

April 8, 2026

Honorable Mike Johnson
Speaker, United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I have the honor to submit to the Congress an amendment to the Federal Rules of Appellate Procedure that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended form are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 16, 2025; a blackline version of the form with committee note; an excerpt from the September 2025 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2025 report of the Advisory Committee on Appellate Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 8, 2026

Honorable James D. Vance
President, United States Senate
Washington, DC 20510

Dear Mr. President:

I have the honor to submit to the Congress an amendment to the Federal Rules of Appellate Procedure that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended form are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 16, 2025; a blackline version of the form with committee note; an excerpt from the September 2025 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2025 report of the Advisory Committee on Appellate Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 8, 2026

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Appellate Procedure are amended to include an amendment to Form 4.

[*See infra* pp. — — —.]

2. The foregoing amendment to the Federal Rules of Appellate Procedure shall take effect on December 1, 2026, and shall govern in all proceedings in appellate cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendment to the Federal Rules of Appellate Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

1.	What is your monthly take-home pay, if you have any, from your work?	\$ _____
2.	What is your monthly income from any source other than take-home pay from work (such as unemployment benefits, alimony, child support, public assistance, pension, and social security)?	\$ _____
3.	How much are your monthly housing costs (such as rent and utilities)?	\$ _____
4.	How much are your monthly costs for other necessary expenses (such as food, medical care, childcare, and transportation)?	\$ _____
5.	What is the total value of all your assets (such as bank accounts, investments, market value of car or house)?	\$ _____
6.	How much debt do you have (such as credit cards, mortgage, and student loans)?	\$ _____
7.	How many people (including yourself) do you support?	
8.	Do you receive SNAP (Supplemental Nutrition Assistance Program), Medicaid, or SSI (Supplemental Security Income)? These programs may go by different names in some states.	Yes No

Are you a prisoner seeking to appeal a judgment in a civil action or proceeding? If so, then no matter how you answered the questions above, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

For all applicants: if there is anything else that you think explains why you cannot pay the filing fees, please feel free to explain below. (Attach additional pages if necessary.)



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544


THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROBERT J. CONRAD, JR.
Secretary

October 16, 2025

MEMORANDUM (Revised March 24, 2026)¹

To: Chief Justice of the United States
Associate Justices of the Supreme Court

From: Judge Robert J. Conrad, Jr. 
Secretary

RE: TRANSMITTAL OF PROPOSED AMENDMENTS TO THE FEDERAL RULES OF
APPELLATE PROCEDURE

By direction of the Judicial Conference of the United States, and pursuant to the authority conferred in 28 U.S.C. § 331, I am pleased to transmit proposed amendments to * * * Form 4 of the Federal Rules of Appellate Procedure. The Judicial Conference has approved these amendments and recommends that the Court adopt them and transmit them to Congress pursuant to law.

For your assistance in considering the proposed amendments, I enclose:

- (1) Clean and blackline copies of the amended * * * form.
- (2) An excerpt from the report of the Committee on Rules of Practice and Procedure (Standing Committee) to the Judicial Conference for its September 2025 session.
- (3) An excerpt from the report of the Advisory Committee on Appellate Rules to the Standing Committee for its June 2025 meeting.

Attachments

¹ See March 10, 2026 request to withdraw proposed amendments to Appellate Rules 29, 32, and Appendix on Length Limits at this link: <https://www.uscourts.gov/forms-rules/records-rules-committees/packages-submitted/us-supreme-court-rules-package-2025>.

1.	<u>What is your monthly take-home pay, if you have any, from your work?</u>	\$ _____
2.	<u>What is your monthly income from any source other than take-home pay from work (such as unemployment benefits, alimony, child support, public assistance, pension, and social security)?</u>	\$ _____
3.	<u>How much are your monthly housing costs (such as rent and utilities)?</u>	\$ _____
4.	<u>How much are your monthly costs for other necessary expenses (such as food, medical care, childcare, and transportation)?</u>	\$ _____
5.	<u>What is the total value of all your assets (such as bank accounts, investments, market value of car or house)?</u>	\$ _____
6.	<u>How much debt do you have (such as credit cards, mortgage, and student loans)?</u>	\$ _____
7.	<u>How many people (including yourself) do you support?</u>	
8.	<u>Do you receive SNAP (Supplemental Nutrition Assistance Program), Medicaid, or SSI (Supplemental Security Income)? These programs may go by different names in some states.</u>	Yes No

Are you a prisoner seeking to appeal a judgment in a civil action or proceeding? If so, then no matter how you answered the questions above, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

For all applicants: if there is anything else that you think explains why you cannot pay the filing fees, please feel free to explain below. (Attach additional pages if necessary.)

Affidavit in Support of Motion

~~I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)~~

~~Signed: _____~~

Instructions

~~Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.~~

~~Date: _____~~

My issues on appeal are:

- ~~For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.~~

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$	\$	\$	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$

Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$	\$	\$	\$

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
			\$
			\$
			\$

4. *How much cash do you and your spouse have? \$ _____*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
		\$	\$
		\$	\$

		\$	\$
--	--	----	----

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home _____	Other real estate _____	Motor vehicle #1 _____
(Value) \$	(Value) \$	(Value) \$
		Make and year:
		Model:
		Registration #:

Motor vehicle #2 _____	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home mortgage payment (include lot rented for mobile home) _____ Are real estate taxes included? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No _____ Is property insurance included? _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	\$	\$
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses	\$	\$
Transportation (not including motor vehicle payments)	\$	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		

Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
————— Total monthly expenses:	\$	\$

9. ~~Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?~~

~~[] Yes [] No ————— If yes, describe on an attached sheet.~~

10. ~~Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? [] Yes [] No~~

~~If yes, how much? \$ _____~~

11. ~~Provide any other information that will help explain why you cannot pay the docket fees for your appeal.~~

12. ~~State the city and state of your legal residence.~~

~~Your daytime phone number: (____) _____~~

~~Your age: _____ Your years of schooling: _____~~

~~Last four digits of your social security number: _____~~

Committee Note

Revised Form 4 simplifies the existing Form 4, reducing the existing form to two pages. It is designed not only to reduce the burden on individuals seeking IFP status but also to provide the information that courts of appeals need and use, while omitting unnecessary information.

REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

The Committee on Rules of Practice and Procedure (Standing Committee or Committee)
met on June 10, 2025. All members participated. * * *

* * * * *

FEDERAL RULES OF APPELLATE PROCEDURE

Amended Rules and Form Recommended for Approval and Transmission

The Advisory Committee on Appellate Rules recommended for final approval proposed
amendments to * * * Form 4, the form used by applicants for *in forma pauperis* (IFP) status in
appellate proceedings. The Standing Committee unanimously approved the Advisory
Committee's recommendations * * *.

* * * * *

Form 4 (Affidavit Accompanying Motion for Permission to Appeal IFP)

The proposed amendments to Form 4 are intended to reduce the burden on individuals
seeking IFP status by (among other things) reducing the amount of personal financial detail
required to be provided, while retaining information that a court of appeals needs when deciding
whether to grant IFP status.

NOTICE


**NO RECOMMENDATIONS PRESENTED HEREIN REPRESENT THE POLICY OF THE JUDICIAL CONFERENCE
UNLESS APPROVED BY THE CONFERENCE ITSELF.**

**Excerpt: Standing Committee Report to the Judicial Conference – September 2025 Session
(Revised March 24, 2026)**

Recommendation: That the Judicial Conference approve the proposed amendments to Appellate * * * Form 4, as set forth in Appendix A, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

* * * * *

Respectfully submitted,



John D. Bates, Chair

Paul J. Barbadoro	Troy A. McKenzie
Todd Blanche	Patricia Ann Millett
Elizabeth J. Cabraser	Andrew J. Pincus
Louis A. Chaiten	D. Brooks Smith
Joan N. Ericksen	Kosta Stojilkovic
Stephen A. Higginson	Jennifer G. Zips
Edward M. Mansfield	

* * * * *

**Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting
(Revised March 24, 2026)**

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

JOHN D. BATES
CHAIR

CAROLYN A. DUBAY
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

ALLISON H. EID
APPELLATE RULES

REBECCA B. CONNELLY
BANKRUPTCY RULES

ROBIN L. ROSENBERG
CIVIL RULES

JAMES C. DEVER III
CRIMINAL RULES

JESSE M. FURMAN
EVIDENCE RULES

MEMORANDUM

TO: Hon. John D. Bates, Chair
Committee on Rules of Practice and Procedure

FROM: Hon. Allison Eid, Chair
Advisory Committee on Appellate Rules

RE: Report of the Advisory Committee on Appellate Rules*

DATE: May 16, 2025

I. Introduction

The Advisory Committee on Appellate Rules met on Wednesday, April 2, 2025, in Atlanta, Georgia. * * * * *

The Advisory Committee has several action items for the June 2025 meeting.

* A copy of the full committee report can be found in the June 2025 Standing Committee agenda book publicly available on the www.uscourts.gov.

**Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting
(Revised March 24, 2026)**

It seeks final approval of amendments to * * * Form 4, the form used by applicants for in forma pauperis (IFP) status. (Part II of this report.)

* * * * *

II. Items for Final Approval

* * * * *

B. Form 4 (19-AP-C; 20-AP-D; 21-AP-B)

The proposed amendment to Form 4 would make that form—which applies when seeking in forma pauperis status—simpler and less intrusive.

The Advisory Committee received several written comments, and several witnesses testified at the public hearing. Overall, the comments and testimony were positive, although one witness pushed for more fundamental changes to the IFP process. Others suggested modest changes to improve ease of use, some of which the Advisory Committee adopted. It declined, however, to adopt changes that were suggested to deal with cases with CJA counsel, concluding that it is better to keep the form simpler for those without counsel and that those with appointed counsel can rely on counsel.

The Advisory Committee unanimously recommends that the Standing Committee give final approval to revised Form 4 that accompanies this report.

* * * * *

April 8, 2026

Honorable Mike Johnson
Speaker, United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I have the honor to submit to the Congress amendments and an addition to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2075 of Title 28, United States Code.

Accompanying the amended and additional rules are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 16, 2025; a blackline version of the rules with committee notes; an excerpt from the September 2025 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2025 report of the Advisory Committee on Bankruptcy Rules.

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Sincerely,

/s/ John G. Roberts, Jr.

April 8, 2026

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Bankruptcy Procedure are amended to include amendments to Rules 1007, 2007.1, 3001, 3018, 5009, 9006, 9014, and 9017, and to add new Rule 7043.

[*See infra* pp. — — —.]

2. The foregoing amendments and addition to the Federal Rules of Bankruptcy Procedure shall take effect on December 1, 2026, and shall govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendments and addition to the Federal Rules of Bankruptcy Procedure in accordance with the provisions of Section 2075 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

**Rule 1007. Lists, Schedules, Statements, and
Other Documents; Time to File**

* * * * *

(b) Schedules, Statements, and Other Documents.

* * * * *

(7) *Personal Financial-Management Course.*

Unless an approved provider has notified the court that the debtor has completed a course in personal financial management after filing the petition or the debtor is not required to complete one as a condition to discharge, an individual debtor in a Chapter 7 or Chapter 13 case—or in a Chapter 11 case in which § 1141(d)(3) applies—must file a certificate of course completion issued by the provider.

* * * * *

(c) Time to File.

* * * * *

(4) [abrogated]

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

**Rule 2007.1. Appointing a Trustee or Examiner
in a Chapter 11 Case**

* * * * *

- (b) **Requesting the United States Trustee to Convene
a Meeting of Creditors to Elect a Trustee.**

* * * * *

- (3) ***Reporting Election Results; Resolving
Disputes.***

- (A) *Undisputed Election.* If the election is undisputed, the United States trustee must promptly file a report certifying the election, including the name and address of the person elected and a statement that the election is undisputed. The report must be accompanied by a verified statement of the person elected setting forth that

person's connections with:

- the debtor;
- creditors;
- any other party in interest;
- their respective attorneys and accountants;
- the United States trustee; or
- any person employed in the United States trustee's office.

(B) *Disputed Election.* If the election is disputed, the United States trustee must promptly file a report stating that the election is disputed, informing the court of the nature of the dispute and listing the name and address of any candidate elected under any alternative presented by the dispute. The report must be

accompanied by a verified statement by each candidate, setting forth the candidate's connections with any entity listed in (A). No later than the date on which the report is filed, the United States trustee must mail a copy and each verified statement to:

- (i) any party in interest that has made a request to convene a meeting under § 1104(b) or to receive a copy of the report; and
- (ii) any committee appointed under § 1102.

(c) **Approving an Appointment.** On application of the United States trustee, the court may approve a trustee's or examiner's appointment under § 1104(d).

The application must:

- (1) name the person appointed and state, to the best of the applicant's knowledge, all that person's connections with any entity listed in (b)(3)(A);
- (2) state the names of the parties in interest with whom the United States trustee consulted about the appointment; and
- (3) be accompanied by a verified statement of the person appointed setting forth that person's connections with any entity listed in (b)(3)(A).

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

Rule 3001. Proof of Claim

* * * * *

(c) Required Supporting Information.

(1) *Claim or Interest Based on a Writing.* If a claim or an interest in the debtor's property securing the claim is based on a writing, the creditor must file a copy with the proof of claim—except for a claim based on a consumer-credit agreement under (3). If the writing has been lost or destroyed, a statement explaining the loss or destruction must be filed with the claim.

(2) *Additional Information in an Individual Debtor's Case.* If the debtor is an individual, the creditor must file with the proof of claim:

(A) an itemized statement of the principal

amount and any interest, fees, expenses, or other charges incurred before the petition was filed;

(B) for any claimed security interest in the debtor's property, the amount needed to cure any default as of the date the petition was filed; and

(C) for any claimed security interest in the debtor's principal residence:

(i) Form 410A; and

(ii) if there is an escrow account connected with the claim, an escrow-account statement, prepared as of the date the petition was filed, that is consistent in form with applicable nonbankruptcy law.

(3) ***Claim Based on an Open-End or Revolving Consumer-Credit Agreement.***

(A) *Required Statement.* Except when the claim is secured by an interest in the debtor's real property, a proof of claim for a claim based on an open-end or revolving consumer-credit agreement must be accompanied by a statement that shows the following information about the credit account:

- (i) the name of the entity from whom the creditor purchased the account;
- (ii) the name of the entity to whom the debt was owed at the time of an account holder's last transaction on the account;

- (iii) the date of that last transaction;
- (iv) the date of the last payment on the account; and
- (v) the date that the account was charged to profit and loss.

(B) *Copy to a Party in Interest.* On a party in interest's written request, the creditor must send a copy of the writing described in (1) to that party within 30 days after the request is sent.

(4) *Sanctions in an Individual-Debtor Case.* If the debtor is an individual and a claim holder fails to provide any information required by (c), the court may, after notice and a hearing, take one or both of these actions:

(A) preclude the holder from presenting

the information in any form as evidence in any contested matter or adversary proceeding in the case— unless the court determines that the failure is substantially justified or is harmless; and

- (B) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

**Rule 3018. Chapter 9 or 11—Accepting or
Rejecting a Plan**

(a) In General.

* * * * *

- (3) *Changing or Withdrawing an Acceptance or Rejection.* After notice and a hearing and for cause, the court may permit a creditor or equity security holder to change or withdraw an acceptance. The court may permit the change or withdrawal of a rejection as provided in (c)(1)(B).

* * * * *

**(c) Means for Accepting or Rejecting a Plan;
Procedure When More Than One Plan Is Filed.**

- (1) *Alternative Means.*

(A) *By Ballot.* Except as provided in (B), an acceptance or rejection of a plan must:

- (i) be in writing;
- (ii) identify the plan or plans;
- (iii) be signed by the creditor or equity security holder—or an authorized agent; and
- (iv) conform to Form 314.

(B) *As a Statement on the Record.* The court may also permit an acceptance—or the change or withdrawal of a rejection—in a statement that is:

- (i) part of the record, including an oral statement at the confirmation hearing or a stipulation; and

- (ii) made by the creditor or equity security holder—or its attorney or authorized agent.

(2) ***When More Than One Plan Is Distributed.***

If more than one plan is sent under Rule 3017, a creditor or equity security holder may accept or reject one or more plans and may indicate preferences among those accepted.

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

**Rule 5009. Closing a Chapter 7, 12, 13, or 15
Case; Declaring Liens Satisfied**

* * * * *

**(b) Chapter 7 or 13—Notice of a Failure to File a
Certificate of Completion for a Course on
Personal Financial Management.**

- (1) *Applicability.* This subdivision (b) applies if an individual debtor in a Chapter 7 or 13 case is required to file a certificate under Rule 1007(b)(7).
- (2) *Clerk's First Notice to the Debtor.* If the certificate is not filed within 45 days after the petition is filed, the clerk must promptly notify the debtor that the case can be closed without entering a discharge if the certificate is not filed.
- (3) *Clerk's Second Notice to the Debtor.*

(A) *Chapter 7.* In a Chapter 7 case, if the certificate is not filed within 90 days after the petition is filed and the court has not yet sent a second notice, the clerk must promptly notify the debtor that the case can be closed without entering a discharge if the certificate is not filed within 30 days after the notice's date.

(B) *Chapter 13.* In a Chapter 13 case, if the certificate has not been filed when the trustee files a final report and final account, the clerk must promptly notify the debtor that the case can be closed without entering a discharge if the certificate is not filed within 60 days after the notice's date.

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

Rule 7043. Taking Testimony

Fed. R. Civ. P. 43 applies in an adversary proceeding.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

**Rule 9006. Computing and Extending Time;
Motions**

* * * * *

(b) Extending Time.

* * * * *

(3) *Extensions Governed by Other Rules.* The

court may extend the time to:

(A) act under Rules 1006(b)(2), 1017(e), 3002(c), 4003(b), 4004(a), 4007(c), 4008(a), 8002, and 9033—but only as permitted by those rules; and

(B) file the schedules and statements in a small business case under § 1116(3)—but only as permitted by Rule 1007(c).

(c) Reducing Time.

* * * * *

- (2) ***When Not Permitted.*** The court may not reduce the time to act under Rule 2002(a)(7), 2003(a), 3002(c), 3014, 3015, 4001(b)(2) or (c)(2), 4003(a), 4004(a), 4007(c), 4008(a), 8002, or 9033(b).

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

Rule 9014. Contested Matters

* * * * *

(d) Taking Testimony; Interpreter.

- (1) ***In Open Court.*** A witness's testimony on a disputed material factual issue must be taken in open court unless a federal statute, the Federal Rules of Evidence, these rules, or other rules adopted by the Supreme Court provide otherwise. For cause and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.
- (2) ***Evidence.*** When resolution of a contested matter relies on facts outside the record, the court may hear the matter on affidavits or

may hear it wholly or partly on oral testimony
or on depositions.

- (3) ***Interpreter.*** Fed. R. Civ. P. 43(d) applies in a
contested matter.

* * * * *

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE**

Rule 9017. Evidence

The Federal Rules of Evidence and Fed. R. Civ. P. 44 and
44.1 apply in a bankruptcy case.



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROBERT J. CONRAD, JR.
Secretary

October 16, 2025

MEMORANDUM

To: Chief Justice of the United States
Associate Justices of the Supreme Court

From: Judge Robert J. Conrad, Jr.
Secretary

RE: TRANSMITTAL OF PROPOSED AMENDMENTS TO THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE

By direction of the Judicial Conference of the United States, and pursuant to the authority conferred in 28 U.S.C. § 331, I am pleased to transmit proposed amendments to Rules 1007, 2007.1, 3001, 3018, 5009, 9006, 9014, 9017, and new Rule 7043 of the Federal Rules of Bankruptcy Procedure. The Judicial Conference has approved these amendments and recommends that the Court adopt them and transmit them to Congress pursuant to law.

For your assistance in considering the proposed amendments, I enclose:

- (1) Clean and blackline copies of the amended rules and new rule.
- (2) An excerpt from the report of the Committee on Rules of Practice and Procedure (Standing Committee) to the Judicial Conference for its September 2025 session.
- (3) An excerpt from the report of the Advisory Committee on Bankruptcy Rules to the Standing Committee for its June 2025 meeting.

Enclosures

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 1007. Lists, Schedules, Statements, and**
2 **Other Documents; Time to File**

3 * * * * *

4 **(b) Schedules, Statements, and Other Documents.**

5 * * * * *

6 (7) *Personal Financial-Management Course.*

7 Unless an approved provider has notified the
8 court that the debtor has completed a course
9 in personal financial management after filing
10 the petition or the debtor is not required to
11 complete one as a condition to discharge, an
12 individual debtor in a Chapter 7 or Chapter
13 13 case—or in a Chapter 11 case in which

¹ New material is underlined; matter to be omitted is lined through.

14 § 1141(d)(3) applies—must file a certificate
15 of course completion issued by the provider.

16 * * * * *

17 **(c) Time to File.**

18 * * * * *

19 (4) ~~[abrogated]~~*Financial Management Course.*
20 ~~Unless the court extends the time to file, an~~
21 ~~individual debtor must file the certificate~~
22 ~~required by (b)(7) as follows:~~

23 ~~(A) in a Chapter 7 case, within 60 days~~
24 ~~after the first date set for the meeting~~
25 ~~of creditors under § 341; and~~

26 ~~(B) in a Chapter 11 or Chapter 13 case, no~~
27 ~~later than the date the last payment is~~
28 ~~made under the plan or the date a~~
29 ~~motion for a discharge is filed under~~
30 ~~§ 1141(d)(5)(B) or § 1328(b).~~

31 * * * * *

32

Committee Note

33 The deadlines in (c)(4) for filing certificates of
34 completion of a course in personal financial management
35 have been eliminated. When Code § 727(a)(11), 1141(d)(3),
36 or 1328(g)(1) requires course completion for the entry of a
37 discharge, the debtor must demonstrate satisfaction of this
38 requirement by filing a certificate issued by the course
39 provider, unless the provider has already done so. The
40 certificate must be filed before the court rules on discharge,
41 but the rule no longer imposes an earlier deadline for doing
42 so.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 2007.1. Appointing a Trustee or Examiner**
2 **in a Chapter 11 Case**

3 * * * * *

4 **(b) Requesting the United States Trustee to Convene**
5 **a Meeting of Creditors to Elect a Trustee.**

6 * * * * *

7 **(3) Reporting Election Results; Resolving**
8 **Disputes.**

9 **(A) Undisputed Election.** If the election is
10 undisputed, the United States trustee
11 must promptly file a report certifying
12 the election, including the name and
13 address of the person elected and a
14 statement that the election is
15 undisputed. The report must be

¹ Matter to be omitted is lined through.

16 accompanied by a verified statement
17 of the person elected setting forth that
18 person's connections with:

- 19 • the debtor;
- 20 • creditors;
- 21 • any other party in interest;
- 22 • their respective attorneys and
23 accountants;
- 24 • the United States trustee; or
- 25 • any person employed in the
26 United States trustee's office.

27 (B) *Disputed Election.* If the election is
28 disputed, the United States trustee
29 must promptly file a report stating
30 that the election is disputed,
31 informing the court of the nature of
32 the dispute and listing the name and
33 address of any candidate elected

34 under any alternative presented by
35 the dispute. The report must be
36 accompanied by a verified statement
37 by each candidate, setting forth the
38 candidate's connections with any
39 entity listed in (A)(i)–(vi). No later
40 than the date on which the report is
41 filed, the United States trustee must
42 mail a copy and each verified
43 statement to:

- 44 (i) any party in interest that has
45 made a request to convene a
46 meeting under § 1104(b) or to
47 receive a copy of the report;
48 and
49 (ii) any committee appointed
50 under § 1102.

51 (c) **Approving an Appointment.** On application of the
52 United States trustee, the court may approve a
53 trustee's or examiner's appointment under § 1104(d).

54 The application must:

55 (1) name the person appointed and state, to the
56 best of the applicant's knowledge, all that
57 person's connections with any entity listed in
58 (b)(3)(A)~~(i)-(vi)~~;

59 (2) state the names of the parties in interest with
60 whom the United States trustee consulted
61 about the appointment; and

62 (3) be accompanied by a verified statement of the
63 person appointed setting forth that person's
64 connections with any entity listed in
65 (b)(3)(A)~~(i)-(vi)~~.

66 **Committee Note**

67 The second sentence of Rule 2007.1(b)(3)(B) and
68 paragraphs (1) and (3) of subdivision (c) are amended to
69 delete the erroneous reference to subdivision (b)(3)(A)(i)-
70 (vi). There are no clauses (i)-(vi) in (b)(3)(A); the entities are

- 71 listed in bullet points. Therefore, the provisions are amended
- 72 to refer simply to subparagraph (A) of subdivision (b)(3).

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 3001. Proof of Claim**

2 * * * * *

3 **(c) Required Supporting Information.**

4 (1) *Claim or Interest Based on a Writing.* If a
5 claim or an interest in the debtor’s property
6 securing the claim is based on a writing, the
7 creditor must file a copy with the proof of
8 claim—except for a claim based on a
9 consumer-credit agreement under (4-3). If the
10 writing has been lost or destroyed, a
11 statement explaining the loss or destruction
12 must be filed with the claim.

13 (2) *Additional Information in an Individual*
14 *Debtor’s Case.* If the debtor is an individual,

¹ New material is underlined; matter to be omitted is lined through.

15 the creditor must file with the proof of claim:

16 (A) an itemized statement of the principal
17 amount and any interest, fees,
18 expenses, or other charges incurred
19 before the petition was filed;

20 (B) for any claimed security interest in
21 the debtor's property, the amount
22 needed to cure any default as of the
23 date the petition was filed; and

24 (C) for any claimed security interest in
25 the debtor's principal residence:

26 (i) Form 410A; and

27 (ii) if there is an escrow account
28 connected with the claim, an
29 escrow-account statement,
30 prepared as of the date the
31 petition was filed, that is
32 consistent in form with

33 applicable nonbankruptcy
34 law.

35 (3) **Claim Based on an Open-End or Revolving**
36 **Consumer-Credit Agreement.**

37 (A) Required Statement. Except when the
38 claim is secured by an interest in the
39 debtor's real property, a proof of
40 claim for a claim based on an open-
41 end or revolving consumer-credit
42 agreement must be accompanied by a
43 statement that shows the following
44 information about the credit account:

45 (i) the name of the entity from
46 whom the creditor purchased
47 the account;

48 (ii) the name of the entity to
49 whom the debt was owed at
50 the time of an account

- 51 holder's last transaction on
52 the account;
53 (iii) the date of that last
54 transaction;
55 (iv) the date of the last payment on
56 the account; and
57 (v) the date that the account was
58 charged to profit and loss.

59 (B) Copy to a Party in Interest. On a party
60 in interest's written request, the
61 creditor must send a copy of the
62 writing described in (1) to that party
63 within 30 days after the request is
64 sent.

65 (4) Sanctions in an Individual-Debtor Case. If
66 the debtor is an individual and a claim holder
67 fails to provide any information required by
68 ~~(1) or (2)~~(c), the court may, after notice and a

69 hearing, take one or both of these actions:

70 (A) preclude the holder from presenting
71 the information in any form as
72 evidence in any contested matter or
73 adversary proceeding in the case—
74 unless the court determines that the
75 failure is substantially justified or is
76 harmless; and

77 (B) award other appropriate relief,
78 including reasonable expenses and
79 attorney’s fees caused by the failure.

80 ~~(4) — *Claim Based on an Open-End or Revolving*~~
81 ~~*Consumer-Credit Agreement.*~~

82 ~~(A) — *Required Statement.* Except when the~~
83 ~~claim is secured by an interest in the debtor’s~~
84 ~~real property, a proof of claim for a claim~~
85 ~~based on an open-end or revolving consumer-~~
86 ~~credit agreement must be accompanied by a~~

87 ~~statement that shows the following~~
88 ~~information about the credit account:~~

89 ~~(i) the name of the entity from whom the~~
90 ~~creditor purchased the account;~~

91 ~~(ii) the name of the entity to whom the~~
92 ~~debt was owed at the time of an~~
93 ~~account holder's last transaction on~~
94 ~~the account;~~

95 ~~(iii) the date of that last transaction;~~

96 ~~(iv) the date of the last payment on the~~
97 ~~account; and~~

98 ~~(v) the date that the account was charged~~
99 ~~to profit and loss.~~

100 ~~(B) *Copy to a Party in Interest.* On a party~~
101 ~~in interest's written request, the~~
102 ~~creditor must send a copy of the~~
103 ~~writing described in (1) to that party~~
104 ~~within 30 days after the request is~~

105 **sent.**

106 * * * * *

107 **Committee Note**

108 The text of Rule 3001(c)(4) dealing with required
109 information for a claim based on an open-end or revolving
110 consumer-credit agreement has been moved to (c)(3), and
111 the text of Rule 3001(c)(3) dealing with sanctions in an
112 individual-debtor case for failure to provide required
113 information has been moved to (c)(4). This is a technical
114 amendment reflecting the view that the sanctions provisions
115 should logically follow all the substantive provisions they
116 enforce. The first sentence of (c)(4) (former (c)(3)) is
117 amended to replace the reference to “(1) or (2)” with a
118 reference to “(c).” This remedies an inadvertent substantive
119 change made by the restyled version of the rule that became
120 effective on December 1, 2024. The remedies provisions of
121 Rule 3001(c)(4) (formerly (c)(3)) are intended to apply to all
122 failures to provide information required by (c), including
123 that required by (c)(3) (formerly (c)(4)), which is consistent
124 with the substantive provisions of the rule prior to December
125 1, 2024. A cross-reference to the provisions governing a
126 claim based on a consumer-credit agreement in (c)(1) has
127 been changed from “(4)” to “(3)” to reflect the new
128 numbering.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 3018. Chapter 9 or 11—Accepting or**
2 **Rejecting a Plan**

3 **(a) In General.**

4 * * * * *

5 (3) ***Changing or Withdrawing an Acceptance or***
6 ***Rejection.*** After notice and a hearing and for
7 cause, the court may permit a creditor or
8 equity security holder to change or withdraw
9 an acceptance ~~or rejection.~~ The court may
10 permit the change or withdrawal of a
11 rejection as provided in (c)(1)(B).

12 * * * * *

13 **(c) ~~Form~~ Means for Accepting or Rejecting a Plan;**
14 **Procedure When More Than One Plan Is Filed.**

¹ New material is underlined; matter to be omitted is lined through.

- 15 (1) ~~Form~~ Alternative Means.
- 16 (A) By Ballot. Except as provided in (B),
- 17 ~~An~~ an acceptance or rejection of a
- 18 plan² must:
- 19 (A~~i~~) be in writing;
- 20 (B~~ii~~) identify the plan or plans;
- 21 (C~~iii~~) be signed by the creditor or
- 22 equity security holder—or an
- 23 authorized agent; and
- 24 (D~~iv~~) conform to Form 314.
- 25 (B) As a Statement on the Record. The
- 26 court may also permit an
- 27 acceptance—or the change or
- 28 withdrawal of a rejection—in a
- 29 statement that is:

² The phrase “of a plan” was unintentionally left out of the redline version of the rule when it was published for comment. This was a scrivener’s error, and is corrected in this version for final approval.

- 30 (i) part of the record, including
31 an oral statement at the
32 confirmation hearing or a
33 stipulation; and
34 (ii) made by the creditor or equity
35 security holder—or its
36 attorney or authorized agent.

37 (2) ***When More Than One Plan Is Distributed.***

38 If more than one plan is sent under Rule 3017,
39 a creditor or equity security holder may
40 accept or reject one or more plans and may
41 indicate preferences among those accepted.

42 * * * * *

43 **Committee Note**

44 Subdivision (c) is amended to provide more
45 flexibility in how a creditor or equity security holder may
46 indicate acceptance of a plan in a chapter 9 or chapter 11
47 case. In addition to allowing acceptance or rejection by
48 written ballot, the rule now authorizes a court to permit a
49 creditor or equity security holder—or its attorney or
50 authorized agent—to accept a plan by means of a statement
51 on the record, including by stipulation or by oral

52 representation at the confirmation hearing. This change
53 reflects the fact that disputes about a plan's provisions are
54 often resolved after the voting deadline and, as a result, an
55 entity that previously rejected the plan or failed to vote
56 accepts it by the conclusion of the confirmation hearing. In
57 such circumstances, the court is permitted to treat that
58 change in position as a plan acceptance when the
59 requirements of subdivision (c)(1)(B) are satisfied.

60 Subdivision (a) is amended to take note of the means
61 in (c)(1)(B) of changing or withdrawing a rejection.

62 Nothing in the rule is intended to create an obligation
63 to accept or reject a plan.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 5009. Closing a Chapter 7, 12, 13, or 15**
2 **Case; Declaring Liens Satisfied**

3 * * * * *

4 **(b) Chapter 7 or 13—Notice of a Failure to File a**
5 **Certificate of Completion for a Course on**
6 **Personal Financial Management.**

7 (1) *Applicability.* This subdivision (b) applies if
8 an individual debtor in a Chapter 7 or 13 case
9 is required to file a certificate under
10 Rule 1007(b)(7), ~~and~~

11 (2) *Clerk's First Notice to the Debtor.* ~~If the~~
12 ~~certificate is not filed~~ ~~fails to do so~~ within 45
13 days after the ~~first date set for the meeting of~~
14 ~~creditors under § 341(a) petition is filed.~~ ~~The~~

¹ New material is underlined; matter to be omitted is lined through.

15 the clerk must promptly notify the debtor that
16 the case will can be closed without entering a
17 discharge if the certificate is not filed within
18 the time prescribed by Rule 1007(c).

19 **(3) Clerk's Second Notice to the Debtor.**

20 (A) Chapter 7. In a Chapter 7 case, if the
21 certificate is not filed within 90 days
22 after the petition is filed and the court
23 has not yet sent a second notice, the
24 clerk must promptly notify the debtor
25 that the case can be closed without
26 entering a discharge if the certificate
27 is not filed within 30 days after the
28 notice's date.

29 (B) Chapter 13. In a Chapter 13 case, if
30 the certificate has not been filed when
31 the trustee files a final report and final
32 account, the clerk must promptly

33 notify the debtor that the case can be
 34 closed without entering a discharge if
 35 the certificate is not filed within 60
 36 days after the notice’s date.

37 * * * * *

38 **Committee Note**

39 Subdivision (b) is amended in order to reduce the
 40 number of cases in which a discharge is not issued solely
 41 because a certificate of completion of a personal-financial-
 42 management course is not filed as required by Rule
 43 1007(b)(7). When that occurs, a debtor who is otherwise
 44 entitled to a discharge must seek to have the case reopened—
 45 at added cost—in order to obtain the ultimate benefit of the
 46 bankruptcy.

47 Subdivision (b) now provides for two reminder
 48 notices to be sent to debtors who have not satisfied the
 49 requirement of Rule 1007(b)(7). The clerk must send the
 50 first notice to any chapter 7 or 13 debtor for whom a
 51 certificate has not been filed within 45 days after the petition
 52 was filed, an earlier date than under the prior rule. Then if a
 53 chapter 7 debtor has not complied within 90 days after the
 54 petition date and a second notice has not already been sent,
 55 the clerk must send a second reminder notice. In a chapter
 56 13 case, as part of the case closing process, the clerk must
 57 send a second notice to any debtor who has not complied by
 58 the time the trustee files a final report and final account. Both
 59 notices must explain that the consequence of not complying
 60 with Rule 1007(b)(7) is that the case is subject to being
 61 closed without a discharge being entered.

62 Nothing in the rule precludes a court from taking
63 other steps to obtain compliance with Rule 1007(b)(7) before
64 a case is closed without a discharge.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 7043. Taking Testimony**

2 Fed. R. Civ. P. 43 applies in an adversary proceeding.

3 **Committee Note**

4 Rule 7043 is new and, as was formerly true under
5 Rule 9017, makes Fed. R. Civ. P. 43 applicable to adversary
6 proceedings. Unlike under former Rule 9017, Fed. R. Civ.
7 P. 43 is no longer applicable to contested matters under new
8 Rule 7043.

¹ New material is underlined.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 9006. Computing and Extending Time;**
2 **Motions**

3 * * * * *

4 **(b) Extending Time.**

5 * * * * *

6 (3) *Extensions Governed by Other Rules.* The
7 court may extend the time to:

8 (A) act under Rules 1006(b)(2), 1017(e),
9 3002(c), 4003(b), 4004(a), 4007(c),
10 4008(a), 8002, and 9033—but only as
11 permitted by those rules; and

12 (B) file the ~~certificate required by~~
13 ~~Rule 1007(b)(7), and the schedules~~
14 and statements in a small business

¹ Matter to be omitted is lined through.

15 case under § 1116(3)—but only as
16 permitted by Rule 1007(c).

17 **(c) Reducing Time.**

18 * * * * *

19 (2) *When Not Permitted.* The court may not
20 reduce the time to act under Rule 2002(a)(7),
21 2003(a), 3002(c), 3014, 3015, 4001(b)(2) or
22 (c)(2), 4003(a), 4004(a), 4007(c), 4008(a),
23 8002, or 9033(b). ~~Also, the court may not~~
24 ~~reduce the time set by Rule 1007(c) to file the~~
25 ~~certificate required by Rule 1007(b)(7).~~

26 * * * * *

27 **Committee Note**

28 The references in (b)(3)(B) and (c)(2) to the
29 certificate required by Rule 1007(b)(7) have been deleted
30 because the deadlines for filing those certificates have been
31 eliminated.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 9014. Contested Matters**

2 * * * * *

3 (d) ~~Taking Testimony on a Disputed Factual Issue;~~

4 Interpreter. ~~A witness's testimony on a disputed~~
5 ~~material factual issue must be taken in the same~~
6 ~~manner as testimony in an adversary proceeding.~~

7 (1) *In Open Court.* ~~A witness's testimony on a~~
8 ~~disputed material factual issue must be taken~~
9 ~~in open court unless a federal statute, the~~
10 ~~Federal Rules of Evidence, these rules, or~~
11 ~~other rules adopted by the Supreme Court~~
12 ~~provide otherwise. For cause and with~~
13 ~~appropriate safeguards, the court may permit~~

¹ New material is underlined; matter to be omitted is lined through.

14 testimony in open court by contemporaneous
15 transmission from a different location.

16 (2) *Evidence.* When resolution of a contested
17 matter relies on facts outside the record, the
18 court may hear the matter on affidavits or
19 may hear it wholly or partly on oral testimony
20 or on depositions.

21 (3) *Interpreter.* Fed. R. Civ. P. 43(d) applies in a
22 contested matter.

23 * * * * *

24 **Committee Note**

25 Rule 9014(d) is amended to include language from
26 Fed. R. Civ. P. 43. The reference to that rule has been
27 removed from Rule 9017. Instead, Rule 9014(d)
28 incorporates most of the language of Fed. R. Civ. P. 43 for
29 contested matters but eliminates the “compelling
30 circumstances” standard in Fed. R. Civ. P. 43(a) for
31 permitting remote testimony. Terms used in Rule 9014(d)
32 have the same meaning as they do in Fed. R. Civ. P. 43.
33 However, consistent with the other restyled bankruptcy
34 rules, the phrase “good cause” used in Fed. R. Civ. P. 43 has
35 been shortened to “cause” in Rule 9014(d)(1). No
36 substantive change is intended.

37 Under new Rule 7043, all of Fed. R. Civ. P. 43—
38 including the “compelling circumstances” standard—
39 continues to apply to adversary proceedings. An adversary
40 proceeding in bankruptcy is procedurally like a civil action
41 in district court. Because assessing the credibility of
42 witnesses is often required, there is a strong presumption that
43 testimony will be in person.

44 A contested matter, however, usually can be resolved
45 expeditiously by means of a hearing. Contested matters do
46 not generally require the procedural formalities used in
47 adversary proceedings, including a complaint, answer,
48 counterclaim, crossclaim, and third-party practice. They
49 occur with frequency over the course of a bankruptcy case
50 and are often resolved on the basis of uncontested testimony.
51 Testimony might concern, for example, the simple proffer
52 by a debtor about the ability to make ongoing installment
53 payments for an automobile that is the subject of a motion to
54 lift the automatic stay. Or, as another example, testimony
55 might be given in a commercial chapter 11 case by a
56 corporate officer about ongoing operational costs in support
57 of a motion to use estate assets to maintain business
58 operations.

59 The need to quickly resolve most contested matters
60 is recognized in existing Rule 9014, by making
61 presumptively inapplicable the disclosure requirements of
62 Fed. R. Civ. P. 26(a)(2) and 26(a)(3) and the mandatory
63 meeting under Fed. R. Civ. P. 26(f). Under Rule 9014, the
64 court has the discretion to direct that one or more of the other
65 rules in Part VII apply when a contested matter warrants
66 heightened process. The court has similar discretion under
67 Rule 9014(d) to deny a request to testify remotely.

68 Although the amendment to Rule 9014(d) removes
69 the “compelling circumstances” requirement in Fed. R. Civ.

70 P. 43(a), the court still must find cause to permit remote
71 testimony and must impose appropriate safeguards. In other
72 words, the presumption of in-person testimony in open court
73 is retained, and remote testimony in contested matters should
74 not be routine. In-person testimony would be particularly
75 appropriate in disputed contested matters where it is
76 necessary for the court to determine the witness's credibility.
77 On the other hand, the greater flexibility to allow remote
78 testimony in contested matters could be useful in consumer
79 cases if the matters are straightforward and witness
80 attendance is cost prohibitive or infeasible due to travel, job,
81 or family obstacles.

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹**

1 **Rule 9017. Evidence**

2 The Federal Rules of Evidence and Fed. R. Civ. P. ~~43, 44,~~
3 and 44.1 apply in a bankruptcy case.

4 **Committee Note**

5 The rule is amended to delete the reference to Fed.
6 R. Civ. P. 43. Under new Rule 7043, Fed. R. Civ. P. 43 is
7 applicable to adversary proceedings but not to contested
8 matters. Testimony in contested matters is governed by
9 Rule 9014(d).

¹ Matter to be omitted is lined through.

REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

The Committee on Rules of Practice and Procedure (Standing Committee or Committee) met on June 10, 2025. All members participated. * * *

* * * * *

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Amended Rules and Form and New Rule Recommended for Approval and Transmission

The Advisory Committee on Bankruptcy Rules recommended for final approval one new rule, amendments to eight rules, and amendments to one official form: (1) amendments to Rule 3018; (2) amendments to Rules 9014 and 9017, and new Rule 7043; (3) amendments to Rules 1007, 5009, and 9006; (4) amendments to Official Form 410S1; and (5) technical corrections to Rules 2007.1 and 3001. After a technical correction to Rule 2007.1(c) to conform to the technical correction to Rule 2007.1(b), and a minor revision to the committee note for Rule 9014 shortening the discussion of the amendment to Rule 9017, the Standing Committee unanimously approved the Advisory Committee’s recommendations.

Rule 3018 (Chapter 9 or 11—Accepting or Rejecting a Plan)

Whereas current Rule 3018(c) requires that acceptance or rejection of a plan in a chapter 9 or 11 case be in writing, the proposed amendment to the rule authorizes a court to additionally treat as an acceptance of a plan a statement on the record by a creditor or the creditor’s attorney or authorized agent. A conforming amendment is also made to subdivision (a). In response to a public comment, the Advisory Committee made minor changes

Excerpt: Standing Committee Report to the Judicial Conference – September 2025 Session

at its spring meeting to clarify that Rule 3018(c)'s statement-on-the-record provision applies to individual creditors (who may be self-represented) as well as to a creditor's attorney or agent.

Rules 9014 (Contested Matters) and 9017 (Evidence) and new Rule 7043 (Taking Testimony)

The proposed amendments (1) amend Rule 9017 to eliminate the general applicability of Fed. R. Civ. P. 43 (Taking Testimony) to all bankruptcy cases; (2) add new Rule 7043 (Taking Testimony), which will retain the applicability of Fed. R. Civ. P. 43 to adversary proceedings (thereby continuing to authorize remote witness testimony in adversary proceedings "for good cause in compelling circumstances and with appropriate safeguards"); and (3) amend Rule 9014 to allow a court in a contested matter to permit remote witness testimony "for cause and with appropriate safeguards" (i.e., eliminating the requirement of "compelling circumstances"). The changes are intended to provide bankruptcy courts greater flexibility to authorize remote testimony in contested matters (vs. adversary proceedings), which usually can be resolved less formally and more expeditiously by means of a hearing, often on the basis of uncontested testimony. After public comment, the Advisory Committee revised the proposed amendment to Rule 9014 to clarify that all testimony in a contested matter would be governed by the rule, not just testimony provided on motions.

Rules 1007 (Lists, Schedules, Statements, and Other Documents; Time to File), 5009 (Closing a Chapter 7, 12, 13, or 15 Case; Declaring Liens Satisfied), and 9006 (Computing and Extending Time; Motions)

Proposed amendments to Rules 1007(c), 5009(b), and 9006(b) and (c) are intended to reduce the number of individual debtors whose cases are closed without a discharge because they either failed to take the required course on personal financial management or merely failed to file the needed documentation upon completion of the course. The proposed amendments to Rule 1007 eliminate the deadlines for filing the certificate of course completion, while conforming changes to Rule 9006 eliminate provisions concerning court alteration of those

Excerpt: Standing Committee Report to the Judicial Conference – September 2025 Session

deadlines. The proposed amendment to Rule 5009 provides for two notices (instead of just one) reminding the debtor of the need to take the course and to file the certificate of completion.

* * * * *

Rules 2007.1 (Appointing a Trustee or Examiner in a Chapter 11 Case) and 3001 (Proof of Claim)

Technical corrections are required to fix erroneous references in two rules inadvertently made during the restyling of the Bankruptcy Rules. First, the proposed technical amendments to Rule 2007.1(b) and (c) revise references to a numbered list that was restyled as a bulleted list. Second, the proposed technical amendment to Rule 3001 provides that subdivision (c)'s provision concerning sanctions in an individual-debtor case applies if “a claim holder fails to provide any information required by (c)” (rather than “by (1) or (2)”) so as to ensure that the sanctions provision applies to all information required by subdivision (c) (consistent with the pre-restyling version of the rule). Additionally, the proposed technical amendments to Rule 3001(c) reverse the order of what had been paragraphs (c)(3) and (c)(4) so that the sanctions provision (which will become (c)(4)) follows all of the substantive provisions that it enforces. The amendments also make a conforming change to a cross-reference in subdivision (c)(1).

Recommendation: That the Judicial Conference:

- a. Approve the proposed amendments to Bankruptcy Rules 1007, 2007.1, 3001, 3018, 5009, 9006, 9014, 9017, and new Rule 7043, as set forth in Appendix B, and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law; and

* * * * *

Excerpt: Standing Committee Report to the Judicial Conference – September 2025 Session

Respectfully submitted,



John D. Bates, Chair

Paul J. Barbadoro	Troy A. McKenzie
Todd Blanche	Patricia Ann Millett
Elizabeth J. Cabraser	Andrew J. Pincus
Louis A. Chaiten	D. Brooks Smith
Joan N. Ericksen	Kosta Stojilkovic
Stephen A. Higginson	Jennifer G. Zips
Edward M. Mansfield	

* * * * *

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

JOHN D. BATES
CHAIR

CAROLYN A. DUBAY
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

ALLISON H. EID
APPELLATE RULES

REBECCA B. CONNELLY
BANKRUPTCY RULES

ROBIN L. ROSENBERG
CIVIL RULES

JAMES C. DEVER III
CRIMINAL RULES

JESSE M. FURMAN
EVIDENCE RULES

MEMORANDUM

TO: Hon. John D. Bates, Chair
Committee on Rules of Practice and Procedure

FROM: Hon. Rebecca B. Connelly, Chair
Advisory Committee on Bankruptcy Rules

RE: Report of the Advisory Committee on Bankruptcy Rules *

DATE: May 12, 2025

I. Introduction

The Advisory Committee on Bankruptcy Rules met in Atlanta on April 3, 2025. * * * * *

At the meeting, the Advisory Committee voted to seek final approval following publication of amendments to Bankruptcy Rules 1007 (Lists, Schedules, Statements, and Other Documents; Time to File), 3018 (Chapter 9 or 11—Accepting or Rejecting a Plan), 5009 (Closing a Chapter 7, 12, 13, or 15 Case; Declaring Liens Satisfied), 9006 (Computing and Extending Time; Motions), 9014 (Contested Matters), 9017 (Evidence), new Rule 7043 (Taking Testimony), and amendments

* A copy of the full committee report can be found in the June 2025 Standing Committee agenda book publicly available on www.uscourts.gov.

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

to Official Form 410S1 (Notice of Mortgage Payment Change). In addition, the Advisory Committee voted to seek final approval without publication of corrective amendments to Rules 2007.1 (Appointing a Trustee or Examiner in a Chapter 11 Case) and 3001 (Proof of Claim).

* * * * *

II. Action Items

A. Items for Final Approval

1. **The Advisory Committee recommends that the following rule and form amendments and new rule that were published for public comment in 2024 and are discussed below be given final approval. * * ***

Action Item 1. Rule 3018 (Chapter 9 or 11—Accepting or Rejecting a Plan). The proposed amendments to subdivision (c) would authorize a court in a chapter 9 or 11 case to treat as an acceptance of a plan a statement on the record by a creditor or its attorney or authorized agent. Conforming amendments would also be made to subdivision (a).

Three sets of comments were submitted regarding the proposed amendments. One was based on an erroneous reading of the proposed amendments. It addressed the change or withdrawal of *objections* to plans, not *rejections* (i.e. votes).

The second comment was submitted by the National Conference of Bankruptcy Judges. It proposed a wording change to subdivision (c)(1)(B)(i) that would spell out in greater detail how a stipulation might be made. The Advisory Committee, however, concluded that the more succinct wording is preferable. A written stipulation that is filed becomes part of the record, and the amendment explicitly covers statements that are a “part of the record.”

The final comment was submitted by Bankruptcy Judge Robert Kressel (ret.). He pointed out that subdivision (c)(1)(B) as published did not apply to individual creditors. That view was apparently based on the provision’s reference only to statements by attorneys and authorized agents of creditors. In contrast to subdivision (c)(1)(A), it thus seemed to exclude statements by individual creditors—real people who can represent themselves. The Advisory Committee believed this exclusion was unintended and voted to reword subdivision (c)(1)(B)(ii) as follows: “made by an attorney for—or an authorized agent of—the creditor or equity security holder—or its attorney or authorized agent.” It also revised the second sentence of the Committee Note accordingly.

After the deadline for the submission of comments, Judge Connelly received a letter from the acting Deputy Attorney General regarding the proposed amendments. It was treated as a suggestion and posted on the AO website. The letter explained that the Department of Justice had no objection to the text of the proposed amendments and it endorsed the statement in the committee note that “[n]othing in the rule is intended to create an obligation to accept or reject a plan.” The letter was sent to underscore the limits of the proposed amendment. The suggestion that gave rise to the amendment—from the National Bankruptcy Conference—was motivated by a concern that government entities often do not vote on plans, even if they do not object to them. The Department wanted it understood that the increased flexibility in voting methods provided by the amendment,

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

which the Department supports, cannot add a substantive requirement that creditors must vote on a plan or that courts could compel the United States or federal agencies to do so.

With the wording changes made in response to Judge Kressel's comment, the Advisory Committee give its approval to the proposed amendments to Rule 3018(a) and (c).

Action Item 2. Rules 9014 (Contested Matters), 9017 (Evidence), and new Rule 7043 (Taking Testimony). The proposed amendments and new rule would facilitate video conference hearings for contested matters in bankruptcy cases. Currently Rule 9017 makes applicable to bankruptcy cases Fed. R. Civ. P. 43 (Taking Testimony). Fed. R. Civ. P. 43(a) allows a court to permit testimony in open court by contemporaneous transmission from a different location “for good cause in compelling circumstances.” The proposal would (1) amend Rule 9017 to eliminate the applicability of Fed. R. Civ. P. 43 to bankruptcy cases generally; (2) create a new Rule 7043 (Taking Testimony) that would make Fed. R. Civ. P. 43 applicable in adversary proceedings; and (3) amend Rule 9014 to allow a court to “permit testimony in open court by contemporaneous transmission from a different location” for “cause and with appropriate safeguards.”

The Advisory Committee received four comments on the proposals and in response to one of those comments approved minor changes to clarify that any testimony in a contested matter would be governed by the rule, not merely testimony in response to motions. First, the Advisory Committee approved a modification of the title of Rule 9014(d)(2), changing it from “Evidence on a Motion” to “Evidence.” Second, the Advisory Committee modified the text of Rule 9014(d)(2) to change the phrase “When a motion in a contested matter” to “When resolution of a contested matter” and changed the phrase “the court may hear the motion” to “the court may hear the matter.” (The latter change conforms the language in Rule 9014(d)(2) to the same language in Civil Rule 43(c)). Third, in the first sentence of the third paragraph of the Committee Note, the Advisory Committee deleted the phrase “is a motion procedure that.”

In addition, in response to comments submitted outside of the publication process by a former Advisory Committee member, the Advisory Committee approved inserting the word “generally” between the words “do not” and “require” in the third paragraph of the Committee Note to reflect the fact that some contested matters might require the procedural formalities used for adversary proceedings.

The Advisory Committee does not believe these changes require republication as they merely clarify that any testimony in the contested matter – whether on a motion or not – is subject to the rule. This is in fact the way that Civil Rule 43(c) has been interpreted even though it refers to a “motion,” and therefore no change in substance is made by the modifications. The Advisory Committee considered whether to retain language that is parallel to Civil Rule 43(c) for the sake of uniformity, but decided that more specificity in the text was advisable.

The Advisory Committee approved the new Rule 7043 and the amended Rule 9017 as published and approved the amended Rule 9014 with the noted changes.

Action Item 3. Rules 1007(c) (Time to File), 5009 (Closing a Chapter 7, 12, 13, or 15 Case; Declaring Liens Satisfied), and 9006 (Computing and Extending Time; Motions). These amendments were proposed with the goal of reducing the number of individual debtors who

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

go through bankruptcy but whose cases are closed without a discharge because they either failed to take the required course on personal financial management or merely failed to file the needed documentation of their completion of the course.

The proposed changes consist of the following:

1. *The deadlines in Rule 1007(c) for filing the certificate of course completion would be eliminated.* The Code only requires that the course be taken before a discharge can be issued, and members of the Advisory Committee were concerned that some debtors might be deprived of a discharge merely because they failed to file their certificates by the times specified in the rules. The proposed amendments would delete subdivision (c)(4), which sets out the deadlines for filing the certificate of course completion in chapter 7, 11, and 13 cases. References to the deadlines in Rule 9006(b) and (c) would also be deleted.

2. *Rule 5009(b) would provide for two reminder notices to be sent, rather than one.* This change would allow one notice to be sent early in the case—when the debtor would be more likely to be reachable and still represented by counsel—and another, if needed, toward the end of the case before eligibility for a discharge would be determined.

Two comments were submitted that specifically addressed these rules. One addressed Rule 9006 generally and did not relate to the proposed amendments, and the other was supportive of proposed amendments. The Advisory Committee approved them as published.

Action Item 4. Official Form 410S1 (Notice of Mortgage Payment Change). The amendments to the form were proposed to reflect the amendments to Rule 3002.1(b) regarding payment changes in home equity lines of credit (“HELOCs”) that will take effect on December 1, 2025. Rule 3002.1(b)(2) will allow the holder of a HELOC to provide an annual notice of payment change (with a reconciliation amount), instead of notices throughout the year each time there is a change. The proposed amendments to the form will accommodate this option with a new Part 3.

No comments were submitted, and the Advisory Committee gave its approval to the proposed amendments to Form 410S1 as published.

2. The Advisory Committee recommends that the following corrective rule amendments be given final approval without publication. * * *

Action Item 5. Rule 2007.1(b)(3)(B) (Appointing a Trustee or Examiner in a Chapter 11 Case). The restyled version of Rule 2007.1(b)(3)(B) includes a sentence that reads: “The report must be accompanied by a verified statement by each candidate, setting forth the candidate’s connections with any entity listed in (A)(i)-(vi).” However, Rule 2007.1(b)(3)(A) lists the entities in six bullet points, not as (i) – (vi). Therefore, a technical correction is needed.

The Advisory Committee approved an amendment that would modify the sentence in Rule 2007.1(b)(3)(B) to read “The report must be accompanied by a verified statement by each candidate, setting forth the candidate’s connection with any entity listed in (A).” The only change is the deletion of the erroneous references to (i)-(vi).

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

Action Item 6. Rule 3001(c) (Required Supporting Information). The Advisory Committee received a suggestion from the National Consumer Law Center noting a potentially inadvertent substantive change in Bankruptcy Rule 3001(c) effected by its restyling.

The prior version of Rule 3001(c)(2)(D) allowed a court to impose sanctions “if the holder of a claim fails to provide any information required by this subdivision (c).” Unrestyled subdivision (c)(3) required that certain information be provided relating to claims based on an open-end or revolving consumer credit agreement. Because the information required by (c)(3) was “information required by this subdivision (c),” the sanctions provision in (c)(2)(D) was applicable to that provision of the rule.

The restyling of Rule 3001, however, redesignated former subdivision (c)(2)(D)—the sanction provision—as (c)(3) and limited the availability of sanctions to the failure “to provide information required by (1) or (2).” Former subdivision (c)(3) was redesignated as (c)(4), as a result of which the sanctions provision no longer applies to it. This was an inadvertent substantive change.

The Consumer Subcommittee recommended that the Advisory Committee approve a technical amendment to Rule 3001(c)(3) to correct this substantive change by replacing the current phrase “information required by (1) or (2)” with the words “information required by (c).”

A suggestion was made at the Advisory Committee meeting to have the sanctions provision follow all of the substantive provisions to which it applies. The Advisory Committee agreed with that suggested modification of the subcommittee’s recommendation. It therefore approved amendments reversing the order of the provisions in (c)(3) and (c)(4) and modifying the new (c)(4) to read “information required by (c).” It also approved a conforming change to the cross-reference in subdivision (c)(1).

* * * * *

April 8, 2026

Honorable Mike Johnson
Speaker, United States House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

I have the honor to submit to the Congress an amendment to the Federal Rules of Evidence that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended rule are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 16, 2025; a blackline version of the rule with committee note; an excerpt from the September 2025 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2025 report of the Advisory Committee on Evidence Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 8, 2026

Honorable James D. Vance
President, United States Senate
Washington, DC 20510

Dear Mr. President:

I have the honor to submit to the Congress an amendment to the Federal Rules of Evidence that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended rule are the following materials that were submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code: a transmittal letter to the Court dated October 16, 2025; a blackline version of the rule with committee note; an excerpt from the September 2025 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the May 2025 report of the Advisory Committee on Evidence Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 8, 2026

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Evidence are amended to include an amendment to Rule 801.

[*See infra* pp. — — —.]

2. The foregoing amendment to the Federal Rules of Evidence shall take effect on December 1, 2026, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendment to the Federal Rules of Evidence in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF EVIDENCE**

**Rule 801. Definitions That Apply to This Article;
Exclusions from Hearsay**

* * * * *

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(1) *A Declarant-Witness's Prior Statement.*

The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

(A) is inconsistent with the declarant's testimony;

(B) is consistent with the declarant's testimony and is offered:

(i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper

influence or motive in so
testifying; or

(ii) to rehabilitate the declarant's
credibility as a witness when
attacked on another ground;

or

(C) identifies a person as someone the
declarant perceived earlier.

* * * * *



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROBERT J. CONRAD, JR.
Secretary

October 16, 2025

MEMORANDUM

To: Chief Justice of the United States
Associate Justices of the Supreme Court

From: Judge Robert J. Conrad, Jr.
Secretary

RE: TRANSMITTAL OF PROPOSED AMENDMENTS TO THE FEDERAL RULES OF
EVIDENCE

By direction of the Judicial Conference of the United States, and pursuant to the authority conferred in 28 U.S.C. § 331, I am pleased to transmit a proposed amendment to Rule 801 of the Federal Rules of Evidence. The Judicial Conference has approved the amendment and recommends that the Court adopt it and transmit it to Congress pursuant to law.

For your assistance in considering the proposed amendment, I enclose:

- (1) Clean and blackline copies of the amended rule.
- (2) An excerpt from the report of the Committee on Rules of Practice and Procedure (Standing Committee) to the Judicial Conference for its September 2025 session.
- (3) An excerpt from the report of the Advisory Committee on Evidence Rules to the Standing Committee for its June 2025 meeting.

Enclosures

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF EVIDENCE¹**

1 **Rule 801. Definitions That Apply to This Article;**
2 **Exclusions from Hearsay**

3 * * * * *

4 **(d) Statements That Are Not Hearsay.** A statement
5 that meets the following conditions is not hearsay:

6 **(1) *A Declarant-Witness's Prior Statement.***

7 The declarant testifies and is subject to cross-
8 examination about a prior statement, and the
9 statement:

10 **(A)** is inconsistent with the declarant's
11 ~~testimony and was given under~~
12 ~~penalty of perjury at a trial, hearing,~~
13 ~~or other proceeding or in a deposition;~~

14 **(B)** is consistent with the declarant's
15 testimony and is offered:

¹ Matter to be omitted is lined through.

- 16 **(i)** to rebut an express or implied
17 charge that the declarant
18 recently fabricated it or acted
19 from a recent improper
20 influence or motive in so
21 testifying; or
- 22 **(ii)** to rehabilitate the declarant's
23 credibility as a witness when
24 attacked on another ground;
25 or
- 26 **(C)** identifies a person as someone the
27 declarant perceived earlier.

28 * * * * *

29 **Committee Note**

30 The amendment provides that a prior inconsistent
31 statement by a witness subject to cross-examination is
32 admissible over a hearsay objection, even where the prior
33 statement was not given under penalty of perjury at a trial,
34 hearing, or other proceeding or in a deposition. The
35 Committee has determined, as have a number of states, that
36 delayed cross-examination under oath is sufficient to allay
37 the concerns addressed by the hearsay rule. As the original

38 Advisory Committee noted, the dangers of hearsay are
39 “largely nonexistent” because the declarant is in court and
40 can be cross-examined about the prior statement and the
41 underlying subject matter, and the trier of fact “has the
42 declarant before it and can observe his demeanor and the
43 nature of his testimony as he denies or tries to explain away
44 the inconsistency.” Adv. Comm. Note to Rule 801(d)(1)(A)
45 (quoting California Law Revision Commission). A major
46 advantage of the amendment is that it avoids the need to give
47 a confusing jury instruction that seeks to distinguish between
48 substantive and impeachment uses for prior inconsistent
49 statements. The amendment also eliminates the distinction
50 that currently exists between prior inconsistent and prior
51 consistent statements. For both types of statements, if they
52 are admissible for purposes of assessing the witness’s
53 credibility, they are admissible as substantive proof.

54 The original rule, requiring that the prior statement
55 be made under oath at a formal hearing, is unduly narrow
56 and has generally been of use only to prosecutors, where
57 witnesses testify at the grand jury and then testify
58 inconsistently at trial. The original rule was based on three
59 premises. The first was that a prior statement under oath is
60 more reliable than a prior statement that is not. While this is
61 probably so, the ground of substantive admissibility is that
62 the prior statement was made by the very person who is
63 produced at trial and subject to cross examination about it,
64 under oath. Thus any concerns about reliability are well
65 addressed by cross-examination and the factfinder’s ability
66 to view the demeanor of the person who made the statement.
67 The second premise was a concern that statements not made
68 at formal proceedings could be difficult to prove. But there
69 is no reason to think that an unrecorded prior inconsistent
70 statement is any more difficult to prove than any other
71 unrecorded fact. And any difficulties in proof can be taken
72 into account by the court under Rule 403. See the Committee

73 Note to the 2023 amendment to Rule 106. The third premise
74 was that if a witness denies making the prior statement, then
75 cross-examination becomes difficult. But there is effective
76 cross-examination in the very denial. *See Nelson v. O’Neil*,
77 402 U.S. 622, 629 (1971) (noting that the declarant’s denial
78 of the prior statement “was more favorable to the respondent
79 than any that cross-examination by counsel could possibly
80 have produced, had [the declarant] affirmed the statement as
81 his”).

82 Nothing in the amendment mandates that a prior
83 inconsistent statement is sufficient evidence of a claim or
84 defense. The rule governs admissibility, not sufficiency.

85 The amendment does not change the Rule 613(b)
86 requirements for introducing extrinsic evidence of a prior
87 inconsistent statement.

REPORT OF THE JUDICIAL CONFERENCE

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES:**

The Committee on Rules of Practice and Procedure (Standing Committee or Committee) met on June 10, 2025. All members participated. * * *

* * * * *

FEDERAL RULES OF EVIDENCE

Amended Rule Recommended for Approval and Transmission

The Advisory Committee on Evidence Rules recommended for final approval amendments to Rule 801 (Definitions That Apply to This Article; Exclusions from Hearsay). The Standing Committee unanimously approved the Advisory Committee’s recommendation. Rule 801 (Definitions That Apply to This Article; Exclusions from Hearsay)

Current Rule 801(d)(1)(A) excludes from the definition of hearsay a declarant-witness’s prior inconsistent statements only if the witness gave the prior statement under penalty of perjury in a prior proceeding or deposition. The proposed amendment to Rule 801 eliminates the requirement that the prior inconsistent statement be offered under penalty of perjury and allows any prior inconsistent statement by a declarant-witness to be admissible as substantive evidence, subject to exclusion under Rule 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons). This proposed amendment conforms Rule 801(d)(1)(A)’s

Excerpt: Standing Committee Report to the Judicial Conference – September 2025 Session

approach to that taken in Rule 801(d)(1)(B) for prior consistent statements and eliminates potential confusion from limiting instructions.

The committee note was revised after publication and public comment to underscore the amended rule's parallel treatment of prior consistent and inconsistent statements and to emphasize that the rule governs admissibility rather than sufficiency of the evidence.

Recommendation: That the Judicial Conference approve the proposed amendments to Evidence Rule 801 as set forth in Appendix C and transmit them to the Supreme Court for consideration with a recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

* * * * *

Respectfully submitted,



John D. Bates, Chair

Paul J. Barbadoro	Troy A. McKenzie
Todd Blanche	Patricia Ann Millett
Elizabeth J. Cabraser	Andrew J. Pincus
Louis A. Chaiten	D. Brooks Smith
Joan N. Ericksen	Kosta Stojilkovic
Stephen A. Higginson	Jennifer G. Zips
Edward M. Mansfield	

* * * * *

Excerpt: Advisory Committee Report to Standing Committee – June 2025 Meeting

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

JOHN D. BATES
CHAIR

CAROLYN A. DUBAY
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

ALLISON H. EID
APPELLATE RULES

REBECCA B. CONNELLY
BANKRUPTCY RULES

ROBIN L. ROSENBERG
CIVIL RULES

JAMES C. DEVER III
CRIMINAL RULES

JESSE M. FURMAN
EVIDENCE RULES

MEMORANDUM

TO: Hon. John D. Bates, Chair
Committee on Rules of Practice and Procedure

FROM: Hon. Jesse M. Furman, Chair
Advisory Committee on Evidence Rules

RE: Report of the Advisory Committee on Evidence Rules *

DATE: May 15, 2025

I. Introduction

The Advisory Committee on Evidence Rules (the “Committee”) met on May 2, 2025, at the Administrative Office in Washington, D.C. The Committee reviewed a proposal for an amendment to Rule 801(d)(1)(A) that had been released for public comment and considered five other proposed amendments to the Evidence Rules. The Committee recommends final approval of the proposed amendment to Rule 801(d)(1)(A) and recommends that two proposed amendments be released for public comment: an amendment to Rule 609 and a new Rule 707 to regulate machine-generated evidence.

* A copy of the full committee report can be found in the June 2025 Standing Committee agenda book publicly available on www.uscourts.gov.

* * * * *

II. Action Items

A. Proposed Amendment to Rule 801(d)(1)(A) for Final Approval

The Committee recommends final approval of a proposed amendment to Rule 801(d)(1)(A). Currently, Rule 801(d)(1)(A) provides for a very limited exemption from the hearsay rule for prior inconsistent statements of a testifying witness: The prior statement is admissible over a hearsay objection only when it is made under oath at a formal proceeding. Thus, while all prior inconsistent statements are admissible for impeachment purposes, very few are admissible as substantive evidence. It follows that, in the typical case, a court upon request has to instruct the jury that a prior inconsistent statement may be used to impeach the witness’s credibility but may not be used as proof of a fact.

The amendment as released for public comment would provide that all prior inconsistent statements admissible for impeachment are also admissible over a hearsay objection. Exclusion is still possible under Rule 403. The amendment tracks the 2014 change to Rule 801(d)(1)(B), which provides that all prior consistent statements admissible to rehabilitate a witness are also admissible as substantive evidence (again, subject to Rule 403). This convergence of substantive and credibility use dispenses with the need for confusing limiting instructions with respect to all prior statements of a testifying witness.

The amendment adopts the position of the original Advisory Committee, which proposed that all prior inconsistent statements would be admissible over a hearsay objection. As the original Advisory Committee noted, the dangers of hearsay are “largely nonexistent” for such statements because the declarant is in court and can be cross-examined about the prior statement and the underlying subject matter. That is, the trier of fact “has the declarant before it and can observe the demeanor and the nature of his testimony as he denies it or tries to explain away the inconsistency.” Adv. Comm. Note to Rule 801(d)(1)(A) (quoting California Law Revision Commission). The amendment is consistent with the practice of many states, including California.

The Committee received eight public comments on the proposed amendment to Rule 801(d)(1)(A). The comments were largely very positive. Comments from the Federal Magistrate Judges’ Association, the American College of Trial Lawyers, and the National Association of Criminal Defense Lawyers were all in favor of the proposed amendment.

At its meeting, the Committee considered the public comments and, by a vote of 8-1, recommended final approval of the proposed amendment to Rule 801(d)(1)(A). The Department of Justice, which had abstained on whether to release the proposed amendment for public comment, voted in favor of final approval of the rule amendment.

The Committee recommends final approval of the proposed amendment, and the accompanying Committee Note—which are attached to this Report.

* * * * *