# LOCAL RULES
# BANKRUPTCY APPELLATE PANEL
# OF THE SIXTH CIRCUIT

As Amended December 1, 2026

## RULE 8001 - 1. DEFINITIONS

**(a) Panel Clerk.** The words "panel clerk" as used in these rules mean the Clerk of the Bankruptcy Appellate Panel of the Sixth Circuit.

**(b) Judge.** The word "judge" as used in these rules, unless otherwise designated, means a judge of the Bankruptcy Appellate Panel of the Sixth Circuit.

**(c) Panel.** The word "panel" as used in these rules means a panel of three judges of the Bankruptcy Appellate Panel of the Sixth Circuit.

**(d) BAP.** The acronym "BAP" or the words "Bankruptcy Appellate Panel of the Sixth Circuit" as used in these rules mean the Bankruptcy Appellate Panel Service established by the Judicial Council of the Sixth Circuit pursuant to 28 U.S.C. § 158(b)(1).

## RULE 8001 – 2. CLERK OF THE BANKRUPTCY APPELLATE PANEL

**(a) Designation of Clerk.** The Clerk of the United States Court of Appeals for the Sixth Circuit shall serve as Clerk of the Bankruptcy Appellate Panel of the Sixth Circuit.

**(b) Communications to the BAP.** All communications to the BAP shall be addressed to the Clerk of the Bankruptcy Appellate Panel of the Sixth Circuit, 540 Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio 45202-3988.

## RULE 8002 - 1. TIME TO FILE A NOTICE OF APPEAL

If an appellant or cross-appellant fails to comply with the deadlines contained in Federal Rule of Bankruptcy Procedure 8002(a)(1) and (3), a party intending to invoke the mandatory deadline must raise the issue by a motion to dismiss within 14 days after expiration of the time prescribed by 28 U.S.C. § 158(c)(1).

## RULE 8003 - 1. DISMISSAL OF APPEAL FOR NON-PROSECUTION

**(a) After Notice by Panel Clerk.** If an appellant or cross-appellant fails to comply with the Federal Rules of Bankruptcy Procedure or with these rules, the panel clerk shall notify the appellant or cross-appellant that the appeal or cross-appeal will be dismissed for non-prosecution unless the default is remedied within fourteen days. If the appellant or cross-appellant fails to remedy the default within the fourteen-day period, the panel clerk shall enter an order dismissing the appeal or cross appeal for non-prosecution.

**(b) By a Panel.** A panel on its own initiative or on the motion of a party may dismiss an appeal or take other appropriate action, including an award of damages and attorney's fees, for the failure of any party to comply with the Federal Rules of Bankruptcy Procedure or with these rules. Dismissal by a panel is independent of the notice of default provided in subsection (a) of this rule.

**RULE 8005 - 1. ELECTION FOR DISTRICT COURT DETERMINATION OF APPEAL INSTEAD OF THE BAP**

**(a) Statement of Election Required.** In districts that have authorized appeals to the BAP, every appeal filed in the bankruptcy court shall be heard by the Bankruptcy Appellate Panel of the Sixth Circuit unless a party makes an election to the district court in the manner required by Federal Rule of Bankruptcy Procedure 8005 and in the time required by 28 U.S.C. §158(c)(1). The filing by any other party to the appeal of any paper (other than a notice of appearance) with the BAP waives the right of that party to elect to have the appeal heard by the district court.

**(b) Upon Motion for Leave to Appeal.** In districts that have authorized appeals to the BAP, every appeal upon motion for leave to appeal under Rule 8003 shall be heard by the Bankruptcy Appellate Panel of the Sixth Circuit unless a party makes an election to the district court in the manner required by Federal Rule of Bankruptcy Procedure 8005 and in the time required by 28 U.S.C. §158(c)(1). The filing by any other party to the appeal of any paper (other than a notice of appearance) with the BAP waives the right of that party to elect to have the appeal heard by the district court.

**RULE 8011 - 1. FILING PAPERS**

The BAP requires attorneys to file documents electronically. The "Sixth Circuit Guide to Electronic Filing" is adopted to govern the filing of documents in cases filed with the BAP. Any amendments to the Guide adopted by the court of appeals shall apply to cases filed in the BAP. The current version of the Guide is available on the court of appeals' website, www.ca6.uscourts.gov.

**RULE 8013 - 1. DETERMINATION OF PROCEDURAL MOTION**

**(a) By Panel Clerk.** The panel clerk may act on the following motions without submission to a panel or judge:

**(1)** Motions that are procedural or relate to the preparation or filing of the record or briefs;

**(2)** Motions for voluntary dismissal of appeals;

**(3)** Motions to dismiss for want of prosecution;

**(4)** Motions for extensions of time;

**(5)** Motions to withdraw or for substitution of counsel; and

**(6)** Such other motions as the BAP may designate the panel clerk to act upon that are subject to disposition by a single judge under Rule 8013(e).

**(b) Order by Panel Clerk.** An order by the panel clerk disposing of a motion shall show that it was entered by the panel clerk pursuant to this rule. Any party adversely affected by an order entered by the panel clerk shall be entitled to reconsideration by a judge or panel if, within the deadline provided in Fed. R. Bankr. P. 8013(b), the party files a motion for reconsideration.

**RULE 8013 - 2. EMERGENCY MOTION**

An emergency motion pursuant to Rule 8013(d) shall be electronically filed. The movant shall attach all documents relevant to the motion.

**RULE 8014 - 1. BRIEFS**

**(a) Briefs.** The filing of the briefs is governed by the "Sixth Circuit Guide to Electronic Filing."

**(b) Statement Regarding Oral Argument.** The brief of the appellant and the brief of the appellee shall include a statement, not exceeding one page, explaining why oral argument should, or need not, be permitted. This statement shall follow the table of authorities and shall not be considered in determining the maximum number of pages in the brief.

**(c) Citation of "Unpublished" Decisions.** Citation in briefs and oral arguments of decisions designated "not for publication" by the Sixth Circuit, or given any similar limited precedential effect by the court rendering the decision, is disfavored, except for the purpose of establishing res judicata, estoppel, or the law of the case. Such decisions may be cited only if a copy thereof is served on all other parties and on the panel. Service may be accomplished by including a copy of the decision in an addendum to the brief.

**(d) Format and Spacing of Type.** Briefs shall be double-spaced in a font not less than 12 points in size with margins of not less than one inch.

**(e) Extensions of Time.** Extensions of time for the filing of briefs must be sought by motion and for good cause shown.

**(f) Briefs as Public Record.** Briefs filed with the BAP are public records. To have a brief sealed, a timely motion must be filed.

**RULE 8018 - 1. FORM OF RECORD ON APPEAL**

The filing of the record on appeal is governed by the "Sixth Circuit Guide to Electronic Filing."

**RULE 8019 - 1. ORAL ARGUMENT**

**(a) Advancement of Hearing**. A panel may, on its own motion or for good cause shown on motion of a party, advance any case to be heard, though the time permitted under the rules for filing briefs may not have expired as of the hearing date.

**(b) Postponement of Hearing**. After a case has been set for hearing, postponement must be sought by motion for good cause shown.

**(c) Oral Argument**.

**(1)** Oral argument will not be heard on behalf of any party for whom a brief has not been filed unless otherwise directed by the panel.

**(2)** An amicus curiae may, with the consent of a party, argue orally on the side of such party, provided that the time permitted for oral argument on behalf of that party will not thereby be exceeded. In the absence of such consent, argument for an amicus curiae may be made only upon motion to the panel in advance of the hearing date.

**(d) Waiver of Oral Argument.** Oral argument may be waived upon written stipulation of the parties, unless the panel orders otherwise.

**RULE 8024 - 1. DISPOSITION OF APPEAL**

**(a) In Open Court.** In those cases in which the decision is unanimous and each judge of the panel believes that no jurisprudential purpose would be served by a written opinion, disposition of the case may be made in open court following oral argument. A written judgment shall be signed and entered by the clerk in accordance with the decision of the panel from the bench.

**(b) Decisions as Precedent.** A panel may limit the precedential effect of a decision to the case and parties before it by so stating in its decision. Absent such a statement, decisions of a panel shall not be limited as precedent for purposes of 6th Cir. BAP LBR 8014 - 1(c).

**RULE 8026 - 1. LOCAL RULES**

The Rules of the Bankruptcy Appellate Panel of the Sixth Circuit shall be cited as: "**6th Cir. BAP LBR _____- _____**." For example, subsection (a) of Rule 8014-1 of these rules shall be cited as "6th Cir. BAP LBR 8014 - 1(a)."

**RULE 8027 - 1. PRE-ARGUMENT CONFERENCE AND MEDIATION**

**(a) Pre-Argument Conference.** All bankruptcy appeals shall be reviewed by staff attorneys to determine if a pre-argument conference would be of assistance to the BAP or the parties. Such a conference may be conducted by a judge or a staff attorney. Any party may request a pre-argument conference by motion.

**(b) Attendance.** Any party may be required to attend a pre-argument conference, in person or by telephone. The possibility of settlement, simplification of issues, the use of mediation and any other matters which the judge or conference attorney determines may aid in disposition of the appeal may be considered at the pre-argument conference.

**(c) Participating Judge Disqualified.** Any judge who participates in a pre-argument conference or becomes involved in mediation or settlement discussions pursuant to this rule will not sit on a panel that considers any aspect of the case.

**(d) Confidentiality.** Statements made and information exchanged during a pre-argument conference or mediation are confidential, except to the extent disclosed by the pre-argument conference order, and shall not be disclosed by the conference judge or conference attorney nor by parties in briefs or argument.

**(e) Pre-Argument Conference Order.** To effectuate the purposes and results of this rule, a judge or the panel clerk at the request of the conference attorney shall enter a pre-argument conference order.

**RULE 8090- 1. ATTORNEYS - ADMISSION TO PRACTICE**

**(a) Admission.** Any attorney admitted to practice before a United States district court within the Sixth Circuit or before the United States Court of Appeals for the Sixth Circuit and who is in good standing before such court shall be deemed admitted to practice before the BAP. An attorney not so admitted may apply to the panel for permission to appear in a particular appeal.

**(b) Notice of Appearance.** Any attorney who wishes to file documents or argue on behalf of any party shall file a notice of appearance on a form available from the panel clerk.