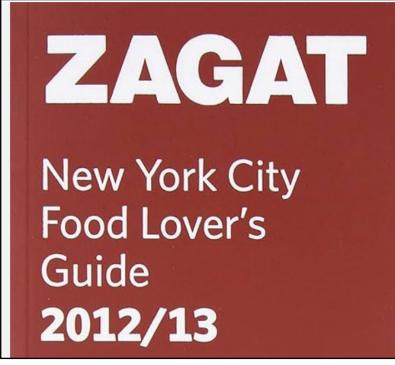
FIFTH CIRCUIT UPDATE 2023-2024

RAFFI MELKONIAN

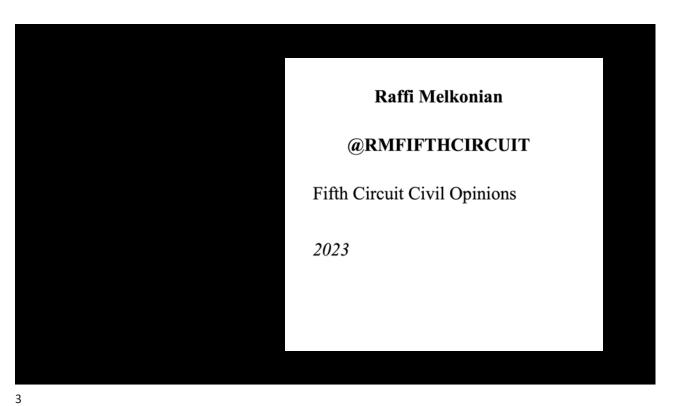
June 7, 2024

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-	Doeket#		Grant Date	From	Argue Date		
L	22-448	CFPB v. Cmty. Fin. Serv's Ass'n of Am., Ltd.	2/27/2023	CA5	10/3/2023	You	
	22-807	Alexander v. S.C. Conf. of the NAACP	5/15/2023	D.S.C.	10/11/2023		
		Vidal v. Elster	6/5/2023	CAFed	11/1/2023	- 60	
	22-915	United States v. Rahimi	6/30/2023	CA5	11/7/2023	100	
	22-6589	Brown v. United States	5/15/2023	CA3	11/27/2023		
	22-6640	Jackson v. United States	5/15/2023	CAn	11/27/2023	610	
	22-859	SEC v. Jarkesy	6/30/2023	CA5	11/29/2023	100	
	23-124	Harrington v. Purdue Pharma L.P.	8/10/2023	CA2	12/4/2023		ALC: I
	22-800	Moore v. United States	6/26/2023	CA9	12/5/2023	100	National press ha
	22-674	Campos-Chaves v. Garland	6/30/2023	CA5	1/8/2024	700	
	22-884	Garland v. Singh	6/30/2023	CA9	1/8/2024		noticed issues
E	22-1238	U.S. Tr. v. John Q. Hammons Fall 2006, LLC	9/29/2023	CAto	1/0/2024		
Ĺ	22-890	Smith v. Arizona	9/29/2023	Ariz. App.	1/10/2024		
Ľ	22-1219	Relentless v. Dep't of Commerce	10/13/2023	CAr	1/17/2024	20.01	
Ľ	22-451	Loper Bright Enters, v. Raimondo	5/1/2023	CADC	1/17/2024	Whi	
E	22-1008	Corner Post v. Bd. of Governors	9/29/2023	CA8	2/20/2024		
С	22-277	Moody v. NetChoice, LLC	9/29/2023	CA11	2/26/2024		
С	22-555	NetChoice, LLC v. Paxton	9/29/2023	CAS	2/26/2024	(8)	
Г	22-520	Cantero v. Bank of America	10/13/2023	CA2	2/27/2024		
Г	22-976	Garland v. Cargill	11/3/2023	CAS	2/28/2024		
Г	23:3	Coinbase v. Suski	11/3/2023	CAo	2/28/2024		
Г	22-842	Nat'l Rifle Ass'n v. Vullo	11/3/2023	CA2	3/18/2024	Electric Co.	
Г	23-411	Murthy v. Missouri	10/20/2023	CA ₅	3/18/2024		
Г	22-1079	Truck Ins. Ex. v. Kaiser Gypsum Co.	10/13/2023	CA4	3/19/2024		
Г	23-14	Diaz v. United States	11/13/2023	CA9	3/19/2024		
Г	143, Original	Texas v. New Mexico	1/22/2024	Original	3/20/2024		
Г	22-1025	Gonzalez v. Trevino	10/13/2023	CA5	3/20/2024		
Г	23-21	Harrow v. Dep't of Defense	12/8/2023	CAFed	3/25/2024		
Г	23-250	Becerra v. San Carlos Apache Tribe	11/20/2023	CA9	3/25/2024		
Г	23-253	Becerra v. N. Arapaho Tribe	11/20/2023	CAso	3/25/2024		
Г	23:235	FDA v. Alliance for Hippocratic Medicine	12/13/2023	CAS	3/26/2024		
Г	23-236	Danco Labs. v. Alliance for Hippocratic Medicine	12/13/2023	CAS	3/26/2024		
Г	23-146	Connelly v. IRS	12/13/2023	CA8	3/27/2024	LAVE	
Г	23:370	Erlinger v. United States	11/20/2023	CA7	3/27/2024		
C	23-108	Snyder v. United States	12/13/2023	CA7	4/15/2024		
Γ	23-50	Chiaverini v. Napoleon	12/13/2023	CA6	4/15/2024		
	23:5572	Fischer v. United States	12/13/2023	CADC	4/16/2024		
Г	22-982	Thornell v. Jones	12/13/2023	CA9	4/17/2024		
-	22-1218	Smith v. Spizzirri	1/12/2024	CA9	4/22/2024		
Г	23-175	City of Grants Pass v. Johnson	1/12/2024	CA9	4/22/2024		
Г		Dep't of State v. Munoz	1/12/2024	CAo	4/23/2024		
Г		Starbucks Corp. v. McKinney	1/12/2024	CA6	4/23/2024		
Г	23-720	Moyle v. United States	1/4/2024	CAo	4/24/2024		
Г	23:797	Idaho v. United States	1/4/2024	CAo	4/24/2024		
		Trump v. United States	2/28/2024	CADC	4/25/2024		

Tips and Tricks

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Fifth Circuit Attorney's Toolbox

Courts Can Adapt with Technology and Improve Practitioners' Experience

The Bencher—May/June 2024

By Raffi Melkonian, Esquire



The U.S. Court of Appeals for the Fifth Circuit has often found itself in the news this past year, whether it's for important decisions on fraught social issues (such as abortion medications and border crossings) or for its continued grappling with more local disputes (such as the spate of lawsuits about Louisiana's "overdetention" of prisoners past the end of their sentences).

All that aside, the court has been making technological advancements that improve the day-to-day practice of lawyers in the circuit. The court's example could be adopted by other courts throughout the country; courts may be loathe to make big fhanges, but they can still make incremental reforms to improve the judicial process.



The Fifth Circuit's new "Attorney Toolbox" is a wonderful example of the trend.
The court has long offered its judges hyperiinked copies of briefs. After the litigants filed their briefs, an internal court program linked all cases cited by the parties to the Westshow or LENS databases and all record citations to the Fifth Circuit's Record on Appeal. That way, judges could simply click on a case on their tablets or computer screens and be taken directly to the cited authority.

The Record on Appeal in turn was automatically generated by the court from the entire district court record: in the Fifth Circuit, you needn't worry about manually creating a voluminous appellate appendix the way you do in other courts. Instead, the district court produces a paginated PDF document that includes sevely document filled in the trial court.

As welcome as these systems were, however, many Fifth Circuit lawyers worried about exactly how the citations would appear in the internal documents the judges would review. For example, when they citation and on page 454 of the Record on Appeal—the page with the key contractual provision—would it go to the correct page or would the link be broken?

The court's filing system also had pitfalls for less-experienced lawyers. The court requires parties to file so-called 'Record Excerpts,' which is a short selection of record materials primarily intended for a screening panel to decide whether a case merits oral argument. But many novice counsel included the wrong documents in the excerpts, leading to their briefs being rejected. Such rejections can be embarrassing but also cost clients needless money.

All that has now changed with the toolbox. Once you're done writing, the court's own system will hyperlink your cases to a legal database of choice. The system will also hyperlink your brief to the Record on Appeal. This solves the concern about not being able to check the final product. Lawyers now will be able to see exactly what the Fifth Circuit has judges see. In addition, the toolbox will automatically enerate the required Record Excerpts. This automatic functionality should help reduce the number of record excerpts that are rejected by the court for failing to conform to the rules. And if all that falls, the Fifth Circuit has also relatively recently instituted an automatic three-day emergency extension. This gives you extra time if on a due date you find yourself unable to fife because of technological problems.

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Title search: U.S. Fifth Circuit Update

Also available as part of the eCourse 2024 eConference on State and Federal Appeals

First appeared as part of the conference materials for the 34^{th} Annual Conference on State and Federal Appeals session "U.S. Fifth Circuit Update"