ADVISORY COMMITTEE ON BANKRUPTCY RULES

Minutes of the Meeting of June 20 - 21, 1991

Boston, Massachusetts

The Advisory Committee on Bankruptcy Rules met at 9:10 a.m. on June 20, 1991, in the John W. McCormack Post Office and Courthouse in Boston, Massachusetts. The following members were present:

Circuit Judge Edward Leavy, Chairman
Circuit Judge Edith Hollan Jones
District Judge Malcolm J. Howard
District Judge Joseph L. McGlynn, Jr.
Bankruptcy Judge James J. Barta
Bankruptcy Judge Paul Mannes
Bankruptcy Judge James W. Meyers
Harry D. Dixon, Esquire
Ralph R. Mabey, Esquire
Herbert P. Minkel, Jr., Esquire
Joseph Patchan, Esquire
Bernard Shapiro, Esquire
Professor Lawrence P. King
Professor Alan N. Resnick, Reporter

The following additional persons also attended the meeting:

District Judge Robert E. Keeton, Chairman, Committee on Rules of Practice and Procedure
District Judge Thomas S. Ellis, III, Member of the Committee on Rules of Practice and Procedure and liaison with this Committee
Francis F. Szczebak, Chief, Bankruptcy Division, Administrative Office of the U.S. Courts
John E. Logan, Director, Executive Office for United States Trustees, U.S. Department of Justice
Patricia S. Channon, Attorney, Bankruptcy Division, Administrative Office of the U.S. Courts
Richard G. Heltzel, Clerk, U.S. Bankruptcy Court for the Eastern District of California
James H. Wannamaker, Attorney, Bankruptcy Division, Administrative Office of the U.S. Courts

The following summary of matters discussed at the meeting should be read in conjunction with the various memoranda and other written materials referred to, all of which are on file in the office of the Secretary to the Committee on Rules of Practice and Procedure. References to the Chapter 13 Report are to the Report of the Chapter 13 Subcommittee dated April 24, 1991.

Votes and other action taken by the Advisory Committee and assignments by the Chairman appear in bold.

Thursday, June 20, 1991

Technology Subcommittee Report

Judge Barta presented the report from the Technology Subcommittee and a proposal for a new rule concerning notice other than by mail. Judge Barta stated that, as a result of delays in preparation of the Request for Proposals for the National Print Center and expanding noticing requirements stemming from increasing filings, some courts may be compelled to consider alternatives to the traditional method of providing notice by mail.

Because the Subcommittee has identified at least 42 bankruptcy rules which contain references to "notice by mail" or similar language, the Subcommittee did not recommend changing each rule. The Subcommittee recommended the following language for proposed rule 9036:

> Whenever the clerk or some other person as directed by the court is required to send notice by mail and the entity entitled to receive the notice requests that, instead of notice by mail, all or part of the information required to be contained in the notice be sent by a specified type of electronic transmission in a manner not consistent with any regulation of the Judicial Conference of the United States, the court may direct the clerk or other person to send the information by such electronic transmission. Notice by electronic transmission is complete when the sender obtains electronic confirmation that the transmission has been received. Notice by electronic transmission is complete, and the sender shall have fully complied with the requirement to send notice when the sender obtains electronic confirmation that the transmission has been received.

Mr. Heltzel estimated that his court spends $60,000 a year to send notices to large, institutional creditors such as Sears, the Internal Revenue Service, General Motors Acceptance Corporation, and credit card companies. He indicated that it costs about $2.5 million a year nationally to send notices to large, institutional creditors. Mr. Heltzel stated that under the proposed rule creditors would initiate the process, creditors would forego the "boiler plate" language in notices (in order to reduce the time and cost of transmission), and that the court could reject applications for electronic noticing.

Mr. Shapiro moved that the Committee approve the proposal in principle and that the Reporter take any suggested changes and prepare a revised draft by the end of the day.

The Reporter suggested deleting the penultimate sentence of the proposed rule as redundant. Mr. Minkel stated that the request for electronic notice should be in writing because the cases involving large, institutional creditors include millions of dollars in assets and liabilities. He asked whether Sears could request written notice in a handful of cases while getting electronic notice in the others. Mr. Heltzel indicated that the request could be handled by simply adding Sears to the mailing list in the case, as is done with any request for notice in a case. Mr. Minkel cautioned that it is hard to get special notice in some districts.

Judge Ellis suggested a pilot program in a small area, such as one representative district. Judge Jones indicated that the proposed rule would give the courts flexibility without precluding a pilot program or tests. Mr. Heltzel indicated that his court is testing the concept by sending the Internal Revenue Service both electronic notices and paper ones.

Mr. Patchan indicated that he was concerned that an Official Form would be cropped as part of the electronic noticing. Mr. Heltzel stated that institutional creditors don't need the same information in every case and that including the full text of the forms would increase the transmission time and cost 100 fold. Judge Keeton stated that the system could be set up to generate the boiler plate language in the recipient's computer.

Mr. Dixon asked what would happen if a creditor on the electronic system claims not to have received a notice. Mr. Heltzel stated the technology exists to capture detailed information on what the creditor received. Professor King expressed concern that questions about the notice could endanger the debtor's discharge or a confirmation. He stated that the Committee shouldn't move too fast.

The motion was revised to direct the Reporter to redraft the proposed rule and submit the draft Friday morning. The motion carried by a vote of 10-2.

Chapter 13 Report

Mr. Mabey presented a report by the Chapter 13 Subcommittee, which included a number of proposed amendments to the Bankruptcy Rules. He proposed that the Committee not act on the suggestions contained in Part II of the report. There was no objection to this proposal.

Rule 2003(a)

The Subcommittee recommended that Rule 2003(a) be amended to extend by ten days the time for holding the meeting of creditors in chapter 13 cases in order to permit more flexibility in scheduling the meeting. Mr. Mabey explained that some of the districts with a large number of chapter 13 filings prefer to schedule the meeting of creditors and consensual confirmation hearings on the same day. He stated that this is difficult to do in compliance with the current rules because the debtor has 15 days to file a plan and creditors must be given 25 days' notice of the confirmation hearing, along with a copy of the plan or a summary of it.

Professor King expressed concern that the proposal would create a third time period for meetings of creditors: one in chapter 7 and chapter 11 cases, one in chapter 12 cases, and one in chapter 13 cases. He moved to create uniform 50-day periods in chapters 7, 11, and 13. Mr. Mabey noted that extending the time for the meeting would also extend the time for filing claims and objections to discharge. The Reporter stated that uniformity would not necessarily justify the delay in chapter 7 cases, which are more numerous than chapter 13 cases. **Professor King's motion was rejected by a vote of 4-6.**

A motion to adopt the Subcommittee's draft amendment to Rule 2003(a) carried on a vote of 7-1.

The Reporter asked whether the bracketed language in the Subcommittee's proposed Committee Note would be viewed as endorsing the practice of holding the meeting of creditors and confirmation hearing on the same day. Judge Mannes moved to delete the bracketed language. **The vote was 8-3 for the motion.**

Rule 3002

The Subcommittee recommended that Rule 3002 be amended to clarify that secured creditors must file proofs of claims before the bar date in order to have "allowed claims" and to provide that a creditor may file a late claim in a chapter 13 case if the delay was the result of excusable neglect.

At the Committee's meeting in January, 1991, the Reporter had been asked to prepare a memorandum on whether requiring a secured creditor to file a proof of claim would conflict with the Bankruptcy Code. He concluded that it would be inconsistent with the Code to require a secured creditor to file in order to retain its lien, but that it is not inconsistent with the Code to require a secured creditor to do so as a condition to the "allowance" of the claim.

Professor King stated that the 1983 rules included this provision but that it was dropped as the result of criticism that the Code does not require that secured claims be filed. He indicated that he was not sure that it was worth stirring up the dispute again because the lien survives the bankruptcy regardless of whether the claim is filed.

Professor King moved to disapprove the proposed amendment to Rule 3002(a). He withdrew the motion at the suggestion of Judge Howard, who stated that the proposed amendment would clarify that a secured creditor has to file a proof of claim. The Reporter stated that the current rule contributes to the misimpression that only unsecured creditors have to file in order to have allowed claims.

Mr. Mabey moved to adopt the draft amendment to Rule 3002(a) and the motion carried by a vote of 9-2.

Mr. Mabey moved to adopt the Subcommittee's proposed amendment to Rule 3002(c), which would allow the court to extend the time for filing a proof of claim for a creditor whose delay was due to excusable neglect. Mabey stated that the Bankruptcy Code provides for late claims in chapter 7 and should do the same in chapter 13.

Judge Meyers asked what effect the change would have in a case in which the chapter 13 trustee had begun distributions to creditors. Mr. Mabey said the amendment would merely permit an extension. The court could consider the status of distributions in ruling on an extension. Professor King stated that the amendment would change the whole body of law on the hard and fast time for filing claims. **The Committee voted 8-1 for the motion.**

Rules 3004, 3005

The Subcommittee recommended amending Rule 3004 to allow a secured creditor to file, after the bar date, a superseding claim replacing one filed by the debtor or trustee. The Subcommittee also recommended amending Rule 3005 to give a secured creditor an opportunity to file, after the bar date, a superseding claim replacing one filed by a codebtor.

The Reporter stated that the draft does not affect the court's discretion to allow a creditor to amend a proof of claim filed by the debtor. Judge Jones indicated that the proposed change is not limited to chapter 13 cases. She requested that consideration of the proposal be deferred until Friday to allow more time for its consideration. **The Committee agreed.**

After the lunch recess, Mr. Mabey withdrew the proposed changes to Rule 3004 and 3005 in light of the ruling by the Court of Appeals for the Fifth Circuit in United States v. Kolstad, 928

F.2d. 171 (5th Cir. 1991). In that case, the Internal Revenue Service (the IRS) moved to amend a proof of claim filed by the debtor on behalf of the IRS, which failed to file a timely proof of claim. The court of appeals held that the bankruptcy court had discretion to authorize the IRS to amend the proof of claim filed by the debtor for federal income taxes. There was no objection to the withdrawal.

Rule 3015

The Subcommittee recommended amending Rule 3015 to deal with plan confirmation and modification in chapter 12 and chapter 13. The Subcommittee proposed adding a new subsection 3015(h) which would require that the order of confirmation and notice of the entry thereof be mailed to the debtor, the trustee, the creditors, and any other entity designated by the court. The Reporter stated that the amendment to Rule 2002(f) which will be effective on August 1, 1991, requires notice of the confirmation of a chapter 12 plan.

The Committee considered a letter from Terence H. Dunn, clerk of the U.S. Bankruptcy Court for the District of Oregon. Mr. Dunn estimated that with 217,468 chapter 13 petitions filed in 1990 and filings climbing steadily, the new subsection would require the docketing of almost a quarter million notices each year nationally and the mailing of 3,000,000 copies of these notices.

Mr. Mabey stated that the Subcommittee believed that creditors are entitled to know whether the plan was confirmed. Judge Jones stated chapter 13 runs on such a massive scale that it should be kept as simple and self-executing as possible. The Chairman asked what was the problem and why should estate funds be expended to send notices to people who do not care.

Judge Howard asked why there should not be a requirement for notice of the confirmation, which he indicated that some computer companies may already provide. Mr. Patchan stated that creditors assume that the plan will be confirmed. If they receive a notice of the conversion or dismissal of the case, he added, they know that the court did not confirm the plan.

Mr. Mabey moved the adoption of the proposed addition of Rule 3015(h). The motion failed on a vote of 3-7. The Reporter stated that the proposed cross-reference to the new subsection in Rule 2002(f) would be deleted as a matter of course.

It was noted that the proposed 25-day notice of a modification conflicts with the 20-day notice set out in Rule 2002(a)(6). At Mr. Minkel's suggestion, Mr. Mabey agreed to change the notice period to 20 days. Judge Meyers proposed combining the last two sentences of subsection 3015(b). The

Reporter stated that he preferred two short sentences and the Subcommittee declined to accept the change. The matter was referred to the Style Committee.

Mr. Mabey explained that the proposed new subsection 3015(f) would require that the acceptance of a plan by a secured creditor or the agreement by a priority creditor to receive treatment other than a full payment be in writing. He stated that the proposed change would standardize practice around the country.

The Committee considered a letter from Henry J. Sommer of Community Legal Services, Inc., in Philadelphia. Mr. Sommer questioned the need for the change and stated that many courts deem secured creditors to have accepted plans if they do not object. Mr. Shapiro characterized deemed acceptance as "acceptance by ambush." Mr. Mabey stated the question is really one of procedure: how the creditor's acceptance is to be signified.

Mr. Mabey stated that the Subcommittee received testimony that it is difficult for creditors to determine how plan modifications are made in different districts. As a result, the Subcommittee drafted the proposed new subsection 3015(i) to govern the submission and service of the plan modifications after confirmation. Mr. Mabey proposed the following interlineation after the word "modification" in line 8 of the Subcommittee's proposed draft of the new subsection, which is set out at page 19 of the Chapter 13 Report: ", unless the court orders otherwise with respect to creditors who are not affected by the proposed modification".

The discussion of Rule 3015 continued after lunch. Mr. Mabey moved the adoption of the proposed changes in Rule 3015, excluding the proposed subsection 3015(h), which the Committee had rejected earlier, and including the interlineation in proposed subsection 3015(i), which would become subsection 3015(h).

The Reporter stated that the chapter 13 debtor's attorney now has three choices in dealing with a secured creditor: proving the creditor's acceptance of the plan, cramming down the creditor, or deeming the creditor to have accepted the plan and relying on res judicata if the creditor subsequently challenges the confirmed plan. The Reporter indicated that the change in the proposed new subsection 3015(f) might bar the practice of dispensing with the confirmation hearing unless an objection is filed because a hearing would be required on every case in which a secured creditor does not file a written acceptance.

The Chairman stated that some creditors may be willing to live with a plan but not to sign a written acceptance or appear at a hearing. The proposed amendment, he indicated, would give

these creditors the ability to make the court do a lot of additional work in considering cramdowns. Mr. Mabey said these cramdowns would not be chapter 11 cramdowns, just determinations of whether the plans provide for the secured creditors to retain their liens and receive the allowed value of their claims.

The Committee rejected Mr. Mabey's motion to approve the proposed changes in Rule 3015 by a vote of 5-6.

Mr. Mabey then moved to delete certain language in proposed subsection 3015(f) as set out in lines 9 - 12 on page 18 of the Chapter 13 Report and then approve the remaining changes in Rule 3015. The deletion would eliminate the requirement for a written acceptance or agreement. It was suggested that the caption for subsection 3015(f) be changed to: "Effect of Plan Modification on Acceptance of Plan by a Secured Creditor or Agreement to Treatment of Priority Claim". **Mr. Mabey accepted the suggested change, which was referred to the Style Committee. The Committee approved the remaining changes in Rule 3015 after the deletion of subsection 3015(h) and the language in lines 9 - 12 on page 18 by a vote of 9 - 1.**

Judge Keeton expressed concern about the use of the word "deemed" in Rule 3015 and possible questions about its meaning. After a brief discussion of possible alternatives, the chairman inquired whether anyone desired to reconsider approval of the revisions in the rule. **There was no such motion.**

The Committee returned to a brief discussion of the proposed new subsections 3015(f) and 3015(h). Judge Jones stated that she believed that the proposed subsection 3015(f) was redundant and moved for reconsideration of its approval. **The motion carried by a vote of 6-5.**

Rules 3018, 3019, 3020

The Reporter outlined the proposed changes in Rules 3018, 3019, and 3020, which would eliminate the references to chapter 13 in the three rules. Chapter 13 and chapter 12 will be the subjects of Rule 3015, as amended. It was moved to accept the proposed changes set out on pages 21 - 23 of the Chapter 13 Report. **The motion carried.**

Rule 1017(d)

The Reporter presented the proposed amendment of Rule 1017(d). The revision would clarify that the date of the filing of a notice of conversior of a chapter 12 or chapter 13 case is treated as the date of the entry of the order of conversion for the purpose of applying Rule 1019. **It was moved and voted to accept the proposed change.**

Recommendations of No Action

The Chapter 13 Subcommittee recommended that the Committee take no action on a number of proposals considered by the subcommittee. There being no objection to the recommendation, the Committee did not act.

Future Meetings

The Committee had previously discussed meeting September 26 - 27, 1991, in Asheville, North Carolina. Judge Jones asked whether the Committee had enough business to justify a two-day meeting. The Reporter suggested scheduling public hearings on the proposed amendments approved for publication to coincide with the next committee meeting. The Committee agreed to cancel the meeting in Asheville.

Ms. Channon stated that if the Committee does not meet in September, the public hearings need to be scheduled now. The Committee agreed to a tentative schedule of public hearings in Raleigh, North Carolina, on January 24, 1992, and in Pasadena, California, on February 28, 1992, with a meeting to follow each hearing. The Committee agreed to meet to consider the comments and testimony and prepare a final draft of the amendments in Point Clear, Alabama, on March 26 - 27, 1992.

Miscellaneous Matters

The Reporter presented a number of miscellaneous amendments and proposed Committee Notes. The Reporter proposed Committee Notes to accompany the changes in Rules 2002(j), 3009, and 6007 approved at the January, 1991, meeting. The Committee Notes were approved unanimously. The Reporter proposed revising the heading of subdivision (a) of Rule 6007 as follows: "(a) NOTICE OF PROPOSED ABANDONMENT OR DISPOSITION; OBJECTIONS; HEARING." The Committee agreed.

The Reporter recommended amending Rules 1010 and 1013 to delete the references to the official forms because the official forms for the summons and the order for relief were abrogated in 1991. The recommendations were approved unanimously.

The Reporter proposed amending Rule 2005 to conform to § 321 of the Judicial Improvements Act of 1990, which changed the title of "United States magistrate" to "United States magistrate judge." The proposal was approved without objection.

Time Limits

At the request of the Committee, the Reporter presented a list of time limits contained in the Bankruptcy Rules. The purpose of the list was to assist the Committee in discussing the suggestion that all time limits be either seven days or a multiple of seven days. Professor King moved to table the report. The motion failed on a vote of 8-2.

Mr. Minkel indicated that the bar had spent 10 to 20 years learning the current time limits and would be extremely upset if they were changed. He stated that most notice periods in the bankruptcy rules are unique to bankruptcy. Judge Howard stated that the change would be good only if the bankruptcy, civil, criminal, and appellate rules were all changed.

Judge Keeton stated that, even if the Committee did not make global changes in the notice periods, it should consider using seven-day notice periods in all future changes in the time periods. Mr. Patchan moved that the sense of the Committee be recorded in favor of establishing a pattern of time periods in multiples of seven days in conjunction with the other advisory committees. The motion passed on a vote of 8-2. The Reporter was directed to communicate the sense of the Committee to the other advisory committees.

Local Rules

On behalf of the Technology Subcommittee, Judge Barta reported that the American Bankruptcy Institute no longer anticipates preparing model local bankruptcy rules. He stated that the ABI has recruited a group of 24 attorneys who will help assemble a data base of local rules from around the country. Mr. Shapiro stated that the task is so difficult that the ABI does not expect to complete the data base for another year.

Judge Barta stated that the volume of filings in the bankruptcy courts and the cost of handling filings by facsimile means that facsimile filing may not work in the bankruptcy courts. He also indicated that facsimile filing is the first step to electronic filing, which will be more economical and reliable. Judge Barta stated that the sense of the Committee, which is opposed to permitting facsimile filings at present, should be communicated to Judge W. Earl Britt and the Committee on Automation and Technology. There was no objection to the recommendation.

Alternative Dispute Resolution

Judge Meyers presented the report of the Alternative Dispute Resolution Subcommittee. He stated that it was the sense of the subcommittee that Rule 9019 goes as far as it can now in light of the Biden bill and experiments being conducted in settlement techniques and alternative dispute resolution.

Judge Meyers indicated that the Case Management Subcommittee of the Bankruptcy Committee had inquired why Rule 9031 bars the use of special masters in bankruptcy cases. Mr. Shapiro stated that special masters could be appointed under the Bankruptcy Act and were used to bypass the entire bankruptcy system. Under the Bankruptcy Code, the practice was prohibited in order to avoid diluting the powers of the bankruptcy judges.

Mr. Patchan stated that a practice has grown up of appointing examiners with special powers to serve the same purpose as a special master. He added that Rule 9031 was also intended to avoid the referral of bankruptcy appeals to magistrates. The Reporter stated that, if masters could be used in bankruptcy cases, examiners would go back to their original function.

Judge Howard stated that settlement masters are used with tremendous success in his district. The court uses magistrate judges because of the restrictions on paying outsiders. The Chairman indicated that the status and responsibilities of bankruptcy judges are different now and that the matter could be revisited. He encouraged the Subcommittee to propose a revised rule. The sense of the Committee was that the Subcommittee should continue to study the matter.

Official Forms

Mr. Patchan reported that the Congressional print of the Official Forms contained a number of pages which were out of order. He also stated that Congress had passed additional priorities since Schedule E was revised. Ms. Channon stated that revising the Official Form would require approval by this Committee, the Committee on Rules of Practice and Procedure, and the Judicial Conference.

Memorandum of Understanding

Mr. Logan stated that the Memorandum of Understanding between the Executive Office for United States Trustees and the Judiciary concerning case closing and post-confirmation chapter 11 monitoring has been mailed to all bankruptcy judges and clerks. The memorandum, which is scheduled to be considered by

the Committee on the Administration of the Bankruptcy System next week, outlines the responsibilities of the United States trustees and the bankruptcy clerks in case closing and post-confirmation chapter 11 monitoring.

Mr. Logan stated that his office will issue the memorandum as an unofficial directive by August 1 and take formal action after the Judicial Conference has acted on the matter. He added that the United States trustee program has requested 200 additional personnel in order to fully implement the memorandum.

Report of the Committee on Rules of Practice and Procedure

The Reporter presented for information the report prepared by the Committee on Rules of Practice and Procedure for the March 1991 meeting of the Judicial Conference.

Suggestions for Discussion

Judge Keeton, the chairman of the Committee on Rules of Practice and Procedure, discussed the need for re-examining how the litigation system functions and, in particular, the rules relating to the conduct of trials. Judge Keeton stated that years of concern by the bar, the bench, and the public had resulted in changes in pretrial procedures. Now, he indicated, it is time to consider similar changes to make the trial process shorter, and more efficient and focused. The issue has been referred to each of the advisory committees for their consideration.

In order to prompt and focus discussion on the issue, Judge Keeton presented several draft rules and proposals intended to free trials from incentives for delaying tactics and divisiveness. The judge stated that permitting a witness to testify by affidavit in a non-jury trial, provided that the witness is available for cross-examination, is one way to reduce the time needed for non-jury trials. Judge Keeton and the committee members discussed the application of this procedure in the bankruptcy courts, which would require the modification of Civil Rule 43 to fully implement.

Judge Keeton also discussed his concern about the accessibility of the output of the advisory rules committees to the bench and the bar. Because a consistent style of drafting will make the rules easier to interpret, the judge stated that, when the advisory committees are trying to say the same thing, they should say it in the same way. Because much of the research on the rules is by means of computer searches, he stated, it would be useful to eventually assign certain numbers to general rules, civil rules, criminal rules, appellate rules, and

bankruptcy rules. Using separate number sequences for each of the rules would make electronic searches easier and more efficient.

Finality for Purposes of Appeal

The Reporter discussed the 1990 amendment to 28 U.S.C. § 2072, the Rules Enabling Act, which authorized the prescribing of rules that define when a court's ruling is final for purposes of appeal. The matter was referred by the Committee on Rules of Practice and Procedure.

The Reporter indicated that the amendment did not refer to bankruptcy appeals pursuant to 28 U.S.C. § 158 and that 28 U.S.C. § 2075, which authorizes the bankruptcy rules, was not amended. Several committee members questioned whether § 2072 gives the Committee authority to define finality. **The sense of the Committee was to wait and see how the other advisory committees attempt to define finality.**

Adjournment

Professor King moved that the Committee request permission to publish for comment by the bench and bar the approximately 15 amendments tentatively approved at the last two meetings. The Chairman stated that it is customary for the Style Committee to make another review of the proposed amendments before the Committee votes on their publication. Professor King acquiesced. **The Chairman directed the Style Committee to review the proposed amendments before the Committee reassembled Friday morning. The Chairman designated Professor King, Judge Barta, and Mr. Mabey to serve on the Style Committee and requested that Ms. Channon assist them. The Committee adjourned until 9 a.m., Friday.**

Friday, June 21, 1991

Rule 3015

The Committee reconvened at 9:03 a.m. Friday. The Reporter stated that § 1323(c) provides that the holder of a secured claim that has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified. Therefore, he indicated, the proposed new subsection 3015(f) is not needed and the Chapter 13 Subcommittee has agreed to delete the subsection. **It was so moved and approved by a unanimous vote.**

Style Committee Report

The Reporter presented the Style Committee's Report and recommended changes in the amendments approved earlier by the Committee. The Style Committee made no changes in the proposed amendments to Rules 1010, 1013, 1017, 2002(j), 2003(a), 2005(b), 3009, 3018, 5005(a), 6002(b), 6006(c), 6007, and 9019(a).

The Style Committee recommended changing the word "applies" to "apply" in the Committee Note to subdivision 3002(a). The Style Committee recommended deleting the final two sentences of the Committee Note to subdivision 3002(c) because the two sentences state the law.

The Style Committee recommended renumbering the subdivisions of Rule 3015 and the Committee Note to incorporate the changes made by the full committee earlier. The Style Committee proposed deleting the word "thereof" from proposed subdivision 3015(g), as renumbered, which is set out at line 10 of page 19 of the Chapter 13 Report. In addition, the Style Committee recommended revising the Committee Note to proposed subdivision 3015(f) to reflect the changes made by the full committee earlier. The proposed revision reads as follows: "Subdivision (f) is added to expand the scope of the rule to govern objections to confirmation and confirmation orders in chapter 12 and chapter 13 cases. These matters are now governed in Rule 3020."

The Style Committee suggested revising the final sentence of the Committee Note to Rule 3019 so that it reads: "Modification of plans after confirmation in chapter 12 and chapter 13 cases are governed by Rule 3015." The Style Committee proposed substituting the verb "are" for "will be" in the final sentence of the Committee Note to Rule 3020.

The Style Committee recommended inserting the words "in writing" after the word "requests" in the third line of proposed Rule 9036. The Style Committee also proposed deleting the phrase "in a manner not inconsistent with any regulation of the Judicial Conference of the United States" from lines 5 - 7. The Style Committee recommended deleting the penultimate sentence and inserting a comma after the word "notice" in the next to last line.

In addition, the Style Committee recommended deleting the fourth paragraph of the Committee Note to proposed Rule 9036 and revising the final paragraph to read: "Electronic transmission pursuant to this rule completes the notice requirements. The creditor or interested party is not thereafter entitled to receive the relevant notice by mail."

Mr. Mabey moved to accept the report by the Style Committee. The motion was seconded and approved unanimously.

Professor King moved that the proposed amendments which were tentatively approved at the last two meetings be forwarded to the Standing Committee on Rules of Practice and Procedure with a request that the proposed amendments be published for comment by the bench and bar. The motion carried without objection. Professor King moved that the committee adjourn. The motion carried without objection. The meeting was adjourned at 9:22 a.m., on June 21, 1991.

Respectfully submitted,

James H. Wannamaker, III
Attorney
Division of Bankruptcy