

# NATIONAL BANKRUPTCY CONFERENCE

A Voluntary Organization Composed of Persons Interested in the  
Improvement of the Bankruptcy Code and Its Administration

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November 11, 2015

Honorable Dennis R. Dow

Charles Evans Whittaker United States Courthouse

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## Re: Proposed National Form for Chapter 13 Plans and Related Amendments to Federal Rules of Bankruptcy Procedure

Dear Judge Dow:

I write on behalf of the National Bankruptcy Conference regarding a proposed national form for chapter 13 plans and for related amendments to the Federal Rules of Bankruptcy Procedure.<sup>1</sup> A description of the Conference is attached.

The Conference is familiar with a proposed compromise proposal that would allow the court in each judicial district to adopt a local chapter 13 plan form, subject to requirements set out in an amended Rule, as a substitute for the national form. The Conference discussed the issues underlying the proposed form and the proposed compromise during its Annual Meeting on October 29, and reached the following conclusions by a substantial majority:

- (1) The best result of the Advisory Committee's work on the chapter 13 plan process would be adoption of the national form proposed by the Advisory Committee and implementation of the accompanying rule amendments, with no provision for local plan forms.
- (2) If the Advisory Committee determines not to require use of the national form in all districts, it would be best to adopt the compromise being considered by the Advisory Committee rather than maintain current chapter 13 practice.

The Conference remains available to answer any questions the Committee may have.

Very truly yours,

*s/ Richard Levin*

Richard Levin

Chair

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ADMINISTRATIVE OFFICE  
SHARI A. BEDKER

<sup>1</sup> The views expressed in this letter are those of the Conference, on whose behalf this letter is being written, and do not necessarily reflect either my personal views or those of my law firm, Jenner & Block, LLP.

# NATIONAL BANKRUPTCY CONFERENCE

*A non-profit, non-partisan, self-supporting organization of approximately sixty lawyers, law professors and bankruptcy judges who are leading scholars and practitioners in the field of bankruptcy law. Its primary purpose is to advise Congress on the operation of bankruptcy and related laws and any proposed changes to those laws.*

**History.** The National Bankruptcy Conference (NBC) was formed from a nucleus of the nation's leading bankruptcy scholars and practitioners, who gathered informally in the 1930's at the request of Congress to assist in the drafting of major Depression-era bankruptcy law amendments, ultimately resulting in the Chandler Act of 1938. The NBC was formalized in the 1940's and has been a resource to Congress on every significant piece of bankruptcy legislation since that time. Members of the NBC formed the core of the Commission on the Bankruptcy Laws of the United States, which in 1973 proposed the overhaul of our bankruptcy laws that led to enactment of the Bankruptcy Code in 1978, and were heavily involved in the work of the National Bankruptcy Review Commission (NBRC), whose 1997 report initiated the process that led to significant amendments to the Bankruptcy Code in 2005.

**Current Members.** Membership in the NBC is by invitation only. Among the NBC's 60 active members are leading bankruptcy scholars at major law schools, as well as current and former judges from eleven different judicial districts and practitioners from leading law firms throughout the country who have been involved in most of the major corporate reorganization cases of the last three decades. The NBC includes leading consumer bankruptcy experts and experts on commercial, employment, pension, mass tort and tax related bankruptcy issues. It also includes former members of the congressional staff who participated in drafting the Bankruptcy Code as originally passed in 1978 and former members and staff of the NBRC. The current members of the NBC and their affiliations are set forth on the second page of this fact sheet.

**Policy Positions.** The Conference regularly takes substantive positions on issues implicating bankruptcy law and policy. It does not, however, take positions on behalf of any organization or interest group. Instead, the NBC seeks to reach a consensus of its members - who represent a broad spectrum of political and economic perspectives - based on their knowledge and experience as practitioners, judges and scholars. The Conference's positions are considered in light of the stated goals of our bankruptcy system: debtor rehabilitation, equal treatment of similarly situated creditors, preservation of jobs, prevention of fraud and abuse, and economical insolvency administration. Conferees are always mindful of their mutual pledge to "leave their clients at the door" when they participate in the deliberations of the Conference.

**Technical and Advisory Services to Congress.** To facilitate the work of Congress, the NBC offers members of Congress, Congressional Committees and their staffs the services of its Conferees as non-partisan technical advisors. These services are offered without regard to any substantive positions the NBC may take on matters of bankruptcy law and policy.

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