

United States Court of Appeals

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

Mark J. Langer
Clerk

General Information
(202) 216-7000

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 25, 32, and 46 to authorize the electronic filing of new cases in this court and to clarify the requirement for electronic filers to report any change in their postal or e-mail address.

Beginning in 2018, the Clerk's Office will have the capability to accept fee payments through PACER and can begin accepting new cases through the court's Case Management/Electronic Filing (CM/ECF) system – agency appeals and petitions for review, mandamus, or permission to appeal. The proposed amendment to Circuit Rule 25(c)(3) will permit – but not require – electronic filing of case-initiating documents. That is to say, a litigant may file a new petition or agency appeal through CM/ECF when the required fee is paid through PACER by credit card or ACH debit. Or a litigant may still initiate a new case by filing a paper document and paying the required fee by cash or check. The district court has a similar procedure for filing a notice of appeal, where registered users may file a notice either electronically or in paper form.

The court proposes a corresponding amendment to Circuit Rule 32(d) to require ECF filers to submit paper copies of petitions filed pursuant to Federal Rule of Appellate Procedure 5 or 21, in addition to the electronic filing. Paper copies of agency petitions or appeals under Rule 15 will not be required because those (like notices of appeal of a district-court order) are not substantive documents, in contrast to petitions for permission to appeal or mandamus petitions.

The court now requires that all applications for admission to the court's bar be submitted electronically. The court proposes two amendments to Rule 46, which governs attorney admissions. To reflect the mechanics of electronic filing, Section (b) will be modified to indicate the application form must be "accompanied by" a certificate of good standing rather than requiring the applicant to file an application and "append an original certificate." And Rule 46(c) will be expanded to require ECF filers to report any change in their postal or e-mail address by updating their appellate filer account. The same updating requirement will be added to Rule 25(b)(3), which sets out the responsibilities of ECF filers.

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*. The Committee will consider any comments received from interested persons and organizations and formulate recommendations to the court. 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 5509
Washington, D.C. 20001

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

Date: November 9, 2017

Mark J. Langer, Clerk

NOTE: The text of the proposed Circuit Rule amendments is available on the court's web site at www.cadc.uscourts.gov under "Events and Announcements" and under "Rules & Procedures."