

## **CALIFORNIA SUPREME COURT**

### **3-7. What are the formatting requirements for briefs?**

#### **A. Length of Briefs - Civil Appeals**

1. There is a 14,000 word limit for your brief, including footnotes. You must include a certification of word count at the end of the brief, stating the number of words. A brief produced on a typewriter must not exceed 50 pages. (Rule 8.204(c).)
2. There is a 28,000 word limit for combined respondent's / cross-appellant opening briefs, or for a combined appellant's reply brief / cross respondent's brief. (Rule 8.204(c)(4).)
3. You must apply to the Presiding Justice for permission to file a longer brief for good cause. (Rule 8.204(c)(5).) The court may require you to include your proposed brief with your application.

#### **B. Length of Briefs - Criminal and Dependency Appeals**

1. There is a 25,500 word limit for your brief, including footnotes. You must include a certification of word count at the end of the brief, stating the number of words. A brief produced on a typewriter must not exceed 75 pages. (Rules 8.360(b), 8.412(a).)
2. There is a 51,000 word limit for combined respondent's / cross-appellant opening briefs, or for a combined appellant's reply brief / cross respondent's brief. (Rule 8.360(b)(4).)
3. You must apply to the Presiding Justice for permission to file a longer brief for good cause. (Rule 8.360(b)(5).) The court may require you to include your proposed brief with your application.

#### **C. Brief Covers & Binding.**

1. Brief colors
  - a. Appellant's Opening Brief – green
  - b. Appellant's Appendix – green
  - c. Respondent's Brief – yellow
  - d. Respondent's Appendix – yellow
  - e. Appellant's Reply Brief – tan
  - f. Appellant's Reply Appendix – tan
  - g. Joint Appendix – white
  - h. Amicus Curiae brief – gray
  - i. Answer to Amicus Curiae brief – blue
  - j. Petitions for Rehearing – orange
  - k. Answers to Petition for Rehearing – orange
  - l. Writs – red
  - m. Motions - blue
2. The brief cover should be made out of stiff paper called "cardstock." Try to use recycled stock (Rule 8.204(b)(10).) Include the following on your brief cover:
  1. Brief title (e.g., Appellant's Opening Brief, Respondent's Brief, etc.)
  2. Case title, Court of Appeal number and trial court number
  3. Trial judge's or trial judges' names
  4. The name, address, telephone number, California state bar number, and (preferably) the fax number and e-mail address of each attorney filing or joining in the brief
3. Briefs shall be bound in book or pamphlet form with suitable covers. If stapled, the bound end and the staples should be covered with tape. (Rule 8.204(b)(8).)
4. No plastic covers will be accepted.
5. [Click here for information about the color of brief covers.](#)

**D. Table of Contents & Table of Authorities.** List the sections of the brief in the table of contents, by page number. The table of authorities should list the cases, in alphabetical order, the statutes and other authorities used in the brief. (Rule 8.204(a)(1)(a).)

**E. Certificate of Interested Entities or Persons.** Include a copy of the Certificate of Interested Entities or Persons in your principal brief after the cover and before the tables. (Rule 8.208(c)(1).) The contents of the certificate are described in Rule 8.208(d).

**F. Typeface, Margins, Spacing & Type of Paper.**

1. The paper must be white or unbleached, recycled, 8½ x 11 inches. (Rule 8.204(b)(1).)
2. Do not use numbered paper. You may use both sides of the paper, unless you use a typewriter. (Rule 8.204(b)(4).) Be sure to consecutively number the pages. (Rule 8.204(b).)
3. Use single spacing only for block indented quotations, and for headings and footnotes. The brief text should be double-spaced or with 1½ spacing.
4. You may use any conventional roman typeface, but the type size must be at least 13 points. (Use the same type size for footnotes.) If your brief is typewritten, you must use pica type.

**G. Record References.**

1. You must support your references to the record on appeal with a citation to the volume and page number of the clerk's transcript, reporter's transcript, or appendix where the matter appears.
2. Here are some suggested abbreviations for your record references:
  - a. Clerk's Transcript - "CT".  
For example, to cite to Vol. 4 of the clerk's transcript, page 206, lines 4 through 7, use "4 CT 206:4-7."
  - b. Reporter's Transcript - "RT".  
For example, to cite to Vol. 20 of the reporters transcript, page 1955, line 23 through page 1957, line 8, use "20 RT 1955:23-1957:8."
  - c. Joint Appendix - "JA".  
For example, to cite to pages 405 through 407 of a single volume Joint Appendix, use "JA 405-407."
  - d. Appellant's Appendix - "AA".  
For example, to cite to Vol.3 of an Appellant's Appendix, page 692, line 5 through page 693. line 7, use "3 JA 692:5-693:7."
  - e. Respondent's Appendix - "RA".
  - f. Appellant's Reply Appendix - "ARA".

**H. Citation References.**

1. Use italics or underlining for case cites.
2. The comments to the appellate rules "encourage" you to follow the California Style Manual in your briefs and papers on appeal. (See Rule 8.204, Advisory Committee Comment.) The most recent edition is the Fourth Edition, which was published in 2000.
3. Here are some examples of citations using the California Style Manual.
  - a. **Case Citations.** The first time an opinion is cited in full, indicate the year of filing in parentheses *immediately* following the title. You don't have to include parallel citations. *Caution: California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published.*  
(*Fair v. Bakhtiari* (2006) 40 Cal.4th 149.)

*Pico v. Sepulveda* (1885) 66 Cal. 336.)  
(*City of Stanton v. Cox* (1989) 207 Cal.App.3d 1557, 1564.)  
*Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, 1555 (dis. opn. of Crosby, J.)  
(*U.S. v. X-Citement Video, Inc.* (1994) 513 U.S. 64, 77.)  
(*Craig v. United States* (9th Cir. 1936) 81 F.2d 816.)  
(*Dworkin v. Hustler Magazine, Inc.* (D.C.Wyo. 1985) 611 F.Supp. 781.)  
*Kemp Bros. Construction, Inc. v. Titan Electric Corporation* (Jan. 23, 2007, G035607) \_\_\_ Cal.App.4th \_\_\_ <http://www.courtinfo.ca.gov/opinions> (used as example of recently filed opinion)  
(*In re FairWageLaw* (Dec. 7, 2006, G037378) [nonpub. opn.]) (where appropriate to cite unpublished opinion under rule 8.1115(b))  
*Donato v. Moldow* (N.J. Super.Ct.App.Div. 2005) 865 A.2d 711, 720-727

b. **Statutes & Rules**

(Cal. Const., art. VI, § 10.)  
(U.S. Const., art. I, § 5, cl. 3.)  
Civil Code section 51  
(Bus. & Prof. Code, § 16700 et seq.)  
(Cal. Rules of Court, rule 8.200(a)(5))  
(Ct. App., Fourth Dist., Div. Three, Internal Practices and Proc., III A, Procedures for Processing Cases.)

c. **Treatises**

(4 Witkin, Summary of Cal. Law (9th ed. 1987) Real Property, § 800, pp. 977-978.)  
(Eisenberg et al., Cal. Practice Guide: Civil Appeals and Writs (The Rutter Group 1997) ¶¶ 8:15 to 8:18, pp. 8-4 to 8-6 (rev. # 1, 1998).)

d. **Law Reviews & Books**

Deason, *Enforcing Mediated Settlement Agreements: Contract Law Collides With Confidentiality* (2001) 35 U.C. Davis L.Rev. 33,  
(Patel, *Immunizing Internet Service Providers From Third Party Internet Defamation Claims: How Far Should Courts Go?* (2002) 55 Vand. L.Rev. 647, 684.)  
(Rifkin, *The Biotechnical Century* (1998) pp. 137-139.)  
(Aragaki et al., *A Litigator's Guide to Effective Use of ADR in California* (Cont.Ed.Bar 2005) §§ 12.14, 12.19.)

I. **Attachments.** You may attach up to 10 pages of exhibits or other materials in the appellate record to your brief. You may not attach matters that are outside the appellate record. (Rule 8.204(d).)

J. **Electronic Briefs ("E-Briefs").** The court encourages parties to an appeal to cooperate in filing electronic briefs ("e-briefs"). E-briefs are contained on a single CD-ROM and combine the record on appeal with the appellate briefs. E-briefs *supplement* the paper record and briefs, but do not replace them. [Click here for more information on e-briefs.](#)

K. **Joinder.** If you are a party to an appeal, you may join in or adopt by reference all or part of another party's brief. (Rule 8.200(a)(5).)

L. **Noncomplying Briefs.** The clerk's office may refuse to accept your brief for filing if it does not comply with the court rules. Instead, it may be marked "received but not filed" and returned to you. Even if a noncomplying brief is accepted for filing, the court may later decide to return it for corrections and refiling on its own motion or on the motion of any party. (Rule 8.204(e).)