

ADOPTED December 1, 2024

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

AMENDMENT TO LOCAL RULE 34(d)

PLEASE TAKE NOTICE that the Court intends to amend Local Rule 34(d) to make argument time consistent across the board (20 minutes per side) for all cases. The Court will strike the portion of the rule that provides for 15 minutes per side for social security disability cases, black lung cases, and labor cases where the primary issue is whether the agency's decision is supported by substantial evidence and in criminal cases where the primary issue involves the application of the sentencing guidelines.

The proposed amendment will take effect on December 1, 2024. Interested parties may submit comments on or before November 25, 2024, to:

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

or via email to:

rulecomments@ca4.uscourts.gov

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

November 20, 2024
Date

/s/ Nwamaka Anowi
Clerk

Local Rule 34(d). Argument Time.

Briefs for the cases assigned to a hearing panel are distributed by the clerk to the judges on a hearing panel at the time the hearing panel assignments are made. The members of the Court hearing oral argument will have read the briefs before the hearing and therefore will be familiar with the case. In oral argument, counsel should emphasize the dispositive issues.

Since the appellant is allowed to open and close the argument, counsel for appellant should indicate at registration before oral argument how much time counsel wants to reserve for rebuttal. It is recommended that no more than two attorneys argue per side. Each side is normally allowed 20 minutes, even in consolidated cases, but counsel may not need the full time allotted or the Court may shorten or extend the time allotted. ~~In social security disability cases, black lung cases, and labor cases where the primary issue is whether the agency's decision is supported by substantial evidence and in criminal cases where the primary issue involves the application of the sentencing guidelines, each side is limited to 15 minutes. In black lung cases in which the Director, Office of Workers' Compensation Programs, has been granted leave to file a separate brief, the Director will share argument time with whichever side the Director's brief supports.~~

If counsel believes that more time is needed for oral argument, a written motion setting forth the reasons for additional time and whether the other parties consent must be submitted well in advance of the hearing date. The Court may sua sponte extend the allotted time during the argument or it may terminate the argument whenever in its judgment further argument is unnecessary.