

## Amendments to Bankruptcy Rules Set to Take Effect on December 1, 2020

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On December 1, 2020, certain amendments to the Federal Rules of Bankruptcy Procedure take effect. The amendments largely modify rules governing bankruptcy appeals, but also impact Rules 2002 and 2004. The changes are as follows:

- Rule 2002, which governs notice to creditors and other parties, has primarily been amended (i) to add cases under chapter 13 to the rule regarding notice of orders confirming plans; (ii) to distinguish between voluntary and involuntary cases in the rule regarding notice to creditors with as-filed claims to conform with the deadlines for filing proof of claims under Rule 3002(c); and (iii) to replace “pursuant” with “under” in various places, likely to improve readability.
- Rule 2004 has been amended to expressly refer to the production of “electronically stored information,” in addition to “documents.” The rule has also been amended to bring its subpoena provision into conformity with Rule 45 of the Federal Rules of Civil Procedure (which is applicable in bankruptcy cases by Rule 9016). Now, a subpoena for a Rule 2004 exam can be issued from the court where the bankruptcy case is pending and by an attorney authorized to practice in that district *even if* the exam is to occur in another district.
- Rule 8012, which governs corporate disclosure statements in bankruptcy appeals, has been amended to conform to recent changes to Rule 26.1 of the Federal Rules of Appellate Procedure. Now, intervening nongovernmental corporations are subject to the rule, as are *all* debtor parties, who must be separately identified even if not included in the case caption. In addition, the Rule 8012 statement must be updated when there are changes to the disclosures.
- Rule 8013 has been amended to remove the requirement that “proof of service” be included with a filing. This change reflects a recent amendment to Rule 8011(d) that eliminated the requirement for proof of service when filing and service are done through the ECF system.
- Rule 8015 has been amended to reflect the changes to Rules 8011(d) and 8012.
- Rule 8021 has been amended to remove the reference to “proof of service” to reflect to the change to Rule 8011(d).

A copy of the updated rules, as well as redlines showing the amendments and the related notes from the Advisory Committee on Bankruptcy Rules, can be found [here](#).

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