



# Insider's Guide to the Ninth Circuit

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Clerk, Operations

# Insider's Guide Overview

Operational Updates

Caseload Statistics

Appeals Process and Motions

Case Management and Assignment to Panels

Rules and Resources

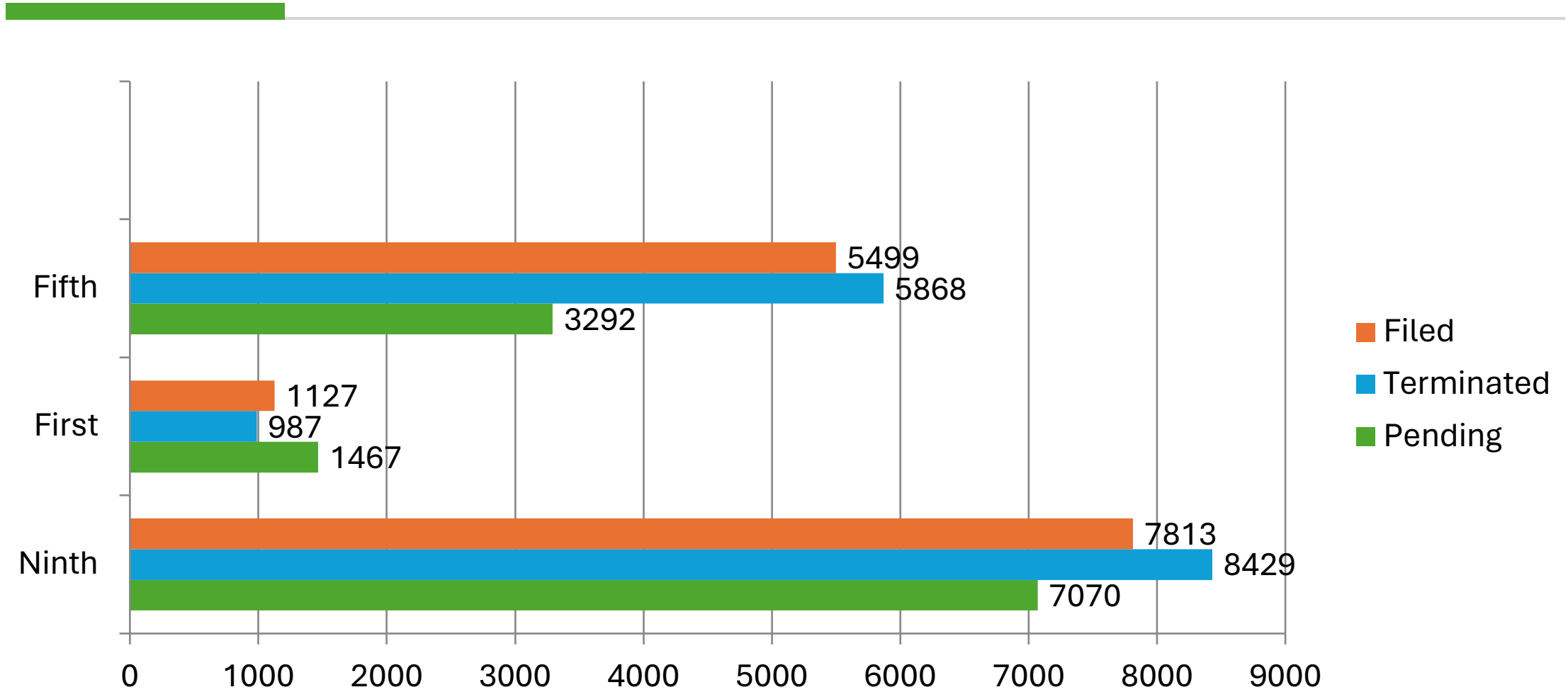
Tips and Common Errors

# COURT OPERATIONS UPDATES

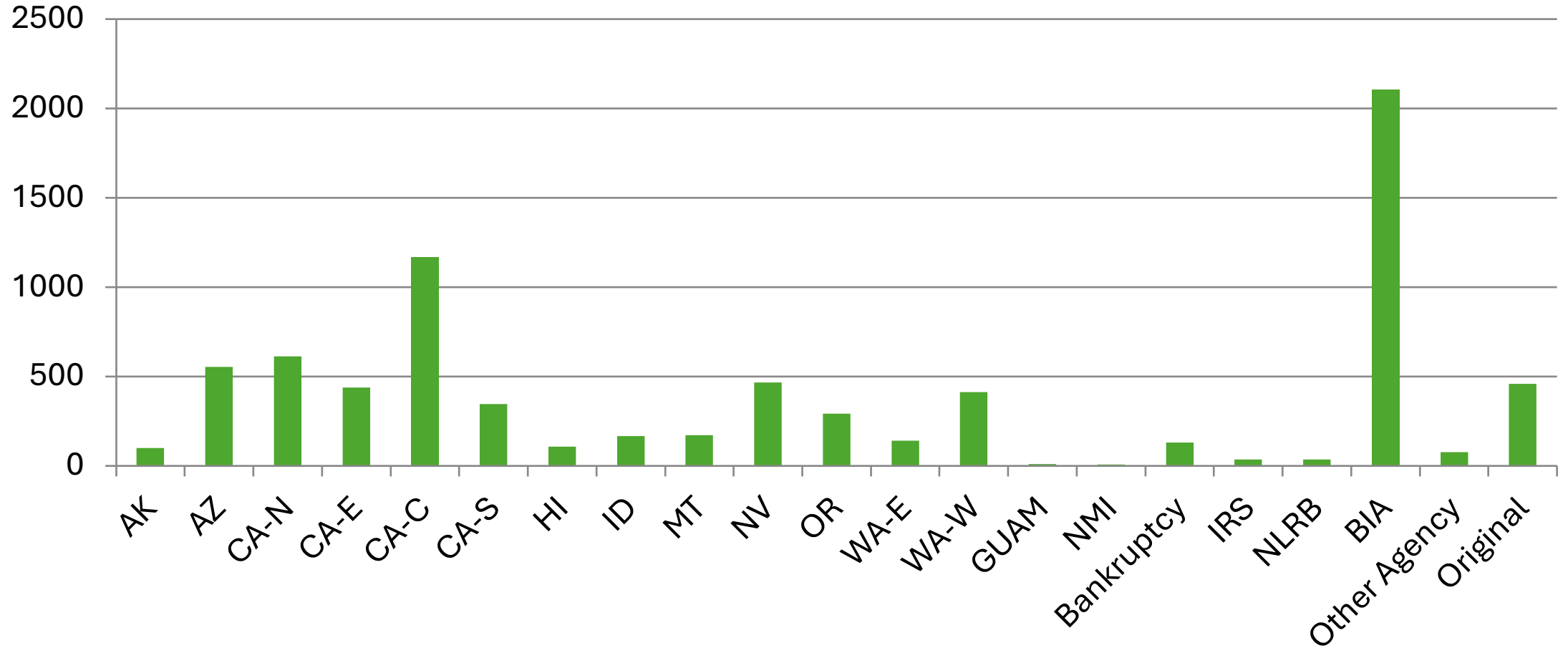
- As of January 2024, all attorneys and unrepresented litigants are expected to appear in person for oral argument. If that would pose a hardship, they must file a motion.
- Case filings nationally have decreased significantly over the last few years, exacerbated by the pandemic.
- Our case processing has been unaffected, resulting in a significantly reduced backlog (down 18% from 2021 to 2022). 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) as of 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 December 2023



# Where Do our Appeals Come From?

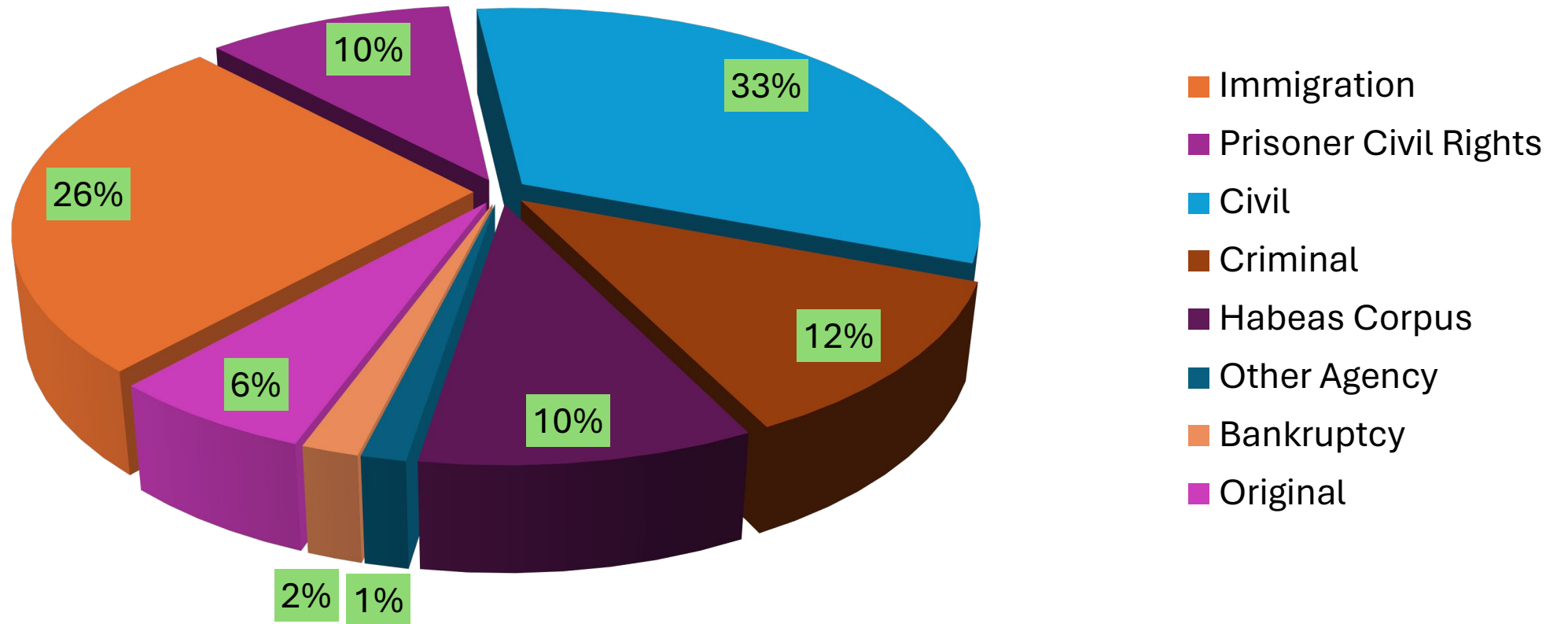


12 Months Ending December 2023

# Case Types

## 12 Months Ending December 2023

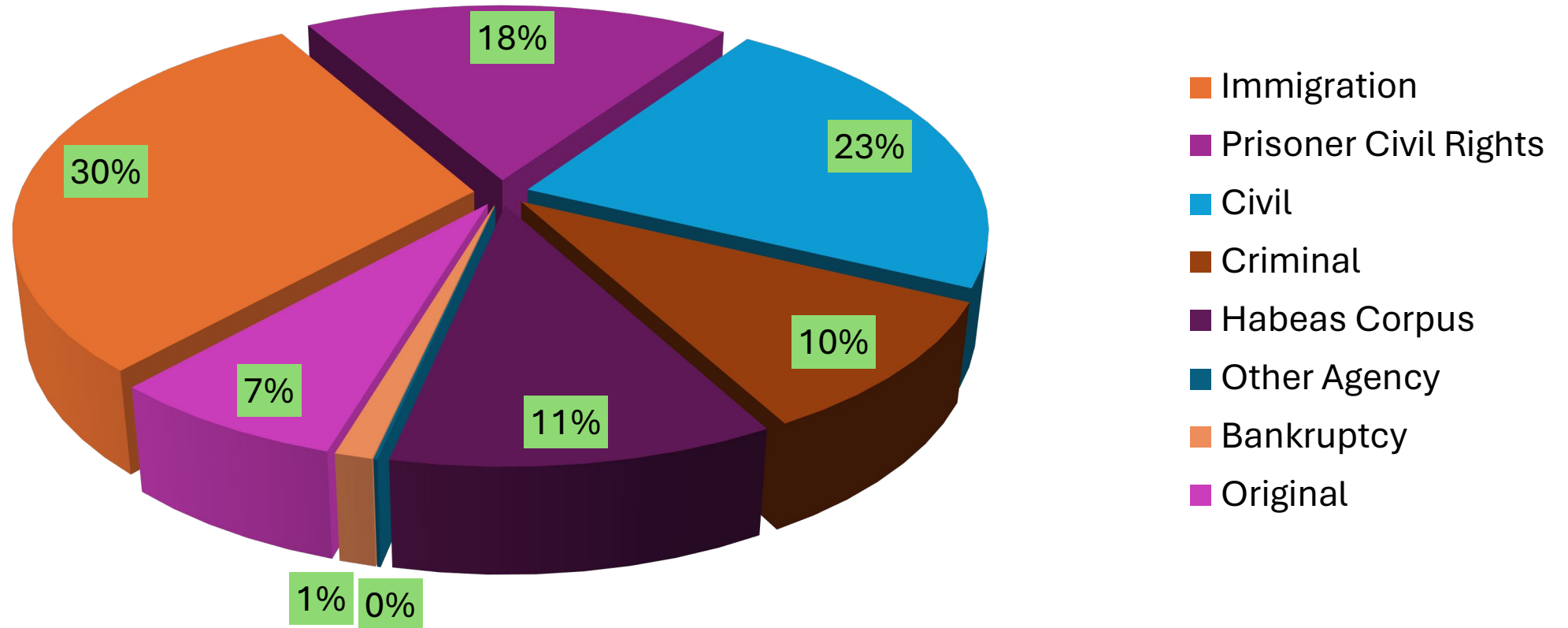
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# Case Types Arizona

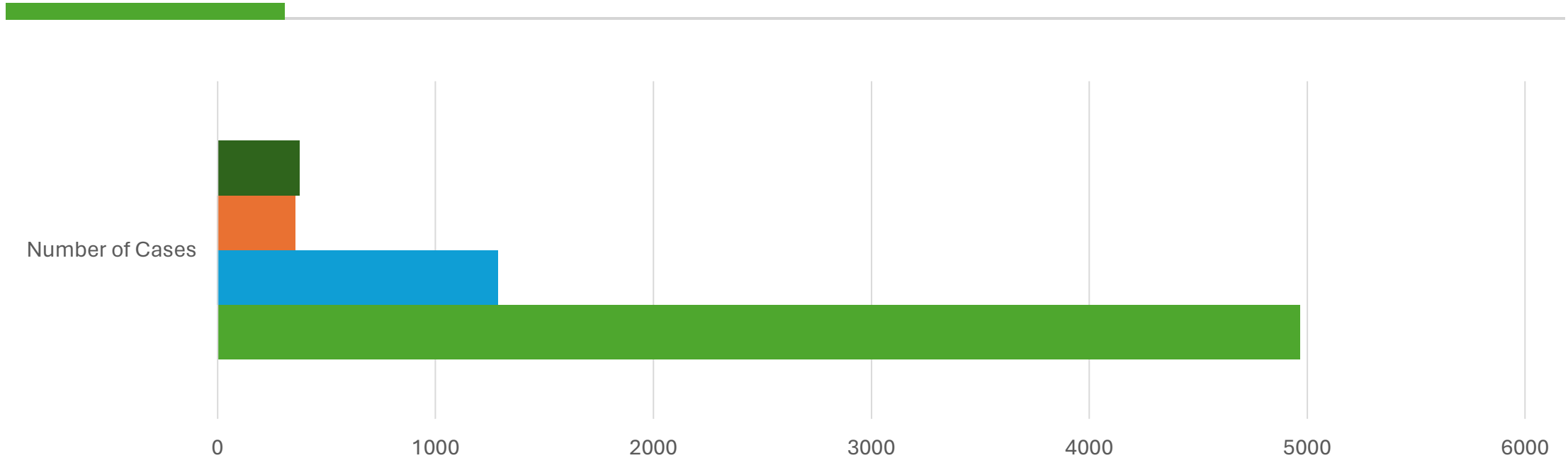
## 12 Months Ending December 2023

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# AGE OF PENDING CASES

## As of March 26, 2024



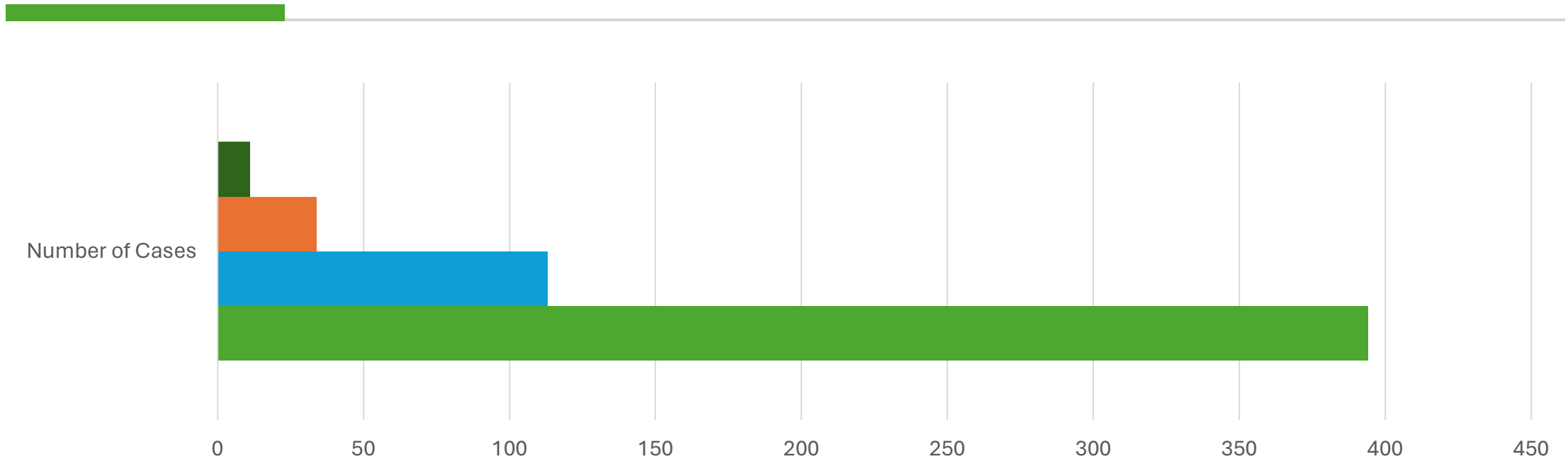
	Number of Cases
■ In Abeyance	376
■ Older than 2	357
■ Between 1 and 2	1288
■ Less than 1 year	4967

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



# AGE OF PENDING CASES ARIZONA

## As of March 26, 2024

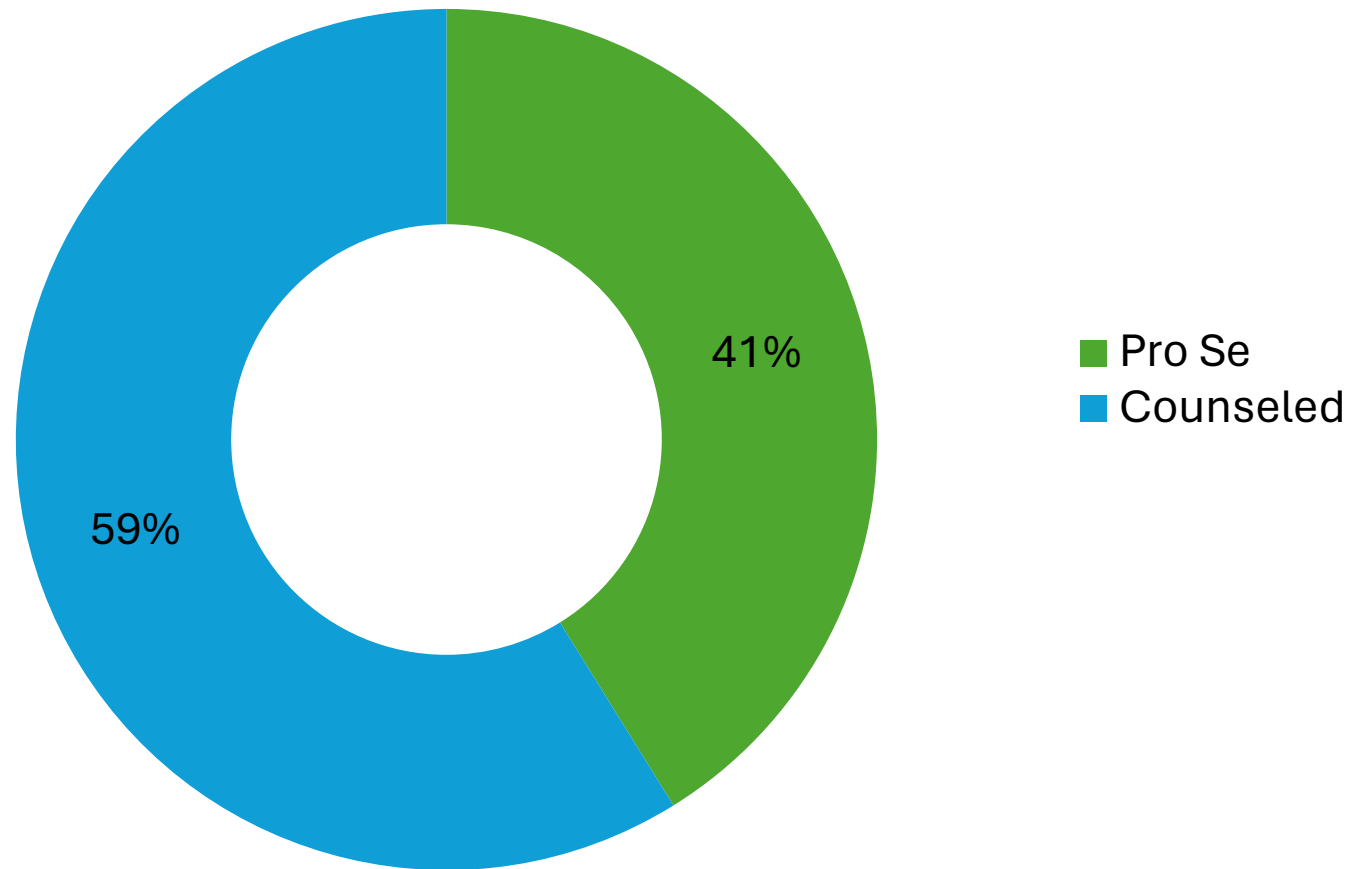


	Number of Cases
■ In Abeyance	11
■ Older than 2	34
■ Between 1 and 2	113
■ Less than 1 year	394

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

# Pro Se Cases

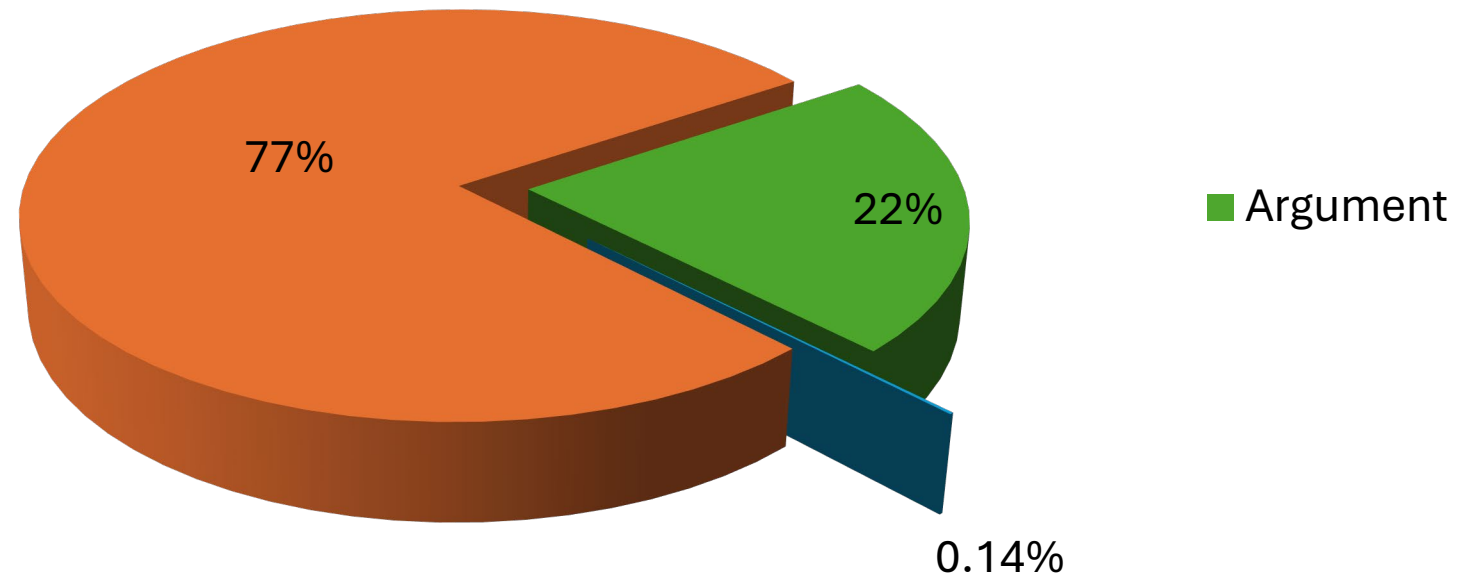
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Filings for 12 Month Period Ending December 2023

# Merit Terminations

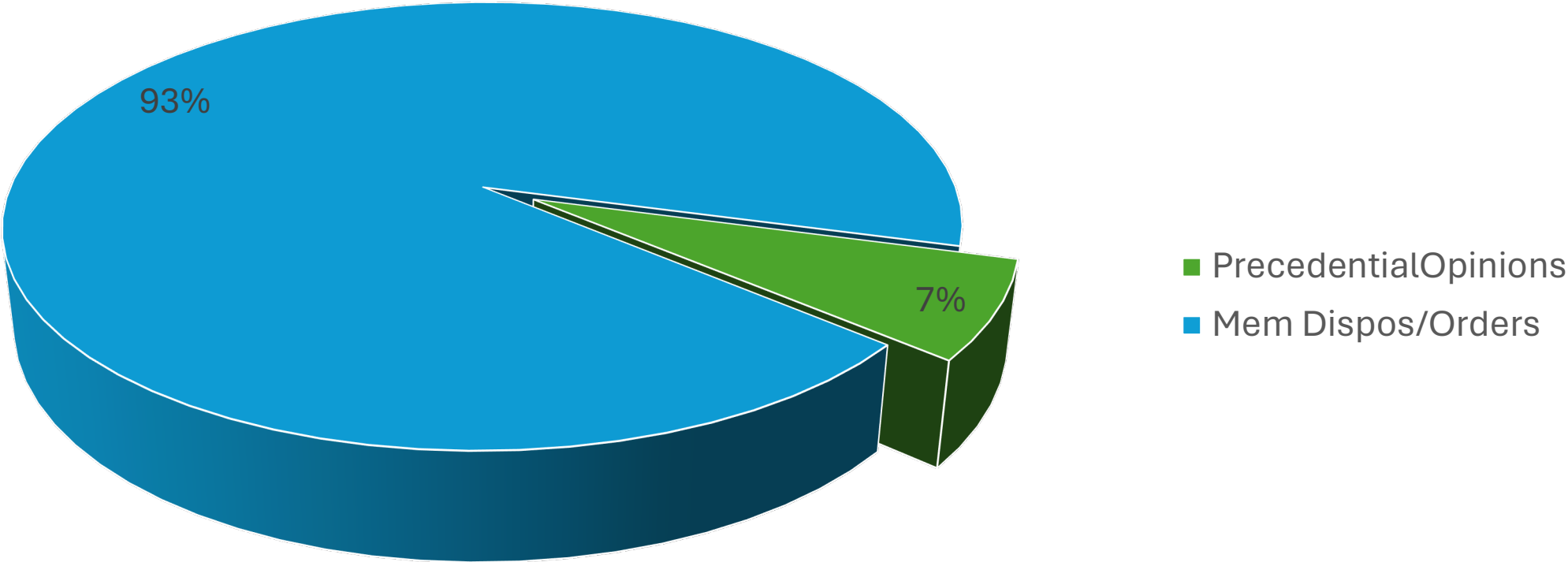
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12 Month Period Ending December 2023

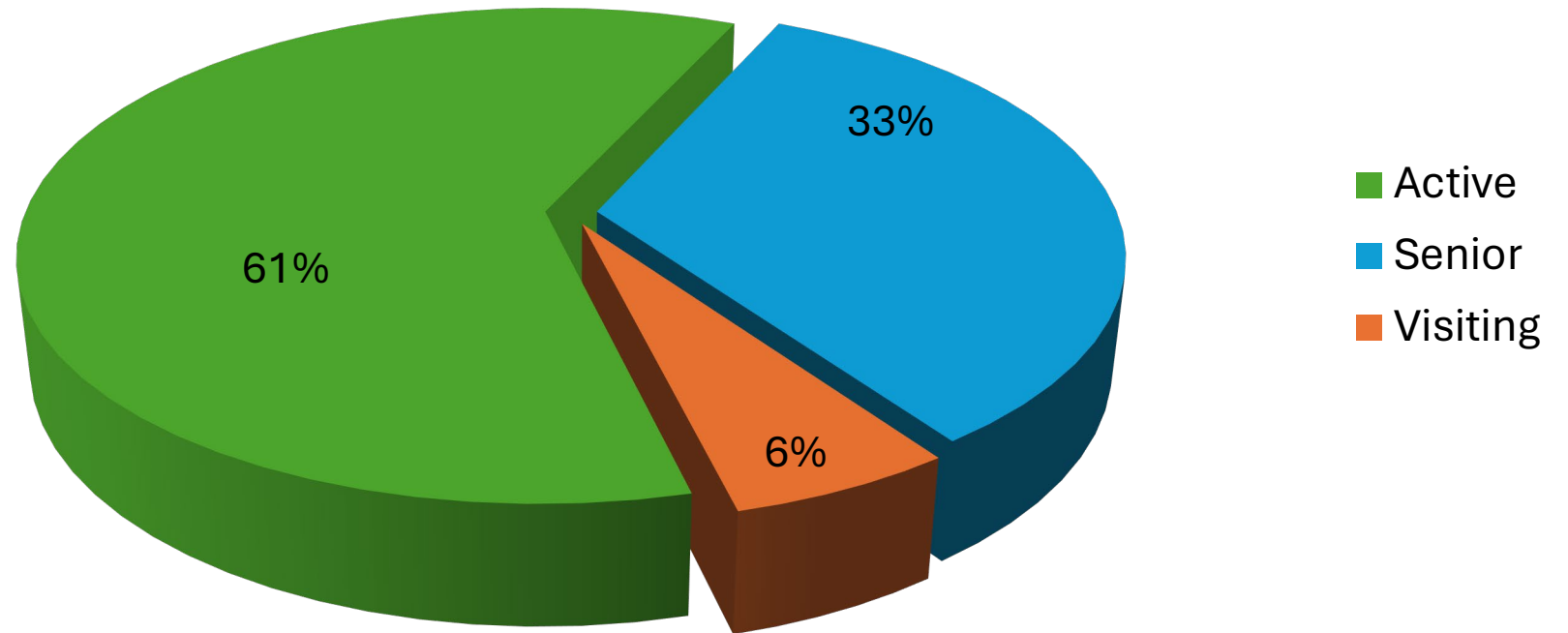
# Types of Merits Decisions

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# Senior & Visiting Judges

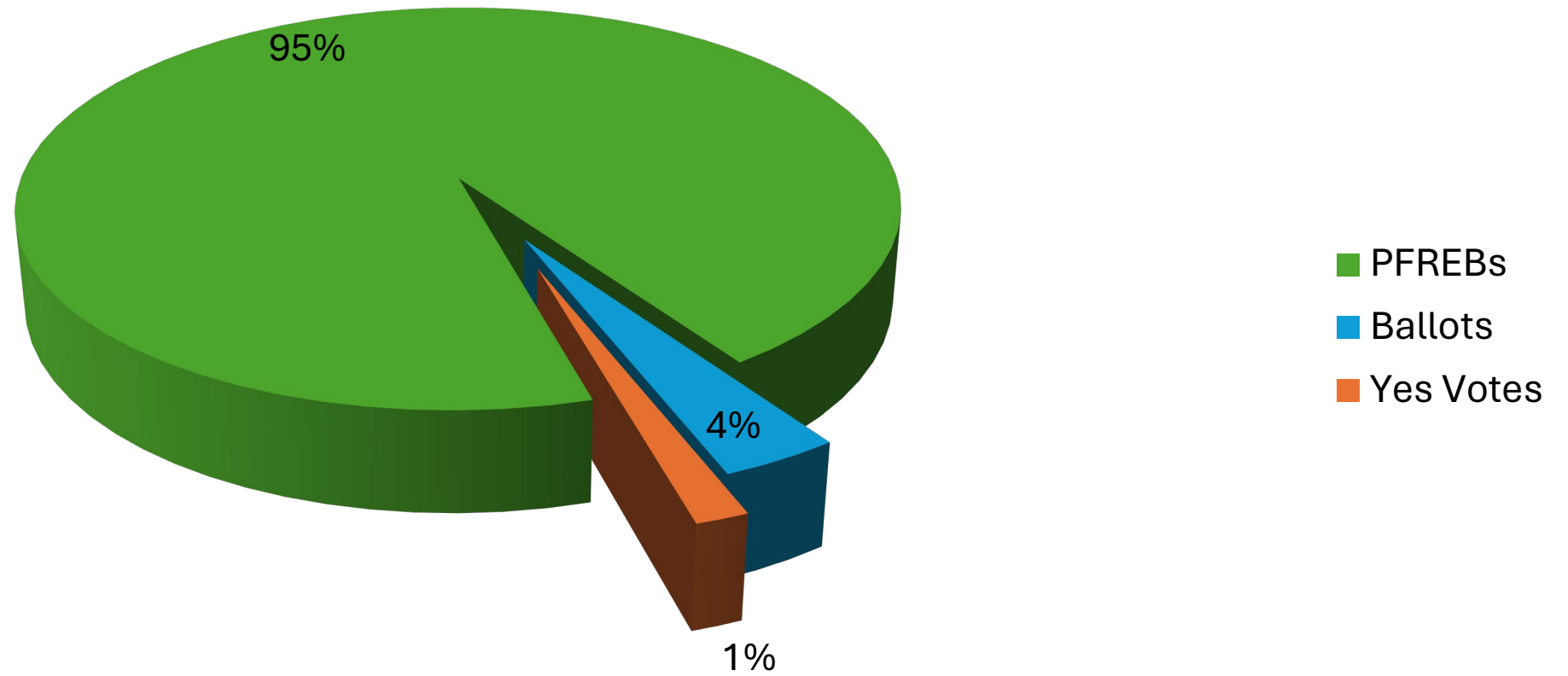
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12 Month Period Ending December 2023

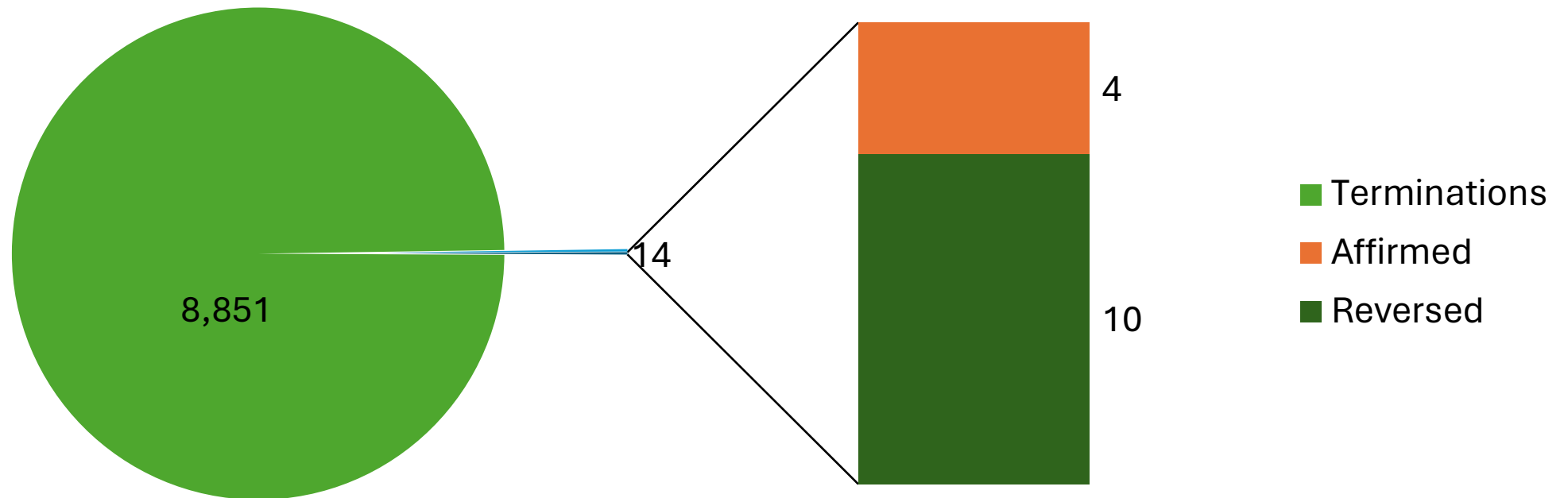
# En Bancs 2023

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(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 Counseled 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](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– Oversized Briefs, Excerpts of Record (2020), Visual Images in Briefs (2022), Counsel in Criminal/Habeas Appeals (2023), Bail pending appeal (2024), Petitions for Rehearing, Deadlines, Electronic Filing (upcoming)
- 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](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](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](mailto: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
- CM/ECF Help Guide is very useful and informative, how-to videos
- ACMS Help, videos, and Instructions now available



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Questions?