

## **Rule 26.1. Disclosure Statement**

- (a) **Nongovernmental Corporations.** Any nongovernmental corporation that is a party to a proceeding in a court of appeals must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation. The same requirement applies to a nongovernmental corporation that seeks to intervene.
- (b) **Organizational Victims in Criminal Cases.** In a criminal case, unless the government shows good cause, it must file a statement that identifies any organizational victim of the alleged criminal activity. If the organizational victim is a corporation, the statement must also disclose the information required by Rule 26.1(a) to the extent it can be obtained through due diligence.
- (c) **Bankruptcy Cases.** In a bankruptcy case, the debtor, the trustee, or, if neither is a party, the appellant must file a statement that:
- (1) identifies each debtor not named in the caption; and
  - (2) for each debtor that is a corporation, discloses the information required by Rule 26.1(a).
- (d) **Time for Filing; Supplemental Filing.** The Rule 26.1 statement must:
- (1) be filed with the principal brief or upon filing a motion, response, petition, or answer in the court of appeals, whichever occurs first, unless a local rule requires earlier filing;
  - (2) be included before the table of contents in the principal brief; and
  - (3) be supplemented whenever the information required under Rule 26.1 changes.
- (e) **Number of Copies.** If the Rule 26.1 statement is filed before the principal brief, or if a supplemental statement is filed, an original and 3 copies must be filed unless the court requires a different number by local rule or by order in a particular case.

### ***Local Rule 26.1. Disclosure Statement.***

#### ***(a) Disclosure Requirements Applicable to Parties and Proposed Intervenors.***

##### ***(1) Who Must File.***

- (A) ***Civil, Agency, Bankruptcy, and Mandamus Cases.*** A party or proposed intervenor in a civil, agency, bankruptcy, or mandamus case, other than the United States or a party proceeding in forma pauperis, must file a disclosure statement, except that a state or local government is not required to file a disclosure statement in a case in which the opposing party is proceeding without counsel.
- (B) ***Criminal and Post-Conviction Cases with Corporate Party.*** A corporate party in a criminal or post-conviction case must file a disclosure statement.

- (C) **Criminal Cases with Organizational Victim.** Absent a showing of good cause, the government must file a disclosure statement in a criminal case in which there is an organizational victim.
- (2) **Information to Be Disclosed by Parties and Proposed Intervenors.**
- (A) **Information Required by FRAP 26.1.** A party or proposed intervenor must make the disclosures required by FRAP 26.1.
- (B) **Information About Other Financial Interests.** A party or proposed intervenor must identify any publicly held corporation, whether or not a party to the present litigation, that has a direct financial interest in the outcome of the litigation by reason of a franchise, lease, other profit sharing agreement, insurance, or indemnity agreement, or state that there is no such corporation.
- (C) **Information About Other Publicly Held Legal Entities.** Whenever required by FRAP 26.1 or this rule to disclose information about a corporation that has issued shares to the public, a party or proposed intervenor shall also disclose information about similarly situated master limited partnerships, real estate investment trusts, or other legal entities whose shares are publicly held or traded, or state that there are no such entities.
- (D) **Information About Trade Association Members.** A trade association proceeding as a party or proposed intervenor must identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member.
- (b) **Disclosure Requirements Applicable to Corporate Amicus Curiae.**
- (1) **Who Must File.** If an amicus curiae is a corporation, the amicus curiae brief must include a disclosure statement.
- (2) **Information to Be Disclosed by Corporate Amicus Curiae.** A corporate amicus curiae must disclose the same information that sections (a)(2)(A), (B) & (C) require parties to disclose.
- (c) **Form.** The disclosure statement shall be on a form provided by the clerk. A negative statement is required if a filer has no disclosures to make.
- (d) **Time of Filing.** A party's disclosure statement must be filed within 14 days of docketing of the appeal, unless earlier pleadings are submitted for the Court's consideration, in which case the disclosure statement shall be filed at that time.
- (e) **Amendment.** Filers are required to amend their disclosure statements when necessary to maintain their current accuracy.

*Local Rule 26.1 amended September 28, 1994, December 1, 1998, August 11, 2008, and December 9, 2019.*