

Instructions for Preparing a Brief

Read and follow the instructions below. If your brief does not fully comply with the Rules of Appellate Procedure (Pa.R.A.P. or Appellate Rules) as outlined in these instructions, your brief may be rejected and your appeal may be dismissed.

If you are proceeding In Forma Pauperis (that is, the Court has waived your filing fee), or **if you are a Claimant appealing a decision of the Unemployment Compensation Board of Review, you do not need to file a Reproduced Record.** You must however, file four (4) copies of your Brief with the Court and serve one copy on ALL other parties.

Appellate Brief Requirements

All pages of your Brief **must** be numbered in the same manner as the Sample Brief provided with these instructions, and your Brief **must** be in the following format:

- One (1) inch margins on the top, bottom and both sides
- No longer than 14,000 words (excluding supplementary material such as the Table of Contents, Table of Citations, and copies of orders, decisions, and opinions)
- Typed using a 14-point font size
 - If you are unable to type your Brief, a **legible** hand-written Brief is acceptable.
- Double spaced
- *See Pa.R.A.P. 124 and 2135 for formatting rules.*

Your Brief must contain the following items or information in the order listed below (Pa.R.A.P. 2111). In addition, for the items below marked with an “*”, you must start a new section and include the bolded title in your Brief (See the Sample Brief):

1. Cover Page that must include (Pa.R.A.P. 2172):

- The name of the Court,
- docket number,
- caption of the case
- title "Brief of Appellant/Petitioner" or "Brief of Appellee/Respondent" on the cover.

2. Table of Contents and Citations (Pa.R.A.P. 2174) (place on a separate page)

3. *Statement of Jurisdiction (Pa.R.A.P. 2114)

- a. If you are appealing from an order of a state agency such as the Unemployment Compensation Board of Review, Department of Human Services, Workers' Compensation Appeal Board, etc., include the following Statement of Jurisdiction in your Brief:

“The Commonwealth Court has jurisdiction of this matter pursuant to Section 763 of the Judicial Code, 42 Pa. C.S. § 763”

b. If you are appealing from an order of a Court of Common Pleas, include the following Statement of Jurisdiction in your Brief:

“The Commonwealth Court has jurisdiction of this matter pursuant to Section 762 of the Judicial Code, 42 Pa. C.S. § 762”

4. *Order or Other Determination in Question (Pa.R.A.P. 2115) - Put the text of the order you are appealing. Repeat word for word the text of the order.

5. *Statement of Scope of Review and Standard of Review (Pa.R.A.P. 2111(a)(3)):

“This Court's review is limited to determining whether constitutional rights were violated, whether an error of law was committed, and whether the findings of fact are supported by substantial evidence in the record.”

6. *Statement of Questions Involved (Pa.R.A.P. 2116):

The Statement of Questions Involved cannot be longer than one (1) page. The questions should be briefly stated in general terms to show the legal principals you wish the Court to consider in acting upon your appeal.

7. *Statement of the Case (Pa.R.A.P. 2117):

The Statement of the Case is a brief factual and procedural history of the case. This brief outline will help the Court to understand the background of the case.

8. *Summary of Argument (Pa.R.A.P. 2118):

The Summary of Argument should be one (1) page and should briefly state your position.

9. *Argument (Pa.R.A.P. 2119):

This section is where you state why you think the Trial Court or Agency order is wrong. You should include any citations to legal authority (cases, statutes, and rules) that supports your position and refer to any parts of the record that support your position. (If you are filing a Reproduced Record, refer to the specific pages of it. If you are not filing a Reproduced Record, then refer to the pages of the documents in the Trial Court or Agency's Certified Record).

10. *Short Conclusion Stating the Precise Relief Sought (title “Conclusion”) (Pa.R.A.P. 2111(a)(9)):

In this section, clearly state what you want the Court to do.

11. Certification of Compliance with the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (Public Access Policy) (Pa.R.A.P. 127 and 2135(d)) (place on a separate page):

Any time you file papers with the Court, the papers must include a Certification of Compliance with the Public Access Policy. The Public Access Policy requires you to protect information and documents that have been determined to be sensitive or confidential, such as medical records, financial account numbers and social security numbers. More information about protected information and documents is available online at <https://www.pacourts.us/public-records/public-records-policies>. A copy of the Certification of Compliance with the Public Access Policy is included in the Sample Brief.

12. Proof of Service (Pa.R.A.P. 121 and 122) (place on a separate page):

The Proof of Service page shall contain a statement of the date and manner of service and the names and addresses of the persons or entities served.

You must send (also referred to as serve) a copy of your Brief to all other parties in the case. If a party is represented by an attorney, you must send a copy of your Brief to the attorney, not the party.

13. You must attach to your Brief a copy of all Trial Court/Agency orders, decisions and opinions that are related to the order you are appealing.

Filing Your Brief

You must file four (4) copies of your Brief with the Court. In addition, as noted in #12 above, you must send one copy of your Brief to the other parties or attorneys in the case. The original copy of your Brief that is filed with the Court may not be stapled or bound in any way (except for paper clips or rubber bands). The other three (3) copies of your Brief must be bound on the left side, and any staples must be covered with tape (Pa.R.A.P. 124).

For further information regarding preparation of your Brief please refer to Chapter 21 of the Pa. Rules of Appellate Procedure. These rules are available at your local county law library or online. You are reminded again that if you do not comply with the Rules of Appellate Procedure your brief may be rejected and your appeal may be dismissed.

REPRODUCED RECORD

(See Pa.R.A.P. 2151 through 2176)

If you are proceeding In Forma Pauperis (that is, the Court has waived your filing fee), or if you are a Claimant appealing a decision of the Unemployment Compensation Board of Review, you do not need to file a Reproduced Record.

If you are not proceeding In Forma Pauperis and you are not a Claimant appealing a decision of the Unemployment Compensation Board of Review, you must prepare a Reproduced Record (4 Copies). It must be filed with your Brief and contain the following items:

1. The relevant docket entries.
2. Any relevant portion of the pleadings or papers filed with the Court of Common Pleas or Agency.
3. Any part of the record that you may wish to direct the Court's attention to.

You may not include items in the Reproduced Record that are not in the Original Record.

For further information regarding preparation of your brief and reproduced record please refer to Chapter 21 of the Pa. Rules of Appellate Procedure. These rules are available at your local county law library or online. You are reminded again that if you do not comply with the Rules of Appellate Procedure your brief may be rejected and your appeal may be dismissed.