

**FOR IMMEDIATE RELEASE**

April 29, 2013

**For Further Information Contact:**

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The Supreme Court of the United States has adopted a revised version of the Rules of the Court. The revised version will take effect on July 1, 2013.

The revisions to the Rules include several significant changes. Changes to Rules 15 and 18 modify the number of days the Clerk will wait until a case is distributed from 10 to 14, allowing petitioners more time to respond to a brief in opposition. Changes to Rule 37 emphasize that the notice requirement pertains only to petition stage amicus briefs and make clear that parties may file blanket consent. An addition to Rule 39 allows attorneys appointed by a state court to dispense with the filing of an affidavit of indigency.

In addition, electronic transmission of documents to other parties at the time of filing is now required under Rule 29.3 (with some exceptions). Also, under Rule 21, motions in merits cases are now required to state the position on the disposition of the motion or application of the other party or parties to the case.

Copies of the revisions are available from the Court's Public Information Office, the Court's website, [www.supremecourt.gov](http://www.supremecourt.gov), and various legal publishers.

The attached document describes the revisions in more detail. The Clerk's comments are not part of the Rules, but are furnished to assist readers in understanding the changes.

**REVISIONS TO RULES**  
**OF THE**  
**SUPREME COURT OF THE UNITED STATES**  
**ADOPTED April 19, 2013**  
**EFFECTIVE July 1, 2013**

The Clerk's Comments that accompany the revisions to the Rules are not part of the Rules. They are furnished solely to assist readers in understanding the revisions.

**Current Rule 12.6**

All parties to the proceeding in the court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court, unless the petitioner notifies the Clerk of this Court in writing of the petitioner's belief that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served as required by Rule 29 on all parties to the proceeding below. A party noted as no longer interested may remain a party by notifying the Clerk promptly, with service on the other parties, of an intention to remain a party. All parties other than the petitioner are considered respondents, but any respondent who supports the position of a petitioner shall meet the petitioner's time schedule for filing documents, except that a response supporting the petition shall be filed within 20 days after the case is placed on the docket, and that time will not be extended. Parties who file no document will not qualify for any relief from this Court.

**Revised Rule 12.6**

All parties to the proceeding in the court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court, unless the petitioner notifies the Clerk of this Court in writing of the petitioner's belief that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served as required by Rule 29 on all parties to the proceeding below. A party noted as no longer interested may remain a party by notifying the Clerk promptly, with service on the other parties, of an intention to remain a party. All parties other than the petitioner are considered

respondents, but any respondent who supports the position of a petitioner shall meet the petitioner's time schedule for filing documents, ~~except that a~~ **with the following exception: A response of a party aligned with petitioner below who supports granting the petition supporting the petition** shall be filed within ~~20~~ **30** days after the case is placed on the docket, and that time will not be extended. **Counsel for such respondent shall ensure that counsel of record for all parties receive notice of its intention to file a brief in support within 20 days after the case is placed on the docket. A respondent not aligned with petitioner below who supports granting the petition, or a respondent aligned with petitioner below who takes the position that the petition should be denied, is not subject to the notice requirement and may file a response within the time otherwise provided by Rule 15.3.** Parties who file no document will not qualify for any relief from this Court.

[CLERK'S COMMENT: THE REVISED RULE EXTENDS THE TIME FOR FILING A BRIEF IN SUPPORT AND ENSURES RESPONDENTS WILL HAVE AN OPPORTUNITY TO RESPOND TO SUCH BRIEFS BY REQUIRING NOTICE OF INTENT TO FILE A BRIEF IN SUPPORT BE GIVEN]

### **Current Rule 13.5**

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. For the time and manner of presenting the application, see Rules 21, 22, 30, and 33.2. An application to extend the time to file a petition for a writ of certiorari is not favored.

### **Revised Rule 13.5**

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific

reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. **The application must clearly identify each party for whom an extension is being sought, as any extension that might be granted would apply solely to the party or parties named in the application.** For the time and manner of presenting the application, see Rules 21, 22, 30, and 33.2. An application to extend the time to file a petition for a writ of certiorari is not favored.

[CLERK'S COMMENT: THE CHANGE CLARIFIES THAT THE GRANT OF AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI ONLY APPLIES TO THE PETITIONERS WHO REQUEST IT]

#### **Current Rule 14.1 (c)**

If the petition exceeds five pages or 1,500 words, a table of contents and a table of cited authorities. The table of contents shall include the items contained in the appendix.

#### **Revised Rule 14.1(c)**

If the petition **prepared under Rule 33.1** exceeds ~~five pages or~~ 1,500 words **or exceeds five pages if prepared under Rule 33.2**, a table of contents and a table of cited authorities. The table of contents shall include the items contained in the appendix.

[CLERK'S COMMENT: THE REVISION DISTINGUISHES BETWEEN PAID AND *IN FORMA PAUPERIS* PETITIONS]

#### **Current Rule 15.5**

The Clerk will distribute the petition to the Court for its consideration upon receiving an express waiver of the right to file a brief in opposition, or, if no waiver or brief in opposition is filed, upon the expiration of the time allowed for filing. If a brief in opposition is timely filed, the Clerk will distribute the petition, brief in opposition, and any reply brief to the Court for its consideration no less than 10 days after the brief in opposition is filed.

### Revised Rule 15.5

The Clerk will distribute the petition to the Court for its consideration upon receiving an express waiver of the right to file a brief in opposition, or, if no waiver or brief in opposition is filed, upon the expiration of the time allowed for filing. If a brief in opposition is timely filed, the Clerk will distribute the petition, brief in opposition, and any reply brief to the Court for its consideration no less than ~~10~~ 14 days after the brief in opposition is filed-, **unless the petitioner expressly waives the 14-day waiting period.**

[CLERK'S COMMENT: THE REVISION GIVES PETITIONERS MORE TIME TO FILE A REPLY AND MAKES IT CLEAR THE TIME CAN BE WAIVED]

### Current Rule 18.7

The Clerk will distribute the jurisdictional statement to the Court for its consideration upon receiving an express waiver of the right to file a motion to dismiss or to affirm or, if no waiver or motion is filed, upon the expiration of the time allowed for filing. If a motion to dismiss or to affirm is timely filed, the Clerk will distribute the jurisdictional statement, motion, and any brief opposing the motion to the Court for its consideration no less than 10 days after the motion is filed.

### Revised Rule 18.7

The Clerk will distribute the jurisdictional statement to the Court for its consideration upon receiving an express waiver of the right to file a motion to dismiss or to affirm or, if no waiver or motion is filed, upon the expiration of the time allowed for filing. If a motion to dismiss or to affirm is timely filed, the Clerk will distribute the jurisdictional statement, motion, and any brief opposing the motion to the Court for its consideration no less than ~~10~~ 14 days after the motion is filed-, **unless the appellant expressly waives the 14-day waiting period.**

[CLERK'S COMMENT: THE REVISION GIVES APPELLANTS MORE TIME TO FILE A BRIEF OPPOSING THE MOTION AND MAKES IT CLEAR THE TIME CAN BE WAIVED]

### Current Rule 21.1

Every motion to the Court shall clearly state its purpose and the facts on which it is based and may present legal argument in support thereof. No separate brief may be filed. A motion should be concise and shall comply with any applicable page limits. Rule 22 governs an application addressed to a single Justice.

### Revised Rule 21.1

Every motion to the Court shall clearly state its purpose and the facts on which it is based and may present legal argument in support thereof. No separate brief may be filed. A motion should be concise and shall comply with any applicable page limits. **Non-dispositive motions and applications in cases in which certiorari has been granted, probable jurisdiction noted, or consideration of jurisdiction postponed shall state the position on the disposition of the motion or application of the other party or parties to the case.** Rule 22 governs an application addressed to a single Justice.

[CLERK'S COMMENT: HAVING THE POSITION OF OPPOSING COUNSEL STATED WILL ASSIST THE COURT IN RULING EXPEDITIOUSLY]

### Current Rule 24.1(c)

If the brief exceeds five pages, a table of contents and a table of cited authorities.

### Revised Rule 24.1(c)

If the brief exceeds ~~five pages~~, 1,500 words, a table of contents and a table of cited authorities.

[CLERK'S COMMENT: FOR CONSISTENCY]

### Current Rule 28.8 [NONE]

### Revised Rule 28.8

**Oral arguments may be presented only by members of the Bar of this Court. Attorneys who are not members of the Bar of this Court may make a motion to argue *pro hac vice* under the provisions of Rule 6.**

[CLERK'S COMMENT: THE REVISED RULE INCORPORATES CURRENT PRACTICE OF NOT ALLOWING A NON-LAWYER TO ARGUE]

**Current Rule 29.3**

Any document required by these Rules to be served may be served personally, by mail, or by third-party commercial carrier for delivery within 3 calendar days on each party to the proceeding at or before the time of filing. If the document has been prepared as required by Rule 33.1, three copies shall be served on each other party separately represented in the proceeding. If the document has been prepared as required by Rule 33.2, service of a single copy on each other separately represented party suffices. If personal service is made, it shall consist of delivery at the office of the counsel of record, either to counsel or to an employee therein. If service is by mail or third-party commercial carrier, it shall consist of depositing the document with the United States Postal Service, with no less than first-class postage prepaid, or delivery to the carrier for delivery within 3 calendar days, addressed to counsel of record at the proper address. When a party is not represented by counsel, service shall be made on the party, personally, by mail, or by commercial carrier. Ordinarily, service on a party must be by a manner at least as expeditious as the manner used to file the document with the Court.

**Revised Rule 29.3**

Any document required by these Rules to be served may be served personally, by mail, or by third-party commercial carrier for delivery within 3 calendar days on each party to the proceeding at or before the time of filing. If the document has been prepared as required by Rule 33.1, three copies shall be served on each other party separately represented in the proceeding. If the document has been prepared as required by Rule 33.2, service of a single copy on each other separately represented party suffices. If personal service is made, it shall consist of delivery at the office of the counsel of record, either to counsel or to an employee therein. If service is by mail or third-party commercial carrier, it shall consist of depositing the document with the United States Postal Service, with no less than first-class postage prepaid, or delivery to the carrier for delivery within 3 calendar days, addressed to counsel of record at the proper address. When a party is not represented by counsel, service shall be made on the party, personally, by mail, or by commercial carrier. Ordinarily, service on a party must be by a manner at least as expeditious as the manner used to file the document with the Court. **An electronic version of the document**

**shall also be transmitted to all other parties at the time of filing or reasonably contemporaneous therewith, unless the party filing the document is proceeding *pro se* and *in forma pauperis* or the electronic service address of the party being served is unknown and not identifiable through reasonable efforts.**

[CLERK'S COMMENT: THE REVISION ENSURES EXPEDITIOUS SERVICE OF DOCUMENTS AND ALSO RECOGNIZES THAT NOT ALL PARTIES WILL HAVE THE ABILITY TO COMPLETE ELECTRONIC SERVICE]

### **Current Rule 29.6**

Every document, except a joint appendix or *amicus curiae* brief, filed by or on behalf of a nongovernmental corporation shall contain a corporate disclosure statement identifying the parent corporations and listing any publicly held company that owns 10% or more of the corporation's stock. If there is no parent or publicly held company owning 10% or more of the corporation's stock, a notation to this effect shall be included in the document. If a statement has been included in a document filed earlier in the case, reference may be made to the earlier document (except when the earlier statement appeared in a document prepared under Rule 33.2), and only amendments to the statement to make it current need be included in the document being filed.

### **Revised Rule 29.6**

Every document, except a joint appendix or *amicus curiae* brief, filed by or on behalf of a nongovernmental corporation shall contain a corporate disclosure statement identifying the parent corporations and listing any publicly held company that owns 10% or more of the corporation's stock. If there is no parent or publicly held company owning 10% or more of the corporation's stock, a notation to this effect shall be included in the document. If a statement has been included in a document filed earlier in the case, reference may be made to the earlier document (except when the earlier statement appeared in a document prepared under Rule 33.2), and only amendments to the statement to make it current need be included in the document being filed. **In addition, whenever there is a material change in the identity of the parent corporation or publicly held companies that own 10% or more of the corporation's stock, counsel shall**



**promptly inform the Clerk by letter and include, within that letter, any amendment needed to make the statement current.**

[CLERK'S COMMENT: THE ADDITIONAL SENTENCE IS INTENDED TO REQUIRE PROMPT NOTIFICATION OF CHANGES TO CORPORATE DISCLOSURE STATEMENTS]

### **Current Rule 30.3**

An application to extend the time to file a petition for a writ of certiorari, to file a jurisdictional statement, to file a reply brief on the merits, or to file a petition for rehearing shall be made to an individual Justice and presented and served on all other parties as provided by Rule 22. Once denied, such an application may not be renewed.

### **Revised Rule 30.3**

An application to extend the time to file a petition for a writ of certiorari, to file a jurisdictional statement, to file a reply brief on the merits, or to file a petition for rehearing **of any judgment or decision of the Court on the merits** shall be made to an individual Justice and presented and served on all other parties as provided by Rule 22. Once denied, such an application may not be renewed.

[CLERK'S COMMENT: THE REVISION REFLECTS THE CURRENT PRACTICE OF NOT EXTENDING THE TIME TO FILE A PETITION FOR REHEARING FOR CASES NOT DECIDED ON THE MERITS]

### **Current Rule 33.1(d)**

Every booklet-format document shall comply with the word limits shown on the chart in subparagraph 1(g) of this Rule. The word limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, the listing of counsel at the end of the document, or any appendix. The word limits include footnotes. Verbatim quotations required under Rule 14.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the word limits, but application for such leave is not favored. An application to exceed word limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

**Revised Rule 33.1(d)**

Every booklet-format document shall comply with the word limits shown on the chart in subparagraph 1(g) of this Rule. The word limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, the listing of counsel at the end of the document, or any appendix. The word limits include footnotes. Verbatim quotations required under Rule 14.1(f) **and Rule 24.1(f)**, if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the word limits, but application for such leave is not favored. An application to exceed word limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

[CLERK’S COMMENT: THE REVISION BRINGS CONSISTENCY TO THE RULES BY MAKING IT CLEAR QUOTATIONS IN MERITS BRIEFS ARE ALSO EXCLUDED]

**Current Rule 33.1(g)(ii)**

Word limits and cover colors for booklet-format documents are as follows:

Type of Document	Word Limits	Color of Cover
i. Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2)	9,000	white
ii. Brief in Opposition (Rule 15.3); Brief in Opposition to Motion for Leave to File an Original Action (Rule 17.5); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Prohibition (Rule 20.3(b)); Response to a Petition for Habeas Corpus (Rule 20.4);	9,000	orange
iii. Reply to Brief in Opposition (Rules 15.6 and 17.5); Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)	3,000	tan
iv. Supplemental Brief (Rules 15.8, 17,	3,000	tan

Type of Document	Word Limits	Color of Cover
18.10, and 25.6)		
v. Brief on the Merits for Petitioner or Appellant (Rule 24); Exceptions by Plaintiff to Report of Special Master (Rule 17)	15,000	light blue
vi. Brief on the Merits for Respondent or Appellee (Rule 24.2); Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant (Rule 12.6); Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	light red
vii. Reply Brief on the Merits (Rule 24.4)	6,000	yellow
viii. Reply to Plaintiff's Exceptions to Report of Special Master (Rule 17)	15,000	orange
ix. Reply to Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	yellow
x. Brief for an <i>Amicus Curiae</i> at the Petition Stage or pertaining to a Motion for Leave to file a Bill of Complaint (Rule 37.2)	6,000	cream
xi. Brief for an <i>Amicus Curiae</i> in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	light green
xii. Brief for an <i>Amicus Curiae</i> in Support of the Defendant, Respondent, or Appellee, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	dark green
xiii. Petition for Rehearing (Rule 44)	3,000	tan

**Revised Rule 33.1(g)(ii)**

Word limits and cover colors for booklet-format documents are as follows:

Type of Document	Word Limits	Color of Cover
i. Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2)	9,000	white
ii. Brief in Opposition (Rule 15.3); Brief in Opposition to Motion for Leave to File an Original Action (Rule 17.5); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Prohibition (Rule 20.3(b)); Response to a Petition for Habeas Corpus (Rule 20.4); <b>Respondent's Brief in Support of Certiorari (Rule 12.6)</b>	9,000	orange
iii. Reply to Brief in Opposition (Rules 15.6 and 17.5); Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)	3,000	tan
iv. Supplemental Brief (Rules 15.8, 17, 18.10, and 25.6)	3,000	tan
v. Brief on the Merits for Petitioner or Appellant (Rule 24); Exceptions by Plaintiff to Report of Special Master (Rule 17)	15,000	light blue
vi. Brief on the Merits for Respondent or Appellee (Rule 24.2); Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant (Rule 12.6); Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	light red
vii. Reply Brief on the Merits (Rule 24.4)	6,000	yellow
viii. Reply to Plaintiff's Exceptions to Report of Special Master (Rule 17)	15,000	orange
ix. Reply to Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	yellow
x. Brief for an <i>Amicus Curiae</i> at the Petition Stage or pertaining to a Motion for Leave to file a Bill of Complaint (Rule 37.2)	6,000	cream

Type of Document	Word Limits	Color of Cover
xi. Brief for an <i>Amicus Curiae</i> in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	light green
xii. Brief for an <i>Amicus Curiae</i> in Support of the Defendant, Respondent, or Appellee, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	dark green
xiii. Petition for Rehearing (Rule 44)	3,000	tan

[CLERK’S COMMENT: THE CHANGE SPECIFIES WORD LIMITS AND COVER COLORS FOR A RESPONDENT’S BRIEF IN SUPPORT OF CERTIORARI]

### Current Rule 34.2

Every document exceeding five pages (other than a joint appendix) whether prepared under Rule 33.1, or Rule 33.2, shall contain a table of contents and a table of cited authorities (*i. e.*, cases alphabetically arranged, constitutional provisions, statutes, treatises, and other materials) with references to the pages in the document where such authorities are cited.

### Revised Rule 34.2

Every document ~~exceeding five pages~~ (other than a joint appendix), ~~whether~~ **that exceeds 1,500 words when** prepared under Rule 33.1, or **that exceeds five pages when prepared under** Rule 33.2, shall contain a table of contents and a table of cited authorities (*i. e.*, cases alphabetically arranged, constitutional provisions, statutes, treatises, and other materials) with references to the pages in the document where such authorities are cited.

[CLERK’S COMMENT: THE REVISION DISTINGUISHES BETWEEN PAID AND *IN FORMA PAUPERIS* PETITIONS, AND MAKES RULES 14.1 (C) AND 34.2 CONSISTENT]

## Current Rules 37.2(a) and 3(a)

2. (a) An *amicus curiae* brief submitted before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 2(b) of this Rule. An *amicus curiae* brief in support of a petitioner or appellant shall be filed within 30 days after the case is placed on the docket or a response is called for by the Court, whichever is later, and that time will not be extended. An *amicus curiae* brief in support of a motion of a plaintiff for leave to file a bill of complaint in an original action shall be filed within 60 days after the case is placed on the docket, and that time will not be extended. An *amicus curiae* brief in support of a respondent, an appellee, or a defendant shall be submitted within the time allowed for filing a brief in opposition or a motion to dismiss or affirm. An *amicus curiae* shall ensure that the counsel of record for all parties receive notice of its intention to file an *amicus curiae* brief at least 10 days prior to the due date for the *amicus curiae* brief, unless the *amicus curiae* brief is filed earlier than 10 days before the due date. Only one signatory to any *amicus curiae* brief filed jointly by more than one *amicus curiae* must timely notify the parties of its intent to file that brief. The *amicus curiae* brief shall indicate that counsel of record received timely notice of the intent to file the brief under this Rule and shall specify whether consent was granted, and its cover shall identify the party supported.

3. (a) An *amicus curiae* brief in a case before the Court for oral argument may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 3(b) of this Rule. The brief shall be submitted within 7 days after the brief for the party supported is filed, or if in support of neither party, within 7 days after the time allowed for filing the petitioner's or appellant's brief. Motions to extend the time for filing an *amicus curiae* brief will not be entertained. The 10-day notice requirement of subparagraph 2(a) of this Rule does not apply to an *amicus curiae* brief in a case before the Court for oral argument. An electronic version of every *amicus curiae* brief in a case before the Court for oral argument shall be transmitted to the Clerk of Court and to counsel for the parties at the time the brief is filed in accordance with guidelines established by the Clerk. The electronic transmission requirement is in addition to the requirement that booklet-format briefs be timely filed. The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests

affirmance or reversal. The Clerk will not file a reply brief for an *amicus curiae*, or a brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

### **Revised Rules 37.2(a) and 3(a)**

2. (a) An *amicus curiae* brief submitted before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 2(b) of this Rule. An *amicus curiae* brief in support of a petitioner or appellant shall be filed within 30 days after the case is placed on the docket or a response is called for by the Court, whichever is later, and that time will not be extended. An *amicus curiae* brief in support of a motion of a plaintiff for leave to file a bill of complaint in an original action shall be filed within 60 days after the case is placed on the docket, and that time will not be extended. An *amicus curiae* brief in support of a respondent, an appellee, or a defendant shall be submitted within the time allowed for filing a brief in opposition or a motion to dismiss or affirm. An *amicus curiae* **filing a brief under this subparagraph** shall ensure that the counsel of record for all parties receive notice of its intention to file an *amicus curiae* brief at least 10 days prior to the due date for the *amicus curiae* brief, unless the *amicus curiae* brief is filed earlier than 10 days before the due date. Only one signatory to any *amicus curiae* brief filed jointly by more than one *amicus curiae* must timely notify the parties of its intent to file that brief. The *amicus curiae* brief shall indicate that counsel of record received timely notice of the intent to file the brief under this Rule and shall specify whether consent was granted, and its cover shall identify the party supported. **Only one signatory to an *amicus curiae* brief filed jointly by more than one *amicus curiae* must obtain consent of the parties to file that brief. A petitioner or respondent may submit to the Clerk a letter granting blanket consent to *amicus curiae* briefs, stating that the party consents to the filing of *amicus curiae* briefs in support of either or of neither party. The Clerk will note all notices of blanket consent on the docket.**

3. (a) An *amicus curiae* brief in a case before the Court for oral argument may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 3(b) of this Rule. The brief shall be submitted within 7 days after the brief for the party supported is filed, or if in support of neither party, within 7

days after the time allowed for filing the petitioner's or appellant's brief. Motions to extend the time for filing an *amicus curiae* brief will not be entertained. The 10-day notice requirement of subparagraph 2(a) of this Rule does not apply to an *amicus curiae* brief in a case before the Court for oral argument. An electronic version of every *amicus curiae* brief in a case before the Court for oral argument shall be transmitted to the Clerk of Court and to counsel for the parties at the time the brief is filed in accordance with guidelines established by the Clerk. The electronic transmission requirement is in addition to the requirement that booklet-format briefs be timely filed. The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests affirmance or reversal. The Clerk will not file a reply brief for an *amicus curiae*, or a brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing. **Only one signatory to an *amicus curiae* brief filed jointly by more than one *amicus curiae* must obtain consent of the parties to file that brief. A petitioner or respondent may submit to the Clerk a letter granting blanket consent to *amicus curiae* briefs, stating that the party consents to the filing of *amicus curiae* briefs in support of either or of neither party. The Clerk will note all notices of blanket consent on the docket.**

[CLERK'S COMMENT: THE FIRST CHANGE TO 37.2(A) EMPHASIZES THAT THE NOTICE REQUIREMENT PERTAINS ONLY TO PETITION-STAGE *AMICUS* BRIEFS. THE LATTER CHANGE SHOULD ALLEVIATE FOLLOW UP REQUESTS FOR CONSENT WHEN OTHER *AMICI* JOIN A BRIEF AND ALERTS PARTIES OF THE ABILITY TO FILE BLANKET CONSENTS]

### **Current Rule 39.1**

A party seeking to proceed *in forma pauperis* shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U. S. C. § 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed *in forma pauperis* was sought in any other court and, if so, whether leave was granted. If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, 18 U. S. C. § 3006A, or under any other applicable federal statute, no affidavit or declaration is required, but the motion shall cite the statute under which counsel was appointed.



## Revised Rule 39.1

A party seeking to proceed *in forma pauperis* shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U. S. C. § 1746) in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. The motion shall state whether leave to proceed *in forma pauperis* was sought in any other court and, if so, whether leave was granted. ~~If the United States district court or the United States court of appeals has appointed counsel under the Criminal Justice Act of 1964, 18 U. S. C. § 3006A, or under any other applicable federal statute, no affidavit or declaration is required, but the motion shall cite the statute under which counsel was appointed.~~ **If the court below appointed counsel for an indigent party, no affidavit or declaration is required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion.**

[CLERK'S COMMENT: THE REVISION EXPANDS THE EXEMPTION TO ALL CASES FROM A STATE COURT WHERE COUNSEL WAS APPOINTED]

## Current Rule 44.2

Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial and shall comply with all the form and filing requirements of paragraph 1 of this Rule, including the payment of the filing fee if required, but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). The certificate shall be bound with each copy of the petition. The Clerk will not file a petition without a certificate. The petition is not subject to oral argument.

## Revised Rule 44.2

Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial and shall comply with all the form and

filing requirements of paragraph 1 of this Rule, including the payment of the filing fee if required, but its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. **The time for filing a petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ will not be extended.** The petition shall be presented together with certification of counsel (or of a party unrepresented by counsel) that it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the signature of counsel (or of a party unrepresented by counsel). The certificate shall be bound with each copy of the petition. The Clerk will not file a petition without a certificate. The petition is not subject to oral argument.

[CLERK'S COMMENT: THE CHANGE REFLECTS THE CURRENT PRACTICE OF NOT EXTENDING THE TIME TO FILE A PETITION FOR REHEARING OF AN ORDER DENYING A PETITION FOR A WRIT OF CERTIORARI OR EXTRAORDINARY WRIT]

#### **Current Rule 47**

The term “state court,” when used in these Rules, includes the District of Columbia Court of Appeals, the Supreme Court of the Commonwealth of Puerto Rico, the courts of the Northern Mariana Islands, and the local courts of Guam. References in these Rules to the statutes of a State include the statutes of the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territory of Guam.

#### **Revised Rule 47**

The term “state court,” when used in these Rules, includes the District of Columbia Court of Appeals, the Supreme Court of the Commonwealth of Puerto Rico, the courts of the Northern Mariana Islands, ~~and~~ the local courts of Guam, **and the Supreme Court of the Virgin Islands.** References in these Rules to the statutes of a State include the statutes of the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, ~~and~~ the Territory of Guam, **and the Territory of the Virgin Islands.**

[CLERK'S COMMENT: H.R. 6116 THAT PROVIDES FOR DIRECT REVIEW BY THIS COURT OF DECISIONS FROM THE SUPREME COURT OF THE VIRGIN ISLANDS WAS SIGNED INTO LAW ON DECEMBER 28, 2012]