

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

**INSTRUCTIONS REGARDING APPEALS FROM A FINAL JUDGMENT,  
ORDER OR DECREE OF A BANKRUPTCY JUDGE**

I. On July 1, 1996, the Judicial Conference of the First Circuit commenced the **Bankruptcy Appellate Panel (“BAP”) for the First Circuit**. The BAP is comprised of bankruptcy judges from the Districts of Maine, Massachusetts, New Hampshire, Puerto Rico and Rhode Island.

**Pursuant to the Order establishing the BAP, all appeals from final Judgments, Orders or Decrees of the Bankruptcy Court are immediately referred to the BANKRUPTCY APPELLATE PANEL.** When an appeal is taken to the BAP, three bankruptcy judges from districts other than the district where the appeal originates, will sit as an appellate panel to hear and decide the appeal. Appeals from BAP decisions go to the First Circuit Court of Appeals.

**If the Appellant does not consent to have the appeal heard by the BAP, the Appellant must specifically indicate an intention to opt-out from the BAP in the attached coversheet (Local Bankr. Form S) to be filed contemporaneous with the Notice of Appeal. This is the only opportunity that the Appellant has to opt-out of the BAP. Appeals opted-out from the Bankruptcy Appellate Panel will be heard by the U.S. District Court, unless a direct appeal to the First Circuit Court of Appeals is sought and granted. See, Section II below.**

**If the Appellee does not consent to have the appeal heard by the BAP, the Appellee must specifically indicate an intention to opt-out from the BAP within 30 days of the filing of the Notice of Appeal by filing a separate document with the BAP Clerk.**

The U.S. Bankruptcy Appellate Panel of the First Circuit is located at John Joseph Moakley U.S. Courthouse, One Courthouse Way, Suite 2500, Boston, MA 02210. Telephone: (617) 748-4774; Facsimile: (617) 748-4884. The Bankruptcy Appellate Panel Clerk is Mary P. Sharon..

II. Effective for cases filed on or after October 17, 2005, the Bankruptcy Abuse Prevention Consumer Protection Act of 2005 provides for the direct appeal of a bankruptcy court order, judgment or decree to the First Circuit Court of Appeals, in accordance with the requirements set forth in 28 U.S.C. § 158(d)(2) and Federal Rules of Bankruptcy Procedure 8001(f) and 8003(d).

Revised June 15, 2009