Rule 124. Form of Papers; Number of Copies.

(a) *Size and other physical characteristics.*—All **[documents]** **papers** filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The **[document]** **papers** shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

(2) The first sheet (except the cover of a brief or reproduced record) shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.

(3) **[The t]T**ext must be double spaced, but quotations more than two lines long may be indented and single spaced. **Footnotes may be single spaced.** Except as provided in subdivision (2), margins must be at least one inch on all four sides.

(4) **[The l]L**ettering shall be clear and legible and no smaller than **14** point **[12] in the text and 12 point in footnotes**. **[The l]L**ettering shall be on only one side of a page, except that exhibits and similar supporting documents, briefs and reproduced records may be lettered on both sides of a page.

(5) Any metal fasteners or staples must be covered**. Originals must be unbound. [Documents and papers]Copies** must be firmly bound.

(6) No backers shall be necessary.

(b) *Nonconforming papers.*—The prothonotary of an appellate court may accept any nonconforming paper**s [or other document]**.

(c) *Copies.*—Except as otherwise prescribed by these rules:

(1) An original of an application for continuance or advancement of a matter shall be filed.

(2) An original and **[eight copies of any other application in the Supreme Court and an original and]** three copies of any other application in the **[Superior Court or the Commonwealth Court] appellate courts** shall be filed**,** but the court may require **[that]** additional copies **[be furnished]**.

[Explanatory Comment—2006

The 2006 amendment changes the required type size from "no smaller than point 11" to "no smaller than point 12" and conforms the type size requirements to Pa.R.C.P. No. 204.1 and Pa.R.Crim.P. 575.]

Official Note: The 2013 amendment increased the minimum text font size from 12 point to 14 point and added a minimum footnote font size of 12 point. This rule requires a clear and legible font. The Supreme, Superior, and Commonwealth Courts use Arial, Verdana, and Times New Roman, respectively, for their opinions. A brief using one of these fonts will be satisfactory.

Rule 910. Jurisdictional Statement. Content. Form.

(a) *General **[R]**__r__ule.* The jurisdictional statement required by Rule 909 shall contain the following in the order set forth:

(1) A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported, the citation thereto. Any unreported opinions shall be appended to the jurisdictional statement**[.]**__;__

(2) A statement of the basis, either by Act of Assembly or general rule, for the jurisdiction of the Supreme Court or the cases believed to sustain that jurisdiction**;**

(3) The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the court. The order may be appended to the statement**;**

(4) A concise statement of the procedural history of the case**[.]**__; and__

(5) The questions presented for review, expressed in the terms and the circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the statement, or fairly comprised therein will ordinarily be considered by the Court.

(b) *Matters of **[F]**__f__orm.* The jurisdictional statement need not be set forth in numbered paragraphs in the manner of a pleading. It shall be as short as possible and shall not exceed **[five pages]** __**1000 words**__, excluding the appendix.

__(c) *Certificate of compliance*. A jurisdictional statement that does not exceed five pages when produced on a word processor or typewriter shall be deemed to meet the requirements of subdivision (b) of this rule. In all other cases, the attorney or the unrepresented filing party shall include a certification that the statement complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the statement.__

[(c)]__(d)__ *Nonconforming **[S]**__s__tatements.* The Prothonotary of the Supreme Court shall not accept for filing any statement that does not comply with this rule. He shall return it to the appellant, and inform all parties in which respect the statement does not comply with the rule. The prompt filing and service of a new and correct statement within seven days after return by the Prothonotary shall constitute a timely filing of the jurisdictional statement.

Rule 911. Answer to Jurisdictional Statement. Content. Form.

(a) *General rule.* An answer to a jurisdictional statement shall set forth any procedural, substantive or other argument or ground why the order appealed from is not reviewable as of right and why the Supreme Court should not grant an appeal by allowance. The answer need not be set forth in numbered paragraphs in the manner of a pleading and shall not exceed **[five pages] 1000 words**.

(b) *Certificate of compliance*. An answer to a jurisdictional statement that does not exceed five pages when produced on a word processor or typewriter shall be deemed to meet the requirements of subdivision (a) of this rule. In all other cases, the attorney or the unrepresented filing party shall include a certification that the answer complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the answer.

Official Note: The Supreme Court has, in a number of cases, determined that a party has no right of appeal, but has treated the notice of appeal as a petition for allowance of appeal and granted review. *See Gossman v. Lower Chanceford Tp. Bd. of Supervisors*, 503 Pa. 392, 469 A.2d 996 (1983); *Xpress Truck Lines, Inc. v. Pennsylvania Liquor Control Board*, 503 Pa. 399, 469 A.2d 1000 (1983); *O'Brien v. State Employment Retirement Board,* 503 Pa. 414, 469 A.2d 1008 (1983). *See also* Pa.R.A.P. 1102. Accordingly, a party opposing a jurisdictional statement shall set forth why the order appealed from is not reviewable on direct appeal and why the Court should not grant an appeal by allowance.

Rule 2116. Statement of Questions Involved.

(a) General rule.--The statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement **[shall be no more than two pages and]** will be deemed to include every subsidiary question fairly comprised therein. No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby. Each question shall be followed by an answer stating simply whether the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate the nature of the qualification, or if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

* * * * *

Official Note: [Based on former Supreme Court Rule 52, and makes no change in substance. *See* also former Superior Court Rule 42 and former Commonwealth Court Rule 93.

The 2008 amendments are intended to reinforce the importance placed upon a party's statement of a limited number of concise questions that enable the court to understand the nature of the legal issue, and in a general way what points it will be called on to decide. Thus, a party should incorporate the pertinent terms and circumstances of the case, but without details such as names, dates, amounts or particulars that are irrelevant to the resolution of the issues presented to the court.

Previously, some practitioners violated Pa.R.A.P. 124 to avoid the 15-line and one-page restrictions of Pa.R.A.P. 2116 by adjusting fonts, spacing, and margins. Appellate courts may find issues to be waived when they are not set forth in compliance with the Rules of Appellate Procedure. The increase from one to two pages should provide ample space for most parties to articulate their questions in an informative yet concise manner. A party requiring more than two pages for a statement of questions should file an application under Pa.R.A.P. 123 asking for extra pages, explaining why additional pages are needed, and attaching the proposed questions to the application. *See* Pa.R.A.P. 105.

The current language of the Rule is consistent with the standard set forth in Pa.R.A.P. 1115(a)(3) for questions presented for review in a Petition for Allowance of Appeal to the Supreme Court.]

In conjunction with 2013 amendments to Rules 2135 (length of briefs) and 2140 (brief on remand or following grant of reargument or reconsideration) adopting an optional word limit in lieu of page limits, the 2013 amendment eliminated the page limit for the statement of questions involved. The word count does, however, include the statement of questions, and a party should draft the statement of questions involved accordingly, with sufficient specificity to enable the reviewing court to readily identify the issues to be resolved while incorporating only those details that are relevant to disposition of the issues. Although the page limit on the statement of questions involved was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a statement that is not concise.

Rule 2118. Summary of Argument.

[The summary of argument shall be a concise summary of the argument of the party in the case, suitably paragraphed. The summary of argument should not exceed one page and should never exceed two pages. The summary of argument should not be a mere repetition of the statement of questions presented. The summary should be a succinct, although accurate and clear picture of the argument actually made in the brief concerning the questions.]

The summary of argument shall be a concise, but accurate, summary of the arguments presented in support of the issues in the statement of questions involved.

Official Note: [Based on former Supreme Court Rule 54 and former Superior Court Rule 47 and extends the rule to the Commonwealth Court.

Because the summary of argument, if properly prepared, will be helpful to the court in following oral argument and will often render unnecessary inquires by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care.]

In conjunction with 2013 amendments to Rules 2135 (length of briefs) and 2140 (brief on remand or following grant of reargument or reconsideration) adopting an optional word limit in lieu of page limits, the 2013 amendment eliminated the page limit for the summary of argument. Although the page limit on the summary of the argument was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a summary that is not concise.

Rule 2135. Length of Briefs.

(a) *General **[R]**__r__ule.* Unless otherwise **[provided]** __prescribed__ by an appellate court:

(1) a principal brief shall not exceed **[70 pages of production when produced on a word processor/computer or typewriter]** __14,000 words__.

(2) __In cross appeals under Rule 2136 (briefs in cases involving cross appeals), the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant shall not exceed 16,500 words.__

__(3)__ a reply brief shall not exceed **[25 pages of production when produced on a word processor/computer or typewriter]** __7,000 words__.

(b) *Supplementary **[M]**__m__atter.* __The cover of the brief and p__**[P]**ages containing the table of contents, tables of citations__, proof of service__ and any addendum containing opinions, etc., or any other similar supplementary matter provided for by these rules shall not count against the **[page]** __word count__ limitations set forth in subdivision (a) of this rule.

__(c) *Size and physical characteristics*. Size and other physical characteristics of briefs shall comply with Rule 124.__

__(d) *Certificate of compliance*. A principal brief that does not exceed 30 pages when produced by a word processor or typewriter shall be deemed to meet the limitations in paragraph (a)(1). The first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant that does not exceed 35 pages shall be deemed to meet the limitations in paragraph (a)(2). A reply brief that does not exceed 15 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in paragraph (a)(3). In all other cases, the attorney or the unrepresented filing party shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.__

Official Note[—2003]: [The 2003 amendment eliminates a confusing distinction between typewritten, word processor/computer and conventional offset printing methods of production which are no longer meaningful. In light of the 1979 amendments eliminating paperbooks and the advances in word processor/computer technology, offset printing of briefs has become obsolete as a method for production of briefs. The 2003 amendment permits typewritten

briefs despite the fact that the vast majority of briefs are produced on word processor/computers.]

A principal brief is any party's initial brief and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. *See* the note**[s]** to **[Pa.R.A.P.]** **Rule** 2136 **(briefs in cases involving cross appeals)**. Reply briefs permitted by Rule 2113 **(reply brief)** and any subsequent brief permitted by leave of court are subject to the **word count limit or** page limit set by this rule.

The 2013 amendments changed the method by which the length of principal and reply briefs will be measured from a page count method to a word count method. A principal brief may not exceed 14,000 words and a reply brief may not exceed 7,000 words. More words are permitted in certain briefs in cross appeals. This rule includes a requirement that the attorney or unrepresented filing party include a certificate of compliance with briefs filed pursuant to the word count limitations. The rule makes an exception to the certification requirement when a principal brief does not exceed 30 pages, a reply brief does not exceed 15 pages or the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant do not exceed 35 pages; such briefs will be deemed to meet the word count requirement.

It is important to note that each appellate court has the option of reducing the **[number of pages allowed]** **word count** for a brief, either by general rule, see Chapter 33 (Business of the Supreme Court), Chapter 35 (Business of the Superior Court), and Chapter 37 (Business of the Commonwealth Court), or by order in a particular case.

Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.

(a) *General **[R]**__r__ule.*—Following a remand from the Supreme Court to the Superior Court or the Commonwealth Court, or an Order allowing reargument or reconsideration by any appellate court, unless otherwise directed by the Court having jurisdiction of the case, each party shall, within the time period specified below, either refile the brief previously filed together with a supplemental brief if desired, or prepare and file a substituted brief in accordance with this Rule.

(b) *Cover on brief.*—The brief (whether new or refiled) shall be appropriately titled to reflect the current status of the case (e.g. brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

(c) *Order and time for filing.*—On reargument or reconsideration, the party which petitioned for reargument or reconsideration shall file its brief, including any supplemental brief, within 21 days of the order allowing reargument or reconsideration. The respondent shall file its brief within 21 days after service of the petitioner's brief. The petitioner may file a reply brief within 10 days after service of the respondent's brief.

On remand the original appellant or original petitioner shall file its brief, including any supplemental brief, within 21 days of the remand order. The original appellee or respondent shall file its brief within 21 days after service of the appellant's or petitioner's brief. The original appellant or original petitioner may file a reply brief within 10 days after service of the appellee's or respondent's brief.

(d) **[*Page limits.*]** ***Length of briefs***—A substituted brief shall not exceed **[70 pages when produced on a word processor/computer or typewriter]** **the maximum length of a principal brief as set forth in Rule 2135(a)(1)**. A supplemental brief shall not exceed **[40 pages when produced on a word processor/computer or typewriter]** **9,300 words.** A reply brief shall not exceed **[25 pages when produced on a word processor/computer or typewriter]** **the maximum length of a reply brief under Rule 2135(a)(3).**

(e) *Certificate of compliance*. —A substituted brief that does not exceed 30 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in Rule 2135(a)(1). A supplemental brief that does not exceed 20 pages when produced on a word processor or typewriter shall be deemed to meet the supplemental brief limitation in subdivision (d) of this rule. A reply brief that does not exceed 15 pages shall be deemed to meet the limitation in Rule 2135(a)(3). In all other cases, the attorney or unrepresented filing party shall include a certification that the brief complies with the word count limits. The

certificate may be based on the word count of the word processing system used to prepare the brief.

Official Note: The number of copies of original, substituted and supplemental briefs to be filed on reargument or reconsideration is to be set by the Prothonotary of the **[A]a**ppellate **[C]c**ourt with jurisdiction over the appeal and may be changed from time to time without notice to bar. ***See* 2013 amendments to Rule 2135 (length of briefs) and the Official Note regarding word counts and page limits generally.**

Rule 2544. Contents of Application for Reargument.

(a) *General rule*.—The application for reargument need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

(1) A reference to the order in question, or the portions thereof sought to be reargued, and the date of its entry in the appellate court. If the order is voluminous, it may, if more convenient, be appended to the application.

(2) A specification with particularity of the points of law or fact supposed to have been overlooked or misapprehended by the court.

(3) A concise statement of the reasons relied upon for allowance of reargument. See Rule 2543 (considerations governing allowance of reargument).

(4) There shall be appended to the application a copy of any opinions delivered relating to the order with respect to which reargument is sought, and, if reference thereto is necessary to ascertain the grounds of the application for reargument, slip opinions in related cases. If whatever is required by this paragraph to be appended to the application is voluminous, it may, if more convenient, be separately presented.

(b) *No supporting brief*.—All contentions in support of an application for reargument shall be set forth in the body of the application as prescribed by **[P]p**aragraph (a)(3) of this rule. No separate brief in support of an application for reargument will be received, and the prothonotary of the appellate court will refuse to file any application for reargument to which is annexed or appended any supporting brief.

(c) *Length*.—Except by permission of the court, an application for reargument shall not exceed **[15 pages when produced on a word processor/computer or typewriter,] 3,000 words,** exclusive of pages containing table of contents, table of citations and any addendum containing opinions, *etc.*, or any other similar supplementary matter provided for by this rule.

(d) *Certificate of compliance*. An application for reargument that does not exceed 8 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in subdivision (c) of this rule. In all other cases, the attorney or unrepresented filing party shall include a certification that the application for reargument complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the application for reargument.

[(d)](e) *Essential requisites of application*.—The failure of an applicant to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring reconsideration will be a sufficient reason for denying the application.

[(e)](f) *Multiple applicants*.—Where permitted by Rule 512 (joint appeals) a single application for reargument may be filed.

[Official Note: Former Supreme Court Rule 64, and former Superior Court Rule 113A permitted the applicant in effect to dump an undigested mass of material (i.e., briefs in and opinions of the court) in the lap of the court, with the burden on the individual judges and their law clerks to winnow the wheat from the chaff. This rule, which is patterned after Rule 1115 (content of petition for allowance of appeal), places the burden on the applicant to prepare a self-contained succinct and coherent presentation of the case and the reasons in support of allowance of reargument.]