

PREFACE

This edition covers the latest amendments to the Federal Rules of Appellate Procedure, which took effect in December 2025. Revised Rule 6 clarifies the deadlines in bankruptcy for post-judgment motions and the procedures governing direct bankruptcy appeals. Revised Rule 39 spells out the respective roles of the court of appeals and the district court in allocating and taxing costs on appeal.

This Manual also covers decisions over the past year by the Supreme Court and courts of appeals relating to appellate procedure. As always, they are numerous.

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

- the changing standards for review of administrative actions
- appeals from remands of removed actions
- inaction as the denial of an injunction
- more effective oral argument

This edition continues to bridge 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 the focus here is exclusively on procedure in the U.S. 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 I do not cite a case from every circuit on points where most circuits agree.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 try to minimize citation to circuit rules because they vary in so many minor ways and often change. I offer an overview of these local variations and encourage readers to check their current circuit rules.

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

FEDERAL COURT OF APPEALS MANUAL

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