

United States Court of Appeals For The Fifth Circuit

Lyle W. Cayce
Clerk

NOTICE OF PROPOSED CIRCUIT RULE CHANGE AND OPPORTUNITY FOR COMMENT

Notice is hereby given that the court, pursuant to 28 U.S.C. § 2071 and Federal Rule of Appellate Procedure 47, proposes an amendment to Fifth Cir. R. 28.2.2.

The current rule requires parties to cite to the record on appeal but does not prescribe the format for such citation. A standardized citation format for single record and multiple record cases will aid both parties and the court. The court also proposes this change consistent with Fifth Cir. R. 25.2.15, to incorporate changes in technology.

Proposed change in bold:

28.2.2 Record References. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found, **using the record citation form as directed by the Clerk of Court.**

The Clerk presently favors the following as the citation direction:

For consolidated or multiple record cases, parties will cite “ROA” followed by a space, the Fifth Circuit appellate case number of the record they reference, followed by a space, followed by the page of the record. For example, “ROA 13-12345 121”.

In single record cases, parties will cite the short citation form, “ROA,” followed by a space, followed by the page number. For example, “ROA 123.”

The same proposed citation format will be used for cases where the record on appeal is generated by a governmental agency.

OPPORTUNITY FOR COMMENT

We will accept written comments for consideration on the proposed change and format through September 13, 2013. You may send written comments to:

Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
ATTN: Rule Changes
600 S. Maestri Place
New Orleans, LA 70130

Alternatively, you may submit comments electronically to

Changes@ca5.uscourts.gov