

1 Rule 24. Briefs.

2 (a) Brief of the appellant. The brief of the appellant shall contain under appropriate  
3 headings and in the order indicated:

4 (a)(1) A complete list of all parties to the proceeding in the court or agency whose  
5 judgment or order is sought to be reviewed, except where the caption of the case on  
6 appeal contains the names of all such parties. The list should be set out on a separate  
7 page which appears immediately inside the cover.

8 (a)(2) A table of contents, including the contents of the addendum, with page  
9 references. (a)(3) A table of authorities with cases alphabetically arranged and with  
10 parallel citations, rules, statutes and other authorities cited, with references to the pages  
11 of the brief where they are cited.

12 (a)(4) A brief statement showing the jurisdiction of the appellate court.

13 (a)(5) A statement of the issues presented for review, including for each issue: the  
14 standard of appellate review with supporting authority; and

15 (a)(5)(A) citation to the record showing that the issue was preserved in the trial court;  
16 or

17 (a)(5)(B) a statement of grounds for seeking review of an issue not preserved in the  
18 trial court.

19 (a)(6) Constitutional provisions, statutes, ordinances, rules, and regulations whose  
20 interpretation is determinative of the appeal or of central importance to the appeal shall  
21 be set out verbatim with the appropriate citation. If the pertinent part of the provision is  
22 lengthy, the citation alone will suffice, and the provision shall be set forth in an  
23 addendum to the brief under paragraph (11) of this rule.

24 (a)(7) A statement of the case. The statement shall first indicate briefly the nature of  
25 the case, the course of proceedings, and its disposition in the court below. A statement  
26 of the facts relevant to the issues presented for review shall follow. All statements of fact  
27 and references to the proceedings below shall be supported by citations to the record in  
28 accordance with paragraph (e) of this rule.

29 (a)(8) Summary of arguments. The summary of arguments, suitably paragraphed,  
30 shall be a succinct condensation of the arguments actually made in the body of the

31 brief. It shall not be a mere repetition of the heading under which the argument is  
32 arranged.

33 (a)(9) An argument. The argument shall contain the contentions and reasons of the  
34 appellant with respect to the issues presented, including the grounds for reviewing any  
35 issue not preserved in the trial court, with citations to the authorities, statutes, and parts  
36 of the record relied on. A party challenging a fact finding must first marshal all record  
37 evidence that supports the challenged finding. A party seeking to recover attorney=s  
38 fees incurred on appeal shall state the request explicitly and set forth the legal basis for  
39 such an award.

40 (a)(10) A short conclusion stating the precise relief sought.

41 (a)(11) An addendum to the brief or a statement that no addendum is necessary  
42 under this paragraph. The addendum shall be bound as part of the brief unless doing so  
43 makes the brief unreasonably thick. If the addendum is bound separately, the  
44 addendum shall contain a table of contents. The addendum shall contain a copy of:

45 (a)(11)(A) any constitutional provision, statute, rule, or regulation of central  
46 importance cited in the brief but not reproduced verbatim in the brief;

47 (a)(11)(B) in cases being reviewed on certiorari, a copy of the Court of Appeals  
48 opinion; in all cases any court opinion of central importance to the appeal but not  
49 available to the court as part of a regularly published reporter service; and

50 (a)(11)(C) those parts of the record on appeal that are of central importance to the  
51 determination of the appeal, such as the challenged instructions, findings of fact and  
52 conclusions of law, memorandum decision, the transcript of the court's oral decision, or  
53 the contract or document subject to construction.

54 (b) Brief of the appellee. The brief of the appellee shall conform to the requirements  
55 of paragraph (a) of this rule, except that the appellee need not include:

56 (b)(1) a statement of the issues or of the case unless the appellee is dissatisfied with  
57 the statement of the appellant; or

58 (b)(2) an addendum, except to provide material not included in the addendum of the  
59 appellant. The appellee may refer to the addendum of the appellant.

60 (c) Reply brief. The appellant may file a brief in reply to the brief of the appellee, and  
61 if the appellee has cross-appealed, the appellee may file a brief in reply to the response  
62 of the appellant to the issues presented by the cross-appeal. Reply briefs shall be  
63 limited to answering any new matter set forth in the opposing brief. The content of the  
64 reply brief shall conform to the requirements of paragraph (a)(2), (3), (9), and (10) of this  
65 rule. No further briefs may be filed except with leave of the appellate court.

66 (d) References in briefs to parties. Counsel will be expected in their briefs and oral  
67 arguments to keep to a minimum references to parties by such designations as  
68 "appellant" and "appellee." It promotes clarity to use the designations used in the lower  
69 court or in the agency proceedings, or the actual names of parties, or descriptive terms  
70 such as "the employee," "the injured person," "the taxpayer," etc.

71 (e) References in briefs to the record. References shall be made to the pages of the  
72 original record as paginated pursuant to Rule 11(b) or to pages of any statement of the  
73 evidence or proceedings or agreed statement prepared pursuant to Rule 11(f) or 11(g).  
74 References to pages of published depositions or transcripts shall identify the sequential  
75 number of the cover page of each volume as marked by the clerk on the bottom right  
76 corner and each separately numbered page(s) referred to within the deposition or  
77 transcript as marked by the transcriber. References to exhibits shall be made to the  
78 exhibit numbers. If reference is made to evidence the admissibility of which is in  
79 controversy, reference shall be made to the pages of the record at which the evidence  
80 was identified, offered, and received or rejected.

81 (f) Length of briefs.

82 (f)(1) Page limitation. ~~Except by permission of the court, A~~ principal briefs shall not  
83 exceed ~~50~~ 30 pages, and ~~a~~ reply briefs shall not exceed ~~25~~ 15 pages, exclusive of  
84 pages containing the table of contents, tables of citations and any addendum containing  
85 statutes, rules, regulations, or portions of the record as required by paragraph (a) of this  
86 rule, unless it complies with paragraph (f)(2). ~~In cases involving cross-appeals,~~  
87 ~~paragraph (g) of this rule sets forth the length of briefs.~~

88 (f)(2) Word and line limitations.

89 (f)(2)(A) A principal brief is acceptable if it contains no more than 14,000 words or it  
90 uses a monospaced typeface and contains no more than 1,300 lines of text; and a reply  
91 brief is acceptable if it contains no more than 7,000 words or it uses a monospaced  
92 typeface and contains no more than 650 lines of text.

93 (f)(2)(B) Headings, footnotes and quotations count toward the word and line  
94 limitations, but the table of contents, table of citations, and any addendum containing  
95 statutes, rules, regulations, or portions of the record as required by paragraph (a) of this  
96 rule do not count toward the word and line limitations.

97 (f)(2)(C) Certificate of compliance. A brief submitted under paragraph (f)(2) must  
98 include a certificate by the attorney or an unrepresented party that the brief complies  
99 with the word or line limitation. The person preparing the certificate may rely on the  
100 word or line count of a word processing system used to prepare the brief. The  
101 certificate must state either the number of words or the number of lines of monospaced  
102 type in the brief.

103 (f)(3) Permission for over length brief. While such motions are disfavored, the court  
104 for good cause shown may upon motion permit a party to file a brief that exceeds the  
105 limitations of paragraphs (f)(1) and (2). The motion shall state with specificity the issues  
106 to be briefed, the number of additional pages, words or lines requested, and the good  
107 cause for granting the motion. A motion filed at least seven days before the date the  
108 brief is due need not be accompanied by a copy of the brief. A motion filed less than  
109 seven days before the date the brief is due shall be accompanied by a copy of the  
110 unfinished brief. If the motion is granted, the responding party is entitled to an equal  
111 number of additional pages, words or lines without further order of the court.

112 (g) Briefs in cases involving cross-appeals. If a cross-appeal is filed, the party first  
113 filing a notice of appeal shall be deemed the appellant for the purposes of this rule and  
114 Rule 26, unless the parties otherwise agree or the court otherwise orders. ~~The brief of~~  
115 ~~the appellant shall not exceed 50 pages in length.~~ The brief of the appellee/cross-  
116 appellant shall contain the issues and arguments involved in the cross-appeal as well as  
117 the answer to the brief of the appellant ~~and shall not exceed 50 pages in length.~~ The  
118 appellant shall then file a brief which contains an answer to the original issues raised by

119 the appellee/cross-appellant and a reply to the appellee's response to the issues raised  
120 in the appellant's opening brief. ~~The appellant's second brief shall not exceed 25 pages~~  
121 ~~in length.~~ The appellee/cross-appellant may then file a second brief, ~~not to exceed 25~~  
122 ~~pages in length,~~ which contains only a reply to the appellant's answers to the original  
123 issues raised by the appellee/cross-appellant's first brief. ~~The lengths specified by this~~  
124 ~~rule are exclusive of table of contents, table of authorities, and addenda and may be~~  
125 ~~exceeded only by permission of the court. The court shall grant reasonable requests, for~~  
126 ~~good cause shown.~~ The first brief filed by each party to a cross-appeal is considered a  
127 principal brief and the second brief filed by each party is considered a reply brief for  
128 purposes of the limitations of paragraph (f).

129 (h) Briefs in cases involving multiple appellants or appellees. In cases involving more  
130 than one appellant or appellee, including cases consolidated for purposes of the appeal,  
131 any number of either may join in a single brief, and any appellant or appellee may adopt  
132 by reference any part of the brief of another. Parties may similarly join in reply briefs.

133 (i) Citation of supplemental authorities. When pertinent and significant authorities  
134 come to the attention of a party after that party's brief has been filed, or after oral  
135 argument but before decision, a party may promptly advise the clerk of the appellate  
136 court, by letter setting forth the citations. An original letter and nine copies shall be filed  
137 in the Supreme Court. An original letter and seven copies shall be filed in the Court of  
138 Appeals. There shall be a reference either to the page of the brief or to a point argued  
139 orally to which the citations pertain, but the letter shall without argument state the  
140 reasons for the supplemental citations. Any response shall be made within 7 days of  
141 filing and shall be similarly limited.

142 (j) Requirements and sanctions. All briefs under this rule must be concise, presented  
143 with accuracy, logically arranged with proper headings and free from burdensome,  
144 irrelevant, immaterial or scandalous matters. Briefs which are not in compliance may be  
145 disregarded or stricken, on motion or sua sponte by the court, and the court may assess  
146 attorney fees against the offending lawyer.

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