

UNITED STATES COURT OF APPEALS
FOR THE ARMED FORCES

A Guide To Filing a Joint Appendix
(Rule 24(f))

While the original record of trial is filed with the Court by the service of the accused and is available to the Judges, it may contain far more than is necessary to a proper review and disposition of the case. To reduce the record to a manageable size, appellate counsel are required to prepare an appendix, reproducing those parts of the record that are relevant to the issues on appeal.

The following is provided by the Clerk's Office for guidance and should be treated as commentary upon the Rule that has NOT been approved by the Judges of the Court.

- Effective August 1, 2007, the Appellant/Petitioner is required to file eight copies of a Joint Appendix contemporaneously with the Brief.

Note: The Rule does not apply to Supplements under Rule 21.

- Contents of the Joint Appendix:

Cover Page:

Heading: United States Court of Appeals for the Armed Forces

USCAAF and CCA Docket Numbers

Title of Case: Names of the Parties

Title of Document: Joint Appendix

Names, Addresses, Telephone Numbers and Bar Numbers of Counsel on both sides of the case;

Table of Contents;

Copy of the decision of the Court of Criminal Appeals;

Copies of unpublished decisions cited in the brief;

Relevant extracts of rules and regulations, and

Effective August 1, 2007,

A **list** of relevant docket entries from the proceeding below,* relevant portions of the pleadings, charges, and findings from the proceeding below, and other parts of the record of trial that counsel for both sides desire to direct the Court's attention.

Appellee/Respondent may list matters it considers relevant from the record. These matters should be included in the Joint Appendix filed contemporaneously with the appellant's brief or, as an alternative, listed in its brief.

The list should be prepared with adequate detail to allow the Court to readily locate the items described.

* As a general matter, docket entries are not part of the record and will not be included in a Joint Appendix.

Effective July 1, 2008,

Copies of the items listed in the preceding paragraph must be included in the Joint Appendix and counsel for Appellant/Petitioner must go through the designation process or reach agreement with counsel for Appellee/Respondent as to what items must be included.

- **Format of the Joint Appendix:**

Use 8 ½ by 11 inch white paper;

Binding shall be secure, not obscure the text, and permit the contents to lie reasonably flat when open. This provision limits the methods of binding that may be used because stapling and other methods of binding often do not allow the document to lie flat. Counsel can make inquiry of printers to ascertain methods available to achieve this result. Spiral binding is one accepted method that will meet this requirement and it is widely used in other courts;

Sequentially number the pages of the Joint Appendix (citations used in the brief shall be to the sequentially numbered pages of the Joint Appendix and not to the pages

numbers contained in the record of trial). If you are paging the document yourself and using double-sided copying, care should be taken to ensure that all pages are readable and not obscured by the binding;

Counsel must use double-sided copying if over 100 pages, otherwise single or double-sided copying is permitted;

File classified material or matters under seal in a separate volume; and

Number of copies to be filed: 8.

If the Joint Appendix consists of more than 250 pages (using double-sided copying) counsel should consider the use of more than one volume. In that event, the Joint Appendix cover should indicate the number of the volume and the table of contents should reflect the contents of each volume.

- Agreement and Designation (required for filings on and after July 1, 2008):

Agreement: The parties are encouraged to agree on the contents of the Joint Appendix. The object is to provide the Court with one volume that contains all relevant record material, and both sides should work together to provide the Court with what it needs to decide the case, no more and no less. If agreement is reached, or if the parties "agree to agree" later in the briefing process, the Appellant/Petitioner can file the agreed upon Joint Appendix with the brief without the need for formal designation.

Designation: If the parties cannot agree on the contents of the Joint Appendix, the following procedure applies:

Within 10 days of the order granting the petition for grant of review or docketing of a petition for extraordinary relief, the Appellant/Petitioner must serve on opposing counsel a designation of the issues on appeal and the parts of the record to be included in the Joint Appendix.

Within 10 days of the receipt of the Appellant/Petitioner's designation, the Appellee/Respondent

must serve on opposing counsel a designation of additional parts of the record of trial to draw to the attention of the Court.

Copies of the parties' designations are not to be filed with the Court.

Appellant/Petitioner must then file the Joint Appendix containing the designated materials from both sides, and the Joint Appendix should be filed as a separate volume at the same time the Appellant/Petitioner files the opening brief.

Unnecessary designation is to be avoided.

- Counsel should direct any questions regarding the Joint Appendix to the Clerk of the Court and, to the extent that it may be helpful, additional instructions will be posted on this website.