

**PUBLIC NOTICE OF THE CHANGES TO THE FEDERAL RULES OF APPELLATE PROCEDURE (FRAP) AND
FIFTH CIRCUIT RULES EFFECTIVE DECEMBER 1, 2013**

Appellate Rules 13, 14, 24, 28 and 28.1 and Form 4 of the Federal Rules of Appellate Procedure are amended effective December 1, 2013. Fifth Circuit Rules 28.2.2 and 28.3 (g) (h) (i) (j) (k) (l) and (m) and Fifth Circuit Form 7 are amended effective December 1, 2013.

Please note the following changes that are significant in preparation of briefs:

- 1) FRAP Rules 28 (Briefs) and 28.1 (Cross-Appeals). This amendment removes the requirement that an appellant's brief contain separate statements of the case and of the facts. Under the amended rules, a single statement of the case must include the relevant factual and procedural history as well as identify the rulings to be reviewed. Parties filing pleadings in the Fifth Circuit after December 1 will no longer include separate statements of the case and of the facts, and must instead include a single statement of the case that includes the relevant factual and procedural history and identifies the rulings to be reviewed. The court will modify current Fifth Circuit Rule 28.3(g) and (h) to conform local rules to the FRAP 28 and 28.1 amendments.

- 2) Fifth Circuit Rule 28.2.2 (Record References). The period for public comment on proposed amendments to the Fifth Circuit Rule 28.2.2 regarding record citations in pleadings has expired, and the court has considered the comments presented. The Court has voted to adopt the amendment permitting the Clerk of Court to designate a record citation format and approved the Clerk's proposed citation, with slight change, as noted below. For pleadings filed after December 1, parties will use the following citation formats:

For multiple record cases, parties will cite "ROA" followed by a period, followed by the Fifth Circuit appellate case number of the record they reference, followed by a period, followed by the page of the record. For example, "ROA.13-12345.123."

In single record cases, parties cite the short citation form, "ROA," followed by a period, followed by the page number. For example, "ROA.123."

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

ORDER

The court sought public comment on a proposed rule change to 5th CIR. R. 28.2.2 and a proposed citation format for references to the record on appeal. The period for public comment has expired and, after considering all comments presented, the court voted to adopt the proposed amendment to 5TH CIR. R. 28.2.2 and further approved a standard citation format. The amended rule and the approved citation format are attached.

The rule change and citation format are effective December 1, 2013. IT IS SO ORDERED.

Done this 25th day of November, 2013

Lyle W. Cayce

Lyle W. Cayce
Clerk of Court

Enclosure 1

2013 Amendment to 5TH CIR. R. Effective December 1, 2013

FIFTH CIRCUIT RULE 28.2.2 Record References

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.

CLERK OF COURT DIRECTED RECORD CITATION FORMAT

For multiple record cases, parties will cite “ROA” followed by a period, followed by the Fifth Circuit appellate case number of the record they reference, followed by a period, followed by the page of the record. For example, “ROA.13-12345.123.”

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

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

ORDER

On December 1, 2013, a change to FED. R. APP. P. 28 will require that statements of the case and facts be consolidated into a single section of briefs. Accordingly, the court amends local rule 5th CIR. R. 28.3 to conform with the FED. R. APP. P. Amendments. Current 5th CIR. R. 28.3(g) and (h) are consolidated into new 5th CIR. R. 28.3(g). Subsequent entries are designated new paragraph letters. The amended rule is attached.

The changes are effective December 1, 2013. IT IS SO ORDERED.

Done this 25th day of November, 2013

Lyle W. Cayce

Lyle W. Cayce
Clerk of Court

2013 Amendment to 5TH CIR. R. Effective December 1, 2013

FIFTH CIRCUIT RULE 28.3

28.3 Brief - Order of Contents. The order of the contents of the brief is governed by FED. R. App. P. 28 and this rule and will be as follows:

- (a) Certificate of interested persons required by 5TH CIR. R. 28.2.1;
- (b) Statement regarding oral argument required by 5TH CIR. R. 28.2.3 (See FED. R. APP. P. 34(a)(1));
- (c) A table of contents, with page references (see FED. R. APP. P. 28 (a)(2));
- (d) A table of authorities (see FED. R. APP. P. 28(a)(3));
- (e) A jurisdictional statement as required by FED. R. APP. P. 28(a)(4)(A) through (D);
- (f) A statement of issues presented for review (see FED. R. APP. P. 28 (a)(5));
- (g) A concise statement of the case setting out the facts relevant to the issues submitted for review (see FED. R. APP. P. 28(a)(6));
- (h) A summary of the argument (see FED. R. APP. P. 28(a)(7));
- (i) The argument (see FED. R. APP. P. 28(a)(8));
- (j) A short conclusion stating the precise relief sought (see FED. R. APP. P. 28 (a)(9));
- (k) A signature of counsel or a party as required by FED. R. APP. P. 32(d);
- (l) A certificate of service in the form required by FED. R. APP. P. 25;
- (m) A certificate of compliance if required by FED. R. APP. P. 32(a)(7) and 5TH CIR. R. 32.3. (see FED. R. APP. P. 28(a)(10));