

## PREFACE

This edition covers the latest amendments to the Federal Rules of Appellate Procedure, which combine panel and en banc rehearings in one rule. This new rule standardizes procedures, while stressing the differences between various types of rehearings. This edition also reports decisions over the past year by the Supreme Court and courts of appeals relating to appellate procedure. As always, they are numerous.

Updating this book annually allows more flexibility in revising material than a pocket part. As a result, you will find expanded or updated discussion of several subjects, including these:

- practice tips for appellate counsel
- appeals from remands in removed actions
- appeals from denied arbitration
- different ways to supplement the record on appeal
- changing standards for review of administrative actions

This Manual still bridges the gap between “How To” articles and books on appeals—of which there are many—and the specific needs of lawyers handling federal appeals. Much of the general advice on appeals could apply anywhere, but my focus is exclusively on federal appeals. The emphasis in this Manual continues to be on procedure in the United States courts of appeals.

If one feature still sets this Manual apart from other appellate procedure books, it is my insistence on citing examples of how courts actually apply rules or principles. I do not ignore what courts say, but I am equally interested in what they do. These examples offer a useful guide for what the law really is and where it may be headed.

This is a Manual, not an encyclopedia. I do not cite a case from every circuit on points where most circuits agree. I also minimize citation to circuit rules because they frequently change. I try to summarize the local variations and then encourage readers to check a current version of their circuit rules.

I encourage judges and lawyers to contact me about anything that could be improved.

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FEDERAL COURT OF APPEALS MANUAL

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