

SC RULE CASE OPENINGS BULLETIN

MODIFICATION TO SC CASE OPENING PROCEDURE EFFECTIVE APRIL 2, 2018

Summary

These instructions affect the procedure used to open SC cases in dData. The instructions for opening an SC case type were modified by a bulletin effective November 3, 2017. (Reprinted below for convenience.) The substance of those rules remain in effect. However, beginning April 2, 2018, SC cases will not be available for case managers to open directly in dData.

New SC Case Opening Procedure

- SC cases will only be eligible to be opened by Justice Works, at the direction of DSO, subject to the limitations below;
- The DSO Data Analytics attorney shall contact Justice Works and permit the opening of an SC case when the Defender presents proof that the cert. petition has been granted and the matter is proceeding to briefing and/or argument. Appropriate documentation includes an order granting the cert. petition or analogous communication from the clerk of the Supreme Court. The defender must confirm that the work to be performed by that defender's office meets the terms of the SC case opening guidance issued effective November 3, 2017.

SC Rule (Effective November 3, 2017) (Supersedes E4(b)(11), p. 18-27)

11.) Grant of a Petition for Writ of Certiorari (SC)

A Petition for Writ of Certiorari is a document filed in the United States Supreme Court requesting review of a decision of a lower appellate court. *See* Rule 10, Rules of the Supreme Court of the United States. The filing of a petition for certiorari following the outcome of the appellate case below is **not** a new case, and does **not** generate a new case opening. Similarly, the filing of a brief in opposition is **not** a new case and does **not** generate a new case opening. An SC case may only be opened once the Supreme Court grants certiorari and orders briefing.

A Petition for Certiorari that is resolved via a "GVR" (an order which simultaneously grants the petition, vacates the decision below, and remands for further proceedings), should **not** be opened as an SC. When a GVR is issued, the original appeal case should be closed in dData and

a new case opened using the appropriate appeals case type. (*See* pp. 18-24 through 18-26.)

Where an FDO is not counsel of record in an SC case, but is asked to assist with briefing or to provide other assistance to counsel of record on an SC case, the assisting FDO should not open a separate SC case. Only an FDO serving as counsel of record should open an SC case. An FDO not counsel of record working on a case from another FDO office may bill its time as OOD (Out of District) in dData.

Upon completion of the SC case, it should be closed with the appropriate disposition code. (See Appendix D.)