

April 14, 2021

Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515

Dear Madam Speaker:

I have the honor to submit to the Congress the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended rules are the following materials that were submitted to the Court for its consideration pursuant to Section 2072 of Title 28, United States Code: a transmittal letter to the Court dated October 20, 2020; a redline version of the rules with committee notes; an excerpt from the September 2020 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the June 2020 report of the Advisory Committee on Appellate Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 14, 2021

Honorable Kamala D. Harris
President, United States Senate
Washington, DC 20510

Dear Madam President:

I have the honor to submit to the Congress the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying the amended rules are the following materials that were submitted to the Court for its consideration pursuant to Section 2072 of Title 28, United States Code: a transmittal letter to the Court dated October 20, 2020; a redline version of the rules with committee notes; an excerpt from the September 2020 report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States; and an excerpt from the June 2020 report of the Advisory Committee on Appellate Rules.

Sincerely,

/s/ John G. Roberts, Jr.

April 14, 2021

SUPREME COURT OF THE UNITED STATES

ORDERED:

1. The Federal Rules of Appellate Procedure are amended to include amendments to Rules 3 and 6, and Forms 1 and 2.

[*See infra* pp. — — —.]

2. The foregoing amendments to the Federal Rules of Appellate Procedure shall take effect on December 1, 2021, and shall govern in all proceedings in appellate cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. THE CHIEF JUSTICE is authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Appellate Procedure in accordance with the provisions of Section 2074 of Title 28, United States Code.

**PROPOSED AMENDMENTS TO THE
FEDERAL RULES OF APPELLATE PROCEDURE**

Rule 3. Appeal as of Right—How Taken

* * * * *

(c) Contents of the Notice of Appeal.

- (1) The notice of appeal must:
 - (A) specify the party or parties taking the appeal by naming each one in the caption or body of the notice, but an attorney representing more than one party may describe those parties with such terms as “all plaintiffs,” “the defendants,” “the plaintiffs A, B, et al.,” or “all defendants except X”;
 - (B) designate the judgment—or the appealable order—from which the appeal is taken; and
 - (C) name the court to which the appeal is taken.
- (2) A pro se notice of appeal is considered filed on behalf of the signer and the signer’s spouse and

minor children (if they are parties), unless the notice clearly indicates otherwise.

- (3) In a class action, whether or not the class has been certified, the notice of appeal is sufficient if it names one person qualified to bring the appeal as representative of the class.
- (4) The notice of appeal encompasses all orders that, for purposes of appeal, merge into the designated judgment or appealable order. It is not necessary to designate those orders in the notice of appeal.
- (5) In a civil case, a notice of appeal encompasses the final judgment, whether or not that judgment is set out in a separate document under Federal Rule of Civil Procedure 58, if the notice designates:
 - (A) an order that adjudicates all remaining claims and the rights and liabilities of all remaining parties; or

(B) an order described in Rule 4(a)(4)(A).

- (6) An appellant may designate only part of a judgment or appealable order by expressly stating that the notice of appeal is so limited.

Without such an express statement, specific designations do not limit the scope of the notice of appeal.

- (7) An appeal must not be dismissed for informality of form or title of the notice of appeal, for failure to name a party whose intent to appeal is otherwise clear from the notice, or for failure to properly designate the judgment if the notice of appeal was filed after entry of the judgment and designates an order that merged into that judgment.

- (8) Forms 1A and 1B in the Appendix of Forms are suggested forms of notices of appeal.

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Rule 6. Appeal in a Bankruptcy Case

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(b) Appeal From a Judgment, Order, or Decree of a District Court or Bankruptcy Appellate Panel Exercising Appellate Jurisdiction in a Bankruptcy Case.

- (1) **Applicability of Other Rules.** These rules apply to an appeal to a court of appeals under 28 U.S.C. § 158(d)(1) from a final judgment, order, or decree of a district court or bankruptcy appellate panel exercising appellate jurisdiction under 28 U.S.C. § 158(a) or (b), but with these qualifications:
- (A) Rules 4(a)(4), 4(b), 9, 10, 11, 12(c), 13–20, 22–23, and 24(b) do not apply;
 - (B) the reference in Rule 3(c) to “Forms 1A and 1B in the Appendix of Forms” must be read as a reference to Form 5;
 - (C) when the appeal is from a bankruptcy appellate panel, “district court,” as used in

any applicable rule, means “appellate panel”; and

- (D) in Rule 12.1, “district court” includes a bankruptcy court or bankruptcy appellate panel.

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Form 1A

**Notice of Appeal to a Court of Appeals From a
Judgment of a District Court**

United States District Court for the _____
District of _____
Docket Number _____

A.B., Plaintiff
v.
C.D., Defendant

Notice of Appeal

_____ (name all parties taking the appeal)* appeal
to the United States Court of Appeals for the _____ Circuit
from the final judgment entered on _____ (state the date
the judgment was entered).

(s) _____
Attorney for _____
Address: _____

*[Note to inmate filers: If you are an inmate confined in an
institution and you seek the timing benefit of Fed. R. App. P.
4(c)(1), complete Form 7 (Declaration of Inmate Filing) and
file that declaration with this Notice of Appeal.]*

* See Rule 3(c) for permissible ways of identifying appellants.

Form 1B

**Notice of Appeal to a Court of Appeals From an
Appealable Order of a District Court**

United States District Court for the _____
District of _____
Docket Number _____

A.B., Plaintiff

v.

C.D., Defendant

Notice of Appeal

_____ (name all parties taking the appeal)*
appeal to the United States Court of Appeals for the
_____ Circuit from the order _____ (describe the
order) entered on _____ (state the date the order was
entered).

(s) _____
Attorney for _____
Address: _____

[Note to inmate filers: *If you are an inmate confined in an institution and you seek the timing benefit of Fed. R. App. P. 4(c)(1), complete Form 7 (Declaration of Inmate Filing) and file that declaration with this Notice of Appeal.]*

* See Rule 3(c) for permissible ways of identifying appellants.

Form 2

**Notice of Appeal to a Court of Appeals From a Decision
of
the United States Tax Court**

United States Tax Court
Washington, D.C.

Docket No. _____

A.B., Petitioner
v.
Commissioner of Internal Revenue, Respondent

Notice of Appeal

_____ (name all parties taking the appeal)* appeal
to the United States Court of Appeals for the _____ Circuit
from the decision entered on _____ (state the date the
decision was entered).

(s) _____
Attorney for _____
Address: _____

* See Rule 3(c) for permissible ways of identifying appellants.