

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Notice Regarding Implementation of December 1, 2016, Amendments to the Federal Rules of Appellate Procedure

Several amendments to the Federal Rules of Appellate Procedure go into effect on December 1, 2016. See [December 1, 2016, Amendments to the Federal Rules of Appellate Procedure](#). Among the amendments are provisions that (1) reduce the word limitations for briefs; (2) establish word limitations for motions, petitions, responses, and replies produced by computer and require a Certificate of Compliance with Type-Volume Limit; and (3) eliminate the 3-day grace period from deadlines running from the date of service if service was by electronic means. This notice outlines how these amendments will be implemented by the Clerk's Office.

1. The date of the Court's briefing order controls the word limits for all briefs filed under that order, so that subsequent filers have the benefit of the same limits that applied to the opening brief. For briefing orders issued before December 1, 2016, the pre-amendment rules apply to any briefs filed under that order. For briefing orders issued after December 1, 2016, the post-amendment rules apply to any briefs filed under that order.
2. The document filing date governs application of the new word limits and certificate of compliance requirement to motions, petitions, responses, and replies produced by computer. The post-amendment rules apply to documents filed on or after December 1, 2016.
3. The date of the order setting the deadline governs addition of the 3-day grace period to deadlines running from electronic service. For briefing orders and extension orders issued before December 1, 2016, 3 additional days were included in the due date set for responsive briefs, and counsel filing a reply brief may add 3 days to the number of days allowed for the reply brief. For briefing orders and extension orders issued on or after December 1, 2016, 3 additional days were not included in the due date set for responsive briefs, and counsel filing a reply brief may not add 3 days to the number of days allowed for the reply brief.

For notices requesting responses to motions or petitions, the due date is set in the notice. Effective December 1, 2016, the Clerk's Office no longer includes 3 days for electronic service in computing this date.

November 14, 2016
Date

s/Patricia S. Connor
Clerk