

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

### NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES 3(b), 5, 8, 9(a), 10(b), 10(c), 12(b), 21(b), 22(d), 25(c), 27(c), 27(d), 28(a), 30(a), 31(a), 31(b), 31(c), 32(b), 34(b), 34(e), 36(a), 36(b)

PLEASE TAKE NOTICE that the Court intends to amend its Local Rules as set out below. The proposed amendments conform the Local Rules to changes made in the computation of time periods by amendments to the Federal Rules of Appellate Procedure and remove obsolete language from the Local Rules.

Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, scheduled to take effect December 1, 2009, simplify the computation of time periods under the federal rules by adopting a “days are days” approach. Under current rules, intermediate weekend days and holidays are omitted when computing most short time periods but included when computing longer time periods. Under the December 1, 2009, amendments to the federal rules, intermediate weekends and holidays will now be counted regardless of the length of the specified period. To offset this change, many short time periods set by the federal rules have been increased. The federal rule amendments further simplify computation by using multiples of 7 days when feasible so that deadlines will fall on a weekday.

The full text of the December 1, 2009, federal rule amendments can be viewed at <http://www.uscourts.gov/rules/supct0309.html>. The proposed amendments to this Court’s Local Rules are summarized below and highlighted in the attached materials:

- Local Rule 3(b)--The time for filing objections to the docketing statement is expanded from 7 to 10 days to offset the inclusion of weekends and holidays in the period. Obsolete language referencing the district court’s provision of a docketing statement form is deleted.
- Local Rule 5--Obsolete reference to the Disclosure of Corporate Affiliations Statement as “Form A” is deleted.
- Local Rule 8--Obsolete references to paper copies and to “Form A” are deleted.
- Local Rule 9(a)--Obsolete reference to “Form A” is deleted.
- Local Rule 10(b)--Outdated reference to “volumes” of the record is deleted.
- Local Rule 10(c)--Outdated language referencing the district court’s provision of a transcript order form is deleted. In addition, the transcript guidelines are available as a separate document rather than as an appendix to the rules.
- Local Rule 12(b)--Time for designating lead counsel is expanded from 10 to 14 days to offset the inclusion of weekends and holidays in the period.
- Local Rule 21(b)--Obsolete reference to “Form A” is deleted.
- Local Rule 22(d)--The word “calendar” is deleted as superfluous in light of the “days are days” principle.
- Local Rule 25(c)--The word “calendar” is deleted as superfluous in light of the “days are days” principle.
- Local Rule 27(c)--The first sentence is deleted as superfluous since filing is covered in Local Rule 27(e). Obsolete reference to “Form A” is deleted.
- Local Rule 27(d)--Obsolete reference to “Form A” is deleted.

- Local Rule 28(a)--Time for designating lead counsel is expanded from 10 to 14 days to offset inclusion of weekends and holidays in the period.
- Local Rule 30(a)--Time for objecting to unnecessary appendix designations is expanded from 10 to 14 days to offset inclusion of weekends and holidays in the period.
- Local Rule 31(a)--The word “calendar” is deleted as superfluous in light of the “days are days” principle.
- Local Rule 31(b)--Language is updated to conform to Local Rule 10(a).
- Local Rule 31(c)--The word “calendar” is deleted as superfluous in light of the “days are days” principle.
- Local Rule 34(b)--To clarify the calculation of informal briefing deadlines, the time for filing of the informal brief is amended from 21 days from *receipt* of the informal briefing order to 21 days from *service* of the informal briefing order. In addition, a time period of 14 days from service of the informal brief is added for filing of an optional informal response brief, and a time period of 10 days from service of the response brief is added for filing of an optional informal reply brief.
- Local Rule 34(e)--The word “calendar” is deleted as superfluous in light of the “days are days” principle.
- Local Rule 36(a)--The word “calendar” is deleted as superfluous in light of the “days are days” principle. Additional detail is provided regarding the Court’s opinion acknowledgment process.
- Local Rule 36(b)--The outdated \$2.00 per opinion copy fee is deleted. The \$.10 per page fee set by the Miscellaneous Fee Schedule applies to paper copies of documents available on the Court’s web site.

The proposed amendments will take effect on December 1, 2009. Interested parties may submit comments on or before November 16, 2009, to:

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

9/28/09  
 Date

/s/ Patricia S. Connor  
 Clerk

### **Local Rule 3(b). Docketing Statement.**

To assist counsel in giving prompt attention to the substance of an appeal, to help reduce the ordering of unnecessary transcripts, to provide the Clerk of the Court of Appeals at the commencement of an appeal with the information needed for effective case management, and to provide necessary information for any mediation conference conducted under Local Rule 33, counsel filing a notice of appeal, [petition for review, or application for enforcement](#) for any direct or cross-appeal ~~must complete and file a docketing statement, using the form provided by the clerk of the district court. The Clerk of the Court of Appeals will provide a similar form for petitions for review, applications for enforcement, and Tax Court appeals.~~

~~The original docketing statement and any attachments must be received and filed in the Court of Appeals within 14 days of filing of the notice of appeal, petition for review, or application for enforcement, with copies served on the opposing parties. Docketing statements for petitions for review, applications for enforcement, and Tax Court appeals must be received and filed [must complete a docketing statement \(form available at \[www.ca4.uscourts.gov\]\(http://www.ca4.uscourts.gov\)\) and file it](#) with the Clerk of the Court of Appeals within 14 days of docketing of the ~~petition, application, or tax~~ appeal. A copy of the docketing statement must be served on the opposing party or parties.~~

The docketing statement shall have attached to it any transcript order.

Although a party will not be precluded from raising additional issues, counsel should make every effort to include in the docketing statement all of the issues that will be presented to the Court. Failure to file the docketing statement within the time set forth above will cause the Court to initiate the process for dismissing a case under Local Rule 45.

If an opposing party concludes that the docketing statement is in any way inaccurate, incomplete, or misleading, the Clerk's Office should be informed in writing of any errors and any proposed additions or corrections within 7 10 days of service of the docketing statement, with copies to all other parties.

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### **Local Rule 5. Interlocutory Orders.**

The Court of Appeals will initially enter a petition for permission to appeal upon the miscellaneous docket; a docket fee shall not be required unless the petition is granted. A Disclosure of Corporate Affiliations ~~and Other Entities with a Direct Financial Interest in Litigation~~ statement must be filed with the petition and answer. See FRAP 26.1; [and](#) Local Rule 26.1 ~~and Form A~~. Upon granting the petition, the Court of Appeals will notify the district court by copy of the order and transfer the case to the regular docket.

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### **Local Rule 8. Stay or Injunction Pending Appeal.**

Filing a notice of appeal does not automatically stay the operation of the judgment, order or decision for which review is sought. If an application to the district court for temporary relief pending appeal is not practicable, counsel must make a specific showing of the reasons the application was not made to the district court in the first instance. Any motion to the Court of Appeals should include copies of all previous applications for relief and their outcome [and any relevant parts of the record](#). A Disclosure of Corporate Affiliations ~~and Other Entities with a Direct Financial Interest in Litigation~~ statement must accompany the motion and any response unless the parties have previously filed disclosure statements with the Court in the case. See FRAP 26.1; [and](#) Local Rule 26.1, ~~and Form A~~. ~~If any party deems that parts of the record or other materials are essential to a fair presentation of the issues regarding a motion, copies of these papers must be attached to each copy of the motion.~~ Filing and assignment of emergency motions for stay or

injunction pending appeal are governed by Local Rule 27(e). An order granting a stay or injunction pending appeal remains in effect until issuance of the mandate or further order of the Court and may be conditioned upon the filing of a supersedeas bond in the district court.

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**Local Rule 9(a). Release Prior to Judgment of Conviction.**

A criminal defendant may be released in accordance with the conditions set by the district court prior to judgment of conviction. If the district court refuses to release the prisoner, or sets conditions for release that cannot be met, the order is appealable as a matter of right and will be given prompt consideration by the Court of Appeals. Counsel should submit memoranda in support of their position on appeal and, in cases involving corporate defendants, Disclosure of Corporate Affiliations and Other Entities with a Direct Financial Interest in Litigation statements required by FRAP 26.1; [and](#) Local Rule 26.1 ~~and Form A~~. The appeal is usually decided without oral argument upon the materials presented by the parties. A motion for release pending determination of the appeal may be filed and will be assigned as provided in Local Rule 27(e).

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**Local Rule 10(b). Records on Appeal.**

The preparation and transmittal of the record on appeal is the obligation of the clerk of the lower court, board or agency, and any questions concerning form or content should be addressed to the trial forum in the first instance. ~~A record on appeal consists of a specific number of volumes of pleadings, transcripts, and exhibits.~~ Parties should check with the clerk of the lower court, board or agency to determine whether everything relevant to the issues on appeal will be included initially in the record on appeal in order to obviate motions to supplement the record. The record is transmitted to the appellate court as soon as it is complete, except as provided in Local Rule 10(a). Local Rule 10(a) does not apply to records in cases in which one or more parties are proceeding without counsel on appeal.

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**Local Rule 10(c). Transcripts.**

(1) **Responsibilities and designation.** The appellant has the duty of ordering transcript of all parts of the proceedings material to the issues to be raised on appeal whether favorable or unfavorable to appellant's position. ~~Transcript Order forms are provided to appellant by the clerk of the district court at the time the notice of appeal is filed.~~ Appellant should complete the form [transcript order \(form available at www.ca4.uscourts.gov\)](http://www.ca4.uscourts.gov) and distribute the appropriate parts of the form to the Clerk of the Court of Appeals, the court reporter, the clerk of the district court, and the appellee.

Before the transcript order is ~~mailed~~ [distributed](#), appellant must make appropriate financial arrangements with the court reporter for either immediate payment in full or in other form acceptable to the court reporter, payment pursuant to the Criminal Justice Act, or at government expense pursuant to 28 U.S.C. § 753(f).

In cross-appeals each party must order those parts of the transcript pertinent to the issues of such appeals. The parties are encouraged to agree upon those parts of the transcript jointly needed and to apportion the cost, with additional portions being ordered and paid for by the party considering them essential to that party's appeal.

If the entire transcript of proceedings is not to be prepared, the appellant's docketing statement filed pursuant to Local Rule 3(b) may constitute the statement of issues required by FRAP 10(b)(3)(A).

(2) **Monitoring and receipt by clerk.** Failure to order timely a transcript, failure to make satisfactory financial arrangements with the court reporter, or failure to specify in adequate detail those proceedings to be transcribed will subject the appeal to dismissal by the clerk for want of prosecution pursuant to Local Rule 45. The Clerk's Office is charged with monitoring the status of transcripts pending with court reporters.

(3) **Statement in lieu of transcript.** The parties may prepare and sign a statement of the case in lieu of the transcript or the entire record on appeal. The use of a statement in lieu of a transcript of a hearing substantially accelerates the appellate process. The statement should contain a description of the essential facts averred and proved or sought to be proved and a summary of pertinent testimony.

(4) **Guidelines for Preparation of Appellate Transcripts in the Fourth Circuit.** ~~An appendix to these rules contains the guidelines adopted by the~~ [The](#) Fourth Circuit Judicial Council [has adopted guidelines](#) to define the obligations of appellants, appellees, clerks of the district court, court reporters and the Clerk of the Court of Appeals in the ordering, preparation, and filing of transcripts completed pursuant to these rules.

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#### **Local Rule 12(b). Joint Appeals/Cross-appeals and Consolidations.**

For the purpose of identifying consolidated appeals and cross-appeals, the earliest docketed appeal will be designated the lead case and identified by an "L" following its docket number. The parties should designate lead counsel for each side and communicate lead counsel's identity in writing to the clerk within ~~40~~ [14](#) days of the consolidation order. Although most consolidations will be on the Court's own motion, a party is not precluded from filing a request.

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#### **Local Rule 21(b). Petitions for Mandamus or Prohibition.**

Strict compliance with the requirements of FRAP 21 is required of all petitioners, even pro se litigants. Petitioner must pay the prescribed docket fee of \$450, payable to the Clerk, U.S. Court of Appeals; submit the forms required by Local Rule 21(c)(1) for cases subject to that Local Rule; or submit a properly executed application for leave to proceed in forma pauperis. The parties are required to submit Disclosure of Corporate Affiliations ~~and Other Entities with a Direct Financial Interest in Litigation~~ statements with the petition and answer. See FRAP 26.1; [and](#) Local Rule 26.1; ~~and Form A.~~

After docketing, the clerk shall submit the application to a three-judge panel. A motion for emergency relief pending determination of the petition may be filed and will be assigned in accordance with Local Rule 27(e).

If the Court believes the writ should not be granted, it will deny the petition without requesting an answer. Otherwise the Court will direct the clerk to obtain an answer. After an answer has been filed, the Court ordinarily will decide the merits of the petition on the materials submitted without oral argument. Occasionally, however, briefs may be requested and the matter set for oral argument.

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#### **Local Rule 22(d). Motions for Authorization.**

Any individual seeking to file in the district court a second or successive application for relief pursuant to 28 U.S.C. § 2254 or § 2255 shall first file a motion with the Court of Appeals for authorization as required by 28 U.S.C. § 2244, on the form provided by the clerk for such motions.

The motion shall be entitled "In re \_\_\_\_\_, Movant." The motion must be accompanied by copies of the § 2254 or § 2255 application which movant seeks authorization to file in the district court, as well as all prior § 2254 or § 2255 applications challenging the same conviction and sentence, all court opinions and orders disposing of those applications, and all magistrate judge's reports and recommendations issued on those applications. The movant shall serve a copy of the motion with attachments on the respondent named in the proposed application and shall file an original and three copies of the motion with attachments in the Court of Appeals. Failure to provide the requisite information and attachments may result in denial of the motion for authorization.

If the Court requires a response to the motion, it will direct that the response be received by the clerk for filing within no more than seven ~~calendar~~ days. The Court will enter an order granting or denying authorization within 30 days of receipt of the motion by the clerk for filing, and the clerk will certify a copy of the order to the district court. If authorization is granted, a copy of the application will be attached to the certified order for filing in the district court. No motion or request for reconsideration, petition for rehearing, or any other paper seeking review of the granting or denial of authorization will be allowed.

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**Local Rule 25(c) Confidential and Sealed Materials.**

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(2) **Motions to Seal.** Motions to seal all or any part of the record are presented to and resolved by the lower court or agency in accordance with applicable law during the course of trial, hearing, or other proceedings below.

(A) A motion to seal may be filed with the Court of Appeals when:

- (i) a change in circumstances occurs during the pendency of an appeal that warrants reconsideration of a sealing issue decided below;
- (ii) the need to seal all or part of the record on appeal arises in the first instance during the pendency of an appeal; or
- (iii) additional material filed for the first time on appeal warrants sealing.

(B) Any motion to seal filed with the Court of Appeals shall:

- (i) identify with specificity the documents or portions thereof for which sealing is requested;
- (ii) state the reasons why sealing is necessary;
- (iii) explain why a less drastic alternative to sealing will not afford adequate protection; and
- (iv) state the period of time the party seeks to have the material maintained under seal and how the material is to be handled upon unsealing.

(C) A motion to seal filed with the Court of Appeals will be placed on the public docket for at least 5 ~~calendar~~ days before the Court rules on the motion, but the materials subject to a motion to seal will be held under seal pending the Court's disposition of the motion.

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**Local Rule 27(c). Form of Motions.**

~~All motions should be filed with the clerk and comply with FRAP 27(d).~~ A Disclosure of Corporate Affiliations and Other Entities with a Direct Financial Interest in Litigation statement must accompany the motion unless previously filed with the Court. See FRAP 26.1; [and](#) Local Rule

26.1, and Form A. Counsel should always review carefully the specific rule which authorizes relief to ascertain the requirements, and any motion should contain or be accompanied by any supporting documents required by a specific rule. If a motion is supported by attachments, these materials should also be served and filed with the motion. The parties should not make requests for procedural and substantive relief in a single motion, but should make each request in a separate motion.

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**Local Rule 27(d). Responses; Replies.**

(1) **Responses.** Although any party may file a response to a motion, a party need not respond to a motion until requested to do so by the Court. The three-day mailing period permitted by FRAP 26(c) does not apply to responses requested by the Court or clerk by letter wherein a response date is set forth in the request. A Disclosure of Corporate Affiliations and Other Financial Entities with a Direct Financial Interest in Litigation statement must accompany any response to a motion unless previously filed with the Court. See FRAP 26.1, and Local Rule 26.1, and Form A. If the Court acts upon a motion without a response, any party adversely affected by such action may by application to the Court request reconsideration, vacation or modification of the Court's action.

(2) **Replies.** The Court will not ordinarily await the filing of a reply before reviewing a motion and response. If movant intends to file a reply and does not want the Court to actively consider the motion and response until a reply is filed, movant shall notify the clerk in writing of the intended filing of the reply and request that this Court not act on the motion until the reply is received.

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**Local Rule 28(a). Consolidated Cases and Briefs.**

Related appeals or petitions for review will be consolidated in the Office of the Clerk, with notice to all parties, at the time a briefing schedule is established. One brief shall be permitted per side, including parties permitted to intervene, in all cases consolidated by Court order, unless leave to the contrary is granted upon good cause shown. In consolidated cases lead counsel shall be selected by the attorneys on each side and that person's identity made known in writing to the clerk within ~~40~~ 14 days of the date of the order of consolidation. In the absence of an agreement by counsel, the clerk shall designate lead counsel. The individual so designated shall be responsible for the coordination, preparation and filing of the briefs and appendix.

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**Local Rule 30(a). Attorney Sanctions for Unnecessary Appendix Designations.**

The Court, on its own motion or on motion of any party, may impose sanctions against attorneys who unreasonably and vexatiously increase the costs of litigation through the inclusion of unnecessary material in the appendix. Attorneys shall receive reasonable notice and opportunity to respond before the imposition of any sanction. A party's motion for the imposition of sanctions will be entertained only if filed within 14 days after entry of judgment and only if counsel for the moving party previously objected to the designation of the allegedly unnecessary material in writing to opposing counsel within ~~40~~ 14 days of the material's designation.

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**Local Rule 31(a). Shortened Time for Service and Filing of Briefs in Criminal Cases.**

Pursuant to the authority conferred by FRAP 31(a)(2), the time for serving and filing briefs in criminal appeals is shortened as follows: the appellant shall serve and file appellant's brief and

appendix within thirty-five days after the date on which the briefing order is filed; the appellee shall serve and file appellee's brief within twenty-one days after service of the brief of the appellant; the appellant may serve and file a reply brief within ten ~~calendar~~ days after service of the brief of the appellee.

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**Local Rule 31(b). Briefing Orders.**

A formal briefing schedule shall be sent to the parties upon receipt of the record, ~~notification that the record is complete pursuant to Local Rule 10(a), or when the Clerk determines that no hearing was held for which a transcript is necessary~~ or determination by the Clerk that the record is complete -- whichever occurs first. Thus, the time for designating the contents of the joint appendix and the filing of briefs is controlled by the briefing order and not the receipt of the record as provided in FRAP 31(a)(1).

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**Local Rule 31(c). Filing and Service.**

Briefs and appendices in paper form are deemed filed on the date of mailing if first class mail or other classes of mail at least as expeditious are used. If a courier service is used, the briefs and appendices are deemed timely filed if the briefs and appendices are given to the courier service on or before the due date to be dispatched to the Clerk's Office for delivery within three ~~calendar~~ days. Filing must be within the time allowed by the briefing order. A brief must be accompanied by a valid certificate of service, which should be bound with the brief as the last, unnumbered page. A certificate of service can be prepared in advance of actual service. If service is not actually accomplished in the manner and on the date stated in the certificate, an amended certificate of service is required.

Extensions will be granted only when extraordinary circumstances exist. A motion for an extension of time to file a brief must be filed well in advance of the date the brief is due and must set forth the additional time requested and the reasons for the request. The Court discourages these motions and may deny the motion entirely or grant a lesser period of time than the time requested.

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**Local Rule 32(b). Length of Briefs.**

The Fourth Circuit encourages short, concise briefs. Under no circumstances may a brief exceed the limits set forth in FRAP 32(a)(7) without the Court's advance permission.

A motion for permission to submit a longer brief must be made to the Court of Appeals at least 10 ~~calendar~~ days prior to the due date of the brief and must be supported by a statement of reasons. These motions are not favored and will be granted only for exceptional reasons.

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**Local Rule 34(b). Informal Briefs.**

Whenever the Court determines pursuant to Local Rule 22(a) that briefing is appropriate on an appeal in a non-capital case from the denial of a writ of habeas corpus or of a motion under 28 U.S.C. § 2255, or whenever any pro se appeal is filed from any other type of judgment or order, the clerk shall notify the appellant that appellant shall file, within ~~twenty-one days after receipt~~ 21 days after service of such notice, an informal brief, listing the specific issues and supporting facts and arguments raised on appeal. Appellee is permitted, but not required, to file an informal response brief within 14 days after service of appellant's informal brief, and appellant is permitted, but not required, to file an informal reply brief within 10 days after service of appellee's informal response

[brief](#). Appellant's informal brief and any informal ~~brief~~ [response and reply briefs](#) filed by ~~appellee~~ [the parties](#) shall be considered, together with the record and other relevant documents, by the panel to which the proceeding has been referred. The Court will limit its review to the issues raised in the informal brief.

The informal brief may be submitted on a form provided by the clerk and shall provide the specific information required by the form. The parties need not limit their briefs solely to the form.

An additional supporting memorandum may be attached if a party deems it necessary in order to address adequately the issues raised, but the informal brief and any supporting memorandum shall not exceed the length limitations established by FRAP 32(a)(7). It is unnecessary to attach record excerpts since the record is before the Court. It is not necessary to cite cases in an informal brief. Unless additional copies are requested by the Clerk, only the original informal brief must be filed with the Court and copies served on the other parties to the case.

Once an informal briefing schedule has been established the parties may file a formal brief only with the permission of the Court. The Court initially reviews cases that are informally briefed under its procedures set forth in Local Rule 34(a) pertaining to pre-argument review.

If the panel reviewing an informal brief submitted by an indigent pro se litigant determines that further briefing and possible oral argument would be of assistance, counsel will be appointed and directed to file additional formal briefs. In any appeal that has been informally briefed, the Court may direct that additional briefs be filed prior to oral argument.

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#### **Local Rule 34(e). Motion to Submit on Briefs.**

As soon as possible upon completion of the briefing schedule or within 10 ~~calendar~~ days of tentative notification of oral argument, whichever is earlier, any party may file a motion to submit the case on the briefs without the necessity of oral argument. Such motions are not granted as a matter of course. A motion to submit on briefs should not be used to alleviate a scheduling conflict after the notification of oral argument has been issued.

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#### **Local Rule 36(a). Publication of Decisions.**

Opinions delivered by the Court will be published only if the opinion satisfies one or more of the standards for publication:

- i. It establishes, alters, modifies, clarifies, or explains a rule of law within this Circuit; or
- ii. It involves a legal issue of continuing public interest; or
- iii. It criticizes existing law; or
- iv. It contains a historical review of a legal rule that is not duplicative; or
- v. It resolves a conflict between panels of this Court, or creates a conflict with a decision in another circuit.

The Court will publish opinions only in cases that have been fully briefed and presented at oral argument. Opinions in such cases will be published if the author or a majority of the joining judges believes the opinion satisfies one or more of the standards for publication, and all members of the Court have acknowledged in writing their receipt of the proposed opinion. A judge may file a published opinion without obtaining all acknowledgments only if the opinion has been in circulation for ten ~~calendar~~ days [and an inquiry to the non-acknowledging judge's chambers has confirmed that the opinion was received.](#)

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#### **Local Rule 36(b). Unpublished Dispositions.**

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 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. 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. ~~Copies of published and unpublished opinions are available from the Clerk's Office for \$2.00 per opinion.~~ Published and unpublished opinions issued since January 1, 1996 are available free of charge at [www.ca4.uscourts.gov](http://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.

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