

ADOPTED Nunc Pro Tunc April 24, 2014

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AMENDMENTS TO INTERNAL OPERATING PROCEDURES 47.1 & 47.2

PLEASE TAKE NOTICE that, to control growth in the size of the judicial conference, the Court amended Internal Operating Procedures 47.1 and 47.2 on April 24, 2014, reducing the number of conference invitations judges may extend to new nominees from two to one.

As applied to the 2016 conference, the amendments permitted each active or senior circuit or district judge to reinvite up to two nominees and to extend an invitation to one new nominee. For subsequent conferences, the amendments permit each judge to designate only one nominee, except that each new circuit or district judge attending his or her first two conferences as a judge may designate three nominees and each Program Committee Chair may designate two nominees.

Nominees who attend two conferences become permanent members of the Fourth Circuit Judicial Conference, entitled to attend future conferences. To retain permanent member status, members must timely pay membership fees in the amount fixed for permanent membership. The amendments eliminate the previous attendance requirement imposed to maintain permanent member status. Permanent members may also elect to assume member emeritus status after ten years; member emeritus status is retained by timely paying membership fees in the amount fixed for emeritus membership.

Notice not having been previously circulated, notice is given *nunc pro tunc* that the attached amendments to I.O.P. 47.1 & 47.2 took effect on April 24, 2014. Comments may be sent 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 can be found [here](#).

February 26, 2018
Date

/s/ Patricia S. Connor
Clerk

I.O.P.-47.1. Judicial Conference.

- (A) *There shall be held pursuant to 28 U.S.C. § 333 a conference of all the circuit and district judges, all bankruptcy judges and all full-time magistrate judges of the Circuit for the purpose of considering the business of the courts, advising means of improving the administration of justice within such Circuit, and discussion of ideas with respect to the administration of justice. It shall be the duty of every judge of the Circuit in active service and every full-time magistrate judge to attend such conference.*
- (B) *The first day of the conference shall be devoted to a session for the judges alone, in which there shall be discussed matters affecting the state of the dockets and the administration of justice in their respective districts.*
- (C) *Members of the bar to be designated, as hereafter set forth, shall be members of the conference. Such members, except members emeritus, shall participate in the conference discussions and deliberations on the second and third days.*
- (D) *Members of the conference from the bar shall be as provided in I.O.P. 47.2 as approved by the active circuit judges sitting from time to time in administrative session.*
- (E) *The Circuit Executive of this Court shall be the secretary of the conference, and shall make and preserve an accurate record of its proceedings.*
- (F) *Each member of the bar designated as a member of the conference shall pay ~~an annual~~ a membership fee in an amount fixed by the Court of Appeals, to be applied to the payment of the expenses of the conference as approved by the Chief Judge of the Circuit. The payment of the ~~annual~~ membership fee shall be a condition to retention of conference membership. The Chief Judge is entitled to excuse payment of such fee in the proper circumstances.*

-47.2. Membership in the Judicial Conference of the Circuit.

~~Commencing with the 2009 conference, there~~ *There shall be four types of members of the conference: ex officio members, ~~invited members~~ nominees, permanent members, and members emeritus.*

- (A) **~~Ex officio~~ Members ~~members~~.**
 - (1) *The Attorney General of the United States, or designee.*
 - (2) *The presidents of the state bar associations of the states of the Circuit. When two bar associations in the same state are both recognized under this rule, the president of each shall be entitled to attend, and the maximum number of members of the conference from the bar, from any state, under this provision, shall be limited to two. As long as there is only one state bar association in Maryland, the Bar Association of Baltimore City may be treated as a state bar association under this provision.*
 - (3) *One representative of the federal bar association elected to the Federal Bar Council from the Fourth Circuit, each conference year, on a rotational basis.*
 - (4) *All United States Attorneys in the Circuit.*
 - (5) *All Federal Public Defenders in the Circuit.*
 - (6) *All Community Defenders in the Circuit.*
 - (7) *All Chief Justices of the courts of last resort of the states comprising this Circuit.*
 - (8) *All Attorneys General of the states comprising this Circuit.*
 - (9) *The Chief Judge of the United States Court of Appeals for the Armed Forces.*
 - (10) *The Chief Judge of the United States Tax Court.*
 - (11) *One representative of each accredited law school within the Circuit.*
- (B) **~~Members~~ Designated ~~designated~~ by ~~Judges~~ judges.**
 - (1) **~~Invited Members~~ Nominees.**

Lawyers who are not permanent members of the conference as set forth under (B)(2) below are invited by the Chief Judge as guests of a scheduled conference upon ~~designation-nomination~~ by an active or senior circuit or district judge.

(a) Each active or senior circuit judge or district judge may designate ~~two guests~~one nominee for invitation to the conference. For the first conference occurring after the 2013 conference only, a judge may reinstate up to two nominees whom the judge has previously invited, but who have not yet become members, and the judge may also extend an invitation to one new nominee.

(b) Each new circuit or district judge attending his or her first two conferences as a judge may designate three ~~guests~~nominees for invitation to the conference.

(c) Each Program Committee Chair may designate two nominees for invitation to the conference.

(2) ~~Permanent Members~~members.

(a) By attending two ~~biennial~~ conferences ~~(or, alternatively, one biennial and two annual conferences, or three annual conferences)~~ as ~~an invited member~~a nominee under (B)(1) above, a lawyer shall become a permanent member of the conference, entitled to attend future conferences. In order to retain such permanent member status, a permanent member must ~~have, in a given year, paid the annual timely pay all membership fee and, commencing after the 2009 conference, attended the most recent conference or at least one of the two conferences preceding it~~fees in the amount fixed for permanent membership.

(b) A former or retired circuit or district judge of the Circuit shall be a permanent member of the conference, entitled for life to attend all conferences.

(3) ~~Members Emeritus~~emeritus.

A permanent member for ten years or more shall become a member emeritus upon ~~either:~~

~~(a) Failing to satisfy the requirements for retaining permanent member status under (B)(2) above; or~~

~~(b) Electing~~electing to assume member emeritus status and properly notifying the conference secretary of such decision.

In order to retain member emeritus status, a member emeritus must ~~have, in a given year, paid the annual~~timely pay all membership fees in the amount fixed for emeritus membership. A member emeritus will not be invited to attend future conferences, except as a nominee ~~an invited member~~ under (B)(1) above. A member emeritus may be reinstated as a permanent member by designation of the Chief Judge for good cause shown, or by again qualifying for permanent membership under (B)(2) above.