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To "Rules\_Comments@ao.uscourts.gov"  
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cc

Subject: public comments on B R 8002

**07-BR-028**

To the Rules Committee

The American Bankruptcy Institute (ABI) conducted an online survey of its members regarding the proposed changes to Bankruptcy Rule 8002. The survey was conducted from about mid-December, 2007 until January 31, 2008.

We asked two survey questions, as follows:

*"In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 14 days would be (check one) (a) significantly detrimental, (b) significantly beneficial or (c) not significant"*

*"In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 30 days would be (check one) (a) significantly detrimental, (b) significantly beneficial or (c) not significant"*

A total of 183 members responded. Members were prevented from voting more than once, by means of unique log-in identifying data. The survey results were anonymous in the aggregate, though we did ask members to identify themselves as primarily involved in consumer or business bankruptcy cases, as ABI members practice in both areas. The survey was prominently posted on the ABI website homepage. Twice each week during the survey period, members were reminded by electronic newsletter of the opportunity to participate in the survey. A copy of the survey instrument is included.

The attached charts show the overall results and cross tabulations. In general, a plurality of members (45.36%) responded that the proposed change in the appeal deadline from 10 to 14 days would not have a significant effect. However, a strong majority (69.95%) of members who responded found that the proposed change in the appeal deadline from 10 to 30 days would have a significantly detrimental effect. During the roughly two months of the rolling survey, these ratios did not vary significantly.

We hope the Rules Committee finds this data helpful. Please call on the ABI if we can be of any other assistance.

Sincerely,

Samuel J. Gerdano, Esq.  
Executive Director  
American Bankruptcy Institute  
44 Canal Center Plaza, Suite 404

## ABI Online Membership Survey Results on the Proposed Changes to B.R. 8002

**In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 14 days would be:**

		significantly detrimental	significantly beneficial	not significant
consumer bankruptcy cases	Responses 73	12 / 73	25 / 73	36 / 73
	Percentage	16.44%	34.25%	49.32%
business bankruptcy cases	Responses 110	38 / 110	25 / 110	47 / 110
	Percentage	34.55%	22.73%	42.73%
Totals	Responses 183	50 / 183	50 / 183	83 / 183
	Percentage	27.32%	27.32%	45.36%

**In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 30 days would be:**

		significantly detrimental	significantly beneficial	not significant
consumer bankruptcy cases	Responses 73	41 / 73	26 / 73	6 / 73
	Percentage	56.16%	35.62%	8.22%
business bankruptcy cases	Responses 110	87 / 110	15 / 110	8 / 110
	Percentage	79.09%	13.64%	7.27%
Totals	Responses 183	128 / 183	41 / 183	14 / 183
	Percentage	69.95%	22.40%	7.65%

## ABI Online Membership Survey Results on the Proposed Changes to B.R. 8002

**In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 14 days would be:**

		consumer bankruptcy	business bankruptcy
significantly detrimental	Responses 50	12 / 50	38 / 50
	Percentage	24.00%	76.00%
significantly beneficial	Responses 50	25 / 50	25 / 50
	Percentage	50.00%	50.00%
not significant	Responses 83	36 / 83	47 / 83
	Percentage	43.37%	56.63%
Totals	Responses 183	73 / 183	110 / 183
	Percentage	39.89%	60.11%

**In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 30 days would be:**

		consumer bankruptcy	business bankruptcy
significantly detrimental	Responses 128	41 / 128	87 / 128
	Percentage	32.03%	67.97%
significantly beneficial	Responses 41	26 / 41	15 / 41
	Percentage	63.41%	36.59%
not significant	Responses 14	6 / 14	8 / 14
	Percentage	42.86%	57.14%
Totals	Responses 183	73 / 183	110 / 183
	Percentage	39.89%	60.11%

[!] You are in SURVEY PREVIEW mode

## **ABI Survey on Bankruptcy Appeal Deadlines**

In August 2007, the Advisory Committee on Bankruptcy Rules proposed to amend Bankruptcy Rule 8002 to set 14 days as the deadline for filing a notice of appeal from a judgment, order, or decree in a bankruptcy case. The Committee has invited comment on whether the proposed extension from 10 to 14 days would cause a material disruption in bankruptcy practice. The Rules Committee has asked for ABI's help. Comment is also invited on whether the deadline should be extended to 30 days, making it consistent with the general 30-day deadline in civil cases. Please give your response to the Committee's request by checking the appropriate boxes below.

Please answer the following questions to the best of your ability. This survey will take about a minute to complete. Press the button below to begin.

**Start Survey**



### Contact Information

Please enter the information below before answering the survey.

*First Name	Sam
*Last Name	Gerdano
*Email Address	sgerdano@abiworld.org

**Submit**



Thank you for verifying the below information.

First Name  
Last Name  
Email Address

**\*My practice mainly involves: (check one)**

- consumer bankruptcy cases
- business bankruptcy cases.

**\*In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 14 days would be: (check one)**

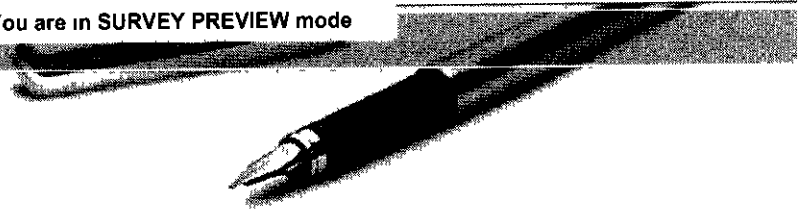
- significantly detrimental
- significantly beneficial
- not significant.

**\*In my view, the effect on bankruptcy practice of changing the appeal deadline from 10 to 30 days would be: (check one)**

- significantly detrimental
- significantly beneficial
- not significant

Finish





Thank you for completing the survey!

We value your feedback and appreciate your time.

We will share the tabulated results next month.

**Invite Others To Take This Survey**

