

**UNITED STATES
BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT
LOCAL RULES**



United States Code Annotated
Federal Rules of Bankruptcy Procedure (Refs & Annos)
Appendix X. United States Bankruptcy Appellate Panel for the Tenth Circuit

Bankruptcy Appellate Panel of the Tenth Circuit Rule 8001-1, 11 U.S.C.A.

Rule 8001-1. Electronic Filing

Currentness

(a) Electronic Filing by Attorneys. Attorneys filing documents with this Court must file all documents electronically using the BAP's Electronic Case Filing ("ECF") system.

(b) Electronic Filing by Pro Se Litigants. Individuals not represented by an attorney ("pro se" litigants) may, but are not required to, file using the ECF system.

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[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8001-1, 11 U.S.C.A., CTA10 BAP Rule 8001-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8001-2, 11 U.S.C.A.

Rule 8001-2. Exempt Filers

Currentness

(a) Exemption. An attorney may seek by motion for good cause shown an exemption from mandatory electronic filing.

(b) Method of Filing for Exempt Filers. Pro se litigants, and attorneys who have received an exemption under subdivision (a), may file documents by any of the following methods:

(1) in person with the BAP clerk's office;

(2) by mail, which includes:

(A) first-class mail;

(B) any other class of mail that is at least as expeditious as first-class mail; or

(C) dispatch to a third-party commercial carrier for delivery within three (3) calendar days;

(3) by e-mail; or

(4) by facsimile.

(c) Signature. Exempt filers must sign all filings and proofs of service.

(d) Deemed Filed Rule. A document filed by e-mail or facsimile is considered filed on the date that it is received by this Court, except that a document received by facsimile or e-mail on a Saturday, Sunday, legal holiday or day that this Court is closed, is considered filed as of the next business day.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8003-1, 11 U.S.C.A.

Rule 8003-1. Notice of Appeal--Separate Notices Required

Currentness

A separate notice of appeal, together with the prescribed fees, is required for each order being appealed. A party may not seek review of multiple orders using a single notice of appeal.

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Bankr.Appellate Panel 10th Cir., Rule 8003-1, 11 U.S.C.A., CTA10 BAP Rule 8003-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8003-2, 11 U.S.C.A.

Rule 8003-2. Statement of Admission to Practice or Pro Se Status,
Statement of Interested Parties, and Statement Regarding Oral Argument

Currentness

On the earlier of (i) 14 days after the date of the notice that the appeal has been docketed with this Court, or (ii) upon filing a motion or response, a party must file the following with this Court:

(a) Statement of Admission to Practice or Pro Se Status. The Statement of Admission to Practice or Pro Se Status must contain the party's name, address, telephone number, ECF e-mail address (or for exempt filers, who consent to be served by e-mail, an e-mail address for service), and a statement as to whether the attorney appearing on behalf of the party is admitted to practice before this Court in compliance with 10th Cir. BAP L.R. 8026-2, or that the party is appearing without counsel.

(1) *Deemed Appearance.* While this Court does not require attorneys to file an appearance, attorneys who authorize their names to appear on filed documents are deemed to have entered an appearance.

(2) *Withdrawal.* Attorneys who have appeared in this Court may not withdraw without leave of court.

(3) *Removal From Service.* This Court may remove from a case for purposes of service, any attorney or party who fails to file a Statement of Admission to Practice or Pro Se Status, without further notice.

(b) Statement of Interested Parties. All parties, other than governmental units, must file a Statement of Interested Parties ("Statement") disclosing by name any interested party who is not listed in the notice of appeal. If there are none, a statement to that effect must be filed.

(1) *Interested Party.* The term "interested party" includes all persons, associations, firms, partnerships, corporations, guarantors, insurers, affiliates, or other legal entities that are financially interested in the outcome of the appeal.

(2) *Corporations.* When a corporation is a party to an appeal, the Statement must identify any parent corporation and any publicly held corporation that owns 10% or more of its stock or state that there is no such corporation.

(3) *Prior Attorneys.* The Statement must include the names of attorneys who have previously appeared for a party in the case or proceeding below but who have not entered an appearance in this Court.

(4) *Obligation to Amend.* A party who learns that an otherwise undisclosed party is an interested party must promptly file an amended Statement.

(c) **Statement Regarding Oral Argument.** The Statement Regarding Oral Argument must indicate whether the party requests oral argument. A party may amend its request no later than the filing of its initial brief.

(d) **One Document.** The Statement of Admission to Practice or Pro Se Status, Statement of Interested Parties, and Statement Regarding Oral Argument may be combined into one document.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8003-3, 11 U.S.C.A.

Rule 8003-3. Payment of Fees to Bankruptcy Court

Currentness

(a) Appeal Fees. Fees prescribed by the Miscellaneous Fee Schedule issued in accordance with [28 U.S.C. § 1930](#) must be paid to the bankruptcy court.

(b) Dismissal for Non-Payment of Fees. An appeal may be dismissed immediately if, within 14 days after filing the notice of appeal or 14 days after the entry of an order granting leave to appeal, a party fails to:

- (1) pay a required fee;
- (2) file a timely motion with the bankruptcy court to waive the required fee; or,
- (3) pay the required fee within 14 days after entry of a bankruptcy court order denying the appellant's motion to waive the fee.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8004-1, 11 U.S.C.A.

Rule 8004-1. Failure to File a Notice of Appeal With a Motion for Leave to Appeal

Currentness

If an appellant files a motion for leave to appeal under Fed. R. Bankr. P. 8004, but fails to file a separate notice of appeal with the motion, the motion will be treated both as a motion for leave to appeal and as a notice of appeal.

CREDIT(S)

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8005-1, 11 U.S.C.A.

Rule 8005-1. Filing and Transmission of Election

Currentness

(a) Appellant's Statement of Election. In order to substantially conform to the appropriate Official Form pursuant to [Fed. R. Bankr. P. 8005\(a\)](#), an appellant's statement of election to have an appeal heard by the district court must be included in the notice of appeal that is filed with the bankruptcy court.

(b) Appellee's Statement of Election. Any other party electing to have the appeal heard in the district court under [28 U.S.C. § 158\(c\)\(1\)\(B\)](#) must file its statement of election with the BAP.

(c) Clerk Transmission of Election. If any statement of election to have the appeal heard in the district court is filed in the bankruptcy court, the bankruptcy court clerk must promptly notify the BAP clerk of the filing of such statement of election.

CREDIT(S)

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Bankr.Appellate Panel 10th Cir., Rule 8005-1, 11 U.S.C.A., CTA10 BAP Rule 8005-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8007-1, 11 U.S.C.A.

Rule 8007-1. Stay Pending Appeal

Currentness

(a) Relevant Parts of the Record. The relevant parts of the record referred to in [Fed. R. Bankr. P. 8007\(b\)\(3\)\(C\)](#) must include a copy of the bankruptcy court's order denying a motion for stay or a copy of the transcript of the bankruptcy court's hearing on the motion, unless the motion was not first presented to the bankruptcy court.

(b) Emergency Motion. If the motion is an emergency motion, the movant must also comply with [Fed. R. Bankr. P. 8013\(d\)](#) and 10th Cir. BAP L.R. 8013-1(b).

CREDIT(S)

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Bankr.Appellate Panel 10th Cir., Rule 8007-1, 11 U.S.C.A., CTA10 BAP Rule 8007-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8009-1, 11 U.S.C.A.

Rule 8009-1. Designation of Record

Currentness

The designated items of the record on appeal for purposes of [Fed. R. Bankr. P. 8009\(a\)\(4\)](#) must be presented to this Court by the parties in the appendices as required by [Fed. R. Bankr. P. 8018\(b\)](#) and 10th Cir. BAP L.R. 8018-1. Parties should not provide copies of the designated items to the bankruptcy court.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8009-2, 11 U.S.C.A.

Rule 8009-2. Statement of the Evidence When a Transcript Is Unavailable

Currentness

The statement of the evidence when a transcript is unavailable, referred to in [Fed. R. Bankr. P. 8009\(c\)](#), and any objection or amendment thereto, must be filed with the bankruptcy court.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8009-2, 11 U.S.C.A., CTA10 BAP Rule 8009-2
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8009-3, 11 U.S.C.A.

Rule 8009-3. Inadequate Record

Currentness

This Court need not remedy any failure by a party to designate an adequate record. When the party asserting an issue fails to provide a record sufficient for considering that issue, this Court may decline to consider it.

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[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8009-3, 11 U.S.C.A., CTA10 BAP Rule 8009-3
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8010-1, 11 U.S.C.A.

Rule 8010-1. Transmission of Record

[Currentness](#)

(a) Supplemental Notification of Motions and Statements. If, after the notice of appeal has been filed, any motion regarding the appealed judgment or order is filed, the bankruptcy court clerk must promptly notify the BAP clerk of the filing of the motion and any order disposing of the motion.

(b) Transmission of the Record by the Bankruptcy Clerk. Compliance with this rule, [Fed. R. Bankr. P. 8003\(d\)\(1\)](#), and 10th Cir. BAP L.R. 8005-1(c) constitutes transmission of the record on appeal under [Fed. R. Bankr. P. 8010\(b\)\(1\)](#) and satisfies the bankruptcy court's obligation under [Fed. R. Bankr. P. 8010\(c\)](#).

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8011-1, 11 U.S.C.A.

Rule 8011-1. Privacy Protection

[Currentness](#)

An appeal in a case or proceeding to which [Fed. R. Bankr. P. 9037](#) privacy protection applied is governed by the same rule on appeal. In all other appeals, [Fed. R. Civ. P. 5.2](#) privacy protection governs. The BAP clerk will not redact personally identifiable information that a party neglects to redact.

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Bankr.Appellate Panel 10th Cir., Rule 8011-1, 11 U.S.C.A., CTA10 BAP Rule 8011-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8011-2, 11 U.S.C.A.

Rule 8011-2. Format, File Size, and Hyperlinks

[Currentness](#)

(a) File Size. Electronic filings are limited to 10 megabytes per uploaded file. However, more than one file may be uploaded to a particular docket entry.

(b) Format. Filings, excluding exhibits, appendices, addenda, and attachments, filed by ECF or e-mail must be in text-searchable Portable Document Format (“PDF”) format.

(c) Hyperlinks. Electronically filed documents may, but need not, contain hyperlinks to citations to the record on appeal or relevant legal authority, but hyperlinked documents or material do not replace citations to the appendix, record, or legal authority and are not considered part of the appellate record. This Court is not responsible for hyperlinks that do not work and does not endorse the content or provider of the hyperlinked cite.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8012-1, 11 U.S.C.A.

Rule 8012-1. Statement of Interested Parties

Currentness

Filing a timely Statement of Interested Parties pursuant to 10th Cir. BAP L.R. 8003-2(b) satisfies a party's obligation under Fed. R. Bankr. P. 8012.

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[Effective December 1, 2014.]

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8013-1, 11 U.S.C.A.

Rule 8013-1. Motions

Currentness

(a) Filings Considered. This Court will not consider filings other than the motion, response, or reply, without leave of court.

(b) Notice for Emergency Motion. Before filing an emergency motion, the movant must call the BAP clerk's office in order to give as much advance notice as possible. Emergency motions, appendices, and responses must be filed and served by the quickest method practicable.

(c) Form of Documents. Notwithstanding [Fed. R. App. P. 32\(a\)\(5\)](#) and 10th Cir. BAP L.R. 8015-1(b), paper and electronically filed documents comply with [Fed. R. Bankr. P. 8013\(f\)](#) if a typeface no smaller than 12-point font is used.

(d) Sealed Documents. Motions containing sealed information or documents, or information or documents that a party seeks to seal, must comply with 10th Cir. BAP L.R. 8018-1(i).

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8014-1, 11 U.S.C.A.

Rule 8014-1. Statement of Related Cases

Currentness

In addition to the requirements referred to in [Fed. R. Bankr. P. 8014\(a\)](#) and [\(b\)](#), a party who knows of a related case pending before the United States Supreme Court or any United States Court of Appeals, District Court, or BAP must include as the last page of its brief a statement listing the related case(s). The statement must include the title of the case(s), the case number(s) and the court(s) in which the case(s) is pending. A related case is one that involves substantially the same litigants and substantially the same fact pattern or legal issues as the pending appeal.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8015-1, 11 U.S.C.A.

Rule 8015-1. Form of Briefs

Currentness

(a) Front Cover. Fed. R. Bankr. P. 8015(a)(2)(A)-(D) is satisfied if the front cover of the brief contains the caption provided by this Court.

(b) Typeface. Notwithstanding Fed. R. Bankr. P. 8015(a)(5), briefs will be accepted if the typeface is no smaller than a 12-point font.

(c) References to Appendix. References to documents in an appendix must be to specific pages of the appendix (e.g., Appellant App. at 27, or Appellee Supp. App. at 14).

(d) Length of Brief. The Statement of Related Cases, required by 10th Cir. BAP L.R. 8014-1, is excluded from the length limitations in Fed. R. Bankr. P. 8015(a)(7) and 8016(d).

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8018-1, 11 U.S.C.A.

Rule 8018-1. Form of Appendix

Currentness

In accordance with 10th Cir. BAP L.R. 8009-1, the appendix constitutes the record on appeal and must contain all excerpts from the record relevant to the appeal.

(a) Form. The appendix must be separate from a brief.

(b) Cover. The appendix must have a cover page containing the following:

(1) the case caption;

(2) the title “Appendix,” with the name of the filing party; and

(3) the attorney or pro se party's name, address, telephone number, and ECF e-mail address (or for exempt filers, who consent to be served by e-mail, an e-mail address for service).

(c) Table of Contents. The table of contents required by [Fed. R. Bankr. P. 8018\(c\)](#) must include the full name of each document contained in the appendix and the bankruptcy court docket number.

(d) Pagination. The appendix must be consecutively paginated in such a manner that the appendix page numbers are distinguishable from any existing page numbers on the underlying documents.

(e) Transcripts. The appendix must contain all transcripts necessary for this Court's review. Transcripts submitted to this Court must be prepared in accordance with [Fed. R. Bankr. P. 5007\(a\)](#) and [Fed. R. Bankr. P. 8009\(b\)](#).

(f) Exhibits. Exhibits that are part of the record on appeal must be included in the appendix when they are relevant to an issue raised on appeal and are referred to in the brief.

(g) Documents Considered. Only documents properly before the bankruptcy court may be included in the appendix and considered by this Court.

(h) Multiple Parties. Appellants or appellees may file joint briefs. If appellants or appellees file separate briefs, they may file separate appendices; however, they should not duplicate items included in a previously-filed appendix and may adopt the items by reference.

(i) Sealed Documents. No later than the filing of a motion, brief, or appendix disclosing materials held under seal by another court, or that a party seeks to place under seal, the party must:

(1) file a motion to place the documents under seal, which explains the basis for sealing and the period of time the seal is to be maintained;

(2) segregate the portion of the document to be sealed; and

(3) file the segregated portion of the document in the ECF system using the “Sealed Documents” category, or, if the filer is exempt pursuant to 10th Cir. BAP L.R. 8001-2(a), file the document in accordance with 10th Cir. BAP L.R. 8001-2(b) with a label on the cover stating that the document is to be filed under seal.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8019-1, 11 U.S.C.A.

Rule 8019-1. Oral Argument

[Currentness](#)

(a) Telephone or Videoconference. A party may request by motion, or this Court may determine, that oral argument be conducted telephonically or by videoconference.

(b) Change of Date, Method, or Place of Hearing. In addition to any of the requirements provided under [Fed. R. Bankr. P. 8019\(c\)](#), any request to change the date, method, or place of a hearing must be filed reasonably in advance of the date of the oral argument. After the notice of oral argument has been docketed, the date, method, or place assigned for hearing will only be changed with leave of court for good cause shown.

(c) Notification of Appearance. Within 14 days after the notice of oral argument has been docketed, each party who has filed a brief must file a statement indicating who will appear at oral argument on behalf of the party. Any party who fails to file the required statement may not participate in oral argument without leave of court.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8022-1, 11 U.S.C.A.

Rule 8022-1. Motion for Rehearing

Currentness

(a) Rehearing Not Routine. A motion for rehearing must not be filed routinely. Rehearing will be granted only if a significant issue has been overlooked or misconstrued by this Court.

(b) Number of Motions. This Court will consider only one motion for rehearing from each party to the appeal.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8024-1, 11 U.S.C.A.

Rule 8024-1. BAP Clerk Authorized to Act on Certain Matters

[Currentness](#)

Subject to review by this Court, the BAP clerk may act on any of the following:

(a) Motions.

- (1) To extend time to file a document or perform an act required by these rules or [Fed. R. Bankr. P. 8009, 8010, 8013, or 8018](#);
- (2) To supplement or correct a document filed with this Court;
- (3) To join or consolidate as necessary pursuant to [Fed. R. Bankr. P. 8003\(b\)\(2\)](#);
- (4) To substitute parties;
- (5) To appear as amicus curiae;
- (6) To expedite or continue cases;
- (7) To substitute an attorney, or to allow an attorney who has entered an appearance to withdraw;
- (8) To voluntarily dismiss an appeal;
- (9) To place documents under seal under 10th Cir. BAP L.R. 8018-1(i);
- (10) To exempt an attorney from the electronic filing requirement;
- (11) To construe a notice of appeal as multiple notices of appeal under 10th Cir. BAP L.R. 8003-1; and
- (12) Any other motion this Court may authorize.

(b) Other Matters.

- (1) To deny an election to have an appeal heard by a district court that is not in compliance with [28 U.S.C. § 158\(c\)\(1\)](#) and [Fed. R. Bankr. P. 8005](#);
- (2) To deny motions that do not comply with these rules or the Federal Rules of Bankruptcy Procedure;
- (3) To join or consolidate appeals *sua sponte*; and
- (4) To dismiss an appeal for failure to prosecute pursuant to 10th Cir. BAP L.R. 8026-4(c).

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8024-2, 11 U.S.C.A.

Rule 8024-2. Entry of an Order

Currentness

An order is entered on the date that it is docketed.

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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8024-3, 11 U.S.C.A.

Rule 8024-3. Mandate

[Currentness](#)

(a) Issue Date. This Court's mandate must issue promptly after the time to file a motion for rehearing expires, unless the mandate is stayed under subdivision (b) of this rule or this Court shortens or enlarges the time.

(b) Stay of Mandate. Unless this Court orders otherwise, the mandate is stayed until this Court resolves the following:

(1) a timely filed motion for rehearing;

(2) a motion for stay of judgment under [Fed. R. Bankr. P. 8025\(b\)](#) that is filed before the mandate is issued; or

(3) a motion to stay the mandate that is filed before the mandate is issued.

(c) Issuance of Mandate After Stay. If this Court stays its mandate pending appeal, the mandate must issue promptly after this Court receives the mandate from the Court of Appeals.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8024-3, 11 U.S.C.A., CTA10 BAP Rule 8024-3
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-1, 11 U.S.C.A.

Rule 8026-1. Local Rules of Circuit Judicial Council or District Court

[Currentness](#)

(a) Application of the Federal Rules of Bankruptcy Procedure. Unless otherwise altered or suspended by these rules or by court order, Part VIII of the Federal Rules of Bankruptcy Procedure and all relevant Official Forms apply to proceedings in this Court.

(b) Application of the Federal Rules of Appellate Procedure. In cases in which Part VIII of the Federal Rules of Bankruptcy Procedure and these rules are silent as to a particular manner of practice, this Court may order application of the Federal Rules of Appellate Procedure or the Tenth Circuit Rules.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-1, 11 U.S.C.A., CTA10 BAP Rule 8026-1
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-2, 11 U.S.C.A.

Rule 8026-2. Admission to Practice

Currentness

(a) Admission. An attorney is admitted to practice before this Court if the attorney is:

- (1) admitted to practice by, and a member in good standing of, the United States Court of Appeals for the Tenth Circuit;
- (2) admitted to practice by, and a member in good standing of, a United States District Court within the Tenth Circuit; or
- (3) admitted to practice by a United States Bankruptcy Court in the case or proceeding on appeal.

(b) Student Practice. A law student may appear before this Court after the following conditions are satisfied:

(1) *Qualifications of Student.* The student must:

(A) be enrolled and in good standing in a law school accredited by the American Bar Association, or a recent law school graduate awaiting the first bar examination after the student's graduation or the result of that examination;

(B) have completed the equivalent of 4 semesters of legal studies; and

(C) be familiar with the Federal Rules of Bankruptcy Procedure, the American Bar Association Code of Professional Responsibility, and the rules of this Court.

(2) *Consent of Party.* The party must state that it consents to the law student's appearance on its behalf, and the statement must be filed with this Court; and

(3) *Supervising Attorney.* An attorney who is admitted to practice before this Court must supervise the student. The supervising attorney must:

(A) assume personal professional responsibility for the quality of the student's work;

(B) guide and assist the student as necessary or appropriate under the circumstances;

(C) sign all documents filed with this Court;

(D) appear with the student in any oral presentations before this Court;

(E) supplement any written or oral statement made by the student to this Court or other parties to the appeal if this Court so requests; and

(F) file with this Court a written certification that the student meets the qualifications of this rule and the attorney has agreed to supervise the student in accordance with this rule.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-2, 11 U.S.C.A., CTA10 BAP Rule 8026-2
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-3, 11 U.S.C.A.

Rule 8026-3. Discipline

[Currentness](#)

This Court may discipline attorneys and parties as provided in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure and may refer a disciplinary matter to the appropriate authority.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-3, 11 U.S.C.A., CTA10 BAP Rule 8026-3
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-4, 11 U.S.C.A.

Rule 8026-4. Diligent Prosecution of Appeals

Currentness

(a) Reporting Changes to Contact Information. Attorneys or pro se parties must promptly file with this Court a statement of any change in name, address, telephone number and ECF e-mail address (or for exempt filers, who consent to be served by e-mail, an e-mail address for service). Registered e-filers must also promptly update their PACER Service Center Appellate ECF Account with any changes.

(b) Failure to Comply. Failure to comply with these rules or the Federal Rules of Bankruptcy Procedure may delay consideration or lead to denial of the relief being sought.

(c) Dismissal for Failure to Prosecute. When an appellant fails to comply with these rules or the Federal Rules of Bankruptcy Procedure, the BAP clerk may, after notice, enter an order dismissing the appeal.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-4, 11 U.S.C.A., CTA10 BAP Rule 8026-4
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-5, 11 U.S.C.A.

Rule 8026-5. Courtroom Photography, Recordings and Broadcasts

[Currentness](#)

No person may use any electronic device to take photographs or make video or audio recordings of, or transmit or broadcast in any way, BAP proceedings, except as authorized by prior court order.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-5, 11 U.S.C.A., CTA10 BAP Rule 8026-5
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-6, 11 U.S.C.A.

Rule 8026-6. Citation of This Court's Unpublished Decisions

Currentness

This Court's unpublished decisions may be cited for their persuasive value, but are not precedential except under the doctrines of law of the case, claim preclusion, and issue preclusion.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-6, 11 U.S.C.A., CTA10 BAP Rule 8026-6
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-7, 11 U.S.C.A.

Rule 8026-7. Certification of Questions of State Law

Currentness

(a) Certification and Stay. When state law permits, this Court may certify a state law question to that state's highest court in accordance with that court's rules and may stay the appeal to await the state court's decision.

(b) Motion for Certification and Stay. Certification may be raised on motion of a party or on this Court's own motion. A party seeking certification must file a separate motion prior to filing its first brief.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-7, 11 U.S.C.A., CTA10 BAP Rule 8026-7
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-8, 11 U.S.C.A.

Rule 8026-8. Cases Involving a Constitutional Question

Currentness

(a) Written Notice Required. Within 14 days after the date of the notice that the appeal has been docketed with this Court, a party must file a written notice with this Court if the party:

(1) questions the constitutionality of an Act of Congress in a proceeding in which the United States or its agency, officer, or employee is not a party in an official capacity; or

(2) questions the constitutionality of a state statute in a proceeding in which the state's attorney general is not a party in an official capacity.

(b) BAP Clerk Certification. If a written notice is filed under this rule, the BAP clerk must certify that fact to the appropriate attorney general.

(c) Time Period to Appear. An attorney general may appear in the appeal within 30 days after the date that the BAP clerk serves its certification.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-8, 11 U.S.C.A., CTA10 BAP Rule 8026-8
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-9, 11 U.S.C.A.

Rule 8026-9. Calculation of Time

Currentness

(a) Application of Fed. R. Bankr. P. 9006. Unless otherwise specified, Fed. R. Bankr. P. 9006(a), (b), (c), (e), and (f) apply to appeals before this Court.

(b) Legal Holiday. “Legal holiday,” as defined in Fed. R. Bankr. P. 9006(a), includes any day appointed as a holiday by the state in which this Court's clerk's office is located or the state of the district in which the matter originated.

CREDIT(S)

[Effective December 1, 2014.]

Bankr.Appellate Panel 10th Cir., Rule 8026-9, 11 U.S.C.A., CTA10 BAP Rule 8026-9
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Bankruptcy Appellate Panel of the Tenth Circuit Rule 8026-10, 11 U.S.C.A.

Rule 8026-10. Citation and Effective Date of These Rules

Currentness

(a) Citation. These rules must be cited as follows: 10th Cir. BAP L.R. ____.

(b) Effective Date. These rules are effective December 1, 2014.

(c) Application of the Federal Rules of Appellate Procedure. In cases in which Part VIII of the Federal Rules of Bankruptcy Procedure and these rules are silent as to a particular manner of practice, this Court may order application of the Federal Rules of Appellate Procedure or the Tenth Circuit Rules.

CREDIT(S)

[Effective December 1, 2014. Amended effective December 1, 2023.]

Bankr.Appellate Panel 10th Cir., Rule 8026-10, 11 U.S.C.A., CTA10 BAP Rule 8026-10
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Bankruptcy Appellate Panel of the Tenth Circuit BAP Order 3, 11 U.S.C.A.

General Order No. 3. In re General Orders of the United States Bankruptcy Appellate Panel of the Tenth Circuit

Currentness

Before McFEELEY, Chief Judge, BOHANON, CORNISH, MICHAEL, NUGENT, BROWN, THURMAN, RASURE, and KARLIN, Bankruptcy Judges.

WHEREAS, on April 20, 2005, the President signed the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. 109-08. 119 Stat. 23 (the “Act”), which became effective on October 17, 2005; and

WHEREAS, in connection with the Act, the Court was requested to adopt the Interim Bankruptcy Rules that were approved by the Advisory Committee on Bankruptcy Rules and the Committee on Rules of Practice and Procedure; and on October 14, 2005, this Court entered General Order No. 2, adopting Interim Bankruptcy Rules 8001(f) and 8003(d) to apply to those appeals from bankruptcy cases filed on or after October 17, 2005; and

WHEREAS, those provisions of the Federal Rules of Bankruptcy Procedure have been finalized and shall go into effect December 1, 2008.

Accordingly, it is **HEREBY ORDERED** that General Order No. 2 is REPEALED, effective December 1, 2008.

CREDIT(S)

[Dated: November 20, 2008.]

Bankr.Appellate Panel 10th Cir., BAP Order 3, 11 U.S.C.A., CTA10 BAP BAP Order 3
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Bankruptcy Appellate Panel of the Tenth Circuit BAP Order 8, 11 U.S.C.A.

General Order No. 8. In re Pilot Mediation Program *

[Currentness](#)

Before CORNISH, Chief Judge, MICHAEL, NUGENT, BROWN, THURMAN, RASURE, KARLIN, ROMERO, and SOMERS, Bankruptcy Judges.

WHEREAS, the Tenth Circuit Court of Appeals established a mediation office (“Circuit Mediator”) which began operations in 1991; and

WHEREAS, on April 20, 2009, the Bankruptcy Appellate Panel (“BAP”) voted to implement a trial mediation program for a period of twelve months (“Pilot Mediation Program”), utilizing the services of the Circuit Mediator; and

WHEREAS, on August 25, 2010, the BAP voted to modify and extend the Pilot Mediation Program until September 30, 2011.

WHEREAS, on September 21, 2011, the BAP voted to extend the Pilot Mediation Program for an additional twelve-month period.

Accordingly, it is **HEREBY ORDERED THAT:**

1. Effective Date. The Pilot Mediation Program, as extended herein, remains in effect for appeals filed on or after October 1, 2011, until September 30, 2012.

2. Automatic Referral. All appeals filed on or after October 1, 2011, other than those filed by pro se parties, shall be referred to the Circuit Mediator.

3. Mediation Conference. The Circuit Mediator may schedule and conduct mediation conferences in any matter referred to it by the BAP. The primary purpose of the Pilot Mediation Program is to explore settlement, but case management matters may also be addressed. Participation in the Pilot Mediation Program consists of participation in one or more conferences to address any matter that may aid in disposing of the proceedings, including simplifying the issues and discussing settlement, pursuant to [Federal Rule of Appellate Procedure 33](#).

4. Participation of Counsel and Parties. Counsel must participate in every scheduled mediation conference and in related discussions. Generally a party may participate but need not unless required by the Circuit Mediator. Conferences are conducted by telephone unless the Circuit Mediator directs otherwise.

5. Preparation of Counsel for Mediation Conference; Settlement Authority. Counsel must consult with their clients and obtain as much authority as feasible to settle the case and agree on case management matters in preparing for the initial conference. These obligations continue throughout the mediation process.

6. Confidentiality. Statements made during the conference and in related discussions, and any records of those statements, are confidential and must not be disclosed by anyone (including the Circuit Mediator, counsel, or the parties; and their agents or employees) to anyone not participating in the mediation proceedings. Proceedings under this General Order may not be recorded by counsel or the parties.

7. Conference Order; Mediator Authority. The Circuit Mediator may cause a judgment or order to be entered controlling the course of the case or the mediation proceedings. The Circuit Mediator is a delegate of this court. Any conference orders or other communications from the Circuit Mediator must be treated the same as any other court directive.

8. Extensions for Ordering Transcript or Filing Brief. The time allowed by [Federal Rule of Bankruptcy Procedure 8007](#) for ordering a transcript and by [Federal Rule of Bankruptcy Procedure 8009](#) for filing briefs is not automatically tolled pending a conference. If a conference has been scheduled, counsel may contact the Circuit Mediator for an extension of time to order a transcript or file a brief.

9. Sanctions. The court may impose sanctions if counsel or a party violates any provision of this General Order.

Prior to the expiration of the Pilot Mediation Program, the BAP will evaluate the effectiveness of the program and determine whether it should be extended or made permanent.

CREDIT(S)

[Dated: September 28, 2011.]

Footnotes

* [Publisher's Note: *See also* General Order 9, *post.*]

Bankr.Appellate Panel 10th Cir., BAP Order 8, 11 U.S.C.A., CTA10 BAP BAP Order 8
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General Order No. 9. In re General Orders of the United States Bankruptcy Appellate Panel of the Tenth Circuit

Currentness

Before THURMAN, Chief Judge, CORNISH, MICHAEL, NUGENT, BROWN, KARLIN, ROMERO and SOMERS, Bankruptcy Judges.

WHEREAS, the Tenth Circuit Court of Appeals established a mediation office (“Circuit Mediator”) which began operations in 1991; and

WHEREAS, on April 20, 2009, the Bankruptcy Appellate Panel (“BAP”) voted to implement a trial mediation program for a period of twelve months (“Pilot Mediation Program”), utilizing the services of the Circuit Mediator; and

WHEREAS, on August 25, 2010, the BAP voted to modify and extend the Pilot Mediation Program until September 30, 2011.

WHEREAS, on September 21, 2011, the BAP voted to extend the Pilot Mediation Program until September 30, 2012.

WHEREAS, on July 27, 2012, the BAP voted to make the Pilot Mediation Program (hereinafter, “the Mediation Program”) permanent subject to further order of the Court.

Accordingly, it is **HEREBY ORDERED THAT:**

1. Effective Date. The Mediation Program, as set forth herein, shall apply to appeals filed on or after October 1, 2012, subject to further order of the Court.

2. Automatic Referral. All appeals filed on or after October 1, 2012, other than those involving a pro se party, shall be referred to the Circuit Mediator.

3. Mediation Conference. The Circuit Mediator may schedule and conduct mediation conferences in any matter referred to it by the BAP. The primary purpose of the Mediation Program is to explore settlement, but case management matters may also be addressed. Participation in the Mediation Program consists of participation in one or more conferences to address any matter that may aid in disposing of the proceedings, including simplifying the issues and discussing settlement, pursuant to [Federal Rule of Appellate Procedure 33](#).

4. Participation of Counsel and Parties. Counsel must participate in every scheduled mediation conference and in related discussions. Generally a party may participate but need not unless required by the Circuit Mediator. Conferences are conducted by telephone unless the Circuit Mediator directs otherwise.

5. Preparation of Counsel for Mediation Conference; Settlement Authority. Counsel must consult with their clients and obtain as much authority as feasible to settle the case and agree on case management matters in preparing for the initial conference. These obligations continue throughout the mediation process.

6. Confidentiality. Statements made during the conference and in related discussions, and any records of those statements, are confidential and must not be disclosed by anyone (including the Circuit Mediator, counsel, or the parties; and their agents or employees) to anyone not participating in the mediation proceedings. Proceedings under this General Order may not be recorded by counsel or the parties.

7. Conference Order; Mediator Authority. The Circuit Mediator may cause a judgment or order to be entered controlling the course of the case or the mediation proceedings. The Circuit Mediator is a delegate of this Court. Any conference orders or other communications from the Circuit Mediator must be treated the same as any other court directive.

8. Extensions for Ordering Transcript or Filing Brief. The time allowed by [Federal Rule of Bankruptcy Procedure 8007](#) for ordering a transcript and by [Federal Rule of Bankruptcy Procedure 8009](#) for filing briefs is not automatically tolled pending a conference. If a conference has been scheduled, counsel may contact the Circuit Mediator for an extension of time to order a transcript or file a brief.

9. Sanctions. The Court may impose sanctions if counsel or a party violates any provision of this General Order.

CREDIT(S)

[Dated: August 28, 2012.]

Bankr.Appellate Panel 10th Cir., BAP Order 9, 11 U.S.C.A., CTA10 BAP BAP Order 9
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