Practicing in the Fifth Circuit: A Few Things Attorneys Need to Know
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Clerk of Court

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CIRCUIT JURISDICTION
AND COURT COMPOSITION

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5th Circuit's Nine Districts (28 USC §41)

3 Louisiana Districts:
Eastern District, New Orleans
Chief Judge Nannette Jolivette Brown - Clerk Carol L. Michel
Middle District, Baton Rouge
Chief Judge Shelly D. Dick - Clerk Mike L. McConnell
Western District, Shreveport
Chief Judge Terry A. Doughty - Clerk Daniel J. McCoy

2 Mississippi Districts:
Northern District, Oxford
Chief Judge Debra M. Brown - Clerk David Crews
Southern District, Jackson
Chief Judge Daniel P. Jordan, III - Clerk Arthur Johnston, III

4 Texas Districts:
Eastern District, Beaumont
Chief Judge Rodney Gilstrap - Clerk David O'Toole
Northern District, Dallas
Chief Judge David C. Godbey - Clerk Karen Mitchell
Southern District, Houston
Chief Judge Randy Crane - Clerk Nathan Ochsner
Western District, San Antonio
Chief Judge Alia Moses - Clerk Philip Devlin
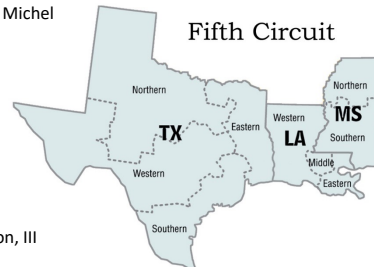
Fifth Circuit

Court sits in New Orleans and Fort Worth and elsewhere as required (28 USC §48)

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5th Circuit Judges

28 USC §44 authorizes 17 Judges. We have 17 Active and 8 Senior* Judges, with chambers in the locations noted.

- Houston: Judges King*, Jones, Smith, and Elrod
- Austin: Chief Judge Richman and Judges Willett, Oldham and Higginbotham*
- Dallas: Judges Haynes, Ho, and Ramirez
- Jackson: Judges Jolly*, Barksdale**,** Southwick, Graves, and Wilson
- Shreveport: Judge Stewart
- New Orleans: Judges Davis*, Wiener*, Dennis*, Clement*, Higginson, Engelhardt and Douglas
- Baton Rouge: Judge Duncan

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Items of Interest to Practitioners

- Generative Artificial Intelligence (AI). In January, the court proposed a local rule to address use of AI in pleadings.   The court has now determined to withdraw the proposed rule:

  - "The court, having considered the proposed rule, the accompanying comments, and the use of artificial intelligence in the legal practice, has decided not to adopt a special rule regarding the use of artificial intelligence in drafting briefs at this time. Parties and counsel are reminded of their duties regarding their filings before the court under Federal Rule of Appellate Procedure 46(b)(1)(B). Parties and counsel are responsible for ensuring that their filings with the court, including briefs, shall be carefully checked for truthfulness and accuracy as the rules already require. "I used AI" will not be an excuse for an otherwise sanctionable offense."

Items of Interest to Practitioners

- A recent revision to Internal Operating Procedure (IOP) following 5th Cir. R. 41. directs the clerk to docket an entry noting when a mandate is held.
- Panel decisions are subject to en banc review. Any active Judge may direct the clerk to withhold issuance of the mandate, to permit time to resolve issues with the opinion, or request an en banc poll. This process is discussed in United States v. Ramirez, 84 F.4th 384 (5th Cir. 2023).
- The clerk now issues an order noting the mandate has been held at the request of a judge, without disclosing the identity of the judge. If the hold is later released, the clerk issues an order to that effect.

Title search: Practicing in the Fifth Circuit: A Few Things Attorneys Need to Know

Also available as part of the eCourse
[2024 Federal Appellate Law Practice: Recent Cases and Practice Tips](#)

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