

**UNITED STATES
BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT**

Local Rules

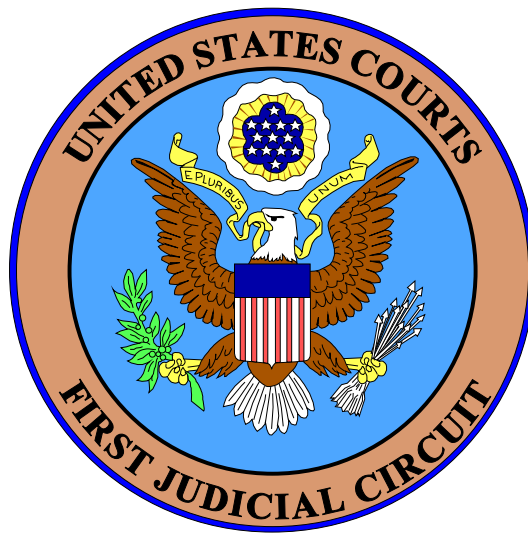


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JUDGES OF THE PANEL

Hon. James B. Haines, Jr., Chief Judge

Hon. Arthur N. Votolato, Bankruptcy Judge

Hon. Enrique S. Lamoutte, Bankruptcy Judge

Hon. Sara E. de Jesús, Bankruptcy Judge

Hon. William C. Hillman, Bankruptcy Judge

Hon. Joan N. Feeney, Bankruptcy Judge

Hon. Henry J. Boroff, Bankruptcy Judge

Hon. J. Michael Deasy, Bankruptcy Judge

Hon. Louis H. Kornreich, Bankruptcy Judge

Hon. Brian K. Tester, Bankruptcy Judge

Hon. Frank J. Bailey, Bankruptcy Judge

Hon. Mildred Flores Caban, Bankruptcy Judge

Hon. Melvin S. Hoffman, Bankruptcy Judge

OFFICERS OF THE PANEL

Mary P. Sharon, Clerk of Court

Gwen May, Judicial Law Clerk

Leslie Storm, Staff Attorney

Ann Williams, Case Manager

AMENDMENTS

May 13, 2010

This edition of the rules supercedes the January, 2009 publication.

**UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT**

LOCAL RULES

RULE 8001-1

Title and Effective Date

(a) **Title.** These local rules, promulgated under Fed. R. Bankr. P. 8018, shall govern practice before the United States Bankruptcy Appellate Panel for the First Circuit (the “BAP” or the “Panel”) and shall be known as the First Circuit BAP Local Rules. They shall be cited as “1st Cir. BAP L.R. ____.”

(b) **Effective Date.** These rules shall take effect on May 13, 2010, with respect to pending cases and those filed thereafter insofar as is just and practicable.

RULE 8001-2

Notice of Appeal

(a) **Filing Requirements.** A notice of appeal, substantially in conformance with Official Bankruptcy Form 17, shall be filed with the appropriate bankruptcy court with the filing fee in the total amount provided in 28 U.S.C. § 1930(c) and the Bankruptcy Court Miscellaneous Fee Schedule promulgated pursuant to 28 U.S.C. § 1930(b). The appellant shall attach to the notice of appeal a copy of the bankruptcy court judgment, order, or decree from which the appeal is taken.

(b) **Separate Notices.** A separate notice of appeal and filing fee shall be filed for each bankruptcy court judgment, order, or decree being appealed.

(c) **Consequence of Noncompliance.** The BAP may dismiss an appeal for failure to cure any defect in the notice of appeal within the time period prescribed by the BAP.

RULE 8001-3

Voluntary Dismissal of Appeal

If an appeal has been docketed with the BAP, it may be dismissed by the parties in the manner set forth in Fed. R. Bankr. P. 8001(c)(2). An appeal may also be dismissed on motion of the appellant(s), if no response or opposition is filed within fourteen (14) days after service of the motion, on terms and conditions determined by the BAP.

RULE 8001-4
Forum for Appeal

(a) **Appeals to the BAP.** Pursuant to 28 U.S.C. § 158(c)(1), all appeals from bankruptcy courts are to the BAP, unless one of the parties to the appeal files an election to have the district court hear the appeal as set forth in subsection (b) of this Rule.

(b) **Election to Have District Court Hear Appeal.**

(1) **Appellant Election.** An appellant electing to have the district court hear the appeal shall file with the bankruptcy court, concurrently with the notice of appeal, a separate written statement of election to have the district court hear the appeal. Failure to elect at the time of filing the notice of appeal will result in a waiver of the right of election under 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e). The statement of election shall substantially conform with 1st Cir. BAP L.R. Official Form 1.

(2) **Appellee Election.** An appellee electing to have the district court hear the appeal shall file with the BAP, within thirty (30) days from service of the notice of appeal, a separate written statement of election to have the district court hear the appeal. Failure to elect within the time provided will result in a waiver of the right of election under 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e). The statement of election shall substantially conform with 1st Cir. BAP L.R. Official Form 2.

(A) **Waiver.** Unless the Panel orders otherwise, the filing of any document(s) (other than a notice of appearance) by an appellee with the BAP or with the bankruptcy court in connection with an appeal prior to filing a statement of election will result in a waiver of any time remaining in the thirty (30) day election period.

(c) **Procedure Upon Election.** Upon an effective election by an appellant, the bankruptcy court clerk shall direct the appeal to the district court in accordance with any established rules in the district. Upon an effective election by an appellee, the BAP Clerk shall transfer to the bankruptcy court all pleadings filed with the BAP and a certified copy of the BAP docket.

(d) **Challenge(s) to Election.** Any challenge to an election shall be brought by motion within fourteen (14) days after an election is filed. The motion shall be filed with the BAP unless the bankruptcy court clerk or the BAP Clerk has transmitted the appeal to the district court in which case the motion shall be filed with the district court.

(e) **Transfer.** The BAP may transfer an appeal to the district court to further the interests of justice or for any other reason the BAP deems appropriate including circumstances where a timely statement of election has been filed in a related appeal.

(f) Election and Motion for Leave to Appeal. If an appellant moves for leave to appeal pursuant to Fed. R. Bankr. P. 8003, and fails to file a separate notice of appeal concurrently with filing the motion for leave, the motion for leave shall be treated as if it were a notice of appeal for purposes of calculating the time period for filing an election.

RULE 8003-1
Motion for Leave to File Interlocutory Appeal

(a) Motion Required. Parties seeking leave to appeal an interlocutory judgment, order, or decree shall file in the bankruptcy court a motion, containing the matters set forth in Fed. R. Bankr. P. 8003(a), together with the notice of appeal.

(b) Response. Unless the BAP orders otherwise, any party opposing a motion for leave to appeal an interlocutory judgment, order, or decree shall file its response with the bankruptcy court within fourteen (14) days of service of the motion. Unless the BAP orders otherwise, the filing of any document(s) prior to making the election, including a response to the motion for leave to appeal, will result in a waiver of any time remaining in the thirty (30) day election period. See 1st Cir. BAP L.R. 8001- 4(b)(2)(A).

(c) Clerk to Transmit. Unless there is an election to have the district court hear the appeal, the bankruptcy court clerk shall forward the motion and any responses to the BAP for decision.

(d) Decision on Motion. The BAP may render its decision on the motion with or without a hearing. Upon the entry of the BAP decision or order, the BAP Clerk shall serve the same on the parties and the bankruptcy court clerk.

RULE 8005-1
Stay Pending Appeal

(a) Appendix. In addition to the requirements set forth in Fed. R. Bankr. P. 8005, a motion for stay pending appeal shall be accompanied by an appendix containing the following:

- (1)** 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; and
- (2)** a copy of any document(s) filed in the bankruptcy court that is relevant to the motion for stay.

RULE 8006-1
Record on Appeal

(a) **Consequence of Noncompliance.** Failure to include in the record on appeal all of the items listed in Fed. R. Bankr. P. 8006 may result in dismissal of the appeal.

(b) **Copy of Record on Appeal.** Upon request of the BAP, a party shall provide four (4) copies of its designation and each item designated to the BAP.

(c) **Challenge(s) to Designation.** A party challenging a designation shall file a motion with the BAP within fourteen (14) days of the filing of the designation.

RULE 8007-1
Docketing of Appeal; Completion of the Record

(a) **Preliminary Transmission.** Promptly after a notice of appeal is filed, the bankruptcy court clerk shall transmit to the BAP Clerk a copy of the following:

- (1) a certified copy of the dockets in the main case and adversary proceeding, if applicable;
- (2) the notice of appeal with the attached bankruptcy court judgment, order, or decree being appealed;
- (3) any motion to extend time to file the notice of appeal and the order disposing of the motion;
- (4) any written findings and conclusions or opinion of the bankruptcy court; and
- (5) any post-judgment motion regarding the appealed judgment, order, or decree and any order disposing of the motion.

(b) **Supplemental Transmission.** If after the bankruptcy court clerk has transmitted the preliminary transmission, a motion regarding the appealed judgment, order, or decree is filed, the bankruptcy court clerk promptly shall transmit to the BAP Clerk a copy of the motion, any order disposing of the motion, and the related docket entries. The bankruptcy court clerk shall transmit to the BAP Clerk a copy of the transcript immediately after it is filed.

(c) **Completion of the Record.** After the parties have completed the record pursuant to the deadlines and requirements set forth in Fed. R. Bankr. P. 8006, the bankruptcy court clerk shall promptly transmit the completed record to the BAP.

(d) Docketing of Appeal. An appeal is deemed to be docketed at the BAP, for purposes of Fed. R. Bankr. P. 8007(b), upon the docketing of the completed record received from the bankruptcy court clerk. The BAP Clerk shall give notice promptly to all parties of the date of the docketing of the appeal.

RULE 8008-1 Filing and Service

(a) Filing. Unless the BAP orders otherwise, any document(s), other than briefs and appendices, which are not filed electronically are timely filed if received in the office of the BAP Clerk by 5:00 p.m. All documents filed shall be received and docketed by the BAP Clerk, whether or not timely filed. The BAP has established procedures for electronic filing of documents, with certain exceptions, as set forth in General Order No. 2 and any amendments to that order. General Order No. 2 is posted on the website at <http://www.bap1.uscourts.gov>. Upon request, the BAP Clerk will provide a hard copy of General Order No. 2.

(b) Translation(s) Required. The BAP will disregard any document(s) not in the English language unless a translation(s) is furnished. Whenever a party cites to a statute, rule, or regulation of the Commonwealth of Puerto Rico (“Puerto Rico”), an opinion of the Supreme Court of Puerto Rico, or other court of Puerto Rico in an appendix, brief, or at oral argument and the cited authority is not available in the bound English language volumes, an official, certified, or stipulated translation thereof shall be filed. Translations of pertinent and relevant excerpts of the foregoing may be accepted if stipulated to by the parties or submitted by a party not less than thirty (30) days before oral argument. Where translations of excerpts are submitted by one party, opposing parties may submit, prior to oral argument, translations of such additional parts as they deem necessary for a proper understanding of the substance of any such statute, rule, regulation, or holding.

(c) Service. A party shall serve all other parties to the appeal with an exact copy of any document(s) the party files with the BAP, with the exception of the designated record, and shall attach to the document(s) a signed certificate of service. Although the BAP Clerk shall accept for filing any document(s) lacking a certificate of service, failure to effect service properly or to file such certificate shall be grounds for such sanctions as the BAP may deem appropriate.

(d) Facsimile Filing. The BAP Clerk is authorized to accept any document(s) via facsimile if the BAP Clerk determines that the situation presents an emergency or is otherwise compelling. Any document(s) filed by facsimile must be served on all other parties by facsimile or hand delivery within 24 hours after the facsimile filing and may be subject to such procedures for follow-up filing of electronic or hard copies as the BAP Clerk may from time to time specify. Under no circumstances will the BAP Clerk accept for filing by facsimile briefs and appendices. The facsimile number for the BAP is posted on the website at <http://www.bap1.uscourts.gov>.

RULE 8009-1
Time for Filing Briefs and Related Documents

(a) **Filing of Briefs.** After the BAP docket the appeal pursuant to 1st Cir. BAP L.R. 8007-1(d), it shall issue a briefing order setting forth the deadlines for the filing of all briefs. The briefs shall be filed in the form set forth in 1st Cir. BAP L.R. 8010-1. Briefs filed electronically must be filed on or before the date provided in the briefing order. Briefs not filed electronically may be filed by mail, but the filing is not timely unless the briefs are received by the BAP Clerk within the time fixed for filing, except that briefs are deemed filed on the day of mailing.

(b) **Motion for Extension of Time for Filing a Brief.**

(1) **Requirements.** A motion for extension of time for filing a brief shall:

(A) be made within the time limit established by the briefing order for the filing of such brief;

(B) be supported by a declaration setting forth any previous briefing deadlines; how many extensions of time, if any, have been granted; and whether any previous requests for extensions of time have been denied or denied in part; and

(C) briefly recite the reasons why such an extension is necessary and the amount of time requested. Any motion for an extension of time to file a brief on the ground that the transcript is unavailable shall affirmatively show that the transcript was timely ordered and paid for or shall state why the transcript was not ordered.

(c) **Consequence of Failure to File Brief Timely.** An appellant's failure to file a brief timely may result in dismissal of the appeal. An appellee's failure to file a brief timely may result in loss of the right to be heard at oral argument. Briefs filed late shall be accompanied by a motion in accordance with subsection (b) of this Rule. The Panel has no obligation to grant an untimely motion for an extension of time to file a brief or consider a late brief.

RULE 8009-2
Appendices

(a) **Filing of Appendix.** Appendices are due pursuant to the deadlines set forth in the briefing order issued by the BAP. Appellant briefs shall be accompanied by relevant appendices containing the documents set forth in Fed. R. Bankr. P. 8009(b). An appellee may serve and file a supplemental appendix as provided in Fed. R. Bankr. P. 8009(b). In addition to the other items required by Fed. R. Bankr. P. 8009(b), an appellant shall include in its appendix a copy of the judgment, order, or decree from which the appeal is taken, and, where applicable, a copy of the transcript containing the findings of fact and the conclusions of law orally delivered by the

bankruptcy court. The parties shall include in their respective appendices all portions of the transcript required for adequate review of the issues before the BAP. Appendices filed electronically must be filed on or before the date provided in the briefing order. Appendices not filed electronically may be filed by mail, but the filing is not timely unless the appendices are received by the BAP Clerk within the time fixed for filing, except that appendices are deemed filed on the day of mailing.

(b) Format of Appendix.

(1) Paper and Margin Standards. The appendix must be separate from the brief and must be printed on 8½" by 11" white paper with a one-inch margin on all four sides of text.

(2) Table of Contents and Page Numbering. Any appendix shall be sequentially paginated and shall contain a table of contents with reference to the numbered pages.

(3) Covers. Unless filed electronically, appendix covers shall be white. They shall contain the case caption, substantially in the format set forth in 1st Cir. BAP L.R. Official Forms 1- 4, identify the party submitting the appendix with the name, address, telephone number, fax number, and bar number of any counsel filing the appendix.

(4) Binding. Unless filed electronically, any appendix shall be firmly bound along the left margin.

(5) Relevant Statutes, Rules, and Regulations. A party may include copies of relevant statutes, rules, and regulations either in the appendix or in pamphlet form.

(c) Consequence of Noncompliance. The Panel may reject or disregard any appendices that fail to comply with any of the requirements set forth in this Rule or in Fed. R. Bankr. P. 8009(b).

**RULE 8010-1
Form of Briefs**

(a) Length. Unless the BAP orders otherwise, opening briefs may not exceed 30 pages and reply briefs may not exceed 20 pages. Copies may be double sided.

(b) Content.

(1) Briefs. All briefs shall contain the matter set forth in Fed. R. Bankr. P. 8010(a).

(2) References to Appendix. Statements in briefs regarding background facts shall be supported by citation to the appendix. Citations to documents in the appendix shall be to pages of the appendix (e.g., App. at 27, or Appellee App. at 14) rather than to page numbering that appear on original papers.

(3) Statement of Related Cases. Any party filing a brief shall file a statement, attached to the last page of its brief and substantially in the form of 1st Cir. BAP L.R. Official Form 3, indicating whether the party knows of a related case pending before the Supreme Court of the United States or any United States Court of Appeals, United States District Court, or BAP.

(A) Related Case. A related case is one that involves substantially the same litigants and substantially the same fact pattern or legal issues as the pending appeal.

(4) Statement of Interested Parties. Any party filing a brief, other than governmental parties, shall file a statement, attached to the last page of its brief and substantially in the form of 1st Cir. BAP L.R. Official Form 4, indicating whether the party knows of any interested party who is not listed in the notice of appeal.

(A) Interested Party. An “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. When a corporation is a party to an appeal, the Statement of Interested Parties shall identify any parent corporation and any publicly held corporation that owns 10 per cent or more of its stock or state that there is no such corporation. An individual listing is not necessary if a large group of persons or firms can be specified by a generic description. The Statement of Interested Parties shall 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 with the BAP.

(c) Format.

(1) Paper and Margins Standard. Briefs shall be printed on 8½" by 11" paper with a one-inch margin on all four sides of text, including pagination and footnotes.

(2) Line Spacing and Type. Briefs shall use the following line format: single spacing for the caption and footnotes, and double-spacing for the main text. All printed matter shall appear in at least 12 point type.

(3) Page Numbering. All pages of briefs shall be sequentially numbered.

(4) Table of Contents. Briefs shall contain a table of contents.

(5) Covers.

(A) Form. The covers of all briefs shall provide the following information, substantially in the format set forth in 1st Cir. BAP L.R. Official Forms 1- 4:

(i) Name of court;

- (ii) Case numbers (BAP and bankruptcy court);
- (iii) Name of debtor(s);
- (iv) Names of appellant(s) and appellee(s);
- (v) Title of document;
- (vi) Name, address, telephone number, facsimile number, and bar number of counsel filing document, or of pro se party.

(B) Color. Unless filed electronically, all briefs shall have a color cover depending on the respective party. The covers of briefs shall be as follows:

- (i) appellant's brief shall have a blue cover;
- (ii) appellee's brief shall have a red cover; and
- (iii) appellant's reply brief shall have a gray cover.

(6) Binding. Unless filed electronically, briefs shall be firmly bound along the left margin.

(d) Consequence of Noncompliance. The Panel may reject or disregard any briefs that fail to comply with any of the requirements set forth in this Rule.

RULE 8011-1 Motion Practice

(a) Written Motion Required. All motions to the BAP shall be in writing and filed with the BAP Clerk and served in accordance with 1st Cir. BAP L.R. 8008-1(c). Any brief, affidavit, or other document(s) necessary to support the motion shall be filed with the motion.

(1) Statement Regarding Opposition. A motion shall state whether any party to the appeal opposes the relief sought, if known.

(b) Responses. Unless the BAP orders otherwise, responses or oppositions to a motion shall be filed within fourteen (14) days after service of the motion.

(c) Telephone Number and Facsimile Number. A motion or response shall include the telephone and, if applicable, the facsimile number of the person signing the motion.

(d) Procedural Motions.

(1) Clerk Authorized. The BAP Clerk may act on the following motions without submission to the Panel:

(A) Motions relating to the production or filing of the record, transcripts, appendices, or briefs on appeal;

(B) Motions for voluntary dismissal of appeals;

- (C) Motions to dismiss for want of prosecution;
- (D) Motions for extension of time;
- (E) Motions for leave to consolidate appeals; and
- (F) Such other motions as the BAP may designate and that are subject to disposition by a single judge under Fed. R. Bankr. P. 8011(e).

(2) Reconsideration. A BAP Clerk order shall be subject to reconsideration by a single judge or a three-judge Panel if, within fourteen (14) days of service of notice of the entry of the order, a party adversely affected moves for reconsideration.

(e) Substantive Motions. The BAP Clerk shall forward substantive motions (e.g., motions for leave to appeal, to dismiss an appeal, or to reduce bond) to the appropriate judge(s) for determination. Unless the BAP otherwise directs, oral argument will not be held on motions.

(f) Summary Disposition. At any time, on such notice as the Panel may direct, on motion of any appellant, any appellee, or sua sponte, the Panel may:

- (1) dismiss the appeal if the BAP lacks jurisdiction;
- (2) dismiss the appeal, grant any other request for relief, or affirm and enforce the judgment, order, or decree below if it appears that no substantial question is presented; or
- (3) reverse in the case of obvious error.

RULE 8011-2 Emergency Motions

(a) Notice. Emergency motions and responses shall be filed and served by the quickest method available. Although documents may be filed any time through CM/ECF, the filer should not expect that the filing will be addressed outside regular business hours.

(b) Form and Content. A party requesting emergency determination shall plainly title its motion as one for emergency relief. The motion shall set forth a date or period within which it seeks such determination and request that the period for response be reduced to a specified date or period. The circumstances warranting emergency determination shall be fully disclosed and explained by a verified statement of counsel accompanying the motion, or by the party if not represented by counsel.

RULE 8012-1
Oral Argument

(a) **Statement Regarding Oral Argument.** Any party may include, either in the opening or answering brief, a statement limited to one-half page setting forth the reasons oral argument should, or need not, be heard (the “Statement”). The Statement shall be inserted immediately after the Table of Contents and Table of Authorities, and before the first page of the brief, and shall bear the caption “Statement Regarding Oral Argument.” The Statement shall not be considered in determining the maximum number of pages in the brief.

(b) **Waiver of Oral Argument.** Oral argument may be waived upon written stipulation of the parties, unless the Panel orders otherwise.

(c) **Telephonic Appearance.** A party may request in the Statement, or the Panel may determine, that oral argument be conducted telephonically.

(d) **Notice of Argument.** If the Panel concludes that oral argument is unnecessary, based on the standards set forth in Fed. R. Bankr. P. 8012, the parties shall be so advised. The Panel’s decision to dispense with oral argument may be announced by the Panel at the time the decision on the merits is rendered.

(e) **Presentation of Oral Argument.** At oral argument the parties may expect the Panel to be familiar with the briefs and the record on appeal. The Panel will permit no more than 15 minutes per side for oral argument unless the Panel announces a different time at the commencement of argument. Counsel shall adhere to the prescribed time limit by their own devices. Where more than one counsel argues on one side of a case, it is their responsibility to assure a fair division of the total time allotted. One or more cases posing the same issues arising from the same factual context may be treated as a single case for the purposes of this Rule.

(f) **Location of Oral Argument.** The BAP generally conducts oral argument monthly in Boston. For cases originating in Puerto Rico, Maine, New Hampshire, and Rhode Island, the BAP may conduct oral argument in those districts. The parties may set forth their preference for the timing or location of oral argument in the Statement. The BAP may accommodate those preferences depending on considerations of scheduling and caseload.

RULE 8016-1
Clerk of the Bankruptcy Appellate Panel

(a) **Communication with the BAP.** All communication with the BAP shall be addressed to the BAP Clerk at the following address:

U.S. Bankruptcy Appellate Panel for the First Circuit
John W. McCormack
Post Office and Court House
5 Post Office Square, Suite 910
Boston, MA 02109
(617) 748-9650

(b) **Hours of the BAP.** The office of the BAP Clerk shall be open for business during the hours posted at the website located at <http://www.bap1.uscourts.gov> except for legal holidays as that term is defined in Fed. R. Bankr. P. 9006(a). For information regarding emergency closings, parties may telephone the Office of the Clerk of the United States Court for Appeals for the First Circuit at (617) 748-9057.

RULE 8018-1
Silence of Local Rules

To the extent the Federal Rules of Bankruptcy Procedure and these rules are silent as to a particular matter of practice, the BAP may apply the First Circuit Local Rules and the Federal Rules of Appellate Procedure.

RULE 8070-1
Diligent Prosecution of Appeals

(a) **Reporting Changes.** Attorneys who are not filing electronically and pro se parties shall immediately file with the BAP a statement of any address, telephone number, or facsimile number changes.

(b) **Dismissal for Failure to Prosecute.** If no party has elected to proceed before the district court and no appellant prosecutes the appeal in accordance with the requirements of the Federal Rules of Bankruptcy Procedure and these rules, the BAP Clerk may enter an order dismissing the appeal for failure to prosecute.

(1) **Discretion to Reinstate.** The BAP may reinstate the appeal upon a motion by a defaulting party, within fourteen (14) days of service of the order. Such a motion shall not be allowed absent a verified statement by counsel for the defaulting party or by the defaulting party, if pro se, showing special circumstances justifying the failure to comply with the requirements of the Federal Rules of Bankruptcy Procedure or these rules.

RULE 9009-1
Official Forms

The BAP adopts the 1st Cir. BAP L.R. Official Forms appended hereto and such forms shall be utilized in cases and proceedings filed with the BAP under Title 11 of the United States Code. The 1st Cir. BAP L.R. Official Forms may be amended and supplemented from time to time.

RULE 9010-1
Entry of Appearance and Admission to Practice

(a) **Notice of Appearance.** An attorney who represents a party in an appeal, and who is not identified in the notice of appeal or a notice of substitution of attorney, shall immediately file and serve a notice of appearance containing the attorney's name, address, telephone number, bar number, and facsimile number.

(b) **Appearance.** Notwithstanding the previous subsection, an attorney who authorizes his or her name to appear on any pleading filed with the BAP has entered an appearance.

(c) **Withdrawal and Substitution.** An attorney who has entered an appearance may not withdraw without either:

(1) filing and serving a Notice of Substitution of Attorney. The notice shall contain substitute counsel's name, bar number, address, telephone number, facsimile number, and signature; or

(2) obtaining an order of the Panel allowing the attorney to withdraw. The Panel may grant such an order if an attorney files and serves on opposing counsel and the attorney's client a motion to withdraw as counsel. Any motion to withdraw shall include the client's current address and telephone number. Where an attorney appeared on behalf of a corporation, the motion to withdraw will be considered in conjunction with 1st Cir. BAP L.R. 9010-2.

(d) **Admission.** An attorney is admitted to practice before the BAP if the attorney is:

(1) admitted to practice by and a member in good standing of the United States Court of Appeals for the First Circuit;

(2) admitted to practice by and a member in good standing of a United States District Court within the First Circuit; or

(3) admitted to practice by a United States Bankruptcy Court in the case or proceeding on appeal.

(e) **Pro Hac Vice.** Any attorney not admitted to practice by the United States Court of Appeals for the First Circuit, a United States District Court within the First Circuit, or a United States Bankruptcy Court in the case or proceeding on appeal may, upon a motion, appear and practice before the BAP in a particular action at the BAP's discretion. All such motions shall have attached a supporting affidavit containing the following:

- (1) the attorney's address, telephone number, and facsimile number;
- (2) a listing of the court(s) to which the attorney has been admitted to practice and the date(s) of admission;
- (3) a statement that the attorney is in good standing and eligible to practice in the court(s);
- (4) a statement that the attorney is not currently suspended or disbarred in any jurisdiction;
- (5) a statement describing the nature and status of any pending disciplinary matters involving the attorney; and
- (6) a statement that the attorney is familiar with the requirements of Rule VIII of the Rules of Attorney Disciplinary Enforcement for the Court of Appeals for the First Circuit, made applicable through 1st Cir. BAP L.R. 8018-1.

RULE 9010-2
Pro Se Parties

The signature of an individual not represented by counsel on a pleading shall constitute a pro se appearance. All other parties shall appear only through counsel. Pro se parties shall ensure their appeal is perfected in a manner and within the time limits prescribed in these rules and shall prosecute the appeal with diligence.

1st Cir. BAP L.R. Official Form 1

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP NO. 00-000

Bankruptcy Case No. 00-00000

,
Debtor(s).

,
Appellant(s),

v.

,
Appellee(s).

APPELLANT'S STATEMENT OF ELECTION TO HAVE
THE UNITED STATES DISTRICT COURT HEAR APPEAL

Appellant, _____, hereby elects, pursuant to 28 U.S.C. § 158(c)(1)(a),
Fed. R. Bankr. P. 8001(e), and 1st Cir. BAP L.R. 8001-4(b)(1), to have the United States District
Court for the District of _____ hear this appeal.

Appellant

Attorney for the Appellant or Pro Se

Address
Telephone Number
Facsimile Number

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP NO. 00-000

Bankruptcy Case No. 00-00000

,
Debtor(s).

,
Appellant(s),

v.

,
Appellee(s).

APPELLEE'S STATEMENT OF ELECTION TO HAVE
THE UNITED STATES DISTRICT COURT HEAR APPEAL

Appellee, _____, hereby elects, pursuant to 28 U.S.C. § 158(c)(1)(B),
Fed. R. Bankr. 8001(e), and 1st Cir. BAP L.R. 8001-4(b)(1), to have the United States District
Court for the District of _____ hear this appeal.

Attorney for the Appellee or Pro Se Appellee
Address
Telephone Number
Facsimile Number

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP NO. 00-000

Bankruptcy Case No. 00-00000

,
Debtor(s).

,
Appellant(s),

v.

,
Appellee(s).

STATEMENT REGARDING RELATED CASES
1st Cir. BAP L.R. 8010-1(b)(3)

The undersigned certifies that the following are known related cases and appeals:

Case Name	Court	Status of Case
<hr/>	<hr/>	<hr/>

The undersigned certifies that the undersigned knows of no related cases or appeals as that term is defined in 1st Cir. BAP L.R. 8010-1(b)(3)(A).

Attorney or Pro Se Party
Address
Telephone Number
Facsimile Number

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP NO. 00-000

Bankruptcy Case No. 00-00000

,
Debtor(s).

,
Appellant(s),

v.

,
Appellee(s).

STATEMENT REGARDING INTERESTED PARTIES
1st Cir. BAP L.R. 8010-1(b)(4)

The undersigned certifies that the following parties have an interest in the outcome of this appeal. These representations are made to enable the judges of the Panel to evaluate possible disqualification or recusal.

The undersigned certifies that the undersigned knows of no interested party as that term is defined in 1st Cir. BAP L.R. 8010-1(b)(4)(A).

Attorney or Pro Se Party
Address
Telephone Number
Facsimile Number