

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NOTICE OF PROPOSED AMENDMENTS TO
INTERNAL OPERATING PROCEDURES 47.1 and 47.2

PLEASE TAKE NOTICE that the Court intends to amend Internal Operating Procedures 47.1 and 47.2.

The proposed amendments to I.O.P. 47.1 and 47.2 reduce the attendance requirement for permanent membership in the Judicial Conference from three conferences to two conferences, and reduce from two to one the number of new guests each judge may invite to the Conference. The proposed amendments also add the Community Defender as an invitee.

The proposed amendments will take effect on August 1, 2005, subject to revision in light of any comments received. Interested parties may submit comments on or before July 31, 2005, to:

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

June 1, 2005
Date

/s/ Patricia S. Connor
Clerk

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

(a) There shall be held each year 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 the 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 chosen, as hereafter set forth, shall be members of the conference and shall participate in its 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 chosen to be 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 by members of the bar is a condition to retention of conference membership. The Chief Judge may excuse the payment of the fee in individual cases.

-47.2. Bar Membership in the Judicial Conference of the Circuit. Commencing with the 1997 annual 2005 conference, the members of the conference of the bar are as follows:

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. All United States Attorneys in the Circuit.
4. All Federal Public Defenders in the Circuit.
5. **All Community Defenders in the Circuit.**
- 5:6. All Chief Justices of the courts of last resort of the states comprising this Circuit.
- 6:7. All Attorneys General of the states comprising this Circuit.
- 7:8. The Chief Judge of the United States Court of Appeals for the Armed Forces.
- 8:9. The Chief Judge of the United States Tax Court.
- 9:10. One representative of each accredited law school within the Circuit.

B. Members designated by judges.

1. ~~Each active and senior circuit judge and each active and senior district judge may annually designate two lawyers to be invited by the Chief Judge as guests of the conference.~~ **Lawyers who are not permanent members of the conference as set forth under (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.**

- (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.
 - (b) During the transition period, a judge may designate two guests for invitation only if both guests attended a conference prior to 2005.
 - (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. By attending ~~three~~ **two** conferences as ~~guests~~ **a guest** invited under (1) above, a lawyer retains permanent membership in the conference. ~~Permanent membership entitles the member~~ **becomes a permanent member of the conference,** entitled to attend all conferences.