

Bankruptcy Rule 3002.1

Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence

Modified Title: N/A

Change description:

Current Language

(b) NOTICE OF PAYMENT CHANGES.
The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice of any change in the payment amount, including any change that results from an interest-rate or escrow-account adjustment, no later than 21 days before a payment in the new amount is due.

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(e) DETERMINATION OF FEES, EXPENSES, OR CHARGES. On motion of the debtor or trustee filed within one year after service of a notice under subdivision (c) of this rule, the court shall, after notice and hearing, determine whether payment of any claimed fee, expense, or charge is required by the underlying agreement and applicable

Modified language

(b) NOTICE OF PAYMENT CHANGES; OBJECTION.
(1) Notice. The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice of any change in the payment amount, including any change that results from an interest-rate or escrow-account adjustment, no later than 21 days before a payment in the new amount is due. If the claim arises from a home-equity line of credit, this requirement may be modified by court order.

(2) Objection. A party in interest who objects to the payment change may file a motion to determine whether the change is required to maintain payments in accordance with @sect; 1322(b)(5) of the Code. If no motion is filed by the day before the new amount is due, the change goes into effect, unless the court orders otherwise.

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(e) DETERMINATION OF FEES, EXPENSES, OR CHARGES. On motion of a party in interest~~the debtor or trustee~~ filed within one year after service of a notice under subdivision (c) of this rule, the court shall, after notice and hearing, determine whether payment of any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law to

nonbankruptcy law to cure a default or maintain payments in accordance with § 1322(b)(5) of the Code.

cure a default or maintain payments in accordance with § 1322(b)(5) of the Code.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 5005

Filing and Transmittal of Papers

Modified Title: N/A

Change description:

Current Language

(a) FILING.

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(2) Filing by Electronic Means.

A court may by local rule permit or require documents to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A local rule may require filing by electronic means only if reasonable exceptions are allowed.

Modified language

(a) FILING.

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(2) Electronic Filing and Signing by Electronic Means.

(A) By a Represented Entity—Generally Required; Exceptions. ~~A court may by local rule permit or require documents to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A local rule may require filing by electronic means only if reasonable exceptions are allowed.~~ An entity represented by an attorney shall file electronically, unless nonelectronic filing is allowed by the court for good cause or is allowed or required by local rule.

A document filed by electronic means in compliance with a local rule constitutes a written paper for the purpose of applying these rules, the Federal Rules of Civil Procedure made applicable by these rules, and § 107 of the Code.

(B) By an Unrepresented Individual— When Allowed or Required. An individual not represented by an attorney:

(i) may file electronically only if allowed by court order or by local rule; and

(ii) may be required to file electronically only by court order, or by a local rule that includes reasonable exceptions.

(C) Signing. A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

(D) Same as a Written Paper. A paper document filed electronically by electronic means in compliance with a local rule constitutes is a written paper for the purposes of applying these rules, the Federal Rules of Civil Procedure made applicable by these rules, and § 107 of the Code.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 7004

Process; Service of Summons, Complaint

Modified Title: N/A

Change description:

Current Language

(a) SUMMONS; SERVICE; PROOF OF SERVICE.

Modified language

(a) SUMMONS; SERVICE; PROOF OF SERVICE. (1) Except as provided in Rule 7004(a)(2), Rule 4(a), (b), (c)(1), (d)~~(1)~~(5), (e)–(j), (l), and (m)

(1) Except as provided in Rule 7004(a)(2), Rule 4(a), (b), (c)(1), (d)(1), (e)–(j), (l), and (m) F.R.Civ.P. applies in adversary proceedings. Personal service under Rule 4(e)–(j) F.R.Civ.P. may be made by any person at least 18 years of age who is not a party, and the summons may be delivered by the clerk to any such person.

F.R.Civ.P. applies in adversary proceedings. Personal service under Rule 4(e)–(j) F.R.Civ.P. may be made by any person at least 18 years of age who is not a party, and the summons may be delivered by the clerk to any such person.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 7062

Stay of Proceedings to Enforce a Judgment

Modified Title: N/A

Change description:

Current Language

Rule 62 F.R.Civ.P. applies in adversary proceedings.

Modified language

Rule 62 F.R.Civ.P. applies in adversary proceedings, except that proceedings to enforce a judgment are stayed for 14 days after its entry.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8002

Time for Filing Notice of Appeal

Modified Title: N/A

Change description:

Current Language

(a) IN GENERAL.

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(b) EFFECT OF A MOTION ON THE TIME TO APPEAL.

(1) *In General.* If a party timely files in the bankruptcy court any of the following motions the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

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(c) APPEAL BY AN INMATE CONFINED IN AN INSTITUTION.

(1) *In General.* If an inmate confined in an institution files a notice of appeal from a judgment, order, or decree of a bankruptcy court, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing. If the institution has a system designed for legal mail, the inmate must use that

Modified language

(a) IN GENERAL.

* * * * *

(5) Entry Defined.

(A) A judgment, order, or decree is entered for purposes of this Rule 8002(a):

(i) when it is entered in the docket under Rule 5003(a), or

(ii) if Rule 7058 applies and Rule 58(a) F.R.Civ.P. requires a separate document, when the

judgment, order, or decree is entered in the docket under Rule 5003(a) and when the earlier of these events occurs:

- the judgment, order, or decree is set out in a separate document; or

- 150 days have run from entry of the judgment, order, or decree in the docket under Rule 5003(a).

(B) A failure to set out a judgment, order, or decree in a separate document when required by Rule 58(a) F.R.Civ.P. does not affect the validity of an appeal from that judgment, order, or decree.

(b) EFFECT OF A MOTION ON THE TIME TO APPEAL.

(1) *In General.* If a party **timely** files in the bankruptcy court any of the following motions and does so within the time allowed by these rules, the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion:

system to receive the benefit of this rule. Timely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid.

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(c) APPEAL BY AN INMATE CONFINED IN AN INSTITUTION.

(1) *In General.* If an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of this Rule 8002(c)(1). If an inmate ~~confined in an institution~~ files a notice of appeal from a

judgment, order, or decree of a bankruptcy court, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing. ~~If the institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule. Timely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first class postage has been prepaid.~~ and:

(A) it is accompanied by:

(i) a declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first class postage is being prepaid; or

(ii) evidence (such as a postmark or date stamp) showing that the notice was so deposited and that postage was prepaid; or

(B) the appellate court exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies Rule 8002(c)(1)(A)(i).

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Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8006

Certifying a Direct Appeal to the Court of Appeals

Modified Title: N/A

Change description:

Current Language

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(c) JOINT CERTIFICATION BY ALL APPELLANTS AND APPELLEES.

A joint certification by all the appellants and appellees under 28 U.S.C. § 158(d)(2)(A) must be made by using the appropriate Official Form. The parties may supplement the certification with a short statement of the basis for the certification, which may include the information listed in subdivision (f)(2).

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Modified language

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(c) JOINT CERTIFICATION BY ALL APPELLANTS AND APPELLEES.

(1) How Accomplished. A joint certification by all the appellants and appellees under 28 U.S.C. § 158(d)(2)(A) must be made by using the appropriate Official Form. The parties may supplement the certification with a short statement of the basis for the certification, which may include the information listed in subdivision (f)(2).

(2) Supplemental Statement by the Court. Within 14 days after the parties' certification, the bankruptcy court or the court in which the matter is then pending may file a short supplemental statement about the merits of the certification.

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Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8007

Stay Pending Appeal; Bonds; Suspension of Proceedings

Modified Title: N/A

Change description:

Current Language

(a) INITIAL MOTION IN THE BANKRUPTCY COURT.

(1) *In General*. Ordinarily, a party must move first in the bankruptcy court for the following relief:

(A) a stay of a judgment, order, or decree of the bankruptcy court pending appeal;

(B) the approval of a supersedeas bond;

* * * * *

(c) FILING A BOND OR OTHER SECURITY. The district court, BAP, or court of appeals may condition relief on filing a bond or other appropriate security with the bankruptcy court.

(d) BOND FOR A TRUSTEE OR THE UNITED STATES. The court may require a trustee to file a bond or other appropriate security when the trustee appeals. A bond or other security is not required when an appeal is taken by the United States, its officer, or its agency or by direction of any department of the federal government.

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Modified language

(a) INITIAL MOTION IN THE BANKRUPTCY COURT.

(1) *In General*. Ordinarily, a party must move first in the bankruptcy court for the following relief:

(A) a stay of a judgment, order, or decree of the bankruptcy court pending appeal;

(B) the approval of a supersedeas bond or other security provided to obtain a stay of judgment;

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(c) FILING A BOND OR OTHER SECURITY. The district court, BAP, or court of appeals may condition relief on filing a bond or other appropriate security with the bankruptcy court.

(d) BOND OR OTHER SECURITY FOR A TRUSTEE OR THE UNITED STATES. The court may require a trustee to file a bond or other appropriate security when the trustee appeals. A bond or other security is not required when an appeal is taken by the United States, its officer, or its agency or by direction of any department of the federal government.

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Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8010

Completing and Transmitting the Record

Modified Title: N/A

Change description:

Current Language

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(c) RECORD FOR A PRELIMINARY MOTION IN THE DISTRICT COURT, BAP, OR COURT OF APPEALS. This subdivision (c) applies if, before the record is transmitted, a party moves in the district court, BAP, or court of appeals for any of the following relief:

- leave to appeal;
- dismissal;
- a stay pending appeal;
- approval of a supersedeas bond, or additional security on a bond or undertaking on appeal; or
- any other intermediate order.

The bankruptcy clerk must then transmit to the clerk of the court where the relief is sought any parts of the record

Modified language

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(c) RECORD FOR A PRELIMINARY MOTION IN THE DISTRICT COURT, BAP, OR COURT OF APPEALS. This subdivision (c) applies if, before the record is transmitted, a party moves in the district court, BAP, or court of appeals for any of the following relief:

- leave to appeal;
- dismissal;
- a stay pending appeal;
- approval of a ~~supersedeas bond~~, or other security provided to obtain a stay of judgment~~additional security on a bond or undertaking on appeal~~; or
- any other intermediate order.

The bankruptcy clerk must then transmit to the clerk of the court where the relief is sought any parts of the record designated by a party to the appeal or a notice that those parts are available electronically.

designated by a party to the appeal or a notice that those parts are available electronically.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8011

Filing and Service; Signature

Modified Title: N/A

Change description:

Current Language

(a) FILING.

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(2) Method and Timeliness.

(A) *In General*. Filing may be accomplished by transmission to the clerk of the district court or BAP. Except as provided in subdivision (a)(2)(B) and (C), filing is timely only if the clerk receives the document within the time fixed for filing.

(B) *Brief or Appendix*. A brief or appendix is also timely filed if, on or before the last day for filing, it is:

(i) mailed to the clerk by first class mail—or other

Modified language

(a) FILING.

* * * * *

(2) Method and Timeliness.

(A) Nonelectronic Filing

(A)(i) In General. FilingFor a document not filed electronically, filing may be accomplished by transmissionmail addressed to the clerk of the district court or BAP. Except as provided in subdivision ~~(a)(2)(B)~~ and (C) (a)(2)(A)(ii) and (iii), filing is timely only if the clerk receives the document within the time fixed for filing.

(B)(ii) Brief or Appendix. A brief or appendix not filed electronically is also timely filed if, on or before the last day for filing, it is:

(i)

- mailed to the clerk by first class mail—or other class of mail that is at least as expeditious—postage prepaid, ~~if the district court's or BAP's procedures permit or require a brief or appendix to be filed by mailing~~; or

(ii)

class of mail that is at least as expeditious—postage prepaid, if the district court’s or BAP’s procedures permit or require a brief or appendix to be filed by mailing; or
(ii) dispatched to a third-party commercial carrier for delivery within 3 days to the clerk, if the court’s procedures so permit or require.

(C) *Inmate Filing.* A document filed by an inmate confined in an institution is timely if deposited in the institution’s internal mailing system on or before the last day for filing. If the institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule. Timely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first class postage has been prepaid.

(D) *Copies.* If a document is filed electronically, no paper copy is required. If a document is filed by mail or delivery to the district court or BAP, no

• dispatched to a third-party commercial carrier for delivery within 3 days to the clerk, ~~if the court’s procedures so permit or require.~~

~~(C)(iii) *Inmate Filing.* If an institution has a system designed for legal mail, an inmate confined there must use that system to receive the benefit of this Rule 8011(a)(2)(A)(iii). A document not filed electronically by an inmate confined in an institution is timely if it is deposited in the institution’s internal mailing system on or before the last day for filing. If the institution has a system designed for legal mail, the inmate must use that system to receive the benefit of this rule. Timely filing may be shown by a declaration in compliance with 28 U.S.C. § 1746 or by a notarized statement, either of which must set forth the date of deposit and state that first class postage has been prepaid. and:~~

- ~~• it is accompanied by a declaration in compliance with 28 U.S.C. § 1746—or a notarized statement—setting out the date of deposit and stating that first-class postage is being prepaid; or evidence (such as a postmark or date stamp) showing that the notice was so deposited and that postage was prepaid; or~~
- ~~• the appellate court exercises its discretion to permit the later filing of a declaration or notarized statement that satisfies this Rule 8011(a)(2)(A)(iii).~~

~~(B) *Electronic Filing.*~~

~~(i) *By a Represented Person—Generally Required; Exceptions.* An entity represented by an attorney must file electronically, unless nonelectronic filing is allowed or required by local rule.~~

~~(ii) *By an Unrepresented Individual—When Allowed or Required.* An individual not represented by an attorney:~~

- ~~• may file electronically only if allowed by court order or by local rule; and~~

additional copies are required. But the district court or BAP may require by local rule or by order in a particular case the filing or furnishing of a specified number of paper copies.

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(c) MANNER OF SERVICE.

(1) Methods. Service must be made electronically, unless it is being made by or on an individual who is not represented by counsel or the court's governing rules permit or require service by mail or other means of delivery.

Service may be made by or on an unrepresented party by any of the following methods:

- (A) personal delivery;
- (B) mail; or
- (C) third-party commercial carrier for delivery within 3 days.

(2) *When Service is Complete.* Service by electronic means is complete on transmission, unless the party making service receives notice that the document was not transmitted successfully. Service by mail or by commercial carrier is

- may be required to file electronically only by court order, or by a local rule that includes reasonable exceptions.

(iii) Same as a Written Paper. A document filed electronically is a written paper for purposes of these rules.

~~(D)~~(C) *Copies.* If a document is filed electronically, no paper copy is required. If a document is filed by mail or delivery to the district court or BAP, no additional copies are required. But the district court or BAP may require by local rule or by order in a particular case the filing or furnishing of a specified number of paper copies.

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(c) MANNER OF SERVICE.

(1) Nonelectronic Service. ~~Methods. Service must be made electronically, unless it is being made by or on an individual who is not represented by counsel or the court's governing rules permit or require service by mail or other means of delivery. Service~~ Nonelectronic service may be ~~made by or on an unrepresented party~~ by any of the following ~~methods~~:

- (A) personal delivery;
- (B) mail; or
- (C) third-party commercial carrier for delivery within 3 days.

(2) Electronic Service. Electronic service may be made by sending a document to a registered user by filing it with the court's electronic-filing system or by using other electronic means that the person served consented to in writing.

~~(2)~~(3) *When Service is Complete.* Service by electronic means is complete on ~~transmission~~filing or sending, unless the ~~party~~person making service receives notice that the document was not ~~transmitted successfully~~received by the person served. Service by mail or by commercial carrier is complete on mailing or delivery to the carrier.

complete on mailing or delivery to the carrier.

(d) PROOF OF SERVICE.

(1) *What is Required.* A document presented for filing must contain either

(A) an acknowledgment of service by the person served; or

(B) proof of service consisting of a statement by the person who made service certifying:

(i) the date and manner of service;

(ii) the names of the persons served; and

(iii) the mail or electronic address, the fax number, or the address of the place of delivery, as appropriate for the manner of service, for each person served.

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(e) SIGNATURE. Every document filed electronically must include the electronic signature of the person filing it or, if the person is represented, the electronic signature of counsel. The electronic signature must be provided by electronic means that are consistent with any technical standards that the Judicial Conference of the United States establishes.

(d) PROOF OF SERVICE.

(1) *What ~~is~~Is Required.* A document presented for filing must contain either of the following if it was served other than through the court's electronic-filing system:

(A) an acknowledgment of service by the person served; or

(B) proof of service consisting of a statement by the person who made service certifying:

(i) the date and manner of service;

(ii) the names of the persons served; and

(iii) the mail or electronic address, the fax number, or the address of the place of delivery, as appropriate for the manner of service, for each person served.

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~~(e) SIGNATURE.~~ Every document filed electronically must include the electronic signature of the person filing it or, if the person is represented, the electronic signature of counsel. ~~The electronic signature must be provided by electronic means that are consistent with any technical standards that the Judicial Conference of the United States establishes.~~ A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature. Every document filed in paper form must be signed by the person filing the document or, if the person is represented, by counsel

Every document filed in paper form must be signed by the person filing the document or, if the person is represented, by counsel

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8013

Motions; Intervention

Modified Title: N/A

Change description:

Current Language

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(f) FORM OF DOCUMENTS; PAGE LIMITS; NUMBER OF COPIES.

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(2) *Format of an Electronically Filed Document.* A motion, response, or reply filed electronically 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 under

Modified language

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(f) FORM OF DOCUMENTS; **PAGELLENGTH** LIMITS; NUMBER OF COPIES.

* * * * *

(2) *Format of an Electronically Filed Document.* A motion, response, or reply filed electronically must comply with the requirements for a paper version regarding covers, line spacing, margins, typeface, and type style. It must also comply with the **pagelength** limits under paragraph (3).

(3) **PageLength Limits. ~~Unless the district court or BAP orders otherwise: Except by the district court's or BAP's permission, and excluding the accompanying documents authorized by subdivision (a)(2)(C):~~**

(A) a motion or a response to a motion ~~must not exceed 20 pages, exclusive of the corporate disclosure statement and accompanying~~

paragraph (3).
(3) *Page Limits. Unless the district court or BAP orders otherwise:*
(A) *a motion or a response to a motion must not exceed 20 pages, exclusive of the corporate disclosure statement and accompanying documents authorized by subdivision (a)(2)(C) and*
(B) *a reply to a response must not exceed 10 pages.*

* * * * *

~~documents authorized by subdivision (a)(2)(C)~~ *produced using a computer must include a certificate under Rule 8015(h) and not exceed 5,200 words; and*
(B) ~~a reply to a response must not exceed 10 pages.~~ *a handwritten or typewritten motion or a response to a motion must not exceed 20 pages;*
(C) *a reply produced using a computer must include a certificate under Rule 8015(h) and not exceed 2,600 words; and*
(D) *a handwritten or typewritten reply must not exceed 10 pages.*

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Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8015

Form and Length of Briefs; Form of Appendices and Other Papers

Modified Title: N/A

Change description:

Current Language

(a) PAPER COPIES OF A BRIEF. If a paper copy of a brief may or must be filed, the following provisions apply:

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(7) *Length.*

Modified language

(a) PAPER COPIES OF A BRIEF. If a paper copy of a brief may or must be filed, the following provisions apply:

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(7) *Length.*

(A) *Page limitation.* A principal brief must not exceed 30 pages, or a reply brief 15 pages, unless

(A) *Page limitation.* A principal brief must not exceed 30 pages, or a reply brief 15 pages, unless it complies with (B) and (C).

(B) *Type-volume limitation.*

(i) A principal brief is acceptable if it contains a certificate under Rule 8015(h) and:

- it contains no more than 14,000 words; or
- it uses a monospaced face and contains no more than 1,300 lines of text.

(ii) A reply brief is acceptable if it contains no more than half of the type volume specified in item (i).

(iii) Headings, footnotes, and quotations count toward the word and line limitations. The corporate disclosure statement, table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules, or regulations, and any certificates of counsel do not count toward the limitation.

(C) *Certificate of Compliance.*

(i) A brief submitted under subdivision (a)(7)(B) must include a

it complies with subparagraph (B) ~~and (C)~~.

(B) *Type-volume limitation.*

(i) A principal brief is acceptable if it contains a certificate under Rule 8015(h) and:

- ~~it~~ contains no more than ~~14,000~~ 13,000 words; or
- ~~it~~ uses a monospaced face and contains no more than 1,300 lines of text.

~~(ii)~~ A reply brief is acceptable if it includes a certificate under Rule 8015(h) and contains no more than half of the type volume specified in item (i).

~~(iii) Headings, footnotes, and quotations count toward the word and line limitations. The corporate disclosure statement, table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules, or regulations, and any certificates of counsel do not count toward the limitation.~~

(C) *Certificate of Compliance.*

(i) A brief submitted under subdivision (a)(7)(B) must include a certificate signed by the attorney, or an unrepresented party, that the brief complies with the type-volume limitation. The person preparing the certificate may rely on the word or line count of the word-processing 42 system used to prepare the brief. The certificate must state either:

- the number of words in the brief; or
- the number of lines of monospaced type in the brief.

(ii) The certification requirement is satisfied by a certificate of compliance that conforms substantially to the appropriate 51 Official Form.

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(f) LOCAL VARIATION. A district court or BAP must accept documents that comply with the applicable form requirements of this rule and the length limits set by Part VIII of these rules. By local rule or order in a particular case, a district

certificate signed by the attorney, or an unrepresented party, that the brief complies with the type-volume limitation. The person preparing the certificate may rely on the word or line count of the word-processing 42 system used to prepare the brief. The certificate must state either:

- the number of words in the brief; or
- the number of lines of monospaced type in the brief.

(ii) The certification requirement is satisfied by a certificate of compliance that conforms substantially to the appropriate 51 Official Form.

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(f) LOCAL VARIATION. A district court or BAP must accept documents that comply with the applicable requirements of this rule. By local rule, a district court or BAP may accept documents that do not meet all of the requirements of this rule.

court or BAP may accept documents that do not meet all of the form requirements of this rule or the length limits set by Part VIII of these rules.

(g) ITEMS EXCLUDED FROM LENGTH. In computing any length limit, headings, footnotes, and quotations count toward the limit, but the following items do not:

- the cover page;
- a corporate disclosure statement;
- a table of contents;
- a table of citations;
- a statement regarding oral argument;
- an addendum containing statutes, rules, or regulations;
- certificates of counsel;
- the signature block;
- the proof of service; and
- any item specifically excluded by these rules or by local rule.

(h) CERTIFICATE OF COMPLIANCE.

(1) Briefs and Documents That Require a Certificate. A brief submitted under Rule 8015(a)(7)(B), 8016(d)(2), or 8017(b)(4)—and a document submitted under Rule 8013(f)(3)(A), 8013(f)(3)(C), or 8022(b)(1)—must include a certificate by the attorney, or an unrepresented party, that the document complies with the type-volume limitation. The individual preparing the certificate may rely on the word or line count of the word processing system used to prepare the document. The certificate must state the number of words—or the number of lines of monospaced type—in the document.

(2) Acceptable Form. The certificate requirement is satisfied by a certificate of compliance that conforms substantially to the appropriate Official Form.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8016

Cross-Appeals

Modified Title: N/A

Change description:

Current Language

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(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.

(2) *Type-Volume Limitation.*

(A) The appellant's principal brief or the appellant's response and reply brief is acceptable if (i) it contains no more than 14,000 words; or (ii) it uses a monospaced face and contains no more than 1,300 lines of text.

Modified language

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(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.

(2) *Type-Volume Limitation.*

(A) The appellant's principal brief or the appellant's response and reply brief is acceptable if it includes a certificate under Rule 8015(h) and:

(i) ~~it~~ contains no more than ~~14,000~~ 13,000 words; or
(ii) ~~it~~ uses a monospaced face and contains no more than 1,300 lines of text.

(B) The appellee's principal and response brief is acceptable if it includes a certificate under Rule 8015(h) and:

(i) ~~it~~ contains no more than ~~16,500~~ 15,300 words; or
(ii) ~~it~~ uses a monospaced face and contains no more than 1,500 lines of text.

~~(C)~~ The appellee's reply brief is acceptable if it includes a certificate under Rule 8015(h) and contains no more than half of the type volume specified in subparagraph (A).

~~(D) Headings, footnotes, and quotations count toward the word and line limitations. The~~

(B) 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.

(C) The appellee's reply brief is acceptable if it contains no more than half of the type volume specified in subparagraph (A).

(D) Headings, footnotes, and quotations count toward the word and line limitations. The corporate disclosure statement, table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules, or regulations, and any certificates of counsel do not count toward the limitation.

(3) Certificate of Compliance. A brief submitted either electronically or in paper form under paragraph (2) must comply with Rule 8015(a)(7)(C).

* * * * *

~~corporate disclosure statement, table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules, or regulations, and any certificates of counsel do not count toward the limitation.~~

~~(3) Certificate of Compliance. A brief submitted either electronically or in paper form under paragraph (2) must comply with Rule 8015(a)(7)(C).~~

* * * * *

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8017

Brief of an Amicus Curiae

Modified Title: N/A

Change description:

Current Language

(a) *When Permitted.* The United States or its officer or agency or a state may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing. On its own motion, and with notice to all parties to an appeal, the district court or BAP may request a brief by an amicus curiae.

(b) *Motion for Leave to File.* The motion must be accompanied by the proposed brief and state:

(1) the movant's interest; and

(2) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the appeal.

(c) *Contents and Form.* An amicus brief must comply with Rule

Modified language

(a) DURING INITIAL CONSIDERATION OF A CASE ON THE MERITS.

(1) Applicability. This Rule 8017(a) governs amicus filings during a court's initial consideration of a case on the merits.

(2) When Permitted. The United States or its officer or agency or a state may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing, but a district court or BAP may prohibit the filing of or may strike an amicus brief that would result in a judge's disqualification. On its own motion, and with notice to all parties to an appeal, the district court or BAP may request a brief by an amicus curiae.

~~(b)~~ (3) Motion for Leave to File. The motion must be accompanied by the proposed brief and state: (1)(A) the movant's interest; and (2)(B) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the appeal.

~~(c)~~ (4) Contents and Form. An amicus brief must comply with Rule 8015. In addition to the requirements of Rule 8015, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. If an amicus curiae is a corporation, the brief must include a disclosure statement like that required of parties by Rule 8012. An amicus brief

8015. In addition to the requirements of Rule 8015, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. If an amicus curiae is a corporation, the brief must include a disclosure statement like that required of parties by Rule 8012. An amicus brief need not comply with Rule 8014, but must include the following:

- (1) a table of contents, with page references;
- (2) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;
- (3) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
- (4) unless the amicus curiae is one listed in the first sentence of subdivision (a)(2), a statement that indicates whether:
 - (A) a party’s counsel authored the brief in whole or in part;
 - (B) a party or a party’s counsel contributed

need not comply with Rule 8014, but must include the following:

- ~~(1)~~(A) a table of contents, with page references;
 - ~~(2)~~(B) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;
 - ~~(3)~~(C) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
 - ~~(4)~~(D) unless the amicus curiae is one listed in the first sentence of subdivision (a)(2), a statement that indicates whether:
 - (A)(i) a party’s counsel authored the brief in whole or in part;
 - ~~(B)~~(ii) a party or a party’s counsel contributed money that was intended to fund preparing or submitting the brief; and
 - ~~(C)~~(iii) a person—other than the amicus curiae, its members, or its counsel— contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;
 - ~~(5)~~(E) an argument, which may be preceded by a summary and need not include a statement of the applicable standard of review; and
 - ~~(6)~~(F) a certificate of compliance, if required by Rule 8015(a)(7)(C) or 8015(b)(h).
- ~~(d)~~(5) *Length*. Except by the district court’s or BAP’s permission, an amicus brief must be no more than one-half the maximum length authorized by these rules for a party’s principal brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.
- ~~(e)~~(6) *Time for Filing*. An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant’s principal brief is filed. The district court or BAP may grant leave for later filing, specifying

money that was intended to fund preparing or submitting the brief; and (C) a person—other than the amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;

(5) an argument, which may be preceded by a summary and need not include a statement of the applicable standard of review; and

(6) a certificate of compliance, if required by Rule 8015(a)(7)(C) or 8015(b)(h).

(d) *Length.* Except by the district court's or BAP's permission, an amicus brief must be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.

(e) *Time for Filing.* An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal

the time within which an opposing party may answer.

~~(f)~~(7) *Reply Brief.* Except by the district court's or BAP's permission, an amicus curiae may not file a reply brief.

~~(g)~~(8) *Oral Argument.* An amicus curiae may participate in oral argument only with the district court's or BAP's permission.

(b) DURING CONSIDERATION OF WHETHER TO GRANT REHEARING.

(1) *Applicability.* This Rule 8017(b) governs amicus filings during a district court's or BAP's consideration of whether to grant rehearing, unless a local rule or order in a case provides otherwise.

(2) *When Permitted.* <.i> The United States or its officer or agency or a state may file an amicus brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court.

(3) *Motion for Leave to File.* Rule 8017(a)(3) applies to a motion for leave.

(4) *Contents, Form, and Length.* Rule 8017(a)(4) applies to the amicus brief. The brief must include a certificate under Rule 8015(h) and not exceed 2,600 words.

(5) *Time for Filing.* An amicus curiae supporting the motion for rehearing or supporting neither party must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the motion is filed. An amicus curiae opposing the motion for rehearing must file its brief, accompanied by a motion for filing when necessary, no later than the date set by the court for the response.

brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's principal brief is filed. The district court or BAP may grant leave for later filing, specifying the time within which an opposing party may answer.

(f) *Reply Brief*. Except by the district court's or BAP's permission, an amicus curiae may not file a reply brief.

(g) *Oral Argument*. An amicus curiae may participate in oral argument only with the district court's or BAP's permission.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8018.1

N/A

Modified Title: District-Court Review of a Judgment that the Bankruptcy Court Lacked the Constitutional Authority to Enter

Change description:

Current Language

Modified language

If, on appeal, a district court determines that the bankruptcy court did not have the power under

Article III of the Constitution to enter the judgment, order, or decree appealed from, the district court may treat it as proposed findings of fact and conclusions of law.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8021

Costs

Modified Title: N/A

Change description:

Current Language

* * * * *

(c) COSTS ON APPEAL TAXABLE IN THE BANKRUPTCY COURT. The following costs on appeal are taxable in the bankruptcy court for the benefit of the party entitled to costs under this rule:

(1) the production of any required copies of a brief, appendix, exhibit, or the record;
(2) the preparation and transmission of the record;
(3) the reporter's transcript, if needed to determine the appeal; (4) premiums paid for a supersedeas bond or

Modified language

* * * * *

(c) COSTS ON APPEAL TAXABLE IN THE BANKRUPTCY COURT. The following costs on appeal are taxable in the bankruptcy court for the benefit of the party entitled to costs under this rule:

(1) the production of any required copies of a brief, appendix, exhibit, or the record;
(2) the preparation and transmission of the record;
(3) the reporter's transcript, if needed to determine the appeal; (4) premiums paid for a ~~supersedeas~~ bond or other security bonds to preserve rights pending appeal; and
(5) the fee for filing the notice of appeal.

* * * * *

other bonds to preserve rights pending appeal; and (5) the fee for filing the notice of appeal.

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Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 8022

Motion for Rehearing

Modified Title: N/A

Change description:

Current Language

* * * * *

(b) FORM OF THE MOTION; LENGTH. The motion must comply in form with Rule 8013(f)(1) and (2). Copies must be served and filed as provided by Rule 8011. Unless the district court or BAP orders otherwise, a motion for rehearing must not exceed 15 pages.

Modified language

* * * * *

(b) FORM OF THE MOTION; LENGTH. The motion must comply in form with Rule 8013(f)(1) and (2). Copies must be served and filed as provided by Rule 8011. ~~Unless the district court or BAP orders otherwise, a motion for rehearing must not exceed 15 pages.~~ Except by the district court's or BAP's permission:
(1) a motion for rehearing produced using a computer must include a certificate under Rule 8015(h) and not exceed 3,900 words; and
(2) a handwritten or typewritten motion must not exceed 15 pages.

Related form number(s):

Effective Date: 12/01/2018

Bankruptcy Rule 9025

Security: Proceedings Against Sureties

Modified Title: Security: Proceedings Against ~~Sureties~~Security Providers

Change description:

Current Language

Whenever the Code or these rules require or permit the giving of security by a party and security is given in the form of a bond or stipulation or other undertaking with one or more sureties, each surety submits to the jurisdiction of the court, and liability may be determined in an adversary proceeding governed by the rules in Part VII.

Modified language

Whenever the Code or these rules require or permit ~~the giving of security by a party~~a party to give security, and security is given ~~in the form of a bond or stipulation or other undertaking~~with one or more ~~sureties~~security providers, each ~~surety~~provider submits to the jurisdiction of the court, and liability may be determined in an adversary proceeding governed by the rules in Part VII.

Related form number(s):

Effective Date: 12/01/2018