

# ADOPTED December 1, 2018

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

### AMENDMENT TO LOCAL RULE 29

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 29 in light of an amendment to Federal Rule of Appellate Procedure 29(a)(2), scheduled to take effect December 1, 2018. The federal rule amendment provides that “a court of appeals may prohibit the filing of or may strike an amicus brief that would result in a judge’s disqualification.”

In accordance with the federal rule amendment, proposed Local Rule 29(a) provides that “[t]he Court will prohibit the filing of or strike an amicus brief that would result in a judge’s recusal from the three-judge or en banc panel that has been assigned to the case or in a judge’s recusal from a vote on whether to hear or rehear a case en banc.”

Former Local Rule 29 is redesignated as Local Rule 29(b).

The amendment will take effect on December 1, 2018, subject to revision in light of comments received. Interested parties may submit comments on or before November 1, 2018, 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](#)

August 13, 2018

Date

/s/ Patricia S. Connor

Clerk

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## Local Rule 29(a). Leave to File Amicus Briefs.

The Court will prohibit the filing of or strike an amicus brief that would result in the recusal of a member of the panel that has been assigned to the case or in the recusal of a member of the en banc court from a vote on whether to hear or rehear a case en banc.

## **Local Rule 29(b). Copies of Amicus Briefs.**

**(a1) During Consideration of Case on the Merits.** If filed during consideration of the case on the merits, one paper copy and one electronic copy of the amicus brief must be filed. The Court will order the filing of additional paper copies for oral argument or if otherwise needed. Service of paper copies of the amicus brief is not required if the brief was served electronically on counsel and on any party not represented by counsel.

**(b2) During Consideration of Petition for Rehearing or Rehearing en Banc.** If filed during consideration of whether to grant rehearing or rehearing en banc, one electronic copy of the amicus brief must be filed. No paper copies are required unless ordered by the Court. Service of paper copies of the amicus brief is not required if the brief was served electronically on counsel and on any party not represented by counsel.