

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE TENTH CIRCUIT

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**Notice of Tenth Circuit Bankruptcy Appellate Panel  
General Order No. 4**

On September 29, 2009 the United States Bankruptcy Appellate Panel of the Tenth Circuit (“BAP”) entered General Order No. 4 dated September 9, 2009. The General Order announces that the BAP is conducting a one-year pilot program utilizing the services of the Tenth Circuit Court of Appeals Mediation Office. Appeals filed with the BAP on or after October 1, 2009 may be subject to review by a panel of BAP Judges for referral to the Mediation Office.

A Mediation Interest form will be sent to attorneys who represent parties to the appeal with the Notice that the appeal has been docketed with the BAP. It is requested that the form be completed by counsel and returned to the BAP. The form may be filed electronically following the instructions contained in the form. The form and mediation preference will not be made available to the public. The form is not subject to the service requirement pursuant to Federal Rule of Bankruptcy Procedure 8009.

The purpose of the referral is to explore possibilities for settlement and to resolve procedural issues. Parties to an appeal may be notified by Order if the appeal has been determined suitable for referral or non-referral to the Mediation Office. If it has been decided that an appeal is not suitable, the Order will identify if the parties may later file a motion to be referred for mediation, which the panel will then review.

Counsel must participate in every scheduled mediation conference and in related discussions. Conferences are generally conducted by telephone. In preparing for the conference, counsel must obtain as much authority as feasible to settle the appeal and agree upon case management matters. Statements made during the conference and in related discussions are confidential. The Circuit Mediator is a delegate of the BAP and

any conference order or other communications from the Circuit Mediator must be treated the same as any other Court order.

Deadlines set in the BAP's Notice that the appeal has been docketed are not automatically tolled.

Written comments regarding the General Order may be made to the BAP Clerk's Office by mail, facsimile, or by e-mail to the addresses listed above. Comments may also be addressed to any of the Tenth Circuit BAP Rules Committee members listed below.

The Honorable Tom R. Cornish, Chief Judge of the BAP,  
United States Bankruptcy Court, Eastern District of Oklahoma  
The Honorable Terrence L. Michael, Committee Director,  
United States Bankruptcy Court, Northern District of Oklahoma  
The Honorable William T. Thurman, United States Bankruptcy Court,  
District of Utah  
W. Thomas Gilman, Esq., Redmond & Nazar, L.L.P., Wichita, Kansas  
John C. Smiley, Esq., Lindquist & Vennum, Denver, Colorado  
David Tighe, Circuit Executive of the Tenth Circuit  
Elisabeth Shumaker, Clerk of Court, Tenth Circuit Court of Appeals,  
Denver, Colorado  
Therese Buthod, Clerk of Court, U.S. Bankruptcy Court,  
Eastern District of Oklahoma  
Barbara A. Schermerhorn, BAP Clerk of Court, Denver, Colorado  
Marlie Lawrence, BAP Law Clerk and Secretary to the Committee,  
United States Bankruptcy Court, Northern District of Oklahoma

Thank you.

[Link to General Order 4](#)