

## **OPENING/RESPONSE BRIEF INSTRUCTIONS FOR CROSS-APPEALS**

(Responding to appellant's opening brief and presenting appellee's cross-appeal)

1. **COVER:** Use the F11 key to move to the next text-fillable field throughout the template. On a condensed keyboard, use the function key plus F11 to move to each field.
2. **DISCLOSURE STATEMENT:** If [4th Cir. R. 26.1](#) requires a disclosure statement, insert the completed [Disclosure Statement](#)(s) immediately after the Cover once you have saved your brief as a PDF document.
3. **TABLE OF CONTENTS:** Update the Table of Contents after finalizing your brief to update page numbers. See [Update a table of contents - Microsoft Support](#).
4. **TABLE OF AUTHORITIES:** Mark citations to cases, statutes, and other authorities to create a Table of Authorities, in alphabetical order, with references to the brief pages where each authority is cited. See [Create a table of authorities - Microsoft Support](#).
5. Complete the brief sections described below.
  - **JURISDICTIONAL STATEMENT:** Bases for subject-matter and appellate jurisdiction for cross-appeal, with relevant facts establishing jurisdiction. Include filing dates establishing timeliness of appeal and either an assertion that the appeal is from a final order or information establishing appellate jurisdiction on some other basis. [Fed. R. App. P. 28\(a\)\(4\)](#).
  - **STATEMENT OF ISSUES:** Statement of issues presented by the cross-appeal and any re-statement of issues presented by the appeal if dissatisfied with appellant's statement. [Fed. R. App. P. 28\(a\)\(5\)](#).
  - **STATEMENT OF CASE:** Delete entire section heading if you are satisfied with appellant's Statement of Case. Otherwise, provide a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the joint appendix. [Fed. R. App. P. 28\(a\)\(6\)](#); [4th Cir. R. 28\(f\)](#). See [Fourth Circuit Appendix Pagination & Brief Citation Guide](#) for required format of citations to the joint appendix.
  - **SUMMARY OF ARGUMENT:** A summary of the argument, which must contain a succinct, clear, and accurate statement of the arguments made in the body of the brief, and which must not merely repeat the argument headings. [Fed. R. App. P. 28\(a\)\(7\)](#).
  - **ARGUMENT:** The argument, which must contain (i) your contentions and the reasons for them, with citations to supporting authorities and the joint appendix; and (ii) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues. [Fed. R. App. P. 28\(a\)\(8\)](#).
  - **CONCLUSION:** A short conclusion stating the precise relief sought. [Fed. R. App. P. 28\(a\)\(9\)](#).
  - **STATEMENT REGARDING ORAL ARGUMENT:** If oral argument is requested, a statement setting forth the reasons why oral argument should be heard. [4th Cir. R. 34\(a\)](#). Delete entire section heading if oral argument is not requested.
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