

Top 10 Reasons Why Briefs and Excerpts of Record are Rejected:

1. **Brief does not contain enough record cites.** Every statement of fact should be followed by a cite to the page in the excerpt, record or transcript to support the statement of fact. It is best to follow every sentence that states a fact with a supporting cite. See Appellate Rule 212(c)(1)(G), (I).
2. **Brief is prepared in a type size that is too small.** The type size for *all text and footnotes* in all documents filed the Supreme Court must be at least 13-point serified font such as Times New Roman; at least 12.5-point non-serified font such as Arial; or 12-point mono-spaced font such as Courier. All documents (briefs and motions) filed with the appellate courts must contain a Certificate of Typeface and Font Size, [SHS-AP 200](#) unless it is written in 12-point Courier. Also be sure the **margins** are correct: 1 inch margins left and right and no more than 9 ½ inches of printed or written matter top to bottom. See Appellate Rule 212(b) and Appellate Rule 513.5(b)(5).
3. **Excerpt of record contains documents that were not in the record.** You cannot include documents in the excerpt of record that were not before the lower court when it made the decision being appealed, unless the Supreme Court has granted a motion to supplement the record. Appellate Rule 210(a) says the record consists of the trial court file.
4. **Excerpt of record is too large.** Appellate Rule 210(c)(2)(A) tells what must be included in the appellant's excerpt of record. Appellate Rule 210(c)(2)(B) says what the appellee's excerpt must contain. The purpose of the excerpt is to allow each justice to have a portable copy of the essential documents. The full record is available to the court if it needs to refer to less-important documents.
5. **Attaching factual or historical documents in an appendix to the brief.** Normally, you may refer only to documents that were before the lower court when it made its decision. Those documents will be contained in the record, and may be included in the excerpt of record. **Exception:** Appellate Rule 212(c)(1)(K) *requires* the appellant in a case involving property division in a divorce to attach a list of property and debt an appendix to the brief.
6. **Use of parties' names in CINA and other confidential cases.** In cases that are confidential by statute or court rule, or where a court order requires it, the parties or other confidential names should be referred to by initials or pseudonyms. Excerpts containing documents that reveal confidential information should either be redacted (confidential information blacked out) or those documents should be placed in a separate envelope marked "Confidential." See Appellate Rule 512.5.
7. **Overuse of words "appellant" and "appellee."** Appellate Rule 212(c)(7) says you should minimize use of these terms. It is easier for the court to follow your argument if you use the parties' names or descriptive words such as "the employee" or "the husband."
8. **Order of documents in excerpt of record.** Documents in the excerpt of record should be in chronological order, with the oldest document at the front. See the Clerk's Instructions for Preparation of Excerpts, A.2. (found at the end of the Appellate Rules). Motions with exhibits should be kept together in the order in which they were filed in the lower court. Their placement in the excerpt is based on the date the motion was filed in the lower court.

9. **Table of contents problems in excerpt of record.** You must include a table of contents in the excerpt of record. See the Clerk's Instructions for Preparation of Excerpts for instructions. You do not need to list every exhibit to a motion in the Table of Contents.

10. **Incorrect cover pages.** See Appellate Rule 212(b) for information that must be included on the cover page of a brief. See Clerk's Instructions for Preparation of Excerpts, A.1.

Additional note: Read the brief notice carefully and provide the correct *number of copies* and the correct *color cover* on the final printed briefs and excerpt of record.