

AMENDMENTS TO THE FEDERAL RULES OF PRACTICE AND PROCEDURE
December 1, 2015

Congress has taken no action on the proposed amendments to the Federal Rules of Bankruptcy and Civil Procedure, adopted by the Supreme Court and transmitted to Congress on April 29, 2015. Under the Rules Enabling Act, 28 U.S.C. §§ 2071-75, amendments to the following rules take effect on December 1, 2015:

- Bankruptcy Rule 1007
- Civil Rules 1, 4, 16, 26, 30, 31, 33, 34, 37, 55, and 84, and the Appendix of Forms

Under 28 U.S.C. § 2074(a) and the Supreme Court orders dated April 29, 2015, the amendments will govern all proceedings commenced on or after December 1, 2015, and all proceedings then pending “insofar as just and practicable.”

Significant changes to the Federal Rules of Civil Procedure include, among others:

1. The time for service of process under Rule 4(m) is shortened from 120 days to 90 days.
2. The time for holding the initial case management conference under Rule 16(b) has been shortened by 30 days, and new topics for the Rule 26(f) and Rule 16 conferences have been added.
3. The scope of discovery in Rule 26(b)(1) has been amended, and the need for proportional discovery tailored to the reasonable needs of the case has been highlighted.
4. Rule 37(e) has been rewritten to address the preservation and loss of electronically stored information.
5. Rule 1 has been amended to state that parties as well as courts have an obligation to secure the just, speedy, and inexpensive determination of every action.

The text of the amended rules and extensive supporting documentation related to their adoption — including excerpts from the reports of the Judicial Conference Committee on Rules of Practice and Procedure containing the Committee Notes — are posted on the Judiciary’s website at: <http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>.

In addition, effective December 1, 2015, most Official Bankruptcy Forms will be replaced with substantially revised, reformatted and renumbered versions. These new forms are part of a forms modernization project that was begun by the Advisory Committee on Bankruptcy Rules in 2008. Among other things, the new forms introduce different versions of case opening forms for individual debtors and non-individual debtors. The new forms are designed to work with scheduled enhancements to the federal courts’ case opening and electronic case management system and should prove easier for debtors to understand and complete. Details about the new forms can be found on the Judiciary’s bankruptcy forms website at: <http://www.uscourts.gov/forms/bankruptcy-forms>.