

**Bankruptcy Appellate Panel
for the Eighth Circuit**

Notice of Proposed Rulemaking

Please be advised that the United States Bankruptcy Appellate Panel for the Eighth Circuit is proposing to amend its local rules. A copy of a red-lined version of the rules is provided for review. The following summary of the rule amendments is provided for your convenience. Please consult the attachment for the full text of the rule amendments.

**EXPLANATION OF REVISIONS TO LOCAL RULES OF THE UNITED
STATES BANKRUPTCY APPELLATE PANEL FOR THE EIGHTH CIRCUIT**

The local rules have been renumbered to conform to the renumbering of the new bankruptcy appellate rules. See Fed.R.App.P. 47. While the rules will be physically re-ordered after approval and adoption, it is easier to follow the changes in red-lined comparison documents by leaving them in their current order. A new Table of Contents will also be prepared once the local rules are re-ordered.

Local Rule 8001A

This is renumbered as 8005A.

- (a) The word “separate” is deleted as the new Official Form 17A will now be a *combined* notice of appeal and election by appellant to have the appeal decided by the district court. The appellee’s election to have the appeal decided by the district court will be made by using either new Official Form 17B or a document in substantial conformity to it. Use of these forms, or forms in substantial conformity to them, is mandatory pursuant to new Fed.R.Bankr.P 8005(a)(1). The form elections to have the appeal decided by the district court appended to the Local BAP Rules are deleted, and the reference to them in (a)(1) is changed to reference the Official Forms.
 - (2) New Fed.R.Bankr.P. 8005(c) provides for a challenge to the validity of an election to have the appeal decided by the district court, so the word “timeliness” is changed to “validity.”
- (b) The reference to Fed.R.Bankr.P. 8018 is updated to 8026.
 - (2) The December 1, 2014 amended date is added to the recital of amendments to the Local Rules.
 - (3) The reference to Fed.R.Bankr.P. 8019 is updated to 8028.

Local Rule 8006A

This is renumbered as 8009A. The references to Fed.R.Bankr.P. 8006 in the rule are updated to 8009.

Local Rule 8007A

This is renumbered as 8010A.

- (c) The reference to Fed.R.Bankr.P. 8007(b) is updated to 8010(b).
- (d) The second sentence is removed as it is duplicative of new Fed.R.Bankr.P. 8006(b).
- (e) New Fed.R.Bankr.P. 8010(a)(2)(A) mandates the submission of the request for transcript only to the bankruptcy clerk (and the rule now states that it must be filed rather than merely transmitted to the bankruptcy clerk), so this reference is inserted. The local requirement of sending a copy to the BAP is retained as this does not conflict with the new federal rule.

Local Rule 8008A

This is renumbered as 8011A.

Local Rule 8009A

This is renumbered as 8018A. The second sentence is revised to reflect that the appendix requirements in new Fed.R.Bankr.P. 8018 are contained in more than one subsection of that rule.

Local Rule 8010A

This is renumbered as 8014A.

- (b) The reference to Fed.R.Bankr.P. 8010(a) is updated to 8014 and 8016. The reference to Local Rule 8010(b)(1) is changed to 8014(b)(1) to reflect the renumbering of rule.
- (c) This subsection is deleted as the length of briefs is now governed exclusively by the new appellate rules, and local rule variations are not permitted per new Fed.R.Bankr.P. 8015(f).
- (d) This subsection is re-designated as (c) based on the deletion of current subsection (c).

Local Rule 8013A

This is renumbered as 8013A.

- (a) (a)(12) is revised to delete the reference to bills of costs, and (a)(13) is deleted, as costs are to be taxed by the bankruptcy clerk under new Fed.R.Bankr.P. 8021(c) and (d). See also the Committee Note to new Fed.R.Bankr.P. 8021.

- (c) The reference to Local Rule 8011(a)(2) is changed to 8013(a)(2) to reflect the re-numbering of the rule.
- (d) The reference to Fed.R.Bankr.P. 8011(d) is updated to 8013(d).

Local Rule 8014A

This rule is deleted as costs are to be taxed by the bankruptcy clerk under new Fed.R.Bankr.P. 8021(c) and (d). See also the Committee Note to new Fed. R. Bankr. P. 8021.

Local Rule 8015A

This rule is renumbered as 8022A. Subsections (a), (b), and (c) are deleted as they are duplicative of new Fed.R.Bankr.P. 8022.

- (d) This is re-designated as subsection (a) based on the deletion of current subsections (a), (b), and (c). The revised rule also specifically cross-references the federal rule rather than setting forth the page limit.
- (e) This is re-designated as subsection (b) based on the deletion of current subsections (a), (b), and (c).

Local Rule 8016A

This rule is renumbered as 8024A.

Local Rule 8018A

This rule is renumbered as 8026A.

The Panel invites comments on the proposed rule amendments. The comment period will close January 5, 2015.

Please submit comments to :

Michael E. Gans
Clerk of the Bankruptcy Appellate Panel
Thomas F. Eagleton Courthouse
Room 24.329
111 S. 10th Street
St. Louis, MO 63102

Or by email at:

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