

Rule 12. Docketing the Appeal; Filing a Representation Statement; Filing the Record

- (a) Docketing the Appeal.** Upon receiving the copy of the notice of appeal and the docket entries from the district clerk under Rule 3(d), the circuit clerk must docket the appeal under the title of the district-court action and must identify the appellant, adding the appellant's name if necessary.
- (b) Filing a Representation Statement.** Unless the court of appeals designates another time, the attorney who filed the notice of appeal must, within 14 days after filing the notice, file a statement with the circuit clerk naming the parties that the attorney represents on appeal.
- (c) Filing the Record, Partial Record, or Certificate.** Upon receiving the record, partial record, or district clerk's certificate as provided in Rule 11, the circuit clerk must file it and immediately notify all parties of the filing date.

Local Rule 12(a). Appeals by Aggrieved Non-parties in the Lower Court.

If the appellant was not a party to the lower court proceeding, the appeal shall be styled "In re _____, Appellant," and the title of the action in the district court shall also be given.

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 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.

Local Rule 12(c). Expedition of Appeals.

The Court on its own motion or on motion of the parties may expedite an appeal for briefing and oral argument. Any motion to expedite should state clearly the reasons supporting expedition, the ability of the parties to present the appeal on the existing record, and the need for oral argument.

Local Rule 12(d). Abeyance.

In the interest of docket control the Court may, either on its own motion or upon request, place a case in abeyance pending disposition of matters before this Court or other courts which may affect the ultimate resolution of an appeal. During the period of time a case is held in abeyance the appeal remains on the docket but nothing is done to advance the case to maturity and resolution. If a case is held in abeyance for cases other than a Fourth Circuit case, the parties will be required to make periodic status reports.

Local Rule 12(e). Intervention.

A party who appeared as an intervenor in a lower court proceeding shall be considered a party to the appeal upon filing a notice of appearance. Otherwise, a motion for leave to intervene must be filed with the Court of Appeals. Any notice of appearance or motion to intervene should indicate the side upon which the movant proposes to intervene. The provisions of FRAP 15(d) govern intervention in appeals from administrative agencies. Intervenors are required to join in the brief for the side which they support unless leave to file a separate brief is granted by the Court.

Former I.O.P.-12.2 redesignated Local Rule 12(a) December 1, 1995.

Former I.O.P.-12.3 redesignated Local Rule 12(b) December 1, 1995; amended December 1, 2009.

Former I.O.P.-12.4 redesignated Local Rule 12(c) December 1, 1995; amended December 1, 1998.

Former I.O.P.-12.5 redesignated Local Rule 12(d) December 1, 1995.

Former I.O.P.-12.6 redesignated Local Rule 12(e) December 1, 1995.

Former I.O.P.-12.1 amended September 28, 1994, and December 7, 1995; rescinded December 1, 1998.