

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**CHANGES TO TIME CALCULATIONS
IN NATIONAL RULES AND NEW FORMS**

Effective December 1, 2009, the Federal Rules of Bankruptcy Procedure adopt a new uniform approach to time calculations. An excerpt from the Report of the Judicial Conference asserts that the changes will “make the method of computing time consistent, simpler, and clearer.” Revised Fed.R.Bankr.P. 9006 describes the changes, which have been dubbed “days are days” - meaning that intervening weekends and holidays are usually counted. The change in approach prompted a review of all time periods in the rules and the proposal of new time frames so that “every deadline is reasonable” Most of the time periods will be in weekly intervals.

Some examples of the changes are as follows:

- 5 days becomes 7 days [example: deadline in Fed.R.Bankr.P. 2008 for trustee to reject appointment.]
- 10 days becomes 14 days [example: the period for filing a notice of appeal in Fed.R.Bankr.P. 8002].
- 15 days becomes 14 days [example: the deadline for filing schedules in Fed.R.Bankr.P. 1007(c)].
- 20 days becomes 21 days [example: time period in Fed.R.Bankr.P. 2002(a) that has to pass between filing and meeting of creditors].
- 25 days goes to 28 days [example: time period in Fed.R.Bankr.P. 2002(b) that has to pass between filing and hearing on disclosure statement].

Counsel are encouraged to study the changes independently, and not to rely solely upon this notice. Additional information about the changes can be found at http://www.uscourts.gov/rules/Supreme%20Court%202008/Excerpt_ST_BK.pdf.

The Court’s local rules are being revised, but those revisions are not expected to be effective by December 1st. However, by General Order 09-0008, the Court has ensured that the new time periods in the national rules supersede the time periods in the current version of the local rules, where those time periods differ. [Here is a link to the General Order: <http://www.insb.uscourts.gov/WebForms/genorder/090008.pdf>]

Also effective December 1, 2009, new Official Form 27 - Reaffirmation Agreement Cover Sheet - becomes a required document that must be filed with each reaffirmation agreement.

B1, Exhibit D concerning credit counseling, is also amended.

All of these forms, and instructions, can be found at <http://www.uscourts.gov/bankform/index.html>

November 5, 2009

/s/ Kevin P. Dempsey
Bankruptcy Clerk