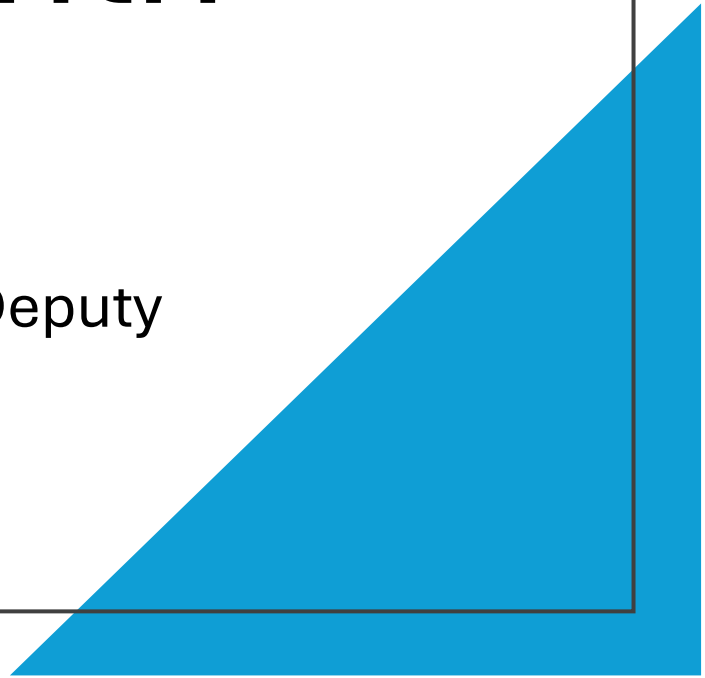




Insider's Guide to the Ninth Circuit

Susan Gelmis - Chief Deputy
Clerk, Operations



Insider's Guide Overview

Operational Updates

Caseload Statistics

Appeals Process and Motions

Case Management and Assignment to Panels

Rules and Resources

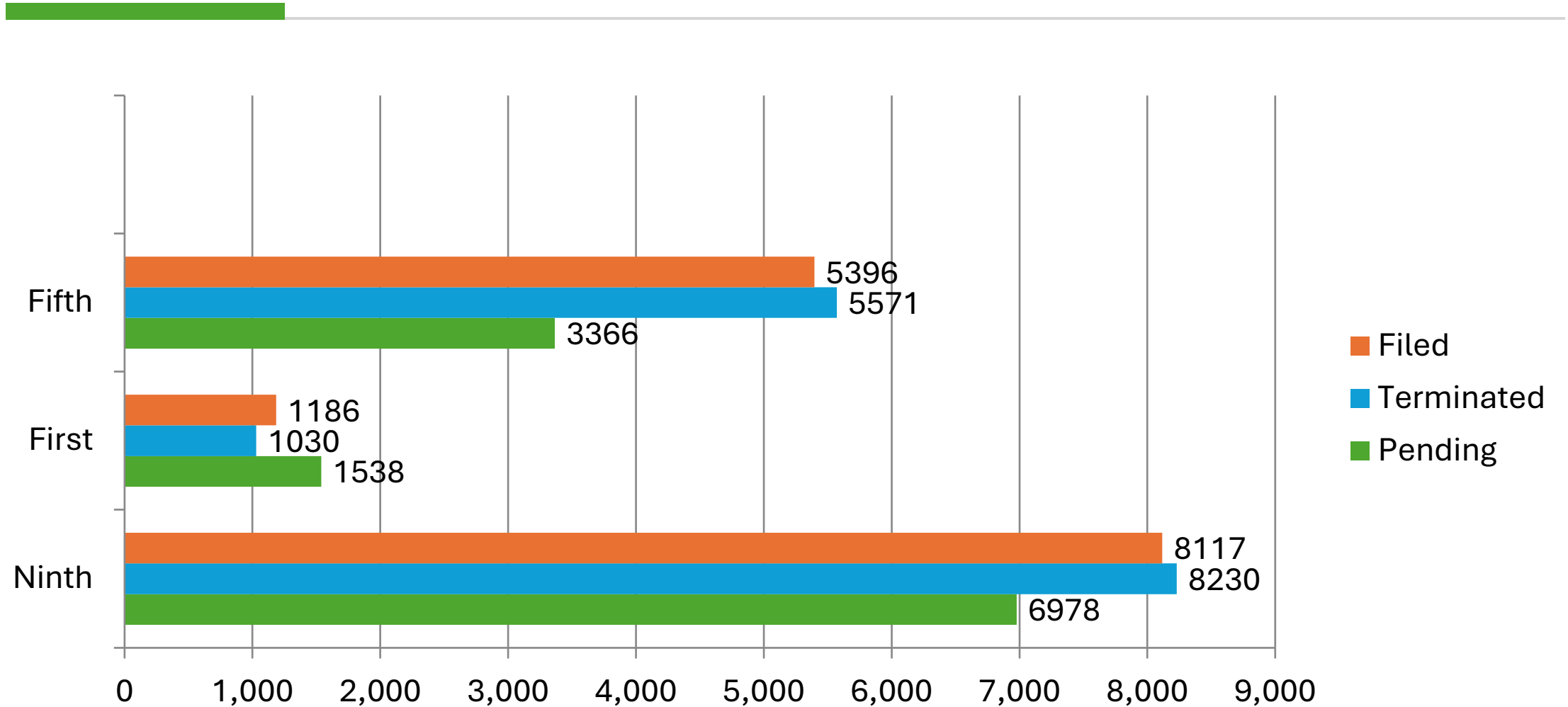
Tips and Common Errors

COURT OPERATIONS UPDATES

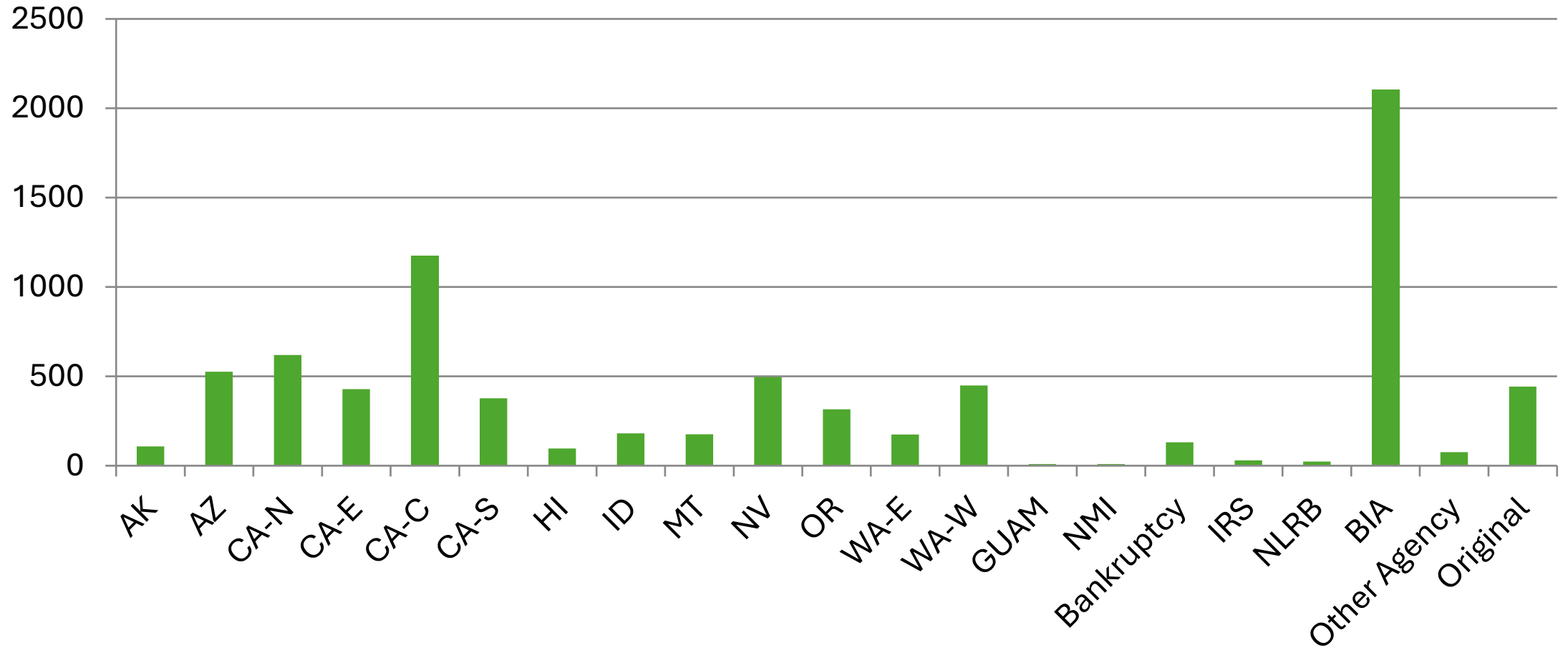
- As of January 2024, all attorneys and unrepresented litigants are expected to appear in person for oral argument. If that would pose a hardship, they must file a motion.
- Case filings nationally have decreased significantly over the last few years, exacerbated by the pandemic.
- Our case processing has been unaffected, resulting in a significantly reduced backlog (down 20% from 2020 to 2023). This has resulted in more expeditious resolution of appeals and the tightening of extensions and delays.
- We have been opening all new cases in our new case management system (ACMS) since October 2023. Cases previously opened in CM/ECF remain in that legacy system.
- We have resumed law school sittings, both as special one day events and as part of our sittings in other locations, and our civics program and group tours have recommenced.

Caseload

12 Months Ending June 30, 2024



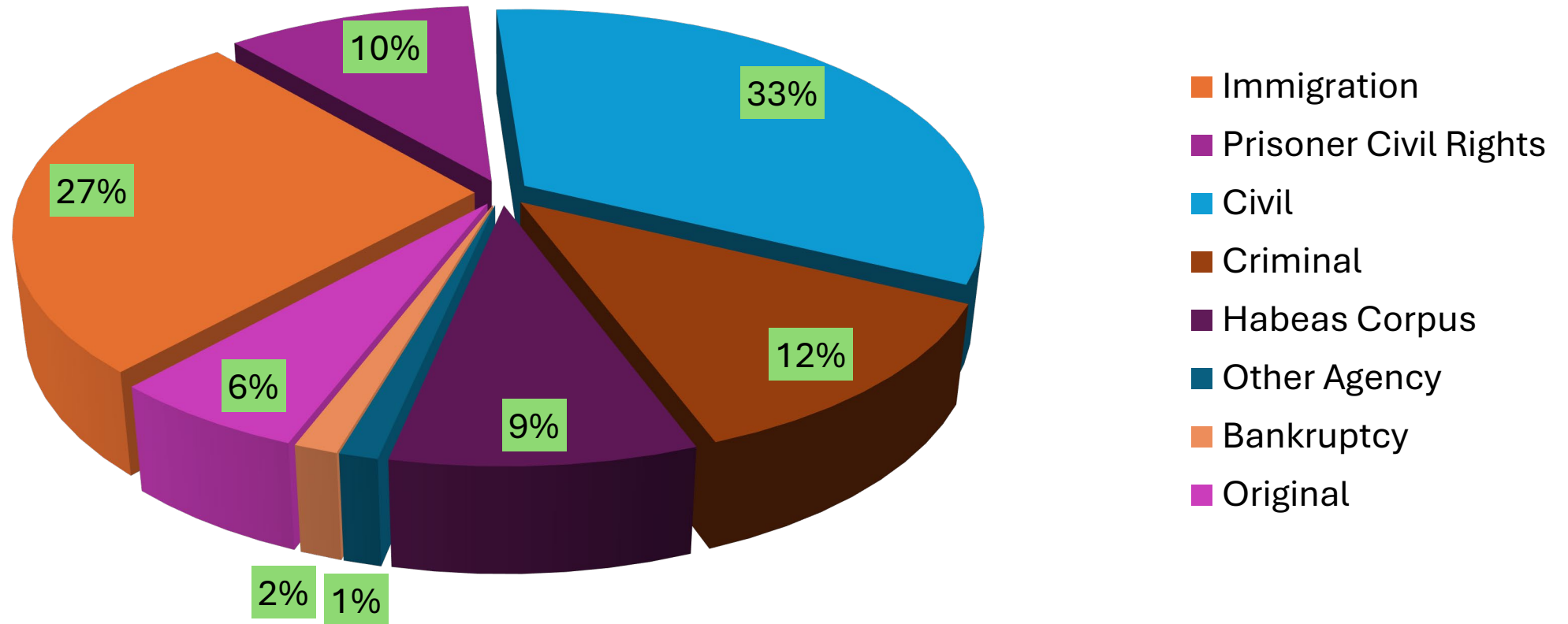
Where Do our Appeals Come From?



12 Months Ending June 30, 2024

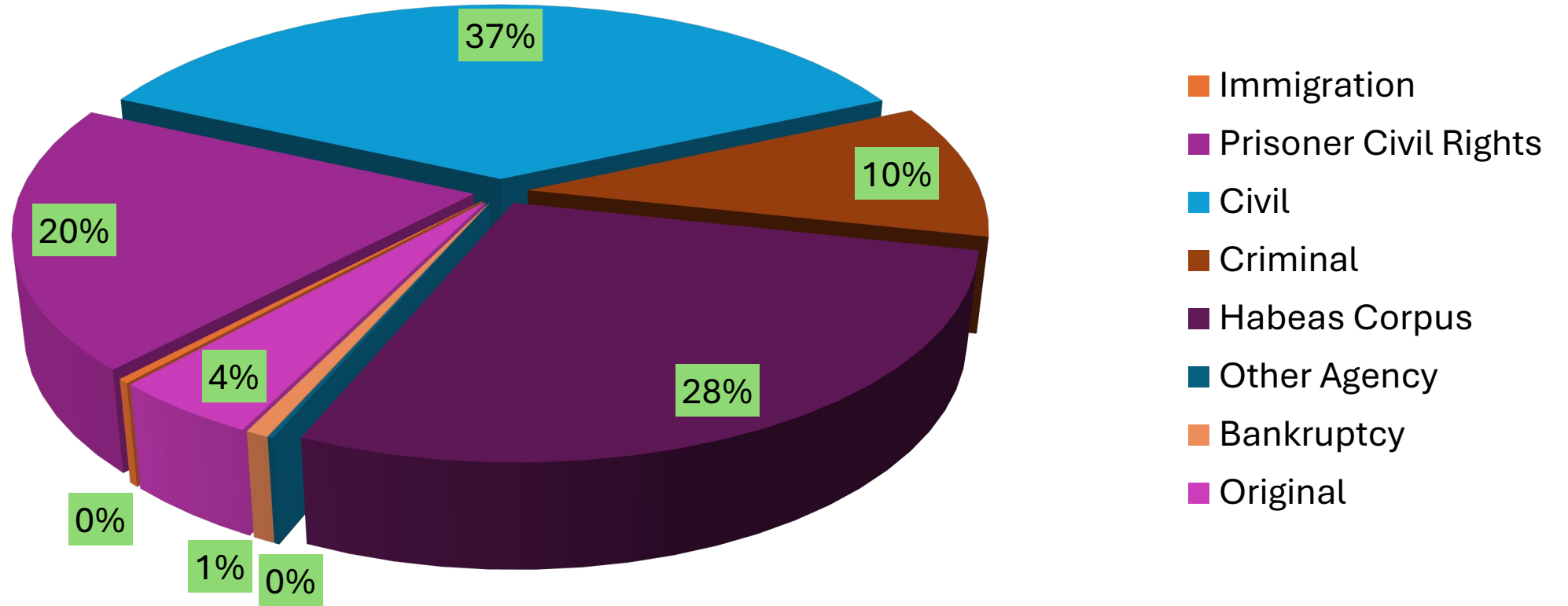
Case Types

12 Months Ending June 2024



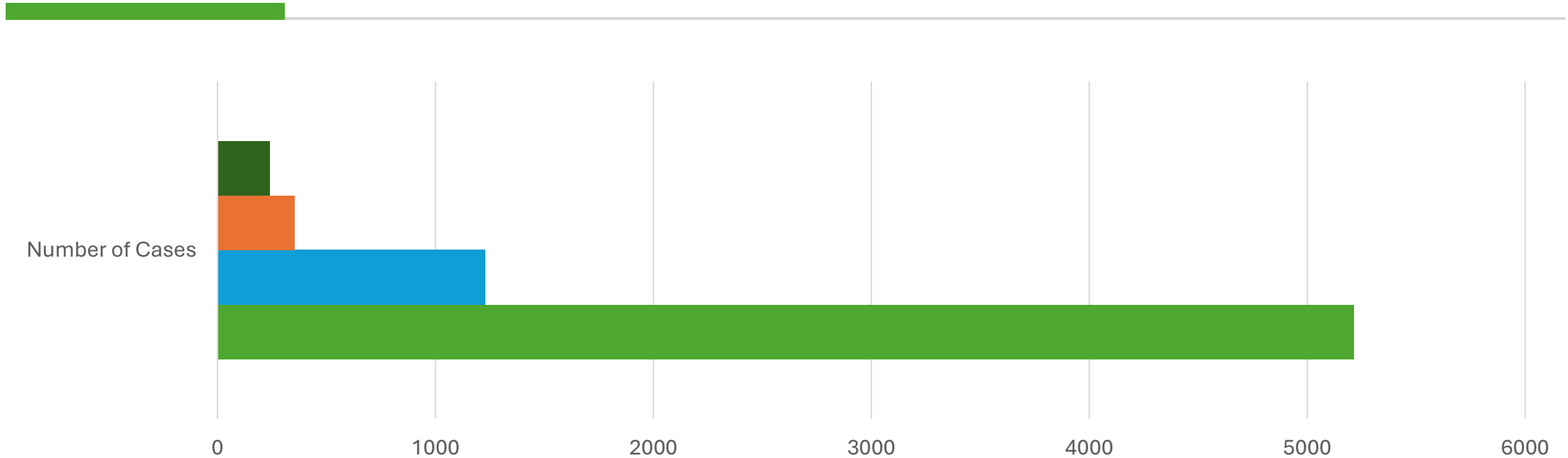
Case Types Nevada

12 Months Ending June 2024



AGE OF PENDING CASES

As of August 22, 2024

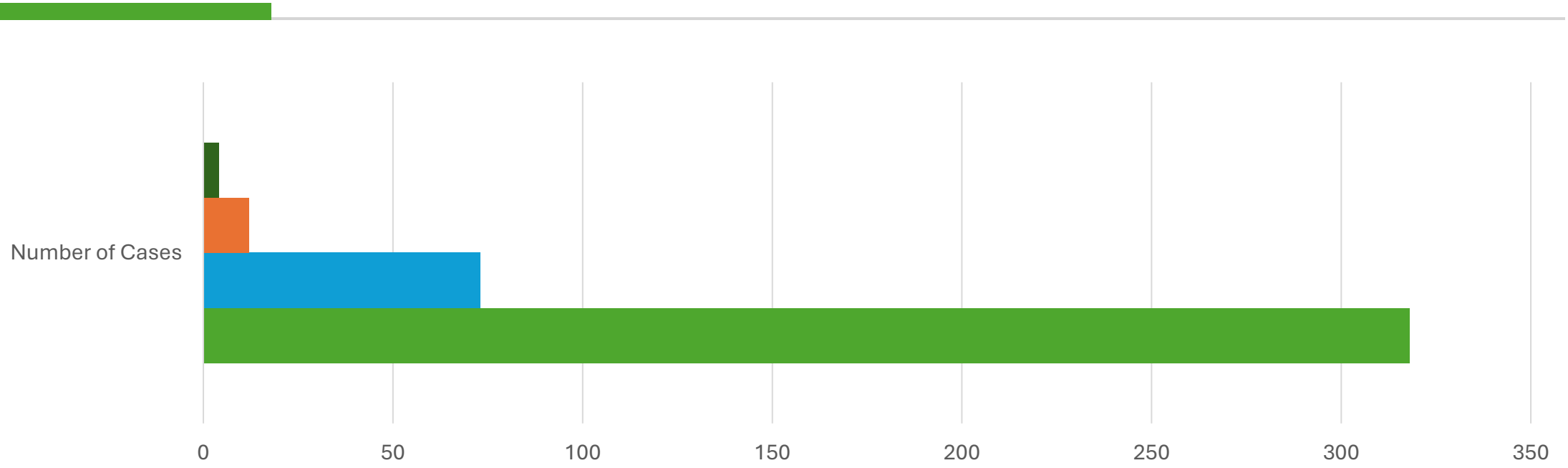


	Number of Cases
■ In Abeyance	238
■ Older than 2	352
■ Between 1 and 2	1227
■ Less than 1 year	5212

■ In Abeyance ■ Older than 2 ■ Between 1 and 2 ■ Less than 1 year

AGE OF PENDING CASES FROM NEVADA

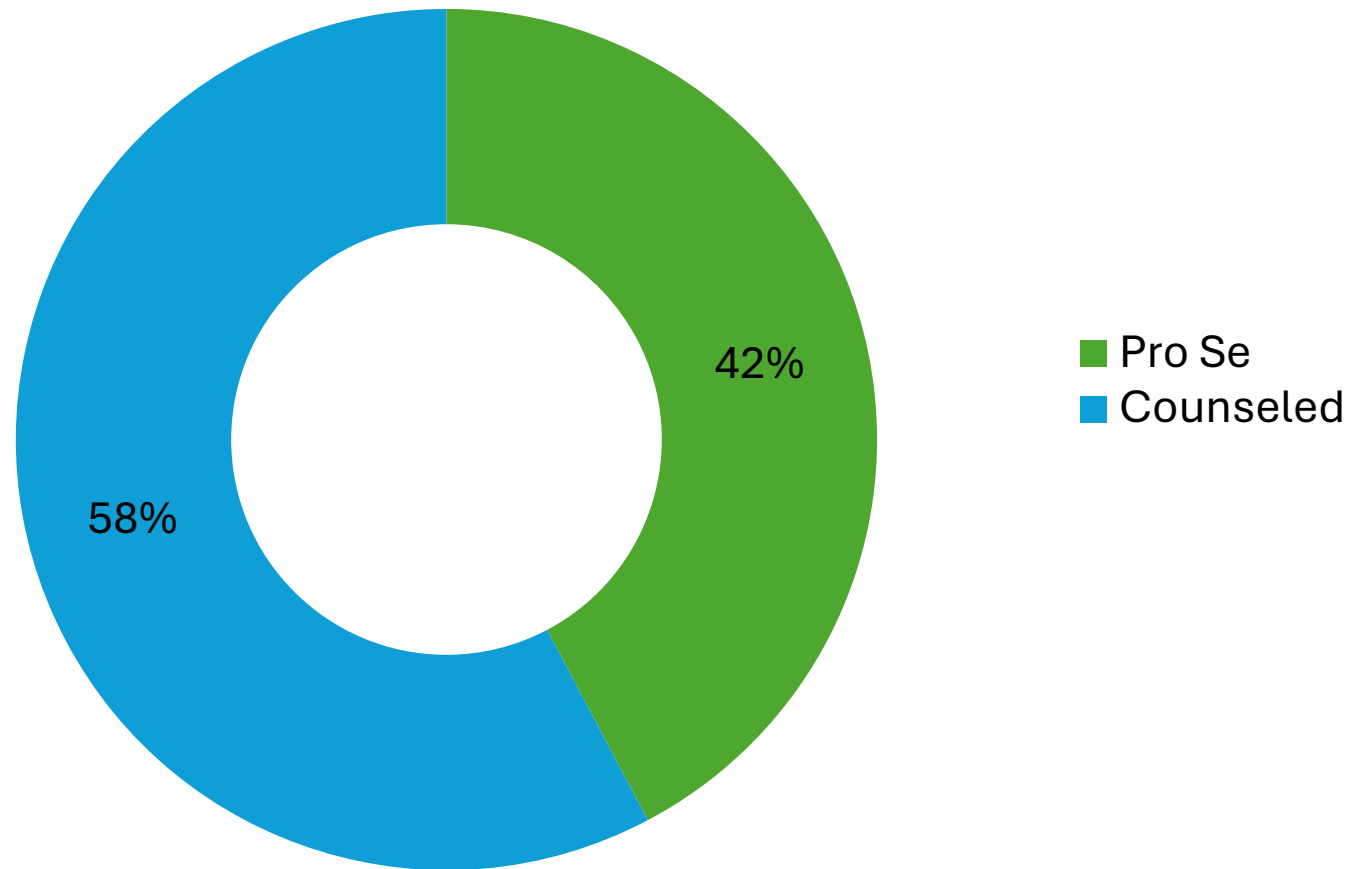
As of August 22, 2024



	Number of Cases
■ In Abeyance	4
■ Older than 2	12
■ Between 1 and 2	73
■ Less than 1 year	318

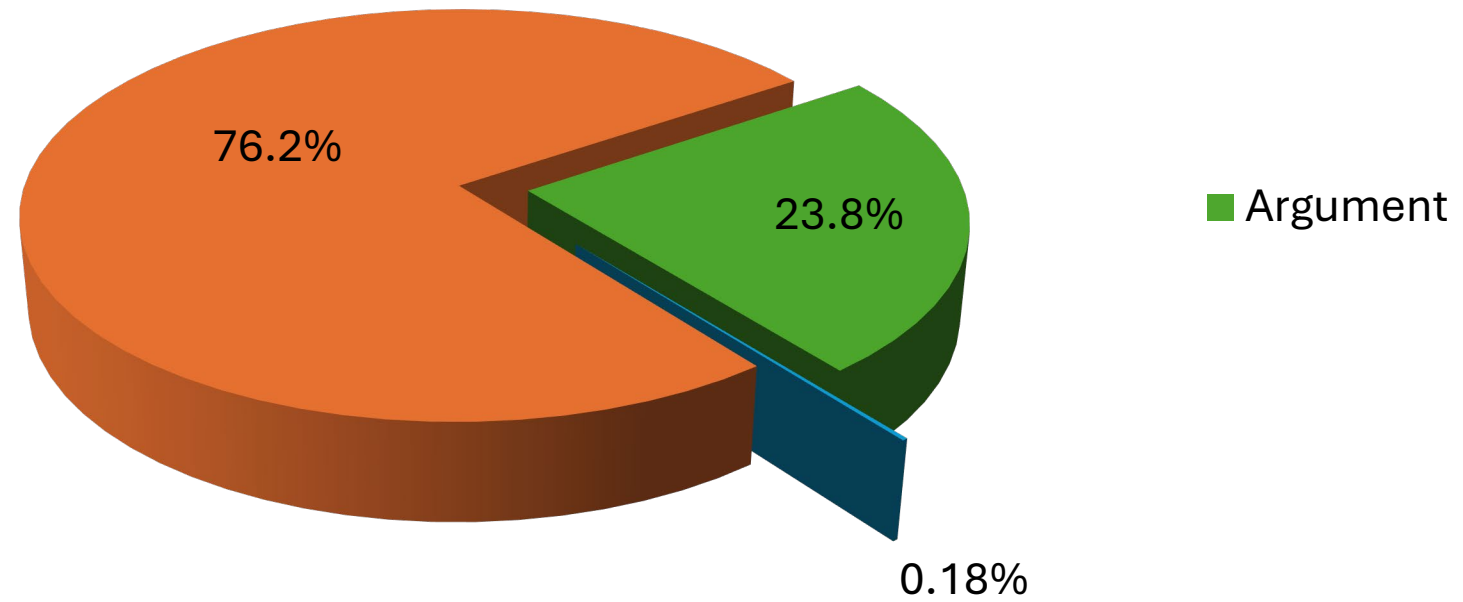
■ In Abeyance ■ Older than 2 ■ Between 1 and 2 ■ Less than 1 year

Pro Se Cases



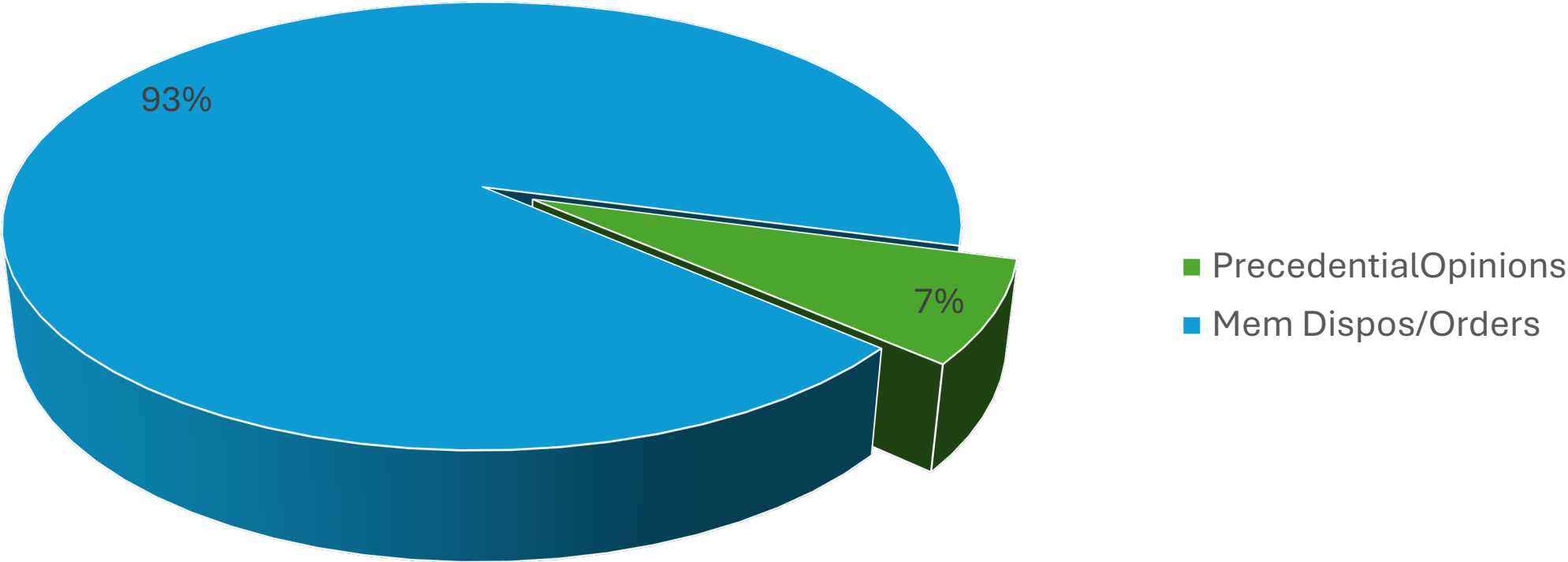
Filings for 12 Month Period Ending June 30, 2024

Merit Terminations



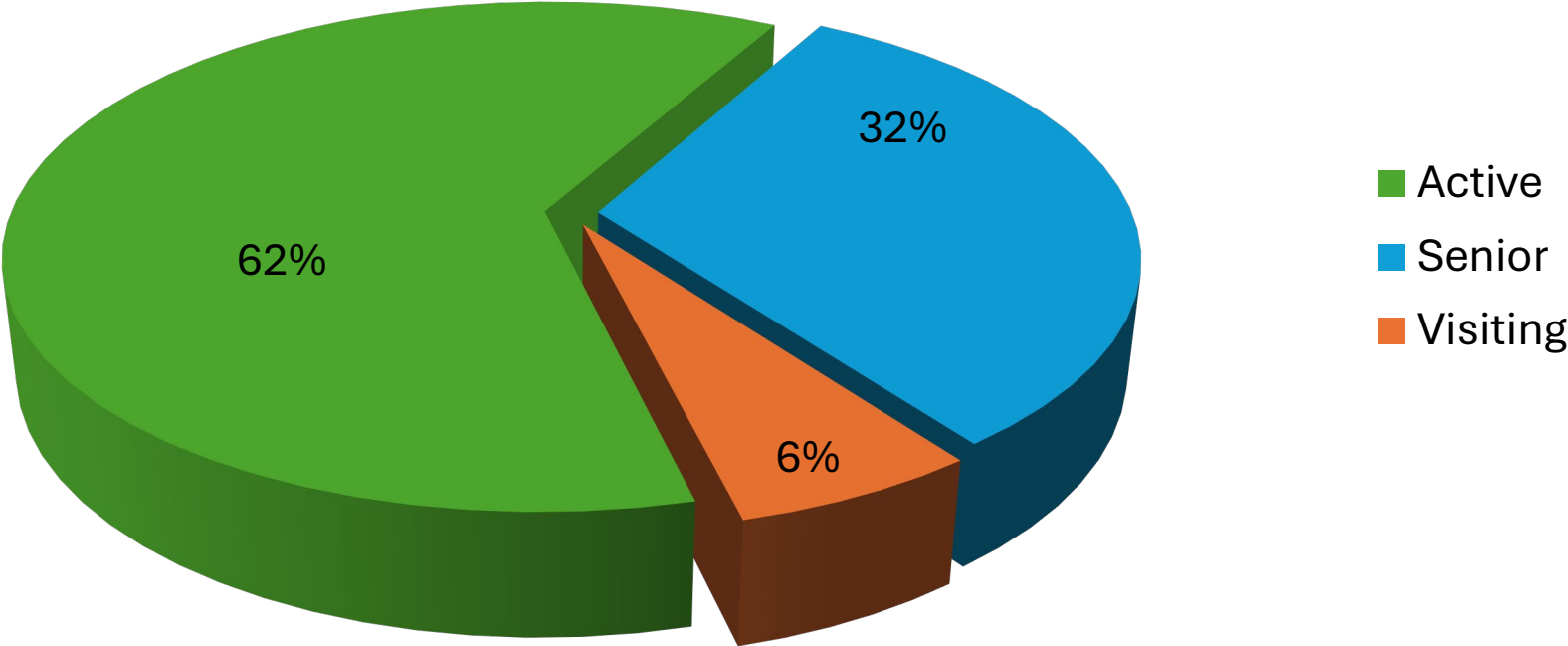
12 Month Period Ending June 30, 2024

Types of Merits Decisions



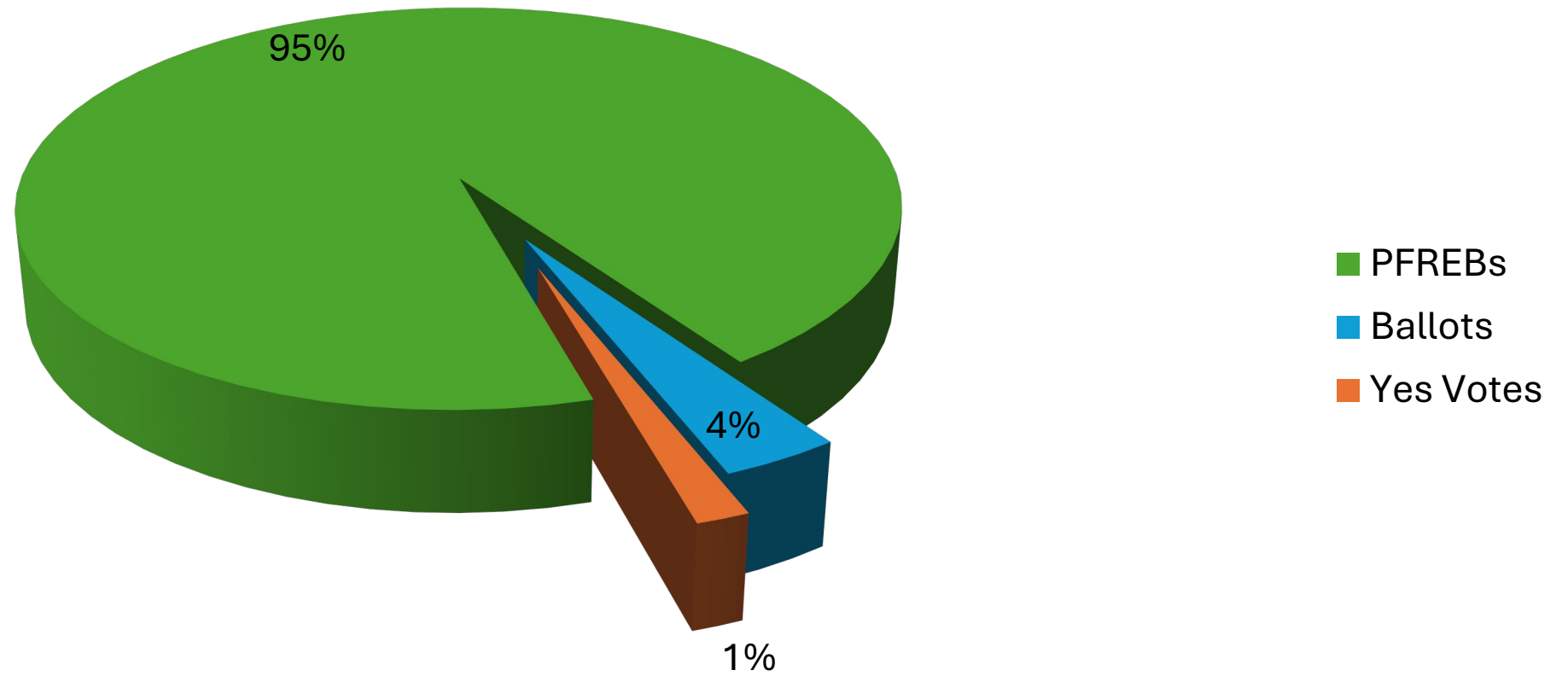
12 Month Period Ending June 30, 2024

Senior & Visiting Judges



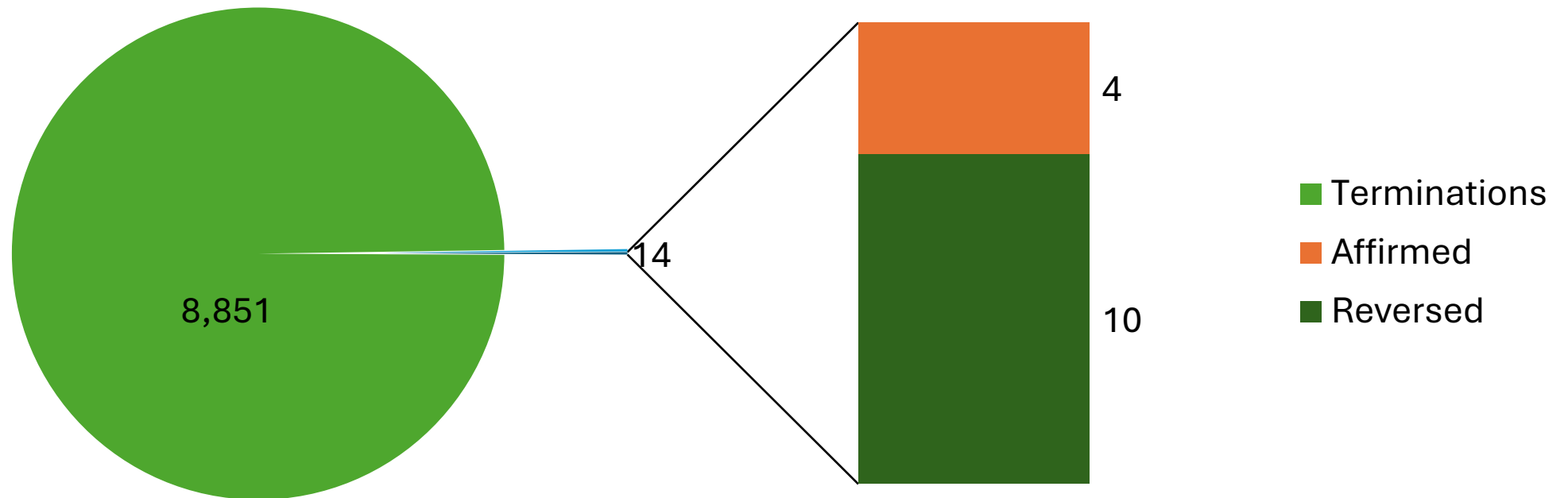
12 Month Period Ending June 30, 2024

En Bancs 2023



(calendar year 2023)

Reversals by supreme court 2022-2023 Term



Supreme Court data (2022-23 term)

Processing Appeals: Initial Case Management

- All new appeals and petitions are referred to staff attorneys' office
- Civil Counsel Appeals also go to Mediation
- Jurisdictional review
- Case management issues – filing fees, counsel status
- Certificates of Appealability
- Original proceedings (mandamus, SOS)
- Permissive Appeals
- Orders to show cause
- Initial motions (stay of removal, ifp, counsel, bail)

Case Management and Assignment to Merits Panels

- Case management and inventory process
- Screening vs Argument Track
- Oral and written screening process
- Calendaring process and timing



Rules and Resources

Recent/Pending Rule Changes

- Archived rule changes (and pending when any) in redline version and administrative orders are available at http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000682
- ACMS now in use for all new cases opened as of October 1, 2023. Find information and training videos [here](#)
- Recent Rule Changes– Visual Images in Briefs (2022), Counsel in Criminal/Habeas Appeals (2023), Bail pending appeal (June 2024), Petitions for Rehearing, Deadlines, Electronic Filing, Corporate Disclosure (Dec 2024)
- New and Revised Forms, Instructions, Case information packets

Rules and Resources

Ninth Circuit Website

- Appellate Practice Guide, Shell Brief, Sample Excerpts
<http://cdn.ca9.uscourts.gov/datastore/uploads/guides/AppellatePracticeGuide.pdf>
- Other guides and legal outlines
- Court sponsored CLE program materials and video
https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000887
- Mentor Program
http://cdn.ca9.uscourts.gov/datastore/general/2013/03/22/ninth_circuit_applt_lawyer_rep_mentoring_project.pdf
- CM/ECF and ACMS issues/problems – efilerhelp@ca9.uscourts.gov
- Feel free to call or email me if you are not sure who to ask



Filing Tips and Common Errors

- Filing original proceedings and petitions for review electronically
- Filing briefs and motions – use correct events in each system
- Filing types that don't need forms or other attachments
- Document descriptions of briefs and excerpts and related documents
- Filing sealed documents – service and timing and basis
- Updating Pacer account and email
- Physical and documentary trial exhibits – submit by separate motion if not PDF
- CM/ECF Help Guide is very useful and informative, how-to videos
- ACMS Help, videos, and Instructions now available



Questions?