

RULES OF THE SUPREME COURT OF VIRGINIA
PART FIVE A
THE COURT OF APPEALS

F. PROCEDURE FOLLOWING PERFECTION OF APPEAL

Rule 5A:19. General Requirements for All Briefs.

(a) *Length.* — Except by permission of a judge of this Court, neither the opening brief of appellant, nor the brief of appellee may exceed the longer of 50 pages or 12,300 words. No reply brief may exceed the longer of 20 pages or 3,500 words. Briefs of amici curiae must comply with the word limits that apply to briefs of the party being supported. Page and word limits under this Rule do not include appendices, the cover page, table of contents, table of authorities, signature blocks, or certificate. There will be no exception to these limits except by permission of this Court on motion for extension of the limits.

(b) *Filing Time: Appeal as a Matter of Right.* — In cases when appeal lies as a matter of right to this Court, except as otherwise provided by statute or order of this Court, briefs must be filed as follows:

(1) The appellant must file the opening brief in the office of the clerk of this Court within 40 days after the date of the filing of the record in such office.

(2) The brief of appellee and the brief of the guardian ad litem must be filed in the office of the clerk of this Court within 30 days after filing of the opening brief, or within 30 days after the filing of the record in this Court, whichever is later. The filing time for the brief of appellee in an *Anders* appeal is governed by Rule 5A:20(i).

(3) The appellant may file a reply brief in the office of the clerk of this Court within 14 days after filing of the brief of appellee or guardian ad litem.

(4) Motions for extensions to these briefing deadlines must be filed no later than 10 days after the expiration of the deadline.

(c) *Filing Time: Grant of Discretionary Appeal.* — In cases when a discretionary appeal has been granted by this Court, briefs must be filed as follows:

(1) The appellant must file the opening brief in the office of the clerk of this Court within 40 days after the date of the certificate of appeal issued by the clerk of this Court pursuant to Rule 5A:16(b).

(2) The brief of appellee must be filed in the office of the clerk of this Court within 30 days after filing of the opening brief.

(3) The appellant may file a reply brief in the office of the clerk of this Court within 14 days after filing of the brief of appellee.

(4) Motions for extensions to these briefing deadlines must be filed no later than 10 days after the expiration of the deadline.

(d) *Participation by Guardian Ad Litem.* — If a guardian ad litem joins with either appellant or appellee, the guardian ad litem must notify the clerk of this Court, in writing, which side it joins. Thereafter, the guardian ad litem may rely on the brief of that party

and is entitled to oral argument under Rule 5A:26.

(e) *Arguments Made by Reference.* — Attempts to incorporate arguments made below by reference to pleadings, motions, memorandum, or other filings are prohibited.

(f) *Citations to the record or Joint Appendix.* — When referencing a page of any item in the record, briefs must cite either the record-page number (e.g., “R. 1”), for cases in which an electronic record has been filed, or the appendix-page number (e.g., “J.A. 1”), for cases in which only a paper record has been filed. *See* Rule 5A:25(a). No appeal will be dismissed for failure to comply with the citation provisions of this rule; however, the clerk of this Court may require that a document be redone in compliance with the citation requirements.

Promulgated by Order dated Friday, April 30, 2010; effective July 1, 2010.

Last amended by Order dated November 21, 2023; effective immediately.