

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF & APPENDIX COMPLIANCE CHECKLIST FOR PRO SE AND ATTORNEY FILERS

The purpose of this document is to provide pro se filers and attorneys practicing before the court with a checklist to assist them in reviewing their briefs and appendices for compliance with the Federal Rules of Appellate Procedure, the D.C. Circuit Rules, and the D.C. Circuit Handbook of Practice and Procedures prior to filing their briefs with the court. Elements required by the rules are covered below with specific citation to the corresponding rule(s) for reference purposes. Nothing contained in this checklist supplants a party's briefing requirements or obligations under the federal and local rules. Additional inquiries may be directed to the Clerk's Office by calling (202) 216-7290 or (202) 216-7310.

FORMAT OF BRIEFS

A brief may be reproduced by any process that yields a clear black image on light paper with a clarity that equals or exceeds the output of a laser printer. The paper must be opaque and unglazed. Only one side of the paper may be used. Fed. R. App. P. 32(a)(1)

The brief must be on 8 ½ by 11 inch paper. The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there. Fed. R. App. P. 32(a)(4)

The brief may use either a proportionally spaced or a monospaced face and must be set in a plain, roman style, although italics and boldface may be used for emphasis. Case names must be italicized or underlined. If a brief uses a proportionally spaced face, the typeface must be at least 14 point and must include serifs, but sans-serif type may be used in headings and captions. If a brief uses a monospaced face, it may have no more than 10 ½ characters per inch. Fed. R. App. P. 32(a)(5), (6)

When filed electronically, the brief must be in Portable Document Format (PDF), which is generated from an original word-processing file and is fully text searchable. D.C. Cir. Rule 32(b)(1)

The front cover of the brief must contain the following items:

D.C. Cir. Rule 28(a)(8);
Fed. R. App. P. 32(a)(2)

- ▶ The date of oral argument or reference to submission without oral argument, whichever is applicable, located in capital letters at the top;
- ▶ The case number centered on the top;
- ▶ The name of the court;
- ▶ The caption of the case;
- ▶ The nature of proceeding and the name of court, agency or board below;
- ▶ The title of the brief, identifying the parties on whose behalf the brief is filed; and
- ▶ The name, address, and telephone number of counsel representing the party for whom the brief is filed.

☞ Note: In cases designated "Complex," the cover of the brief should so indicate. See D.C. Circuit Handbook of Practice and Procedures § IX.A.6.

The brief must be bound in any manner that is secure, does not obscure the text, and permits the brief to lie reasonably flat when open. Fed. R. App. P. 32(a)(3)

☞ Note: Spiral binding, as opposed to stapling or velo binding, ensures that briefs will lie flat when open. Accordingly, the court prefers spiral binding of briefs and strongly encourages parties to use this method when preparing their briefs. See D.C. Circuit Handbook of Practice and Procedures § IX.A.6.

CONTENT OF BRIEFS

The brief must contain, under the appropriate headings, each applicable element listed below in the order shown

<p>Certificate of Parties, Rulings Under Review, and Related Cases</p> <ul style="list-style-type: none"> ▶ Including any corporate disclosure information pursuant to D.C. Cir. Rule 26.1 	<p>D.C. Cir. Rule 28(a)(1)</p>	<p>All Briefs Except Reply Briefs</p>
<p>Table of Contents</p>	<p>Fed. R. App. P. 28(a)(2)</p>	<p>All Briefs</p>
<p>Table of Authorities</p> <ul style="list-style-type: none"> ▶ An asterisk (*) must appear in the left-hand margin next to those authorities on which the brief principally relies, together with a notation at the bottom of the first page of the table stating: "Authorities upon which we chiefly rely are marked with asterisks." If there are no such authorities, the notation must so state. ▶ Each page of the brief on which the authority is cited must be identified; <i>passim</i> or similar terms may not be used. 	<p>Fed. R. App. P. 28(a)(3); D.C. Cir. Rule 28(a)(2)</p>	<p>All Briefs</p>
<p>Glossary of Abbreviations</p> <p>☞ Note: To enhance the clarity of the brief, the court strongly urges parties to limit the use of acronyms. While acronyms may be used for entities and statutes with widely recognized initials, such as FERC and FOIA, parties should avoid using acronyms that are not widely known. See <u>D.C. Circuit Handbook of Practice and Procedures § IX.A.8(d)</u>); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).</p>	<p>D.C. Cir. Rule 28(a)(3)</p>	<p>All Briefs</p>
<p>Jurisdictional Statement</p>	<p>Fed. R. App. P. 28(a)(4); Fed. R. App. P. 28.1(c)(2); D.C. Cir. Rule 28(a)(4)</p>	<p>Appellant's Briefs; Cross-Appellant's Briefs</p>
<p>Statement of the Standard of Review (If separate, also see Argument below).</p>	<p>Fed. R. App. P. 28(a)(8); Fed. R. App. P. 28.1(c)</p>	<p>Appellant's Briefs; Cross-Appellant's Briefs;</p>
<p>Statement of Issues</p>	<p>Fed. R. App. P. 28(a)(5); Fed. R. App. P. 28.1(c)(2)</p>	<p>Appellant's Briefs; Cross-Appellant's Briefs</p>
<p>Statutes and Regulations</p> <ul style="list-style-type: none"> ▶ Must be set forth either in the body of the brief or in an addendum introduced by a table of contents and bound with the brief or separately. ▶ Any addendum exceeding 40 pages <u>must</u> be bound separately from the brief. If separately bound, a statement must appear in the body of the brief referencing the addendum. ▶ If the addendum is bound with the brief, the addendum must be separated from the body of the brief (and from any other addendum) by a distinctly colored separation page. ▶ If contained in a brief previously submitted by another party, they need not be repeated but, if they are not repeated, a statement must appear under this heading as follows: "[Except for the following,] all applicable statutes, etc., are contained in the Brief for _____." 	<p>D.C. Cir. Rule 28(a)(5)</p>	<p>All Briefs</p>

Statement of the Case	Fed. R. App. P. 28(a)(6); Fed. R. App. P. 28.1(c)(2)	Appellant's Briefs; Cross-Appellant's Briefs
Statement of Identity, Interest in Case, and Source of Authority to File	Fed. R. App. P. 29(c)(3)	Amicus Curiae's Briefs
Statement of Authorship and Financial Contributions	Fed. R. App. P. 29(c)(5)	Amicus Curiae's Briefs
Summary of Argument	Fed. R. App. P. 28(a)(7); D.C. Cir. Rule 28(a)(6)	All Briefs (excluding Amicus Curiae's Briefs)
Standing <ul style="list-style-type: none"> ▶ Must be set forth either in the body of the brief or in an addendum bound with the brief or separately ▶ Any addendum exceeding 40 pages <u>must</u> be bound separately from the brief. ▶ If the addendum is bound with the brief, the addendum must be separated from the body of the brief (and from any other addendum) by a distinctly colored separation page. 	D.C. Cir. Rule 28(a)(7); Fed. R. App. P. 28.1(c)(2)	Appellant's Briefs; Cross-Appellant's Briefs
Argument <ul style="list-style-type: none"> ▶ Appellant must include a concise statement of the applicable standard of review for each issue (may appear under a separate heading placed before the discussion of the issues). 	Fed. R. App. P. 28(a)(8)	All Briefs
Conclusion Stating the Relief Sought	Fed. R. App. P. 28(a)(9); Fed. R. App. P. 28.1(c)(2)	Appellant's Briefs; Cross-Appellant's Briefs
Signature Block	Fed. R. App. P. 32(d)	All Briefs
Certificate of Compliance	Fed. R. App. P. 28(a)(10); Fed. R. App. P. 32(a)(7)(C)	All Briefs
Certificate of Service	Fed. R. App. P. 25(d)(2)	All Briefs

LENGTH OF BRIEFS & COVER COLORS

Headings, footnotes, and quotations count toward the word and line limitations, however, the certificate of parties, rulings under review, and related cases, corporate disclosure statement, table of contents, table of authorities, the glossary, any addendum containing statutes, rules or regulations, or evidence in support of the claim of standing, and any certificates of counsel do not count toward the length limitations in briefs. See Fed. R. App. P. 32(a)(7)(B)(iii); D.C. Cir. Rule 32(e)(1).

Principal Brief of Appellant or Petitioner	Fed. R. App. P. 32(a)(2), (7)	Blue	30 Pages; 14,000 Words; or 1,300 Lines (<i>monospaced typeface only</i>)
Principal Brief of Appellee or Respondent	Fed. R. App. P. 32(a)(2), (7)	Red	30 Pages; 14,000 Words; or 1,300 Lines (<i>monospaced typeface only</i>)
Principal Brief of Intervenor	Fed. R. App. P. 32(a)(2), (3)	Green	19 Pages; 8,750 Words; or 813 Lines (<i>monospaced typeface only</i>)
Principal Brief of Amicus Curiae Appointed by the Court	D.C. Cir. Rule 29; Fed. R. App. P. 32(a)(2), (7)	Green	30 Pages; 14,000 Words; or 1,300 Lines (<i>monospaced typeface only</i>)
Principal Brief of Amicus Curiae Not Appointed by the Court	Fed. R. App. P. 29(d); Fed. R. App. P. 32(a)(2)	Green	15 Pages; 7,000 Words; or 650 Lines (<i>monospaced typeface only</i>)

Reply Brief of Appellant or Petitioner	Fed. R. App. P. 32(a)(2), (7)	Gray	15 Pages; 7,000 Words; or 650 Lines (<i>monospaced typeface only</i>)
Reply Brief of Intervenors in Support of Appellant or Petitioner	Fed. R. App. P. 32(a)(2), (3)	Gray	9 Pages; 4,375 Words; or 407 Lines (<i>monospaced typeface only</i>)
Reply Brief of Amicus Curiae Appointed by the Court	D.C. Cir. Rule 29; Fed. R. App. P. 32(a)(2), (7)	Gray	15 Pages; 7,000 Words; or 650 Lines (<i>monospaced typeface only</i>)
Reply Brief of Amicus Curiae Not Appointed by the Court	Fed. R. App. P. 29(f)	Gray	Brief Not Allowed Under the Rules
Supplemental Briefs	Fed. R. App. P. 32(a)(2)	Tan	Determined Per Order of the Court

CROSS-APPEAL BRIEFS

Principal Brief of Appellant or Petitioner	Fed. R. App. P. 28.1(d), (e)	Blue	30 Pages; 14,000 Words; or 1,300 Lines (<i>monospaced typeface only</i>)
Principal and Response Brief of Appellee or Respondent	Fed. R. App. P. 28.1(d), (e)	Red	35 Pages; 16,500 Words; or 1,500 Lines (<i>monospaced typeface only</i>)
Response and Reply Brief of Appellant or Petitioner	Fed. R. App. P. 28.1(d), (e)	Yellow	30 Pages; 14,000 Words; or 1,300 Lines (<i>monospaced typeface only</i>)
Reply Brief of Appellee or Respondent	Fed. R. App. P. 28.1(d), (e)	Gray	15 Pages; 7,000 Words; or 650 Lines (<i>monospaced typeface only</i>)

NUMBER OF COPIES OF BRIEFS TO BE FILED

For briefs filed electronically, the electronic version constitutes the 'original'.

Brief of Unrepresented Person Proceeding In Forma Pauperis	D.C. Cir. Rule 31(b)	Original Only
Initial Brief When Utilizing a Deferred Appendix	D.C. Cir. Rule 31(b)	Original Only
Final Brief When Utilizing a Deferred Appendix	D.C. Cir. Rule 31(b)	Original and 8 Copies
Final Brief When Not Utilizing a Deferred Appendix	D.C. Cir. Rule 31(b)	Original and 8 Copies
Public Brief When Containing Materials Under Seal	D.C. Cir. Rule 47.1(d)(1)	Original and 8 Copies
Sealed Brief When Containing Materials Under Seal	D.C. Cir. Rule 47.1(d)(1)	Original and 6 Copies

FORMAT OF APPENDICES

An appendix may be reproduced by any process that yields a clear black image on light paper with a clarity that equals or exceeds the output of a laser printer. The paper must be opaque and unglazed. Duplication may be made on both sides of each page.

D.C. Cir. Rule 30(a)
Fed. R. App. P. 32(a)(1)

The appendix must be on 8 ½ by 11 inch paper, but may be a size other than 8½ by 11 inches when necessary to facilitate inclusion of odd-sized documents. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

Fed. R. App. P. 32(a)(4)
Fed. R. App. P. 32(b)(3)

When filed electronically, the appendix must be in Portable Document Format (PDF), which is generated from an original word-processing file and is fully text searchable. Appendix items and attachments to an electronically-filed document may be scanned if a word-processing version is not available.

D.C. Cir. Rule 32(b)(1)

The front cover of the appendix must be white and contain the following items:

Fed. R. App. P. 32(a)(2)
Fed. R. App. P. 32(b)(3)

- ▶ The date of oral argument or reference to submission without oral argument, whichever is applicable, located in capital letters at the top;
- ▶ The case number centered on the top;
- ▶ The name of the court;
- ▶ The caption of the case;
- ▶ The nature of proceeding and the name of court, agency or board below;
- ▶ The title of the appendix, identifying the parties on whose behalf the appendix is filed; and
- ▶ The name, address, and telephone number of counsel representing the party for whom the brief is filed.

The appendix must be bound in any manner that is secure, does not obscure the text, and permits the it to lie reasonably flat when open (unless odd-sized).

Fed. R. App. P. 32(a)(3)
Fed. R. App. P. 32(b)(3)

CONTENT OF APPENDICES

The appendix must contain each applicable element listed below in the order shown.

Table of Contents

Fed. R. App. P. 30(d)

The Relevant Docket Entries in the Proceeding Below

Fed. R. App. P. 30(a), (d)

Copies, set out in chronological order, of:

Fed. R. App. P. 30(a)
D.C. Cir. Rule 30(b)

- ▶ The relevant portions of the pleadings, charge, findings, opinion, transcripts, and exhibits cited in the brief;
- ▶ The judgment or order in question;
- ▶ Any other parts of the record to which the parties intend to direct the Court's attention.

☞ Note: Memoranda of law in the district court should not be included in the appendix unless they have independent relevance. Counsel must not burden the appendix with material of excessive length or items that do not bear directly on the issues raised on appeal.

If sealed material is included in an appendix, the appendix must be filed in 2 segments:

D.C. Cir. Rule 47.1(e)(1)

- ▶ One segment must bear the legend "Public Appendix—Sealed Material in Separate Supplement" on the cover with each page from which material under seal has been deleted bearing the legend "Material Under Seal Deleted" at the top;
- ▶ A second segment must contain all sealed material and bear the legend "Supplement—Under Seal" on the cover with each page of the supplement containing sealed material bearing the legend "Under Seal" at the top.

NUMBER OF COPIES OF APPENDICES TO BE FILED

For appendices filed electronically, the electronic version constitutes one copy.

Unrepresented Appellant's Appendix (In Forma Pauperis Proceedings)	D.C. Cir. Rule 24(a)(2)	1 Copy (4 Encouraged)
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ⓘ Note: An unrepresented appellant or petitioner proceeding in forma pauperis is not required to file an appendix. If an appendix is not used, the appellant or petitioner may instead furnish, with the brief, the transcript pages he or she wishes to call to the Court's attention; a list setting forth the page numbers of the transcript so furnished; and other portions of the record to which the appellant or petitioner directs the Court's attention.

Appellee's Appendix (In Forma Pauperis Proceedings)	D.C. Cir. Rule 24(b)	4 Copies
Joint Appendix to Briefs	D.C. Cir. Rule 30(a)	8 Copies
Exhibits in Separate Volume	Fed. R. App. P. 30(e)	4 Copies
Public Appendix to Brief (Materials Under Seal)	D.C. Cir. Rule 47.1(e)(1)	7 Copies
Sealed Supplement to Appendix (Materials Under Seal)	D.C. Cir. Rule 47.1(e)(1)	7 Copies