

# 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 a checklist for pro se filers and attorneys practicing before the court 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.

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### *FORMAT OF BRIEFS*

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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, the typeface 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 in the order listed: 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;
- ▶ The name of the court;
- ▶ The caption of the case;
- ▶ The nature of the proceeding and the name of the court, agency or board below;
- ▶ The title of the brief, identifying the parties on whose behalf the brief is filed; and
- ▶ The name, the postal and email address, and the telephone number of counsel representing the party for whom the brief is filed.

The cover of an amicus brief must also identify the parties supported and indicate whether the brief supports affirmance or reversal. Fed. R. App. P. 29(a)(4)

☞ 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: The following types of binding ensure that the brief will lie flat when open: spiral (also known as coil), comb, and wire binding. The following types of binding **do not** permit a brief to lie flat when open: velo (also known as strip) binding, metal fasteners or posts, and staples. Accordingly, the use of such methods is not acceptable for a brief, nor is the use of a three-ring binder. If a brief is submitted that does not conform with these requirements, the party will be notified and directed to file a brief that is properly bound. See D.C. Circuit Handbook of Practice and Procedures § IX.A.6.

## CONTENTS OF BRIEFS

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

<p>Certificate as to Parties, Rulings Under Review, and Related Cases</p> <ul style="list-style-type: none"> <li>▶ Including any disclosure information pursuant to Fed. R. App. P. 26.1 and D.C. Cir. Rule 26.1</li> </ul>	<p>All Briefs (Excluding Reply Briefs)</p>	<p>D.C. Cir. Rule 28(a)(1)</p>
<p>Table of Contents</p>	<p>All Briefs</p>	<p>Fed. R. App. P. 28(a)(2), (b) Fed. R. App. P. 28.1(c) Fed. R. App. P. 29(a)(4)(B)</p>
<p>Table of Authorities</p> <ul style="list-style-type: none"> <li>▶ Authorities on which the brief principally relies may be marked with an asterisk (*) in the left-hand margin, 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."</li> <li>▶ Each page of the brief on which an authority is cited must be identified; <i>passim</i> or similar terms may not be used.</li> </ul>	<p>All Briefs</p>	<p>Fed. R. App. P. 28(a)(3), (b) D.C. Cir. Rule 28(a)(2) Fed. R. App. P. 28.1(c) Fed. R. App. P. 29(a)(4)(C)</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>; <u>Notice Regarding Use of Acronyms</u> (D.C. Cir. Jan. 26, 2010).</p>	<p>All Briefs</p>	<p>D.C. Cir. Rule 28(a)(3)</p>
<p>Jurisdictional Statement</p>	<p>Appellant's Briefs; Cross-Appellant's Briefs</p>	<p>Fed. R. App. P. 28(a)(4) D.C. Cir. Rule 28(a)(4) Fed. R. App. P. 28.1(c)</p>
<p>Statement of Issues</p>	<p>Appellant's Briefs; Cross-Appellant's Briefs</p>	<p>Fed. R. App. P. 28(a)(5) Fed. R. App. P. 28.1(c)</p>
<p>Statutes and Regulations</p> <ul style="list-style-type: none"> <li>▶ Such materials 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.</li> <li>▶ Any addendum exceeding 40 pages <b>must</b> be bound separately from the brief. If separately bound, a statement must appear in the body of the brief referencing the addendum.</li> <li>▶ 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.</li> <li>▶ If such materials are 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 _____."</li> </ul>	<p>All Briefs</p>	<p>D.C. Cir. Rule 28(a)(5)</p>

## CONTENTS OF BRIEFS

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

Statement of the Case	Appellant's Briefs; Cross-Appellant's Briefs	Fed. R. App. P. 28(a)(6) Fed. R. App. P. 28.1(c)
Statement of Identity, Interest in Case, and Source of Authority to File	Amicus Curiae Briefs	Fed. R. App. P. 29(a)(4)(D)
Statement of Authorship and Financial Contributions	Amicus Curiae Briefs	Fed. R. App. P. 29(a)(4)(E)
Summary of Argument	All Briefs (Excluding Amicus Curiae's Briefs	Fed. R. App. P. 28(a)(7) D.C. Cir. Rule 28(a)(6) Fed. R. App. P. 28.1(c)
Standing	Appellant's Briefs; Cross-Appellant's Briefs	D.C. Cir. Rule 28(a)(7) D.C. Cir. Rule 28.1(b)
<ul style="list-style-type: none"> <li>▶ In cases involving direct review of administrative actions, the petitioner or appellant must set forth the basis for the party's standing either in the body of the brief or in an addendum bound with the brief or bound separately.</li> <li>▶ If set forth in the body of the party's brief, this section must follow the summary of argument and immediately precede the argument.</li> <li>▶ 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.</li> <li>▶ Any addendum exceeding 40 pages <b>must</b> be bound separately from the brief.</li> </ul>		
Argument	All Briefs	Fed. R. App. P. 28(a)(8), (b) Fed. R. App. P. 28.1(c) Fed. R. App. P. 29(a)(4)(F)
<ul style="list-style-type: none"> <li>▶ Appellant must include a concise statement of the applicable standard of review for each issue, which may appear under a separate heading placed before the discussion of the issues.</li> </ul>		
Conclusion Stating the Relief Sought	Appellant's Briefs; Cross-Appellant's Briefs	Fed. R. App. P. 28(a)(9) Fed. R. App. P. 28.1(c)
Signature Block	All Briefs	Fed. R. App. P. 32(d) D.C. Cir. Rule 32(a)
Certificate of Compliance	All Briefs	Fed. R. App. P. 28(a)(10) Fed. R. App. P. 29(a)(4)(G) Fed. R. App. P. 32(g)
Certificate of Service (if required under the rule)	All Briefs	Fed. R. App. P. 25(d)

## LENGTH OF BRIEFS & COVER COLORS

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

Principal Brief of Appellant or Petitioner	Blue	30 Pages; 13,000 Words; or 1,300 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 32(a)(2), (7)
Principal Brief of Appellee or Respondent	Red	30 Pages; 13,000 Words; or 1,300 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 32(a)(2), (7)
Principal Brief of Intervenors	Green	19 Pages; 9,100 Words; or 813 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 32(a)(2) D.C. Cir. Rule 32(e)(2)
Principal Brief of Amicus Curiae Appointed by the Court	Green	30 Pages; 13,000 Words; or 1,300 Lines ( <i>monospaced typeface only</i> )	D.C. Cir. Rule 29 Fed. R. App. P. 32(a)(2), (7)
Principal Brief of Amicus Curiae Not Appointed by the Court (On the Merits)	Green	15 Pages; 6,500 Words; or 650 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 29(a)(5) Fed. R. App. P. 32(a)(2) D.C. Cir. Rule 32(e)(3)
Principal Brief of Amicus Curiae Not Appointed by the Court (On Rehearing)	Green	2,600 Words	Fed. R. App. P. 29(b)(4) Fed. R. App. P. 32(a)(2)
Reply Brief of Appellant or Petitioner	Gray	15 Pages; 6,500 Words; or 650 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 32(a)(2), (7)
Reply Brief of Intervenors in Support of Appellant or Petitioner	Gray	9 Pages; 4,550 Words; or 407 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 32(a)(2) D.C. Cir. Rule 32(e)(2)
Reply Brief of Amicus Curiae Appointed by the Court	Gray	15 Pages; 6,500 Words; or 650 Lines ( <i>monospaced typeface only</i> )	D.C. Cir. Rule 29 Fed. R. App. P. 32(a)(2), (7)
Reply Brief of Amicus Curiae Not Appointed by the Court	--	Brief Not Allowed Under the Rules	Fed. R. App. P. 29(a)(7)
Supplemental Briefs	Tan	Determined Per Order of the Court	Fed. R. App. P. 32(a)(2)

## CROSS-APPEAL BRIEFS

Principal Brief of Appellant or Petitioner	Blue	30 Pages; 13,000 Words; or 1,300 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 28.1(d), (e)
Principal and Response Brief of Appellee or Respondent	Red	35 Pages; 15,300 Words; or 1,500 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 28.1(d), (e)
Response and Reply Brief of Appellant or Petitioner	Yellow	30 Pages; 13,000 Words; or 1,300 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 28.1(d), (e)
Reply Brief of Appellee or Respondent	Gray	15 Pages; 6,500 Words; or 650 Lines ( <i>monospaced typeface only</i> )	Fed. R. App. P. 28.1(d), (e)

**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	Original Only	D.C. Cir. Rule 31(b)
Brief of Unrepresented Person Not Proceeding In Forma Pauperis	Original and 8 Copies	D.C. Cir. Rule 31(b)
Brief When Not Utilizing a Deferred Appendix	Original and 8 Copies	D.C. Cir. Rule 31(b) D.C. Cir. Rule 32(d)(3)
Initial Brief When Utilizing a Deferred Appendix	Original Only	D.C. Cir. Rule 31(b)
Final Brief When Utilizing a Deferred Appendix	Original and 8 Copies	D.C. Cir. Rule 31(b)
Brief Containing Materials Under Seal	Original and 6 Copies	D.C. Cir. Rule 47.1(d)(1)
Public Version of Sealed Brief	Original and 8 Copies	D.C. Cir. Rule 47.1(d)(1)

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**FORMAT OF APPENDICES**

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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), (b)

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The appendix must be on 8 ½ by 11 inch paper, but may be a size other than 8 ½ 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.

D.C. Cir. Rule 25(c)(5)  
Fed. R. App. P. 32(a)(4)  
Fed. R. App. P. 32(b)(3)

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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. However, all image-based documents containing typewritten text must be rendered searchable using optical character recognition (OCR) prior to submission.

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

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

Fed. R. App. P. 32(a)(2)  
Fed. R. App. P. 32(b)(1)

- ▶ The case number centered;
  - ▶ The name of the court;
  - ▶ The caption of the case;
  - ▶ The nature of the proceeding and the name of the court, agency or board below;
  - ▶ The title of the appendix, identifying the parties on whose behalf the appendix is filed; and
  - ▶ The name, postal and email address, and telephone number of counsel representing the party for whom the appendix is filed.
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The appendix must be bound in any manner that is secure, does not obscure the text, and permits it to lie reasonably flat when open (unless odd-sized documents are included).

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

 Note: The following types of binding ensure that the appendix will lie flat when open: spiral (also known as coil), comb, and wire binding. The following types of binding **do not** permit an appendix to lie flat when open: velo (also known as strip) binding, metal fasteners or posts, and staples. Accordingly, the use of such methods is not acceptable for an appendix, nor is the use of a three-ring binder. If an appendix is submitted that does not conform with these requirements, the party will be notified and directed to file an appendix that is properly bound. See D.C. Circuit Handbook of Practice and Procedures § IX.B.4.

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**CONTENTS 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)(1)(A), (d)
Copies of the following, set out in chronological order:	Fed. R. App. P. 30(a), (d) D.C. Cir. Rule 30(b)
<ul style="list-style-type: none"><li>▶ The relevant portions of the pleadings, charge, findings, opinion, transcripts, and exhibits cited in the brief;</li><li>▶ The judgment, decision, or order in question;</li><li>▶ Any other parts of the record to which the parties wish to direct the court's attention.</li></ul>	
<p>☞ Note: Memoranda of law, discovery material, and interlocutory motions or rulings filed 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.</p>	
If sealed material is included in an appendix, the appendix must be filed in 2 segments:	D.C. Cir. Rule 47.1(e)(1)
<ul style="list-style-type: none"><li>▶ 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;</li><li>▶ 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.</li></ul>	

**NUMBER OF COPIES OF APPENDICES TO BE FILED**

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

Appendix of an Unrepresented Appellant or Petitioner Who is Proceeding in Forma Pauperis	1 Copy (4 Encouraged)	D.C. Cir. Rule 24(a)
<p>☞ 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 must 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.</p>		
Appendix of Appellee or Respondent When Appellant or Petitioner is Proceeding in Forma Pauperis	4 Copies	D.C. Cir. Rule 24(b)
Joint Appendix to Briefs	8 Copies	D.C. Cir. Rule 30(a) D.C. Cir. Rule 32(d)(3)
<p>☞ Note: When the appendix is filed electronically, only 7 paper copies of the appendix are required.</p>		
Exhibits in Separate Volume	4 Copies	Fed. R. App. P. 30(e)
Public Appendix to Brief (Materials Under Seal)	7 Copies	D.C. Cir. Rule 47.1(e)(1)
Sealed Supplement to Appendix (Materials Under Seal)	7 Copies	D.C. Cir. Rule 47.1(e)(1)