

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 81-1009

September Term, 19 81

Harold Weisberg,
Appellant

Civil Action No. 75-01448

v.

General Services Administration

ARGUED 9-24-81

BEFORE: Wright, Wald and Mikva, Circuit Judges

O R D E R

On consideration of appellant's motion for extension of time within which to file petition for rehearing, it is

ORDERED that the aforesaid motion is granted and the time extended to and including November 6, 1981.

Per Curiam

FOR THE COURT:

George A. Fisher,
Clerk

BY: *Robert A. Bonner*

Robert A. Bonner
Chief Deputy Clerk

United States Court of Appeals
for the District of Columbia Circuit

FILED OCT 28 1981

GEORGE A. FISHER
CLERK

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CLERK

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
WASHINGTON, D. C. 20001

NOTICE

At the last Circuit Judicial Conference, the Chief Judge announced that the Court has implemented a plan designed to reduce the Court's backlog of ready cases and to cut the time lapse between the filing of cases and their disposition. As a part of this program, the Court is adhering to certain internal procedures designed to hasten the announcement of its opinions and other dispositions and is adding an additional panel sitting each week during the regularly scheduled sitting periods. This plan has been highly successful and the Court is cutting sharply into its backlog. The Court is also scheduling its oral arguments further in advance than had been the previous practice, thereby reducing the necessity of seeking continuances and, to a greater degree, assuring that each panel will hear a full slate of cases each sitting day.

In the past, because of its backlog, the Court has liberally granted time extensions for the filing of records, briefs and appendices. Unfortunately, this practice has significantly reduced the number of cases presently ready for placement on the oral argument calendar and, if allowed to continue, will interfere with future oral argument calendars.

The purpose of this Notice is to advise that it has become necessary for the Court to take a firm position with respect to the grant of routine requests for additional time beyond that provided by the Federal Rules and by the Local Rules of this Court. Toward this end, the Court has instructed the Clerk's Office to advise counsel and litigants of this new policy and, effective October 1, 1981, to grant extensions of time only when such action will not preclude a case from being heard during the sitting period when it would normally have been set for oral argument.

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FILED NOV 2 1981

GEORGE A FISHER
CLERK

BEFORE: Robinson, Chief Judge; Wright, Tamm, MacKinnon, Robb, Wilkey
Wald, Mikva, Edwards and Ginsburg, CJs

O R D E R

It is ORDERED, by the Court, en banc, sua sponte, that Rule 9 of the General Rules of this Court be, and it hereby is, amended by deleting all of the present provisions of subparagraph (a), and by substituting in lieu thereof a new subparagraph (a), which shall be and read as follows:

(a) *Filing and Form.*

(1) *Private Civil Cases.* Appeals from the District Court in civil cases to which the United States or any agency or officer thereof is not a party shall be on the original record without requirement of the appendix prescribed by Rule 30, Federal Rules of Appellate Procedure. At the time of filing appellant's brief, appellant shall file seven copies of the following portions of the District Court record, preceded by a cover sheet bearing the case name and number and captioned "Record Excerpts":

- (A) relevant entries from the docket sheet;
- (B) a list of relevant documents and exhibits;
- (C) the judgment, ruling, or order appealed from and any other order or orders sought to be reviewed, and any supporting opinion, memorandum of decision, findings of fact and conclusions of law, or statement of reasons, whether filed or delivered orally by the District Court.

Record excerpts may also include other short portions of the record that are directly relevant to the issues raised on appeal, but the Court looks with disfavor on additions unnecessary to the disposition of the appeal. Copies of the record excerpts filed with the Court and served on other parties shall be reproduced on white paper by any duplicating or copying process capable of producing a clear black image. The copies shall be separately bound. The copies may be reproduced in actual size, even though that size differs from page sizes otherwise required in this Court.

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(2) *All Other Cases.* In all other cases, Rule 30, Federal Rules of Appellate Procedure, shall govern the filing of the appendix to the briefs. In such appeals, an appellant shall cause to be printed in the appendix the findings of fact and conclusions of law of the District Court and opinion, if any. (Seven copies of the appendix prepared by any method of duplication which produces a clear black image on white paper may be filed.) However, in the event of a hearing or rehearing en banc, counsel for appellant may be required to furnish additional copies of the appendix. The foregoing provisions shall also apply to petitions for review of rulings and orders of administrative agencies.

(3) *Unnecessary Record Items Not to be Included.* Counsel shall not burden the appendix or, in private civil cases, the record excerpts, with material of excessive length or items that do not bear directly on the issues raised on appeal. Costs shall not be awarded for unnecessary reproduction of items, such as discovery materials, pretrial briefs, or interlocutory motions or rulings that lack direct relevance to the appeal. Any portion of the record, whether or not included in an appendix or record excerpts, may be relied upon by the parties and by the Court.

(4) *Motion to Dispense with Appendix or Record Excerpts.* In all appeals, by motion, upon good cause shown, appellant may be permitted to dispense with the requirement of reproducing the record or any part thereof.

Per Curiam