



AMENDMENTS TO THE GENERAL ORDERS
Effective July 1, 2003

Gen. Ord.	TITLE	New/Revised
Ch. 6 Motions & Screening	6.1(k) - Written Screening Calendar [Definition]	Revised
	6.1(1) - COA Calendar [Definition]	New
	6.2(b) - Certificate of Appealability Calendars [In this section deleted "Duty Judge" and replaced it with the section above.]	New
	6.2(d) - Scheduling of Motions and Oral Screening Calendars / Procedure Governing Motions Panel Matters	Revised
	6.5 - Screening Calendars (a) Selection and Criteria of Cases for Screening Calendars	Revised
	6.5(b) - Objections & Reconsideration (following subsections renumbered)	Abrogated
	6.5(c) - Written Screening Panels	Revised
	6.5(c)(1) - Rejection by Judges	Revised
	6.5(c)(2) - Dispositions	Revised

Chapter VI - MOTIONS & SCREENING CASES

6.1. Definitions

For purposes of these General Orders:

(a) "**Motion**" - * * * *

(b)-(j) * * * *

(k) "**Written screening calendar**" - means a calendar consisting of cases deemed suitable for submission without oral argument that are submitted to a three-judge screening panel. (Rev. 7-1-2003)

6.1.(1) COA Calendar

A Certificate of Appealability (COA) calendar means a calendar consisting of requests for certificates of appealability, second or successive petitions, and any motions for reconsideration of orders entered by previous Certificate of Appealability panels, that are to be presented orally to a two-judge panel. (New 7-1-2003)

6.2. Assignment of Judges

(a) **Motions and Oral Screening Calendars**
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(b) **Certificate of Appealability Calendars**

The Court shall appoint two judges to serve as the certificate of appealability (“COA”) panel. The panel will meet for one day. A new panel will be appointed each week, depending on judges’ availability. All active judges are expected to serve on two panels per year. Senior judges may notify the Clerk that they are willing to serve on such panels. Visiting judges shall not be appointed to serve on a COA calendar. (New 7-1-2003)

(c) **Written Screening Calendars**
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(d) **Scheduling of Motions and Oral Screening Calendars/
Procedure Governing Motions Panel Matters**

The monthly motions and oral screening panel (“OSP”) shall be presumptively scheduled during the same week as the San Francisco oral argument calendars. The OSP shall sit for five days. Judges may opt to serve on the OSP during the same month as an oral argument calendar. The panel may readjust the dates of its session. At the beginning of the calendar year, the Clerk shall establish presumptive dates for sessions of the motions and oral screening panels in conjunction with their prospective assignments to oral argument calendars. Any prospective appointee unable to serve during the entire month assigned shall arrange for a substitute and then notify the Clerk. Insofar as practicable, assignments shall be made in rotation. (Rev., 7-1-2003)

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6.5. Screening Calendars

(a) Selection and Criteria of Cases for Screening Calendars

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After the Clerk assigns a case to the screening calendar, the Clerk's Office forwards the case materials to the staff attorneys. The staff attorneys then place each screening case on either an oral screening calendar or a written screening calendar. *(Rev. 7/1/2002, 7-1-2003)*

(b) Oral Screening Panel Presentations

[NEW section; used to be (c)]

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(c) Written Screening Panels

When a written screening panel indicates that it is ready for case assignments, staff shall send the requested number of cases taken from the cases designated as those eligible for screening pursuant to G.O. 6.5(a). The panel will advise the clerk's office as to which member of the panel will have the writing assignment. The designated authoring judge will prepare and circulate in each case an optional bench memorandum and a proposed disposition for comment and approval. The authoring judge is responsible for forwarding the written disposition to the clerk's office for filing. *(Rev. 7-1-2003)*

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(1) Rejection by Judges

Any one judge may reject a case from the written screening calendar. Judges shall reject any case that does not meet the screening criteria, as outlined above in 6.5.a. If a case is rejected, a replacement case will be sent by staff. If a case is rejected from the written screening calendar, it shall be scheduled on the next available argument calendar. The draft disposition, and the rejecting judge's reasons for rejecting the case, along with any bench memorandum, shall be sent to the Calendar Unit for forwarding to the oral argument panel assigned to the case. *(Rev. 7-1-2003)*

(2) Dispositions

Dispositions ordinarily will be by memorandum. If the panel has not issued a separate order submitting the case, a footnote should be included in the disposition indicating that the panel unanimously agrees that the case should be submitted on the briefs pursuant to FRAP 34(a). *(Rev. 7/1/2002, 7-1-2003)*