

## MEMORANDUM

**TO:** Interested Parties  
**FROM:** Christopher M. Wolpert, Clerk of Court  
**RE:** 2022 Revisions to the Tenth Circuit Rules  
**DATE:** September 7, 2021



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Changes to the Tenth Circuit Rules will take effect on January 1, 2022. The court invites comments regarding those changes, which are summarized below. Comments may be submitted via email to [Clerk@ca10.uscourts.gov](mailto:Clerk@ca10.uscourts.gov) from September 7, 2021 through October 8, 2021. The final 2022 Tenth Circuit Rules will be posted to the court's website no later than December 1, 2021.

### **10th Cir. R. 25.3 – Electronic Filing**

This rule is revised to better leverage CM/ECF for purposes of the certifications required for electronically filed documents. The required electronic-filing certifications are now completed during the electronic-filing process, which obviates the need for counsel to prepare and submit a written certification with the electronically filed document.

### **10th Cir. R. 25.4 – Electronic and nonelectronic service; proof of service**

The changes to Rule 25.4 are also intended to further leverage CM/ECF reduce service-related delays in the disposition of cases by:

- Requiring a certificate or acknowledgement of service only when a paper is served other than through the court's electronic-filing system;
- Permitting the Clerk's Office's docketing of a nonelectronic filer's paper filings to constitute electronic service pursuant to Fed. R. App. P. 26(c)(2) on both registered ECF users and parties who have consented to electronic service in a particular case; and
- Making clear that (1) non-ECF users who have not consented to electronic service in a particular case must still be served via nonelectronic means, and (2) proof of such nonelectronic service is still required.

**10th Cir. R. 27.5 – Clerk’s authority to act for the court on certain matters**

The revisions to this rule are intended to clarify that the Clerk has delegated authority not only to act for the court on certain unopposed motions, but also to *sua sponte* issue orders as authorized by the court.

**10th Cir. R. 28.1(A)(1) – Appendix-reference examples**

The revisions to this rule simplify the appendix-reference example by eliminating “Aplt.” and “Aplee.”

**10th Cir. R. 29.1 – Amicus briefs on rehearing**

The revisions to this rule are intended to provide guidance for amicus filings after the court has granted rehearing en banc.

**10th Cir. R. 30.1(D)(1) – Pagination of Appendices**

The revision is intended to facilitate ease of reference when working with electronic appendices by requiring appendix page numbers to start with the cover page so that they match the page numbers in the Adobe Acrobat toolbar.

**10th Cir. R. 30.3 – Conforming changes to appendix-exemption rule**

These changes make the wording of this rule consistent with previous changes in the wording of related rules.

**10th Cir. R. 32(A) – Font sizes in briefs**

The revision to this rule is intended to clarify that the court’s font-size requirements apply to footnotes.

**10th Cir. R. 32.1(A) – Citing judicial dispositions; precedential value**

The revisions to this rule (1) clarify that citation to published authority is preferred, and (2) require an “unpublished” parenthetical only when a Federal Appendix citation is unavailable because all court of appeals decisions in the Federal Appendix are unpublished.