

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

General Information
(202) 216-7000

NOTICE OF FINAL RULE

Pursuant to D.C. Circuit Rule 47, the court proposed an amendment to Circuit Rule 28(a)(2), making it optional for litigants to add asterisks to mark “principal authorities” in a brief’s table of authorities. The proposed amendment was published for public comment on September 1, 2016, and one comment was received.

The comment supported the proposed amendment and also suggested eliminating the portion of Rule 28(a)(2) that proscribes the use of “passim” in the table of authorities. The court has accorded the comment full consideration and has concluded the ban on the use of “passim” continues to serve a useful purpose in facilitating the court’s work. Even though the marking of “principal authorities” will no longer be mandatory, the remainder of the rule will not be changed at this time: the table of authorities “must identify each page of the brief on which an authority is cited, and the use of ‘*passim*’ or similar terms is barred.”

A corresponding revision will be made to the Circuit’s Handbook of Practice and Internal Procedures. Extracts from the Circuit Rules and Handbook reflecting the amendment will be available on the court’s web site at www.cadc.uscourts.gov under “Events and Announcements” and under “Rules & Procedures.” A revised version of the Circuit Rules and Handbook will also be posted on the web site.

Copies of this Notice will be published by the means specified in D.C. Circuit Rule 47(c).

Date: November 29, 2016

Mark J. Langer, Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 2016

Filed On: November 29, 2016

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Brown, Griffith, Kavanaugh, Srinivasan, Millett, Pillard, and Wilkins, Circuit Judges

ORDER

Upon consideration of the notice of proposed amendment to Circuit Rule 28(a)(2), published on September 1, 2016, with an opportunity for comment; and the written comment that was received on September 8, 2016, it is, by the en banc court,

ORDERED that Circuit Rule 28(a)(2) be amended as proposed. The amendment is effective December 1, 2016.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

/s/

Mark J. Langer