

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 87-5304
Howard Weisberg,
Appellant

v.

U.S. Department of Justice

September Term, 19 87 86

Civil Action No. 75-01996

Criminal No.

United States Court of Appeals
for the District of Columbia Circuit

FILED DEC 03 1987

GEORGE A. FISHER
CLERK

ORDER

This case has been scheduled for oral argument on Thurs. April 14, 1988 at 9:30 a.m. before Chief Judge Wald, Circuit Judges Robinson and Starr.

It is ORDERED, by the Court, sua sponte, that the following schedule shall apply:

Transmittal of Record on Appeal from Clerk, District Court	N/A
Appellant(s) Brief and Appendix or Record Excerpts	February 5, 1988
Appellee(s) Brief	March 11, 1988
Appellant(s) Reply Brief, if any	March 28, 1988

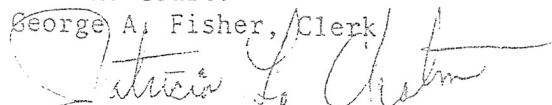
Because the briefing schedule is keyed to the date of argument, the Court will be unable to grant requests for waiver of time limits for briefs or transcripts except in truly extraordinary situations.

Briefs must be actually received in the clerk's office by the date indicated on this order. An allowance has already been made for mailing time. In addition, briefs should be in final form. All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See Gen. R.11(C)(6). Briefs that are mailed must be actually received in the clerk's office by the indicated filing date to be considered timely filed.

A further order of the court will be issued regarding allocation of time for argument. The attached Form 72 should be completed and returned to the clerk's office on or before 4/6/88.

For the Court:

George A. Fisher, Clerk



By: Patricia L. Chatman
Deputy Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

NOTICE TO COUNSEL

A case in which you are counsel of record has been scheduled for oral argument. That case is identified on the attached Form 72. It is your responsibility to complete and return the form at least four (4) business days in advance of oral argument. Copies of this notice and Form 72 are being sent to all counsel of record. Only counsel for the principal parties, and other counsel who intend to argue, complete and return the Form 72.

- (1) Amount of Time for Oral Argument. The Court will enter an order setting forth the amount of time to be allowed for argument. See Fed.R.App.P. 30 and D.C.Cir.R. 13. concerning the apportionment of time allotted. Consolidated cases are considered to be one case for purposes of argument time. The order in which the cases are listed on this calendar is not necessarily the order in which they will be argued on the day of argument. Counsel on each of the scheduled dates must report to the courtroom by 9:20 a.m., regardless of their position on the calendar.
- (2) Number of Counsel Allowed to Argue. Ordinarily not more than two counsel may be heard for each side. See D.C.Cir.R. 13. However, the order allotting time may limit the number of counsel allowed to only one per side. If two counsel intend to present argument for one side, the calendar clerk (535-3312) should be notified of the names of the attorneys and the agreed amount of time for each attorney.
- (3) Case Removed from Calendar. In the event the Court determines that argument is not necessary, an order to that effect will be entered. See D.C.Cir.R. 13.
- (4) Motion for Postponement. Any motion for postponement should be submitted immediately upon receipt of this notice. Counsel should be aware, however, that the Court looks with disfavor upon such a motion and it will not be routinely granted.
- (5) Bar Membership of Attorney. This Court maintains a bar separate from the United States District Court for the District of Columbia and the District of Columbia Court of Appeals. An attorney intending to present argument should be a member of the Bar of this Court in good standing. A pending application for admission in proper form will satisfy this requirement. An application for admission may be obtained by calling the Clerk's Office (535-3300).
- (6) Entry of Appearance (pro hac vice). In some instances, the Court will allow an attorney to argue who is not a member of the Bar of this Court. However, it is felt that an admission pro hac vice should be for one time only, and especially so in the case of attorneys who are headquartered in Washington. That attorney must enter an appearance and be admitted pro hac vice on the morning of argument upon an oral motion in open court by an attorney who is a member of the Bar of this Court. Appropriate forms must be obtained from the Clerk's Office (Room 5423) at 9 a.m. on the morning of oral argument.

- (7) Submissions in Cases which are scheduled for oral argument or which have been argued. Submissions shall contain a statement at the top of the first page thereof, in large type, that the case is scheduled for oral argument on (insert date) or that the case has been argued or submitted without oral argument on (insert date originally scheduled or argued). See D.C.Cir.R. 7(a)(4) and 11.

Counsel and litigants are admonished that although this matter is now assigned to a panel of judges, all filings must continue to be submitted to the office of the Clerk and not to chambers. Likewise, telephone calls directly to chambers are prohibited.

- (8) Up-Dating of Briefs. Upon receipt of notice that a case has been placed on the calendar for oral argument, counsel for a party of record may file in printed or typewritten form, a supplemental brief. See Fed.R.App.P. 32 and D.C. Cir.R. 8. Briefs may be filed at any time between receipt of notice of oral argument and a date not less than seven days before the scheduled date of such oral argument. The covers of supplemental briefs shall be yellow and shall contain a statement in large type that the case is scheduled for oral argument on (insert date of oral argument). See D.C.Cir.R. 11(h).

GEORGE A. FISHER
Clerk

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT
UNITED STATES COURTHOUSE
333 CONSTITUTION AVENUE, N.W.
WASHINGTON, D. C. 20001-2866

GEORGE A. FISHER
CLERK

GENERAL INFORMATION
(202) 535-3300

GENERAL RULES

A new, revised edition of the General Rules (GR) of the Court is effective August 1, 1987. This synopsis of those rules has been prepared as a convenience for counsel. It is concerned only with certain changes deemed to be major. There have been many other changes. Counsel are urged to read the rules in their entirety and not to rely solely upon this summary.

Changes of General Applicability:

1. All briefs and other pleadings in cases scheduled for argument, or argued but not yet decided, must contain a statement to this effect on their face. GR 7(a)(4), 11(a)(6) and 11(h).
2. Any request for emergency or expedited consideration must be communicated to the Clerk's Office either personally or by telephone, in addition to being made in writing. GR 7(h)(2).
3. Under motions practice before the Court, a request for extension of time not acted upon by the original filing deadline operates as an automatic extension until a ruling is issued. GR 7(k)(4). THIS AUTOMATIC EXTENSION DOES NOT APPLY TO BRIEFS. See GR 11(f)(4).

Rule 7 - Motions and Petitions:

- GR 7(a)(2): For the first time, page limits are established for motions practice and for petitions. Motions, petitions and responses are limited to 20 pages, replies to 10 pages.
- 7(b): An original and four copies of all motions, petitions, responses and replies are now required.
- 7(d): A response to a motion or petition may now contain a request for affirmative relief, providing that such combination be clearly denoted in the title. The page limit for such a combined response is 40 pages.
- 7(e): A reply to a response to a motion or petition may now contain a response to any affirmative relief requested in the response to the motion, providing that such combination be clearly denoted in the title. The page limit for such a combined reply is 30 pages.
- 7(h): This rule specifically deals with the requirements for filing an "emergency" motion, and for motions for stay in particular.

- 7(i): The time for the filing of a dispositive motion is established as no more than 45 days from the date of docketing.
- 7(k): This rule sets forth the requirements for filing a request for extension of time or of page limits with regard to motions practice. New Rule 7(k)(2) reduces the time within which to respond to three working days.

Rule 11 - Briefs:

- GR 11(a): Briefs of an appellee/respondent, intervenor or amicus are now required to have a certificate of counsel.
- 11(a): With one exception, briefs must be submitted with text on one side of the page only. Type size is required to be pica non-proportional.
- 11(a)(3): Pertinent statutes and regulations must now appear in the brief, or a separate addendum within, or to the brief. Either of two locations within a brief are allowed. Statutes and regulations may not be set forth in the appendix.
- 11(a)(4): This rule requires, for the first time, a preliminary section in an opening brief concerned with subject matter jurisdiction.
- 11(a)(5),
11(d): The Summary of Argument is now included when computing page limits.
- 11(d): Length of briefs is established as follows:
Principal brief — 36/50 pages
Brief of Intervenor or Amicus — 25/35 pages
Reply brief — 14/20 pages
- 11(e)(6): An intervenor on the side of an appellant/petitioner may now file a reply brief as of right.
- 11(f)(3): New service and notification requirements are imposed for motions to extend time to file briefs and to exceed page limits for briefs. The time in which to respond to such motions is reduced to five calendar days.
- 15(a)(2): Page limits for a petition for rehearing and/or suggestion for rehearing en banc are established as 11/15.
- 23: This new rule is concerned with the imposition of sanctions for improper conduct before the Court.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

NOTIFICATION TO THE COURT FROM ATTORNEY INTENDING TO PRESENT ARGUMENT

DATE 12/5/87

CASE NO.

& NAME Case No. 87-5304, Weisberg v. U.S. Dept. of Justice

is scheduled for oral argument on February 5, 1988 at 9:30 a.m.

I intend to present oral argument in the above case on
behalf of Harold Weisberg and

(state party name)

- I am a member of the Bar of this Court in good standing.
 I am not a member of the Bar of this Court at this time
but an Application for Admission is presently pending.
 I am not a member of the Bar of this Court and I will
argue pro hac vice.
 I will present argument as an attorney pro se.

NAME (print): James H. Lesar Date 12/5/87

FIRM (print): James H. Lesar

PHONE: Office (202) 393-1921 Home*(301) 657-4298

**Needed in the event of late calendar changes*

PLEASE RETURN TO:

Deputy Clerk - Calendar *
U.S. Court of Appeals
U.S. Courthouse, Room 5423
Washington, D.C. 20001

FORM 72
(Mar, 1984)