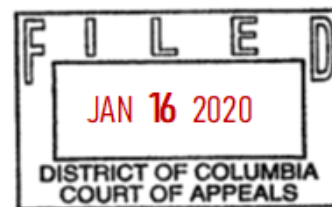


**District of Columbia  
Court of Appeals**



No. M-267-20

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

**NOTICE**  
(FILED – January 16, 2020)

The court is considering amending its Internal Operating Procedures to clarify which judges will participate in (a) voting on petitions for hearing or rehearing en banc and (b) the decision of cases in which hearing or rehearing en banc has been granted. Specifically, the court is considering amending Part XI.C of the Internal Operating Procedures as follows (new material indicated in italics):

C. Pursuant to D.C. Code § 11-705 (d), rehearing of an appeal en banc may be ordered by a majority of the judges in regular active service (hereafter referred to as “active” judge or judges). Only the active judges may vote on whether to grant rehearing en banc. *A judge’s status as an active or senior judge for the purpose of voting on a petition for en banc review is determined on the date of entry of the order ruling on the petition for en banc review. A judge who joins the Court after a petition for hearing or rehearing in banc has been filed with the Court, and before an order granting or denying the petition has been entered, will participate in the decision whether to hear or rehear a case en banc.* The court for an en banc rehearing consists of the active judges, except that a senior judge who was a member of the division that decided the case may sit as a judge of the court en banc. *A judge’s status as an active or senior judge for the purpose of deciding an en banc case is determined on the date of entry of the decision by the en banc court. A judge who joins the court after en banc review has been granted but before the case*

*has been decided by the en banc court will participate in the decision of the case.*

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendments under consideration. Comments must be submitted by February 17, 2020. Comments may be submitted electronically to [rules@dcaappeals.gov](mailto:rules@dcaappeals.gov), or in writing, addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. All comments submitted pursuant to this notice will be available to the public.

**PER CURIAM**