

Rule 32.1 Citing Judicial Dispositions

- (a) **Citation Permitted.** A court may not prohibit or restrict the citation of federal judicial opinions, orders, judgments, or other written dispositions that have been:
- (i) designated as “unpublished,” “not for publication,” non-precedential,” not precedent,” or the like; and
 - (ii) issued on or after January 1, 2007.
- (b) **Copies Required.** If a party cites a federal judicial opinion, order, judgment, or other written disposition that is not available in a publicly accessible electronic database, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other paper in which it is cited.

Current 6 Cir. R. 28(g)

- (g) **Citation of Unpublished Decisions.** Citation of unpublished decisions in briefs and oral arguments in the Court and in the district courts within this Circuit is disfavored, except for the purpose of establishing res judicata, estoppel, or the law of the case. If a party believes, nevertheless, that an unpublished disposition has precedential value in relation to a material issue in a case, and that there is no published opinion that would serve as well, such decision may be cited if that party serves a copy thereof on all other parties in the case and on this Court. Such service shall be accomplished by including a copy of the decision in an addendum to the brief.

Proposed Amendment to 6 Cir. R. 28(g), which would
read in its entirety as follows:

- (g) **Citation of Unpublished Decisions.** Citation of unpublished opinions is permitted.
FRAP 32.1(b) applies to all such citations.