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# Attorney's Guide for Processing Appeals<sup>1</sup>

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## Overview

A party in a bankruptcy case who believes the bankruptcy court judge has decided a matter incorrectly has the right to appeal any final judgment, order, or decree. When a matter is appealed, a district court judge will review the bankruptcy court judge's ruling. The first step in having the original decision reexamined is the filing of a notice of appeal.

Appeals in bankruptcy cases are governed by 28 U.S.C. § 158, Federal Rules of Bankruptcy Procedure, Part VIII; Local Bankruptcy Rules, Part VIII, and accompanying procedures.

Associated Fees: See the [fee page](#) on the Court's website.

## Procedure

- 1) The appellant must file a notice of appeal within 14 days after entry of the judgment, order, or decree being appealed. (Rule 8002(a)(1)).
  - a. Appeal as of right is an appeal from a judgment, order, or decree of the bankruptcy court. It may be taken only by filing a notice of appeal with the bankruptcy clerk (8003(a)(1)).
  - b. To appeal from an interlocutory order or decree of a bankruptcy court, a party must file a notice of appeal accompanied by a motion for leave to appeal (8004(a)).
  - c. The notice of appeal must (8006(a)(3)):
    - i. Conform substantially to the appropriate official form;
    - ii. Be accompanied by the judgment, order, or decree, or the part of it being appealed; and
    - iii. Be accompanied by the prescribed fee.
  - d. To docket a notice of appeal:
    - i. Click Bankruptcy > Appeal (If you are appealing an order in an adversary proceeding, select Adversary > Appeal).
      1. Enter Case Number.
      2. Next.
    - ii. Select Notice of Appeal from the events list.
      1. Next.
      2. Next.
    - iii. If you are filing the appeal jointly with another attorney, select the box.
      1. Next.

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<sup>1</sup> All documents must be sent electronically unless they are being sent by or to an individual who is not represented by counsel or the court's governing rules permit or require mailing or other means of delivery. (Fed. R. Bankr. Pro 8001(c). Unless otherwise noted, all references to rules in this guide are to the Federal Rules of Bankruptcy Procedure.)

2. Select the attorney with whom you are filing.
  3. Next.
  4. Skip to step v. below.
- iv. If you are not filing with another attorney, select next.
- v. Select or Add/Create New Party.
  1. Next.
- vi. **Be sure to link party and attorney, when applicable.**
  1. Next.
- vii. Browse to attach your Notice of Appeal as a PDF.
  1. Click **Yes** that you have attachments to document, and follow instructions for [Adding Attachments to Document](#) to add a copy of the order or judgment being appealed.
  2. Next.
- viii. Refer to existing event(s)?
  1. Click Yes.
    - a. Next.
  2. Select the order, judgment, or other document that is being appealed.
    - a. Next.
- ix. The Appellant Designation due date will automatically set for 14 days after filing the Notice of Appeal. Also, the Transmittal of the Record on Appeal Deadline will automatically set for twenty-nine days after filing the Notice of Appeal.
  1. Next.
- x. Is this an Amended Notice of Appeal you are filing? Select Yes or No from the drop-down box.
  1. If Yes,
    - a. Next.
    - b. Next.
    - c. Continue to step 12.
  2. If No,
    - a. Next.
- xi. Is a motion for leave to appeal being filed in conjunction with this notice of appeal? Select Yes or No from the drop-down box.
  1. If Yes,
    - a. Next.
    - b. **Immediately after filing this notice of appeal, file your motion for leave to appeal using ECF event.**
      - i. You will use the following docket event:  
Bankruptcy > Motions > Leave to Appeal (If you are appealing an order in an adversary proceeding, select Adversary > Motions > Leave to Appeal).
    - c. Next.

- d. Next.
      - e. Continue to step xii.
    - 2. If No,
      - a. Next.
      - b. Next.
      - c. Continue to step xii.
  - xii. **ATTENTION! Clicking Next completes this transaction. You will not be able to modify the text once you have clicked Next.**
  - xiii. Click **Next** to complete the filing.
  - xiv. The Notice of Electronic Filing will display giving you the document number. Copies of the motion will be emailed to all participants who receive electronic notification in the case.
- 2) The clerk's office checks that the notice of appeal meets Rule 8003(a)(3).
- 3) The clerk's office will promptly transmit the notice of appeal, and, if applicable, the motion for leave to appeal to the district clerk (8003(d)(1)) and (8004(c)(1)).
- 4) Within 14 days after the appellant's notice of appeal is filed or an order granting leave to appeal is entered, the appellant must file with the bankruptcy court and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented (8009(a)(1)(A) and (B)).
  - a. The appellant must order in writing a transcript of such parts of the proceedings not already on file which the appellant considers necessary for the appeal. The appellant must file a copy of the transcript order with the bankruptcy clerk or file a certificate which states that the appellant is not ordering a transcript (8009(b)(1)).<sup>2</sup>
    - i. Upon receiving an order for a transcript, the reporter must file with the court an acknowledgement of the request that shows when it was received and when he or she expects to have the transcript completed (8010(a)(2)(A)).
    - ii. After completing the transcript, the reporter must file it with the bankruptcy clerk. The clerk notifies district court of its filing (8010(a)(2)(B)).
  - b. To docket the designations:
    - i. Bankruptcy > Appeal (or Adversary > Appeal, if the Notice of Appeal was filed in an adversary proceeding).
      - 1. Enter Case Number.
      - 2. Next.
    - ii. Select Appellant Designation of Record and Issues on Appeal from the events list.
      - 1. Next.
      - 2. Next.
    - iii. If you are filing the appeal jointly with another attorney, select the box.

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<sup>2</sup> At the time of ordering, a party must make satisfactory arrangements with the reporter for paying the cost of the transcript (8009(b)(4)).

1. Next.
  2. Select the attorney with whom you are filing.
  3. Next.
  4. Skip to step v. below.
  - iv. If you are not filing with another attorney, select next.
  - v. Select the party.
    1. Next.
  - vi. Browse for your PDF.
    1. Make sure your designations are clearly numbered and named. Please provide docket entry numbers to ensure the clerk's office selects the correct documents to transfer in the record on appeal.
  - vii. Refer to existing event(s)?
    1. Click Yes.
      - a. Next.
    2. Select the Notice of Appeal.
      - a. Next.
  - viii. Verify the docket text.
    1. Next.
  - ix. **ATTENTION! Clicking Next completes this transaction. You will not be able to modify the text once you have clicked Next.**
  - x. Click **Next** to complete the filing.
  - xi. The Notice of Electronic Filing will display giving you the document number. Copies of the motion will be emailed to all participants who receive electronic notification in the case.
- 5) Within 14 days of being served, the appellee may file with the bankruptcy clerk and serve on the appellant a designation of additional items to be included in the record (8009(a)(2)).
- a. Within 14 days after the appellant files a copy of the transcript order or a certificate of not ordering a transcript, the appellee must order in writing a transcript of such additional parts of the proceedings as they consider necessary for the appeal. The appellee must file a copy of the order with the clerk, or file with the clerk a certificate stating that the appellee (or cross-appellant) is not ordering a transcript (8009(b)(2)).<sup>3</sup>
    - i. Upon receiving an order for a transcript, the reporter must file an acknowledgement with the court of the request that shows when it was received and when she expects to have the transcript completed (8010(a)(2)(A)).
    - ii. After completing the transcript, the reporter must file it with the bankruptcy clerk, who will notify district court of its filing (8010(a)(2)(B)).
  - b. To docket the designations:

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<sup>3</sup> At the time of ordering, a party must make satisfactory arrangements with the reporter for paying the cost of the transcript (8009(b)(4)).

- i. Bankruptcy > Appeal (or Adversary > Appeal, if the Notice of Appeal was filed in an adversary proceeding).
    1. Enter Case Number.
    2. Next.
  - ii. Select Appellee Designation of Record and Issues on Appeal from the events list.
    1. Next.
    2. Next.
  - iii. If you are filing the appeal jointly with another attorney, select the box.
    1. Next.
    2. Select the attorney with whom you are filing.
    3. Next.
    4. Skip to step v. below.
  - iv. If you are not filing with another attorney, select next.
  - v. Select the party.
    1. Next.
  - vi. Browse for your PDF.
    1. Make sure your designations are clearly numbered and named.  
Please provide docket entry numbers to ensure the clerk's office selects the correct documents to transfer in the record on appeal.
  - vii. Refer to existing event(s)?
    1. Click Yes.
      - a. Next.
    2. Select the Notice of Appeal.
      - a. Next.
  - viii. Verify the docket text.
    1. Next.
  - ix. **ATTENTION! Clicking Next completes this transaction. You will not be able to modify the text once you have clicked Next.**
  - x. Click **Next** to complete the filing.
  - xi. The Notice of Electronic Filing will display giving you the document number. Copies of the motion will be emailed to all participants who receive electronic notification in the case.
- 6) When the record on appeal is complete (See 8009(a)(4)), the clerk transmits the record on appeal to the district clerk (8010(b)(1)).
- a. Instead of the record on appeal as defined in rule 8009(a)(4), a jointly-signed agreed statement by the parties may be submitted as outlined in Rule 8009(d). The bankruptcy court must approve the statement before it is accepted into the record.
- 7) When an order or judgment is delivered from the district court, the bankruptcy clerk will docket it on the bankruptcy case's docket sheet as part of the official record.