

# THE MOST FREQUENTLY ASKED QUESTIONS

OF  
U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT  
CLERK'S OFFICE,  
SAN FRANCISCO, CALIFORNIA  
**Updated November 26, 2003**

Listed below are the most common questions asked by callers about our Court's procedures.

1. Q. What color should I use for the cover for my brief?
  - A. Blue for appellant, red for appellee, grey for reply, green for amicus and intervenor. The covers of the second and third briefs filed according to a cross appeal schedule are red.
2. Q. What are the page or word limitations for my brief?
  - A. The length of a principal brief may not exceed 30 pages or a reply brief 15 pages, unless it complies with FRAP 32 (a)(7)(B) and (C) which limits the principal brief to 14,000 words of 14 point type, or if monospaced not more than 1,300 lines of text. Reply briefs may not contain more than half of the type volume specified above.
3. Q. What belongs in the excerpt of record and what color is the cover?
  - A. Read Circuit Rule 30 very carefully and the Note following it. White cover.
4. Q. How can I obtain a copy of a decision?
  - A. Send a written request with a check for \$2.00 payable to the Clerk, U.S. Court of Appeals with a self addressed letter size envelope. If the decision is "For Publication," it is available on our website at [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov).
5. Q. How many copies should I send?
  - A. Petition for Review: Original + 7 copies.  
Request for Interlocutory Appeal Under FRAP 5: Original + 4 copies.  
CADS: Original + 1 copy: Cir. Rule 3-4.  
Briefs: Original + 15 copies: Cir. Rule 31-1.  
Forma Pauperis Briefs: Original + 7 copies: Cir. Rule 31-1.  
Excerpts of Record: 5 copies: Cir. Rule 30-1.2  
Motions: Original + 4 copies: Cir. Rule 27-1
5. cont.
  - A. Bill of Cost: Original + 1 copies.  
Petition for Rehearing: Original + 3: Cir. Rule 40-1  
Petition for Rehearing En Banc: Original + 50: Cir. Rule 40-1  
Writ of Mandamus: Original + 4 copies: Cir. Rule 21-2(b)  
For a conformed copy, please provide an extra copy of the document and a self-addressed stamped envelope.
6. Q. What hours are you open for filing and are you open during the lunch hour?
  - A. 8:30 am - 5:00 p.m. Monday through Friday, except legal holidays. Yes, we are open during the lunch hour.
7. Q. How long does it take from the time of the notice of appeal until oral argument?

- A. (1) For a civil appeal approximately 12-20 months from the notice of appeal date; if briefing isn't delayed, approximately 9-12 months from completion of briefing.
- (2) For a criminal appeal approximately 4-5 months after briefing is completed.
8. Q. Approximately how long does it take from the time of argument to the time of decision?
- A. The Court has no time limit, but most cases are decided within 3 months to a year.
9. Q. How long does it take to decide a petition for rehearing?
- A. The court has no time limit. A Rehearing En Banc may take a few months.
10. Q. How can I get a copy of a brief, excerpt or a case file, etc.
- A. The Clerk's Office will copy any document 10 pages and under for \$.50 per page. You can come to the Court and copy documents for \$.20 per page on the public copy machine. (Court documents cannot be taken outside the Court for copying). The clerk's office can refer you to a private source for your copying needs.
11. Q. Can I get a copy of an oral tape argument?
- A. Send a written request to this office along with your check for \$26.00 payable to Clerk, U.S. Court of Appeals. If your case was argued in Pasadena, send your request to the Pasadena Clerk's Office. If your case was argued in Seattle send your request to the Seattle Clerk's Office. If your case was argued in Portland send your request to the Portland Clerk's Office.
12. Q. What are the most common fees in the Ninth Circuit?
- A. Petition for Review is \$250.00  
Writ of Mandamus is \$250.00  
Certification: \$9.00  
Decisions: \$2.00  
Attorney Admission: \$40.00/Certificate of Good Standing: \$10.00  
Oral Argument Tapes: \$26.00  
General Orders: \$5.00  
Docket Sheets: \$3.00
13. Q. Where do I file a notice of appeal and what is the fee?
- A. The notice of appeal is filed in the lower court and should be submitted with the \$255.00 filing fee. For BAP cases, fees are collected by clerk of the court of appeals. Refer to Circuit Rule 3-1.
14. Q. Can I speak to a Judge about my case?
- A. No, all questions about your case should be directed to the Clerk's office by calling (415) 556-9800 for Clerk's assistance, or submitted in writing. Pursuant to Circuit Rule 25-2, Communications to the Court.
15. Q. How can I obtain a copy of the local rules?
- A. Write a letter to the Clerk of Court requesting the copies you need, or obtain them from our web site: [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov) The rules are free of charge.
16. Q. How can I get copies of general forms?

A. Call the Clerk's office at (415) 556-9800 or send a written request. The majority of the court's forms are also available on the website.

17. Q. When do I need to be admitted?

A. Any attorney who causes a case to be docketed in this Court or who enters an appearance in this Court, and who is not already admitted to the Bar of the Court, shall simultaneously apply for admission. Cir.R. 46-1.2

18. Q. How can an attorney be admitted to practice in the 9th Circuit?

A. You may phone or write to request an application for admission, (415) 556-9373. The fee for admission is \$40.00. Complete and send the application to the Court along with your check for \$40.00 payable to Clerk, U.S. Court of Appeals. The Court will send you a Certificate of Admission which is good for a life time membership.

19. Q. How can I find out if I am admitted to the 9th Circuit?

A. By calling the Clerk's Office at (415) 556-9373.

20. Q. How long does it take to be admitted to the Ninth Circuit?

A. You are deemed admitted the day we receive your completed application and remittance. It takes four to six weeks to receive a Certificate of Admission.

21. Q. Is the "received" stamp the same as the "filed" stamp?

A. No. A document is received until it can be reviewed for appropriateness by the clerk. If all rule requirements have been met the clerk stamps it "Filed." For example, documents delivered to our front counter are received and sent to a clerk for verification.

22. Q. What do I do if I have an emergency motion?

A. Any emergency situation should be brought to our attention. See Circuit Rule 27-3.

Court Address:

Mailing Address

U. S. Court of Appeals

P. O. Box 193939

San Francisco, CA 94119-3939

Street Address (for express/overnight mailings)

Clerk, U.S. Court of Appeals

95 Seventh Street

San Francisco, CA 94103-1518

23. Q. Is a document considered timely if it is served on the due date?

A. Under FRAP 25(a)(2)(B), only briefs and excerpts are considered timely when served on the due date. All other documents, including motions, petitions for rehearing and cost bills, must be delivered to the court by the due date. See FRAP 25(a)(2)(A).