

**District of Columbia
Court of Appeals**



No. M-267-20

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Fisher, Thompson,
Beckwith, Easterly, McLeese, and Deahl, Associate Judges.

ORDER

(FILED – March 16, 2020)

On consideration of the proposed amendments to Part XI.C of the court's Internal Operating Procedures, published for notice and comment on January 16, 2020, it is

ORDERED that the proposed amendments reflected below are hereby adopted, effective April 16, 2020.

PER CURIAM

Internal Operating Procedures, Part XI.C (as amended):

C. Pursuant to D.C. Code § 11-705(d), rehearing of an appeal en banc may be ordered by a majority of the judges in regular active service (hereafter referred to as “active” judge or judges). Only the active judges may vote on whether to grant rehearing en banc. A judge’s status as an active or senior judge for the purpose of voting on a petition for en banc review is determined on the date of entry of the order ruling on the petition for en banc review. A judge who joins the court after a petition for hearing or rehearing en banc has been filed with the court, and before an order granting or denying the petition has been entered, will participate in the decision whether to hear or rehear a case en banc. The court for an en banc rehearing consists of the active judges, except that a senior judge who was a member of the division that decided the case may sit as a judge of the court en banc. A judge’s status as an active or senior judge for the purpose of deciding an en banc case is determined on the date of entry of the decision by the en banc court. A judge who joins the court after en banc review has been granted but before the case has been decided by the en banc court will participate in the decision of the case.

Internal Operating Procedures, Part XI.C (as amended):

C. Pursuant to D.C. Code § 11-705(d), rehearing of an appeal en banc may be ordered by a majority of the judges in regular active service (hereafter referred to as “active” judge or judges). Only the active judges may vote on whether to grant rehearing en banc. A judge’s status as an active or senior judge for the purpose of voting on a petition for en banc review is determined on the date of entry of the order ruling on the petition for en banc review. A judge who joins the court after a petition for hearing or rehearing en banc has been filed with the court, and before an order granting or denying the petition has been entered, will participate in the decision whether to hear or rehear a case en banc. The court for an en banc rehearing consists of the active judges, except that a senior judge who was a member of the division that decided the case may sit as a judge of the court en banc. A judge’s status as an active or senior judge for the purpose of deciding an en banc case is determined on the date of entry of the decision by the en banc court. A judge who joins the court after en banc review has been granted but before the case has been decided by the en banc court will participate in the decision of the case.