

FOURTH CIRCUIT BRIEF & JOINT APPENDIX REQUIREMENTS

Applies to briefs and appendices filed under briefing orders issued before 07/15/2022

BRIEF CONTENTS – See Federal & Local Rules 28, 28.1, 29 for complete information.

Required Contents	Brief Type
Brief Cover	All briefs. Brief Cover-District Court Appeal , Brief Cover-Agency Appeal
Disclosure Statement	If disclosure statement required by Loc. R. 26.1, copy must be included in initial brief of party or amicus.
Table of Contents	All briefs
Table of Authorities	All briefs (cases alphabetically arranged, statutes and other authorities, with references to the page of the brief where they are cited)
Statement of identity, interest & authority to file	Amicus briefs (filed either during consideration of the merits or during consideration of whether to grant rehearing)
Statement regarding participation by parties, their attorneys, or other persons in funding or authoring the brief	Amicus briefs (filed either during consideration of the merits or during consideration of whether to grant rehearing)
Jurisdictional Statement (subject matter & appellate jurisdiction)	Opening briefs and opening/response briefs
Statement of Issues	Opening briefs and opening/response briefs
Statement of Case (relevant facts with joint appendix references, procedural history, rulings presented for review)	Opening briefs. Not required in appellee's response or opening/response brief if appellee is satisfied with appellant's statement of case.
Summary of Argument (succinct statement of arguments)	All except reply and amicus briefs
Argument (discussion of issues, with standard of review stated either in a separate heading before the discussion of issues or placed in the discussion)	Argument section is required in all briefs. Statement of standard of review is required only in opening and opening/response briefs unless the responding party is dissatisfied with the stated standard.
Conclusion (relief sought)	Opening briefs and opening/response briefs
Request for Oral Argument (if any)	Opening, opening/response, and response briefs
Signature of Counsel	All briefs
Certificate of Compliance with Type-Volume Limit	All briefs. Not required if brief is within applicable page limitations. Form-Certificate of Compliance with Type-Volume Limit
Certificate of Service	For briefs not served electronically through ECF. Form-Certificate of Service , Form-Certificate of Service of Anders Brief
BRIEF FORMAT – See Federal & Local Rules 25, 28, 28.1, 29 & 32 for complete information.	
Cover Color: Standard Schedule	Blue for opening. Red for response. Gray for reply.
Cover Color: Cross-appeal Schedule	Blue for opening. Red for opening/response. Yellow for response/reply. Gray for reply.
Cover Color: Amicus or Intervenor	Green. Amicus briefs filed during consideration of whether to grant rehearing are filed in electronic form only, and the electronic cover may be white.
Cover Color: Supplemental	Tan
Cover Color: Electronic	White or same color as paper cover.

Brief Cover Content	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. Counsel listed on the covers of the principal briefs will be listed as "on brief" attorneys on the court's opinion. The cover of an amicus brief must identify the party or parties supported and indicate whether the brief supports affirmance or reversal.	
Brief Binding	Binding must be secure down full left side and must not obscure text. Acceptable bindings include spiral and perfect binding (no staples or clips).	
Brief Paper	8 ½ x 11" light paper with clear black image, and 1" margin on all sides.	
Brief Text	Text must be double-spaced (quotes > 2 lines, headings, & footnotes may be single-spaced but may not be in a smaller font size). Electronic version must be text-searchable.	
Joint Appendix References in Brief	References in support of factual statements must be to the joint appendix (or to the administrative record if it is adopted as the joint appendix).	
Hyperlinks in Brief	Hyperlinks may be included to other portions of the same document, other documents filed on appeal, documents in the district court record, statutes, rules, regulations, or opinions. Citations must be provided in addition to any hyperlink.	
Addenda & Attachments to Briefs	Statutes, rules, and regulations requiring study by the court and unpublished dispositions that are not available in a publicly accessible electronic database should be included in an addendum at the end of the brief. If counsel wishes to supplement the brief with any other matters, the additional material must be presented to the court under separate cover, accompanied by a motion to file the material as an attachment to the brief.	
Brief Font	If a proportional font is used (e.g., Times New Roman), font size must be 14 point. If a monospaced font is used (e.g., Courier New), font size must be 12 point. If a proportional font is used, the typeface must have serifs (small horizontal or vertical strokes at the ends of the letters). Sans-serif type, such as Arial, may not be used except in captions and headings.	
Length of opening brief, response brief & response/reply brief (in final form)	≤ 30 pages or ≤ 13,000 words or ≤ 1,300 lines (applies only to monospaced font)	
Length of opening/response brief (in final form)	≤ 35 pages or ≤ 15,300 words or ≤ 1,500 lines (applies only to monospaced font)	
Length of reply brief or amicus brief (in final form)	≤ 15 pages for reply or amicus brief or ≤ 6,500 words for reply or amicus brief or ≤ 650 lines (applies only to monospaced font)	An amicus brief in support of an opening/response brief in a cross- appeal may contain up to 7,650 words. An amicus brief filed during consideration of whether to grant rehearing may not exceed 2,600 words.

<p>Note on Word Count: When using Microsoft Word to review the "Word Count," you must select the check box next to "include textboxes, footnotes and endnotes" in the Word Count dialogue window for footnotes to be included in the total. Include all footnotes, headings, and quotations in a word or line count. Exclude all of the following from a word or line count: cover page, disclosure statement, table of contents, table of authorities/citations, request for argument, addendum, signature block, and certificates of counsel.</p>	
Brief Copies	<p>File electronic version. Requirement to file paper copy with electronic version is temporarily suspended. If case is under pre-argument review or being scheduled for argument, counsel will be directed to file 4 paper copies.</p> <p>Single-sided copying is required.</p> <p>Service of paper copies is not required for parties served electronically.</p> <p>A paper copy of an amicus brief filed at the petition for rehearing stage is not required.</p>
Sealed and Public Versions of Briefs	<p>If sealed information is included in the brief, counsel must file sealed and public briefs and a certificate of confidentiality in electronic form. Sealed material is highlighted in sealed briefs and redacted in public briefs.</p> <p>In criminal cases, information on substantial assistance or cooperation with the government must be sealed.</p> <p>Paper filing is required only if ordered by the court, but sealed briefs must be served on counsel outside ECF since they are not accessible to counsel from ECF.</p> <p>Form-Certificate of Confidentiality Memorandum on Sealed and Confidential Materials</p>
<p>JOINT APPENDIX CONTENT – See Federal & Local Rules 30 & Local Rule 25 for complete information.</p>	
Required Joint Appendix Contents	<p>The parties should include in the joint appendix all portions of the record necessary to review of the matters presented. Failure to include all necessary portions will result in return of the joint appendix for correction. The following must be included in the joint appendix in chronological order on consecutively numbered pages:</p> <ul style="list-style-type: none"> • Cover • Table of contents • District court docket report • Complaint as finally amended (civil) or indictment (criminal) • Relevant portions of pleadings, transcript, charge, findings, opinions • Final opinion and order appealed • Notice of appeal
Joint Appendix Table of Contents	<p>A detailed table of contents is required. When transcript is included, each witness must be identified, along with the page on which that witness's testimony begins. Exhibits must be identified by number, description, and page on which they begin.</p> <p>If there is more than 1 volume of joint appendix, either the full table of contents or the portion applicable to the particular volume must be included with each volume of joint appendix.</p>
Criminal Presentence Reports and Statements of Reasons	<p>The presentence report and statement of reasons must be included in a sealed volume of the joint appendix in any appeal raising a sentencing guideline challenge.</p>

Appeals under <u>Anders v. California</u> , 386 U.S. 738 (1967)	A joint appendix is not required in an <u>Anders</u> appeal; instead, the court obtains and reviews the record. Copy expenses for the joint appendix may therefore be denied under the Criminal Justice Act absent a showing of need when the voucher is filed.
Administrative Records	<p>In agency review cases, if the agency files the administrative record in electronic form, the petitioner may adopt the administrative record in lieu of filing a joint appendix. In social security appeals, if the agency files the administrative record in electronic form, the appellant may adopt the administrative record and, in addition, file a joint appendix containing district court documents. If the agency does not file the administrative record in electronic form, all documents necessary for appellate review must be included in the joint appendix.</p> <p>Requirement to file paper copy of adopted administrative record and/or joint appendix is temporarily suspended. If case is under pre-argument review or being scheduled for argument, counsel will be directed to file 4 paper copies of administrative record and/or joint appendix.</p> <p>Paper copies must be placed in volumes that lie flat when open, are securely bound down the left side, and have a white cover. Double-sided copying is preferred.</p>
APPENDIX FORMAT – See Federal & Local Rules 31 & 32 & Local Rule 25(a)(1)(D)	
Joint Appendix Text	It is strongly preferred that the electronic version be text searchable.
Joint Appendix Cover	<p>Joint appendix covers are white and contain the following information: 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 the case.</p> <p>Appendix Cover-District Court Appeal, Appendix Cover-Agency Appeal</p>
Appendix Volume Size & Binding	<p>Paper copies of appendices and adopted administrative records must be securely bound down full left side in a manner that does not obscure text and permits the appendix to lie reasonably flat when open.</p> <p>Acceptable bindings include spiral and perfect binding (no staples or clips). Each bound volume should not exceed 1 ½” in thickness (700 pages), and paper and electronic volumes must match. Exhibit volumes must be bound unless binding is impracticable.</p>
Transcript	The name of the testifying witness and type of examination (direct, cross, deposition) must be clearly indicated at the top of each page of in-court or deposition testimony included in the joint appendix. The court will not accept appendices containing “condensed” transcript wherein several pages of transcript appear on a single sheet.
Length of Appendices	In a case in which expenses are covered under the Criminal Justice Act, unless leave of court is granted when the appendix is filed, copy expenses for an appendix in excess of 500 pages are subject to reduction absent a showing of need when the voucher is filed.
Joint Appendix Copies	<p>File electronic version. Requirement to file paper copy with electronic version is temporarily suspended. If case is under pre-argument review or being scheduled for argument, counsel will be directed to file 4 paper copies.</p> <p>Service of paper copies is not required for parties served electronically.</p>

	Double-sided copying of appendices is preferred in all cases. If there is more than 1 volume of appendix, each electronic volume of appendix must correspond to each paper volume. (If volume is too large to upload as one electronic file, split volume into parts A and B.)
Sealed Joint Appendix Volumes	<p>Sealed record documents that are included in the joint appendix must be placed in a separate, sealed volume of the joint appendix and filed with a certificate of confidentiality.</p> <p>Paper filing is required only if ordered by the court, but sealed appendix volumes must be served on counsel outside ECF since they are not accessible to counsel through ECF.</p> <p>In consolidated criminal appeals, materials must be separately sealed as to each defendant by marking the volume and envelope as SEALED – [DEFENDANT’S NAME] and serving the volume only on the government and counsel for the named defendant.</p> <p>Form-Certificate of Confidentiality Memorandum on Sealed and Confidential Materials</p>
Digital Media Volume <i>(Exhibits that were not part of the record below may not be included in the joint appendix and may be filed only with leave of court.)</i>	<p>Digital media files that are part of the record may be included in the joint appendix by creating a separate digital media volume of the joint appendix consisting of a cover page and table of contents. The following information must be included in the table of contents or in a separate statement following the table of contents: (1) description of the record exhibit; (2) identification of a file format compatible with Windows Media Player (e.g., mp3, mp4, wav); and (3) statement that media was confirmed virus-free through virus scan.</p> <p>When the cover page and table of contents for the digital media volume are uploaded to ECF, the clerk’s office will send counsel a notice with instructions to upload the digital media files and another copy of the cover page and table of contents to Box.com. When counsel has successfully uploaded the files, the clerk’s office will send counsel notice that the digital media files have been stored to the court’s systems. You must serve the digital media on counsel outside ECF.</p>
ECF FILING EVENTS	
Document	ECF event
Public Brief	BRIEF (formal, non-sealed briefs/electronic & paper form) Amicus Curiae/Intervenor Brief Amicus Brief on Petition for Rehearing
Sealed Version of Brief	SEALED BRIEF Certificate of confidentiality
Rule 30(c) Page-Proof Brief filed under Rule 30(c) schedule prior to final brief	Rule 30(c) page-proof opening brief (no paper copies required) Rule 30(c) page-proof opening/response brief (no paper copies required) Rule 30(c) page-proof response brief (no paper copies required) Rule 30(c) page-proof response/reply brief (no paper copies required)
Public Joint Appendix	JOINT APPENDIX (electronic & paper form)
Sealed Volume of Joint Appendix	SEALED JOINT APPENDIX Certificate of confidentiality
Administrative Record filed electronically by government	Administrative record (electronic form)
Administrative Record filed in paper form by government	Notice of paper or manual filing

Administrative Record adopted by appellant/petitioner	Administrative record adopted
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