

## **APPEARANCE, DISCLOSURE & DOCKETING STATEMENTS**

### **Appearance of Counsel**

Counsel is required to file an appearance of counsel form within 14 days after the appeal is docketed or within 14 days after being retained or appointed, using a form provided by the clerk's office. Only attorneys admitted to the Fourth Circuit bar and registered as ECF filers may enter an appearance in a case. If an attorney is not admitted to practice before the court, counsel must file an application for admission under Local Rule 46(b) and register as an electronic filer in CM/ECF. An attorney no longer participating in a case should promptly inform the clerk's office of that fact. Loc. R. 46(c).

Once an appearance has been filed, an attorney may not withdraw from representation without notice to the party he or she is representing and consent of the court. A motion to withdraw should state fully the reason for the request. Substitution of counsel may be effected by submitting a counsel of record form for new counsel, along with existing counsel's motion to withdraw. Loc. R. 46(c).

### **Disclosure of Corporate Affiliations and Financial Interests**

A party in a civil, agency, bankruptcy, or mandamus case, other than the United States or a party proceeding in forma pauperis, must file a disclosure statement, except that a state or local government is not required to file a disclosure statement in a case in which the opposing party is proceeding without counsel. A corporate party in a criminal or post-conviction case must file a disclosure statement. A corporate amicus curiae is also required to file a disclosure statement.

The disclosure statement must identify all parent corporations and list any publicly held company that owns 10% or more of the party's stock or has a direct financial interest in the litigation by reason of a franchise, lease, profit sharing agreement, insurance, or indemnity agreement. This information is used by the judges to determine their disqualifications. Loc. R. 26.1.

If earlier papers are submitted by the parties, such as a motion for stay or injunction pending appeal, they must be accompanied by a disclosure statement. The disclosure statement must also be included in front of the table of contents in a party's principal brief.

A negative disclosure statement is also required, and all parties are under an affirmative duty to amend disclosure statements when necessary to maintain their current accuracy. Loc. R. 26.1.

### **Docketing Statement**

Counsel filing a notice of appeal or petition for review is required to complete a docketing statement. Counsel's filing of the docketing statement also satisfies the requirement that the attorney filing the notice of appeal file a statement within 14 days identifying the parties the attorney represents on appeal. The form requests basic

information on the parties, counsel, trial and appellate court jurisdiction, the procedural history of the case, the issues on appeal, and the existence of previous or related cases. In civil cases, docketing statements are reviewed by a circuit mediator to determine if the case should be assigned to the circuit mediation program under Local Rule 33.

Upon docketing an appeal or petition for review filed by counsel, the court of appeals notifies counsel that a docketing statement must be filed in the office of the clerk within 14 days. Loc. R. 3(b). The docketing statement must be accompanied by a copy of the transcript order and served on opposing counsel.

The attorney filing the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. Multiple appellants joining in one notice of appeal shall file a joint docketing statement, but a separate docketing statement must be filed for a cross-appeal or additional appeal.

The nature of proceedings and relief sought should be stated summarily. The docketing statement should not contain argument or procedural motions. Effort should be made to include all the issues to be presented, but a party will not be precluded from raising additional issues later. Failure to file a docketing statement will cause the court of appeals to initiate the process of dismissal for failure to prosecute.

An opposing party who concludes that the docketing statement is in any way inaccurate or incomplete may so inform the clerk's office in writing, including additions or corrections, within 10 days of service.

### **Related Links**

- [Rule 3. Appeal as of Right - How Taken \(with Local Rules\)](#)
- [Rule 26.1 Corporate Disclosure Statement \(with Local Rule\)](#)
- [Rule 46. Attorneys \(with Local Rules\)](#)
- [Court Forms & Fees - Appearance, Disclosure, Docketing Statements](#)