

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**NOTICE OF PROPOSED AMENDMENTS TO  
INTERNAL OPERATING PROCEDURES 47.1 & 47.2**

PLEASE TAKE NOTICE that the Court intends to amend Internal Operating Procedures 47.1 & 47.2 governing the Fourth Circuit Judicial Conference and Conference membership, as follows:

- › The proposed amendments create a new membership category of “member emeritus” which enables longtime, but inactive, members to maintain a non-attending membership at a lower fee.
- › The proposed amendments provide that invited members attain permanent member status upon attending two biannual Conferences (or, alternatively, one biannual and two annual Conferences, or three annual Conferences).
- › The proposed amendments require permanent members to attend at least one in every three Conferences to retain their permanent member status, beginning with the 2009 Conference.
- › The proposed amendments provide that a permanent member for ten years or more becomes a member emeritus upon either (1) failing to satisfy the requirements for retaining permanent member status or (2) electing to assume member emeritus status.
- › The proposed amendments increase the number of invitations accorded to circuit judges to three per judge.

The proposed amendments will take effect on December 1, 2008. Interested parties may submit comments on or before December 1, 2008, to:

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

October 17, 2008  
Date

/s/ Patricia S. Connor  
Clerk

PROPOSED AMENDMENTS  
TO I.O.P.-47.1 & -47.2

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

(~~a~~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~~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.

(~~e~~C) Members of the bar to be ~~chosen~~ designated, as hereafter set forth, shall be members of the conference, ~~and~~ Such members, except members emeritus, shall participate in ~~its~~ the conference's discussions and deliberations on the second and third days.

(~~d~~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~~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~~F) Each member of the bar ~~chosen to be~~ designated as a member of the conference shall pay an annual 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 ~~by members of the bar is~~ shall be a condition to retention of conference membership. The Chief Judge ~~may is entitled to~~ excuse ~~the~~ payment of ~~the~~ such fee in ~~individual cases~~ the proper circumstances.

~~-47.2. **Bar Membership in the Judicial Conference of the Circuit.**~~ Commencing with the ~~2007~~ 2009 conference, ~~the~~ there shall be four types of members of the conference ~~of the bar are as follows:~~ ex officio members, invited members, permanent members, and members emeritus.

~~(A.)~~ Ex officio 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 by judges.

(1-) Invited members.

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 by an active or senior circuit or district judge. Commencing with the 2009 conference:

- (a) ~~In 2005, the number of designated guests per judge was reduced from two to one, with the reduction phased in to allow guests who had attended a conference prior to 2005 but not yet attained permanent membership to fulfill their attendance requirement.~~ Each active or senior circuit judge may designate three guests for invitation to the conference.
- (b) ~~During the transition period, a judge may designate two guests for invitation only if both guests attended a conference prior to 2005.~~ Each active or senior district judge may designate one guest for invitation to the conference.
- ~~(c) If a judge has no designated guests under the transition provision set forth in (b) above, or if a judge decides not to invite the guests designated under (b), a judge may designate one guest for invitation.~~

(2-) Permanent members.

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

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 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 membership fee in the amount fixed for emeritus membership. A member emeritus will not be invited to attend future conferences, except as 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.