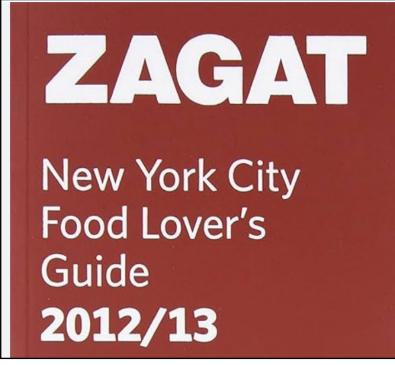
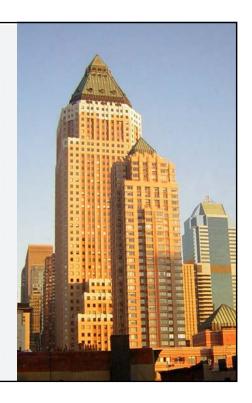
FIFTH CIRCUIT UPDATE 2023-2024

RAFFI MELKONIAN

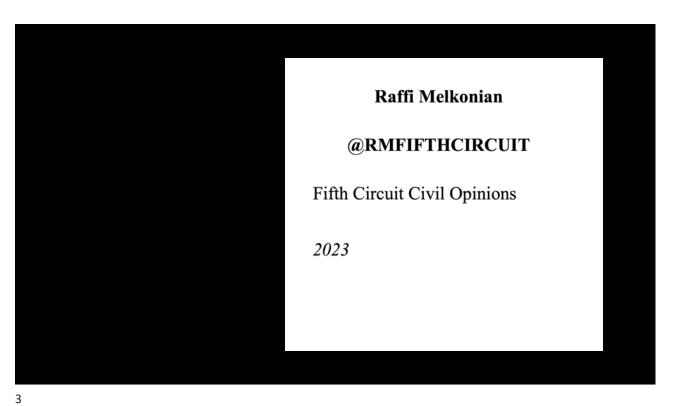
June 7, 2024

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# Docket#	Caption	Grant Date	From	Argue Date		
22-448	CFPB v. Cmty, Fin. Serv's Ass'n of Am., Ltd.	2/27/2023	CA5	10/3/2023	Steam	
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	- 679	
22-915	United States v. Rahimi	6/30/2023	CA5	11/7/2023		
	Brown v. United States	5/15/2023	CA3	11/27/2023		
22-6640	Jackson v. United States	5/15/2023	CAn	11/27/2023	670	
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		Making all agents for
22-800	Moore v. United States	6/26/2023	CA ₀	12/5/2023		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	CAg	1/8/2024		noticed issues
22-1238	U.S. Tr. v. John Q. Hammons Fall 2006, LLC	9/29/2023	CAso	1/0/2024		
	Smith v. Arizona	9/29/2023	Ariz. App.	1/10/2024		
	Relentless v. Dep't of Commerce	10/13/2023	CAI	1/17/2024	2000	
22-451	Loper Bright Enters, v. Raimondo	5/1/2023	CADC	1/17/2024	WO.	
22-1008	Corner Post v. Bd. of Governors	9/29/2023	CA8	2/20/2024	11.00	
22-277	Moody v. NetChoice, LLC	9/29/2023	CA11	2/26/2024	12.	
22-555	NetChoice, LLC v. Paxton	9/29/2023	CAS	2/26/2024	1,587	
22:520	Cantero v. Bank of America	10/13/2023	CA ₂	2/27/2024	10.0	
22-976	Garland v. Cargill	11/3/2023	CAS	2/28/2024		
-0.0	Coinbase v. Suski	11/3/2023	CAo	2/28/2024		
22-842	Nat'l Rifle Ass'n v. Vullo	11/3/2023	CA2	3/18/2024	Sarry	
23-411	Murthy v. Missouri	10/20/2023	CAS	3/18/2024		
22-1079	Truck Ins. Ex. v. Kaiser Gypsum Co.	10/13/2023	CA4	3/19/2024		
	Diaz v. United States	11/13/2023	CA9	3/19/2024		
143, Original	Texas v. New Mexico	1/22/2024	Original	3/20/2024		
22:1025	Gonzalez v. Trevino	10/13/2023	CA5	3/20/2024		
23-21	Harrow v. Dep't of Defense	12/8/2023	CAFed	3/25/2024		
23-250	Becerra v. San Carlos Apache Tribe	11/20/2023	CA ₀	3/25/2024	1000	
23-253	Becerra v. N. Arapaho Tribe	11/20/2023	CAso	3/25/2024		
	FDA v. Alliance for Hippocratic Medicine	12/13/2023	CAS	3/26/2024		
23:236	Danco Labs. v. Alliance for Hippocratic Medicine	12/13/2023	CA ₅	3/26/2024		
	Connelly v. IRS	12/13/2023	CA8	3/27/2024	The state of the s	
	Erlinger v. United States	11/20/2023	CA7	3/27/2024		
23-108	Snyder v. United States	12/13/2023	CA7	4/15/2024		
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		
	Thornell v. Jones	12/13/2023	CA9	4/17/2024		
22-1218	Smith v. Spizzirri	1/12/2024	CA9	4/22/2024		
23-175	City of Grants Pass v. Johnson	1/12/2024	CA9	4/22/2024		
	Dep't of State v. Munoz	1/12/2024	CA ₀	4/23/2024		
23-367	Starbueks Corp. v. McKinney	1/12/2024	CA6	4/23/2024		
23-720	Moyle v. United States	1/4/2024	CAo	4/24/2024		
23:727	Idaho v. United States	1/4/2024	CAo	4/24/2024		
23-939	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 Federal Appellate Law Practice: Recent Cases and Practice Tips

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"