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

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**NOTICE**

Pursuant to Fed. R. Bankr. P. 8018 and with the approval of the Circuit Council on March 12, 2002, **NOTICE** is hereby given that the Local Rules of the Bankruptcy Appellate Panel for the First Circuit are amended, as follows.

**RULE 8006-1**  
**Record and Issues on Appeal**

**(a) Copy of Designation of Record.** Within ten days of filing its designation of record with the bankruptcy court, a party shall provide the Bankruptcy Appellate Panel with three copies of its designation and each item designated.

**RULE 8010-1**  
**Form of Briefs and Related Papers**

**(a) Length and Content.** Opening briefs may not exceed 30 pages and reply briefs may not exceed 20 pages. A party may include copies of relevant statutes, rules and regulations either in an addendum to its brief or in pamphlet form, which shall not be included in the page limit.

**(1) Translations Required.** The Bankruptcy Appellate Panel will reject documents not in the English language unless translations are furnished. Whenever a party cites to a statute, rule or regulation, or 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, with three conformed copies, shall be filed. Partial translations are acceptable if stipulated to by the parties or submitted by a party not less than 30 days before oral argument. Where partial translations are submitted by a 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.

**RULE 8011-1**  
**Motion Practice**

**(e) Summary Disposition.** At any time, on such notice as the Bankruptcy Appellate Panel may direct, on motion of any appellant, any appellee, or sua sponte, the Panel may (i) dismiss the appeal if the Panel lacks jurisdiction, (ii) dismiss the appeal, grant any other request for relief, or affirm and enforce the judgment or order below if it shall clearly appear that no substantial question is presented or (lii) reverse in the case of obvious error . Motions for such relief should be promptly filed when the occasion appears, and must be accompanied by an original and three copies of a memorandum or brief.

**RULE 8012-1**  
**Oral Argument**

**(a) Party's Statement.** 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. Any such 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 "REASONS ORAL ARGUMENT SHOULD [NEED NOT] BE HEARD" as appropriate. This statement shall not be considered in determining the maximum number of pages in the brief.

**(b) Notice of Argument.** If the Bankruptcy Appellate Panel concludes that oral argument is unnecessary based on the standards set forth in Fed. Bankr. R. P. 8012 counsel 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.

**(c) Argument.**

**(1) Presentation.** At oral argument the parties may expect the Panel to have some familiarity with the briefs and the record on appeal. The Panel will permit no more than 15 minutes per side for oral argument unless a different time is announced by the Panel 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.

**(2) Consequence of Failure to File Brief.** A party who fails to file a brief is not entitled to be heard at oral argument, unless the Panel determines otherwise.

## **RULE 8018-1**

### **Opinions**

**(a) Opinions Generally.** The Bankruptcy Appellate Panel normally issues a formal opinion which is published and may be cited in future cases. Where an opinion is issued “not for publication” it may be cited only in related cases.

**(b) Statement of Policy.** Normally, opinions are published in the official printed West reporter so as to be available for citation. This policy may be overcome in situations where an opinion does not articulate a new rule of law, modify an established rule, apply an established rule to novel facts or develop issues sufficiently to serve as a significant guide for future litigants or the Panel.

**(c) Opinions and Dispositions Not to be Used for Citation.** Unpublished opinions and dispositions may not be used for citation except to establish res judicata, estoppel, or the law of the case. Otherwise only published opinions may be cited.

**(1)** If counsel believes that an unpublished disposition has precedential value in relation to a material issue in a case and that no published opinion would serve as well, such disposition may be cited provided a copy is served on all other parties in the case, as well as on the Panel.

Requests for copies of the Local Rules in their entirety should be submitted to the Clerk, Bankruptcy Appellate Panel, 1010 Thomas P. O’Neill Jr. Federal Office Building, 10 Causeway Street, Boston, MA 02222.

By the Panel

Phoebe Morse  
Clerk

**DATED:** April 2, 2002