

MEMORANDUM

RE: Revisions to the Tenth Circuit BAP Local Rules

DATE: September 12, 2025

The Court invites comments regarding the proposed changes to the Tenth Circuit BAP Local Rules, which are summarized below. Comments may be submitted via email to 10th_circuit_BAP@ca10.uscourts.gov through October 31, 2025.

10th Cir. BAP L.R. 8001-1. Electronic Filing and Service via Email

- This rule clarifies service via email for pro se litigants may receive service via email by adding that providing an email address in a notice of appeal or Statement of Pro Se Status form.

10th Cir. BAP L.R. 8001-2. Exempt Filers

- This rule clarifies mail and email methods of filing for exempt filers as well as limits email filings from nonexempt attorneys and pro se litigants who have registered for filing via the ECF system. The rule also adds that filing via facsimile is not accepted, except in emergency circumstances with permission from the clerk's office.

10th Cir. BAP L.R. 8001-3. Citation, Effective Date, and Application

- This rule was formerly 10th Cir. BAP L.R. 8026-1 and 8026-10 and contains additional language on suspension of the Rules.

10th Cir. BAP L.R. 8003-1. Notice of Appeal—Separate Notices Required

- This rule establishes the requirement for a separate notice of appeal, along with the prescribed fees, for each judgment, order, or decree appealed except as provided in Rule 8003(a)(4).

10th Cir. BAP L.R. 8003-2. Combined Statement of Admission to Practice or Pro Se Status, Statement of Interested Parties, and Statement Regarding Oral Argument (the “Combined Statements”)

- This rule sets forth the requirement to file the Combined Statements form, which was previously referred to as the One Document.

10th Cir. BAP L.R. 8003-3. Payment of Fees to Bankruptcy Court

- This rule features minor, non-substantive revisions.

10th Cir. BAP L.R. 8004-2. Reply to Response to Motion for Leave to Appeal

- This rule establishes a reply deadline for a motion for leave to appeal.

10th Cir. BAP L.R. 8004-3. Application of Fed. R. Bankr. P. 8013

- This rule applies Fed. R. Bankr. P. 8013 to motions for leave to appeal.

10th Cir. BAP L.R. 8005-1. Filing and Transmission of Election

- This rule features minor, non-substantive revisions.

10th Cir. BAP L.R. 8007-1. Stay Pending Appeal

- This rule provides the requirements for a motion for a stay pending appeal.

10th Cir. BAP L.R. 8009-1. Designation of Record

- This rule clarifies that the items listed in Fed. R. Bankr. P. 8009(a)(4) and, when applicable, Fed. R. Bankr. P. 8009(c) and (d) constitute the record on appeal.

10th Cir. BAP L.R. 8009-3. Inadequate Record

- This rule rephrases the substantive language of the previous version addressing an inadequate record.

10th Cir. BAP L.R. 8010-1. Transmission of Record

- Subsection (b) now adds a sentence clarifying that no further steps with respect to the record transmission is required by the bankruptcy court including the transmission of any exhibits.

10th Cir. BAP L.R. 8011-1. Privacy Protection

- This rule features minor, non-substantive revisions.

10th Cir. BAP L.R. 8011-2. Format and Hyperlinks

- This rule eliminates the language on file size and clarifies that all documents must be in text-searchable PDF format.

10th Cir. BAP L.R. 8011-3. Misfiled Documents

- This rule explains the protocol for when a document intended for the district court or BAP is misfiled with the bankruptcy court clerk's office or another court's clerk's office.

10th Cir. BAP L.R. 8012-1. Statement of Interested Parties

- This rule features minor, non-substantive revisions.

10th Cir. BAP L.R. 8013-1. Motions

- This rule adds language to subsection (b) on emergency motions. Further, this rule now incorporates a requirement to confer.

10th Cir. BAP L.R. 8013-2. Intervention

- This rule establishes a briefing schedule for motions to intervene.

10th Cir. BAP L.R. 8015-1. Form of Briefs

- This rule adds that footnote font size should be the same as that used in the body of the brief and further adds two subsections addressing deficiencies in briefs and appendices and disfavored practices.

10th Cir. BAP L.R. 8018-1. Form of Appendix

- This rule clarifies the language regarding the need for separate filings for the brief and appendix, adds context regarding the table of contents, and addresses the protocol for when the admissibility of evidence is raised as an issue on appeal. The rule also clarifies the need to include a copy of the docket as the first document in the appendix and that no other appendix, exhibits, or attachments, except as provided in Fed. R. Bankr. P. 8018(b), may be filed except by order of the Court.

10th Cir. BAP L.R. 8019-1. Oral Argument

- This rule rephrases language on the protocol for postponing oral argument, which only takes place in extraordinary circumstances. This rule also adds a subsection on time allotted for oral argument.

10th Cir. BAP L.R. 8022-2. Motion to Reinstate an Appeal

- This rule addresses how an appellant may remedy a failure to comply with the Federal Rules of Bankruptcy Procedure or the local rules to reinstate an appeal.

10th Cir. BAP L.R. 8024-1. BAP Clerk Authorized to Act on Certain Matters

- This rule adds to the actions the BAP clerk may take, which now include acting on a motion to allow pro se litigants to receive service via email and a motion to reinstate an appeal after a dismissal for failure to prosecute.

10th Cir. BAP L.R. 8024-2. Entry of an Order

- This rule adds to the original language by stating that “[t]he Court will not enter a separate judgment when a case is disposed of by an order, as opposed to an opinion. Any order of the court serves as the judgment when entered.”

10th Cir. BAP L.R. 8024-3. Mandate

- This rule adds language on what the mandate is (“a formal communication to the bankruptcy court indicating jurisdiction is transferred from the district court or BAP back to the bankruptcy court”).

10th Cir. BAP L.R. 8026-1. Admission to Practice

- This rule was formerly 10th Cir. BAP L.R. 8026-2 and has otherwise not been revised.

10th Cir. BAP L.R. 8026-2. Discipline

- This rule was formerly 10th Cir. BAP L.R. 8026-3 and has otherwise not been revised.

10th Cir. BAP L.R. 8026-3. Diligent Prosecution of Appeals

- This rule was formerly 10th Cir. BAP L.R. 8026-4 and features minor, non-substantive revisions.

10th Cir. BAP L.R. 8026-4. Courtroom Photography, Recordings, and Broadcasts

- This rule was formerly 10th Cir. BAP L.R. 8026-5 and features minor, non-substantive revisions.

10th Cir. BAP L.R. 8026-5. Citation of This Court’s Unpublished Decisions

- This rule was formerly 10th Cir. BAP L.R. 8026-6 and features the addition of an explanation on how to cite to unpublished opinions.

10th Cir. BAP L.R. 8026-6. Certification of Questions of State Law

- This rule was formerly 10th Cir. BAP L.R. 8026-7 and now includes the following language: “A motion to certify is ordinarily referred to the panel of judges assigned to decide the appeal on the merits and is considered at the same time as the arguments on the merits.”

10th Cir. BAP L.R. 8026-7. Cases Involving a Constitutional Question

- This rule was formerly 10th Cir. BAP L.R. 8026-8 and has otherwise not been revised.

10th Cir. BAP L.R. 8026-8. Calculation of Time

- This rule was formerly 10th Cir. BAP L.R. 8026-9 and has otherwise not been revised.