

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

AMENDMENTS TO LOCAL RULES 36(b) AND 46(c)

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 36(b), Unpublished Dispositions, and Local Rule 46(c), Appearance of Counsel; Withdrawal; Substitutions.

The proposed amendment to Local Rule 36(b) deletes reference to the printing and distribution of published slip opinions. Effective June 1, 2013, the Court will no longer print or distribute paper copies of published opinions in slip opinion format.

Published and unpublished opinions are sent to the trial court or agency in which the case originated, to counsel for all parties in the case, and to litigants in the case not represented by counsel. In addition, all opinions are posted on the Court's Web site daily, and interested persons may subscribe to receive the daily opinion lists via email or RSS feed.

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The proposed amendment to Local Rule 46(c) makes technical corrections by removing reference to printed opinions and by substituting "appearance of counsel" for "designation of counsel" to reflect the current form name.

The proposed amendments will take effect on June 1, 2013. Interested parties may submit comments on or before May 15, 2013, to:

Patricia S. Connor, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 E. Main Street, Suite 501
Richmond, Virginia 23219

The Fourth Circuit Rulebook is available [here](#)

April 3, 2013
Date

s/Patricia S. Connor
Clerk

Local Rule 36(b). Unpublished Dispositions; Opinion Distribution.

Unpublished opinions give counsel, the parties, and the lower court or agency a statement of the reasons for the decision. They may not recite all of the facts or background of the case and may simply adopt the reasoning of the lower court. ~~They~~ Published and unpublished opinions are sent ~~only~~ to the trial court or agency in which the case originated, to counsel for all parties in the case, and to litigants in the case not represented by counsel. Published and unpublished opinions are also posted on the Court's Web site each day and distributed in electronic form to subscribers to the Court's daily opinion lists. ~~Any individual or institution may receive copies of all published opinions of the Court by paying an annual subscription fee for this service. In addition, copies of such opinions are sent to all circuit judges, district judges, bankruptcy judges, magistrate judges, clerks of district court, United States Attorneys, and Federal Public Defenders upon request.~~ Published and unpublished opinions issued since January 1, 1996 are available free of charge at www.ca4.uscourts.gov.

Counsel may move for publication of an unpublished opinion, citing reasons. If such motion is granted, the unpublished opinion will be published without change in result.

Local Rule 46(c). Appearance of Counsel; Withdrawal; Substitutions.

Each attorney of record must file a written appearance with the clerk within 14 days after the appeal is docketed or after being retained or appointed. At the time of docketing, the clerk will send to each counsel or party in the trial court ~~an~~ "designation appearance of counsel" form. This form should be filled out and returned to the Clerk of the Fourth Circuit within 14 days. Thereafter, the Court will send correspondence, notices of oral argument, and copies of final decisions only to those attorneys who have filed their appearance forms. ~~More than one attorney of the same firm may sign the same form.~~ This form does not affect the credit line attorney information listed on ~~printed~~ opinions, as that information is ~~furnished to publishing firms from those drawn from the~~ names listed on the briefs.

Once an appearance in an appeal 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 of record can be accomplished by submitting a counsel of record form or written appearance for new counsel along with existing counsel's motion to withdraw or strike appearance.