

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PUBLIC NOTICE

REGARDING PROPOSED NEW RULE 206

**CONCERNING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
SUBMITTED TO THE DISTRICT COURT
BY A UNITED STATES BANKRUPTCY JUDGE**

The judges of the United States District Court for the District of Massachusetts have considered and found merit in a proposed new local rule, the primary purpose of which is to require litigants to exhaust the bankruptcy process before proceeding to the district court. The rule as proposed is consistent with Title 28 U.S. C. § 157 and preserves the process of adjudication between the district court judges and the bankruptcy judges, as intended by the Bankruptcy Amendment Act of 1984.

Accordingly, the judges have directed that a version, edited to conform to Local Rule format, be the subject of a public notice for comment. The proposed rule is attached hereto.

Copies of the proposed rule are available for inspection in the offices of the Clerk in courthouses in Boston, Worcester and Springfield. The public notice and proposed rule also have been posted under “Announcements” on the court’s website at: <http://www.mad.uscourts.gov/>

Members of the bar and the public are invited to comment as to proposed Local Rule 206. Comments should be received no later than May 25, 2012 and may be addressed to:

Sarah Allison Thornton
Clerk of Court
United States District Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way - Suite 22300
Boston, MA 02210

April 6, 2012

**RULE 206. CORE PROCEEDINGS REQUIRING FINAL ADJUDICATION
BY THE DISTRICT COURT**

If a bankruptcy judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under L.R. 201 and determined to be a core matter under 28 U.S.C. § 157, the bankruptcy judge shall hear the proceeding and submit proposed findings of fact and conclusions of law to the district court made in compliance with Fed. R. Civ. P. 52(a)(1) in the form of findings and conclusions stated on the record or in an opinion or memorandum of decision.

The district judge shall make a de novo review upon the record or, after additional evidence, of any portion of the bankruptcy judge's findings of fact or conclusions of law to which specific written objection has been made in accordance with the federal and local rules of bankruptcy procedure. The district judge may accept, reject, or modify the proposed findings of fact or conclusions of law, receive further evidence, or recommit the matter to the bankruptcy judge with instructions.

The district court may treat any order or judgment of the bankruptcy court as proposed findings of fact and conclusions of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the United States Constitution.