



Bankruptcy Bits & Pieces

November/December 2014

Bankruptcy Bits & Pieces is published by the U.S. Bankruptcy Court for the Central District of Illinois as an information service for the practitioners of our court. Suggestions and comments are always welcome. Please email us at: attorney_newsletter@ilcb.uscourts.gov

Procedures for Noticing Hearings on Disclosure Statements in Chapter 11 cases

On September 26, 2014, the procedures for noticing hearings on the adequacy of Disclosure Statements in Chapter 11 cases changed. Debtors are now required to mail a copy of the Scheduling Order issued by the Clerk, the Disclosure Statement and the Plan to all creditors and parties in interest. Debtors must also file a Certificate of Service identifying the documents served, the full name and address of each person served and the method of service.

This change in noticing procedure applies in the Peoria, Springfield and Urbana Divisions. For more information, see the 9/26/14 announcement on our website.

Amendments to Bankruptcy Rules and Forms Effective 12/1/14

The Supreme Court approved amendments to the Federal Rules of Bankruptcy Procedure which will take effect December 1, 2014.

The amendments address the following: 1) petitions involving the same debtors filed in different courts; 2) time limits for serving a summons and complaint; 3) general pleadings and judgments and costs; 4) bankruptcy appeals; and 5) new trials and relief from a judgment or order.

Several official forms will be updated to address the amended rules.

- Official Forms 3A (Application for Individuals to Pay the Filing Fee in Installments) and 3B (Application to Have the Chapter 7 Filing Fee Waived) are revised to remove references to fee amounts.
- Official Form B6Sum (Summary) is revised to update line number cross references to the revised means test forms (Official Forms 22A-1, 22A-1 Supp, 22A-2, 22B, 22C-1 and 22C-2).
- Official Forms 17A (Notice of Appeal and Statement of Election), 17B (Optional Appellee Statement of Election to Proceed in District Court) and 17C (Certificate of Compliance with Rule 8015(a)(7)(B) or 8016(d)(2)) are new forms set to go into effect with the revised bankruptcy appellate rules.
- Official Forms 22A-1 (Chapter 7 Statement of Your Current Monthly Income), 22A-1 Supp (Statement of Exemption from Presumption of Abuse Under 707(b)(2)), 22A-2 (Chapter 7 Means Test Calculation), 22B (Chapter 11 Statement of Your Current Monthly Income), 22C-1 (Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period) and 22C-2 (Chapter 13 Calculation of Your Disposable Income) are the revised means test forms. These forms are revised to accommodate changes in the law as a result of Supreme Court precedent and as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project.

Proposed Bankruptcy Rule and Official Form Changes

The Judicial Conference Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules have proposed amendments to their respective Rules and forms and have requested that the proposals be circulated to the bench, bar, and public for comment.

The proposed amendments to the Bankruptcy Rules and Official Forms include:

Bankruptcy Rules: 1010, 1011, 2002, 3002, 3002.1, 3007, 3012, 3015, 4003, 5009, 7001, 9006, 9009, and New Rule 1012.

Official Forms: 11A, 11B, 106J, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 401, 410, 410A, 410S1, 410S2, 416A, 416B, 416D, 424, and Instructions, and New Official Forms 106J-2 and 113 (Chapter 13 Plan).

The public comment period closes on Tuesday, February 17, 2015, at 11:59 p.m. Procedures for submitting comments and information regarding public hearings on the proposed changes, as well as the text of the proposed changes to the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and the Official Forms, are available at: <http://www.uscourts.gov/RulesAndPolicies/rules/proposed-amendments.aspx>.

Who is Receiving Electronic Notice?

Occasionally, attorneys assume that electronic service is being made on a variety of parties who are not, in fact, receiving electronic service. In particular, some make the assumption that when a proof of claim or a claim-related document is filed electronically, the filer ends up on the electronic service list. It's true that each time a document is filed in a bankruptcy case a Notice of Electronic Filing (NEF) is emailed to the attorneys of record in the case. However, there may be parties in a case who are not on the list to receive electronic notification, such as creditors who have only filed documents as a limited filer (i.e., claims, reaffirmation agreements, notices of appearance). These parties will receive notice only if served manually.

To determine which parties in a case are receiving electronic service, click: *Utilities > Miscellaneous > Mailings > Mailing Info for a Case*. Type in the case number > Submit. The screen then displays the parties on the Electronic Mail Notice List and those on the Manual Notice List.

Resources Available

Do you know where to go for help when filing documents or needing information? Of course, software providers and Internet service providers are the first place to check when having technical or equipment problems. The Clerk's Office cannot provide legal advice, but we are happy to help with procedural information or to help determine the proper event to use when docketing to the ECF system.

Here is a short list (not complete) of commonly needed items available on the tabs of our [website homepage](#).

Case Info

- * Hearings & Dockets
- * Obtaining Copies Information
- * VCIS (case info via telephone)

Court Info

- * Filing Fees Chart
- * Standing Order & Local Rules
- * Counties & Divisions Map

ECF Helpdesk

- * Attorney/Creditor ECF Registration
- * Filing Demos & Tips (FAQs)
- * CM/ECF Training System (practice exercises)

For Attorneys

- * Attorney Newsletter
- * Manual for Practitioners
- * Wireless Instructions

For Creditors

- * ePOC – Electronic Proof of Claim
- * National Creditor Registration Service
- * Electronic Bankruptcy Noticing

Filing Requirements

- * Understanding Bankruptcy/Basics
- * Education Providers
- * Pro Se Debtor Guide
- * Filing without an Attorney

Resources

- * Credit Report Info & Disputes
- * IRS: Allowable Living Expenses
- * Post Judgment Interest Rates
- * Bankruptcy Code & Federal Rules of Procedure

DeBN (link located on homepage)

- * Overview of DeBN/Brochure
- * Requirements
- * How Email Works
- * FAQ
- * Request Form



Court Locations

Peoria
2nd Floor Room 216
100 N.E. Monroe Street
Peoria, IL 61602
(309) 671-7035
Office Hours: 8 am–5 pm

Springfield
2nd Floor Room 226
600 E. Monroe Street
Springfield, IL 62701
(217) 492-4551
Office Hours: 8 am–5 pm

Urbana
Room 203
201 S. Vine Street
Urbana, IL 61802
(217) 974-7330
Office Hours: 8 am–5 pm

Court Closures

The Clerk's Office will be closed the following days:

Tuesday, November 11—Veterans Day
Thursday, November 27 — Thanksgiving Day
Friday, November 28 — Thanksgiving Holiday
Thursday, December 25 — Christmas Day
Thursday, January 1 — New Year's Day

Urbana Hearing Calendars

The Urbana, Illinois hearing calendars are now posted on our website. These calendars include all the tentative dates for hearings, but will not include special settings, trials, or conference calls.

To view the calendars, select Court Info and then proceed to Docket & Hearings. They can also be viewed using the following link: [Urbana Calendars](#).