

## 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)
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Table of Contents, <i>FRAP 28(a)(2)</i>	(A,E,R,Amicus)
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Table of Authorities (alphabetically arranged) with page references to brief, <i>FRAP 28(a)(3)</i>	(A,E,R,Amicus)
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Jurisdictional Statement (bases for subject matter and appellate jurisdiction), <i>FRAP 28(a)(4)</i>	(A)
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Statement of Issues, <i>FRAP 28(a)(5)</i>	(A)
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Statement of Case, <i>FRAP 28(a)(6)</i>	(A)
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Statement of Facts ( <u>with</u> references to appendix), <i>FRAP 28(a)(7), Loc. R. 28(f)</i>	(A)
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Summary of Argument, <i>FRAP 28(a)(8)</i>	(A,E)
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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)
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Conclusion, stating relief sought, <i>FRAP 28(a)(10)</i>	(A)
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Request for Oral Argument, <i>if</i> counsel requests argument, <i>Loc. R. 34(a)</i>	(A,E)
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Signature of Counsel, <i>FRAP 32(d)</i>	(A,E,R,Amicus)
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Certificate of Compliance with typeface and length limitations, <i>FRAP 28.1 &amp; 32(a)(7)</i>	(A,E,R,Amicus)
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Certificate of Service, <i>Loc. R. 31(c)</i>	(A,E,R,Amicus)
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### FORMAT OF BRIEFS (FRAP 32)

Cover: **Appellant**-Blue; **Appellee**-Red; **Reply**-Gray; **Cross-Appeal**: First-Blue; Second-Red; Third -Yellow; Fourth-Gray; **Intervenor** or **Amicus**: Green; **Supplemental**: Tan; **Electronic**: White text PDF for all briefs.

Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by "United States Court of Appeals for the Fourth Circuit," followed by full case title, followed by "Appeal from the U.S. District Court for the District of ...," followed by "Brief of Appellant John Doe," followed by names, addresses, and phone numbers of counsel participating in preparation of brief, *FRAP 32(a)(2)*.

PDF Text Format (rather than scanned image) is required for electronic copy of brief.

Binding covers full left side and is secure (not stapled or clipped), *e.g.*, spiral, chesire, perfect binding, *FRAP 32(a)(3)*

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

Paper: 8 1/2" x 11", light paper with clear black image, *FRAP 32(a)(4)*; 1" Margin on All Sides, *FRAP 32(a)(4)*

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, font size must be 14 point. If a monospaced font is used, font size must be 12 point.

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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)*

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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)*

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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)*

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Required Number of Paper 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. 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)*

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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)*

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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 (use separate sealed volume for each co-defendant), *Loc. R. 30(b)*

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### **FORMAT OF APPENDICES (FRAP 32)**

Cover: White; Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by "United States Court of Appeals for the Fourth Circuit," followed by full case title, followed by "Appeal from the U.S. District Court for the District of . . .," followed by "Joint Appendix," followed by names, addresses, and phone numbers of counsel on both sides of case, *FRAP 32(a)(2)*.

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Binding covers full left side and is secure (not stapled or clipped), e.g., spiral, chesire, perfect binding. *FRAP 32(a)(3)*

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No "condensed" transcript, wherein multiple pages of a transcript are included on a single sheet (considered not legible)

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

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

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File 6 paper copies (5 if court-appointed). File 4 paper copies of sealed volumes, exhibit volumes, and immigration case appendices, *FRAP 32(a)(1)(A); Loc. R. 25(c)*.

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### **SEALED MATERIALS (Local Rule 25(c))**

**Appendix:** Sealed record material is segregated from other record material in separate sealed volume of appendix. In consolidated criminal cases, use separate sealed volumes for each co-defendant's presentence report and statement of reasons. File 4 paper copies of sealed volumes in envelope marked sealed, with 4 copies of certificate of confidentiality. File 6 (5 if court-appointed) paper copies of public appendix volumes.

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**Briefs:** File two versions of brief: (i) sealed version with sealed material highlighted and (ii) public version with sealed material redacted. File 4 paper copies of sealed version in envelope marked sealed with 4 copies of certificate of confidentiality. File 8 (6 if court-appointed) paper copies of public version.

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