

SEVENTH CIRCUIT CIVIL APPELLATE PROCEDURE ▶ AT A GLANCE

I: NOTICE OF APPEAL

- ▶ Generally due within 30 days of appealable decision entered on docket, FRAP 4(a)(1)(A); certain post-judgment motions will toll appeals from final judgments, FRAP 4(a)(4)(A); use FRAP Form 1; file with Dist.Ct.; pay \$505 in fees; for interlocutory appeals, consult 28 U.S.C. §1292 and FRAP 3(a)(4) & 5; file w/Dist.Ct.
- ▶ Cross and other appeals due latter of 30 days after entry of appealable decision or 14 days after first notice filed, FRAP 4(a)(3); file w/Dist.Ct.

2: DISCLOSURE STATEMENT/APPEARANCE

- ▶ Each attorney must file with Ct.App. a disclosure statement, Cir.R. 26.1; serves as attorney's appearance; due w/first filing and no later than 21 days after docketing; use form on Ct.App. website.

3: DOCKETING STATEMENT

- ▶ Appellant must file within 7 days of filing notice of appeal, Cir.R. 3(c)(1); for contents, see Cir.R. 28(a); if filing with notice of appeal, file in Dist.Ct.; if filing after, file in Ct.App.
- ▶ If not complete and correct, appellee must so state and file its own within 14 days after filing of appellant's, Cir.R. 3(c)(1); file w/Ct.App.

4: RECORD

- ▶ Appellant/appellee must file with Dist.Ct. designation of record within 14 days of filing notice of appeal if any items listed in Cir.R. 10(a) should be included in record.
- ▶ If in S.D.Ind., and if designating items under Cir.R. 10(a), appellant must serve proposed joint designation with notice of appeal; joint or separate designation(s) due 14 days after filing of notice of appeal, S.D.Ind.L.R. 76-1.

5: TRANSCRIPT

- ▶ Appellant must file with Dist.Ct. transcript information sheet within 14 days of filing notice of appeal, even when ordering no transcript, FRAP 10(b)(1) & Cir.R. 10(c); if no or only a partial transcript ordered, also file statement of issues, FRAP 10(b)(3)(A); arrange for payment.
- ▶ Appellee must file with Dist.Ct. designation of additional parts of transcript as needed within 14 days of appellant's filing(s), FRAP 10(b)(3)(B); within 14 days thereafter, and as necessary, appellee may order the additional parts designated or move in Dist.Ct. for order requiring appellant to do so, FRAP 10(b)(3)(C).

6: APPELLANT'S BRIEF

- ▶ Unless ordered by Ct.App. otherwise, due 40 days after docketing of appeal, FRAP 31(a)(1) & Cir.R. 31(a); limited to 30 pp./14,000 words, FRAP 32(a)(7); see FRAP 28 & Cir.R. 28 for contents; include certificate of compliance, FRAP 32(a)(7)(C); include judgment/order and any other required materials in appendix, Cir.R. 30(a) & (b); certify appendix contains required materials, Cir.R. 30(d).
- ▶ File electronically, Cir.R. 25; file hard copies with blue cover as directed thereafter by Ct.App., see FRAP 32(a)(2).

7: APPELLEE'S BRIEF

- ▶ Unless ordered by Ct.App. otherwise, due 30 days after service of opening brief, FRAP 31(a)(1); due within 33 days if served by mail/electronically, FRAP 26(c); limited to 30 pp./14,000 words, FRAP 32(a)(7); see FRAP 28(b) & Cir.R. 28(b) for contents; include certificate of compliance, FRAP 32(a)(7)(C).
- ▶ File any supplemental appendix, Cir.R.30(e).
- ▶ File electronically, Cir.R. 25; file hard copies with red cover as directed thereafter by Ct.App., see FRAP 32(a)(2).

8: REPLY BRIEF

- ▶ Unless ordered by Ct.App. otherwise, due 14 days after service of response and at least 7 days before oral argument, FRAP 31(a)(1); due within 17 days if served by mail/electronically, FRAP 26(c); limited to 15 pp./7,000 words, FRAP 32(a)(7); see FRAP 28(c) for required contents.
- ▶ File electronically, Cir.R. 25; file hard copies with gray cover as directed thereafter by Ct.App., see FRAP 32(a)(2).

9: ORAL ARGUMENT

- ▶ May include with principal brief a statement explaining why argument is (or is not) appropriate, FRAP 34(a)(1) & Cir.R. 34(f).
- ▶ File promptly letter making request to avoid scheduling conflict, Cir.R. 34(b)(3).
- ▶ Notify Ct.App. Clerk no later than 5 business days in advance of argument date of person presenting oral argument, Cir.R. 34(a).
- ▶ Consult FRAP 34, Cir.R. 34, and Practitioner's Handbook for procedures governing oral argument.

10: REHEARING PETITION

- ▶ Any petition generally due within 14 days after filing of dispositive order or opinion, FRAP 35(c), 40(a) & Cir.R. 40(c), (d); limited to 15 pp., FRAP 35(b)(2) & 40(b); for required contents, see FRAP 40(a)(2) & Cir.R. 35, 40(a).
- ▶ If petitioning for rehearing en banc, begin petition with statement required by FRAP 35(b).
- ▶ File electronically, Cir.R. 25; file hard copies with white cover as directed thereafter by Ct.App., see FRAP 32(c)(2).
- ▶ No response permitted unless ordered by Ct.App., FRAP 35(e) & 40(a)(3).

II: CERT. PETITION

- ▶ Due 90 days after entry of judgment or denial of discretionary review by state court of last resort, S.Ct.R. 13.1, or from denial of rehearing, S.Ct.R. 13.3; for contents, see S.Ct.R. 14; limited to 9,000 words + white cover, S.Ct.R. 14.3 & 33.1(g)(i).
- ▶ Response due 30 days after case is docketed, S.Ct.R. 15.3; for contents, see S.Ct.R. 15.2; limited to 9,000 words + orange cover, S.Ct.R. 15.2 & 33.1(g)(ii).
- ▶ Reply due ASAP, S.Ct.R. 15.6; for contents, see S.Ct.R. 15.6; limited to 3,000 words + tan cover, S.Ct.R. 33.1(g)(iii).
- ▶ Hire a professional for formatting, copying, filing, etc.

INDIANA APPELLATE PROCEDURE ▶ AT A GLANCE

*For further guidance on e-filing, go to www.in.gov/judiciary.

**Note in particular that parties do not get three extra days when responding to an e-served document.

1: NOTICE OF APPEAL

- ▶ Due 30 days after appealable decision is noted in Chronological Case Summary, App.R. 9(A); timely motion to correct error will temporarily toll appeals from final judgments, App.R. 9(A)(1); use Form 9-1; file conventionally with Ct. App.; pay \$250 filing fee; for interlocutory appeals, consult App.R. 14.
- ▶ Unless otherwise permitted all documents must be e-filed, App.R. 68(C)(1).
- ▶ Appellee has 15 days after filing of notice of appeal to file appearance, App.R. 16(B); use Form 16-1.

2: RECORD

- ▶ Trial court clerk/agency has 30 days after filing of notice of appeal to issue notice of completion of clerk's record, App.R. 10(B) & (C).
- ▶ If not timely issued, appellant has 7 days to file motion to compel with Ct. App., App.R. 10(F).

3: TRANSCRIPT

- ▶ Court reporter has 45 days after filing of notice of appeal to file transcript with trial court/agency, App.R. 11(B).
- ▶ Trial court clerk/agency has 5 days after filing of transcript to issue notice of completion of transcript (assuming transcript wasn't already complete when notice of completion of clerk's record was issued), App.R. 10(D).
- ▶ If not timely completed/issued, appellant has 7 days to file motion to compel with Ct. App., App.R. 10(G) & 11(D).

4: OPENING BRIEF

- ▶ Due 30 days after: (1) service of notice of completion of clerk's record noting transcript is complete or no transcript was requested; or (2) in all other cases, service of notice of completion of transcript, App. 45(B)(1).
- ▶ Limited to 30 pp./14,000 words; see App.R. 46(A) for contents; include judgment/order in the same e-filing.
- ▶ File appendix (if filed at the same time as brief, e-file as an attachment to brief); see App.R. 50 for required contents; verify per App.R. 50(A)(2)(i).

5: RESPONSE BRIEF

- ▶ Due 30 days after service of opening brief, App.R. 45(B)(2).
- ▶ Limited to 30 pp./14,000 words; see App.R. 46(B) for contents.
- ▶ File any supplemental appendix; see App.R. 50 for required contents; verify per App.R. 50(A)(2)(i).

Steps 4, 5, 6, 8, & 9 ▶ All pages of all briefs/petitions, including cover, must be consecutively numbered, App.R. 43(F), and include headers (except the front page), App.R. 43(H).

6: REPLY BRIEF

- ▶ Due 15 days after service of response, 45(B)(3); limited to 15 pp./7,000 words; see App.R. 46(C) for required contents.
- ▶ If responding to cross-appeal, then due 30 days after service of response, App.R. 45(B)(3) (limited to 30 pp./14,000 words); any cross-appellant's reply brief due 15 days after service of cross-appellee's reply brief, App.R. 45(B)(4) (limited to 15 pp./7,000 words); consult App.R. 46(D) generally.

7: ORAL ARGUMENT

- ▶ Motions for oral argument due 7 days after last reply brief was due, App.R. 52(B); response due within 15 days of service, App.R. 34(C), replies require Ct. permission, App.R. 34(D).
- ▶ If granted, acknowledgment due 15 days after service of order setting argument, App.R. 52(C).
- ▶ Consult App.R. 53 for procedures governing oral argument.

8: REHEARING

- ▶ Any petition for rehearing due 30 days after decision, App.R. 54(B); limited to 10 pp./4200 words.
- ▶ Response due 15 days after service of petition, App.R. 54(C).
- ▶ Consult App.R. 54(F) for form and arrangement of petition/response.
- ▶ Replies prohibited, App.R. 54(D).

9: TRANSFER

- ▶ Transfer petition due 30 days after decision, App. R. 57(C); 10 pp./4200 words; see App.R. 57(G) for contents.
- ▶ Response due 20 days after service, App.R. 57(D); 10 pp./4200 words.
- ▶ Reply due 10 days after service, App.R. 57(E); 3 pp./1,000 words.



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