

ADOPTED FEBRUARY 1, 2011

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AMENDMENT TO INTERNAL OPERATING PROCEDURE 47.2

PLEASE TAKE NOTICE that the Court intends to amend Internal Operating Procedure 47.2 governing the Fourth Circuit Judicial Conference and Conference membership, as follows:

- › The proposed amendment decreases the number of invitations accorded to circuit judges to two per judge. District judges also may designate two guests for invitation.
- › The proposed amendment accords to each new circuit or district judge attending his or her first two conferences as a judge the ability to designate three guests for invitation to the conference.

The proposed amendments will take effect on February 1, 2011. Interested parties may submit comments on or before February 1, 2011, to:

Patricia S. Connor, Clerk
U.S. Court of Appeals for the Fourth Circuit
1100 E. Main Street, Suite 501
Richmond, Virginia 23219

The Fourth Circuit Rulebook can be found [here](#)

December 27, 2010
Date

/s/ Patricia S. Connor
Clerk

-47.2. Membership in the Judicial Conference of the Circuit. Commencing with the 2009 conference, there shall be four types of members of the conference: ex officio members, invited members, permanent members, and members emeritus.

(A) Ex officio members.

- (1) The Attorney General of the United States, or designee.
- (2) The presidents of the state bar associations of the states of the Circuit. When two bar associations in the same state are both recognized under this rule, the president of each shall be entitled to attend, and the maximum number of members of the conference from the bar, from any state, under this provision, shall be limited to two. As long as there is only one state bar association in Maryland, the Bar Association of Baltimore City may be treated as a state bar association under this provision.
- (3) One representative of the federal bar association elected to the Federal Bar Council from the Fourth Circuit, each conference year, on a rotational basis.
- (4) All United States Attorneys in the Circuit.
- (5) All Federal Public Defenders in the Circuit.
- (6) All Community Defenders in the Circuit.
- (7) All Chief Justices of the courts of last resort of the states comprising this Circuit.
- (8) All Attorneys General of the states comprising this Circuit.
- (9) The Chief Judge of the United States Court of Appeals for the Armed Forces.
- (10) The Chief Judge of the United States Tax Court.
- (11) One representative of each accredited law school within the Circuit.

(B) Members designated by judges.

(1) Invited members.

Lawyers who are not permanent members of the conference as set forth under (B)(2) below are invited by the Chief Judge as guests of a scheduled conference upon designation by an active or senior circuit or district judge.

~~Commencing with the 2009 conference:~~

- (a) Each active or senior circuit judge or district judge may designate ~~three~~two guests for invitation to the conference.
- (b) ~~Each active or senior district judge may designate one guest for invitation to the conference.~~ Each new circuit or district judge attending his or her first two conferences as a judge may designate three guests for invitation to the conference.

(2) Permanent members.

- (a) By attending two biennial conferences (or, alternatively, one biennial and two annual conferences, or three annual conferences) as an invited member under (B)(1) above, a lawyer shall become a permanent member of the conference, entitled to attend future conferences. In order to retain such permanent member status, a permanent member must have, in a given year, paid the annual membership fee and, commencing after the 2009 conference, attended the most recent conference or at least one of the two conferences preceding it.
- (b) A former or retired circuit or district judge of the Circuit shall be a permanent member of the conference, entitled for life to attend all conferences.

(3) Members emeritus.

A permanent member for ten years or more shall become a member emeritus upon either:

- (a) Failing to satisfy the requirements for retaining permanent member status under (B)(2) above; or
- (b) Electing to assume member emeritus status and properly notifying the conference secretary of such decision.

In order to retain member emeritus status, a member emeritus must have, in a given year, paid the annual membership fee in the amount fixed for emeritus membership. A member emeritus will not be invited to attend future conferences, except as an invited member under (B)(1) above. A member emeritus may be reinstated as a permanent member by designation of the Chief Judge for good cause shown, or by again qualifying for permanent membership under (B)(2) above.