

SAMPLE BRIEF FORMATS

THE LANGUAGE IN THE SAMPLES, I.E. THE REQUESTS FOR ORAL ARGUMENT, THE STATEMENTS OF JURISDICTION, FORWARDING LETTERS, ETC., MAY NOT APPLY TO YOUR CASE. YOU WILL HAVE TO TAILOR YOUR BRIEFS TO THE SPECIFICS OF YOUR CASE AND USE YOUR OWN LANGUAGE. THESE FORMATS ARE ONLY AN ORGANIZATIONAL AND ILLUSTRATIVE GUIDE, NOT A FORM TO BE SUBMITTED IN EACH CASE.

These formats are designed to assist you in preparing your briefs, but you must closely read Fed. R. App. P. 28 and 32, and 5th Cir. R. 28 and 32 to ensure your brief is correctly prepared. We also provide a [brief filing checklist](#) on our website assist you further. Please note, these are samples of the electronic version of the documents. Paper copies must have the required covers with the proper color and binding. We hope this information is of help to you.

Important notice regarding citations to the record on appeal to comply with the recent amendment to Fifth Circuit Rule 28.2.2.

Parties are directed to use the new ROA citation format in Fifth Circuit Rule 28.2.2 **only** for electronic records on appeal with pagination that includes the case number followed by a page number, in the format "YY-NNNNN.####." In single record cases, the party will use the shorthand "ROA.####" to identify the page of the record referenced. For multi-record cases, the parties will have to identify which record is cited by using the entire format (for example, ROA.YY-NNNNN.####.)

Parties may not use the new citation formats for USCA5 paginated records. For those records, parties must cite to the record using the USCA5 volume and or page number.

In cases with both pagination formats, parties must use the citation format corresponding to the type of record cited.

Explanation: In 2013, the court adopted the Electronic Record on Appeal (EROA) as the official record on appeal for all cases in which the district court created the record on appeal on or after 4 August 2013. Records on appeal created on or after that date are paginated using the format YY-NNNNN.####. The records on appeal in some cases contain both new and old pagination formats, requiring us to adopt the procedures above until fully transitioned to the EROA.

The recent amendment to Fifth Circuit Rule 28.2.2 was adopted to permit a court developed computer program to automatically insert hyperlinks into briefs and other documents citing new EROA records using the new pagination format. This program provides judges a ready link to the pages in the EROA cited by parties. The court intended the new citation format for use **only** with records using the new EROA pagination format, but the Clerk's Office failed to explain this limitation in earlier announcements