
AMENDMENTS TO FEDERAL RULES OF
APPELLATE PROCEDURE

Effective July 1, 1970

The following amendments to the Federal Rules of Appellate Procedure were prescribed by the Supreme Court of the United States on March 30, 1970, pursuant to 18 U. S. C. §§ 3771 and 3772 and 28 U. S. C. §§ 2072 and 2075, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 972. The Judicial Conference report referred to in that letter is not reproduced herein.

These rules became effective July 1, 1970, as provided in paragraph 2 of the Court's order, *post*, p. 973.

For earlier publication of the Rules of Appellate Procedure, see 389 U. S. 1063.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

MARCH 30, 1970.

*To the Senate and House of Representatives of the
United States of America in Congress Assembled:*

By direction of the Supreme Court, I have the honor to submit to the Congress proposed amendments to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court, pursuant to Title 28, United States Code, Sections 2072 and 2075, and Title 18, United States Code, Sections 3771 and 3772.

Accompanying these amendments is the report of the Judicial Conference of the United States submitted to the Court for its consideration, pursuant to Title 28, United States Code, Section 331.

Respectfully,

(Signed) WARREN E. BURGER,
Chief Justice of the United States.

SUPREME COURT OF THE UNITED STATES

MARCH 30, 1970

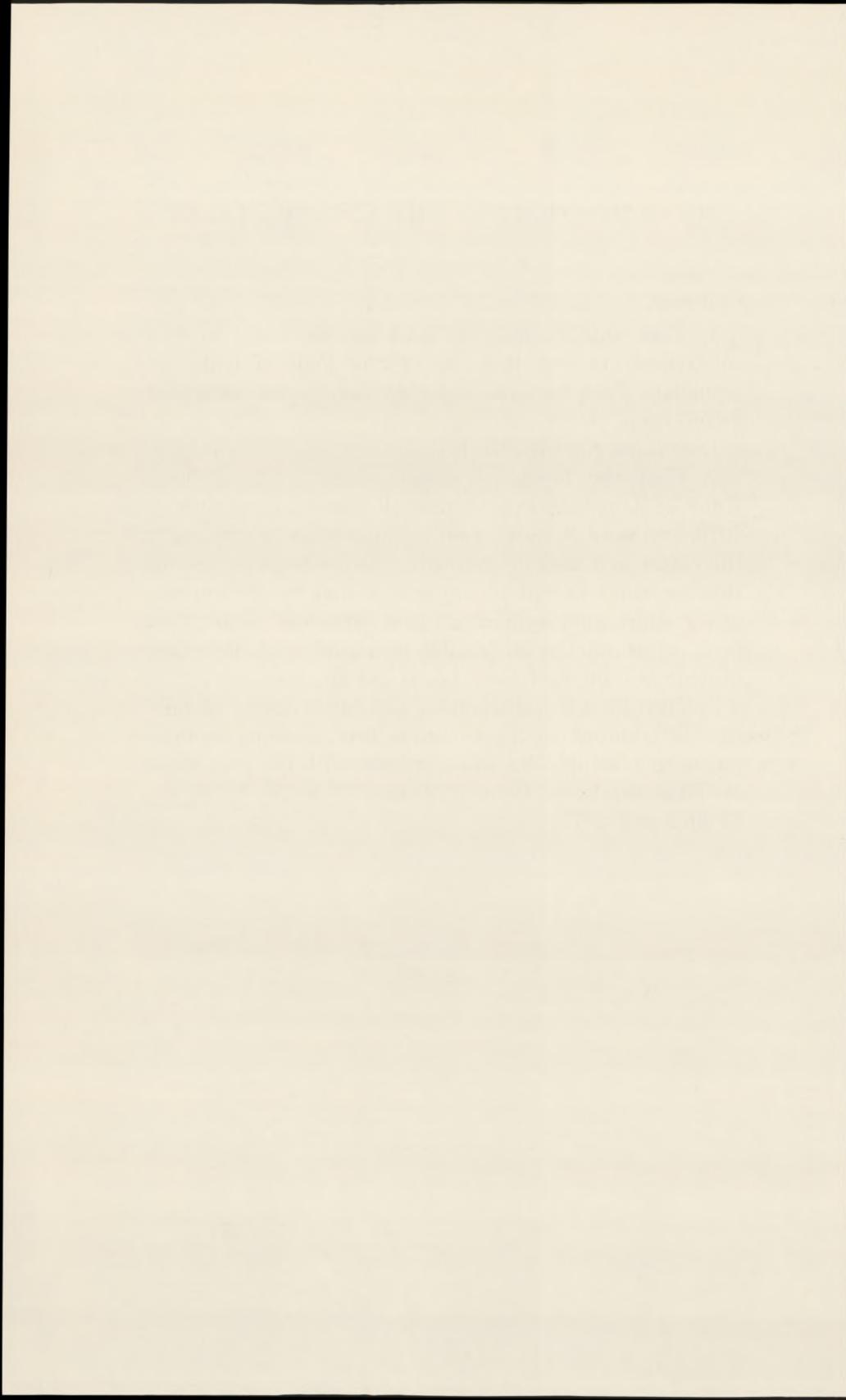
ORDERED:

1. That subdivisions (a) and (c) of Rule 30 and subdivision (a) of Rule 31 of the Federal Rules of Appellate Procedure be, and they hereby are, amended as follows:

[See *infra*, pp. 975-976.]

2. That the foregoing amendments to the Federal Rules of Appellate Procedure shall take effect on July 1, 1970, and shall govern all proceedings in actions brought thereafter and also in all further proceedings in actions then pending, except to the extent that in the opinion of the court their application in a particular action then pending would not be feasible or would work injustice, in which event the former procedure applies.

3. That the Chief Justice be, and he hereby is, authorized to transmit to the Congress the foregoing amendments to existing rules, in accordance with the provisions of Title 18, U. S. C., § 3772, and Title 28, U. S. C., §§ 2072 and 2075.



AMENDMENTS TO FEDERAL RULES OF APPELLATE PROCEDURE

Rule 30. Appendix to the briefs

(a) *Duty of appellant to prepare and file; content of appendix; time for filing; number of copies.*—The appellant shall prepare and file an appendix to the briefs which shall contain: (1) the relevant docket entries in the proceeding below; (2) any relevant portions of the pleadings, charge, findings or opinion; (3) the judgment, order or decision in question; and (4) any other parts of the record to which the parties wish to direct the particular attention of the court. The fact that parts of the record are not included in the appendix shall not prevent the parties or the court from relying on such parts.

Unless filing is to be deferred pursuant to the provisions of subdivision (c) of this rule, the appellant shall serve and file the appendix with his brief. Ten copies of the appendix shall be filed with the clerk, and one copy shall be served on counsel for each party separately represented, unless the court shall by rule or order direct the filing or service of a lesser number.

(c) *Alternative method of designating contents of the appendix; how references to the record may be made in the briefs when alternative method is used.*—If the court shall so provide by rule for classes of cases or by order in specific cases, preparation of the appendix may be deferred until after the briefs have been filed, and the appendix may be filed 21 days after service of the brief of the appellee. If the preparation and filing of the appendix is thus deferred, the provisions of subdivision (b) of this Rule 30 shall apply, except that the designa-

tions referred to therein shall be made by each party at the time his brief is served, and a statement of the issues presented shall be unnecessary.

Rule 31. Filing and service of briefs

(a) *Time for serving and filing briefs.*—The appellant shall serve and file his brief within 40 days after the date on which the record is filed. The appellee shall serve and file his brief within 30 days after service of the brief of the appellant. The appellant may serve and file a reply brief within 14 days after service of the brief of the appellee, but, except for good cause shown, a reply brief must be filed at least 3 days before argument. If a court of appeals is prepared to consider cases on the merits promptly after briefs are filed, and its practice is to do so, it may shorten the periods prescribed above for serving and filing briefs, either by rule for all cases or for classes of cases, or by order for specific cases.