JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

September 9, 2008

MEMORANDUM

To: Chief Judges, United States District Courts
Judges, United States Bankruptcy Courts
District Court Executives
Clerks, United States District Courts
Clerks, United States Bankruptcy Courts

From: James C. Duff

RE: NEED TO RESCIND LOCAL ADOPTION OF INTERIM BANKRUPTCY RULES
(IMPORTANT INFORMATION)

The following new rules and amendments to the Federal Rules of Bankruptcy Procedure will take effect on December 1, 2008, unless Congress acts to the contrary :

> Bankruptcy Rules 1005, 1006, 1007, 1009, 1010, 1011, 1015, 1017, 1019, 1020, 2002, 2003, 2007.1, 2015, 3002, 3003, 3016, 3017.1, 3019, 4002, 4003, 4004, 4006, 4007, 4008, 5001, 5003, 6004, 7012, 7022, 7023.1, 8001, 8003, 9006, 9009, and 9024, and new Bankruptcy Rules 1021, 2007.2, 2015.1, 2015.2, 2015.3, 5008, and 6011.

The above rule amendments and new rules implement the substantive and procedural changes to the Bankruptcy Code made by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Pub. L. No. 109-08, 119 Stat. 23). As you know, the Advisory Committee on Bankruptcy Rules prepared Interim Rules for use by the courts while it studied the Act and prepared permanent national rules though the customary three-year rulemaking process. Except for Interim Rule 5012 (Communication of and Cooperation with Foreign Courts and Foreign Representatives), which is under study, the amendments and new rules supersede the Interim Rules adopted generally by the courts as local rules in October 2005 when most provisions of the Act took effect.

Because the new and amended rules will supersede the Interim Rules on December 1, 2008, the courts should ensure that their local rules or orders adopting the Interim Rules are repealed or sunset when the new rules go into effect. Courts may wish to retain Interim Rule 5012 until it is replaced by a permanent national rule.

Copies of the proposed new rules and amendments are posted at http://www.uscourts.gov/rules/supct0408.html.