

DEVELOPMENT OF MECHANISMS FOR RESOLVING MINOR DISPUTES

CODIFICATION

Pub. L. 96-190, Feb. 12, 1980, 94 Stat. 17, known as the Dispute Resolution Act, provided for the establishment and maintenance of mechanisms for resolving minor disputes, established the Dispute Resolution Resource Center and Dispute Resolution Advisory Board, prescribed duties for the Center and Board, authorized appropriations for the Center and Board of \$1,000,000 for

each of the fiscal years 1980, 1981, 1982, 1983, and 1984, directed that financial assistance to eligible applicants be in the form of grants, prescribed conditions for such grants, authorized appropriations for such grants of \$10,000,000 for each of the fiscal years 1981, 1982, 1983, and 1984, and required an annual report by the Attorney General to the President and Congress relating to the administration of Pub. L. 96-190.

FEDERAL RULES OF APPELLATE PROCEDURE

(As amended to January 26, 1998)

HISTORICAL NOTE

The Federal Rules of Appellate Procedure were adopted by order of the Supreme Court on Dec. 4, 1967, transmitted to Congress by the Chief Justice on Jan. 15, 1968, and became effective on July 1, 1968.

The Rules have been amended Mar. 30, 1970, eff. July 1, 1970; Mar. 1, 1971, eff. July 1, 1971; Apr. 24, 1972, eff. Oct. 1, 1972; Apr. 30, 1979, eff. Aug. 1, 1979; Oct. 12, 1984, Pub. L. 98-473, title II, §210, 98 Stat 1987; Mar. 10, 1986, eff. July 1, 1986; Nov. 18, 1988, Pub. L. 100-690, title VII, §7111, 102 Stat. 4419; Apr. 25, 1989, eff. Dec. 1, 1989; Apr. 30, 1991, eff. Dec. 1, 1991; Apr. 22, 1993, eff. Dec. 1, 1993; Apr. 29, 1994, eff. Dec. 1, 1994; Apr. 27, 1995, eff. Dec. 1, 1995; Apr. 23, 1996, eff. Dec. 1, 1996; Apr. 24, 1996, Pub. L. 104-132, title I, §103, 110 Stat. 1218.

TITLE I. APPLICABILITY OF RULES

Rule

1. Scope of Rules and Title.
2. Suspension of rules.

TITLE II. APPEALS FROM JUDGMENTS AND ORDERS OF DISTRICT COURTS

3. Appeal as of Right—How Taken.
- 3.1. Appeal from a Judgment Entered by a Magistrate Judge in a Civil Case.
4. Appeal as of Right—When Taken.
5. Appeal by Permission Under 28 U.S.C. §1292(b).
- 5.1. Appeal by Permission Under 28 U.S.C. §636(c)(5).
6. Appeal in a Bankruptcy Case from a Final Judgment, Order, or Decree of a District Court or of a Bankruptcy Appellate Panel.
7. Bond for costs on appeal in civil cases.
8. Stay or Injunction Pending Appeal.
9. Release in a Criminal Case.
10. The Record on Appeal.
11. Transmission of the record.
12. Docketing the Appeal; Filing a Representation Statement; Filing the Record.

TITLE III. REVIEW OF DECISIONS OF THE UNITED STATES TAX COURT

13. Review of a Decision of the Tax Court.
14. Applicability of other rules to review of decisions of the Tax Court.

TITLE IV. REVIEW AND ENFORCEMENT OF ORDERS OF ADMINISTRATIVE AGENCIES, BOARDS, COMMISSIONS AND OFFICERS

15. Review or Enforcement of an Agency Order—How Obtained; Intervention.
- 15.1. Briefs and oral argument in National Labor Relations Board proceedings.
16. The record on review or enforcement.
17. Filing of the record.
18. Stay pending review.
19. Settlement of judgments enforcing orders.
20. Applicability of other rules to review or enforcement of agency orders.

TITLE V. EXTRAORDINARY WRITS

21. Writs of Mandamus and Prohibition, and Other Extraordinary Writs.

Rule

TITLE VI. HABEAS CORPUS; PROCEEDINGS IN FORMA PAUPERIS

22. Habeas corpus and section 2255 proceedings.
23. Custody of prisoners in habeas corpus proceedings.
24. Proceedings in forma pauperis.

TITLE VII. GENERAL PROVISIONS

25. Filing, Proof of Filing, Service, and Proof of Service.
26. Computation and extension of time.
- 26.1. Corporate Disclosure Statement.
27. Motions.
28. Briefs.
29. Brief of an amicus curiae.
30. Appendix to the Briefs.
31. Filing and Service of a Brief.
32. Form of briefs, the appendix and other papers.
33. Appeal Conferences.
34. Oral Argument.
35. Determination of Causes by the Court in Banc.
36. Entry of judgment.
37. Interest on judgments.
38. Damages and Costs for Frivolous Appeals.
39. Costs.
40. Petition for Rehearing.
41. Issuance of Mandate; Stay of Mandate.
42. Voluntary dismissal.
43. Substitution of parties.
44. Cases involving constitutional questions where United States is not a party.
45. Duties of clerks.
46. Attorneys.
47. Rules of a Court of Appeals.
48. Masters.

FORMS

Form

1. Notice of Appeal to a Court of Appeals From a Judgment or Order of a District Court.
2. Notice of Appeal to a Court of Appeals From a Decision of the United States Tax Court.
3. Petition for Review of Order of an Agency, Board, Commission or Officer.
4. Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis.
5. Notice of Appeal to a Court of Appeals from a Judgment or Order of a District Court or a Bankruptcy Appellate Panel.

EFFECTIVE DATE AND APPLICATION OF RULES

Section 2 of the Order of the Supreme Court, dated Dec. 4, 1967, provided: "That the foregoing rules shall take effect on July 1, 1968, and shall govern all proceedings in appeals and petitions for review or enforcement of orders thereafter brought in and in all such proceedings then pending, except to the extent that in the opinion of the court of appeals their application in a particular proceeding then pending would not be feasible or would work injustice, in which case the former procedure may be followed."

EFFECTIVE DATE OF 1970 AMENDMENT; TRANSMISSION TO CONGRESS

Sections 2 and 3 of the Order of the Supreme Court, dated Mar. 30, 1970, provided: