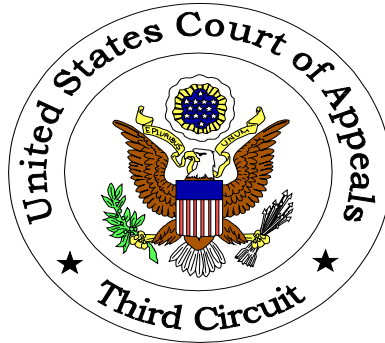


UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT



ORDER AMENDING INTERNAL OPERATING PROCEDURES

PRESENT: CHAGARES, *Chief Judge*, AMBRO, JORDAN, HARDIMAN, GREENAWAY, Jr., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and FREEMAN, *Circuit Judges*

IT IS HEREBY ORDERED that the following amendments to the Court's Internal Operating Procedures having been reviewed by the Lawyers Advisory Committee and approved by the Court are hereby adopted and published by the United States Court of Appeals for the Third Circuit.

The amendments are as follows:

**2.1 Determination in Panel Cases.**

The panel determines whether there will be oral argument and the amount of time allocated. There is oral argument if it is requested by at least one judge. Each judge communicates his or her views to the other panel members. No later than ~~14~~ 21 calendar days before the first day of the panel sitting, the presiding judge furnishes the clerk with the panel's determinations in accordance with the maximum request, up to 20 minutes per side, of any single judge. Usually, 15 minutes per side is allotted. **The timing for furnishing the court's determinations may be altered for expedited or emergency cases.** A request for oral argument beyond 20 minutes a **per** side is determined by a majority of the panel.

## 2.2 Determination in Cases En banc.

There is oral argument in an en banc case if it is requested by at least one judge of the en banc court. No later than ~~11~~ 21 calendar days before the en banc sitting, the chief judge or, in his or her absence, the presiding judge, furnishes the clerk with the court's determination in accordance with the maximum request, up to 30 minutes per side, of any judge. **The timing for furnishing the court's determinations may be altered for expedited or emergency cases.** A request for oral argument beyond 30 minutes a **per** side is determined by a majority of the en banc court. Ordinarily, 30 minutes per side will be allocated and an amicus will not argue unless at least 4 members of the en banc court vote otherwise.

## 2.3 Failure to Notify Presiding Judge.

Should a judge fail to notify other panelists orally or in writing of his or her views ~~prior to noon of the eleventh day~~ **22 days** before the panel sitting, the presiding judge assumes that the non-notifying judge agrees to be bound by the determinations of the other two judges or of the presiding judge, as the case may be.

## 2.5 Notice to Counsel.

- (a) ~~No later than 10~~ **Approximately 18** calendar days prior to the first day of the panel sitting, the clerk ~~communicates to~~ **will notify** counsel in each case listed the names of the members of the panel and whether the case is to be orally argued. **The timing for furnishing the court's determinations may be altered for expedited or emergency cases.**
- (b) **In cases where there will be oral argument, the clerk will notify counsel of specific issues or areas counsel should be prepared to discuss at oral argument when the panel deems such notice appropriate. Such notice may assist counsel in preparing for argument and promote more productive argument.**

s/ Michael A. Chagares  
Chief Judge

Dated: January 6, 2023

ATTEST:

s/ Patricia S. Dodszuweit  
Patricia S. Dodszuweit, Clerk  
United States Court of Appeals  
for the Third Circuit

