

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

CHECKLIST OF RULE REQUIREMENTS FOR PREPARATION OF BRIEFS

1. CONTENTS (F.R.A.P. 28 and 3rd Cir. LAR 28.0)

A. Appellant's Brief

- A Corporate Disclosure Statement
- A Table of Contents with page references.
- A Table of Cases or Authorities with page references AND in conformance with 3rd Cir. LAR 28.3.
- Statements of both Subject Matter Jurisdiction AND Appellate Jurisdiction.
- Statement of Issues.
- Statement of Case.
- Statement of Facts.
- Statement of Related Cases and Proceedings; if there are none, then so indicate.
- Statement of the Standard or Scope of Review.
- A Summary of Argument.
- Argument.
- Conclusion.
- Certification of Bar Membership (3rd Cir. LAR 46.1).
- Order(s) being appealed, and if any, opinion(s) of the trial court or agency, and the notice of appeal, must be included in the brief (considered Volume 1 of the Appendix) or in a separate Volume 1 of the Appendix. The Court prefers they be attached to the brief. An additional 25 pages of record material may also be included (3rd Cir. LAR 32.2(c)). Order(s) being appealed, and if any, opinion(s) shall be included in the Appellee/Cross Appellant's brief (3rd Cir. LAR 28.2).
- Inclusion in appellant's brief of the following when hearing is on original record (F.R.A.P. 30(f) and 3rd Cir. LAR 30.2).
 - Relevant Docket Entries.
 - Judgment Order or decision being appealed.
 - Memorandum or opinion of court or agency subject to review.
 - Notice of appeal or petition for review.
- Certificate of Service (F.R.A.P. 25). Indicate date, method of service, AND the address to which service was made.

B. Appellee's Brief

- A Corporate Disclosure Statement
- A Table of Contents with page references.
- A Table of Cases or Authorities with page references AND in conformance with 3rd Cir. LAR 28.3.
- Counter Statements of both Subject Matter Jurisdiction AND Appellate Jurisdiction (if dissatisfied with Appellant's Statement).
- Counter Statement of Issues (if dissatisfied with Appellant's Statement).
- Counter Statement of Case (if dissatisfied with Appellant's Statement).
- Counter Statement of Facts with Appendix References (if dissatisfied with Appellant's Statement).
- Statement of Related Cases and Proceedings; if there are none, then so indicate.
- Statement of the Standard or Scope of Review for Counter Statement of Issues.
- A Summary of Argument.
- Argument.
- Conclusion.
- Certification of Bar Membership (3rd Cir. LAR 46.1).
- Certificate of Service (F.R.A.P. 25). Indicate date, method of service, AND the address to which service was made.

C. Amicus Brief (FRAP 29)

- Statement by the amicus party that all parties consent to the filing of the brief if not filed on motion, Or by a federal or state entity entitled to file.
- Table of Contents with page references.
- Table of Cases or Authorities with page references AND in conformance with 3rd Cir. LAR 28.3.
- Statement of Identity, Interest, and Authority to File for Amicus.
- Argument.
- Summary of Argument (Optional).
- 15-Page Limit or Certification of 7,000 words or 650 lines of text
- Deadline for amicus brief is 7 days after the deadline for party supported, and does not affect other party deadlines.
- Amicus party may not file a reply brief unless the Court permits.

2. FORM (F.R.A.P. 28 & 32)

- Size of Paper: 8-1/2" x 11".
- Light paper with a clear black image.
- Docket Number must be centered at the top of the cover.
- Length of briefs (F.R.A.P. 28(g))
 - Principal Briefs
 - 30 pages
 - 14,000 words
 - 1,300 lines of monospaced type (maximum of 10 ½ characters per inch)
 - Reply Briefs
 - 15 pages
 - 7,000 words
 - 650 lines of monospaced type (maximum of 10 ½ characters per inch)
 - Headings, footnotes, and quotations count toward page, line, or word limitations.
- Fonts for briefs
 - Proportional fonts must be at least 14 point or larger, and include serifs, except for captions and headings may be without serifs
 - Monospaced fonts may not contain more than 10 ½ characters per inch (cpi).
- A certificate of compliance must be submitted for the required page, line, or word limitations when a brief exceeds the required 30 or 15 page limit for principal or reply briefs. Counsel and parties are encouraged to use attached Form 6 - Certificate of Compliance with FRAP 32(a), and motions to exceed the allowable word count are discouraged.

3. COVER (F.R.A.P. 12(a) & 32 and 3rd Cir. LAR 32.1(a) & (b) and 32.2(b))

Durable covers on the front and back in the correct color.

- | | | | |
|--------------------------|--------------|---------------------------------|---|
| <input type="checkbox"/> | Blue | Brief of Appellant | Main Brief of Appellant/Cross Appellee |
| <input type="checkbox"/> | Red | Brief of Appellee | Main Brief of Appellee/Cross Appellant
Reply Brief of Appellant/Cross Appellee |
| <input type="checkbox"/> | Grey | Reply Brief of Appellant | Reply Brief of Appellee/Cross Appellant |
| <input type="checkbox"/> | Green | Brief of Intervenor | Brief of Amicus |
| <input type="checkbox"/> | Tan | Supplemental Brief | |
- Must be firmly bound along the left margin. Metal fasteners must be covered.
 - Name of court and the appellate docket number of case must be centered at the top of the page.
 - Complete caption with name of appellant(s) identified (F.R.A.P. 12(a)). A "short" caption is not acceptable. The caption which appears on the cover must be in the same form as the attachment which was sent with the docketing letter unless amended by Court order.
 - Nature of proceedings and name of court or agency below.
 - Title of document.
 - Only names and addresses of counsel representing parties on whose behalf the brief is submitted.

4. NUMBER OF COPIES (3rd Cir. LAR 28.4 and 31.1)

- 10 copies of brief must be filed.

5. SIGNATURE (FRAP 32(d))

- Brief must be signed by party or counsel representing party.

6. LEGIBILITY (F.R.A.P. 32(a))

- Clear black image on light paper.

7. VIRGIN ISLANDS CASES (3rd Cir. LAR 31.1)

An additional two (2) copies of all briefs must be filed with the Clerk of the District Court in the location from which the appeal is taken, *i.e.*, St. Thomas or St. Croix. The form issued with the briefing schedule certifying the local filing of the additional copy of all principal briefs must be filed with the Clerk of this Court

Visit the Third Circuit Website at <http://www.ca3.uscourts.gov> under Rules and Procedures for a copy of this checklist.

Form 6. Certificate of Compliance With Rule 32(a)

**Certificate of Compliance With Type-Volume Limitation,
Typeface Requirements, and Type Style Requirements**

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because:

- this brief contains [*state the number of*] words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), or
- this brief uses a monospaced typeface and contains [*state the number of*] lines of text, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because:

- this brief has been prepared in a proportionally spaced typeface using [*state name and version of word processing program*] in [*state font size and name of type style*], or
- this brief has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].

(s) _____

Attorney for _____

Dated: _____