

CHECKLIST FOR BRIEFS

CONTENTS: FRAP 28 and Sixth Circuit Local Rule 28. Items to be in the order indicated below.

- \_\_\_ Corporate Disclosure statement
- \_\_\_ Table of contents
- \_\_\_ Table of cases (alphabetically arranged), statutes and other authorities
- \_\_\_ Statement in support of oral argument
- \_\_\_ Fact Sheet (for habeas corpus, motion to vacate, title VII & Social Security appeals)
  
- \*\*\*\*\* Page limitation, word or line count begins here, FRAP 32(a)(7)(B)(iii)\*\*\*\*\*
- \_\_\_ Jurisdictional statement
- \_\_\_ Statement of the issues
- \_\_\_ Statement of the case
- \_\_\_ Statement of the Facts with **appropriate references to the record and joint appendix**  
    \*see examples below
- \_\_\_ Summary of argument
- \_\_\_ Applicable standard of review for each issue, may appear in the discussion of each issue  
    or under separate heading placed before the discussion of the issues
- \_\_\_ Argument, with citations to the authorities, statutes and with **appropriate references to the  
    record and joint appendix** \*see examples below
- \_\_\_ Signed Conclusion
- \*\*\*\*\* Page limitation, word or line count ends here, FRAP 32(a)(7)(B)(iii)\*\*\*\*\*
  
- \_\_\_ **Appearance form filed?**
- \_\_\_ Certificate of Compliance as required by FRAP 32(a)(7); if necessary.
- \_\_\_ Dated Certificate of Service
- \_\_\_ Addendum if necessary
- \_\_\_ Designation of appendix contents
- \_\_\_ Social Security cases: copies of the notice of appeal, opinion & order, report &  
    recommendation & any objections

REFERENCE EXAMPLES: *References to the record are to be placed in parentheses ( ) following the text for which the reference is made.*

R     record entry number as assigned on the district court docket sheet  
TR    transcript  
APX   appendix

**Proof Brief**   (R. 23 Memorandum opinion & order, pg. 12, Apx. pg. \_\_\_)  
                  (William Redden at TR 303, 330, Apx. pg. \_\_\_)

**Final Brief**   (R. 23 Memorandum opinion & order, pg. 12, Apx. pg. 98)  
                  (William Redden at TR 303, 330, Apx. pg. 75)

TYPEFACE: FRAP 32(a)(5) and LENGTH: FRAP 32(a)(7).

\_\_\_ Proportionally spaced font. Use **CG Times** or **Times New Roman** both at 14-point.

\*See attached typeface samples.

- 1) **Principal brief, may not exceed 30 pages, unless it complies with FRAP 32(a)(7)(B) and (C): no more than 14,000 words with a certificate of compliance.**
- 2) Reply brief, may not exceed 15 pages, or no more than half of the type-volume of principal briefs.
- 3) Headings, footnotes, and quotations count toward the word limitation

**\*\*OR\*\***

\_\_\_ Monospaced-font. Use **Courier New at 12 point**. \*See attached typeface samples.

- 1) **Principal brief, may not exceed 30 pages, unless it complies with FRAP 32(a)(7)(B) and (C): no more than 14,000 words or 1,300 lines of text with a certificate of compliance.**
- 2) Reply brief, may not exceed 15 pages, or no more than half of the type-volume of principal briefs.
- 3) Heading, footnotes, and quotations count toward the word/line limitation.

#### OTHER REQUIREMENTS.

\_\_\_ Footnotes: Must be the same sized text as used in the body of the brief

\_\_\_ Serial pagination

\_\_\_ Secure binding on left hand side that does not obscure the text and permits the brief to lie reasonably flat when open. (DO NOT use Acco fasteners) (Spiral binding preferred)

\_\_\_ Paper size, 8 ½ by 11 inches

\_\_\_ Double spaced

\_\_\_ Margins: at least one inch on all four sides

\_\_\_ Proof brief, 1 original

\_\_\_ Final brief, 1 original & 6 copies w/**updated certificate of service**

COVER OF BRIEF: FRAP 32(a)(2), (Do not use clear or colored plastic overlays).

\_\_\_ Proper color: **front & back**

Appellant - blue; Appellee - red; Intervenor or Amicus - green; reply - gray;

Cross-Appeal:

First - blue; Second - red; Third - yellow; Fourth - gray;

\_\_\_ Sixth Circuit case number

\_\_\_ Heading: "United States Court of Appeals for the Sixth Circuit"

\_\_\_ Title of case

\_\_\_ Nature of proceedings & name of court, agency or board below

\_\_\_ Title of the brief (e.g., "Brief of Appellant")

\_\_\_ Name/s and address/es of counsel representing the party for whom the brief is filed

TYPEFACE/S WHICH MEET THE  
REQUIREMENTS OF FRAP 32(a)(5)

**Times New Roman at 14-point: or CG Times at 14-point:**

\*These are proportionally spaced fonts.

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The jury heard Titan complain about the “unfairness” of Mr. Hinds waiting to  
file suit both in opening and closing statements, and throughout the proof at trial. (TR  
Defendant’s Opening Statement, pgs. 16-17, Apx. pg. \_\_\_\_).

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**Courier New at 12-point:**

\*This is a monospaced font.

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The jury heard Titan complain about the “unfairness” of Mr.  
Hinds waiting to file suit both in opening and closing statements,  
and throughout the proof at trial. (TR Defendant’s Opening  
Statement, pgs. 16-17, Apx pg. \_\_\_\_).

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Citation of Supplemental Authorities after the parties briefs have been filed.  
Number of copies: 1 original & 3 copies.

**6th Cir. R. 26.1**  
**DISCLOSURE OF CORPORATION AFFILIATIONS**  
**AND FINANCIAL INTEREST**

(a) **PARTIES REQUIRED TO MAKE DISCLOSURE.** With the exception of the United States government or agencies thereof or a state government or agencies or political subdivisions thereof, all parties and amici curiae to a civil or bankruptcy case and all corporate defendants in a criminal case shall file a corporate affiliate/financial interest disclosure statement. A negative report is required except in the case of individual criminal defendants.

(b) **FINANCIAL INTEREST TO BE DISCLOSED.**

(1) Whenever a corporation which is a party to an appeal, or which appears amicus curiae, is a subsidiary or affiliate of any publicly owned corporation not named in the appeal, counsel for the corporation that is a party or amicus shall advise the clerk in the manner provided by subdivision (c) of this rule of the identity of the parent corporation or affiliate and the relationship between it and the corporation that is a party or amicus to the appeal. A corporation shall be considered an affiliate of a publicly owned corporation for purposes of this rule if it controls, is controlled by, or is under common control with a publicly owned corporation.

(2) Whenever, by reason of insurance, a franchise agreement, or indemnity agreement, a publicly owned corporation or its affiliate, not a party to the appeal, nor an amicus, has a substantial financial interest in the outcome of litigation, counsel for the party or amicus whose interest is aligned with that of the publicly owned corporation or its affiliate shall advise the clerk in the manner provided by subdivision (c) of this rule of the identity of the publicly owned corporation and the nature of its or its affiliate's substantial financial interest in the outcome of the litigation.

(c) **FORM OF DISCLOSURE.** The disclosure statement shall be made on a form provided by the clerk and filed with the brief of a party or amicus or upon filing a motion, response, petition, or answer in this Court, whichever first occurs.

SAMPLE

APPELLANT'S/APPELLEE'S DESIGNATION  
OF APPENDIX CONTENTS

Appellant/appellee, pursuant to Sixth Circuit Rule 28(d), hereby designates the following filings in the district's record as items to be included in the joint appendix:

| Description of Item   | Date Filed in District Court | Record Entry Number |
|---|------------------------------|---------------------|
| Indictment  | 12/14/94                     | 1                   |
| Arraignment minutes   | 8/15/95                      | 3                   |
| Motion to Suppress with exhibits 1-13<br>exhibit 1 (description)<br>exhibit 2 (description)<br>etc.... <sup>1</sup> | 9/5/95                       | 11                  |
| Deposition of Maurice Beel<br>pp. 23-36, 40, 42, 45<br>exhibit 1 (description)                                      | 10/3/95                      | 22                  |
| Deposition of Robert Atkins<br>pp. 10, 13-16, 22, 24, 49  | 10/5/95                      | 24                  |
| Deposition of Allen Smith<br>pp. 2-10, 12-18, 33  | 10/8/95                      | 27                  |
| Exhibit & Witness List<br>defendant's exhibit 2 (description)<br>plaintiff's exhibit 10 (description)               | 1/7/96                       | 40                  |
| Trial Minutes   | 1/7/96                       | 47                  |
| Pre-Sentence Report   | 5/28/96                      | 49                  |
| Objections to Pre-Sentence Report   | 6/13/96                      | 50                  |
| Judgment  | 7/13/96                      | 52                  |
| Notice of Appeal  | 7/20/96                      | 53                  |

**Note to counsel: be specific in designating attachments or exhibits to motions and depositions if you expect them to be included in the Joint Appendix. Do not assume that attachments/exhibits will be included automatically.**

| Description of Proceeding or Testimony   | Date Filed in District Court | Transcript Page Numbers  |
|--|------------------------------|--|
| Suppression Hearing held 7/20/95.  | 9/20/95                      | 4-11, 13, 16   |
| In Chambers Conference held 12/20/95. <sup>2</sup>   | 1/2/96                       | 9-20   |
| Trial held 12/20 thru 12/27/95.<br><br>Opening Arguments<br><br>Dana Evans<br><br>Juan Garcia<br><br>Donna Holt<br><br>Bobby Kramer<br><br>Jury Instructions<br><br>Closing arguments of plaintiff | 1/2/96                       | Vol. I, 2,3<br><br>Vol. II, 139, 140, 147-153, 166, 168, 171<br>Vol. III, 240-246, 258<br><br>Vol. I, 23-28, 45, 47, 50, 53<br>Vol. III, 224-26, 253-260, 277, 279, 281-283<br><br>Vol. II, 113, 114<br><br>Vol. I, 83, 87-97<br>Vol. II, 154-157<br><br>Vol. IV, 303-310<br><br>Vol. IV, 320, 322-324 |
| Excerpt of Trial Proceedings held 12/20/95 thru 12/27/95.<br><br>Keith Hodges<br><br>Bobby Kramer  |                              | 22-24, 28, 29<br><br>30, 33-40   |
| Sentencing hearing held 1/20/96  | 2/10/96                      | 1-5, 6, 8, 12-14, 22   |
| <b>TRIAL EXHIBITS</b><br>Admittance of plaintiff's exhibit 1<br>plaintiff's exhibit 1 (description)  | 1/02/96                      | Vol. II, 146 <sup>3</sup>  |

<sup>2</sup>If this transcript is sealed, it will remain sealed in a separate volume of the joint appendix.

<sup>3</sup>The page number for the exhibit/s can be obtained from the transcript page that reflects where the exhibit/s were admitted into evidence.