FAQs Preface:

In October, 2013, the Conference of Court of Appeal Judges amended certain Uniform Rules to take effect January 1, 2014. Significant amendments were made to Rules 2-12.2 Preparation of Briefs, 2-12.4 Appellant's Brief, and 2-12.5 Appellee's Brief.

The Uniform Rules effective January 1, 2014 may be found on the left menu by expanding "Clerk's Office".

- **What types of changes were made to the Rules on briefs?**
- **What are the structure changes?**
- **What are the content changes?**
- **How will it be determined if my brief is compliant with the structure of the new rules?**
- **How will it be determined if my brief is compliant with the content of the new rules?**
- **When will my brief be considered filed if it is rejected for non-compliance by the Clerk's Office?**
- **What if I miss the filing deadline for the appellant or appellee brief?**

What types of changes were made to the Rules on briefs?

The changes made to the rules dealing with the preparation of the appellant and appellee briefs can be categorized into two types: structure and content.

Return to Top

What are the structure changes?

New "parts"...
Compared to the rules in effect prior to January 1, 2014, the following are the *additional* "parts" that the appellant and appellee will be
required
to include in and with their briefs to be compliant beginning January 1, 2014:

Appellant's brief	**Appellee's brief**
Table of Contents	Table of Contents
Table of Authorities	Table of Authorities
Conclusion	Summary of Argument
Conclusion	

New "format"...
The "parts" to the briefs are required to be **under an appropriate heading and in order**, as follows:

1. Table of Contents (not counted in page limit)
2. Table of Authorities (not counted in page limit
3. Jurisdictional statement
4. Concise statement of the case
5. Assignments of alleged errors
6. Listing of issues presented for review
7. Statement of facts
8. Summary of argument
9. Argument
10. Conclusion

New "page count"...
The page limit for the briefs was increased by three pages. The page limit is 31 legal-sized pages or 41 letter-sized pages. The cover page is now counted. The only pages that are not counted are the table of contents, the table of authorities, and the attachments required or authorized, including the judgment complained of, the trial court's written or transcribed oral reasons, and decisions from other states.

Return to Top

What are the content changes?

For the Appellant, Rule 2-12.4 details the content that must be included under each of the required headings. For the Appellee, Rule 2-12.5 addresses general content requirements and refers back to Rule 2-12.4 for more specific content requirements.

Return to Top

How will it be determined if my brief is compliant with the structure of the new rules?

The Clerk's Office will reject counseled briefs that are not compliant with the structure set forth in the revised rules, that is, if the brief does not have the required "parts" or "format", or if it exceeds the "page count", the brief will be returned "unfiled" with a checklist noting the deficiencies. Checklists for the appellant brief and for the appellee brief may be found on the left menu of the home screen by expanding "Clerk's Office".

Return to Top

How will it be determined if my brief is compliant with the content of the new rules?

The Clerk's Office does not check for content. Content will be a matter of judicial review. Note that Rule 2-12.4 specifically states that the court may disregard the argument on an assignment of error or issue for review if suitable reference to the specific page numbers of the record is not made. Further, the rules states that all assignments of error and issues for review must be briefed and that the court may considered them as abandoned if not briefed.

Return to Top

When will my brief be considered filed if it is rejected for non-compliance by the Clerk's Office?

The compliance process is a ministerial function when the document is first presented to the Clerk's office for filing. If a brief is rejected, there is no "preservation" of a filing date or "grace period" to correct the non-compliant brief. Rule 2-13 addresses the timely filing of papers in a Court of Appeal.

Return to Top

What if I miss the filing deadline for the appellant or appellee brief?

The sanctions for failing to file a compliant brief timely are: 1) a notice of abandonment issues to an appellant according to the Uniform Rules allowing 30 days for a compliant appellant brief to be filed so as to avoid dismissal for abandonment; 2) an appellant loses the right to file a reply brief; and 3) the filer of an appellant or an appellee brief loses the right to orally argue if oral argument has been timely requested in the case.

Return to Top

Please call the Clerk's Office at 225-382-3000 with questions or concerns about filing and deadline issues.