

Instructions: Designating the Record and Stating the Issues on Appeal from Bankruptcy Court

These forms were prepared by the Justice & Diversity Center, a nonprofit organization, and are not official court forms.

Checklist

This packet provides a general Designation of Record on Appeal from Bankruptcy Court form. **This packet is also available in a fillable pdf version on the Court's website at www.cand.uscourts.gov/Legal-Help-Center-Templates.** This packet includes the following forms:

- **Designation of Record and Statement of Issues on Appeal**
- **Certificate of Service**

General Instructions

A. When you appeal a decision of the bankruptcy court to the Northern District of California, you have to identify: (1) which documents and transcripts from the bankruptcy court file are relevant to the appeal; and (2) the questions you want the Court to decide. The first part is called “perfecting the record” or “designating the record,” and the second is called “stating the issues.” These forms can be used to file a Designation of Record and Statement of Issues on Appeal from Bankruptcy Court in the United States District Court for the Northern District of California.

B. **When to File.** You must file and serve the designation and statement within 14 days after: (i) your notice of appeal as of right becomes effective under Rule 8002; or (ii) an order granting leave to appeal is entered.

C. **Fill out each of the included forms COMPLETELY.** Suggestions are provided *[in brackets and italics that look like this]* to help you fill in the blanks. If a blank does not apply to you, write “not applicable.” **Be sure to sign and date each form.**

D. **Serving and Filing the Papers.** Make sure that a copy of all of the forms in this packet is served on the opposing party or parties in one of the ways listed on the Certificate of Service. Have the person who served the papers fill out the Certificate of Service. You can do this yourself. Then, mail or hand-deliver the **original plus two copies** of the forms to the Clerk's Office at the district court to which you were assigned. The Clerk will take the original and one copy. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy back to you.

D. You must tell the Clerk right away if your mailing address changes. If the Court is unable to contact you, you may miss important deadlines, causing you to lose your case.

More Information

This packet does NOT tell you everything you need to know about designating a record on appeal, stating the issues, or pursuing an appeal. You should review the Federal Rules of Bankruptcy Procedure, especially those beginning at Rule 8001, as well as the Bankruptcy Local Rules for the Northern District of California, especially those beginning at Rule 8001-1. If you need assistance with the procedural step of designating the record, we recommend that you:

- If your case is in the San Francisco/Oakland federal courthouse, make an appointment with the **Legal Help Center** for free legal information and advice by calling 415-782-8982, or sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 or 1301 Clay Street, Oakland, 4th Floor, Room 470S.
- If your case is in San Jose, make an appointment with the **Federal Pro Se Program** by calling (408) 297-1480 OR by signing up at 280 South First Street, S.J., Room 2070.

The Legal Help Center and Federal Pro Se Program cannot provide substantive legal advice about bankruptcy matters, but may be able to assist with only the procedures for filing appeals in the district court.

1 Your name: _____
2 Address: _____
3 _____
4 Phone Number: _____
5 E-mail Address: _____

6 Pro Se
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 _____) Case Number: _____
11 _____)

12 _____) **APPELLANT'S DESIGNATION OF**
13 **RECORD AND STATEMENT OF ISSUES**
14 **ON APPEAL FROM BANKRUPTCY**
15 **COURT**

13 Appellant(s),

14 vs.) JUDGE: Hon. _____
15 _____)
16 _____)
17 _____)
18 _____)

19 _____)
20 Appellee(s).)
21 _____)

DESIGNATION OF RECORD

[You should designate the documents and transcripts from the Bankruptcy Court that you think the Judge may need to review in order to make a decision about your case. Start by listing the judgment or order you are appealing. Attach more pages as needed to complete your list, but remember that it should be limited to the documents and transcripts relevant to the arguments you are making on appeal. This almost always means that you should not include on this list every document filed in the Bankruptcy Court. The other types of documents necessary for most appeals are below:

(1) The decision of the Bankruptcy Court relating to the issues on appeal (Most often the decision is written and will be in the same document as the order you are appealing. If so, you only need to list it once. If the decision was made verbally or there was a Court hearing before the decision, identify the hearing transcript in your list, and include the date of the hearing);

(2) The motion or request that you think was wrongly decided by the Bankruptcy Court. Include in your list all of the papers filed with the motion, such as the brief, any declarations or affidavits, and any exhibits;

(3) The opposition[s] to the motion identified in (1). Include in your list all of the papers filed in opposition;

(4) The reply in support of the motion identified in (1). Include in your list all of the papers filed with the reply;

(5) Transcript of any court hearing or conference necessary for the appeal. Include the date of hearing and the names of the witnesses who gave relevant testimony, if any.

(6) Exhibits introduced at any hearing relevant to the appeal;

(8) An order granting leave to appeal, if one was issued.

Bankruptcy Docket Number	Date Entered in the Bankruptcy Docket	Brief Description of the Document or Transcript
		<i>[Judgment or order being appealed.]</i>

APPELLANT’S DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON APPEAL FROM BANKRUPTCY COURT

CASE NO. _____; PAGE ____ OF ____ [JDC TEMPLATE]

STATEMENT OF ISSUES

["Issues" are the questions of fact or law that you think were incorrectly decided in the Bankruptcy Court. Like in the first three spaces below, issues are usually stated by asking whether a certain mistake was made. You may have one issue, or several. List each of the issues separately. Include additional pages if you need to.]

1. Whether the Bankruptcy Court erred in finding that _____

2. Whether the Bankruptcy Court erred in finding that _____

3. Whether the Bankruptcy Court erred in finding that _____

4. Whether _____

5. Whether _____

6. Whether _____

Respectfully submitted,

Date: _____

Signature: _____

Printed name: _____

Pro Se

CERTIFICATE OF SERVICE

Use this form to show that a paper or document (other than a complaint) was served (sent or delivered) to an opposing party in accordance with Federal Rule of Civil Procedure 5. A different form is needed to serve a complaint under Federal Rule of Civil Procedure 4.

Case name: _____

Case number: _____

What document was served? *(Write the full name or title of the document or documents, e.g., "Plaintiff's Opposition to Defendant's Motion for Summary Judgment.")*

Title(s): _____

How was the document served? *(Check one.)*

- Placed in U. S. Mail
- Sent by fax
- Hand-delivered
- Sent by delivery service (e.g., FedEx or UPS)

To whom was the document sent? *(Write the full name, address, and fax number of everyone who was sent the document. Usually, they will be the lawyers for the opposing parties.)*

When were the documents served? *(When were they mailed, faxed, or delivered?)*

Date: _____

Who served the documents? *(Whoever puts it into the mail, faxes, hand-deliveres, or sends by delivery service should print his/her name, address and sign. You can also do this yourself.)*

I declare under penalty of perjury under the laws of the United States of America that the information in this certificate of service is true and correct.

Signature: _____

Printed name: _____

Address: _____