

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES  
WASHINGTON, D.C. 20544

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ADVISORY COMMITTEE  
ON APPELLATE RULES

**To:** Scott S. Harris  
Clerk of Court, Supreme Court of the United States

**From:** James C. Dever III  
Chair, Committee on Rules of Practice and Procedure

Allison H. Eid  
Chair, Advisory Committee on Appellate Rules

**Date:** March 10, 2026

**Re: Request to Withdraw Proposed Amendments to Appellate Rules 29 and 32 and the Appendix of Length Limits**

Pending before the Court are proposed amendments to the Federal Rules of Appellate Procedure. The Judicial Conference approved these amendments at its September 2025 session (JCUS-SEP 25, p. 20), and they were submitted to the Court on October 16, 2025. If adopted by the Court and transmitted to Congress by May 1, 2026, absent congressional action, the proposed amendments will take effect on December 1, 2026.

With respect to these proposed amendments, we write to respectfully withdraw the proposed amendments to Appellate Rule 29, Appellate Rule 32, and the Appendix of Length Limits. The remaining portion of the Appellate Rules package containing proposed amendments to Form 4 is unaffected by this request and should remain pending for the Court's consideration, and if adopted by the Court, should be transmitted to Congress by May 1, 2026.

The proposed amendments to Rule 29 submitted to the Court contain a new provision in proposed Rule 29(e) that would oblige amicus organizations to disclose brief-related contributions or pledges over \$100 not only from nonmembers, as the current rules require, but also from relatively new members who joined the organization within the previous 12 months. We have recently been made aware of concerns on the part of the Executive Committee of the Judicial Conference that this provision could interfere with the privacy of those organizations and of their members, who may be chilled from contributing to their organization's amicus briefs if they were required to announce their membership to the public. We have also become aware of a

potential ambiguity in proposed Rule 29(d)'s disclosure requirements for parties and counsel, who are obliged to make "the required disclosure" if they know that an amicus has failed to do so. Finally, we have identified an unrevised cross-reference in the Appendix of Length Limits.

To ensure that any effort to address the above issues does not require conforming amendments elsewhere in Rule 29, Rule 32, or the Appendix of Length Limits, we believe that withdrawal of all three in their entirety at this time is appropriate, so that they may receive further consideration by the Advisory Committee. While a delay in moving forward with these amendments now is regrettable, we believe that the additional consideration and clarity will benefit litigants rather than create any difficulty in the interim period while these issues are addressed. The Advisory Committee and Standing Committee unanimously support withdrawing the proposed amendments for further consideration in light of the concerns raised.

We are pursuing this request based on the resolution of a similar issue that arose in 2018 regarding an ambiguity in the proposed amendments to Rule 25(d) after those amendments were approved by the Judicial Conference and submitted to the Court. At that time, Judge David Campbell, the chair of the Standing Committee, and Judge Michael Chagares, the chair of the Appellate Rules Committee, took similar action to ask their committees to approve withdrawal, which was done unanimously, and the Chief Justice and Counsel were then notified in March 2018 of the request to withdraw Rule 25(d). The Advisory Committee and Standing Committee then addressed the changes to Rule 25(d) through the ordinary committee process at their spring meetings and the amendments were adopted and became effective the following year.

To be clear, we ask to withdraw only the proposed amendments to Appellate Rule 29, Rule 32, and the Appendix of Length Limits. Our request leaves unchanged the request for the Court's consideration of proposed amendments to Form 4, submitted to the Court on October 16, 2025.

We apologize to the Court for the inconvenience occasioned by this matter. Please let us know if you have any questions.