

**District of Columbia
Court of Appeals**



No. M296-26

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

NOTICE

(FILED – May 12, 2026)

The court is considering amending D.C. App. R. 31(a)(1) to clarify the timing of the filing of reply briefs. The pertinent part of that rule currently reads, “The appellant may serve and file a reply brief within 21 days after service of the appellee’s brief, but a reply brief must be filed at least 7 days before oral argument.” The rule has created three issues of concern. First, some parties have understood the 21-day time limit to be optional and thus to view any reply brief filed at least seven days before oral argument as timely. Second, parties that have understood the 21-day time limit as a requirement often file motions seeking multiple extensions of time within which to file their reply briefs. Although the court has routinely granted such motions as long as they did not result in filing too close to the date of oral argument, the obligation to file such motions places a burden on the parties and the obligation to rule on the motions places a burden on the court. Third, the seven-day deadline permits filing of reply briefs so close to oral argument as to impose significant burdens on the opposing party and the court.

The court is therefore considering amending the pertinent part of Rule 31(a)(1) as follows: “The appellant may serve and file a reply brief. Barring extraordinary circumstances, a reply brief must be filed at least 14 days before oral argument or the submission of the case without oral argument.” The court anticipates that tying the date of filing to the date of argument or submission would substantially reduce the burdens imposed by the filing of motions for extension of time. Moreover, extending the time limit to fourteen days would substantially reduce the burdens imposed on opposing parties and the court by the filing of reply briefs close in time to oral argument. The court tentatively intends that the “extraordinary circumstances” exception permitting late filing would be narrowly interpreted, and that the general press of work would not constitute an extraordinary circumstance.

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendment under consideration. Comments must be submitted by August 12, 2026. Comments may be submitted electronically to rules@dcappeals.gov or in writing, addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. All comments submitted pursuant to this notice will be available to the public.

PER CURIAM