

28.4 Signing the Brief

All briefs must be signed in accordance with the provision of L.A.R. 46.4. Electronic briefs may be signed with either an electronically generated signature or “s/ typed name” in the signature location. Counsel’s state Bar number, if any, and address and phone number must be included with the signature.

Source: Fed. R. Civ. P. 11

Cross-references: L.A.R. 46.4; L.A.R. Misc. 113.4

Committee Comments: This rule is derived from Fed. R. Civ. P. 11 which requires signatures on all papers. The signing of documents is important because it constitutes a certificate by the attorney or party that he or she has read the pleading or brief to ensure that it complies with all federal and local rules. The requirement is interpreted broadly and the attorney of record may designate another person to sign the brief. If a party is represented by multiple counsel, the signature from only one attorney of record is required.

28.5 Page Limitations in Cross Appeals (Abrogated in 2008 as duplicative of F.R.A.P. 28.1)**L.A.R. 29.0 AMICI CURIAE BRIEFS****29.1 Time for Filing Amici Curiae Briefs on Rehearing**

(a) In a case ordered for rehearing before the court en banc or before the original panel, if the court permits the parties to file additional briefs, any amicus curiae must file its brief in accordance with Rule 29(e) of the Federal Rules of Appellate Procedure. In a case ordered for rehearing in which no additional briefing is directed, unless the court directs otherwise, any new amicus must file a brief within 28 days after the date of the order granting rehearing, and any party may file a response to such an amicus brief within 21 days after the amicus brief is served. Before completing the preparation of an amicus brief, counsel for an amicus curiae must attempt to ascertain the arguments that will be made in the brief of any party whose position the amicus is supporting, with a view to avoiding any unnecessary repetition or restatement of those arguments in the amicus brief.

(b) The statement required by FRAP 29(c)(4) does not count toward the word limitations of FRAP 32(a)(7)

Source: None

Cross-references: FRAP 29(e)

Committee Comments: New provision in 2000. Subsection (b) was added in 2008.

L.A.R. 30.0 APPENDIX TO THE BRIEFS

30.1 Number to be Filed

(a) Counsel must electronically file the appendix in accordance with L.A.R. Misc. 113.

(b) In addition to the electronic appendix, four paper copies of the appendix must be filed for the convenience of the court, unless otherwise ordered.

(c) In addition to an electronic and paper appendix, hyperlinks to the appendix may be added to the brief. If hyperlinks are used, the brief must also contain immediately preceding the hyperlink a reference to the paper appendix page. Hyperlinks to testimony must be to a transcript. A motion must be filed and granted seeking permission to hyperlink to an audio or video file before such links may be included in the brief or appendix. Hyperlinks may not be used to link to sealed or restricted documents.

(d) In Virgin Island cases only, one additional copy of the appendix must be filed with the clerk of the district court in the location from which the appeal is taken (St. Thomas or St. Croix).

(e) When hearing or rehearing by the court en banc is ordered, the parties will be directed to file additional paper copies for the court's use.

Source: 1988 Court Rule 10.1

Cross-references: FRAP 30(a); 3d Cir. L.A.R. 31.1 and L.A.R. Misc. 113.

Committee Comments: The portions of prior Court Rule 10.1 that were repetitive of FRAP 30(a) were deleted in 1995. The rule now clarifies that upon the grant of a petition for rehearing, additional copies of the appendix as well as the briefs will be ordered. Otherwise no substantive change from prior Court Rule 10.1 is intended. The requirement of electronic filing was added in 2008. **See addendum to these rules for alternative to electronic filing.**

30.2 Hearing on Original Papers

In cases involving applications for a writ of habeas corpus under 28 U.S.C. §§ 2241, 2254 or 2255, or when permission has been granted for the appellant to proceed in forma pauperis, the appeal will be heard on the original record. Appellants in such cases must strictly