

To: Bankruptcy Section Members, State Bar of Montana
 From: Seamus McCulloch, Law Clerk to the Hon. Benjamin Hursh
 Re: Local Bankruptcy Rules
 Date: December 1, 2023

The Local Rules Committee provided the Court with proposed revisions to the existing local rules. The proposed changes are now the subject of a comment period. The following is a summary of the changes to the local rules and forms.

Mont. LBR	Summary of Changes
1001-1(a), et seq.	Various grammatical changes such as removal of passive voice and superfluous language throughout the Local Rules.
1001-1	Deletion of Fed. R. Bankr. P. 9009 as related authority.
1001-1(a), et seq.	Local Bankruptcy Rules defined as Local Rules. Change incorporated throughout Local Rules.
1001-1(d), et seq.	Federal Rule of Bankruptcy Procedure replaced by Fed. R. Bankr. P. Change incorporated throughout Local Rules.
1001-1(e), et seq.	Pro Per Entities replaced by Self-Represented Litigants (In Propria Persona). Change incorporated throughout Local Rules.
1006-1	Addition of Fed. R. Bankr. P. 1017(b) and Bankruptcy Official Form 103B as related authority.
1007-1(d)(1)	Addition of subpart stating that the Clerk will enter a Notice of Pending Dismissal for Failure to File Statement of Social Security Number if the debtor fails to file Bankruptcy Official Form 121 (Statement About Your Social Security Number). The debtor will have seven days to cure the deficiency before the debtor's case is dismissed.
1007-1(g)(2)	Language referencing LBF 35 removed.
1007-2(a)(1)	Added language alternatively defining master mailing list as mailing list and mailing matrix.
1017-1(c)	Rule removed allowing Court to grant motion to convert or dismiss without further hearing upon default of a confirmed Plan.
2002-4	Deletion of Mont. LBRs 2016-1 and 9013-1 as related authority.
2003-3(b)	Rule removed allowing a debtor to attend a meeting of the creditors by video conferencing with consent of the trustee and 14 days of notice to creditors.
2003-3(5)(a)	Rule changed to require debtors or their counsel to provide original forms of identification and proof of social security number to the trustee assigned to their case at least 14 days prior to the 11 U.S.C. § 341(a) meeting.
2003-3(5)(b)	Rule changed to require debtors or their counsel to provide any other books, records, and documents requested by the trustee or U.S. Trustee that are consistent with Fed. R. Bankr. P. 4002.
2014-1	Language removed stating submission of a proposed order is not necessary.

2016-1	Deletion of Mont. LBR 2002-4 as related authority.
2090-2(c)(1)	Subpart added requiring self-represented litigants to request notice by completing the form available at https://www.mtb.uscourts.gov/debtor-electronic-bankruptcy-noticing-debn and submitting it to the Clerk's office.
2090-2(c)(2)	Language deleted requiring a deputy clerk to sign a debtor's request for notice.
2090-(c)(3)	Language added stating that a self-represented litigant has the responsibility of updating their email address.
3002-1	Addition of Fed. R. Bankr. P. 3004 as related authority.
3015-2	Addition of 11 U.S.C. §§ 1223, 1229, 1323, and 1329, and Fed. R. Bankr. P. 3015(h) as related authority.
3015-3	Language deleted requiring debtors to submit their tax forms W-2 and 1099 to the chapter 12 or 13 trustee.
3022-1	Addition of Fed. R. Bankr. P. 3022 as related authority.
4002-1	Deletion of Mont. LBR 2003-3 as related authority.
4002-6	Removal of rule requiring the debtor to file income documentation for two months prior to bankruptcy and turnover of income documentation for six months to chapter 13 trustee.
4003-2	Addition of 11 U.S.C. §§ 521 and 522, Fed. R. Bankr. P. 1007 and 4002, Mont. Code Ann. §§ 25-13-601 to 615 and 70-32-105 to 107 as related authority.
4004-1(d)(2)(A)	Reference to 11 U.S.C. § 521(q)(1) removed.
4004-1(d)(2)(B)	Language simplified to reference 11 U.S.C. § 522 broadly.
7016-1	Addition of Fed. R. Bankr. P. 7016 and 7026, and Fed. R. Civ. P. 16 and 26 as related authority.
7056-1	Addition of Fed. R. Bankr. P. 7012(b) as related authority.
9013-1(c)	Language added eliminating the practice of filing the same document multiple times with each docket event or filing multiple motions in one document.
9013-1(j)(2)	Subpart added requiring word document titles to mirror Mont. LBR 9013(j)(1) naming conventions with the exception of shortening the case number so as to avoid conflict with Microsoft Word's prohibition on the colon punctuation in the document title.
9014-1	Rule removed stating that unless requested by a party and allowed by the Court, in its discretion, the Part VII rules identified in Fed. R. Bankr. P. 9014(c) shall not apply to any all contested matters.