

FOURTH CIRCUIT CHECKLIST FOR BRIEFS AND APPENDICES

CONTENT OF BRIEFS (FRAP 28, 28.1, 29)

Required contents for appellant's opening brief indicated by (A); for appellee's response brief by (E); for reply brief by (R); for amicus brief by (Amicus). Appellee *may* include other sections if dissatisfied with appellant's statements. Amicus *must* include Statement of Identity, Interest, and Authority to File immediately following Table of Authorities. On cross-appeals, appellee's opening/response brief must satisfy (A), with exception of statement of case and statement of facts, and appellant's response/reply brief must satisfy (E).

Corporate Disclosure Statement, <i>FRAP 28(a)(1), Loc. R. 26.1</i>	(A,E,Corp.Amicus)
Table of Contents, <i>FRAP 28(a)(2)</i>	(A,E,R,Amicus)
Table of Authorities (alphabetically arranged) with page references to brief, <i>FRAP 28(a)(3)</i>	(A,E,R,Amicus)
Jurisdictional Statement (bases for subject matter and appellate jurisdiction), <i>FRAP 28(a)(4)</i>	(A)
Statement of Issues, <i>FRAP 28(a)(5)</i>	(A)
Statement of Case, <i>FRAP 28(a)(6)</i>	(A)
Statement of Facts (<u>with</u> references to appendix), <i>FRAP 28(a)(7), Loc. R. 28(f)</i>	(A)
Summary of Argument, <i>FRAP 28(a)(8)</i>	(A,E)
Argument (Appellant must include Standard of Review, preferably under a separate heading, before the Discussion of Issues) <i>FRAP 28(a)(9)</i>	(A,E,Amicus)
Conclusion, stating relief sought, <i>FRAP 28(a)(10)</i>	(A)
Request for Oral Argument, <i>if</i> counsel requests argument, <i>Loc. R. 34(a)</i>	(A,E)
Signature of Counsel, <i>FRAP 32(d)</i>	(A,E,R,Amicus)
Certificate of Compliance with typeface and length limitations, <i>FRAP 28.1 & 32(a)(7)</i>	(A,E,R,Amicus)
Certificate of Service, <i>Loc. R. 31(c)</i>	(A,E,R,Amicus)

FORMAT OF BRIEFS (FRAP 32)

Cover, *FRAP 32(a)(2)*

Paper Covers: **Appellant**-Blue; Appellee-Red; Reply-Gray; **Cross-Appeal**: First-Blue; Second-Red; Third-Yellow; Fourth-Gray; **Intervenor** or **Amicus**: Green; **Supplemental**: Tan

Electronic Covers: White text PDF for all briefs.

Fourth Circuit Docket Number, centered at top (do not include district or agency docket number)

Heading: United States Court of Appeals for the Fourth Circuit

Title of Case (parties' names)

Nature of Proceeding and Court Below: Appeal from the U.S. District Court for the District of ...

Title of Brief, identifying party for whom brief filed: Brief of Appellant Joe Doe

Names, Addresses, Phone Numbers of Counsel participating in preparation of brief

Binding down left side is secure and completely penetrates document (*e.g.*, spiral, cheshire, perfect), *FRAP 32(a)(3)*

Paper: 8 ½" x 11", light paper with clear black image, *FRAP 32(a)(4)*

1" Margin on All Sides, *FRAP 32(a)(4)*

Citations are to appendix rather than record. Record citations are disfavored, *FRAP 28(e), Loc. R. 30(b)*

Double-Spaced Text (quotes > 2 lines, headings, & footnotes may be single-spaced, same size font), *FRAP 32(a)(4)*

If a proportional font is used (*e.g.*, CG Times or Times New Roman), font size must be 14 point. If a monospaced font is used (*e.g.*, Courier or Courier New), font size must be 12 point.

Appellant's Opening Brief, Appellee's Response Brief, Appellant's Response/Reply Brief (excluding Corporate Disclosure Statement, Table of Contents, Table of Authorities, Request for Argument, Addendum, Certificate of Compliance, and Certificate of Service) must not exceed: 30 pages **or** 14,000 words **or** 1,300 lines, *FRAP 32(a)(7)*

Appellee's Opening/Response Brief (excluding Corporate Disclosure Statement, Table of Contents, Table of Authorities, Request for Argument, Addendum, Certificate of Compliance, and Certificate of Service) must not exceed: 35 pages **or** 16,500 words **or** 1500 lines, *FRAP 28.1(e) & 32(a)(7)*

Appellant's Reply Brief, Appellee's Reply Brief, or Amicus Brief must not exceed: 15 pages **or** 7,000 words **or** 650 lines, *FRAP 28.1(e), 29(d), 32(a)(7)*

Required Number of Copies (includes original): 8 if party is not proceeding in forma pauperis; 6 if party is represented by court-appointed counsel; 4 if party is proceeding in forma pauperis *without* court-appointed counsel; 4 for sealed versions of briefs. Electronic filing is also required for all briefs. Single-sided copying required for briefs. *FRAP 32(a)(1)(A), Loc. R. 30(b), Loc. R. 25(c)*

CONTENT OF APPENDICES (FRAP 30)

Appendix must start with detailed Table of Contents, with page numbers; if witness testimony is included, Table of Contents must list name of witness and page on which testimony begins under proceeding in which it occurred; if exhibits are included, they must be listed by number or letter and name or brief description, *Loc. R. 30(b)*

The name of the testifying witness and the type of examination (e.g., direct, cross) must be clearly indicated across the top of each page of the appendix containing in-court or deposition testimony, *Loc. R. 30(b)*

Table of Contents is followed by Docket Sheet; Complaint (civil) or Indictment (criminal); Relevant pleadings, transcripts, opinions, findings; Final order and judgment appealed from; Notice of Appeal, in chronological order; in sentencing appeals, sentencing transcript and sealed volume with presentence report are required, *Loc. R. 30(b)*

FORMAT OF APPENDICES (FRAP 32)

Cover, *FRAP 32(a)(2)*

Color: White

Fourth Circuit Docket Number, centered at top (do not include district or agency docket number)

Heading: United States Court of Appeals for the Fourth Circuit

Title of Case (parties' names)

Nature of Proceeding and Court Below: Appeal from the U.S. District Court for the District of . . .

Title of Document: Joint Appendix

Names, Addresses, Phone Numbers of Counsel on both sides of case

Binding down left side is secure and completely penetrates document (e.g., spiral, cheshire, perfect), *FRAP 32(a)(3)*

No "condensed" transcript, wherein multiple pages of a transcript are included on a single sheet (illegible)

In court-appointed cases, appendix may not exceed 250 double-sided sheets without leave of Court, *Loc. R. 32(a)*

Copies: Double-sided copying is required for court-appointed cases and preferred for all appendices, *Loc. R. 32(a)*

Required Number of Copies (includes original-no electronic copy required): 6 if party is not proceeding in forma pauperis; 5 if party is represented by court-appointed counsel; 4 if party is proceeding IFP without court-appointed counsel; 4 for sealed volumes; 4 for exhibit volumes; 4 for immigration cases, *FRAP 32(a)(1)(A), Loc. R. 25(c)*

SEALED MATERIALS (Local Rule 25(c))

Sealed record material segregated from other record material and placed in separate, sealed volume of appendix
Two versions of brief must be filed: (i) a complete version (4 copies) under seal with sealed material highlighted; (ii) a public version (6 copies, 5 from court-appointed counsel) with sealed material redacted
Cover of sealed volume of appendix or sealed version of brief marked "SEALED" in envelope marked "SEALED"
4 copies of certificate of confidentiality & 4 copies of sealed volumes of appendix or sealed versions of briefs filed
