

COMMITTEE NOTE: All except subsections (f)(4), (5), (6) and (g) - former 6th Cir. R. 11; (f)(4) - former 6th Cir. R. 12 (d); (f)(5) - former I.O.P. 16.13; (f)(6) - former 6th Cir. R. 30(b); (g) - former I.O.P. 16.11.

6 Cir. I.O.P. 30 [Reserved]

COMMITTEE NOTE: No corresponding 6 Cir. I.O.P.

FRAP 31 Serving and Filing Briefs

(a) Time to Serve and File a Brief.

(1) The appellant must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the appellant's brief is served. The appellant may serve and file a reply brief within 14 days after service of the appellee's brief but a reply brief must be filed at least 3 days before argument, unless the court, for good cause, allows a later filing.

(2) A court of appeals that routinely considers cases on the merits promptly after the briefs are filed may shorten the time to serve and file briefs, either by local rule or by order in a particular case.

(b) Number of Copies. Twenty-five copies of each brief must be filed with the clerk and 2 copies must be served on each unrepresented party and on counsel for each separately represented party. An unrepresented party proceeding in forma pauperis must file 4 legible copies with the clerk, and one copy must be served on each unrepresented party and on counsel for each separately represented party. The court may by local rule or by order in a particular case require the filing or service of a different number.

(c) Consequence of Failure to File. If an appellant fails to file a brief within the time provided by this rule, or within an extended time, an appellee may move to dismiss the appeal. An appellee who fails to file a brief will not be heard at oral argument unless the court grants permission.

6 Cir. R. 31 Filing and Service of a Brief

(a) Number of Copies. Within the time provisions of the briefing schedule established by this Court, each party shall file one original, signed "proof" brief with the clerk and shall serve one copy of the "proof" brief on all other parties. Within 21 days of the filing of a proper joint appendix as provided in 6 Cir. R. 30, each party shall file one original,

signed “final” brief and six copies of the “final” brief with the clerk and shall serve two copies of the “final” brief on each opposing party.

Where the appellant is proceeding pro se and the appellee will be preparing the appendix, no “proof” brief will be required. Rather, each party shall file one original signed brief and six copies thereof with the clerk, and shall serve two copies of the brief on each opposing party.

- (b) **Time for Filing.** Briefing schedules will be set in each individual case in accordance with FRAP 26 and 31. These schedules will identify the date by which the briefs must be filed. When the appeal is from a sentence of death, the time requirements of 6 Cir. R. 22(c)(8) apply.
- (c) **Electronic Briefs.** In addition to filing the required paper copies of the brief, a party may file an electronic brief in CD-ROM format subject to the following requirements. The paper submission will be the official version for the court’s purposes. Except as specifically noted, the filing of an electronic brief does not affect the other requirements of these Rules governing the preparation, filing, and service of the brief.
 - (1) A CD-ROM brief shall be identical to the paper brief filed with the court, including identical pagination. The party preparing the brief shall convert the word processing document to Adobe Acrobat ® PDF format prior to printing the final version of the paper brief.
 - (2) In addition to the inclusions required by Fed.R.App. P. 28 and 6 Cir. R. 28, a CD-ROM brief may contain hyperlinks to cases, statutes, reference materials, and such other items as may be relevant to the appeal, subject to the following:
 - (A) Hyperlinks shall link directly to the cited page(s) of the linked document;
 - (B) Hyperlinks shall link only to documents filed on the same CD-ROM, and not directly to the internet or other external sources.
 - (3) Format
 - (A) All files in a CD-ROM submission shall be in Adobe Acrobat® format, version 5 or later.
 - (B) The CD-ROM shall not be bootable.
 - (C) The file for the brief shall be prepared through direct conversion from the word processing file, and not through scanning. Whenever possible, other files to be included on the CD-ROM shall be prepared in the same fashion.
 - (D) Files shall be configured to allow selecting and printing. All fonts used in a file shall be imbedded in the file.
 - (E) The table of contents shall contain hyperlinks to the first page of each document on the CD-ROM, and my contain hyperlinks to pages within the

documents. Each hyperlink shall clearly identify the document it references.

4. Time and Form of Filing.

- (A) CD-ROM briefs shall be filed not later than ten days after the filing of the final paper briefs, unless the court directs otherwise.
- (B) Two copies of the CD-ROM shall be filed, unless the court requests the filing of additional copies.
- (C) One copy of the CD-ROM shall be served on each party separately represented and on each pro se party. A certificate of service shall accompany each submission.
- (D) Each CD-ROM shall be packaged in a standard container commonly known as a “jewel case” or other secure container. A simple paper sleeve shall not suffice for this purpose.
- (E) Each submission shall be labeled with the short title of the case, the court of appeals docket number, the date of submission, and the name of the party making the submission. The label shall appear on the CD-ROM itself and on the jewel case or other container. Where a submission includes multiple CD-ROMs each shall be labeled as above, with the additional identification as “CD-ROM 1 of 2”, etc.
- (F) Each CD-ROM shall indicate a signature (/s/) of counsel or the pro se litigant making the submission, without the need to include an electronic signature.

COMMITTEE NOTE: Former 6th Cir. R. 10(a) and (j).

6 Cir. I.O.P. 31 [Reserved]

COMMITTEE NOTE: No corresponding 6 Cir. I.O.P.

FRAP 32 Form of Briefs, Appendices, and Other Papers

(a) Form of a Brief.

(1) Reproduction.

- (A) A brief may be reproduced by any process that yields a clear black image on light paper. The paper must be opaque and unglazed. Only one side of the paper may be used.