

Court of Appeals of Virginia

Appellate Filing Procedure



Est. 1992

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ABOUT LANTAGNE LEGAL

Lantagne Legal Printing (Est. 1992) is a family-run business serving the legal community as a professional service specializing in appellate procedure. We provide the highest levels of quality, service and expertise to our clients, drawing on over a century of combined appellate experience. Our staff is uniquely prepared to meet all of your appellate needs.

In 1997 we welcomed Brief Printing Specialists to the Lantagne Legal Printing family. At that time Kay Craig and May Serafim had worked in the appellate field for over 13 years. During those years they established an impressive reputation for quality and service. The combination of our staffs created the strongest, most experienced appellate services company operating in Richmond today. Kay has since retired but May is still with us serving the legal community in appellate filings.

As a company, we constantly strive to be the very best at what we do. Our commitment to our clients is to provide superior service at a fair price. Comments and suggestions on our work and how we might improve our services are always welcome and can be sent directly to me.

Sincerely,

Anthony G. Lantagne
President

ABOUT THIS HANDBOOK

This handbook provided by Lantagne Legal Printing is intended as a helpful guideline for the appellate process and is not intended as a substitute for the Rules of the Virginia Supreme Court. For detailed and definitive answers to appellate procedures and questions, the actual Rules of the Virginia Supreme Court should be consulted. We are more than happy to provide copies of the actual rules when requested.

Be sure to visit us on the web at lantagne.com

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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:

APPEAL AS A MATTER OF RIGHT:

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:	25 days after filing of the Brief of Appellant
Reply Brief of Appellant:	14 days after filing of the Brief of Appellee

GRANT OF A PETITION FOR APPEAL:

Brief of Appellant:	40 days after the date of the certificate of appeal issued by the Clerk of the Court of Appeals
Joint Appendix:	Filed along with Brief of Appellant
Brief of Appellee:	25 days after filing of the Brief of Appellant
Reply Brief of Appellant:	14 days after filing of the Brief of Appellee

Specifications for the Brief of Appellant

Effective July 1, 2015, primary filing of briefs and appendices must be done through the Virginia Appellate Courts eBriefs System (VACES), and briefs and appendices should be in PDF/A format. Paper copies must also be filed. Guidelines are located at www.courts.state.va.us/online/vaces/resources/guidelines.pdf. **Lantagne Legal Printing handles all electronic and paper filing requirements for our clients.**

Rule 5A:4:

Paper: 8-½ x 11 inches in size

Margins: One inch on all sides

Type: 12 point or greater

Spacing: Double-Spacing, except for footnotes and quotations

Number of copies: Rule 5A:19(a) and (f)

File: Electronic filing through the Virginia Appellate Courts eBriefs System (VACES) and three paper copies

Serve: PDF version via email or disc, no paper service required

Word Limit: 12,300 words

Color of cover: Rule 5A:24

Brief of Appellant: White

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*)

On Binding: These bindings are NOT accepted by the Court:

- **Spiral binding/ring notebooks (includes GBC binding)**
- **Acco fasteners**
- **Plastic report covers with detachable spines**

SAMPLE CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that Rule 5A:19(f) of the Rules of the Supreme Court of Virginia has been complied with on this ____ day of _____, 201__ . An electronic copy has been filed with the Court of Appeals of Virginia through VACES. and paper copies have been delivered to the Clerk's Office. An electronic copy of this brief in PDF format has been emailed (or sent on disc via first class mail) to opposing counsel. Counsel for 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

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: 10 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

Rule: 5A:19(f): Filing and Service

File: Electronic filing through VACES; three paper copies

Serve: PDF version via email or disc, no paper service required

Page Limit: N/A

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__.

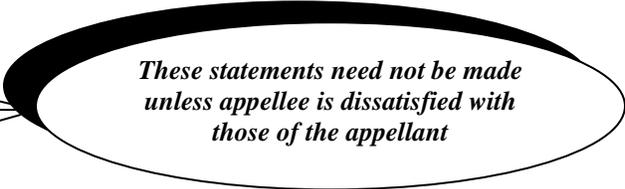
 Name

Brief of Appellee: Content Requirements

Specifications for the Brief of Appellee are identical to those for the brief of appellant (see page 2), except the cover is BLUE.

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

Specifications for the Reply Brief of Appellant are identical to those for the brief of appellant (see page 2), except the cover is GREEN and it is limited to 3,500 words.

Rule 5A:22:

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

FILING REQUIREMENTS SUMMARY

Primary filing of briefs and appendices must be done through the Virginia Appellate Courts eBriefs System (VACES), and briefs and appendices should be in PDF/A format. Paper copies must also be filed. Guidelines are located at www.courts.state.va.us/online/vaces/resources/guidelines.pdf. **Lantagne Legal Printing handles all electronic and paper filing requirements for our clients.**

Hard Copy Requirements:

<u>NAME</u>	<u>COLOR</u>	<u>FILE</u>	<u>SERVE</u>	<u>WORD LIMIT</u>
Brief of Appellant	White	3	PDF	12,300
Brief of Appellee	Blue	3	PDF	12,300
Reply Brief of Appellant	Green	3	PDF	3,500
Appendix	Red	3	PDF	N/A
Brief of Amicus Curiae	Gray	3	PDF	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 5,300 words and that they be filed and served via email.

===== **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

Joint Appendix

- 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
- Large exhibits produced full size if possible or reduced in size – as requested
- Prepare table of contents
- Prepare cover and copy on appropriate color cover stock
- Send text searchable PDF proof via email. Paper proof is available on request.

Briefs

- Ability to accept briefs via e-mail, disc, fax or hard copy the day it is due for filing. No later than 1:00 p.m. guarantees hand-filing
- Thoroughly examine and check brief for compliance with all Rules of the Court, notifying you of any needed changes
- Prepare cover and copy on appropriate color cover stock
- Prepare Table of Contents and Authorities (optional)

Briefs and Appendices

- eFiling through VACES
- Produce number of copies required for paper filing
- File required paper copies of briefs and appendices in court by hand
- Provide file-stamped copy to our client
- Serve opposing counsel via email. Though not required by rule, we can also send paper copies to opposing counsel if requested.
- Call 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.
- 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 with the court if received by 1:00 p.m. Briefs received after 1:00 p.m. may be filed via hand or certified mail, dependant on circumstances.

Fee Schedule

Court of Appeals of Virginia

Petitions, Briefs and Appendices

Base Charge	\$150.00
Preparation for and filing of Petitions or Briefs – per original page.....	\$4.75
Assembly, preparation for and filing of Appendices – per original page.....	\$3.75
Paper copies filed/served, per copy	\$0.18
Optional Service: Preparation of Tables of Contents and Authorities for Briefs:	\$40.00
Color Copies	\$0.50
Hyperlinking: Available as an hourly service, please inquire if interested.	

Petitions for Rehearing

Review for compliance and electronic filing of Petition for Rehearing (flat fee)	\$100.00
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Retrieval of Designated Appendix Documents from the Record at the Court of Appeals

Per Copy.....	\$0.40
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Please note: *Our professional relationship is with you rather than your client, so the invoice represents your obligation to us.*

Services included at no extra charge are (but are not limited to):

- All of our services are included in the above fee schedule, including **access to an experienced appellate attorney.**
- Filing and service of any motions.
- Typesetting of covers.
- Review of brief to ensure compliance with all rules.
- Edits or corrections to brief if required.
- Advance copy of the appendix delivered to your office via email (text searchable PDF)
- Guaranteed same day efilings and paper filing of your brief with the court if received by 1:00 p.m.
- Electronic filing through VACES and hand filing of required paper copies
- Serve digital copy on opposing counsel.
- Deliver PDF and paper copies to our client. One paper copy will be file stamped by the court.
- Call client’s office to confirm filing.

Web site: lantagne.com

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