

# UNITED STATES COURT of APPEALS for the THIRD CIRCUIT / REQUIREMENTS for BRIEFS

## CONTENT of BRIEFS

### CORPORATE DISCLOSURE STATEMENT

See F.R.A.P. 26.1(b)

### TABLES

1. Table of Contents
2. Table of Citations (**See 3<sup>rd</sup> Cir. L.A.R. 28.3**)

### STATEMENTS & SUMMARIES

1. \*Subject Matter & Appellate Jurisdiction
2. \*Issues
3. \*Related Cases and Proceedings
4. \*Concise Statement of the Case setting out the following:
  - a. Relevant facts
  - b. Procedural history
  - c. Rulings presented for review
5. Summary of Argument

\*Optional in Appellee/Respondent brief unless dissatisfied with statements of Appellant/Petitioner

### ARGUMENT

1. Argument with each issue prefaced by its Standard or Scope of Review (**See 3<sup>rd</sup> Cir. L.A.R. 28.1(b)**)
2. Conclusion
3. Signatures of Counsel of Record. **An attorney from each listed office must file an Entry of Appearance.**

### COMBINED CERTIFICATIONS

1. Bar Membership
2. Word Count
3. Service if required by F.R.A.P. 25(d)
4. Identical Compliance of Briefs
5. Virus check

### ATTACHMENTS to BRIEFS

1. Attaching Volume I of Appendix to Appellant/Petitioner Brief is preferred by the Court. It should include only:
  - a. Notice of Appeal or Petition for Review
  - b. Order being appealed
  - c. Opinion under review
  - d. Order granting Certificate of Appealability where applicable
2. Statutes, Rules, Regulations or Unpublished Opinions if not readily available

## FORM of BRIEFS

### COVER

1. Color of Front & Back Covers – **NLRB cases should follow 1<sup>st</sup>, 2<sup>nd</sup> and 4<sup>th</sup> Steps.**
  - a. Appellant/Petitioner or 1<sup>st</sup> Step – **Blue**
  - b. Appellee/Respondent or 2<sup>nd</sup> Step – **Red**
  - c. 3<sup>rd</sup> Step – **Yellow** (Cross-Appeals)
  - d. Appellant/Petitioner Reply or 4<sup>th</sup> Step – **Gray**
  - e. Amicus/Intervenor – **Green**
  - f. Supplemental – **Tan**
2. Content of Front Cover
  - a. Name of Court
  - b. Appellate Docket Number(s)
  - c. Official Court Caption
  - d. Nature of Proceeding
  - e. Title of Document
  - f. Name(s) & Address(s) of Counsel of Record.

### BODY/TEXT of BRIEF

1. 8 ½ “ x 11” opaque paper with clear black image with 1” margins
2. Double spaced text (quotations over 2 lines may be indented and single spaced; headings and footnotes may be single spaced)
3. Only one side of the paper may be used. (**See F.R.A.P. 32(a)(1)(A)**)
4. †Length: **a.** Principal & Intervenor briefs – 30 pages / 13,000 words / 1,300 \*lines, **b.** Reply & Amicus briefs – 15 pages / 6,500 words / 650 \*lines, **c.** 2<sup>nd</sup> Step Cross-Appeal Brief – 35 pages / 15,300 words / 1,500 \*lines
5. Font: **a.** Proportional (14 pt. with serifs), **b.** Monospaced (10 ½ cpi)

† A certification of word or line count must be included. Tables, certifications and addenda do not count toward the word or line limitation.

\*Monospaced text

### BINDING

Firmly bound at the left margin. Metal fasteners must be covered. Velo or spiral binding acceptable.

## ADDITIONAL INFORMATION

### ELECTRONIC BRIEFS

1. The brief must be in a PDF text format. (**See 3<sup>rd</sup> Cir. L.A.R. 113.3(b)**).
2. The brief must contain an electronic signature or **s/ first name last name**.
3. Seven (7) identical hard copies of the brief must be delivered to the Clerk’s Office within 5 days of the electronic filing. **See Order**. **N.B. Only one (1) hard copy is required for Redacted briefs. Hard copies of Proof briefs are NOT required.**
4. A Notice of Docketing Activity (NDA) will be issued upon the filing of the electronic brief and the receipt of the hard copies.

### TIME TO FILE & SERVE

- Civil/Agency Case – **See F.R.A.P. 31(a)**
- Civil/Agency Cross-Appeal – **See F.R.A.P. 28.1(f)**
- Direct Criminal Cases – deadlines set by Briefing and Scheduling Order

**For verbal extensions of time, please call 215-597-2995 and select option 3 for Case Management.**

Federal Rules of Appellate Procedure and Local Appellate Rules are accessible under **Rules & Procedures** via the **Third Circuit website**.

### **Rules regarding redaction:**

**Fed. R. App. P. 25(a)(5)**  
**Fed. R. Civ. P. 5.2**  
**Fed. R. Crim. P. 49.1**  
**Fed. R. Bankr. P. 9037**