



Billing Code. 0000

This document is scheduled to be published in the Federal Register on 2026-04-21 and available online at <https://www.federalregister.gov/d/2026-07685>, and on <https://govinfo.gov>

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD-2026-OS-0892]

U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

AGENCY: Office of the Secretary, Department of Defense (DoD).

ACTION: Notice of proposed changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces proposed redrafting of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces. Although these rules of practice and procedure fall within the Administrative Procedure Act's exemptions for notice and comment, the Department, as a matter of policy, has decided to make these changes available for public review and comment before they are implemented.

DATES: Comments on the proposed changes must be received by [INSERT 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by docket number and title by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>.
- Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Malcolm H. Squires, Jr., Clerk of the Court, telephone (202) 761-1448.

SUPPLEMENTARY INFORMATION: This notice announces the following proposed removal of Rule 8(f) and change to 24(e)(4) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces.

Dated: April 16, 2026.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Rule 8:

Rule 8 – Parties – currently reads:

(e) When a mandatory review case is filed, the accused is the appellant. The other party is the appellee.

(f) If a petition for grant of review or a certificate for review is filed after an action has been docketed in the same case, the party on whose behalf relief is sought in the second action is the appellant or cross-appellant, depending on whether such party is the appellant or appellee in the first action. The other party in the second action is the appellee or cross-appellee as determined in a similar manner.

(g) All parties filing a petition for extraordinary relief with the Court are petitioners. All parties to the proceeding below other than petitioners are respondents.

The proposed change to Rule 8 would read:

(e) When a mandatory review case is filed, the accused is the appellant. The other party is the appellee.

(f) All parties filing a petition for extraordinary relief with the Court are petitioners. All parties to the proceeding below other than petitioners are respondents.

Comment: Rule 8 has been amended to better reflect the Court's internal docketing procedure.

Rule 24:

Rule 24 – Form, Content, and Type-Volume Limitations – currently reads:

(e) Joint Appendix. In addition to electronically filing a joint appendix, the appellant or petitioner is responsible for filing eight paper copies of a joint appendix, which is a separate document filed contemporaneously with the brief.

(4) Agreement and Designation. The parties are encouraged to agree on the contents of the joint appendix. In the absence of agreement, the appellant or petitioner must serve on the appellee or respondent a designation of the issues to be raised on appeal and of the parts of the record to be included in the joint appendix. Service must be made within fourteen days of the order granting the petition, the Judge Advocate General filing a certificate for review, the notice of the docketing of a mandatory review case, or the filing of a petition for new trial, petition for extraordinary relief or a writ-appeal petition. The appellee or respondent may, within fourteen days after receiving the designation, serve on the appellant or petitioner a designation of the additional parts of the record to draw to the attention of the Court. The appellant or petitioner must include the parts designated by the appellee or respondent in the joint appendix. The parties must avoid designating unnecessary parts of the record because the entire record is available to the Court. In the event a cross-appeal is filed, the Clerk will establish deadlines for designations.

The proposed change to Rule 24 would read:

(e) Joint Appendix. In addition to electronically filing a joint appendix, the appellant or petitioner is responsible for filing eight paper copies of a joint appendix, which is a separate document filed contemporaneously with the brief.

(4) Agreement and Designation. The parties are encouraged to agree on the contents of the joint appendix. In the absence of agreement, the appellant or petitioner must serve on the appellee or respondent a designation of the issues to be raised on appeal and of the parts of the record to be included in the joint appendix. Service must be made within seven days of the order granting the petition, the Judge Advocate General filing a certificate for review, the notice of the docketing of a mandatory review case, or the filing of a petition for new trial, petition for extraordinary relief or a writ-appeal petition. The appellee or respondent may, within seven days after receiving the designation, serve on the appellant or petitioner a designation of the additional parts of the record to draw to the attention of the Court. The appellant or petitioner must include the parts designated by the appellee or respondent in the joint appendix. The parties must avoid designating

unnecessary parts of the record because the entire record is available to the Court. In the event a cross-appeal is filed, the Clerk will establish deadlines for designations.

Comment: Rule 24 has been amended to ensure that parties propose and respond to joint appendix requests within the twenty-one-day deadline for joint appendix filing.

[FR Doc. 2026-07685 Filed: 4/20/2026 8:45 am; Publication Date: 4/21/2026]