

United States Bankruptcy Court

District of New Mexico

Office of the Clerk

421 Gold Avenue SW, Third Floor

P. O. Box 546

Albuquerque, New Mexico 87103-0546

MICHAEL M. SHEPPARD

Clerk of Court

Telephone

505 - 248 - 6500

April 10, 1998

Notice to Practitioners

**Revisions to Local Rules for Tenth Circuit
Bankruptcy Appellate Panel Effective March 16, 1998**

Included in this notice are highlights of the revisions and a discussion of their effect on the BAP clerk's office operations. Copies of the rules are available upon request to the clerk's office. Also available is the BAP's handy "Quick Reference Guide to the Paper Trail."

Appeal Docketing Statement Eliminated [10th Cir. BAP L.R. 8001-1(c)]

The appeal docketing statement has been eliminated, so there is no need to file this pleading with the notice of appeal.

Waiver Rule Regarding Elections to District Court Eliminated

[10th Cir. BAP L.R. 8001-1 (d)]

The filing of a document by an appellee within the 30-day election period no longer acts to waive the remaining time to file an election.

Changes to Entry of Appearance and Certificate of Interested Parties

Time for Filing Entry of Appearance Extended [10th Cir. BAP L.R. 8001-2(a)]

The deadline for filing an entry of appearance and certificate of interested parties is 10 days from the date the BAP serves notice that the appeal has been docketed.

Statement Regarding Oral Argument [10th Cir. BAP L.R. 8001-2]

New subsection (c) added, which requires each party to state in the Entry of Appearance and Certificate of Interested Parties whether oral argument is necessary for the appeal.

Changes to Designation of Record, Statement of Issues, and Transcript Order Form

Copies of Designation of Record and Statement of Issues Served on BAP [10th Cir. BAP L.R. 8006-1]

New subsection (b) added, which requires parties to serve copies of the designation of record and statement of issues on the BAP within 10 days from the date the BAP serves notice that the appeal has been docketed.

Alternate Transcript Order Forms Allowed [10th Cir. BAP L.R. 8006-1(b)]

New subsection added, which allows the use of either the official transcript order form, or any such form prescribed by the bankruptcy court.

Time for Filing Transcript Order Form Extended [10th Cir. BAP L.R. 8006-1(b)]

Deadline for filing transcript order form with the BAP is 10 days from the date the BAP serves notice that the appeal has been docketed.

Electronic Filing Favored [10th Cir. BAP L.R. 8008-1(d)]

Reflects the generally favorable attitude of the BAP towards filing of documents by electronic means.

Appendix to Briefs

Sufficient Excerpts of the Record [10th Cir. BAP L.R. 8009-1(a)]

The responsibility of the parties for preparing appendices to the briefs clarified.

Form [10th Cir. BAP L.R. 8009-1(b)]

Relevant bankruptcy court docket entries are required to be the first document of the appendix rather than the last.

Motions Should Include Statement Regarding Opposition [10th Cir. BAP L.R. 8011-1(a)]

All motions must contain a statement regarding whether the motion is opposed.

Procedure for Submission on Briefs Clarified [10th Cir. BAP L.R. 8012-1(a)]

Procedures to be followed when a party or the Court suggests that the appeal should be decided without oral argument clarified.

Issuance of Mandate; Stay of Mandate [new 10th Cir. BAP L.R. 8016-3]

States when the BAP will issue the mandate.

Pro Hac Vice

Attorneys Admitted Pro Hac Vice Before Bankruptcy Court [10th Cir. BAP L.R. 8018-3]

An attorney admitted to appear in cases by the bankruptcy court is considered a member of BAP bar.

Resultant Changes in Operating Procedures

Deadlines for Filing with the BAP: Entry of Appearance; Certificate of Interested Parties; Designation of Record; Statement of Issues; Transcript Order Form. Previously, deadlines for filing these documents ranged from 10 days from the filing of the notice of appeal to 10 days from the date of service of the notice of appeal. The difference in the deadlines resulted in confusion for the parties, and required the BAP Clerk's Office to issue numerous notices of deficiencies. Requiring all preliminary documents to be filed within 10 days from the date the BAP serves notice that the appeal has been docketed will allow the Clerk's Office to notify parties of filing requirements and greatly reduce the number of "Notices of Deficiencies" that will be issued to parties.

Copies of Designation of Record, Statement of Issues to be Filed with BAP. Previously, the BAP Clerk's Office relied on the Bankruptcy Court to send notice that these documents had been filed. That method placed an additional burden on the Bankruptcy Court and resulted in several days of delay before the BAP Clerk's Office was notified that the documents had been properly filed. Requiring a party to include the BAP Clerk's Office in the service of the pleading will provide for efficient prosecution of the appeal.

Briefing Schedule. Previously, the BAP Clerk's Office relied on the Bankruptcy Court to send notice that the record was complete for purposes of appeal. The record was considered complete when a transcript order form was filed indicating that transcripts were not necessary or already on file and all preliminary documents had been filed, OR, if transcripts were ordered, once the transcripts and all preliminary documents had been filed. That method placed an additional burden on the Bankruptcy Court and created confusion for the parties with the interpretation of Fed. R. Bankr. P. 8009(a)(1). The BAP Clerk's Office will now set briefing at the time it gives notice that the appeal has been docketed. The appellant's brief will be due 45 days from the date notice is given that the appeal has been received and docketed.

Statement Regarding Whether the Motion is Opposed. The BAP Clerk's Office is given considerable latitude in ruling on procedural motions, provided the motion is unopposed. Including the position of the opposing party with a movant's pleading will allow the BAP Clerk's Office to expeditiously process and rule on the motion.

Electronic Filings. Allowing for facsimile filing of documents reduces time delays resulting from other methods of service on the BAP Clerk's Office.

MICHAEL M. SHEPPARD, Clerk

United States Bankruptcy Court

District of New Mexico

Office of the Clerk

421 Gold Avenue SW, Third Floor

P. O. Box 546

Albuquerque, New Mexico 87103-0546

MICHAEL M. SHEPPARD

Clerk of Court

Telephone

505 - 248 - 6500

April 10, 1998

Notice to Practitioners

Enhancement to Voice Case Information System (VCIS)

The court's Voice Case Information System has been enhanced to allow searching for a case by a participant's social security or tax identification number. Dial 505-248-6536 and select option 4.

Dollar Amount Adjustments Effective April 1, 1998

On April 1, 1998, automatic adjustments to dollar amounts stated in various provisions of the Bankruptcy Code became effective and will apply to cases filed on or after April 1, 1998. These amended dollar amounts will affect the eligibility of a debtor to file under chapter 13 of the Bankruptcy Code, certain maximum values of property that a debtor may claim as exempt, the maximum amount of certain claims entitled to priority, the minimum aggregate value of claims needed to commence an involuntary bankruptcy, and the value of "luxury goods and services" deemed to be nondischargeable. See 11 U.S.C. §104.

Two of the Official Bankruptcy Forms contain references to several of the affected dollar amounts. Official Form 6-E, Schedule of Creditors Holding Claims Entitled to Priority, and Official Form 10, Proof of Claim, was also amended April 1, 1998. Copies of the amended forms are available upon request from the clerk's office.

Use of Official Forms With Changes Effective March 1, 1998

Changes to the Official Bankruptcy Forms were effective March 1, 1998. Because of delays the court encountered in implementing the electronic versions of the new forms, we had not made their use mandatory. The new forms are now being implemented by the court; we ask that you use only the new forms, starting May 1, 1998.

Following is a listing of the forms amended and two new forms which were adopted:

<i>Official Form No.</i>	<i>Form Title</i>
1	Petition
3	Application/Order for Payment of Filing Fee in Installments
6F	Schedule F (Creditors Holding Unsecured Nonpriority Claims)
8	Individual Debtor's Statement of Intention
9A-I	Various Forms of Notice of §341 Meeting
10	Proof of Claim
14	Ballot for Acceptance or Rejection of Plan
17	Notice of Appeal
18	Discharge of Debtor - Chapter 7
20A (new)	Notice of Motion or Objection
20B (new)	Notice of Objection to Claim

**Changes to Federal Rules of
Bankruptcy Procedure Effective December 1, 1997**

Amendments to twelve of the Federal Rules of Bankruptcy Procedure, and four new rules, became effective December 1, 1997. Affected rules include: 1010, 1019, 1020 (new), 2002(a), 2002(n), 2007.1, 3014, 3017, 3017.1 (new), 3018, 3021 8001(a), 8001(e), 8002(c), 8020 (new), 9011, 9015 (revived), and 9035. A brief discussion of the rules changes can be found in most publications of the bankruptcy rules, e.g., at page XIV of West Publishing's 1998 Edition, Bankruptcy Code, Rules and Forms.

MICHAEL M. SHEPPARD, Clerk

F:\ntp\980410\changes.wpd

United States Bankruptcy Court

District of New Mexico

Office of the Clerk

421 Gold Avenue SW, Third Floor

PO Box 546

Albuquerque, New Mexico 87103-0546

MICHAEL M. SHEPPARD

Clerk of Court

Telephone

505 - 248 - 6500

April 10, 1998

Notice to Practitioners

**United States Bankruptcy Court Closing to
Observe the Retirement of Judge Stewart Rose**

The court will close at 2:30 pm on Friday, May 1, 1998, to allow practitioners and our staff to attend a ceremony in honor of Judge Rose's retirement.

The ceremony will be held at 3:00 pm on Friday, May 1, in the United States District Courtroom, 6th floor, Federal Building and United States Courthouse, 421 Gold Avenue SW, Albuquerque.

The Bankruptcy Law Section of the State Bar of New Mexico is hosting a reception following the ceremony, in Judge Rose's chambers on the 2nd floor.

Please make arrangements to schedule your use of the clerk's office for early in the day on Friday, May 1. As always, the drop box at the northwest corner of Gold Avenue and Fifth Street is available for filing.

MICHAEL M. SHEPPARD, Clerk

F:\ntp\980410\earlyclg.wpd