

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

MARGARET CARTER
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

NOTICE OF PROPOSED AMENDMENT TO LOCAL RULE 33.0(a) and (f)

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached amendments to subsections (a) and (f) of the Civil Appeals Management Plan ("CAMP"), incorporated into the First Circuit local rules as Local Rule 33.0(a) and (f). Additions are noted in *italic* print; deletions are noted in ~~strikeout~~ print.

The proposed changes are made to bring the local rule into conformity with current practice. Currently, Settlement Counsel sends notice to litigants about CAMP rather than the Clerk of the Court of Appeals. Further, Social Security appeals and petitions for review from orders of the Board of Immigration Appeals are not currently included as part of the Program. The proposed amendment would not preclude a judge or panel from referring such a case to Settlement Counsel.

The Court of Appeals invites public comment on the proposed amendments. Comments should be received by January 11, 2013, and addressed to:

Office of the Clerk
U.S. Court of Appeals for the First Circuit
United States Courthouse
1 Courthouse Way, Suite 2500
Boston, MA 02210

December 10, 2012

/s/ Margaret Carter, Clerk

Local Rule 33.0. Civil Appeals Management Plan

Pursuant to Rule 47 of the Federal Rules of Appellate Procedure, the United States Court of Appeals for the First Circuit adopts the following plan to establish a Civil Appeals Management Program, said Program to have the force and effect of a local rule.

(a) Pre-Argument Filing; Ordering Transcript.

- (1) Upon receipt of the Notice of Appeal in the Court of Appeals, the Clerk of the Court of Appeals shall *notify Settlement Counsel of the appeal*. ~~send notice of the Civil Appeals Management Plan to the appellant~~. Upon receipt of further notice from the Clerk of the Court of Appeals, appellant shall, within fourteen days:
 - (A) file with the Clerk of the Court of Appeals, and serve on all other parties a statement, in the form of the Docketing Statement required by Local Rule 3.0(a), detailing information needed for the prompt disposition of an appeal;
 - (B) certify and file with the Clerk of the Court of Appeals a statement, in the form required by Local Rule 10.0(b), that satisfactory arrangements have been made with the court reporter for payment of the cost of the transcript.

The Parties shall thereafter provide Settlement Counsel with such information about the appeals as Settlement Counsel may reasonably request.

- (2) Nothing herein shall alter the duty to order from the court reporter, promptly upon filing of the Notice of Appeal in the District Court, a transcript of the proceedings pursuant to Fed. R. App. P. Rule 10(b).

...

(f) Scope of Program. The Program will include all civil appeals and review of administrative orders, except the following: It will not include original proceedings (such as petitions for mandamus), prisoner petitions, habeas corpus petitions, summary enforcement actions of the National Labor Relations Board, *social security appeals*, *petitions for review from orders of the Board of Immigration Appeals*, or any pro se cases. Nothing herein shall prevent any judge or panel, upon motion or sua sponte, from referring any matter to the Settlement Counsel at any time.