

# MEMO

To: All Interested Parties

Date: November 14, 2012

Re: *10<sup>th</sup> Circuit Local Rules Changes for 2013*

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There will be no changes to the Federal Rules of Appellate Procedure for 2013. On January 1, 2013, however, changes to the 10<sup>th</sup> Circuit local rules will take effect. The primary changes are outlined below. In addition, all interested parties should note that both clean and redlined versions of the new rules are posted on the court's website. Litigants and counsel are encouraged to call the clerk's office at 303-844-3157 with any questions. Questions may also be directed via email to 10th\_Circuit\_Clerk@ca10.uscourts.gov.

## *Tenth Circuit Local Rule Changes for 2013 (effective Jan 1, 2013)*

Every year the court reviews the rules to identify places where language can be updated for clarity and to reflect technical advances and requirements. This year several changes are proposed in this regard. In addition, *practitioners should note proposed changes for this year include eliminating certain requirements regarding attaching materials to docketing statements*. A new form will be used, and it has been streamlined. Practitioners will see all of the language and form changes in the redline version of the rules (a copy of the docketing statement form is included as an attachment to the rules).

Additional changes include:

1) **10<sup>th</sup> Cir. R. 3.4 (exempting pro se litigants from filing docketing statements)**

Pro se litigants will no longer be required to file docketing statements.

2) **10<sup>th</sup> Cir. R. 29.1 (time for filing amici briefs on rehearing)**

This rule clarifies procedures for filing amici briefs on rehearing. Specifically, the rule now makes clear when those briefs must be filed. The language of the local rule tracks the language found in Fed. R. App. P. 29(e).

3) **10<sup>th</sup> Cir. R. 30.1(C) (reminder regarding large appendices)**

This addition to the local rule reminds parties that large appendices should be broken down into manageable volumes, and must be readable.

4) **10<sup>th</sup> Cir. R. 31.3(B) (statement of separate briefs)**

This change clarifies the language already found in the local rule and notes that where there are multiple parties on one side, and only one of those parties is a non-governmental entity, that party need not include a “separate brief” statement (because governmental entities are exempt from this requirement).

5) **10<sup>th</sup> Cir. R. 39.1 (maximum rates for bills of cost)**

This change relates to the “per page” amount the court will allow, under Federal Rule of Appellate Procedure 39, in awarding costs to a prevailing party for copying charges. The current rule allows parties to seek up to 50 cents per-page in copying charges. The rule will now allow \$0.20 per page. The change puts the 10<sup>th</sup> Circuit into closer alignment with the rest of the circuits’ local rules in this area.

6) **10<sup>th</sup> Cir. R. 35.4 (number of hard copies to provide when filing a petition for rehearing en banc)**

Previously, parties filing petitions for rehearing en banc were required to file via ECF, but also were required to forward 18 hard copies of the petition to the office of the clerk. The filing must still be made via ECF, but counsel need only submit 12 hard copies to the clerk’s office.

7) **10<sup>th</sup> Cir. R. 9.2(B) (attachments to appendix for motion for release in criminal case)**

This rule change eliminates the requirement for counsel to include a copy of the district court’s docket entries in the appendix accompanying the motion for release pending appeal.