

SUMMARY OF REVISIONS
to
Proposed BAP Local Rules
as of January 28, 2010

1. Prior L.R. 8001-1, *Statement of Election*, has been redesignated as new L.R. 8001-3.
2. New L.R. 8001-1, *Separate Notice of Appeal Required*, has been added to make clear that multiple orders may not be appealed using a single notice of appeal, and each notice of appeal requires the prescribed fee to be paid.
3. New L.R. 8001-2, *Entry of Appearance, Statement of Interested Parties, and Statement Regarding Oral Argument, One Document*, has been added and replaces prior L.R. 8010-1(b)(4)&(e), L.R. 8018-1(a)&(b), and L.R. 8018-3. It requires counsel or a pro se party to file three items within 14 days after the notice that the appeal has been docketed: an Entry of Appearance, a Statement of Interested Parties, and a Statement Regarding Oral Argument. Further, the rule provides that these three items may be combined into one document.
4. New L.R. 8001-3, *Statement of Election*, was previously designated L.R. 8001-1.
5. New L.R. 8001-4, *Payment of Fees to Bankruptcy Court*, has been added to inform litigants that prescribed fees must be paid to the bankruptcy court.
6. New L.R. 8001-5, *Proceedings In Forma Pauperis, Fee Waiver*, has been added to inform litigants that any motion to waive fees must be filed with the bankruptcy court.
7. Prior L.R. 8003-1, *Payment of Prescribed Fee for Motion for Leave to Appeal*, has been deleted and the content included as part of new L.R. 8001-4, *Payment of Fees to Bankruptcy Court*.
8. New L.R. 8003-1, *Transmittal of Motion for Leave to Appeal and Notice of Appeal*, has been added to direct the bankruptcy court clerk to immediately notify the BAP clerk when a motion for leave to appeal has been filed, and to inform litigants that any answer to a motion for leave to appeal must be filed with this court.
9. L.R. 8005-1, *Stay Pending Appeal*, has been revised to delete the requirement that a motion for stay pending appeal state whether it is opposed, and assumes that any such motion is opposed.

10. L.R. 8006-1, ***Record and Issues on Appeal***, has been retitled *Record on Appeal* and changed by deleting paragraph (b) which required a party who filed a designation of record or statement of issues with the bankruptcy court to file the same with this court.
11. L.R. 8007-1, ***Transmission of the Record***, has been revised to reflect the way the record is actually received by the BAP from the bankruptcy court using the CM/ECF notification feature. The requirement that the bankruptcy court clerk transmit documents has been deleted and replaced with the obligation to immediately notify the BAP clerk that a notice of appeal has been filed. The BAP clerk then retrieves the documents from the bankruptcy court's docket. With respect to motions and statements filed after the notice of appeal, the requirement to transmit document has also been replaced with the obligation to notify the BAP clerk that the documents have been filed.
12. L.R. 8008-1, ***Filing and Service***, has been changed to reflect implementation of mandatory electronic filing through CM/ECF for litigants other than pro se parties. However, pro se parties may file documents by e-mail or facsimile. The details regarding ECF and system requirements are not delineated in the rules, but are to be provided in ECF Procedures and Guidance which will be posted on the BAP website. The new rule also sets forth formatting specifications, some of which was previously located in L.R. 8009-1(b) and L.R. 8010-1(a).
13. New L.R. 8008-2, ***Privacy Protection***, has been added to inform litigants that privacy protections of cases on appeal are governed by Federal Rule of Bankruptcy Procedure 9037 and Federal Rule of Civil Procedure 5.2, and further that the BAP clerk will not redact personally identifiable information that the filer neglects to redact.
14. L.R. 8009-1, ***Briefs and Appendix***, has been changed to reflect mandatory ECF and to clarify that the appendix filed with the brief containing relevant excerpts from the bankruptcy court record constitutes the record on appeal. The rule has also been changed to further describe the required table of contents and pagination for the appendix, and to clarify that sealed documents should be filed in paper rather than electronically.
15. L.R. 8010-1, ***Form of Briefs***, has been changed to reflect mandatory ECF, and also deletes the requirement that litigants state their reasons for requesting oral argument. The content of subsection (a) regarding formatting has been relocated to L.R. 8008-1(f).

16. L.R. 8011-1, ***Motions***, has been updated to reflect mandatory ECF and deletes the requirement that procedural motions and motions for stay indicate whether the relief sought is opposed.
17. L.R. 8011-2, ***Emergency Motions***, has been updated to reflect mandatory ECF and to clarify that prior to filing an emergency motion, the movant must call the BAP clerk to give notice.
18. L.R. 8012-1, ***Oral Argument***, has been changed by revising subsection (b) to require litigants to give the BAP clerk as much notice as possible when requesting to change the date, method or place of a hearing. Further, a new subsection (d) had been added to require parties to file, within ten days after the date of the notice of oral argument, a statement indicating who will appear at oral argument, and providing that failure to do so will result in participation at oral argument requiring leave of court.
19. L.R. 8014-1, ***Filing of Bill of Costs***, has been added to inform litigants that any bill of costs must be filed with the bankruptcy court.
20. L.R. 8015-1, ***Motion for Rehearing***, has been changed to be more consistent with Fed. R. App. P. 40 by requiring the motion to state with particularity any points overlooked or misapprehended by the court and to argue in support of the motion.
21. L.R. 8016-1, ***Bankruptcy Appellate Panel Clerk Authorized to Act on Certain Matters***, has been changed to add subsection (b) which permits the BAP clerk to deny a noncompliant election to have an appeal heard by a district court, and also to deny motions that do not comply with the Federal Rules of Bankruptcy Procedure or these Local Rules.
22. L.R. 8016-3, ***Mandate***, has been changed to relocate the content of subsection (a), which defines mandate, to subsection (d) and relettered accordingly.
23. L.R. 8018-1, ***Entry of Appearance and Admission to Practice***, has been retitled ***Admission to Practice***, and the content of subsections (a)&(b) regarding an entry of appearance has been relocated to new L.R. 8001-2(a).
24. L.R. 8018-2, ***Discipline***, has been changed to require any disciplinary action against attorneys and parties to be taken by a three judge panel rather than by a single judge.
25. Prior L.R. 8018-3, ***Statement of Interested Parties***, has been deleted and the content thereof has been relocated to new L.R. 8001-2(b).
26. Prior L.R. 8018-4, ***Diligent Prosecution of Appeals***, has been redesignated as L.R. 8018-3 and updated to reflect mandatory ECF, and also adds a new subsection (b)

which informs litigants that failure to comply with these Local Rules may delay consideration or lead to denial of a motion.

27. Prior L.R. 8018-5, *Courtroom Photography, Television and Radio Broadcast*, has been redesignated as L.R. 8018-4.
28. Prior L.R. 8018-6, *Citation of this Court's Unpublished Decisions*, has been redesignated as L.R. 8018-5, and changed in light of revised 10th Cir. L.R. 32.1 to be more consistent therewith.
29. Prior L.R. 8018-7, *Certification of Questions of State Law*, has been redesignated as L.R. 8018-6.
30. Prior L.R. 8018-8, *Case Involving Constitutional Question*, has been redesignated at L.R. 8018-7.
31. Prior L.R. 8018-9, *Supplemental Authority*, has been redesignated as L.R. 8018-8, as well as retitled *Submission of Supplemental Authority*, and subsections (a)&(b) have been collapsed into one paragraph.
32. Prior L.R. 8018-10, *Calculation of Time*, has been redesignated as L.R. 8018-9.
33. Prior L.R. 8018-11, *Applicable Rules*, has been redesignated as L.R. 8018-10.

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