

**District of Columbia
Court of Appeals**



No. M-255-16

BEFORE: Washington, Chief Judge; Glickman, Fisher, Blackburne-Rigsby,
Thompson, Beckwith, Easterly, and McLeese, Associate Judges.

ORDER
(FILED – October 11, 2016)

On consideration of the proposed amendments to the Rules of this court in light of past amendments to the Federal Rules of Appellate Procedure, published for notice and comment on June 24, 2016, and in light of the comments received thereto, it is

ORDERED that the proposed amendments are hereby adopted, effective November 30, 2016. The text of the pertinent Rules, as amended, is attached to this order.

ENTERED BY DIRECTION OF THE COURT

JULIO A. CASTILLO
Clerk of the Court

D.C. App. R. 2.1: On its own or a party's motion, the court may—to expedite its decision or for other good cause—suspend any provision of these rules in a particular matter and order procedures as it directs, except as otherwise provided in Rule 26 (b).

D.C. App. R. 3 (c)(2): The notice of appeal must be signed by the individual appellant or by counsel for the appellant. If the appellant is a corporation or other entity, the notice must be signed by counsel. A notice of appeal not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party. A pro se notice of appeal is considered filed on behalf of the signer and (if they are parties) the signer's spouse and minor children, unless the notice clearly indicates otherwise.

D.C. App. R. 3 (c)(5): Parties are encouraged to use Form 1 in filing all but criminal appeals and Form 2 in criminal appeals, though the use of a particular form is not required. An appeal may be dismissed if, after notice, the party or parties taking the appeal fail to provide the information requested by Form 1 or Form 2.

D.C. App. R. 4 (a)(1): The notice of appeal in a civil case must be filed with the Clerk of the Superior Court within 30 days after entry of the judgment or order from which the appeal is taken unless a different time is specified by these Rules or the provisions of the District of Columbia Code. See, for example, D.C. Code § 17-307 (b) (2001) (small claims). An appeal from an order granting or denying an application for a writ of error coram nobis is an appeal in a civil case for purposes of Rule 4 (a).

D.C. App. R. 4 (a)(6): A judgment or order is entered for purposes of this rule when it is entered in compliance with the rules of the Superior Court. When a judgment or final order is signed or decided outside the presence of the parties and counsel, such judgment or order will not be considered as having been entered, for the purpose of calculating the time for filing a notice of appeal, until the fifth day

after the Clerk of the Superior Court has made an entry on the docket reflecting service of notice by that Clerk.

D.C. App. R. 4 (a)(7): The Superior Court may reopen the time to file an appeal for a period of 14 days after the date when its order to reopen is entered, but only if all the following conditions are satisfied: (A) the court finds that the moving party did not receive notice under Superior Court Rule of Civil Procedure 77(d) of the entry of the judgment or order sought to be appealed within 21 days after entry; (B) the motion is filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice under Superior Court Rule of Civil Procedure 77(d) of the entry, whichever is earlier; and (C) the court finds that no party would be prejudiced.

D.C. App. R. 4 (f): When a case is pending in this court, and the Superior Court has indicated its intention to grant a motion that will alter or amend the order, decision, judgment, or sentence that is the subject of the appeal, the movant must notify the Court of Appeals, and any party may request a remand of the case for that purpose by filing in this court a motion to remand the case stating the trial judge's intention. See Rule 41 (e).

D.C. App. R. 21 (a)(1): A party petitioning for a writ of mandamus or prohibition directed to a Superior Court judge or a District of Columbia officer must file a petition with the Clerk of this court with proof of service on all parties to the proceeding in the Superior Court or before the affected agency. The party must also provide a copy to the judge or District of Columbia officer. The District of Columbia officer and all parties to the proceeding in the Superior Court other than the petitioner are respondents for all purposes.

D.C. App. R. 21 (a)(2)(A): The petition must be titled "In re [name of petitioner]." [then renumber following subparts]

D.C. App. R. 21 (b)(4): The District of Columbia officer may inform the court and all parties in writing that he or she does not desire to appear in the proceeding, but the petition will not thereby be deemed admitted. This court may invite or order the Superior Court judge to address the petition or may invite an amicus curiae to do so. The Superior Court judge may request permission to address the petition but may not do so unless invited or ordered to do so by this court.

D.C. App. R. 21 (d): All papers must conform to Rule 32. Except by the court's permission, a paper must not exceed 30 pages. An original and 3 copies must be filed unless the court requires the filing of a different number by order in a particular case.

D.C. App. R. 25 (a)(2)(C): A document filed by electronic means in compliance with this court's rules and administrative orders constitutes a paper for the purpose of applying these rules.

D.C. App. R. 25 (c)(5): When authorized to do so under this court's rules and administrative orders, a party may use the court's transmission equipment to make electronic service under Rule 25 (c)(1)(D).

D.C. App. R. 26.1. Corporate Disclosure Statement.:

(a) *Who Must File.* Any nongovernmental corporate party to a proceeding in this court must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation. If a party is a partnership, the party must file a statement listing all partners, including silent partners.

(b) *Time for Filing; Supplemental Filing.* A party must file the Rule 26.1 (a) statement with the principal brief or upon filing a motion, response, petition, or answer in this court, whichever occurs first. Even if the statement has already been filed, the party's principal brief must include the statement before the table of contents. A party must

supplement its statement whenever the information that must be disclosed under Rule 26.1 (a) changes.

D.C. App. R. 27 (d)(5): A motion must include a disclosure statement if one is required by Rule 26.1.

D.C. App. R. 28 (a)(2)(B): a disclosure statement if one is required by Rule 26.1.

D.C. App. R. 28 (a)(5): [The appellant's brief must contain. . .] an assertion that the appeal is from a final order or judgment that disposes of all parties' claims, or information establishing this court's jurisdiction on some other basis; [then renumber remaining subparts of Rule 28 (a)]

D.C. App. R. 28 (a)(8): [The appellant's brief must contain . . .] a summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings; [then renumber remaining subparts of Rule 28 (a)]

D.C. App. R. 32 (a)(5): The font size, including footnotes, must be 14-point or larger

D.C. App. R. 35 (b)(2): Except by the court's permission, a petition for an en banc hearing or rehearing must not exceed 15 pages.

D.C. App. R. 40 (b): Unless the division permits otherwise, a petition for rehearing by the division, or a response if requested by the court, must not exceed 15 pages.

D.C. App. R. 41 (d)(2)(A): A party may move to stay the mandate pending the filing of a petition for a writ of certiorari in the Supreme Court. The motion must

be served on all parties and must show that the certiorari petition would present a substantial question and that there is good cause for a stay.

D.C. App. R. 47. Masters.: (a) *Appointment; Powers.* The court may appoint a special master to hold hearings, if necessary, and to recommend factual findings and disposition in matters ancillary to proceedings in the court. Unless the order referring a matter to a master specifies or limits the master's powers, those powers include, but are not limited to, the following: (1) regulating all aspects of a hearing; (2) taking all appropriate action for the efficient performance of the master's duties under the order; (3) requiring the production of evidence on all matters embraced in the reference; and (4) administering oaths and examining witnesses and parties. (b) *Compensation.* If the master is not a judge or court employee, the court must determine the master's compensation and whether the cost is to be charged to any party.