

SUMMARY REVISIONS TO LOCAL RULES OF THE EIGHTH CIRCUIT

Effective November 1, 2021

Rule 25A(I): The new provision on Highly Sensitive Documents implements recent guidance from the Administrative Office of the United States Courts based on concerns about computer intrusions by foreign intelligence services.

Rule 27A(a): The rule is amended to set forth a finite list of orders that the clerk may grant on behalf of the court. Motions seeking orders not listed in the rule would be referred to a three-judge panel.

Rule 27A(b): The rule is amended to limit the matters that may be decided by a single judge. The matters listed in former subsections (1) through (3) would be referred to a three-judge panel.

Rule 28A(j): The rule is amended to require briefs to include parallel record citations, so that a reader may efficiently locate the cited material in either an appendix or on the electronic docket. In Social Security cases, parties may cite to the administrative record only.

Rule 29A(a): Federal Rule of Appellate Procedure 29(a)(2) provides that the court “may prohibit the filing of or may strike an amicus brief that would result in a judge’s disqualification.” This local rule excludes amicus briefs that would result in the recusal of a judge assigned to the case or in the recusal of a judge from a vote on whether to hear or rehear a case en banc. The amendment is similar to local rules of other circuits. *See* 2d Cir. R. 29.1(a); 4th Cir. R 29(a); 5th Cir. R. 29.4; 9th Cir. 29-2 committee note; D.C. Cir. R. 29(b).

Rule 29A(b): The amendment clarifies the procedure for ruling on motions for leave to file amicus briefs submitted in connection with a petition for rehearing en banc. The rule provides that the three-judge panel will not deny the motion, but may either grant the motion or refer the motion to all judges in regular active service for disposition as an en banc court.

Rule 30A(a)(3): The rule provides that appendices are not required in immigration cases and all references to the record must be to the relevant page in the electronic Administrative Record.