

Table of Contents

Filing Schedule1

Specifications for Brief of Appellant.....2

Requirements for Brief of Appellant3

Sample Filing and Mailing Certificates4

Joint Appendix5

Designation Format.....6

Brief of Appellee and Reply Brief Information.....7

Filing Requirements Summary8

Summary of Services9

Benefits to Our Clients.....10

Fee Schedule11

Supreme Court of Virginia

FILING SCHEDULE

The following Rule of the Virginia Supreme Court, **Rule 5:26(c)**, has been condensed into the filing schedule below:

Brief of Appellant:	40 days after the date of the certificate of appeal issued by the Clerk of the Supreme Court
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 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 5:6:

- Paper: 8-½ x 11 inches in size
- Margins: At least 1 inch on all sides
- Type: 14 point or greater (this includes footnotes) and must use one of the following fonts: Arial; Cambria; Century; Century School Book; Constantia; Courier New; Franklin Gothic Book; Georgia; Palatino Linotype; Tahoma; Times New Roman; Verdana
- Spacing: Double-Spacing, except for footnotes and quotations (note that footnotes must also be in 14 point type)

Rule 5:1B(b) and (c):

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

Rule 5:26(b):

- Page/Word Limit: Longer of 50 pages or 8,750 words

Color of cover: Rule 5:31

- Brief of appellant: White (only applies when paper filing is allowed)

Requirements for the Brief of Appellant

The brief of appellant shall contain under appropriate and separate headings (Rule 5:27):

1. Table of Contents
2. Table of Authorities
3. Assignment(s) of Error (must include a reference to the appendix indicating where the error was preserved in the lower proceeding)
4. Statement of the Nature of the Case and of the Material Proceedings in the Trial Court
5. Statement of the Facts (must include appropriate references to the appendix)
6. Argument, including Standard of Review
7. Conclusion with counsel's signature (which need not be in handwriting), Virginia Bar number, address, phone number (with applicable extension), fax number and email address
8. Certificate of Service (which need not be signed in handwriting) (*see following page for example*)

SAMPLE CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that Rule 5:26 of the Supreme Court of Virginia has been complied with on this ____ day of _____. A PDF version of this brief has been filed through VACES and delivered to opposing counsel via email this same day to the address listed below:

(If a word count is used, language similar to the following must be added. If your brief is under the page limit, no word count language is required)

I also certify compliance with the word count in that this brief contains _____ words, exclusive of those parts that by rule do not count toward the word limit.

_____/s/ Signature

RULE 5:32 – APPENDIX

Rule 5:32(a): Requirements for the Joint Appendix

- 1. Table of Contents
- 2. Basic Initial Pleading, as amended
- 3. Final Judgments of all tribunals that considered the case, including Judgment appealed from, and any Memorandum or Opinions relating to such Judgments
- 4. Assignments of Error and Cross-Error
- 5. Any other relevant parts of the Record (exhibits, pleadings, and transcript)

Rule 5:32(b)(1): 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: 15 days from filing of Appellant’s designation

Rule 5:32(d): 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. Witness testimony must listed by name in the table of contents and indicate direct, cross, redirect, etc. Omissions in the text of documents shall be indicated by asterisks, and exhibits should include a description, not just the exhibit number.

Rule 5:32(b)(3): Costs

Unless counsel otherwise agree, the cost of producing the appendix shall initially be paid by the appellant, but if the appellant considers designations of the appellee unnecessary for the determination of the issues, he may so advise the appellee and the appellee shall advance the costs for printing those parts. Costs of producing the appendix shall be taxed as costs in the case.

Rule 5:31: Color of Cover

Red (only applies when paper filing is allowed)

Rule: 5:1B(b): Filing and Service

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

DESIGNATION FORMAT

IN THE SUPREME COURT OF VIRGINIA

_____,)
 Appellant,)
 v.) Record No.: _____
)
)
)
 _____,)
 Appellee.)

APPELLANT'S DESIGNATION

Pursuant to Rule 5:32(b) of the Rules of the Supreme Court of Virginia, the appellant, _____, submits the following Designation of the Contents to the Appendix:

1. The initial pleading (as finally amended), unless other version are necessary to consider the assignments of error;
2. Final judgments of all tribunals that have considered the case, including the judgments appealed from, and any opinion relating to such judgments;
3. Testimony and other incidents of the case germane to the assignments of error;
4. Exhibits necessary for an understanding of the case that can be reasonably reproduced;
5. Other parts of the record to which the parties wish to direct the Court's attention;

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 emailed and/or mailed 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 5:28:

1. Table of Contents
2. Table of Authorities*
3. Statement of the Case
4. Statement of the Facts
5. Argument and Standard of Review
6. Assignments of Cross Error, if any, and Argument
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 15 pages or 2,625 words.

Rule 5:29:

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.

<u>DOCUMENT</u>	<u>COLOR</u> <u>(if paper</u> <u>allowed)</u>	<u>FILE</u>	<u>SERVE</u>	<u>PG./WORD</u> <u>LIMIT</u>
Brief of Appellant	White	VACES	EMAIL	50 or 8,750
Brief of Appellee	Blue	VACES	EMAIL	50 or 8,750
Reply Brief of Appellant	Green	VACES	EMAIL	15 or 2,625
Appendix	Red	VACES	EMAIL	N/A
Brief of Amicus Curiae	Gray	VACES	EMAIL	50 or 8,750

RULE 5:37: Petitions for Rehearing: Notice of intent to file must be filed with the clerk of Court within 10 days after the date of the order or opinion of Court. Must be filed through VACES. Petitions for Rehearing will be limited to the longer of 10 pages or 1,750 words.

===== **RULE 5:6(b): COVER INFORMATION**=====

1. Name of Court and Record Number
2. Style of Case
3. Title of Document
4. Names, Virginia Bar numbers, addresses, telephone numbers (including any 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 Supreme Court Clerk's Office
- Make sure all documents required by the court are included in the appendix
- Complete assembly of the appendix according to the rules of the court
 - ◆ Place all documents in chronological order
 - ◆ 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.

Briefs

- 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

Briefs and Appendices

- 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 to confirm the filing and service 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 approximately 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 that carry no additional charges:

- 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.

Fee Schedule

Supreme Court of Virginia

Petitions, Briefs and Appendices

Base Charge (Briefs and Petitions only).....	\$150.00
Preparation for and filing of Petitions or Briefs – per original page	\$4.75
Assembly, preparation for and filing of Appendix – per original page	\$3.75
Optional Service: Preparation of Tables of Contents and Authorities for Briefs:	\$100.00
Color Copies	\$0.50
Hyperlinking: Available as an hourly service, please inquire if interested.	
Services provided after 5:30 p.m. may be subject to overtime charges.	

Petitions for Rehearing

Review for compliance and electronic filing of petition (flat fee).....	\$100
---	-------

Retrieval of Designated Appendix Documents from the Record at the Supreme Court

Per Copy (only applies to a paper record – digital records provided at no charge).....	\$0.40
--	--------

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 (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 filing of your brief if received by noon.
- Electronic filing through VACES
- Serve digital copy on opposing counsel.
- Deliver PDF and paper copies to our client.
- Call or email client's office to confirm filing.

Web site: lantagne.com

E-Mail: lantagne@lantagne.com Phone: 1-800-847-0477