

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

NOTICE OF PROPOSED CIRCUIT RULE CHANGES AND OPPORTUNITY FOR COMMENT

Notice is hereby given that the Court, pursuant to D.C. Circuit Rule 47, proposes amendments to Circuit Rules 5, 8, 9, 12, 15, 17, 18, 25, 26.1, 27, 28, 29, 31, 32, 38, 39, 45, 47, 47.1, 47.2, 47.3, and 47.6; and proposes the addition of new rule 28.1. An explanation of the revisions is set out below. The proposed amendments are made in part to conform to expected changes to the Federal Rules of Appellate Procedure, which the Supreme Court has approved, and which we anticipate will become effective on December 1, 2005. Some proposed amendments were generated by staff or the Court itself, others are merely editorial. Corresponding changes to the Circuit's Handbook of Practice and Internal Procedures will be made.

OPPORTUNITY FOR COMMENT

Comments on the proposed amendments may be submitted to the Court's Advisory Committee on Procedures within 45 days from the date of the publication of this Notice in *The Daily Washington Law Reporter*. Written comments should be sent to:

Advisory Committee on Procedures
c/o Clerk of Court
United States Court of Appeals for the D.C. Circuit
333 Constitution Avenue, N.W., Room 5409
Washington, D.C. 20001

The Committee will consider any comments received from interested persons and organizations. It will then formulate recommendations to the Court.

Copies of this Notice have been published this day by the means specified in D.C. Circuit Rule 47(c).

Date: May 20, 2005

/s/ Mark J. Langer
Mark J. Langer, Clerk

[NOTE: The complete text of the Circuit Rules and Handbook (with the proposed changes highlighted) and of the Federal Rules of Appellate Procedure is available on the Court's web site at www.cadc.uscourts.gov under "News, Announcements and Events."]

EXPLANATION OF PROPOSED AMENDMENTS TO D.C. CIRCUIT RULES

Many of the proposed revisions to the circuit rules are the result of anticipated amendments to the federal rules. In addition, some revisions are in response to specific requests by the Court, some are intended to clarify circuit practice, and some are merely editorial. There are, however, several substantive amendments, which are highlighted below.

Rule 28.1 - Cross-Appeals: Creates a corresponding local rule to address items not covered by the new FRAP 28.1.

Rule 28(a)(2), (d) - Briefs: Proscribes the use of *passim* and similar terms in the table of authorities and citations.

Rule 28(a)(4): Eliminates requirement that parties include a statement of the case in briefs.

Rule 29 - Brief of an Amicus Curiae: Clarifies that the brief of an amicus appointed by the court is governed by Circuit Rule 28 rather than FRAP 29 or Circuit Rule 29.

Rule 31 - Serving and Filing Briefs: Instructs parties to file their briefs in accordance with the briefing schedule issued by the Court.

Rule 38 - Sanctions: Clarifies that parties and attorneys may be sanctioned for failing to comply with court orders.

EXPLANATION OF AMENDMENTS TO THE CIRCUIT HANDBOOK

Many of the revisions to the Handbook are the result of anticipated amendments to the federal and circuit rules. In addition, some provisions have been modified to reflect more accurately existing federal and circuit rules or current practice within the Circuit. Some editorial changes have also been made.