

**0.0.10 | APPOINTMENT OF COUNSEL FOR FORMAL BRIEFING AND ORAL ARGUMENT**

Motions for appointment of counsel should be filed at the same time as the informal brief. If filed prior to the informal brief, consideration of the motion for appointment of counsel will be deferred pending filing of the briefs and review of the appeal on the merits.

Local Rule 34(a) sets out the court's pre-argument review procedure. Under Local Rule 34(a), cases are referred to randomly selected three-judge panels for review of the briefs and appendix. If all of the judges of the panel conclude that oral argument is unnecessary, they may make any appropriate disposition, without oral argument, including but not limited to, affirmance or reversal. Loc. R. 34(a).

A decision against oral argument must be unanimous, and if a case is decided without oral argument the decision on the merits must be unanimous also. IOP 34.2. Whenever at least one member of the review panel determines that oral argument would be of assistance, the panel notifies the clerk who places the case on the oral argument calendar. IOP 34.2.

If the panel reviewing an informal brief submitted by an indigent pro se litigant determines that further briefing and possible oral argument would be of assistance, counsel will be appointed and directed to file additional formal briefs. In any appeal that has been informally briefed, the Court may direct that additional briefs be filed prior to oral argument.

*(4<sup>th</sup> Circuit Court of Appeals // December 2023)*