

6.1.04 | PUBLISHED OPINIONS

An opinion is not published unless it meets one or more of the standards set out for publication in Local Rule 36(a).

- It establishes, alters, modifies, clarifies, or explains a rule of law within this circuit; or
- It involves a legal issue of continuing public interest; or
- It criticizes existing law; or
- It contains an historical review of a legal rule that is not duplicative; or
- It resolves a conflict between panels of this court or creates a conflict with a decision in another circuit.

The court will publish opinions only in cases that have been formally briefed and argued. Opinions in such cases will be published if the author or a majority of the joining judges believe the opinion satisfies one or more of the standards of publication, and all members of the court have acknowledged in writing their receipt of the proposed opinion. A judge may file a published opinion without obtaining all acknowledgments only if the opinion has been in circulation with all members of the court for 10 days. Loc. R. 36(a). When the author of a dissenting opinion designates it for publication, the majority opinion will also be published.

((4th Circuit Court of Appeals // December 2023))

