

4.2.03 | BRIEF FORMAT

see Federal & Local Rules 25, 28, 28.1, 29 & 32	
Required Contents	Brief Type
Cover Color: Standard Schedule	Blue for opening. Red for response. Gray for reply.
Cover Color: Cross-appeal Schedule	Blue for opening. Red for opening/response. Yellow for response/reply. Gray for reply.
Cover Color: Amicus or Intervenor	Green. Amicus briefs filed during consideration of whether to grant rehearing are filed in electronic form only, and the electronic cover may be white.
Cover Color: Supplemental	Tan
Cover Color: Electronic	White or same color as paper cover.
Brief Cover Content	Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by "United States Court of Appeals for the Fourth Circuit," followed by full case title, followed by "Appeal from the U.S. District Court for the District of ...," followed by "Brief of Appellant John Doe," followed by names, addresses, and phone numbers of counsel participating in preparation of brief. Counsel listed on the covers of the principal briefs will be listed as "on brief" attorneys on the court's opinion. The cover of an amicus brief must identify the party or parties supported and indicate



	whether the brief supports affirmance or reversal.
Brief Binding	Binding must be secure down full left side and must not obscure text. Acceptable bindings include spiral and perfect binding (no staples or clips).
Brief Paper	8 ½ x 11" light paper with clear black image, and 1" margin on all sides.
Brief Text	Text must be double-spaced (quotes > 2 lines, headings, & footnotes may be single-spaced but may not be in a smaller font size). Electronic version must be text-searchable.
Brief Citations to the Appendix	Citations to the joint appendix must be in the format used for Bates numbering of the appendix. Brief citations to the administrative record are prohibited. See Fourth Circuit Appendix Pagination and Brief Citation Guide. • Use JA or J.A. as the prefix for joint appendix citations. • Use SA or S.A. as the prefix for supplemental appendix citations. • A space between the prefix and the page number is optional. Note that using a space makes the citation two words rather than one. • Sealed volumes are paginated and cited as continuous to, and in the same format as, unsealed volumes (JA, J.A., SA, or S.A.).



	• No characters or letters are permitted between prefix and page number. • Do not use id., infra, or supra when citing to the appendix. • Placing citations in parentheses or brackets is optional. • Repeat all digits when citing consecutive pages. • Repeat the prefix when citing non-consecutive pages. • Examples: • JA123, JA 123, J.A.123, J.A. 123 are all acceptable. • SA123, SA 123, S.A.123, S.A. 123 are all acceptable. • JA321-322, not JA321-22. • JA400, JA423, not JA400, 423.
Hyperlinks in Briefs	Counsel may include hyperlinks to cited law and to documents filed on appeal or in the district court. Standard citations must be provided in addition to any hyperlink.
Addenda & Attachments to Briefs	Statutes, rules, and regulations requiring study by the court and unpublished dispositions that are not available in a publicly accessible electronic database may be included in an addendum at the end of the brief. If counsel wishes to supplement the brief with any other matters, the additional material must be presented to the court under separate cover, accompanied by a motion to file the material as an attachment to the brief.



Brief Font	If a proportional font is used (e.g., Times New Roman), font size must be 14 point. If a monospaced font is used (e.g., Courier New), font size must be 12 point. If a proportional font is used, the typeface must have serifs (small horizontal or vertical strokes at the ends of the letters). Sans-serif type, such as Arial, may not be used except in captions and headings.
Length of opening brief, response brief & response/reply brief (in final form)	< 30 pages or < 13,000 words or < 1,300 lines (applies only to monospaced font)
Length of opening/response brief (in final form)	< 35 pages or < 15,300 words or < 1,500 lines (applies only to monospaced font)
Length of reply brief or amicus brief (in final form)	< 15 pages for reply or amicus brief or < 6,500 words for reply or amicus brief or < 650 lines (applies only to monospaced font) An amicus brief in support of an opening/response brief in a cross- appeal may contain up to 7,650 words. An amicus brief filed during consideration of whether to grant rehearing may not exceed 2,600 words.
Note on Word Count: When using Microsoft Word to review the "Word Count," you must select the check box next to "include textboxes, footnotes and endnotes" in the Word Count dialogue window for footnotes to be included in the total. Include all footnotes, headings, and quotations in a word or line count. Exclude all of the following from a word or line count: cover page, disclosure statement, table of contents, table of	



authorities/citations, request for argument, addendum, signature block, and certificates of counsel.	
Brief Copies	File electronic version. Paper copies are not currently required unless otherwise ordered by the court. Four paper copies are typically ordered if the case is tentatively calendared for argument.
Single-sided copying is required.	Service of paper copies is not required for parties served electronically. The court does not require paper copies of amicus briefs filed at the petition for rehearing stage. Sealed and Public Versions of Briefs If sealed information is included in the brief, counsel must file sealed and public briefs and a certificate of confidentiality in electronic form. Sealed material is highlighted in sealed briefs and redacted in public briefs. In criminal cases, information on substantial assistance or cooperation with the government must be sealed. Paper filing is required only if ordered by the court, but sealed briefs must be served on counsel outside ECF since they are not accessible to counsel from ECF. Form-Certificate of Confidentiality Memorandum on Sealed and Confidential Materials
Corrected Briefs	If making clerical corrections not requested by court, counsel should file separate "Errata sheet" and corrected copies of electronic and any paper briefs.



	If making substantive corrections, counsel should file separate motion and corrected copies of electronic and any paper briefs.
--	---

(4th Circuit Court of Appeals // December 2023)

