

THE QUICK GUIDE SERIES

United States Court of Appeals

FOR THE SIXTH CIRCUIT



**540 Potter Stewart United States Courthouse
100 East 5th Street
Cincinnati, Ohio 45202
(513) 564-7000
www.ca6.uscourts.gov**



GUIDELINES
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Kentucky, Michigan, Ohio and Tennessee

INTRODUCTION

This serves only as a quick reference guide for filing Briefs and Appendices. **THE QUICK GUIDE SERIES** outlines procedures on how documents should be sequenced, paginated, indexed, titled, printed and bound. In addition, it contains formatting requirements for Briefs as well as information on service and filing deadlines. Please call Record Press for clarification, and our expert staff of attorneys and paralegals will assist you. For a comprehensive reference, consult the actual rules of the court, which can be downloaded from the court's Website at www.ca6.uscourts.gov.

July 2009
Record Press Inc.

Natasha R. Monell, Esq.
Staff Counsel

OUR COMPANY

Established in 1945, Record Press has earned an excellent reputation providing the legal community with highly skilled and efficient para-legal, typographic, digital printing and binding services. We offer an unparalleled degree of appellate service to clients whose list includes the highest courts and the most prestigious law firms in the United States. The unique combination of our experience and state-of-the-art technology allow us to handle the most complex of cases in a highly efficient way.

Our printing facilities have been digitized. We use our customized software to scan, process, compress, and store legal documents electronically. This cutting-edge technology allows for fast editing, pagination, clear reproduction, and portability. An entire appellate filing can be downloaded onto a CD-ROM. The record/appendix and cases can be hyperlinked to the briefs for easy cross-referencing. State and federal courts are increasingly using our convenient CD-BRIEF technology.

For additional information on services we provide to benefit your legal practice, visit our Website at www.recordpress.com.

For copies of **THE QUICK GUIDE SERIES** please contact our Sales Department.

THE QUICK GUIDE SERIES	
NEW YORK SUPREME COURT Appellate Division—First Department Appellate Division—Second Department Appellate Division—Third Department Appellate Division—Fourth Department Appellate Term—First Department Appellate Term—Second Department	UNITED STATES COURT OF APPEALS First Circuit Second Circuit Third Circuit Fourth Circuit Fifth Circuit Sixth Circuit Seventh Circuit Eighth Circuit Ninth Circuit Tenth Circuit Eleventh Circuit Federal Circuit District of Columbia Circuit
NEW YORK STATE COURT OF APPEALS	UNITED STATES SUPREME COURT

TABLE OF CONTENTS

	PAGE
INTRODUCTION	i
OUR COMPANY	ii
TABLE OF CONTENTS	iii
APPENDIX	1
When Required	1
Time for Filing	2
Manner of Filing	2
Appendix in Death Penalty Cases	2
Contents	2
Appendix in Appeals from the District Court	2
Appendix in Appeals from the Tax Court	3
Appendix in Agency Proceedings	4
Appendix in Habeas Corpus Cases Where There Is No Written State Court Record	4
Inclusion of Sealed Record Items	5
Certificate of Service	5
Index	6
Format	6
Social Security Cases	6
State Habeas Cases	6
Black Lung Cases	7
Sanctions	7
BRIEFS	8
Appellant's Brief	8
Appellee's Brief	8
Reply Brief	8
References to the Record	9
Form of Briefs	9
Citing Judicial Dispositions	12
REQUIREMENTS FOR TYPOGRAPHY IN BRIEFS	13
TIME SCHEDULE	16
FILING AND SERVICE	16
SPECIFICATION CHART	23
SAMPLE COVER	24
APPELLATE SERVICES	25

APPENDIX

6 Cir. R. 30 Appendix to the Briefs

- (a) **When Required.** Unless the court specifically directs, an appendix is required only in the following cases:
- (1) Appeals from a district court where there are documents that are not part of the district court's electronic record that must be included in an appendix as provided in 6 Cir. R. 30(f)(1).
 - (2) Appeals in cases under 28 U.S.C. § 2254.
 - (3) Appeals from the United States Tax Court.
 - (4) Petitions to review or enforce the decision of a federal administrative agency, except social security cases (see 6 Cir. R. 30(1)).

Otherwise, because the court will have the electronic record of district court proceedings available, an appendix is not necessary and is not to be filed.

- (b) **Designation of Relevant District Court Documents in Certain Cases.** In appeals from the district court where there is an electronic record in the district court, documents in the electronic record must not be included in an appendix. To facilitate the court's reference to the electronic record in such cases, each party must include in its principal brief a designation of relevant district court documents; see 6 Cir. R. 30(f)(1). The designation must appear at the end of the brief as an addendum and include for each document the record entry number from the district court docket and a description of the document.
- (c) **Time for Filing.**
- (1) **Appellant.** Where an appendix is required, the appellant must prepare an appendix, file it simultaneously with its principal brief, and serve it, except as provided in 6 Cir. R. 30 (m) and (n).

- (2) **Appellee.** If the appellee determines that the appellant did not include a necessary part of the record in the appendix, the appellee may prepare a separate appendix including the omitted part(s) and file and serve it when the appellee files its brief. The pagination of the appellee's appendix must be consecutive, beginning with the next page number after the last page of the appellant's appendix.
- (d) **Items Not Included in the Appendix.** Counsel should consult the contents requirements in 6 Cir. R. 30(f). The parties and the court may rely on parts of the record not included in the appendix.
- In determining the contents of the appendix, counsel should be mindful that inclusion of parts of the record unnecessary to disposition of the case, or omission of parts of the record necessary to disposition of the case, imposes a burden on the court and may result in sanctions under 6 Cir. R. 30(o).
- (e) **Manner of Filing.**
- (1) **Generally.** Except as provided in sub-rule (e)(2), the appendix must be filed as an electronic document in PDF format. A paper appendix may not be filed without leave of court.
- (2) **Death Penalty Cases.** In cases involving a state prisoner under sentence of death where the district court record includes portions of the state court record, five copies of the appendix must be filed in paper format.
- (f) **Contents of the Appendix.**
- (1) **Appeals from the District Court.** In appeals from a district court where all items listed in this sub-rule (f)(1) are in the district court's electronic record, no appendix may be filed. In all other appeals from a district court, the appendix must include the current district court docket sheet and those items listed below that are not part of the district court's electronic record:
- (A) the complaint or indictment;

- (B) all other pleadings or motions relevant to the arguments presented on appeal;
 - (C) the judgment from which the appeal is taken;
 - (D) all memorandum opinions or opinions from the bench, findings of fact and conclusions of law, and reports and recommendations of a magistrate judge and objections to the reports and recommendations;
 - (E) the notice of appeal;
 - (F) any other parts of the record, including all or part of any exhibit or transcript pages necessary for effective understanding of the issues raised in the briefs, in chronological order; and
 - (G) counsel's certification that all documents included in the appendix are copies of documents properly made a part of the record.
- (2) **Appeals from the Tax Court.** In appeals from the Tax Court, the appendix must include—
- (A) the current Tax Court docket sheet;
 - (B) the complaint;
 - (C) all other pleadings or motions relevant to the arguments presented on appeal;
 - (D) the judgment from which the appeal is taken;
 - (E) all memorandum opinions or opinions from the bench and findings of fact and conclusions of law;
 - (F) the notice of appeal;
 - (G) any other parts of the record, including all or part of any exhibit or transcript pages necessary for effective understanding of the issues raised in the briefs, in chronological order; and

- (H) counsel's certification that all documents included in the appendix are copies of documents properly made a part of the record.
- (3) **Agency Proceedings.** The appendix in agency proceedings must include—
- (A) the order sought to be reviewed or enforced;
 - (B) all supporting opinions, findings of fact or conclusions of law; and
 - (C) the petition for review or application for enforcement.
- (4) **Habeas Corpus Cases where there is no Written State Court Record.**
- (A) The appendix in an appeal from the grant or denial of a writ of habeas corpus in a case in which the record of the proceedings in state court is in other than written form must include a written transcript of all portions of the state court record that any party deems relevant to this court's resolution of the issues raised on appeal. Notwithstanding the provision of 6 Cir. R. 30(d), a party may not rely on a part of the state court record not reduced to written form.
 - (B) Appellant must provide to this court and appellee a transcript of the necessary portions from the official state court record within 30 days of filing the notice of appeal. The circuit clerk may grant an additional 30 days. Where, by reason of the length of the necessary portions of the state court record, more than 60 days are required, appellant must request additional time by written motion within the 60-day period.

(C) An appellee who believes that a transcript of other portions of the state court record is necessary must provide that transcript to this court and appellant within 30 days of the appellant's filing of the transcript, with extensions of time as provided in sub-rule (f)(4)(B).

(D) the transcript may be prepared by any method that provides an adequate typewritten record.

(E) Upon filing of a transcript in this court, a party has 15 days to notify the court of objections to the accuracy of the transcript. If any difference arises as to whether the transcript accurately reports the proceedings in the trial court, the difference must be resolved by the procedure in FRAP 10(e).

(5) **Inclusion of Sealed Record Items.** If in counsel's opinion it is necessary to include sealed items, a copy of the sealed item(s) must be placed in a separate sealed envelope and filed with the clerk. An appropriate notation on the cover of the envelope should specify the nature of the sealed enclosure. The balance of the appendix will be treated as part of the public record. The sealed item will not.

Counsel is cautioned against attempting to use this procedure to hold out of public view items not previously sealed by order of either the district court or this court. That relief can be had only by way of a timely motion specifically requesting that relief.

(g) **Certificate of Service.** The appendix will not be deemed to have been filed unless the certificate of service required by FRAP 25(d) is included with it.

(h) **Table of Contents.** The appendix must be paginated. The appendix must have a table of contents that, for each document—

(1) describes the document in the appendix;

(2) includes the record entry number from the docket of the court below, where available; and

- (3) shows the page in the appendix where the document first appears.
- (i) **Index.** Following the table of contents, the appendix must contain an alphabetical list of witnesses whose testimony is included in the appendix, with the date and proceeding, if other than trial, where the testimony begins and the page(s) in the appendix.
 - (j) **Multi-Volume Appendix.** Where the appendix has more than one volume, each volume must be consecutively paginated and must contain the full table of contents and index required by 6 Cir. R. 30(h) and (i). The table of contents and index in each volume must include the contents of all volumes of the appendix.
 - (k) **Format.** Following the table of contents and index, the appendix must contain the items in the order set out in 6 Cir. R. 30(f). Portions of the transcript or exhibits that have been properly made a part of the record may appear at the end of the appendix or in a separate volume or volumes. The original pagination of each part of the transcript must be placed in brackets in the margin of the appendix. The name of each witness must appear on each page of the appendix where the testimony of that witness begins.
 - (l) **Social Security Cases - No Appendix Required.** In appeals from a district court involving review of a decision of the Commissioner of Social Security, the attorney representing the Commissioner must file with the brief four paginated copies of the administrative record. No appendix is required.
 - (m) **Duty to File in State Habeas Cases.**
 - (A) **Appendix.** In state habeas corpus cases filed pro se and in forma pauperis, the state attorney general must file an adequate appendix that includes copies of the opinion and order from which the appeal is taken and any magistrate judge's report and objections to the report.

- (B) **Other Material.** In state habeas corpus cases the state attorney general must file, with the government's brief, copies of all unpublished decisions of state courts involving previous hearings relating to the petition and a copy of the transcript of the trial and any post-conviction hearing of petitioner in the state trial court, if previously transcribed and available.
- (n) **Duty to File Appendix in Black Lung Cases.** Where a pro se in forma pauperis litigant seeks review of an administrative decision regarding a claim for black lung benefits, counsel for the Director must file, with the Director's brief, an adequate appendix that includes the decision to be reviewed and any other items of record necessary for this court's informed review.
- (o) **Sanctions.** Failure to file an appendix when required, or filing an appendix substantially out of compliance with the requirements of this rule, may result in dismissal of the appeal or other sanctions. The court may require counsel who so complicates the proceedings in a case by unreasonably and vexatiously failing to comply with the requirements of this rule to satisfy personally any excess costs, under 28 U.S.C. § 1927, and may subject counsel to disciplinary sanctions.

BRIEFS

FRAP 28

Appellant's Brief

- (1) Corporate disclosure statement (Mandatory for all corporate and individual parties)
- (2) Statement regarding oral argument (6 Cir. R. 34(a))
- (3) Table of contents
- (4) Table of authorities
- (5) Jurisdictional statement
- (6) Statement of issues presented for review
- (7) Statement of the case
- (8) Statement of the facts
- (9) Summary of argument
- (10) Argument (Statement of the Standard of Review)
- (11) Conclusion (Signature of counsel required)
- (12) Certificate of compliance
- (13) Certificate of service
- (14) Addendum (Designation of Relevant District Court Documents)

Appellee's Brief

The brief of the appellee shall conform to the requirements of subdivision (a)(1)-(14), except that a jurisdictional statement, statement of the issues, of the case, of the facts or the statement of the standard of review need not be made unless the appellee is dissatisfied with the statements of the appellant.

Reply Brief

All reply briefs shall contain a certificate of compliance (if over 15 pages), a table of contents, a table of authorities, and a certificate of service.

6 Cir. R. 28(a) Briefs

References to the Record. A brief must direct the court to those parts of the record to which the brief refers. It must refer to the particular item in the record and the specific pages by reference to the record entry number or particular transcript or exhibits. For example, if the reference is to defendant's motion for summary judgment, the brief should refer to "Record Entry No. 15, defendant's motion for summary judgment, pp. 2-3." For cases where there is an appendix, a brief referring to material in the appendix must also refer to the page of the appendix. For example, if the reference is to defendant's motion for summary judgment, the brief should refer to "Record Entry No. 15, defendant's motion for summary judgment, pp. 9-10; Appendix, pp. 69-70." Suitable abbreviations in these references are acceptable.

Designation of Relevant District Court Documents. Each principal brief must contain a designation of relevant district court documents at the end of the brief as an addendum when required by 6 Cir. R. 30(b).

Citation of Unpublished Decisions. Citation of unpublished opinions is permitted. FRAP 32.1(b) applies to all such citations.

FRAP 32(a) Form of Briefs

(1) Reproduction

- (A) The paper must be opaque and unglazed. Only one side of the paper may be used.
- (B) Text must be reproduced with a clarity that equals or exceeds the output of a laser printer.
- (C) Photographs, illustrations, and tables may be reproduced by any method that results in a good copy of the original; a glossy finish is acceptable if the original is glossy.

(2) Cover

The cover of the appellant's brief must be blue; the appellee's, red; an intervenor's or amicus curiae's, green; and reply brief, gray and any supplemental, tan. The front cover of a brief must contain:

- (A) the number of the case centered at the top;
- (B) the name of the court;
- (C) the title of the case;
- (D) the nature of the proceeding and the name of the court, agency, or board below;
- (E) the title of the brief, identifying the party or parties for whom the brief is filed; and
- (F) the name, office address, and telephone number of counsel representing the party for whom the brief is filed.

(3) Binding

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.

(4) Paper Size, Line Spacing, and Margins

The brief must be on 8½ 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.

(5) Typeface

Either a proportionally spaced (i.e. Times Roman) or a monospaced (i.e. Courier) typeface may be used.

- (A) A proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced typeface must be 14-point or larger.
- (B) A monospaced face may not contain more than 10¹/₂ characters per inch.

Note:

Footnotes: must be the same sized text as used in the body of the brief.

(6) Type Styles

A brief must be set in a plain, roman style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.

(7) Length

- (A) ***Page limitation*** A principal brief may not exceed 30 pages, or a reply brief 15 pages, unless it complies with Rule 32(a)(7)(B) and (C).
- (B) ***Type-volume limitation***
 - (i) A principal brief is acceptable if:
 - it contains no more than 14,000 words; or
 - it uses a monospaced face and contains no more than 1,300 lines of text.
 - (ii) A reply brief is acceptable if it contains no more than half of the type volume specified in Rule 32(a)(7)(B)(i).

- (iii) Headings, footnotes, and quotations count toward the word and line limitations. The corporate disclosure statement, table of contents, table of citations, statement with respect to oral argument, any addendum containing statutes, rules or regulations, and any certificates of counsel do not count toward the limitation.
- (C) ***Certificate of compliance*** A brief submitted under Rule 32(a)(7)(B) must include a certificate by the attorney, or an unrepresented party, that the brief complies with the type-volume limitation. The person preparing the certificate may rely on the word or line count of the word-processing system used to prepare the brief. The certificate must state either:
 - (i) the number of words in the brief; or
 - (ii) the number of lines of monospaced type in the brief.

FRAP 32.1 Citing Judicial Dispositions

- (a) **Citation Permitted.** A court may not prohibit or restrict the citation of federal judicial opinions, orders, judgments, or other written dispositions that have been:
 - (i) designated as “unpublished,” “not for publication,” “non-precedential,” “not precedent,” or the like; and
 - (ii) issued on or after January 1, 2007.
- (b) **Copies Required.** If a party cites a federal judicial opinion, order, judgment, or other written disposition that is not available in a publicly accessible electronic database, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other paper in which it is cited.

REQUIREMENTS FOR TYPOGRAPHY IN BRIEFS

Federal Rule of Appellate Procedure 32(a) contains detailed requirements for the production of briefs. FRAP 32(a) is designed not only to make documents more readable but also to ensure that different methods of reproduction (and different levels of technological sophistication among lawyers) do not affect the length of a brief. The following information may help you better understand FRAP 32(a) and associated local rules.

1. FRAP 32(a)(1)(B) requires text to be reproduced with “a clarity that equals or exceeds the output of a laser printer.” The resolution of a laser printer is expressed in dots per inch. First generation laser printers broke each inch into 300 dots vertically and horizontally, creating characters from this 90,000-dot matrix. Second generation laser printers use 600 or 1200 dots per inch in each direction and thus produce a sharper, more easily readable output; commercial typesetters use 2400 dots per inch.

Any means of producing text that yields 300 dots per inch or more is acceptable. Daisy-wheel, typewriter, commercial printing, and many ink-jet printers meet this standard, as do photocopies of originals produced by these methods. Dot matrix printers and fax machines use lower resolution, and their output is unacceptable.

2. FRAP 32(a)(5) distinguishes between proportional and monospaced fonts, and between serif and sans-serif type. It also requires knowledge of points and pitch.

Proportionally spaced type uses different widths for different characters. A monospaced face, by contrast, uses the same width for each character. Most typewriters produce monospaced type, and most computers also can do so using fonts with names such as “Courier” or “Courier New.” The rule leaves to each lawyer the choice between proportional and monospaced type.

This sentence is in a proportionally spaced font; as you can see, the m and i have different widths.

This sentence is in a monospaced font; as you can see, the m and i have the same width.

Serifs are small horizontal or vertical strokes at the ends of the lines that make up the letters and numbers. The next line shows two characters enlarged for detail. The first has serifs, the second does not.



Studies have shown that long passages of serif type are easier to read and comprehend than long passages of sans-serif type. The rule accordingly limits the principal sections of briefs to serif type, although sans-serif type may be used in headings and captions.

This sentence is in New Century Schoolbook, a proportionally spaced font with serifs. Baskerville, Bookman, Caslon, Garamond, Georgia, and Times are other common serif faces.

This sentence is in Helvetica, a proportionally spaced sans-serif font. Arial, Eurostile, Trebuchet, Univers, and Verdana are other common sans-serif faces.

Type must be large enough to read comfortably. For a monospaced face, this means type approximating the old “pica” standard used by typewriters, 10 characters per horizontal inch, rather than the old “elite” standard of 12 characters per inch. Because some computer versions of monospaced type do not come to exactly 10 characters per inch, FRAP 32(a)(5)(B) allows up to 10½ characters per inch, including punctuations and spaces.

Proportionally spaced characters vary in width, so a limit of characters per line is not practical. Instead FRAP 32(a)(5)(A) requires a minimum of 14-point type. Local rules may vary. “Point” is a printing term for the height of a character. Word processing and page layout programs can expand or condense the type using tracking controls, or you may have access to a condensed version of the face. Do not use these. Condensed type is prohibited by FRAP 32(a)(6). It offers no benefit to counsel under an approach that measures the length of briefs in words rather than pages, and it is to your advantage to make the brief as legible as possible.

This is 9-point type.

This is 10-point type.

This is 11-point type.

This is 12-point type.

This is 12-point type, condensed. Condensed type is not acceptable.

This is 13-point type.

This is 14-point type.

3. FRAP 32(a)(6) provides that the principal type must be a plain, roman style. In other words, the main body of the document cannot be bold, italic, capitalized, underlined, narrow, or condensed. This helps to keep the brief legible. Italics or underlining may be used only for case names or occasional emphasis. Boldface and all-caps text should be used sparingly.

4. FRAP 32(a)(7) determines the maximum length of a brief. The variability of proportionally spaced type makes it necessary to express this length in words rather than pages.

Lawyers who choose monospaced type may avoid word counts by counting lines of type. Unless the brief employs a lot of block quotes or footnotes it will be enough to count pages and multiply by the number of lines per page. (Fifty pages at 26 lines per page is 1,300 lines.) The line-count option is not available when the brief uses proportional type.

For most courts, principal briefs of 30 pages or less, and reply briefs of 15 pages or less, need not be accompanied by a word or line count. Think of FRAP 32(a)(7)(A) as a safe harbor. Lawyers who need more should use FRAP 32(a)(7)(B). A brief that meets the type volume limitations of FRAP 32(a)(7)(B) is acceptable without regard to the number of pages it contains, as long as it is accompanied by a signed certificate of compliance.

TIME SCHEDULE

6 Cir. R. 31 Serving and Filing Briefs

- (a) **Electronic Briefs.** When a party is required to file a brief electronically, the clerk will not accept a paper copy for filing. FRAP 25(c) and 6 Cir. R. 25(f) govern service of a brief filed electronically.
- (b) **Paper Briefs.** A party filing a paper brief must file only a signed original and serve two copies of the brief on each opposing party.
- (c) **Time for Filing.** Briefing schedules will be set in each individual case in accordance with FRAP 26 and 31. These schedules will identify the date by which the briefs must be filed. When the appeal is from a sentence of death, the time requirements of 6 Cir. R. 22(c)(8) apply.

FILING AND SERVICE

6 Cir. R. 25 Filing, Proof of Filing, Service, and Proof of Service - Acknowledgment of Filing; Electronic Case Filing

- (a) Unless otherwise required by the Sixth Circuit Rules or by order of the court, all documents submitted in cases filed with the Sixth Circuit on or after June 1, 2008, shall be filed electronically, using the Electronic Case Filing (ECF) system. Electronic filings shall be governed by the Sixth Circuit Rules and by the Sixth Circuit Guide to Electronic Filing.
- (b) **Exceptions to Electronic Filing.** The following documents shall not be filed electronically, but shall be filed in paper format:
 - (1) Any document filed by a party that is unrepresented by counsel;
 - (2) Petitions for permission to appeal under Fed. R. App. P. 5;

- (3) Petitions for review of an agency order under Fed. R. App. P. 15;
- (4) Petitions for a writ of mandamus or writ of prohibition under Fed. R. App. P. 21;
- (5) Applications for any other extraordinary writ under Fed. R. App. P. 21;
- (6) Any other document initiating an original action in the court of appeals;
- (7) Motions to authorize the filing in the district court of a second or successive petition for a writ of habeas corpus under 6 Cir. R. 22;
- (8) Documents filed under seal;
- (9) Documents relating to complaints of attorney misconduct;
- (10) Vouchers or other documents relating to claims for compensation and reimbursement of expenses incurred with regard to representation afforded under the Criminal Justice Act; and
- (11) Documents that exceed any limit that the court may set for the size of electronic filings.

(c) **ECF Registration and Passwords.**

To participate in the ECF system, an attorney must register to file and serve documents electronically. An attorney's registration constitutes consent to receive electronic service of all documents as provided by the Federal Rules of Appellate Procedure and the Sixth Circuit Rules, as well as to receive notice of correspondence, orders, and opinions issued by the court.

(d) **Signatures.**

- (1) **Attorney Signature.** A registered attorney's use of the attorney's assigned login name and password to submit a document electronically serves as that attorney's signature on that document for all purposes. The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by

means of an “s/[attorney’s name]” block showing the attorney’s name, followed by the attorney’s business address, telephone number, and e-mail address. Graphic and other electronic signatures are discouraged. The correct format for an attorney signature block on an electronically filed document is as follows:

/s/ Attorney Name
Attorney Name
ABC Law Firm
1234 First Street
Cincinnati, Ohio 45202
Telephone: (513) 987-6543
Facsimile: (513) 987-3456
E-mail: AttorneyName@abclawfirm.com
Attorney for _____.

- (2) **Multiple Attorney Signatures.** The filer of any electronically filed document requiring multiple signatures (e.g., stipulations) must list thereon all the names of other attorney signatories by means of an “s/ [attorney’s name]” block for each. By submitting such a document, the filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, and that the filer has each attorney’s authority to submit the document electronically. In the alternative, the filer may submit a scanned document containing all necessary signatures.
 - (3) **Clerk of Court or Deputy Clerks.** The electronic filing of any document by the clerk or a deputy clerk of this court by use of that individual’s login and password shall be deemed the filing of a signed original document for all purposes.
- (e) **Entry onto Docket; Official Court Record.**
- (1) The electronic transmission of a document, together with transmission of the Notice of Docket Activity (NDA) from the court, in accordance with the policies, procedures,

and rules adopted by the court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the court maintained by the clerk pursuant to Fed. R. App. P. 45(b)(1). All orders, decrees, notices, opinions and judgments of the court will be filed and maintained by the ECF system and constitute entry on the docket kept by the clerk for purposes of Rules 36 and 45(b)(1) and (c) of the Federal Rules of Appellate Procedure.

- (2) The electronic version of filed documents, whether filed electronically in the first instance or received by the clerk in paper format and subsequently scanned into electronic format, constitutes the official record in the case. Later modification of a filed document or docket entry is not permitted except as authorized by the court. A document submitted electronically is deemed to have been filed on the date and at the time indicated in the system-generated Notice of Docket Activity.
- (3) The office of the clerk will discard all paper documents once they have been scanned and made a part of the official record, unless the electronic file thereby produced is incomplete or of questionable quality, or unless otherwise ordered by the court.

(f) **Service of Documents Filed Electronically.**

- (1) All documents presented for filing with the court must contain a certificate of service that complies with Fed. R. App. P. 25(d). For documents filed electronically, the ECF system will automatically generate and send by e-mail a Notice of Docket Activity (NDA) to all registered attorneys participating in any case. This notice constitutes service on those registered attorneys. Registration for electronic filing by the ECF system constitutes consent to service through the NDA. Independent service, either by paper or otherwise, need not be made on any registered

attorney. Parties that are unrepresented by counsel and attorneys who are not registered for electronic filing must be served by the filing party through other means of service set forth in Fed. R. App. P. 25. The NDA generated by the ECF system does not replace the certificate of service required by Fed. R. App. P. 25(d), which is still required to be included in all documents.

- (2) Except as otherwise provided by the Sixth Circuit Rules or by order of the court, all orders, opinions, judgments, and other documents issued by the court in cases maintained in the ECF system will be filed electronically. The electronic filing of all orders, opinions, judgments, and other court-issued documents will constitute entry on the docket maintained by the clerk under Fed. R. App. P. 36 and 45(b).
 - (3) Any order, opinion, judgment, or other court-issued document filed electronically without the signature of the judge, clerk, or authorized deputy clerk, has the same effect as if the judge or clerk had signed a paper copy of the filing.
- (g) **Redaction of Certain Information Contained in Documents Filed with the Court.** All documents filed with the court must comply with the privacy protection requirements set forth in Fed. R. App. P. 25(a)(5), regardless of whether a document is filed electronically or in paper. It is the responsibility of the filer to redact documents in the manner required by Fed. R. App. P. 25(a)(5).
- (h) **Filing Deadlines; ECF Technical Failures.**
- (1) The electronic filing of a document does not in any way alter the filing deadline for the document. Where a specific time of day deadline is set by court order or stipulation, the electronic filing must be completed by that time. An electronically filed document is deemed filed upon completion of the transmission and issuance by the court's system of a Notice of Docket Activity.

(2) The clerk shall deem the court’s website to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon (Eastern time) that day, in which case, filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings must be accompanied by a declaration or affidavit attesting to the filer’s failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay because of such technical failure. The initial point of contact for anyone experiencing difficulty filing a document electronically shall be the court’s ECF Help Desk, which may be contacted as set forth at the court’s website or in the Sixth Circuit Guide to Electronic Filing.

(i) **Attachments to Documents.**

Notwithstanding any provision of this rule with respect to exhibits or attachments to documents, items that are contained in the record on appeal or in an appendix permitted to be filed under 6 Cir. R. 30 shall not be submitted as attachments or exhibits to a brief filed electronically.

(j) **Documents Filed Under Seal.**

(1) A motion to file documents under seal may be filed electronically unless prohibited by law, local rule, or court order. If the court grants the motion, the order authorizing the filing of documents under seal may be filed electronically unless prohibited by law. Documents ordered placed under seal must be filed in paper format in a sealed envelope. The face of the envelope containing such documents shall contain a conspicuous notation that it contains “DOCUMENTS UNDER SEAL,” or substantially similar language, and shall have attached to it a paper copy of the order authorizing the filing of the documents under seal.

- (2) Documents filed under seal in the court from which an appeal is taken shall continue to be filed under seal on appeal to this court. Documents filed under seal shall be filed in paper format and shall comply with all filing requirements of the court that originally ordered or otherwise authorized the documents to be filed under seal.
- (k) When the court allows or requires a party to file a document in paper, the party may obtain a file stamped copy of the document by providing the clerk with a pre-addressed stamped envelope and an extra copy of the document.

SPECIFICATION CHART¹

Document	Color	Limitation	Serve	File
Appendix	white	no limit	1	5
Appellant's Brief	blue	14,000 words	2	7
Appellee's Brief	red	14,000 words	2	7
Reply Brief	gray	7,000 words	2	7
Amicus Brief	green	7,000 words	2	7
Petition for Rehearing	white	15 pages	2	10
Petition for Rehearing En Banc	white	15 pages	2	26
Motion	—	20 pages	1	4
Appellant's Principal Brief[†]	blue	14,000 words	2	7
Appellee's Principal & Response Brief[†]	red	16,500 words	2	7
Appellant's Response & Reply Brief[†]	yellow	14,000 words	2	7
Appellee's Reply Brief[†]	gray	7,000 words	2	7

¹ Except as otherwise required by the Sixth Circuit Rules or by order of the court, all documents submitted by attorneys in cases filed with the Sixth Circuit on or after June 1, 2008, shall be filed electronically, using the Electronic Case Filing (ECF) system. A document filed through ECF should **not** be filed in **paper form**.

[†] Cross-Appeals.

SAMPLE COVER

00-0000

IN THE
United States Court of Appeals
FOR THE SIXTH CIRCUIT

RECORD PRESS, INC., *Plaintiff-Appellant,*

—v.—

ALL OTHER PARTIES, *Defendants-Appellees.*

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____

BRIEF FOR DEFENDANTS-APPELLEES

LAW FIRM
Attorneys for Defendants-Appellees
Address
Phone

Of Counsel:

APPELLATE SERVICES

Paralegal Services

Our experienced paralegals offer procedural assistance to any federal or state appellate court, so your appeal is always in compliance.

In-Court Work

We transmit, subpoena, retrieve or copy court's files on request.

Document Production

Our paralegals thoroughly review, organize, and index your record/appendix documents in compliance with each court's requirements.

Typographical Services

Our composition department is experienced with proper formatting of briefs for every appellate court.

Scanning and Electronic Pagination

Custom-made imaging and document-management software is used to scan documents and store them electronically for more efficient pagination and revisions.

Working with Proofs

We produce a courtesy proof of your record/appendix within 72 hours—providing you with a final opportunity to make corrections.

Finalizing and Printing

Since your documents are stored electronically, we are able to quickly finalize and print the necessary copies of your record/appendix and brief.

Service and Filing

We serve and file your documents with any of the state and federal appellate courts.

CaseMonitor®

Technology which allows our staff to electronically monitor the Court Calendar for the New York State, Appellate Division First and Second Departments and notify you when your appeal is scheduled for oral argument.

Website

Your legal practice will benefit from fast access to information and rules on the Internet. Our goal at Record Press is to present you with the most informative and useful Website in the industry.