

UNITED STATES COURT OF APPEALS for the NINTH CIRCUIT
Office of the Clerk

FREQUENTLY ASKED QUESTIONS
(updated December 2019)

FILING

1. What is the Court's address?

<i>Mailing Address for U.S. Postal Service</i>	<i>Mailing Address for Overnight Delivery (FedEx, UPS, etc.)</i>	<i>Street Address</i>
Office of the Clerk James R. Browning Courthouse U.S. Court of Appeals P.O. Box 193939 San Francisco, CA 94119-3939	Office of the Clerk James R. Browning Courthouse U.S. Court of Appeals 95 Seventh Street San Francisco, CA 94103-1526	95 Seventh Street San Francisco, CA 94103 Public entrance is at the corner of 7th Street and Mission Street.

2. Where can I find information about electronic filing and the Appellate Case Management/Electronic Case Files (“CM/ECF”) system?

For frequently asked questions about filing documents electronically see <https://www.ca9.uscourts.gov/cmecf/faqs>. All information about electronic filing and Appellate CM/ECF is available at <https://www.ca9.uscourts.gov/cmecf>.

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.

Appellate CM/ECF allows you to file documents electronically 24 hours a day, 7 days a week. For information about system outages, check <http://www.ca9.uscourts.gov/cmecf/>.

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 or electronically filed no later than the due date. See Federal Rule of Appellate Procedure 25(a)(2)(A) and (a)(2)(B).

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

Any emergency situation must be brought to the attention of the Emergency Motions department by calling (415) 355-8020 or emailing emergency@ca9.uscourts.gov. See 9th Circuit Rule 27-3.

6. What color should I use for the cover of my brief (paper copies)?

Briefs by unrepresented (pro se) litigants do not require a colored cover. See Fed. R. App. P. 32(a)(2).

For briefs by attorneys, use the following colors:

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

Anyone filing a brief electronically must wait for the Court to request paper copies of the brief before producing the copies. The Court's order will state which color is required for the brief's cover.

Additional FAQs regarding briefs can be found at <http://www.ca9.uscourts.gov/cmecf/faqs/>

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

The length of a principal brief may not exceed 14,000 words or, if handwritten or typewritten, 50 pages. Reply briefs may not exceed 7,000 words or, if handwritten or typewritten, 25 pages. See 9th Circuit Rule 32-1.

Additional FAQs regarding briefs can be found at <http://www.ca9.uscourts.gov/cmecf/faqs/>

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

Please read 9th Circuit Rule 30-1 (or 17-1 for agency cases) for an explanation of the contents of the Excerpts of Record. Excerpts are required to be submitted electronically unless the filer is exempt from electronic filing, and the paper copies must have white covers.

Sealed Excerpts are also required to be filed electronically unless the filer is exempt, as are the pre-sentence reports, which should not be included in the Excerpts. See Interim 9th Circuit Rule 27-13.

Unrepresented litigants are not required to file Excerpts of Record.

Petitioners challenging an order of the Board of Immigration Appeals are not required to file Excerpts of Record but must include an addendum comprised of any orders by the immigration judge and Board of Immigration Appeals being challenged, which must be bound with the brief pursuant to 9th Circuit Rule 28-2.7.

Additional FAQs regarding Excerpts of Record can be found at <http://www.ca9.uscourts.gov/cmecf/faqs/>

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

Briefs: 6 copies, but send paper copies to the Court only **after** you receive an order requesting them.

Excerpts: 3 copies, but send paper copies to the Court only **after** you receive an order requesting them.

Everything else: None, unless the Court orders you to submit paper copies.

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

Attorneys must file ALL documents (except original petitions, which can also be filed in paper) electronically via the Appellate ECF system, unless they have obtained an exemption from the Court.

For Unrepresented and Exempt Filers:

Briefs: Original + 6 copies of the brief

Excerpts of Record: 3 copies

Everything else: Only the original paper document

At its discretion, the Court may order that additional paper copies of any document be filed.

For a copy stamped “Filed” (a “conformed copy”), please provide an extra copy of the document along with a self-addressed stamped envelope.

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 by putting your question in writing. See 9th Circuit Rule 25-2.

FEES/COPIES

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

Decisions are available on PACER and are also available for free at <http://www.ca9.uscourts.gov> under *Opinions*.

13. What are the most common fees in the Ninth Circuit (as of December 1, 2019)?

The current fee schedule is located at http://www.ca9.uscourts.gov/content/view.php?pk_id=0000000559

14. Where do I file a Notice of Appeal and where do I pay the fee?

Where to file: You must file your Notice of Appeal in the originating court (the district court, BAP, bankruptcy court, or tax court).

Where to pay fee:

District Court: The \$505.00 filing fee is collected by the district court. Partial payments are collected by the district court.

BAP: The \$505 filing fee for appeals from decisions of the 9th Circuit Bankruptcy Appellate Panel (“BAP”) are collected by the 9th Circuit Court of Appeals. You can pay online with a credit card after your appeal has been opened using the filing type “Pay Fee for Appeal from Bankruptcy Appellate Panel,” or you can send a check or money order payable to “Clerk, U.S. Courts” to the Ninth Circuit Clerk at the San Francisco address..

Tax Court: The fee for Tax Court cases is collected by the Tax Court. See 9th Circuit Rule 3-1.

15. How can I obtain a copy of the 9th Circuit Rules or

General Orders?

Both documents are available for free at <http://www.ca9.uscourts.gov> under *Rules*.

16. How can I get copies of forms?

Forms are available at <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

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

For a civil appeal, approximately 12-20 months from the notice of appeal date. If briefing isn't delayed, approximately 9-12 months from completion of briefing.

For a criminal appeal, approximately 4-5 months after briefing is complete.

18. 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.

19. 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.

20. How can I get a copy of a brief, motion, etc.?

All documents filed after January 1, 2009 (with the exception of Excerpts of Record filed before March 1, 2013, and sealed or restricted documents) are available online via PACER. For more information on PACER, go to <http://www.pacer.gov/psc/faq.html>

For documents of up to 10 pages, 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.

21. How can I get an audio copy of an oral argument?

Oral arguments are available for free at <https://www.ca9.uscourts.gov/media>.

22. Is there public wireless (WiFi) access in the courtrooms?

In San Francisco, WiFi access is not available in the courtrooms, but it is available in the café.

In Pasadena, WiFi access is not available in the courtrooms, but it is available in the attorney lounges and the library.

In Seattle, WiFi access is available in all courtrooms.

In Portland, WiFi access is not available in the courtrooms, but it is available in the attorney lounge.

ATTORNEY ADMISSIONS

A list of frequently asked questions ("FAQs") concerning Attorney Admissions is available at:

<http://cdn.ca9.uscourts.gov/datastore/uploads/forms/Attorney%20Admission%20FAQs.pdf>