

Appellate Practice Snapshot

(TO BE USED AS A GUIDELINE – NOT A SUBSTITUTE FOR THE RULES)

Deadlines - Appeals from Circuit Courts

<i>Document</i>	<i>Alabama Rules of Appellate Procedure (ARAP)</i>
Notice of Appeal (Appeals Generally)	42 days from the date of judgment, order or decree of the trial court (Rule 4)
Notice of Cross-Appeal	14 days from the date first <i>Notice of Appeal</i> filed (Rule 4(a)(2))
Completion of the Clerk's Record	28 days from the date of filing the Notice of Appeal (Rule 11(a)(1)) + up to 42 days if extensions are granted (Rule 11(c))
Completion of the Reporter's Transcript	56 days from the date of filing the Notice of Appeal (Rule 11(a)(2)) + up to 84 days if extensions are granted (Rule 11(c))
Completion of the Record on Appeal	7 days from the date of filing reporter's transcript in trial court clerk's office (Rule 11(a)(3))
Requests to supplement or correct the record — Civil	No specific deadline provided by the Rules. (See Rule 10(f))
Requests to supplement or correct the record — Criminal	14 days from the date shown on the certificate of completion of the record on appeal (Rule 10(g))

Deadlines – Miscellaneous

<i>Document</i>	<i>Authority</i>
Notice of Appeal from certain interlocutory orders	14 days from the date of order (ARAP Rule 4(a)(1))
Notice of Appeal from any judgment in an action for the validation of public obligations; and any final order or judgment issued by a Juvenile Court and Child Support cases	14 days from the date of order (ARAP Rule (a)(1)) (See also (ARJP Rule 28(c))
Notice of Appeal from Arbitration Awards	30 days from the date of service of notice of the arbitration award (ARCP Rule 71B)
Notice of Appeal from Probate Court	Varies based on subject matter. Refer to <i>Code of Alabama 1975</i> §12-22-2, 12-3-10, and 18-1A-283, 18-1A-286, 26-10A-26 (adoptions), 22-52-15 (commitments)

Filing Deadlines – Appellate Courts

<i>Document</i>	<i>Alabama Rules of Appellate Procedure (ARAP)</i>
Appellant’s Brief	28 days from the date shown on the copy of the certificate of completion of the record on appeal. (Rule 31(a))
Appellee’s Brief	21 days from the date of filing of Appellant’s Brief (Rule 31(a))
Appellant’s Reply Brief	14 days from the date of filing of Appellee’s Brief (Rule 31(a))
Petition for a Writ of Certiorari of decisions of the Court of Civil Appeals	14 days from the date of release of the decision of the Court of Civil Appeals (Rule 39(b)(3))
Petition for a Writ of Certiorari of decisions of the Court of Criminal Appeals	14 days from the date of decision of the Court of Criminal Appeals on the application for rehearing — or, in the case of a pretrial appeal by the state in a criminal case within 7 days of the judgment of the Court of Criminal Appeals or within 7 days of that court's order overruling an application for rehearing (Rule 39(c)(2))
Application for Rehearing and Brief in Support	14 days — or, in the case of a pretrial appeal by the state in a criminal case, within 7 days — from the date of the decision by the appellate court (Rule 40(c))
Brief Opposing Application for Rehearing	14 days — or, in the case of a pretrial appeal by the state in a criminal case, within 7 days — from the date of the filing of the application and the brief in support of the application (Rule 40(f))
Supplemental Briefs on Return to Remand	28 days from date shown on certificate of completion of record on return to remand (Rule 28A(b))
Responsive Supplemental Brief	Within 21 days after the filing of the original party's supplemental brief (Rule 28A(b))
Reply Supplemental Brief	Within 14 days after the filing of the responsive supplemental brief (Rule 28A(b))

Docket Fees

<i>Type of Appeal</i>	<i>Filing Fee (ARAP Rule 35A)</i>
Appeals in Civil and Criminal cases	\$200.00 (Rule 35A(a)(1) and Rule 35A(b))
For review by certiorari (as provided for in Rules 3 and 39)	\$150.00 (Rule 35A(a)(3))
Extraordinary Writs (e.g., Petition for Mandamus or Prohibition)	\$150.00 (Rule 35A(a)(2))
Petition for a Writ of Certiorari to the Court of Criminal Appeals	\$0.00 (Rule 21(a)(2))

Petition for Permission to Appeal	\$150.00 at time of filing and \$50.00 within 14 days of the order granting permission to appeal (Rule 35A(a)(4))
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Briefs: Number of Copies*

<i>Appellate Court</i>	<i>Number of Copies (ARAP Rule 31(b))</i>
Supreme Court	One original and nine (9) copies
Court of Criminal Appeals	One original
Court of Civil Appeals	One original and five (5) copies

*If the original is e-filed, submit only the remaining copies in hardcopy format. The clerk of an appellate court may direct that a greater or lesser number of briefs be filed.

Briefs: Color, Length, and Content

<i>Document</i>	<i>Front Cover (ARAP Rules 28(d), 28A(a))</i>	<i>Length (ARAP Rules 28(j), 28A & 32)</i>	<i>Content for All Briefs (ARAP Rule 28)</i>
Brief of the Appellant/Petitioner	Blue*	14,000 words (70 pages if pro se); 16,00 words (80 pages if pro se) (Capital cases)	<ol style="list-style-type: none"> 1. Statement Regarding Oral Argument 2. Table of Contents 3. Statement of Jurisdiction 4. Table of Authorities 5. Statement of the Case 6. Statement of the Issues 7. Statement of the Facts 8. Statement of the Standard of Review 9. Summary of the Argument 10. Argument 11. Conclusion 12. Certificate of Compliance* 13. Certificate of Service
Brief of the Appellee/Respondent	Red	14,000 words (70 pages if pro se); 16,000 (80 pages if pro se) (Capital cases)	
Reply Brief of the Appellant/Petitioner	Gray	7,000 words (35 pages if pro se); 8,000 (40 pages if pro se) (Capital cases)	
Supplemental Brief	Same color as initial brief of principal party	10,000 words (50 pages if pro se); 12,000 words (60 pages if pro se) (Capital cases)	
Responsive Supplemental Brief	Same color as initial brief of party	10,000 words (50 pages if pro se); 12,00 words (30 pages) (Capital cases)	
Reply Supplemental Brief	Same color as initial brief of party	5,000 words (25 pages if pro se); 12,000 words (30 pages if pro se) (Capital cases)	

Petition for Writ of Mandamus or Prohibition	White	6,000 words (30 pages if pro se)	Rule 21 1. Table of Authorities 2. Statement of the Case 3. Statement of Facts 4. Statement of Issues 5. Statement of Why Writ Should Issue 6. Appendix
Amicus Curiae	Green	Same as brief of principal party that is supported	

*Except for filings by parties acting *pro se*

Other Appellate Documents: Color and Length

<i>Document</i>	<i>Front Cover*</i> (ARAP Rule 28(d))	<i>Length</i> (ARAP Rules 32, 39, 40)	<i>Number of copies</i> (ARAP Rules 31 & 39)
Application for Rehearing & Brief in Support	White	3,000 words 15 pages if pro se) (application for rehearing) 3,000 (15 pages if pro se) (brief in support)	Supreme Court - One original and nine (9) copies Criminal Appeals – One original
Permission to Appeal	White	4,000 words (20 pages if pro se) (petition); 2,000 words (10 pages if pro se) (petitioner's reply)	Civil Appeals – One original and five (5) copies
Motions and Memoranda in Support	White	2,000 words (10 pages if pro se)	
Petition for Writ of Certiorari and Extraordinary Writs	Petition-White Appellant's brief-Blue Respondent's brief-Red Petitioner's brief-Gray	3,000 words (15 pages if pro se) (certiorari) 6,000 words (30 pages if pro se) (extraordinary writ)	One original and nine (9) copies of the petition shall be filed with the clerk of the Supreme Court; one copy shall be filed with the clerk of the appropriate court of appeals; and one copy shall be served on each party to the proceeding in the court of appeals, including those parties not joining in the petition.

*Except for filings by parties acting *pro se* and where no color is specified the cover shall be white.

Checklist for All Documents Filed with Appellate Courts*

<i>Requirement</i>	<i>ARAP Rule 32</i>	<input checked="" type="checkbox"/>
Paper Size, Line Spacing, & Margins	8½ by 11-inch paper, double-spaced text, and page numbers may be placed in the margins	
Font and Type Style	Font - Century Schoolbook 14 style (to include footnotes); italics or boldface may be used for emphasis	
Binding for Briefs & Petitions	Bound on the left in a secure manner that does not hide any of the text and that will lie reasonably flat when open	
Binding for Motions and Documents (except for briefs)	Stapled/fastened on the top left corner, and the staple or other fastener must be secured by tape	
Front Cover of Briefs & Extraordinary Writs	<ul style="list-style-type: none"> - Appellate court docket number assigned to the case - Title of the appellate court - Title of the action (e.g., appeal, motion, etc.) - Title of the document (e.g. Brief of the Appellant) - Name of court or agency appealed from - Names, addresses, phone, and e-mail addresses of counsel of record or of the party filing the document if self-represented - The phrase "Oral Argument Requested," if oral argument is requested - An indication whether the brief should not be made available to the public on an online electronic database based upon the provisions of Rule 52 or Rule 56 of these rules 	
Front Page of Documents Filed with The Court Other Than Briefs And Petitions for A Writ of Certiorari	<ul style="list-style-type: none"> - Appellate court docket number assigned to the case -Name of the appellate court - Style of the case in the appellate court (See Rule 12(a)) -Nature of the proceeding (e.g., appeal, petition for writ of certiorari, motion) and the name of the court, agency, or board that decided the case below) - Title of the action (e.g., motion, petition for writ of a certiorari) - Title of the document (e.g. "Appellant's Motion to Strike", "Appellee's Motin to Dismiss"), identifying the party or parties on whose behalf the document is filed - An indication whether the brief should not be made available to the public on an online electronic database based upon the provisions of Rule 52 or Rule 56 of these rules 	
Signature Page of Documents Other Than Briefs and Petitions Filed With the Court	Name, office address, telephone number, and e-mail address of counsel of record or of the party filing the document if self-represented	

Certificate of Service	Names and addresses of all attorneys or pro se parties upon whom the brief has been served as required by Rule 31(b)	
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*This checklist is not intended to be a comprehensive guide to appellate practice. For that, you should consult the Alabama Rules of Appellate Procedure when pursuing an appeal. Rule changes can be viewed online at <http://judicial.state.al.us>. See “Quick Links – Rule Changes.”