

Amendments to the Federal Rules of Appellate Procedure, the Eighth Circuit's Local Rules and the Miscellaneous Fee Schedule take effect December 1, 2016.

On December 1, 2016, significant amendments to the Federal Rules of Appellate Procedure take effect. Among the changes are: amendments to the rules for calculating the timeliness of prisoner filings; clarification of the effect of post-judgment motions on the timeliness of appeals; elimination of the three-day mailing rule for electronically-filed documents; a requirement for a certificate attesting to the word length of documents other than briefs; word limits for documents other than briefs; a reduction in the length of briefs; requirements for amicus filings in support of petitions for rehearing; and new appellate forms, including a form for certifying the length of documents other than briefs.

Here is a listed of the affected Rules:

Rule 5 - new word limit for Appeals by Permission

Rule 21 - new word limit for Writs

Rule 27 - new word limit for Motions, Responses and Replies

Rules 35 and 40 - new word limits for Petitions for Rehearing by Panel and En Banc

Rule 32(g) Certificate of Compliance regarding type-volume limits for documents -- See also New Form 6

Rule 32 and Rule 28.1 - these rules regarding the length of briefs have been amended to reduce the word limits for briefs. Please use Form 6 for certifying compliance with the word limits.

Rule 26(c) -- amended to eliminate the three-day mail period for electronically-filed documents

Rule 29(c) -- New provisions regarding amicus briefs in support of petitions for rehearing

Rule 4(a)(4) -- clarifies the effect of post-judgment motions on the time for filing a notice of appeal.

Rule 4(c)(1) and Rule 25(a)(2)(C) -- amend the prison mail box rules.

Please review the rule changes carefully. The new word limits for briefs apply to all briefs filed on or after December 1, 2016, even if the briefing schedule in the case was established before that date and even if you are responding to a brief filed under the old limits. The court will liberally grant motions for leave to file overlength briefs (up to the old limits) when you are responding to a brief filed under the old limits, but the court asks that you carefully consider whether the additional words are needed.

The word limits apply to all petitions, motions and rehearings filed on or after December 1, 2016. Please attach a Form 6 certificate of compliance to all of these documents. Failure to do so will result in delay in processing your document.

The amendments to the Local Rules are minor and concern the elimination of Forms A&B, and the elimination of the rules covering the court's Settlement Program.

The Clerk's Office is ready to answer any questions you might have. For the text of the Amendments, click here: <http://media.ca8.uscourts.gov/newrules/coa/FRAPAmendments.pdf>