

**THE QUICK GUIDE SERIES**

*Supreme Court of the United States*



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## **GUIDELINES**

### **UNITED STATES SUPREME COURT**

#### **INTRODUCTION**

This serves only as a quick reference guide for filing Briefs and Appendices on the petition stage and on the merits. **THE QUICK GUIDE SERIES** outlines procedures on how documents should be sequenced, paginated, indexed, titled, printed and bound. In addition, it contains formatting requirements for Briefs as well as information on service and filing deadlines. Please call Record Press for clarification, and our expert staff of attorneys and paralegals will assist you. For a comprehensive reference, consult the actual rules of the court, which can be downloaded from the court's Website at [www.supremecourtus.gov](http://www.supremecourtus.gov).

April 2013  
Record Press Inc.

Natasha Monell Arez, Esq.  
*Staff Counsel*

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<b>THE QUICK GUIDE SERIES</b>		
<b>NEW YORK SUPREME COURT</b>	<b>UNITED STATES COURT OF APPEALS</b>	
Appellate Division—First Department	First Circuit	Eighth Circuit
Appellate Division—Second Department	Second Circuit	Ninth Circuit
Appellate Division—Third Department	Third Circuit	Tenth Circuit
Appellate Division—Fourth Department	Fourth Circuit	Eleventh Circuit
Appellate Term—First Department	Fifth Circuit	Federal Circuit
Appellate Term—Second Department	Sixth Circuit	District of
<b>NEW YORK STATE</b>	Seventh Circuit	Columbia Circuit
<b>COURT OF APPEALS</b>	<b>UNITED STATES SUPREME COURT</b>	

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## **DOCUMENT PREPARATION RULES 33 AND 34**

Except for documents expressly permitted by these Rules to be submitted on 8<sup>1</sup>/<sub>2</sub>- by 11-inch paper, *see, e.g.*, Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6<sup>1</sup>/<sub>8</sub>- by 9<sup>1</sup>/<sub>4</sub>-inch booklet format using a standard typesetting process to produce text printed in typographic (as opposed to typewriter) characters. The process used must produce a clear, black image on white paper. The text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

The text of every booklet-format document, including any appendix thereto, shall be typeset in a Century family (e. g., Century Expanded, New Century Schoolbook, or Century Schoolbook) 12-point type with 2-point or more leading between lines. Quotations in excess of 50 words shall be indented. The typeface of footnotes shall be 10-point type with 2-point or more leading between lines. The text of the document must appear on both sides of the page.

Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4<sup>1</sup>/<sub>8</sub> by 7<sup>1</sup>/<sub>8</sub> inches. The document shall be bound firmly in at least two places along the left margin (saddle stitch or perfect binding preferred) so as to permit easy opening, and no part of the text should be obscured by the binding. Spiral, plastic, metal, or string bindings may not be used. Copies of patent documents, except opinions, may be duplicated in such size as is necessary in a separate appendix.

Every document shall comply with the appropriate word limits. The word limits do not include the questions

presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, the listing of counsel at the end of the document, or any appendix. The word limits include footnotes. Verbatim quotations required under Rule 14.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the word limits, but application for such leave is not favored. An application to exceed word limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

A document prepared under Rule 33.1 must be accompanied by a certificate signed by the attorney, the unrepresented party, or the preparer of the document stating that the brief complies with the word limitations. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the document. The word-processing system must be set to include footnotes in the word count. The certificate must state the number of words in the document. The certificate shall accompany the document when it is presented to the Clerk for filing and shall be separate from it. If the certificate is signed by a person other than a member of the Bar of this Court, the counsel of record, or the unrepresented party, it must contain a notarized affidavit or declaration in compliance with 28 U. S. C. § 1746.

The cover of the document shall be displayed in an appropriate typographical manner and, except for identification of counsel, may not be set in type smaller than standard 11-point, if the document is prepared as required by Rule 33.1.

**FILING AND SERVICE  
RULE 29**

**File: 40    Serve: 3**

An original Proof of Service shall be filed with the document in Court and shall be on a separate piece of paper from the bound document. Proof of service shall contain, or be accompanied by, a statement that all parties required to be served have been served, together with a list of the names, addresses, and telephone numbers of counsel indicating the name of the party or parties each counsel represents.

A document is timely filed if it is received by the Clerk within the time specified for filing; or if it is sent to the Clerk through the United States Postal Service by first-class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing; or if it is delivered on or before the last day for filing to a third-party commercial carrier for delivery to the Clerk within 3 calendar days.

If the postmark is missing or not legible, or if the third-party commercial carrier does not provide the date the document was received by the carrier, the Clerk will require the person who sent the document to submit a notarized statement or declaration in compliance with 28 U.S.C. § 1746 setting out the details of the filing and stating that the filing took place on a particular date within the permitted time.

Any document required by the Rules to be served may be served personally, by mail, or by third-party commercial carrier for delivery within 3 calendar days on each party to the proceeding at or before the time of filing.

Ordinarily, service on a party must be by a manner at least as expeditious as the manner used to file the document with the Court.

In certain expedited cases, the Court may order that the document be actually received by the Court and adversary on the due date and by a specific time. Reply Briefs should be filed in Court using the most expedited form of delivery.

If the United States or any federal department, office, agency, officer, or employee is a party to be served, service shall be made on the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001.

In any proceeding in this Court in which the constitutionality of any statute of a State is drawn into question, and neither the State nor any agency, officer, or employee thereof is a party, the initial document filed in this Court shall be served on the Attorney General of that State.

### **RULE 25.9 ELECTRONIC FILING**

An electronic version of every brief on the merits shall be transmitted to the Clerk of Court and to opposing counsel of record at the time the brief is filed in accordance with guidelines established by the Clerk. The electronic transmission requirement is in addition to the requirement that booklet-format briefs be timely filed.



**DOCUMENTS ON THE PETITION STAGE**

**Petition for a *Writ of Certiorari*  
Rule 14**

Questions Presented for Review

List of Parties to the Proceedings  
(pursuant to Rules 14.1(b) and 29.6)

Table of Contents

Table of Authorities

Opinions Below

Statement of Jurisdiction

Constitutional Provisions

Statement of the Case

Arguments / Reasons for Granting the *Writ*

Conclusion

Appendix

- (i) the opinions, orders, findings of fact, and conclusions of law to be reviewed
- (ii) any other relevant opinions, orders, findings of fact, and conclusions of law
- (iii) any order on rehearing
- (iv) any constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case
- (v) any other material the Petitioner believes essential to understand the Petition

Each document must contain the caption showing the name of the issuing court or agency, the title and number of the case, and date of entry.

There is a \$300 docket fee for filing a Petition for a *Writ of Certiorari*. It is the Petitioner's duty to notify all Respondents promptly, on a form supplied by the Clerk, of the date of filing, the date the case was placed on the docket, and the docket number of the case.

The Clerk of the Court having possession of the Record shall keep it until notified by the Clerk of this Court to certify and transmit it. In any document filed with this Court, a party may cite or quote from the Record, even if it has not been transmitted to this Court.

### **Brief in Opposition Rule 15**

In addition to presenting other arguments for denying the Petition, the Brief in Opposition should address any perceived misstatement of fact or law in the Petition and any objection to the Questions Presented. The Brief in Opposition shall contain the Parties to the Proceeding, Table of Contents, Table of Authorities, Arguments and Conclusion. Appendix is optional.

### **Reply to Brief in Opposition Rule 15**

Any Petitioner may file a Reply Brief addressing new points raised in the Brief in Opposition. Distribution and consideration by the Court will not be deferred pending its receipt.

**DOCUMENTS ON THE MERITS**

**Brief of Petitioner or Appellant  
Rule 24**

Questions Presented for Review  
List of Parties to the Proceedings  
(pursuant to Rules 14.1(b) and 29.6)  
Table of Contents  
Table of Authorities  
Opinions Below  
Statement of Jurisdiction  
Constitutional Provisions  
Statement of the Case  
Summary of Argument  
Argument  
Conclusion

**Brief of Respondent or Appellee  
Rule 24**

The Respondent or Appellee need not include the Questions Presented, List of Parties to the Proceedings, Opinions Below, Statement of Jurisdiction, Constitutional Provisions and Statement of the Case unless the Respondent or Appellee is dissatisfied with their presentation by the opposing party.

**Reply Brief  
Rule 24**

Any Petitioner or Appellant may file a Reply Brief addressing new points raised in the Brief of Respondent or Appellee. Distribution and consideration by the Court will not be deferred pending its receipt.

**Joint Appendix  
Rule 26**

Table of Contents  
Docket Entries in All the Courts Below  
Any Relevant Pleadings, Jury Instructions,  
Findings, Conclusions and Opinions  
Judgment, Order, or Decision Under Review  
Any Other Parts of the Record that have to be  
Brought to the Court's Attention

Any of the foregoing items already reproduced in a petition for a writ of certiorari, jurisdictional statement, brief in opposition to a petition for a writ of certiorari, motion to dismiss or affirm, or any appendix to the foregoing, that was prepared as required by Rule 33.1, need not be reproduced again in the joint appendix.

The documents following the docket entries shall be in chronological order. When testimony contained in the reporter's Transcript of Proceedings is set out in the Joint Appendix, the page of the Transcript at which the testimony appears shall be indicated in brackets immediately before the statement that is set out. Omissions in the Transcript or in any other document printed in the Joint Appendix shall be indicated by asterisks.

Two lines must appear at the bottom of the cover of the joint appendix: (1) The first line must indicate the date the

petition for the writ of certiorari was filed or the date the appeal was docketed; (2) the second line must indicate the date certiorari was granted or the date jurisdiction of the appeal was noted or postponed.

The Record is on file with the Clerk and available to the Justices. Counsel may refer in Briefs and in Oral Argument to relevant portions of the Record not included in the Joint Appendix.

The Court, on its own motion or that of a party, may dispense with the requirements of a Joint Appendix and may permit a case to be heard on the Original Record or on the Appendix used in the Court below.

### **BRIEF *AMICUS CURIAE*** **RULE 37**

An *Amicus Curiae* Brief on the petition stage or on the merits may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file. The brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests affirmance or reversal. When a party to the case has withheld consent, a Motion for Leave to File an *Amicus Curiae* Brief shall be prepared in accordance with Rule 33.1 and bound together as one document with the brief sought to be filed.

Table of Contents  
Table of Authorities  
Interest of the *Amicus Curiae*  
Summary of the Argument  
Argument  
Conclusion

Pursuant to Rule 37.6, a disclosure shall be made in the first footnote on the first page of text of the brief indi-

cating whether counsel for a party authored the brief in whole or in part and shall identify every person or entity, other than the *amicus curiae*, its members, or its counsel, who made a monetary contribution to the preparation or submission of the brief.

### **LODGINGS**

#### **RULE 32**

Any party or *amicus curiae* desiring to lodge non-record material with the Clerk must set out in a letter, served on all parties, a description of the material proposed for lodging and the reasons why the non-record material may properly be considered by the Court. The material proposed for lodging may not be submitted until and unless requested by the Clerk.

## SPECIFICATION CHART

DOCUMENT	RULE NO.	WORD LIMIT	COVER COLOR
Petition for a Writ of Certiorari; Motion for Leave to file a Bill of Complaint and Brief in Support Jurisdictional Statement; Petition for an Extraordinary Writ	14 17.3 18.3 20.2	9,000	WHITE
Brief in Opposition; Brief in Opposition to Motion for Leave to file an Original Action; Motion to Dismiss or Affirm; Brief in Opposition to Mandamus or Prohibition; Response to a Petition for Habeas Corpus	15.3 17.5 18.6 20.3(b) 20.4(b)	9,000	ORANGE
Brief for an <i>Amicus Curiae</i> at the Petition Stage or pertaining to a Motion for Leave to file a Bill of Complaint	37.2	6,000	CREAM
Reply to Brief in Opposition; Brief Opposing a Motion to Dismiss or Affirm	15.6 17.5 18.8	3,000	TAN
Supplemental Brief	15.8 17 18.10 25.5	3,000	TAN
Joint Appendix	26	No word limits; refer to rules	TAN

DOCUMENT	RULE NO.	WORD LIMIT	COVER COLOR
Brief on the Merits for Petitioner or Appellant; Exceptions by Plaintiff to Report of Special Master	24 17	15,000	LIGHT BLUE
Brief on the Merits for Respondent or Appellee; Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant; Exceptions by Party Other than Plaintiff to Report of Special Master	24.2 12.6 17	15,000	LIGHT RED
Brief for an <i>Amicus Curiae</i> in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage	37.3	9,000	LIGHT GREEN
Brief for an <i>Amicus Curiae</i> in Support of the Defendant, Respondent, or Appellee, on the Merits or in an Original Action at the Exceptions Stage	37.3	9,000	DARK GREEN
Reply to Plaintiff's Exceptions to Report of Special Master	17	15,000	ORANGE
Reply to Exceptions by Party Other than Plaintiff to Report of Special Master	17	15,000	YELLOW
Reply Brief on the Merits	24.4	6,000	YELLOW
Petition for Rehearing	44	3,000	TAN



**SAMPLE COVER**

No. \_\_-\_\_

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IN THE

**Supreme Court of the United States**

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RECORD PRESS, INC.,

*Petitioner,*

—v.—

ALL OTHER PARTIES,

*Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE \_\_\_\_ CIRCUIT

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**PETITION FOR A WRIT OF CERTIORARI**

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ATTORNEY NAME

*Counsel of Record*

LAW FIRM

Address

Phone

Email Address

*Attorneys for Petitioner*

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