 (clarifies 60-day appeal deadline in cases where U.S., federal agency, or federal employee is a party)
- Appellate Rule 40 (clarifies 45-day rehearing deadline in cases where U.S., federal agency, or federal employees is a party)

### Federal Rules of Bankruptcy Procedure

- Bankruptcy Rule 2003 (requires the filing of a statement upon adjourning a meeting of creditors or equity security holders)
- Bankruptcy Rule 2019 (expands the scope of the rule's disclosure requirements by requiring disclosure in chapter 9 and chapter 11 cases by all committees or groups that consist of more than one creditor or equity security holder, as well as entities or that represent more than one creditor or equity security holder. It also authorizes the court to require disclosure by an individual party in interest when knowledge of that party's economic stake in the debtor would assist the court in evaluating the party's arguments)
- Bankruptcy Rule 3001 (prescribes in greater detail the supporting information required to accompany certain proofs of claim)
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- Bankruptcy Rule 4004 (permits a party under limited circumstances to seek an extension of time to object to a debtor's discharge after the time for objecting has expired)
- Bankruptcy Rule 6003 (clarifies that the requirement of a 21-day waiting period before a court can enter certain orders at the beginning of a case, including an order approving employment of counsel, does not prevent the court from specifying an effective date for the order that is earlier than the date of its issuance)
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- Bankruptcy Forms 9A - 9I (conforming amendments to the pending amendment of Bankruptcy Rule 2003(e))
- Bankruptcy Form 10 (clarifies that, consistent with Rule 3001(c), writings supporting a claim or evidencing perfection of a security interest - not just summaries - must be attached to the proof of claim)
- Bankruptcy Form 25A (changes the effective date consistent with 2009 time-computation rules amendments)

### Federal Rules of Criminal Procedure<sup>1</sup>

- Criminal Rule 1 (expands the definition of "telephone" and "telephonic" to include technologies that enable live, contemporaneous voice conversations)
- Criminal Rule 3 (authorizes consideration of complaints and issuances of arrest warrants and summonses based on information submitted by reliable electronic means as provided for in proposed new Rule 4.1)
- Criminal Rule 4 (authorizes consideration of complaints and issuances of arrest warrants and summonses based on information submitted by reliable electronic means as provided for in proposed new Rule 4.1. Also authorizes the return of warrants by reliable electronic means)
- Criminal Rule 4.1 (new rule incorporates provisions of Criminal Rule 41 that allow a warrant to be issued based on information submitted by reliable electronic means and extends those procedures to complaints, arrest warrants, and summonses)

- Criminal Rule 6 (provides that a grand jury return may be taken by video conference)
- Criminal Rule 9 (authorizes consideration of complaints and issuances of arrest warrants and summonses based on information submitted by reliable electronic means as provided for in proposed new Rule 4.1)
- Criminal Rule 32 (technical and conforming style amendment)
- Criminal Rule 40 (permits the defendant, upon consent, to appear by video conference in a proceeding on arrest for failure to appear in another district)
- Criminal Rule 41 (deleted provisions now covered by new Rule 4.1. Also authorizes the return of warrants by reliable electronic means)
- Criminal Rule 43 (permits, with the defendant's written consent, the arraignment, trial, and sentencing in misdemeanor cases to be conducted by video conference)
- Criminal Rule 49 (authorizes local rules permitting papers to be filed, signed, or verified by electronic means)

**Federal Rules of Evidence**

- Restyled Evidence Rules 101-1103 (make the rules simpler and easier to read and understand without changing substantive meaning)

