

THE QUICK GUIDE SERIES

United States Court of Appeals

FOR THE SEVENTH CIRCUIT

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GUIDELINES
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Illinois, Indiana and Wisconsin

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.ca7.uscourts.gov.

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Record Press Inc.

Natasha R. Monell, Esq.
Staff Counsel

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APPENDIX

CIR. R. 30

Required Appendix Bound with Brief

The appellant shall submit, bound with the main brief, an appendix containing the judgment or order under review and any opinion, memorandum of decision, findings of fact and conclusions of law, or oral statement of reasons delivered by the trial court or administrative agency upon the rendering of that judgment, decree, or order. Certain other required documents may also be placed in the appendix bound with the brief if these documents when added to the required appendix do not exceed 50 pages.

Separately Bound Appendix

The appellant shall include in a separately bound appendix:

- (1) any other opinions, orders, or oral rulings in the case that address the issues sought to be raised. If the appellant's brief challenges any oral ruling, the portion of the transcript containing the judge's rationale for that ruling must be included in the appendix.
- (2) any opinions or orders in the case rendered by magistrate judges or bankruptcy judges that address the issues sought to be raised.
- (3) all opinions, orders, findings of fact and conclusions of law rendered in the case by administrative agencies (including their administrative law judges and adjudicative officers such as administrative appeals judges, immigration judges, members of boards and commissions, and others who serve functionally similar roles). This requirement applies whether the original review of the administrative decision is in this court or was conducted by the district court.

- (4) If this is a collateral attack on a criminal conviction, then the appendix also must include copies of all opinions by any federal court or state appellate court previously rendered in the criminal prosecution, any appeal, and any earlier collateral attack.
- (5) An order concerning a motion for new trial, alteration or amendment of the judgment, rehearing, and other relief sought under Rules 52(a) or 59, Fed. R. Civ. P.
- (6) Any other short excerpts from the record, such as essential portions of the pleading or charge, disputed provisions of a contract, pertinent pictures, or brief portions of the transcript, that are important to a consideration of the issues raised on appeal.

Statement that All Required Materials are in Appendix.

The appendix to each appellant's brief shall contain a statement that all of the materials required by this rule are included. If there are no materials within the scope of this rule, counsel shall so certify.

Appendix to the brief of a Cross-Appellant.

The brief of a cross-appellant must comply with this rule, but it need not include materials contained in the appendix of the appellant.

Stipulated Joint Appendix and Supplemental Appendices.

The parties may file a stipulated joint appendix. A supplemental appendix, containing material not included in an appendix previously filed, may be filed with the appellee's brief. An appendix should not be lengthy, and costs for a lengthy appendix will not be awarded.

Indexing of Appendix.

If a party elects to file an appendix containing portions of the transcript of proceedings, it shall contain an index of the portions of the transcript contained therein in the form and detail described in Circuit Rule 10(e) as well as a complete table of contents.

Cir. R. 10(e) Indexing of Transcript.

The transcript of proceedings to be transmitted to this court as part of the record on appeal (and any copies prepared for the use of the court or counsel in the case on appeal) shall be bound by the reporter in a volume or volumes, with the pages consecutively numbered throughout all volumes. The transcript of proceedings, or the first volume thereof, shall contain a suitable index, which shall refer to the number of the volume as well as the page, shall be cumulative for all volumes, and shall include the following information:

- (1) An alphabetical list of witnesses, giving the pages on which the direct and each other examination of each witness begins.
- (2) A list of exhibits by number, with a brief description of each exhibit indicating the nature of its contents, and with a reference to the pages of the transcript where each exhibit has been identified, offered, and received or rejected.
- (3) A list of other significant portions of the trial such as opening statements, arguments to the jury, and instructions, with a reference to the page where each begins.

When the record includes transcripts of more than one trial or other distinct proceeding, and it would be cumbersome to apply this paragraph to all the transcripts taken together as one, the rule may be applied separately to each transcript of one trial or other distinct proceeding.

FRAP 30.

Format of the Appendix.

The appendix must begin with a table of contents identifying the page at which each part begins. The relevant docket entries must follow the table of contents. Other parts of the record must follow chronologically.

NOTE: Documents in the appendix shall be clear and legible. No fax copies of documents are allowed. The appendix shall not contain copies which have notations or underlining on documents. Pursuant to FRAP 32(a), the appendix shall be printed one-sided.

BRIEFS

FRAP 28

Appellant's Brief

- (1) Corporate disclosure statement (Mandatory for all corporate and individual parties)
- (2) Table of contents
- (3) Table of authorities
- (4) Jurisdictional statement
- (5) Statement of issues presented for review
- (6) Statement of the case
- (7) Statement of the facts
- (8) Summary of argument
- (9) Argument
- (10) Statement of the appellate standard of review
- (11) Conclusion (Signature of counsel required)
- (12) Statement that all required materials are in appendix (See Cir. R. 30(d))
- (13) Certificate of compliance
- (14) Certificate of service
- (15) Addendum (See Cir. R. 30)

Appellee's Brief

The brief of the appellee shall conform to the requirements of subdivision (a)(1)-(15), except that the statement of the issues, statement of the case, statement of the facts, and statement of the standard of review need not be made unless the appellee is dissatisfied with the statements of the appellant. Only the appellant's brief is required to have the statement that all required materials are in the appendix.

Reply Brief

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

Cir. R. 31(e) Electronic Briefs

A digital version of each brief (including the appendix required by Circuit Rule 30(a) to (c)) must be furnished to the court at the time the paper brief is filed, unless counsel certifies that the material is not available electronically. The full contents of the brief (from cover through conclusion) must be furnished even if digital versions of some materials in the Rule 30 appendix are not available.

The digital version must be furnished on floppy disk, on CD-ROM, or via the Internet. Detailed instructions appear on the court's Web page www.ca7.uscourts.gov. The label of a disk, if one is used, must show the case name, docket number, and party on whose behalf the brief is presented.

The electronic version must be in Portable Document Format (also known as PDF or Acrobat format). This format must be generated by printing to PDF from the original word processing file, so that the text of the digital brief may be searched and copied. PDF images created by scanning paper documents do not comply with this rule.

One copy of the digital version must be furnished to each party separately represented by counsel.

NOTE: The disk/CD must not contain a virus and counsel must verify that the disk/CD is virus free before submitting it to the clerk. A certificate, stating that the virus check was performed, is required.

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. 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.

NOTE: A brief is acceptable if proportionally spaced type is 12 points or larger in the body of the brief, and 11 points or larger in footnotes. (Cir. R. 32).

(B) A monospaced face may not contain more than 10½ characters per inch.

(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.

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

Cir. R. 31

Briefs must be filed and served as set forth in the scheduling order. If there has been no scheduling order, the appellant has 40 days from the docketing of the appeal to file and serve his brief even if the record was incomplete at the time that the appeal was docketed.

The appellee then has 30 days from the service of the opening brief to file and serve a brief. Within 14 days after service of the appellee's brief and at least three days before oral argument, appellant may file and serve a reply brief.

FILING AND SERVICE

FRAP 25

Service and filing of briefs and appendices may be personal, by mail, or by third-party commercial carrier for delivery within 3 calendar days. Filing and service by mail or by commercial carrier is complete on mailing or delivery to the carrier.

SPECIFICATION CHART

Document	Color	Limitation	Serve	File
Appendix	white	no limit	1	10
Appellant's Brief	blue	14,000 words	2	15
Appellee's Brief	red	14,000 words	2	15
Reply Brief	gray	7,000 words	2	15
Amicus Brief	green	7,000 words	2	15
Petition for Rehearing	white	15 pages	2	15
Petition for Rehearing En Banc	white	15 pages	2	30
Motion	—	20 pages	1	5
Appellant's Principal Brief[†]	blue	14,000 words	2	15
Appellee's Principal & Response Brief[†]	red	16,500 words	2	15
Appellant's Response & Reply Brief[†]	yellow	14,000 words	2	15
Appellee's Reply Brief[†]	gray	7,000 words	2	15

[†] Cross-Appeals.

SAMPLE COVER

00-0000

IN THE
United States Court of Appeals
FOR THE SEVENTH CIRCUIT

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

—v.—

ALL OTHER PARTIES, *Defendants-Appellees.*

Appeal from the United States District Court
for the _____ District of _____
No. _____

Honorable _____

BRIEF FOR DEFENDANTS-APPELLEES

LAW FIRM
Attorneys for Defendants-Appellees
Address
Phone

Of Counsel:

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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

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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.