

FREQUENTLY ASKED QUESTIONS

Updated April 2009

FILING

1. What is the Court's address?

Mailing Address

P.O. Box 193939
San Francisco, CA
94119-3939

Street Address (for express/overnight mail)

95 Seventh Street
San Francisco, CA
94103-1518

2. Where can I find information about electronic filing and the Appellate Electronic Case Files ("ECF") system?

All information about electronic filing and the Appellate ECF system is available at <http://www.ca9.uscourts.gov/cmecf>

A list of frequently asked questions ("FAQs") concerning the ECF system is available at <http://www.ca9.uscourts.gov/cmecf/fags>

3. What hours are you open for filing and are you open during the lunch hour?

The courthouse is open from 8:30 am - 5:00 pm Monday through Friday, except federal holidays. Yes, we are open during the lunch hour.

The appellate ECF system allows you to file documents electronically 24 hours a day, 7 days a week.

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

Only briefs and Excerpts of Record are considered timely when served on the due date. All other documents, including motions, petitions for rehearing, and bill of costs, must be delivered to the court by the due date. See Federal Rule of Appellate Procedure 25(a)(2)(A) and (a)(2)(B).

5. What do I do if I have an emergency motion?

Any emergency situation must be brought to the attention of the Motions Unit. During business hours, you should telephone the Motions Unit directly at (415) 355-8020. After hours, call (415) 355-8000. See 9th Circuit Rule 27-3.

6. What color should I use for the cover of my brief?

Opening Brief by appellant and petitioner:	Blue
Answering Brief by appellee and respondent:	Red
Reply Brief:	Gray
Brief by amicus and intervenor:	Green
Second and Third Briefs on Cross-appeal:	Yellow

7. What are the page or word limitations for my brief?

The length of a principal brief may not exceed 30 pages or a reply brief 15 pages, unless it complies with Fed. R. App. P.32 (a)(5), (a)(7)(B) and (a)(7)(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.

8. What belongs in the Excerpts of Record and what color is the cover?

Read 9th Circuit Rule 30-1 very carefully and the Note following it. White cover.

Unrepresented litigants are not required to file Excerpts of Record.

Petitioners challenging an order of the Board of Immigration Appeals are exempted from the Excerpts requirement but must include an addendum pursuant to 9th Circuit Rule 28-2.7.

Note that Excerpts of Record must be filed in paper format in all cases and may not be filed electronically by any party.

9. If I filed a document electronically, how many paper copies should I send to the Court?

Briefs: 10 copies, but only after receiving a Court order requesting them
Everything else: None, unless the Court orders or requests paper copies

10. If I am filing a document by paper and not via the Appellate ECF system, how many paper copies should I send to the Court?

Briefs: Original + 15 copies. Unrepresented parties need only file an original + 7 copies of the brief. See 9th Circuit Rule 31-1

Bill of Costs: Original + 1 copy

Excerpts of Record: 4 copies

Motions: Original + 4 copies. See 9th Circuit Rule 27-1

Petition for Permission to Appeal Under FRAP 5: Original + 4 copies

Petition for Panel Rehearing: Original + 3. See 9th Circuit Rule 40-1

Petition for Rehearing En Banc: Original + 50. See 9th Circuit Rule 40-1

Petition for Review: Original + 7 copies

Petition for Writ of Mandamus: Original + 4 copies. See 9th Circuit Rule 21-2(b)

For a conformed copy, please provide an extra copy of the document along with a self-addressed label.

11. Can I speak to a Judge about my case?

No, all questions about your case should be directed to the Clerk either by calling (415) 355-8000 or in writing. See 9th Circuit Rule 25-2, Communications to the Court.

12. For documents filed by paper, is the "Received" stamp the same as the "Filed" stamp?

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.

FEES/COPIES

13. How can I obtain a copy of a decision?

Decisions are available for free at <http://www.ca9.uscourts.gov> under Decisions. Or send a written request along with a check for \$2.00 payable to the Clerk, U.S. Court of Appeals and a self-addressed label.

14. What are the most common fees in the Ninth Circuit?

Petition for Review: \$450.00

Petition for Writ of Mandamus: \$450.00

Certification: \$9.00

Decisions: \$2.00 or free at <http://www.ca9.uscourts.gov>

Attorney Admission: \$190.00/Certificate of Good Standing: \$15.00

Audible copy of Oral Argument: \$26.00 or free at <http://www.ca9.uscourts.gov>

General Orders: \$5.00 or free at <http://www.ca9.uscourts.gov>

Docket Sheets: \$3.00 or available on PACER

15. Where do I file a Notice of Appeal and what is the fee?

You should file the Notice of Appeal in the lower court along with the \$455.00 filing fee. For Bankruptcy Appellate Panel ("BAP") cases, fees are collected by BAP. For Tax Court cases, fees are collected by the Tax Court. See 9th Circuit Rule 3-1.

16. How can I obtain a copy of the 9th Circuit Rules and/or General Orders?

Both documents are available for free at www.ca9.uscourts.gov under Rules. Or send a written request along with a self-addressed label. The Rules are free of charge. For General Orders, include a check for \$5.00 payable to Clerk, U.S. Court of Appeals.

17. How can I get copies of forms?

Forms are available at [http://www.ca9.uscourts.gov/](http://www.ca9.uscourts.gov) under Forms. You may also call the Clerk's office at (415) 355-8000 or send a written request.

BRIEFING/HEARING PROCESS

18. How long does it take from the time of the notice of appeal until oral argument?

- (1) For a civil appeal, approximately 12-20 months from the notice of an 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.

19. How long does it take from the time of argument to the time of decision?

The Court has no time limit, but most cases are decided within 3 months to a year.

20. How long does it take to decide a petition for panel rehearing or petition for rehearing en banc?

The Court has no time limit. A decision on a petition for rehearing en banc may take a few months.

21. How can I get a copy of a brief, excerpts, or motion, etc.?

All documents filed after January 1, 2009, excluding Excerpts of Record, are available online via PACER. Some documents filed prior to this date are available via PACER as well.

For documents 10 pages and under, the Clerk's office will copy them for \$0.50 per page. You can come to the Court and copy any documents for \$0.25 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.

22. How can I get a copy of an oral argument?

Oral arguments are available for free at <http://www.ca9.uscourts.gov/> under Audio Recordings. Or send a written request along with a check for \$26.00

payable to Clerk, U.S. Court of Appeals and a self-addressed label.

ATTORNEY ADMISSIONS

23. When do I need to be admitted to the 9th Circuit bar?

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. See 9th Circuit Rule 46-1.

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

The application form is available at <http://www.ca9.uscourts.gov/forms/>, or you may call (415) 355-7800 or send a written request for the form. Complete the form and mail the application to the Court along with your check for \$190.00 payable to Clerk, U.S. Court of Appeals. The Court will send you a Certificate of Admission, which is good for a lifetime membership. As of October 1, 2006, you do not need to notarize the application form.

25. How can I find out if I am admitted to the 9th Circuit bar?

Call the Clerk's office at (415) 355-7800.

26. How long does it take to be admitted to the 9th Circuit bar?

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.