

SUPREME COURT OF THE UNITED STATES

MONDAY, APRIL 28, 1975

ORDERED:

1. That the rules and forms as approved by the Judicial Conference of the United States and annexed hereto, to be known as the Chapter X Rules and Official Chapter X Forms, be, and they hereby are, prescribed pursuant to Section 2075, Title 28, United States Code, to govern the forms of process, writs, pleadings, and motions, and the practice and procedure under Chapter X of the Bankruptcy Act, in the proceedings and to the extent set forth therein, in the United States district courts, the District Court for the District of the Canal Zone, and the District Courts of Guam and the Virgin Islands.

[See *infra*, pp. 1023-1087.]

2. That the aforementioned Chapter X Rules and Official Chapter X Forms shall take effect on August 1, 1975, and shall be applicable to proceedings then pending except to the extent that in the opinion of the court their application in a particular proceeding then pending would not be feasible or would work injustice, in which event the former procedure applies.

3. That General Order in Bankruptcy 52, heretofore prescribed by this Court be, and it hereby is, abrogated, effective August 1, 1975.

4. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit the aforementioned new Chapter X Rules and Official Chapter X Forms to the Congress in accordance with the provisions of Title 28, U. S. C. § 2075.

ORDERED:

1. That the rules and forms as approved by the Judicial Conference of the United States and annexed hereto,

to be known as the Chapter XII Rules and Official Chapter XII Forms, be, and they hereby are, prescribed pursuant to Section 2075, Title 28, United States Code, to govern the forms of process, writs, pleadings, and motions, and the practice and procedure under Chapter XII of the Bankruptcy Act, in the proceedings and to the extent set forth therein, in the United States district courts, the District Court for the District of the Canal Zone, and the District Courts of Guam and the Virgin Islands.

[See *infra*, pp. 1089-1134.]

2. That the aforementioned Chapter XII Rules and Official Chapter XII Forms shall take effect on August 1, 1975, and shall be applicable to proceedings then pending except to the extent that in the opinion of the court their application in a particular proceeding then pending would not be feasible or would work injustice, in which event the former procedure applies.

3. That General Orders in Bankruptcy Nos. 41 and 54 and Official Forms in Bankruptcy Nos. 53 to 57 inclusive, heretofore prescribed by this Court be, and they hereby are, abrogated, effective August 1, 1975.

4. That THE CHIEF JUSTICE be, and he hereby is, authorized to transmit the aforementioned new Chapter XII Rules and Official Chapter XII Forms to the Congress in accordance with the provisions of Title 28, U. S. C. § 2075.

MR. JUSTICE DOUGLAS, dissenting.

As I have said before, "I cannot agree to the Court's submission of the proposed Bankruptcy Rules to the Congress." 411 U. S. 992 (1973). I once knew a good deal about bankruptcy law, but I no longer have the expertise to say whether the proposed rules are good or bad. Because this Court is no more than a "rubber stamp" I think it should not participate in the rule-making process. The Judicial Conference rather than this Court should send these rules to Congress if they are to be sent at all.