

Summary of Amended Bankruptcy Rules, Associated Forms and Events to Implement Rules,
effective December 1, 2014

Amended Rule	New or Amended Title	Previous Rule #	Summary of Amendment	New or Amended Federal Form	New Event	Associate BAP rule and/or R.I. LBR
1014	Dismissal and Change of Venue	n/a	<p>Subdivision (b) was amended - proceedings in subsequently filed cases are stayed only upon order of the court in which the first-filed petition is pending.</p> <p>Expands the list of persons entitled to receive notice of the motion in the first court.</p>	n/a	n/a	n/a
7004	Process; Service of Summons, Complaint	n/a	Subdivision (e) was amended to shorten the time to serve a summons from 14 to 7 days after issuance.	n/a	n/a	n/a
7008	General Rules of Pleading	n/a	<p>Generally, these rules change the procedure for seeking attorney's fees in bankruptcy proceedings aligning them closer to the Civil Rules.</p> <p>Subdivision (b) is deleted. This section required a request for attorney's fees always to be pleaded as a claim in an allowed pleading.</p>	n/a	n/a	n/a
7054	Judgments; Costs	n/a	Subdivision (b) amended to included much of the substance of Rule 54(d)(2) which sets out the procedures for seeking an award of attorney's fees.	n/a	n/a	n/a

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9023	New Trials; Amendment of Judgments	n/a	Amended to include a cross reference to Rule 8008 which governs Indicative Rules.	n/a	n/a	n/a
9024	Relief from Judgment or Order	n/a	Amended to include a cross reference to Rule 8008 which governs Indicative Rules.	n/a	n/a	n/a
8001	Scope of Part VIII Rules; Definition of "BAP"; Method of Transmission	Current 8001 provides for the manner of taking an appeal.	(NEW): (c) method of transmission requires electronic transmission unless a party is pro se, then it should be sent by mail; transmission via ECF will suffice.	n/a	n/a	1 st Cir. BAP L.R 8001-1
8002	Time for Filing Notice of Appeal	8002	(NEW): mostly stylistic changes and some language changes; the time to file remains 14 days. (NEW): an appeal by an inmate is timely filed if it is deposited in the institution's internal mail on or before the last day for filing. Appeal must include an affidavit to that effect.	n/a	n/a	n/a
8003	Appeal as of Right – How Taken; Docketing the Appeal	8001, 8003, 8004, 8007	(a)(1)Appeal must be timely filed with the Bankruptcy Clerk of Court. (a)(3)(A)The appeal must conform substantially to Official Form 17A and include a copy of the judgment, order	Official Form 17A Notice of Appeal and Statement of Election	n/a	1 st Cir. BAP L.R. 8003-1

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			<p>or decree being appealed.</p> <p>(b) Two or more parties to an appeal can file a joint notice of appeal</p> <p>(c)(1)-(3) Bankruptcy clerk must serve the notice of appeal on counsel for each party to the appeal, the UST and any pro se party. Service of the appeal by the bankruptcy court must be noted on the docket – name of party served, date and method.</p> <p>Failure to serve does not affect validity of the appeal.</p> <p>Transmit the appeal promptly to the BAP or District Court.</p>			
8004	Appeal by Leave – How Taken; Docketing the Appeal	8001(b), 8003	<p>(a) To appeal from an interlocutory order, a party must file with the bankruptcy court a notice of appeal and a motion for leave to appeal and a copy of the order.</p> <p>(b) Responses to the motion must be filed directly with the BAP/District Court.</p> <p>(c) Appeal and Motion must be</p>	Official Form 17A Notice of Appeal and Statement of Election	Notice of Appeal and Statement of Election	

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			promptly transmitted to the BAP or District Court.			
8005	Election to Have an Appeal Heard by the District Court Instead of the BAP	8001	<p>(a) Statement of election is now included within the notice of appeal and is no longer required to be a separate document. Must conform substantially to Official Form 17A.</p> <p>(b) Bankruptcy clerk to transmit to District Court if election is checked.</p> <p>If appellee files a statement of election with the BAP, BAP must transit to District Court and notify bankruptcy court.</p> <p>(c) A motion seeking the determination of the validity of an election must be filed no later than 14 days after the statement of election is filed.</p>	<p>Official Form 17A Notice of Appeal and Statement of Election</p> <p>Official Form 17B Optional Appellee Statement of Election to Proceed in District Court.</p> <p>This form is to be filed with the BAP; it is the appellee election to District Court.</p>	Appellee Statement of Election	1 st . Cir. BAP L.R. 8005-1
8006	Certifying a Direct Appeal to the Court of Appeals	8001(f)	Reformatted and edited to identify new Rule number references.	n/a	n/a	LBR 1005-1(d)(2)(N)
8007	Stay Pending Appeal;	8005	Reformatted and edited for clarity and	n/a	n/a	1 st . Cir. BAP

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	Bonds; Suspension of Proceedings		to identify new Rule number references.			L.R. 8007-1
8008	Indicative Rulings	Derived from F.R.Civ.P. 62.1, F.R.App.P. 12.1	<p>(NEW) (a) Relief pending appeal: The Bankruptcy Court may consider a timely filed motion that it lacks authority to grant and determine it may:</p> <p>(1) Defer consideration pending appeal;</p> <p>(2) Deny the motion; or</p> <p>(3) State that the court would grant motion if the issue was remanded for that purpose, or state that the motion raises a substantial issue.</p> <p>(b) Notice to the court where the appeal is pending.</p> <p>If (a)(3) is true then the movant must notify the clerk of court for the appeal.</p> <p>(c) Remand after indicative ruling</p> <ul style="list-style-type: none"> •DC or BAP may remand but retains jurisdiction unless the appeal is expressly dismissed; •Parties must notify appeals court clerk when Bk court has decided the motion on remand. 	n/a	n/a	1 st . Cir. BAP L.R. 8008-1
8009	Record on Appeal; Sealed Documents	8006	Subsections (a) through (e) and (g) reformatted and edited to identify new Rule number references and improve	n/a	1)Statement of Evidence in Lieu of	1 st . Cir. BAP L.R. 8009-1

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			clarity. Subsection (f) is (NEW), prescribing the treatment of sealed documents designated as part of the record on appeal.		Transcript 2) Response to Statement of Evidence in Lieu of Transcript 3) Agreed Statement in Lieu of ROA 4) Transcript Ordered 5) Certification of No Transcript Ordered	

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8010	Completing and Transmitting the Record	8007	<p>(NEW): (a) If there was no reporter at the hearing, the transcriptionist is designated as the Reporter for the purpose of the rule.</p> <p>(a)(2)(A) (NEW) - rule makes clear that the receipt acknowledgment must be "filed" with the bankruptcy court.</p> <p>(a)(2) (B) Reworded instruction: File the transcript with the bankruptcy court clerk, who then has the responsibility to notify the appropriate appeals clerk.</p> <p>(a)(2) (C) Reworded to instruct reporter to request extension of time from the bankruptcy court clerk ONLY.</p> <p>(a)(2) (D) Reworded to indicate that the bankruptcy court clerk is responsible for notifying the bankruptcy judge when a transcript is untimely. (Removes ref to BAP clerk).</p> <p>(b) Clerk's Duties (OLD 8007(b))</p> <p>(1) Transmitting the Record-In General: Instructs Bk Clerk to transmit the record OR a notice that the record is available electronically.</p> <ul style="list-style-type: none"> • May be sent electronically. <p>(b)(2) Multiple Appeals: (NEW) If there are multiple appeals from a decision the Bk clerk must transmit a single record.</p>	n/a	Request to Transmit Documents pursuant to FRBP 8010(c)	LBR 8010-1 1 st . Cir. BAP L.R. 8010-1(a) and (b)

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			<p>(b)(3) Receiving the Record; AND (b)(4) If Paper Copies are Ordered: Conform substantially to the last few sentences of OLD 8007(b) in simpler language. (b)(5) When Leave to Appeal is Requested (NEW): If a motion for leave to appeal has been filed, the Bk clerk prepares and transmits the record only after the motion is granted. (c) Record for a preliminary motion in the district court, bap, or court of appeals. (OLD 8007(c)) Substantially similar, reformatted, and edited for clarity and to identify new Rule number references.</p>			
8011	Filing and Service; Signature	8008	<p>(a) Filing. (1) (NEW): With the Clerk- expressly directs that documents be filed with the appropriate appeals clerk. (2) Method and Timeliness (A) & (B) Are substantially similar to the first full sentence of OLD 8008(a), reformatted and edited for clarity and to identify new Rule number references. (C) Inmate Filing (NEW): Same requirements as 8002(c). (D) Copies (CHANGED) (last half of</p>	n/a	n/a	1st Cir. BAP L.R. 8008-1

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			<p>OLD 8008(a): Copies not required unless specifically required in a particular proceeding or by local rule.</p> <p>(3) Clerk's Refusal of Documents (NEW): Expressly forbids the clerk from refusing any document for filing solely because it is not in proper form.</p> <p>(b) Service of all documents required: Conforms to OLD 8008(b)</p> <p>(c) Manner of service (updated to require electronic service) OLD 8008(c).</p> <p>(1) Methods: Service must be made electronically except on or by non-registered CM/ECF users, or if local rules permit. Service on unrepresented parties may be made by:</p> <p>(A) personal delivery;</p> <p>(B) mail;</p> <p>(C) Third party commercial carrier for delivery within 3 days. (NEW).</p> <p>(2) When Service is Complete (EXPANDED): On electronic transmission, unless there is notice that transmission was unsuccessful. Service by mail is complete on mailing, and on delivery to a commercial carrier.</p> <p>(d) Proof of service (old 8008(d))</p>			

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			(1) What is Required & (2) Delayed Proof: Substantially conform to old 8008(d); (3) Brief or Appendix (NEW): Conforms proof of service required by Rule 8009 to (1), above. (e) Signature (NEW): Documents filed electronically must include an electronic signature of the filer or counsel, meeting Judicial Conference standards; Paper documents must include the signature of the filer or counsel.			
8012	Corporate Disclosure Statement.	New	(NEW) Any nongovernmental corporate party appearing in the district court or BAP must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.	n/a	n/a	1 st . Cir. BAP L.R. 8012-1
8013	Motions; Intervention	8011	(a) Contents of a motion; response; Reply. (1) & (2) (A) (NEW) is substantially similar to the first full sentence of OLD 8011(a) (2) (B) Motion to expedite an appeal.	n/a	n/a	1st Cir. BAP L.R. 8011-1 1st Cir. BAP L.R. 8011-2.

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			<p>(New) Establishes a procedure to expedite an appeal provided a valid justification is considered.</p> <p>(2) (C) (i)(ii)(iii) Accompanying documents (NEW): Rule establishes the documents required to accompany a motion. (i) Affidavit in support of motion. (ii) Affidavit must contain only factual information. (iii) Copies of Judgment, order or decree must be included as separate exhibit.</p> <p>2 (D) Documents barred or not required (i)(ii) (NEW) A separate brief supporting or responding to a motion must not be filed and notice of motion or a proposed order is not required.</p> <p>3 (A) & (B) Response and reply; time to file (NEW) Set the parties response time to 7 days after the service of the motion.</p> <p>(b) Disposition of a motion for a procedural order. Substantially similar to the OLD 8011(b) - Rule add a period of 7 days for affected party to move to reconsider, vacate order modify order.</p>			

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			<p>(c) Oral argument (NEW) A motion will be decided without oral argument unless the district court or BAP orders otherwise.</p> <p>(d) Emergency motions (1)(2)(3) is substantially similar to the of OLD 8011(d)</p> <p>(e) Power of a single bap judge to entertain a motion - Rule is substantially similar to the of OLD 8011(e)</p> <p>(f) Form of documents; page limits; number of copies. (NEW)</p> <p>(1) Format of a paper document, Rule 27(d)(1) F.R. App. P. applies.</p> <p>(2) Format of an electronically filed document. Must comply with the requirements for a paper version regarding covers, line spacing, margins, typeface, and type style. It must also comply with the page limits</p> <p>(3) Page limits.</p> <p>(A) a motion or a response to a motion must not exceed 20 pages.</p>			

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			<p>(B) a reply to a response must not exceed 10 pages.</p> <p>(4) Paper copies. Paper copies must be provided only if required by local rule</p> <p>(g) Intervening in an appeal (NEW) - an entity that seeks to intervene in an appeal pending in the district court or BAP must move for leave to intervene and serve a copy of the motion on the parties to the appeal. The Motion must be filed within 30 days after the appeal is docketed.</p>			
8014	Brief	8009	<p>(a) This rule addresses the format and filling requirements of Appellant's briefs.</p> <p>(b) This rule addresses the format and filling requirements of Appellee's briefs.</p> <p>(c) This rule addresses the format and filling requirements of Reply to briefs.</p> <p>(d) This rule addresses the statutes, rules, regulations, or similar authority requirements of briefs.</p>	n/a	n/a	1st Cir. BAP L.R. 8010-1.

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			<p>(e) This rule addresses briefs in a case involving multiple appellants or appellees.</p> <p>(f) This rule addresses citation of supplemental authorities.</p>			
8015	Form and Length of Briefs; Form of Appendices and Other Papers	8010	This rule addresses the format and length of briefs and appendices.	Official Form B 17C	n/a	1st Cir. BAP L.R. 8009-1, 8010-1 and 8015-1.
8016	Cross- Appeals	New	<p>This rule addresses cross-appeals.</p> <p>(a) Applicability - This rule applies to a case in which a cross-appeal is filed.</p> <p>(b) Designation of appellant - These designations may be modified by the parties' agreement or by court order.</p> <p>(c) Briefs</p> <p>(1) Appellant's Principal Brief. The appellant must file a principal brief in the appeal. That brief must comply with Rule 8014(a).</p> <p>(2) Appellee's Principal and Response Brief. - That brief must comply with Rule 8014(a), except that the brief need not include a statement of the</p>	Official Form B 17C	n/a	n/a

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			<p>case unless the appellee is dissatisfied with the appellant's statement.</p> <p>(3) Appellant's Response and Reply Brief. - That brief must comply with Rule 8014(a)(2)-(8) and (10), except that none of the following need appear unless the appellant is dissatisfied with the appellee's statement in the cross-appeal</p> <p>(4) Appellee's Reply Brief. That brief must comply with Rule 8014(a)(2)-(3) and (10) and must be limited to the issues presented by the cross-appeal.</p> <p>(d) Length (1) Page Limitation. Unless it complies with paragraphs (2) and (3), the appellant's principal brief must not exceed 30 pages; the appellee's principal and response brief, 35 pages; the appellant's response and reply brief, 30 pages; and the appellee's reply brief, 15 pages.</p> <p>(2) Type-Volume Limitation. - it contains no more than 14,000 words; or it uses a monospaced face and</p>			

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			<p>contains no more than 1,300 lines of text.,</p> <p>The appellee’s principal and response brief is acceptable if: (i) it contains no more than 16,500 words; or (ii) it uses a monospaced face and contains no more than 1,500 lines of text.</p> <p>(e) Time to serve and file a brief</p> <p>(1) the appellant’s principal brief, within 30 Days</p> <p>(2) the appellee’s principal and response brief, within 30 days after the appellant’s principal brief is served;</p> <p>(3) the appellant’s response and reply brief, within 30 days after the appellee’s principal and response brief is served; and</p> <p>(4) the appellee’s reply brief, within 14 days after the appellant’s response and reply brief is served, but at least 7 days before scheduled argument.</p>			
8017	Brief of an Amicus Curiae	Derived from	This is substantially similar to F. R.	n/a	n/a	n/a

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		F. R. App.P. 29	App.P. 29 and governs the procedure for filing an amicus curiae brief.			
8018	Serving and Filing Briefs; Appendices	8009	<p>Amended (a)(1) Appellant must serve and file brief w/in 30 days after the docketing of ntc that the record has been transmitted or is available electronically. [Old rule 8009 – 14 days after entry of the appeal on the docket]</p> <p>Amended (a)(2) Appellee – serve and file brief w/in 30 days after service of the appellants brief [Old Rule 8009 – 14 days]</p> <p>Amended (a)(3) Appellants reply brief may be filed within 14 days after service of the appellee’s brief, but it must be filed at least 7 days before scheduled argument, unless BAP and DC allow a later filing. [Removes reference to deadline to file briefs if cross appeal has been filed.]</p> <p>Amended (a)(4) (NEW) Appellee who fails to file a brief will not be heard at oral argument unless DC and BAP allow.</p> <p>(b)Duty to Serve and File an Appendix</p>	n/a	n/a	1st Cir. BAP L.R. 8018-1

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			<p>to the Brief. (b)(1) Appellant must serve and file with its brief excerpts of the record as an appendix [Removed – if appeal is to the BAP].</p> <p>(b)(1)(A)-(F) outlines what should be in the appendix. Removes specific reference to old 8009(b)(2) and (6), pretrial order and motion and response on which the court rendered decision.</p> <p>(b)(2) Appellee may serve and file an appendix with its briefs, material required to be included by the appellant or relevant to the appeal or cross appeal, but omitted by the appellant.</p> <p>(b)(3) Cross appellee – appellant as cross appellee may file appendix</p> <p>(c) Format of appendix</p> <p>(d) Exhibits – May be contained in a separate volume[s].</p> <p>(e)Appeal on the Original Record Without an Appendix. USDC or BAP may dispense with appendix.</p>			

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8019	Oral Argument	Formally Rule 8012	<p>(a) Party's Statement – same as Old Rule 8012</p> <p>(b) Presumption of Oral Argument and Exceptions. This is the same as Old rule 8012</p> <p>(c) Notice of Argument; Postponement. (NEW) USDC and BAP must advise all parties of the date, time and place for oral argument and the time allowed for each side. Motion to Postpone must be filed within a reasonable time.</p> <p>(d) Order and Contents of Argument. New Appellant opens and concludes argument.</p> <p>(e) Cross-Appeal and Separate Appeals. (NEW) if there is a cross-appeal, Rule 8016(b) determines which party is the appellant and which the appellee for oral argument purposes. Cross Appeal or separate appeal must be argued when the initial appeal is filed.</p> <p>(f) Nonappearance of a Party. (NEW) If appellee or appellant fails to appear, court may hear opposing side's arguments. If both fails to appeal, court may decide case on the briefs.</p> <p>(g) Submission on Briefs. (NEW)</p>	n/a	n/a	1st Cir. BAP L.R.8019-1

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			Parties may agree to submit a case for decision on the brief. Court may direct that case be argued. (h) Use of Physical Exhibits at Argument; Removal. (NEW) Physical exhibits must be placed in courtroom on day or argument before court begins. Counsel must remove exhibit from the courtroom after the argument. The Clerk may destroy exhibits if counsel does not reclaim them within a reasonable time.			
8020	Frivolous Appeal and Other Misconduct	Derived from former Rule 8020	(a)Frivolous Appeal – Damages and Costs – (NEW) subsection (a) is substantially similar to old Rule 8020 (b)Other Misconduct. (NEW) Provides that the District Court or BAP may discipline or sanction an attorney or party for other misconduct including failure to comply with Ct order. Court must afford reasonable notice, opportunity to show cause and hearing, if requested.	n/a	n/a	1st Cir. BAP L.R 8020-1
8021	Costs	Derived from former Rule 8014	Subsection (a)(1)-(4) Against Whom Assessed. (NEW) – Previous Rule 8014 simply states that the losing party to the appeal bears the costs. New 8021 specifically spells out who	n/a	n/a	n/a

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			<p>bears the cost if the appeal is dismissed, reversed, etc.</p> <p>(b)Costs for and Against the United States. (NEW)– Costs for or against the US, its agency or officer may be asessed under subdivision (a) only if authorized by law.</p> <p>(c) Costs on Appeal Taxable in the Bankruptcy Court – reorders 8014 and enumerates the specific costs that can be taxed.</p> <p>(d) Bill of Costs; Objection. (NEW)– A party who wants costs must within 14 days after entry of the judgment on appeal, file with the bankruptcy clerk, w/ proof of serve, an itemized and verified bill of costs. Objections there to must be filed within 14 days after service of the bill of costs.</p>			
8022	Motion for Rehearing	Derived from former Rule 8015	<p>*Deletes the provision regarding the time for appeal to the court of appeal as this matter is address in F.R.App.P. 6(b)(2)(A)</p> <p>(a)(1) Time – Old rule 8015</p> <p>(a)(2)Contents – (NEW) motion must state each point of law or fact that movant believes USDC or BAP overlooked and must argue in support of the motion. Order argument is not</p>	n/a	n/a	1st Cir. BAP L.R 8022-1

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			<p>allowed.</p> <p>(a)(3) Response – (NEW) No response permitted.</p> <p>(a)(4) Action by the District Court or BAP. – New Outlines what the Court may do if the motion for rehearing is granted.</p> <p>(b) Form of the Motion; Length. – (NEW) Motions must comply with Rule 8013(f)(1) and (2). Copies must be served as proved by Rule 8011. Motion must not exceed 15 pages.</p>			
8023	Voluntary Dismissal	8001	Clerk of District Court or BAP must dismiss an appeal if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any outstanding fees. Appeal may be dismissed on appellant's motion on terms agreed to by the parties or fixed by the court.	n/a	n/a	n/a
8024	Clerk's Duties on Disposition of the Appeal	8016	Reworded to reflect that only items in the record that are physically, as opposed to electronically, transmitted to the USDC or BAP need to be returned to the bankruptcy clerk. Other Changes are stylistic.	n/a	n/a	1st Cir. BAP L.R 8024-1
8025	Stay of District Court or	8017	Mostly stylistic changes,	n/a	n/a	n/a

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	BAP Judgment		Subdivision (c) (NEW) – If USDC or BAP affirm the bankruptcy court ruling and the appellate judgment is stayed, the bankruptcy court’s order, judgment or decree that is affirmed on appeal is automatically stayed to the same extent as the stay of the appellate judgment.			
8026	Rules by Circuit Councils and District Courts; Procedure When There is No Controlling Law	8018	Changes to this rule are stylistic.	n/a	n/a	1st Cir. BAP L.R 8026-1
8027	Notice of a Mediation Procedure	New	(NEW) Rule – Requires the USDC or BAP Clerk to advise the parties promptly after an appeal is docketed of any court mediation procedure. The notice must state what the mediation requirements are and how the procedure affects the time for filing briefs.	n/a	n/a	n/a
8028	Suspension of Rules in Part VIII	Former Rule 8019 and	Amended to include additional [newly added] rules that the BAP and USDC may not suspend.	n/a	n/a	n/a