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# Court of Appeals of Virginia

## FILING SCHEDULE

The following Rules of the Virginia Supreme Court, **Rule 5A:19(b) and (c) - Briefs**, have been condensed into the filing schedule below:

Brief of Appellant:	40 days after filing the Record with the Court of Appeals of Virginia
Joint Appendix:	Filed along with Brief of Appellant*
Brief of Appellee:	30 days after filing of the Brief of Appellant
Reply Brief of Appellant:	14 days after filing of the Brief of Appellee

\*Assignments of Error/Appendix designations:

If the record is electronic, no appendix is required. If the record is paper, an appendix is required. Depending on the type of record, the following are required to be filed:

Electronic Record: Assignments of Error due within 15 days of filing of the Record

Paper Record: Assignments of Error and Designation of Contents of Appendix due within 15 days of the filing of the Record

# Specifications for the Brief of Appellant

Effective June 1, 2021, all filing must be done through the Virginia Appellate Courts eBriefs System (VACES), and all documents must be in PDF. Guidelines are located at: <https://eapps.courts.state.va.us/help/robo/vaces/index.htm#t=VACES.htm>  
**Lantagne Legal Printing handles all rules and filing requirements for our clients.**

## **Rule 5A:4:**

Paper: 8-½ x 11 inches in size  
Margins: One inch on all sides  
Type: 14 point or greater  
Spacing: Double-Spacing, except for footnotes and quotations

## **Rule 5A:1(b) and (c)**

File: Electronic filing through the Virginia Appellate Courts eBriefs System (VACES)  
Serve: PDF version via email

## **Rule 5A:19(a)**

Word/Page Limit: The longer of 12,300 words or 50 pages

## **Color of cover: Rule 5A:24**

Brief of Appellant: White (only applies when paper filing is required)

# Requirements for the Brief of Appellant

**The brief of appellant shall contain under appropriate and separate headings (Rule 5A:20):**

1. Table of Contents
2. Table of Authorities
3. Statement of the Nature of the Case and of the Material Proceedings in the Trial Court
4. Assignments of Error (must include a reference to the record where the error was preserved in the lower proceeding)
5. Statement of the Facts (must include appropriate references to the record)
6. Argument, including the Standard of Review
7. Conclusion
8. Counsel's signature (need not be in handwriting), mailing address, telephone number (with applicable extension), fax number, Email, and VSB Number.
9. Certificate of Service (*see following page for an example*)

# **SAMPLE CERTIFICATE OF SERVICE**

## **CERTIFICATE OF SERVICE**

I hereby certify on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_ that an electronic copy of this brief has been filed with the Court of Appeals of Virginia through VACES, and an electronic copy has been emailed to opposing counsel. Counsel for the appellant does (or does not) desire to waive oral argument. This brief contains \_\_\_\_\_ words, excluding those portions that by rule do not count toward the word limit.

\_\_\_\_\_  
Attorney's Name

# **RULE 5A:25 – APPENDIX**

## **ONLY REQUIRED WHEN THE RECORD ON FILE IS PAPER**

### **Rule 5A:25(c): Requirements for the Joint Appendix**

1. Table of Contents
2. Basic Initial Pleading, as amended
3. Judgment appealed from
4. Any other relevant parts of the Record
5. Any relevant exhibits of the Record

### **Rule 5A:25(d): Designation of Contents of Appendix**

Joint Designation: 15 days from certificate of appeal/record filed  
Appellant Designation: 15 days from certificate of appeal/record filed  
Appellee Designation: 10 days from filing of Appellant’s designation

### **Rule 5A:25(e): Form of Presentation**

At the beginning to the appendix there shall be a table of contents. Thereafter, the parts of the record to be reproduced shall be set out in chronological order.

### **Rule 5A:25(f): Costs**

Unless counsel otherwise agree, the cost of producing the appendix shall initially be paid by the appellant.

### **Rule 5A:24: Color of Cover**

Red (only applies if paper filing is required)

### **Rule: 5A:1(b) and (c): Filing and Service**

File: Electronic filing through VACES  
Serve: PDF version via email

# DESIGNATION FORMAT

## IN THE COURT OF APPEALS OF VIRGINIA

\_\_\_\_\_, )  
 Appellant, )  
 v. ) Record No.: \_\_\_\_\_  
 )  
 )  
 )  
 \_\_\_\_\_, )  
 Appellee. )

### APPELLANT’S DESIGNATION AND ASSIGNMENTS OF ERROR

Pursuant to Rule 5A:25(d) of the Rules of the Supreme Court of Virginia, the appellant, \_\_\_\_\_, submits the following Designation of the Contents to the Appendix:

1. Basic initial pleading (as finally amended);
2. Judgment appealed from, and any memorandum or opinion relating thereto;
3. Testimony and other incidents of the case germane to the assignments of error;
4. Exhibits necessary for and understanding of the case that can be reasonably reproduced;
5. Assignments of Error

Respectfully Submitted,  
Appellant’s Name  
By Counsel

\_\_\_\_\_  
Name  
Firm  
Address  
Phone Number

### Certificate of Service

I hereby certify that a true and exact copy of the foregoing Designation of Record was mailed and/or hand-delivered to Name , Address , this \_\_\_ day of \_\_\_\_\_, 201\_\_.

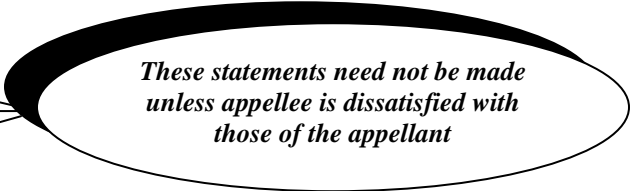
\_\_\_\_\_  
Name

## Brief of Appellee: Content Requirements

General specifications for the Brief of Appellee are identical to those for the brief of appellant.

### Rule 5A:21:

1. Table of Contents
2. Table of Authorities
3. Statement of the Case
4. Assignments of Error
5. Statement of the Facts
6. Argument, including the Standard of Review
7. Conclusion
8. Certificate of Service



*These statements need not be made  
unless appellee is dissatisfied with  
those of the appellant*

## Reply Brief of Appellant: Content Requirements

General Specifications for the Reply Brief of Appellant are identical to those for the brief of appellant, except it is limited to the longer of 3,500 words or 20 pages.

### Rule 5A:22:

1. Table of Contents
2. Table of Authorities
3. Argument
4. Conclusion
5. Certificate of Service



# FILING REQUIREMENTS SUMMARY

Filing of briefs and appendices must be done through the Virginia Appellate Courts eBriefs System (VACES). VACES Guidelines can be found at: <https://eapps.courts.state.va.us/help/robo/vaces/index.htm#t=VACES.htm>  
**Lantagne Legal Printing handles all electronic and paper filing requirements for our clients.**

## Hard Copy Requirements:

<u>NAME</u>	<u>COLOR</u> <u>(if paper</u> <u>required)</u>	<u>FILE</u>	<u>SERVE</u>	<u>WORD</u> <u>LIMIT</u>
Brief of Appellant	White	VACES	EMAIL	12,300
Brief of Appellee	Blue	VACES	EMAIL	12,300
Reply Brief of Appellant	Green	VACES	EMAIL	3,500
Appendix	Red	VACES	EMAIL	N/A
Brief of Amicus Curiae	Gray	VACES	EMAIL	12,300

**RULE 5A:33 (Petitions for Rehearing) and RULE 5A:34 (Petitions for Rehearing En Banc)** require that either of these be limited to the longer of 5,300 words or 25 pages.

## ===== **RULE 5A:4(b): COVER INFORMATION**=====

1. Name of Court and Record Number
2. Style of Case
3. Title of Document – (Brief of Appellant, Brief of Appellee, etc.)
4. Names, addresses, VSB numbers, telephone numbers (with applicable extension), fax numbers and email addresses of counsel representing the party on whose behalf the document is filed.

## SUMMARY OF SERVICES

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### **Joint Appendix**

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- Obtain documents from the original record located at the Court of Appeals Clerk's Office
- Make sure all documents required by the court for inclusion are in the appendix
- Complete assembly of the appendix according to the rules of the court
  - ◆ Place all documents in chronological order
  - ◆ Type witness names on excerpts of transcript testimony
  - ◆ Place asterisk symbols for omissions of text in a document
  - ◆ Number each page
- Prepare cover and table of contents
- Ensure compliance with all VACES requirements
- Send text searchable PDF proof via email. Paper proof is available on request.

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### **Briefs**

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- Ability to accept briefs via e-mail, disc, fax or hard copy the day it is due for filing. No later than noon guarantees same day filing
- Thoroughly examine and check brief for compliance with all Rules of the Court, notifying you of any needed changes
- Prepare cover
- Prepare Table of Contents and Authorities (optional)
- Ensure compliance with all VACES requirements

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### **Briefs and Appendices**

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- Filing through VACES
- Provide paper copies to client (no extra charge – included in overall service)
- Serve opposing counsel via email. Though not required by rule, we can also send paper copies to opposing counsel if requested.
- Call or email you to confirm the filing and serving has been completed

## BENEFITS TO OUR CLIENTS

- The most experienced staff you can find with over a century of combined experience specializing in appellate filing procedures.
- A licensed attorney on staff with extensive appellate experience – a former Appellate Defender and private practice lawyer, published author in various law journals, previous member of the adjunct faculty at the T. C. Williams School of Law of the University of Richmond and has been approved since 2007 by the Virginia State Bar to teach a CLE class in appellate procedure. We provide this CLE free of charge to various organizations and law firms – please feel free to inquire.
- Convenience to court – we are located about a city block from the Virginia Supreme Court, Virginia Court of Appeals and the Fourth Circuit Court of Appeals.
- Personal service/personal attention
- Samples of briefs and other pertinent documents provided upon request free of charge.
- **NO RUSH CHARGES – NO HIDDEN COSTS**

### **A few of the services frequently requested by clients for which we normally do not charge:**

- A copy of the table of contents to the record on appeal emailed to your office when requested. If the complete record is digital, we can also provide that at no charge.
- Filing and service of the designation of contents of the appendix.
- Filing and service of any motions.
- Edits and corrections to briefs, if required.
- Guaranteed, same-day filing of your brief if received by noon.