

# United States Court of Appeals

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

Mark J. Langer  
Clerk

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## NOTICE OF RULE AMENDMENTS AND HANDBOOK REVISIONS

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, new Rule 28.1, and revisions to the Court's Handbook of Practice and Internal Procedures have been adopted by the Court **effective December 1, 2005**. The changes to the Circuit Rules and Handbook are being made in large part to conform to amendments to the Federal Rules of Appellate Procedure, which also take effect on December 1, 2005. The interim amendment to Circuit Rule 31, in effect since April 1, 2004, has been made final by the Court.

Of general interest to counsel and litigants are modifications to FRAP 27 and 35, and the addition of FRAP 28.1. FRAP 27 stipulates that the typeface and type-style requirements for briefs apply to motions papers. FRAP 35 establishes a uniform interpretation of 28 U.S.C. § 46(c), to exclude disqualified judges from the base in determining whether a majority of judges have voted to hear or rehear a case en banc. And FRAP 28.1 consolidates in one new rule existing provisions regarding briefing in cross-appeals and adds several new provisions to fill gaps in existing rules. Substantive amendments to the Circuit Rules are highlighted below:

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

**Rule 28 - Briefs:** Proscribes the use of *passim* or similar terms in the table of authorities and when citing to material in a brief; eliminates the requirement that parties include in their briefs a statement of the case.

**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 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; clarifies the number of copies of briefs that parties must file.

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

**The new version of the FRAP, the Circuit Rules, and the Handbook will be posted on the Court's web site at [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov).**

Mark J. Langer, Clerk

Date: November 30, 2005 (Rev. 1/18/06)