

United States Court of Appeals

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

Mark J. Langer
Clerk

General Information
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NOTICE OF FINAL RULES

Pursuant to D.C. Circuit Rule 47, the court proposed amendments to Circuit Rules 25, 26, and 32. These revisions were designed to replace the Administrative Order filed May 15, 2009, by incorporating the requirements for the court's Case Management / Electronic Case Files (CM/ECF) system into the Circuit Rules. The proposed amendments were published for public comment on June 2, 2014, and one comment was received.

In light of that comment, the court has approved a modification to the original proposal, which will change the requirement for paper copies of initial briefs in cases where the parties are utilizing a deferred appendix. Circuit Rule 31(b) is amended to provide that only one copy of initial briefs must be filed. For ECF filers, initial briefs are to be filed in electronic format only, unless the court requests paper copies. A corresponding change has been made to the proposed amendment to Circuit Rule 32(d)(3), which itemizes the documents for which paper copies are required in addition to the electronic filing.

The court has also approved a modification to the proposed amendment to Circuit Rule 25, eliminating the limitation that a party who is not represented by an attorney must request permission to register as an ECF filer on a case by case basis. Under the new rule, permission, once granted, will remain in effect until the pro se party asks to be exempt from the electronic filing requirements or the Clerk exercises his discretion to revoke the pro se party's status as an ECF filer.

Along with the ECF rules, the court has approved technical revisions to three other Circuit Rules. An amendment to Rule 28(a)(8) reconciles provisions in the Rule and the Circuit Handbook to direct that a statement regarding oral argument be placed on the front cover of a brief. Amendments to Rule 47.1(d)(1) – governing sealed briefs – and Rule 47.2(b)(1) – governing expedited sentencing appeals – bring those provisions in line with Circuit Rule 31(b) by reducing from 14 to 8 the number of copies that must be filed of a public brief in a sealed case and submissions in a sentencing appeal.

Finally, the court has approved revisions to the Circuit's Handbook of Practice and Internal Procedures, based on the new ECF rules as well as changes in other court procedures over the last year. For example, the Handbook notes that the composition of a merits panel will no longer be disclosed in the initial calendaring order, and counsel are advised to notify the Clerk's Office in advance of any dates they will be unavailable for oral argument.

The court has ordered that the amendments be adopted effective June 1, 2015. Changes to the Handbook will also become effective on that date.

Extracts from the Circuit Rules and Handbook reflecting the amendments will be available on the court's web site at www.cadc.uscourts.gov under "Events and Announcements" and under "Rules & Procedures." A revised version of the Circuit Rules and Handbook will be posted on the web site on the effective date.

Copies of this Notice will be published by the means specified in D.C. Circuit Rule 47(c).

Date: May 6, 2015

Mark J. Langer, Clerk