

**The contents of a brief are set out in
FRAP 28 and the accompanying Eleventh Circuit Rules.**

No. [Insert 11th Circuit Case Number]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

[Insert Name(s) of Plaintiff(s)],

Plaintiff-Appellant [or Plaintiff-Appellee, or Petitioner],

v.

[Insert Name(s) of Defendant(s)]

Defendant-Appellee [or Defendant-Appellant, or Respondent].

Appeal [or Petition for Review] from the United States District Court
for the [____] District of [____] [or Agency or Board]

No. [insert district court case number]

**APPELLANT'S OPENING BRIEF
[OR APPELLEE'S ANSWER BRIEF*]
[OR APPELLANT'S REPLY BRIEF*]**

[Name of Counsel or Pro Se Party]
[Office Address of Counsel or Pro Se Party]
[Telephone # of Counsel or Pro Se Party]

Attorneys for Appellant [or Appellee]
[Insert Client's Name(s)]

*See footnote 2 on page vi of this document.

**No. [Insert 11th Circuit Case Number]
[Insert Name of First-Listed Plaintiff or Petitioner v. Name of First-Listed
Defendant or Respondent)]**

**Certificate of Interested Persons and
Corporate Disclosure Statement¹**

[Insert a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) that complies with FRAP 26.1 and the accompanying circuit rules. The CIP must list persons (last name first) and entities in alphabetical order, have only one column, and be double-spaced. In general, a CIP must contain a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

In criminal and criminal-related appeals, the CIP must also disclose the identity of any victims. In bankruptcy appeals, the CIP must also identify each debtor, the members of the creditor's committee, any entity which is an active

¹ The CIP contained in the second and all subsequent briefs filed may include only persons and entities omitted from the CIP contained in the first brief filed and in any other brief that has been filed. Filers who believe that the CIP contained in the first brief filed and in any other brief that has been filed is complete must certify to that effect.

participant in the proceedings, and other entities whose stock or equity value may be substantially affected by the outcome of the proceedings.

example:

Corporate Entity 1 (CE)

Doe, John

Judge, U.S. District Judge

Roe, Jane

“Vicky,” Victim

Statement Regarding Oral Argument

[Include a short statement of whether or not oral argument is desired, and if so, the reasons why oral argument should be heard.]

[Brief Formatting: The text must be double-spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.]

[Font: Either a proportionally spaced or a monospaced face may be used. A proportionally spaced face must include serifs, but sans-serif type may be used in headings and captions. A proportionally spaced face must be 14-point or larger, while a monospaced face may not contain more than 10 1/2 characters per inch.]

[Type Styles: A brief must be set in a plain, roman style, although italics or boldface may be used for emphasis. Case names must be italicized or underlined.]

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Table of Citations

[Include the locations in the brief of citations, and include asterisks in the margin identifying the citations upon which the party primarily relies. Citations must comply with the rules of citation in the latest edition of either the “Bluebook” (*A Uniform System of Citation*) or the “ALWD Guide” (*Association of Legal Writing Directors’ Guide to Legal Citation*).]

Cases Page(s)

[Insert all cases cited in the brief in alphabetical order by case name. Identify all pages in the brief where the case appears.]

example:

* <i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 558 (2007)	6, 8, 10
<i>Berke v. Bloch</i> , 242 F.3d 131 (3d Cir. 2001)	1, 7

Statutes

[Insert all statutes cited in the brief in numerical order by U.S. Code title and section.]

example:

28 U.S.C. § 1292	6, 8, 10
42 U.S.C. § 1983	1

Regulations

example:

8 C.F.R. § 1001(a)1

Rules

example:

FRAP 4(a)(1)(A).....2

FRCP 12(b)(6) 3, 6, 10

Other Authorities

example:

Restatement (Second) of Torts § 12166

Black’s Law Dictionary (8th ed. 1999)9

Statement Regarding Adoption [optional]

[A party who adopts by reference any part of the brief of another party pursuant to FRAP 28(i) must include a statement describing in detail which briefs and which portions of those briefs are adopted. The adoption by reference of any part of the brief of another party pursuant to FRAP 28(i) does not fulfill the obligation of a party to file a separate brief which conforms to 11th Cir. R. 28-1, except upon written motion granted by the court.]

Jurisdictional Statement²

[The jurisdictional statement must contain: (1) the basis for the district court's or agency's subject-matter jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction; (2) the basis for the court of appeals' jurisdiction, with citations to applicable statutory provisions and stating relevant facts establishing jurisdiction; (3) the filing dates establishing the timeliness of the appeal or petition for review; and (4) an assertion that the appeal is from a final order or judgment that disposes of all parties' claims, or information establishing the court of appeals' jurisdiction on some other basis]

² An appellee's brief need not contain a Jurisdictional Statement, Statement of the Issues, or Statement of the Case if the appellee is satisfied with the appellant's statement.

A reply brief need only contain a cover page, CIP, Table of Contents, Table of Citations, Argument and Citations of Authority, Certificate of Compliance (if required), and a Certificate of Service (if required).

Statement of the Issue(s)

[Identify the issue(s) you are presenting to the Court.]

example:

- I. Whether the district court abused its discretion by imposing a substantively unreasonable sentence

Statement of the Case

[In the statement of the case, as in all other sections of the brief, every assertion regarding matter in the record shall be supported by a reference to the record, as described in 11th Cir. R. 28-5. The statement of the case shall briefly recite the nature of the case and shall then include:

(i) the course of proceedings and dispositions in the court below. **In criminal appeals, counsel must state whether the party they represent is incarcerated;**

(ii) a statement of the facts. A proper statement of facts reflects a high standard of professionalism. It must state the facts accurately, those favorable and those unfavorable to the party. Inferences drawn from facts must be identified as such;

(iii) a statement of the standard or scope of review for each contention. For example, where the appeal is from an exercise of district court discretion, there shall be a statement that the standard of review is whether the district court abused its discretion. The appropriate standard or scope of review for other contentions should be similarly indicated, *e.g.*, that the district court erred in formulating or applying a rule of law; or that there is insufficient evidence to support a verdict; or that fact findings of the trial judge are clearly erroneous under Fed. R. Civ. P. 52(a); or that there is a lack of substantial evidence in the record as a whole to

support the factual findings of an administrative agency; or that the agency's action, findings and conclusions should be held unlawful and set aside for the reasons set forth in 5 U.S.C. § 706(2).]

Summary of the Argument

[The opening briefs of the parties must contain a summary of argument, suitably paragraphed, which should be a clear, accurate and succinct condensation of the argument actually made in the body of the brief. It should not be a mere repetition of the headings under which the argument is arranged. It should seldom exceed two and never five pages.]

Argument

[The argument must contain: (1) appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies; and (2) for each issue, a concise statement of the applicable standard of review (which may appear in the discussion of the issue or under a separate heading placed before the discussion of the issues)]

Conclusion

[Insert a short conclusion stating the precise relief sought from the Court.]

Date: [insert date]

[Insert Counsel's name or firm name]

[insert name of party or counsel filing brief]
[insert name(s) party or counsel]

Attorneys for Appellant [insert name of client]

Certificate Of Compliance

[Include a Certificate of Compliance if required by FRAP 32(g).]

Certificate Of Service

[Include a Certificate of Service if required by FRAP 25(d), which generally requires proof of service if the brief is being served “other than through the court’s electronic-filing system.”]