



**4TH CIRCUIT COURT OF APPEAL'S
PRO SE HANDBOOK
VOL 4 CHP 2: FOURTH CIRCUIT BRIEF & JOINT APPENDIX
REQUIREMENTS**

Volume 4 | Chapter 2
Fourth Circuit Brief & Joint Appendix Requirements

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4TH CIRCUIT COURT OF APPEALS'
PRO SE HANDBOOK

VOLUME 4 BRIEFING

CHAPTER 2 FOURTH CIRCUIT BRIEF & JOINT APPENDIX
 REQUIREMENTS

ITEMS 4.2.01 through 4.2.06

DATE 12/1/2023



4.2.01 | INTRO

FOURTH CIRCUIT BRIEF & JOINT APPENDIX REQUIREMENTS (07/15/2022)

(Briefs and appendices filed under briefing orders issued on or after 07/15/2022 must comply with the Fourth Circuit Appendix Pagination and Brief Citation Guide.)

Note on Paper Copies:

Paper copies of briefs and appendices are currently not required unless otherwise ordered by the court. Four paper copies are typically ordered if a case is tentatively calendared for argument.

Note on Brief Templates:

Templates for Opening, Response, Reply, Opening/Response, and Response/Reply Briefs are available here: [Brief Templates](#).

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



4.2.02 | BRIEF CONTENTS

see Federal & Local Rules 28, 28.1, 29	
Required Contents	Brief Type
Brief Cover	All briefs. Brief Cover-District Court Appeal, Brief Cover-Agency Appeal
Disclosure Statement	If disclosure statement required by Loc. R. 26.1, copy must be included in initial brief of party or amicus.
Table of Contents	All briefs
Table of Authorities	All briefs (cases alphabetically arranged, statutes and other authorities, with references to the page of the brief where they are cited)
Statement of identity of amicus	Amicus briefs must contain a concise statement of the identity of the amicus, its interest in the case, and the source of its authority to file.
Statement regarding amicus brief authorship and funding	Amicus briefs (unless filed by federal or state government) must state whether (i) a party's counsel authored the brief in whole or part; (ii) whether a party or party's counsel contributed money intended to fund the brief; and (iii) whether a person other than amicus, its members, or its counsel contributed money intended to fund the brief (and if so identify any such person).
Jurisdictional Statement (subject matter & appellate jurisdiction)	Opening briefs and opening/response briefs



Statement of Issues	Opening briefs and opening/response briefs
Statement of Case (relevant facts, procedural history, rulings presented for review, with joint appendix citations)	Opening briefs. Not required in appellee's response or opening/response brief if appellee is satisfied with appellant's statement of case.
Summary of Argument (succinct statement of arguments)	Opening, opening/response, and response briefs
Argument (discussion of issues, with standard of review stated either in a separate heading before the discussion of issues or placed in the discussion)	Argument section is required in all briefs. Statement of standard of review is required only in opening and opening/response briefs unless the responding party is dissatisfied with the stated standard.
Conclusion (relief sought)	Opening briefs and opening/response briefs
Request for Oral Argument (if any)	Opening, opening/response, and response briefs may include a statement explaining why oral argument should, or need not, be permitted.
Signature of Counsel	All briefs
Certificate of Compliance with Type-Volume Limit	All briefs. Not required if brief is within applicable page limitations. Form-Certificate of Compliance with Type-Volume Limit
Certificate of Service	For briefs not served electronically through ECF. Form-Certificate of Service, Form-Certificate of Service of Anders Brief

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



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



4.2.04 | JOINT APPENDIX CONTENT

JOINT APPENDIX CONTENT see Federal & Local Rules 30 & Local Rule 25	
Required Contents	Brief Type
Required Joint Appendix Contents	The parties should include in the joint appendix all portions of the record necessary to review of the matters presented. Failure to include all necessary portions will result in return of the joint appendix for correction. The following must be included in the joint appendix in chronological order on consecutively numbered pages: • Cover • Table of contents • District court docket report • Complaint as finally amended (civil) or indictment (criminal) • Relevant portions of pleadings, transcript, charge, findings, opinions • Final opinion and order appealed • Notice of appeal
Joint Appendix Table of Contents	A detailed table of contents is required. When transcript is included, each witness must be identified, along with the page on which that witness's testimony begins. Exhibits must be identified by number, description, and page on which they begin. If there is more than 1 volume of joint appendix, either the full table of contents or the portion applicable to the particular volume must be included with each volume of joint appendix.



Criminal Presentence Reports and Statements of Reasons	The presentence report and statement of reasons must be included in a sealed volume of the joint appendix in any appeal raising a sentencing guideline challenge.
Joint Appendices in Appeals under Anders v. California, 386 U.S. 738 (1967)	The court now requires joint appendices in Anders appeals. The joint appendix should include all transcript, pleadings, and orders relating to the criminal appeal, including transcript of pre-trial, trial, guilty plea, and sentencing proceedings (arraignment, bail hearing, voir dire, and opening and closing argument transcript is not required unless relevant to a potential issue). CJA counsel should file a motion to exceed length limitations if the joint appendix exceeds 500 pages.
Joint Appendices in Agency Review Cases	The agency is required to file an administrative record or certified list in agency review cases. The petitioner in agency review cases is required to file a joint appendix. If the administrative record was filed in electronic form, the petitioner may download the administrative record, add a joint appendix cover page, paginate the joint appendix using the Bates page numbering and JA or J.A. formatting required by the Fourth Circuit Appendix Pagination & Brief Citation Guide, and file it as a JOINT APPENDIX. In social security cases, the joint appendix must include necessary materials from both the district court record and the administrative record and must be



	formatted, paginated, filed, and cited as a joint appendix, using a JA or J.A. prefix.
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4.2.05 | JOINT APPENDIX FORMAT

JOINT APPENDIX FORMAT see Federal & Local Rules 31 & 32	
Required Contents	Brief Type
Joint Appendix Pagination	Joint appendices must be paginated using the Bates Numbering feature of your PDF software and consist of a JA or J.A. prefix followed by the page number. A space between the prefix and the page number is optional. Note that using a space makes citations in the brief two words rather than one. Leading zeros in the page number are permitted but not required. Use continuous pagination through all joint appendix and sealed joint appendix volumes. Do not include volume numbers. Do not insert additional pages without renumbering the joint appendix. Page numbers must have a font size of at least 14 points, must be placed in the bottom margin, and must be legible. Redact any existing page numbering that overlaps the Bates number. See Fourth Circuit Appendix Pagination & Brief Citation Guide.
Joint Appendix Text	The appendix must be saved to PDF rather than printed to PDF to enable identification of Bates page numbers. It is strongly preferred that the electronic version of the appendix be text searchable.



Joint Appendix Cover	Joint appendix covers are white and contain the following information: 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 "Joint Appendix," followed by names, addresses, and phone numbers of counsel on both sides of the case. Appendix Cover-District Court Appeal, Appendix Cover-Agency Appeal
Appendix Volume Size & Binding	If paper copies are required, the paper copies of appendices must be securely bound down full left side in a manner that does not obscure text and permits the appendix to lie reasonably flat when open. Acceptable bindings include spiral and perfect binding (no staples or clips). Each bound volume should not exceed 1 ½" in thickness (700 pages), and paper and electronic volumes must match. Exhibit volumes must be bound unless binding is impracticable.
Transcript	The name of the testifying witness and type of examination (direct, cross, deposition) must be clearly indicated at the top of each page of in- court or deposition testimony included in the joint appendix. The court will not accept appendices containing "condensed" transcript wherein



	several pages of transcript appear on a single sheet.
Length of Appendices	In a case with CJA counsel, a motion to exceed length limitations must be filed if the length of the appendix exceeds 500 pages.
Joint Appendix 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. Double-sided copying of appendices is preferred in all cases. If there is more than 1 volume of appendix, each electronic volume must correspond to each paper volume. Service of paper copies is not required for parties served electronically.
Sealed Joint Appendix Volumes	Sealed record documents that are included in the joint appendix must be placed in a separate, sealed volume of the joint appendix and filed with a certificate of confidentiality. Pagination for sealed joint appendix volumes begins after the last page of the unsealed volumes and uses the same J.A. or JA prefix as unsealed volumes. Paper filing is required only if ordered by the court, but sealed appendix volumes must be served on counsel outside ECF since they are not accessible to counsel through ECF. In consolidated criminal appeals, materials must be separately sealed as to each



	defendant by marking the volume and envelope as SEALED - [DEFENDANT'S NAME] and serving the volume only on the government and counsel for the named defendant. Form-Certificate of Confidentiality Memorandum on Sealed and Confidential Materials
Digital Media Volume <i>(Exhibits that were not part of the record below may not be included in the joint appendix and may be filed only with leave of court.)</i>	Digital media files that are part of the record may be included in the joint appendix by creating a separate digital media volume of the joint appendix consisting of a cover page and table of contents. The following information must be included in the table of contents or in a separate statement following the table of contents: (1) description of the record exhibit; (2) identification of a file format compatible with Windows Media Player (e.g., mp3, mp4, wav); and (3) statement that media was confirmed virus-free through virus scan. When the cover page and table of contents for the digital media volume are uploaded to ECF, the clerk's office will send counsel a notice with instructions to upload the digital media files and another copy of the cover page and table of contents to Box.com. When counsel has successfully uploaded the files, the clerk's office will send counsel notice that the digital media files have been stored to the court's systems. You must



	serve the digital media on counsel outside ECF.
Supplemental Appendix	A supplemental appendix may be filed only with leave of court for good cause shown. Supplemental appendices must be paginated using the Bates Numbering feature of your PDF software and consist of an SA or S.A. prefix followed by the page number. A space between the prefix and the page number is optional. Note that using a space makes citations in the brief two words rather than one. Leading zeros in the page number are permitted but not required. Start the page numbering for any supplemental appendix at 1. Use continuous pagination through all supplemental appendix and sealed supplemental appendix volumes regardless of who files them. Do not include the volume number. Page numbers must have a font size of at least 14 points, must be placed in the bottom margin, and must be legible. Redact any existing page numbering that overlaps the Bates number. See Fourth Circuit Appendix Pagination & Brief Citation Guide.
Sealed Supplemental Appendix Volumes	Sealed record documents that are included in the supplemental appendix must be placed in a separate, sealed volume of the supplemental appendix and filed with a certificate of confidentiality. Pagination for sealed supplemental appendix volumes begins after the last page of the



	unsealed volumes and uses the same SA or S.A. prefix as unsealed volumes. Paper filing is required only if ordered by the court, but sealed supplemental appendix volumes must be served on counsel outside ECF since they are not accessible to counsel through ECF. Form-Certificate of Confidentiality Memorandum on Sealed and Confidential Materials
Corrected Appendices	Unless the correction was requested by the court, counsel filing the corrected appendix must file a separate motion. Corrections must be made in electronic and any paper copies.

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4.2.06 | ECF FILING EVENTS

ECF FILING EVENTS	
Document	ECF event
Public Brief	BRIEF (formal, non-sealed briefs) Amicus Curiae/Intervenor Brief Amicus Brief on Petition for Rehearing
Sealed Version of Brief	SEALED BRIEF Certificate of confidentiality
Rule 30(c) Page-Proof Brief filed under Rule 30(c) schedule prior to final brief	Rule 30(c) page-proof opening brief Rule 30(c) page-proof opening/response brief Rule 30(c) page-proof response brief Rule 30(c) page-proof response/reply brief
Public Joint Appendix	JOINT APPENDIX
Sealed Volume of Joint Appendix	SEALED JOINT APPENDIX Certificate of confidentiality
Public Supplemental Appendix	SUPPLEMENTAL APPENDIX
Sealed Supplemental Appendix	SEALED SUPPLEMENTAL APPENDIX Certificate of confidentiality
Corrected Documents	Use initial filing event and select "Corrected" as modifier.

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

APPENDIX



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1	Web	TextBookDiscrimination.com/Handbooks/ProSe/CA04/V04C02

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