

Friday

30th

November, 2007.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective February 1, 2008.

Amend Rule 5:6 to read as follows:

**Rule 5:6. Forms of Briefs and Other Papers.**

(a) Briefs, appendices, motions, petitions, and other papers may be printed using a computer word-processing program, typewritten, or prepared by a mechanical duplication process. All such papers shall be produced on 8 1/2 x 11 inch white paper and the margins shall be at least 1 inch at the sides, top, and bottom. Page numbers may appear in the top or bottom margin, but no text, including footnotes, is permitted in the one inch margins. Except by leave of Court, all pleadings and briefs, including footnotes, must be in at least 14 point type, must use Courier, Arial, or Verdana font, and only one side of the paper may be used. Pleadings and briefs shall not be reduced and must be double spaced except for quotations and footnotes. Carbon copies are prohibited except where specifically authorized by these Rules and otherwise by permission of a Justice of this Court.

(b) All briefs and appendices shall be bound on the left margin in such a manner as to produce a flat, smooth binding. Spiral binding, acco fasteners, and the like are not acceptable. The caption (with the name of the appellant stated first) and the record number of the case shall be stated on the front cover of all briefs and appendices and, in addition, the names, Virginia bar numbers, addresses, telephone numbers, facsimile numbers, and e-

mail addresses, if applicable, of counsel submitting the brief shall be placed on the front cover of all briefs. The appendix may be produced using both sides of the page. Page limits for pleadings and briefs do not include the cover page, index, table of citations, table of authorities, or the certificate.

(c) No appeal shall be dismissed for failure to comply with the provisions of this Rule 5:6; the Clerk of this Court may, however, require that a document be redone in compliance with this Rule.

Amend portions of Rule 5:20A to read as follows:

**RULE 5:20A. Denial of Appeal; Petition for Rehearing.**

Except for petitions for rehearing filed by pro se prisoners, or with leave of Court, the petition shall be filed as a PDF document attached to an e-mail addressed to scvpfr@courts.state.va.us and will be timely filed if received by the clerk's office on or before 11:59 p.m. on the date due.

The petition must be formatted to print on a page 8 ½ x 11 inches, must be in 14 point type or larger, must be double-spaced, must comply with Rule 5:6, and must not exceed a word count of 3,000. The petition must include a certificate of service to counsel for the appellee and the certificate shall specify the manner of service and the date of service. The petition must also include a certificate of compliance with the word count limit. The petition will be considered filed on the date and time that it is received by scvpfr@courts.state.va.us. If the petition does not meet the requirements of this rule as to format, the clerk shall so notify counsel and provide a specific amount of time for a corrected copy of the petition to be filed. A person who files a

document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Supreme Court result in a failure to timely receive the electronically filed petition for rehearing, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to file the petition by e-mail, any delivery failure notice received in response to the attempt, and a copy of the petition for rehearing.

\* \* \*

Amend portions of Rule 5:26 to read as follows:

**Rule 5:26. Briefs.**

(a) *Length.* - Except by permission of a Justice of this Court, neither the opening brief of appellant, nor the brief of appellee, nor a brief amicus curiae shall exceed 50 typed or printed pages. No reply brief shall exceed 15 typed or printed pages. Page limits under the Rule do not include appendices.

\* \* \*

(d) *Copies.* - Twelve copies of each brief (including a brief amicus curiae) shall be filed in the office of the Clerk of this Court and three copies shall be mailed or delivered to opposing counsel on or before the day on which the brief is filed. Three copies of the brief amicus curiae shall be mailed or delivered to counsel for all parties and to any other counsel amicus curiae. An electronic copy of any brief and appendix shall also be filed with the clerk contemporaneous with the brief. The electronic copy

can be filed on disc, CD, or by e-mailing to scvbriefs@courts.state.va.us. Although Word documents are preferred, Word Perfect or PDF are acceptable. All briefs shall contain a certificate evidencing such mailing or delivery and the method of transmission to the clerk for filing.

\* \* \*

Amend Rule 5:27 to read as follows:

**Rule 5:27. Opening Brief of Appellant.**

The form and contents of the opening brief of appellant shall conform in all respects to the requirements of the petition for appeal set forth in Rule 5:17(c), except that references shall be to the pages of the appendix rather than the pages of the record. In addition, the opening brief shall contain the signature (which need not be in handwriting) of at least one counsel, counsel's address, Virginia bar number, telephone number, facsimile number, e-mail address, if applicable, and a certificate (which need not be signed in handwriting) that there has been compliance with Rule 5:26(d).

Amend portions of Rule 5:28 to read as follows:

**Rule 5:28. Brief of Appellee.**

The brief of appellee shall contain:

\* \* \*

(f) The signature (which need not be in handwriting) of at least one counsel and counsel's address, Virginia bar number, telephone number, facsimile number, and e-mail address, if applicable.

\* \* \*

Amend Rule 5:29 to read as follows:

**Rule 5:29. Reply Brief.**

The reply brief, if any, shall contain argument in reply to contentions made in the brief of appellee. No reply brief is necessary if the contentions have been adequately answered in the opening brief of appellant. The reply brief shall comply with Rule 5:17(c)(1) and shall contain the signature (which need not be in handwriting) of at least one counsel and counsel's address, Virginia bar number, telephone number, facsimile number, e-mail address, if applicable, and a certificate (which need not be signed in handwriting) that there has been compliance with Rule 5:26(d).

Amend portions of Rule 5:39A to read as follows:

**Rule 5:39A. Rehearing Petition.**

\* \* \*

(b) Except for petitions filed by pro se prisoners, or with leave of Court, the petition for rehearing shall be filed as a PDF document attached to an e-mail addressed to scvpfr@courts.state.va.us and will be timely filed if received by the clerk's office on or before 11:59 p.m. on the date due. The petition must be formatted to print on a page 8 ½ x 11 inches, must be in 14 point type or larger, must be double-spaced, must comply

with Rule 5:6, and must not exceed a word count of 3,000. The petition must include a certificate of service to opposing counsel and the certificate shall specify the manner of service and the date of service. The petition must also include a certificate of compliance with the word count limit. The petition will be considered filed on the date and time that it is received by scvpfr@courts.state.va.us. If the petition does not meet the requirements of this rule as to format, the clerk shall so notify counsel and provide a specific amount of time for a corrected copy of the petition to be filed. A person who files a document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Supreme Court result in a failure to timely receive the electronically filed petition for rehearing, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to email the petition, any delivery failure notice received in response to the attempt, and a copy of the petition for rehearing.

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A Copy,

Teste:

Clerk