

# California Rules of Court

## Rule 8.204. Contents and form of briefs

### **(a) Contents**

(1) Each brief must:

(A) Begin with a table of contents and a table of authorities separately listing cases, constitutions, statutes, court rules, and other authorities cited;

(B) State each point under a separate heading or subheading summarizing the point, and support each point by argument and, if possible, by citation of authority; and

(C) Support any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears. If any part of the record is submitted in an electronic format, citations to that part must identify, with the same specificity required for the printed record, the place in the record where the matter appears.

(2) An appellant's opening brief must:

(A) State the nature of the action, the relief sought in the trial court, and the judgment or order appealed from;

(B) State that the judgment appealed from is final, or explain why the order appealed from is appealable; and

(C) Provide a summary of the significant facts limited to matters in the record.

### **(b) Form**

(1) A brief may be reproduced by any process that produces a clear, black image of letter quality. All documents filed must have a page size of 8 1/2 by 11 inches. If filed in paper form, the paper must be white or unbleached and of at least 20-pound weight.

(2) Any conventional font may be used. The font may be either proportionally spaced or monospaced.

(3) The font style must be roman; but for emphasis, italics or boldface may be used or the text may be underscored. Case names must be italicized or underscored. Headings may be in uppercase letters.

(4) Except as provided in (1), the font size, including footnotes, must not be smaller than 13-point, and both sides of the paper may be used.

- (5) The lines of text must be unnumbered and at least one-and-a-half-spaced. Headings and footnotes may be single-spaced. Quotations may be block-indented and single-spaced. Single-spaced means six lines to a vertical inch.
- (6) The margins must be at least 1 1/2 inches on the left and right and 1 inch on the top and bottom.
- (7) The pages must be consecutively numbered. The page numbering must begin with the cover page as page 1 and use only Arabic numerals (e.g., 1, 2, 3). The page number may be suppressed and need not appear on the cover page.
- (8) If filed in paper form, the brief must be filed unbound unless otherwise provided by local rule or court order.
- (9) The brief need not be signed.
- (10) If filed in paper form, the cover must be in the color prescribed by rule 8.40(b). In addition to providing the cover information required by rule 8.40(c), the cover must state:
- (A) The title of the brief;
  - (B) The title, trial court number, and Court of Appeal number of the case;
  - (C) The names of the trial court and each participating trial judge;
  - (D) The name of the party that each attorney on the brief represents.
- (11) If the brief is produced on a typewriter:
- (A) A typewritten original and carbon copies may be filed only with the presiding justice's permission, which will ordinarily be given only to unrepresented parties proceeding in forma pauperis. All other typewritten briefs must be filed as photocopies.
  - (B) Both sides of the paper may be used if a photocopy is filed; only one side may be used if a typewritten original and carbon copies are filed.
  - (C) The type size, including footnotes, must not be smaller than standard pica, 10 characters per inch. Unrepresented incarcerated litigants may use elite type, 12 characters per inch, if they lack access to a typewriter with larger characters.

**(c) Length**

- (1) A brief produced on a computer must not exceed 14,000 words, including footnotes. Such a brief must include a certificate by appellate counsel or an unrepresented party stating the number of words in the brief. The person certifying may rely on the word count of the computer program used to prepare the brief.

- (2) A brief produced on a typewriter must not exceed 50 pages.
- (3) The tables required under (a)(1), the cover information required under (b)(10), the Certificate of Interested Entities or Persons required under rule 8.208, a certificate under (1), any signature block, and any attachment under (d) are excluded from the limits stated in (1) or (2).
- (4) A combined brief in an appeal governed by rule 8.216 must not exceed double the limits stated in (1) or (2).
- (5) On application, the presiding justice may permit a longer brief for good cause.

**(d) Attachments to briefs**

A party filing a brief may attach copies of exhibits or other materials in the appellate record or copies of relevant local, state, or federal regulations or rules, out-of-state statutes, or other similar citable materials that are not readily accessible. These attachments must not exceed a combined total of 10 pages, but on application the presiding justice may permit additional pages of attachments for good cause. A copy of an opinion required to be attached to the brief under rule 8.1115(c) does not count toward this 10-page limit.

**(e) Noncomplying briefs**

If a brief does not comply with this rule:

- (1) The reviewing court clerk may decline to file it, but must mark it "received but not filed" and return it to the party; or
- (2) If the brief is filed, the reviewing court may, on its own or a party's motion, with or without notice:
  - (A) Order the brief returned for corrections and refiling within a specified time;
  - (B) Strike the brief with leave to file a new brief within a specified time; or
  - (C) Disregard the noncompliance.

Rule 8.204 amended effective January 1, 2017; repealed and adopted as rule 14 effective January 1, 2002; previously amended and renumbered as rule 8.204 effective January 1, 2007; previously amended effective January 1, 2004, July 1, 2004, January 1, 2006, January 1, 2011, January 1, 2013, January 1, 2014, and January 1, 2016.