

Amendment to Circuit Rule 29(b)

(New language is marked by underlining and deletions are marked by strike-outs.)

Circuit Rule 29

Brief of an Amicus Curiae

* * * * *

(b) **Leave to File.** Any individual or non-governmental entity ~~seeking leave~~ intending to participate as amicus curiae must, ~~within 60 days of the docketing of the case in this court,~~ file either a written representation that all parties consent to such participation, or, in the absence of such consent, a motion for leave to participate as amicus curiae. (For this purpose, the term "governmental entity" includes the United States or an officer or agency thereof, the District of Columbia, or a State, Territory, or Commonwealth of the United States.) ~~The court may extend this time on a showing of good cause.~~ A governmental entity planning to participate as amicus curiae must, within the same 60 days, or as promptly thereafter as possible, submit a notice of intent to file an amicus brief. ~~A motion for leave to participate as amicus curiae, filed more than 60 days after the appeal or petition has been docketed, may be granted by the clerk as long as the motion is unopposed and as long as the brief will be filed within the time allowed by FRAP 29(e) and this rule.~~ Any disclosure statement required by Circuit Rule 26.1 must accompany a written representation of consent to participate as amicus curiae or a motion for leave to participate as amicus. The time for filing is governed by FRAP 29(e); however, the court encourages individuals and non-governmental entities to file a written representation of consent or motion for leave to participate, and governmental entities to file a notice of intent to file an amicus brief, as promptly as practicable after the case is docketed in this court. Leave to participate as amicus will not be granted and an amicus brief will not be accepted if the participation of amicus would result in the recusal of a member of the panel that has been assigned to the case or a member of the en banc court when participation is sought with respect to a petition for rehearing en banc.

(c) **Timely Filing.** Generally, a brief for amicus curiae will be due as set by the briefing order in each case. In the absence of provision for such a brief in the order, the brief must be filed in accordance with the time limitations described in FRAP 29(e).

* * * * *