

United States Court of Appeals

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

Mark J. Langer
Clerk

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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 28, 29, and 36; and proposes the addition of new rule 32.1. An explanation of the revisions is set out below. The proposed amendments are made 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, 2006. 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.
Washington, D.C. 20001

The Committee will consider any comments received from interested persons and organizations and 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: June 2, 2006

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

[NOTE: The text of the proposed changes and corresponding 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

The proposed revisions to the circuit rules are the result of anticipated amendments to the federal rules.

Rule 28 - Briefs: Would delete current paragraphs (b) and (c), and transfer much of those provisions to proposed new rule 32.1. Also would re-letter current paragraphs (d) through (h) and add a citation to proposed new rule 32.1.

Rule 32.1 - Citing Judicial Dispositions: Would create a new rule, corresponding to new FRAP 32.1, to address the citation of unpublished dispositions of this court issued since January 1, 2002, and the citation of unpublished dispositions of other federal courts between January 1, 2002, and December 31, 2006. The text of the new rule is imported from sections (b) and (c) of current D.C. Cir. Rule 28, with the exception of (c)(1)(C), which has been deleted as unnecessary, and modifications necessitated by FRAP 32.1. Stylistic modifications have also been made.

Rule 29 - Brief of an Amicus Curiae: Would correct reference to Circuit Rule 28 in the citation sentence at the end of the Rule.

Rule 36: - Decisions of the Court; Opinions and Abbreviated Dispositions: Would, in paragraph (c)(2), refer to unpublished decisions as dispositions, add a reference to FRAP 32.1, and substitute a reference to Circuit Rule 32.1 for the current reference to Circuit Rule 28.

EXPLANATION OF PROPOSED AMENDMENTS TO THE CIRCUIT HANDBOOK

The proposed revisions to Sections IX.A.8 and XII.A would reflect the changes to FRAP and the local rules. Some stylistic modifications would also be made. Numerous citations throughout the Handbook would also be adjusted to correspond to the rules changes.