

BANKRUPTCY ^{UP}DATE

May 24, 2021

If someone else would like to receive these ^{UP}dates, please send an e-mail to Shan_Stroup@sdb.uscourts.gov.

New Chapter 11 Periodic Reports

On December 21, 2020, the U.S. Trustee Program (USTP) promulgated a final rule entitled "Procedures for Completing Uniform Periodic Reports in Non-Small Business Cases Filed Under Chapter 11 of Title 11" (Final Rule). The Final Rule, authorized by 28 U.S.C. § 589b, requires chapter 11 trustees and debtors in possession - other than small business debtors - to file new streamlined and data-enabled uniform monthly operating reports (MORs) and post-confirmation reports (PCRs).

The Final Rule is effective for reports filed on or after June 21, 2021. The data-enabled nature of the forms requires they be filed by a party with CM/ECF authority, most likely debtor's counsel. While the forms may be filed with the debtor's "/s/" signature, counsel must obtain and retain for at least five years a wet ink copy of the form signed by the client.

So you are ready to file the new data-enabled forms on June 21, please reach out to your local USTP office, which will make training available for bankruptcy professionals with questions or concerns about completing, filing, and serving the new forms. In South Dakota, contact Jim Snyder in Des Moines at either [James.L. Snyder@usdoj.gov](mailto:James.L.Snyder@usdoj.gov) or (515) 284-4985.

The Final Rule will result in a change in practice in South Dakota by: (1) requiring a separate form for each debtor in jointly administered cases; and (2) requiring the MORs and PCRs to be filed on the case docket. The Court is creating the CM/ECF events which should be used to electronically file these reports.

Link

[Previous Bankruptcy ^{UP}dates](#)

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.