

UNITED STATES BANKRUPTCY APPELLATE PANEL OF THE NINTH CIRCUIT
REQUEST FOR PUBLIC COMMENTS

Pursuant to 28 U.S.C. § 2071(b), comments are invited on the proposed amendments to the Rules of the United States Bankruptcy Appellate Panel of the Ninth Circuit (9th Cir. BAP Rules).

Please direct comments to Susan M. Spraul, Clerk of Court at BAPcomments@ca9.uscourts.gov. Comments must be submitted on or before September 30, 2026.

SUMMARY OF PROPOSED CHANGES

The Ninth Circuit BAP is proposing new rules to reflect changes resulting from the elimination of fax machines and to simplify preparation of appendices.

PROPOSED CHANGES

The proposed changes eliminate 9th Cir. BAP Rule 8011(a)-2 governing fax filing. The proposed changes also modify 9th Circuit BAP Rule 8018(b)-1(b) with respect to paper appendices by eliminating the requirements to divide paper appendices by tabs and volumes and for the table of contents to identify documents by volume and tab. With respect to electronic appendices, the proposed changes modify 9th Circuit BAP Rule 8018(b)-1(b) by eliminating the requirement to file each document as a separate .pdf. The modifications require both paper and electronic appendices to be consecutively numbered and to contain a table of contents which identifies each document by its page number.

~~BAP RULE 8011(a)-2 FAX FILING~~

~~—The BAP does not accept for filing documents transmitted by telephone facsimile machine (“fax”), except in emergency circumstances. Permission of the BAP Clerk, prior to the transmittal of the document, is always required.~~

~~—Any document transmitted to the BAP by fax must be served on all other parties by fax or hand delivery, unless another form of service is authorized by the BAP Clerk, and the method of service shall be expressly stated on the proof of service. Within three days after the fax transmittal, the filing party shall file a signed original with the BAP.~~

BAP RULE 8018(b)-1 APPENDIX (EXCERPTS OF RECORD)

(a) Form. Attorneys and all other electronic filers shall file the appendix electronically. Any party not otherwise required to file electronically shall file the excerpts of record in paper format.

(b) Organization of Appendix.

(1) All pages shall be consecutively numbered. ~~Documents in a paper appendix shall be divided by tabs. Documents in an electronic appendix shall be divided into separate .pdfs.~~

(2) The appendix shall contain a complete table of contents which identifies each document by page number.

~~(i) For paper appendices, the table of contents shall list the documents and identify both the tab and page number where each document is located. If the appendix has more than one volume, the table of contents shall also identify the volume in which each document is located.~~

~~(ii) For electronic appendices, each .pdf shall be labeled so that it is identifiable from the table of contents.~~