

**REGULATIONS OF THE SIXTH CIRCUIT JUDICIAL COUNCIL  
GOVERNING THE APPOINTMENT OF BANKRUPTCY JUDGES  
TO THE  
SIXTH CIRCUIT BANKRUPTCY APPELLATE PANEL**

Pursuant to 28 U.S.C. § 158(b)(1) the Judicial Council of the Sixth Circuit has authorized the establishment of a Bankruptcy Appellate Panel to hear and determine appeals from judgments, orders, and decrees entered by bankruptcy judges from districts within the Sixth Circuit. It is of primary importance that persons appointed to the Bankruptcy Appellate Panel be highly qualified and that the manner of selection be impartial. Pursuant to this goal, the Judicial Council adopts these Regulations Governing the Appointment of United States Bankruptcy Judges to the Bankruptcy Appellate Panel. These regulations shall be followed during the initial selection of judges to serve on the panel as well as for any vacancy which shall occur. The Office of the Circuit Executive shall administer these procedures under the direction of the Judicial Council and the Chief Judge of the Court of Appeals.

**1. Numbers of Judges.** The Judicial Council shall appoint six bankruptcy judges to serve on the Bankruptcy Appellate Panel. One judge shall be selected from each of the four states of the Sixth Circuit, and two judges shall be selected at large.

**2. Terms of Office.** The standard term of service on the Bankruptcy Appellate Panel shall be for three years, with the option of a second three-year term. Judges will serve staggered three-year terms, with the terms of two judges expiring each year. In order to accommodate the transition to staggered three-year terms, the Judicial Council is authorized to extend the appointments of existing judges for up to two years.

**3. Chief Judge.** The Judicial Council shall designate one member of the Bankruptcy Appellate Panel to serve as the chief judge.

**4. Eligibility for Appointment.** Bankruptcy judges serving in this circuit in active or recalled status shall be eligible as set out herein for appointment to the Bankruptcy Appellate Panel. In order to be eligible for appointment to the Bankruptcy Appellate Panel, a bankruptcy judge shall:

- a) have served as a United States bankruptcy judge for a district within the Sixth Circuit for a minimum of five years, provided, however, that the Judicial Council may waive the requirement for five years of experience in the event there are insufficient judges from a state of the circuit with five years of experience;
- b) possess superior analytical and writing skills, as evidenced principally by the quality of her/his published opinions;

- c) possess a high degree of commitment to collegiality, and a decisiveness in the disposition of cases and proceedings;
- d) have earned the respect of the relevant practicing bankruptcy bar and bench; and
- e) demonstrate the ability to maintain her/his assigned bankruptcy court workload in current status.

**5. Appointment Procedures.**

- a) **Roster of Judges.** Prior to the filling of any vacancy on the Bankruptcy Appellate Panel, the Circuit Executive shall survey all bankruptcy judges in the circuit to identify those judges who are willing to serve on the Bankruptcy Appellate Panel. Based on the results of that survey, the Circuit Executive shall prepare a roster of those judges who are willing to be considered for appointment to the Bankruptcy Appellate Panel.
- b) **Selection.** The selection of judges to serve on the Bankruptcy Appellate Panel shall be by the Judicial Council. In making such selection, the Council may utilize an *ad hoc* or standing committee of the Council to review the qualifications of applicants and to make recommendations to the full Council.
- c) **Vacancies.** Vacancies caused by death, removal or resignation shall be filled by the appointment of a replacement judge for the remainder of the existing term, subject to reappointment pursuant to paragraph 5(d) of these regulations.
- d) **Reappointment.** Prior to the expiration of a judge's first full term, the Circuit Executive shall inquire as to whether the judge seeks to be reappointed to a second three-year term. If the judge seeks to be reappointed, the Judicial Council shall reappoint the judge for a second three-year term unless the Judicial Council determines that grounds for removal exist under paragraph 7 of these regulations.

**6. Designation of *Pro Tem* Judges.** In the event that all regular members of the Bankruptcy Appellate Panel are disqualified or otherwise unavailable or in order to provide assistance with the workload, or to afford other bankruptcy judges the opportunity to serve on the Bankruptcy Appellate Panel, the Chief Judge of the Court of Appeals for the Sixth Circuit may designate other bankruptcy judges, including recalled judges, from within the circuit to participate in one or more panel sittings.

**7. Removal from the Bankruptcy Appellate Panel.** A bankruptcy judge may serve as a member of the Bankruptcy Appellate Panel only so long as that judge continues to serve as a bankruptcy judge in active or recalled status within the Sixth Circuit. Other than by voluntary resignation, the Judicial Council may remove a bankruptcy judge from service on the Bankruptcy Appellate Panel for:

- a) judicial misconduct which shall have been found by the Judicial Council after consideration of a formal complaint filed under the Judicial Misconduct and Disability Act, 28 U.S.C. § 372(c);
- b) an overwhelming backlog of cases and/or proceedings at the bankruptcy court or Bankruptcy Appellate Panel level, whether caused by circumstances beyond the judge's control or by the inability of the judge to manage her/his cases and proceedings;
- c) the inability, as determined by the Judicial Council, of the judge to function in a collegial manner within the framework of the Bankruptcy Appellate Panel; or,
- d) any other good cause.

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