

# New Federal Circuit Practice Notes Concerning Expedited Appeals

## November 20, 2014

### Following Rule 4: Appeal as of Right – When Taken

**EXPEDITED PROCEEDINGS.** The overall time for an appeal can be accelerated by the expeditious filing of a notice of appeal shortly after entry of final judgment in the trial forum. When a party is considering seeking expedited proceedings on appeal, the party should consider filing its notice of appeal and initial brief well before the applicable deadline. For further information on expedition procedures, see the Practice Notes to Rule 27.

### Following Rule 15: Review or Enforcement of an Agency Order – How Obtained; Intervention

**EXPEDITED PROCEEDINGS.** The overall time for a review of an agency decision can be accelerated by the expeditious filing of a notice of appeal or petition for review shortly after entry of the reviewable agency order. When the appellant or petitioner for review is considering seeking expedited proceedings on appeal, the party should consider filing its notice of appeal or petition for review and initial brief well before the deadline for such actions. For further information on expedition procedures, see the Practice Notes to Rule 27.

### Following Rule 27: Motions

**MOTION TO EXPEDITE PROCEEDINGS.** While motions to expedite proceedings are not routinely granted, they may be filed in an appropriate case. A motion for expedited proceedings is the procedural vehicle to request the Court to accelerate consideration of an appeal or petition for review, and should be filed immediately upon filing of an appeal or petition for review. Such a motion is appropriate where the normal briefing and disposition schedule may adversely affect one of the parties, such as appeals involving preliminary or permanent injunctions, or government contract bid protests. A motion for expedited proceedings should be styled as an “Emergency Motion.” Unopposed emergency motions should still include a brief review of the grounds for the motion, the specific relief sought by way of a proposed briefing schedule, and the legal argument to support the motion, per Rule 27(a)(4). A motion for expedited proceedings should also include as part of the relief sought a request for an expedited briefing schedule for the motion.