

Appellate Brief Filing Checklist

Considerations for form of briefs

- Card stock front and back covers for brief and appendix (Wis. Stat. § 809.19(9))
- Proper color for front and back covers of brief and appendix (Wis. Stat. § 809.19(9))
- Front cover with (1) name of court; (2) caption and number of case; (3) court and judge appealed from; (4) title; and (5) name, address, and state bar number of counsel filing document (Wis. Stat. § 809.19(9))
- Caption on all brief covers, appendix covers, and motions appears exactly as set forth in official caption as issued by court on its notice of filing of appeal and circuit court record
- Where confidentiality required, individuals identified by first name and first initial of last name throughout brief and redacted as necessary in appendix (Wis. Stat. § 809.81(8))
- Brief securely bound on left side with “heavy strength staples or by means of velobinding or ‘perfect’ (‘hot glue’) binding method” and page numbers centered at bottom of page (Wis. Stat. § 809.19(8)(b)(4))
- Table of contents with page references for (1) statement of issues; (2) statement of oral argument; (3) statement of publication; (4) statement of case; (5) argument, including argument section headings, which headings optimally should be sentences summarizing arguments not simply short phrases; and (6) conclusion (Wis. Stat. § 809.19(1)(a))
- Table of authorities with (1) page references for each case; (2) cases arranged alphabetically; and (3) page references for each statute and other authority cited (Wis. Stat. § 809.19(1)(a))
- Unpublished opinion cited only in conformance with Wis. Stat. § 809.23(3)
- Statement of issues for review identifying issues raised on appeal and circuit court’s decision for each issue raised (Wis. Stat. § 809.19(1)(b))
- Statement on oral argument speaking to its necessity (Wis. Stat. § 809.19(1)(c))
- Statement of publication speaking to whether it is requested and reasons why requested (Wis. Stat. § 809.19(1)(c))
- Statement of case with (1) description of nature of case; (2) procedural background; and (3) statement of facts relevant to issues for review, including references to record (Wis. Stat. § 809.19(1)(d))
- Argument arranged in order of issues presented and, for each issue presented, (1) preceded by one sentence summary; and (2) stating the party’s contentions, including reasons, legal citations, and record citations (Wis. Stat. § 809.19(1)(e))
- Conclusion stating “precise relief” sought (Wis. Stat. § 809.19(1)(f))
- Signature on brief (Wis. Stat. § 809.19(1)(h))
- Form and length meet statutory requirements of Wis. Stat. § 809.19(8)(b),(c)
- Form and length certification (1) contained in brief; (2) in conformance with Wis. Stat. § 809.19(8)(d); (3) signed by counsel; and (4) optimally reflected in table of contents

- Electronic brief certification contained in brief certifying that text of electronic brief is identical to text of paper brief (Wis. Stat. § 809.19(12)(f); § 809.19(13)(c))

Considerations for form of appendix

- Appendix in proper format to account for fact that either (1) bound with brief or (2) bound separately (Wis. Stat. § 809.19(2))
- Appendix contains (1) table of contents; (2) findings or opinions of circuit court; (3) “limited portions of the record essential to an understanding of the issues raised”; (4) copies of any unpublished opinions cited under Wis. Stat. § 809.23(3)(a), (b); (5) page numbers at bottom of page; and (6) certification complying with Wis. Stat. § 809.19(2)(b)
- Appendix certification (1) appended to appendix; (2) signed by counsel; (3) complying with Wis. Stat. § 809.19 (2)(b); (4) true and accurate; (5) optimally reflected in table of contents

Considerations for filing and service of briefs and appendix

- Mailing certification or affidavit signed by attorney or person filing and appended when relying on “mailbox rule” using United States mail or third-party commercial carrier for timeliness (Wis. Stat. § 809.80(3)(b), (4))
- Proper number of paper copies filed with clerk of court (Wis. Stat. § 809.19(8)(a); § 809.43; §809.80(1))
- Brief electronically filed in text-searchable PDF format (except for pro se litigants) (Wis. Stat. § 809.19(12)(a), (c))
- Paper brief (filing of which marks official date of filing brief) delivered to clerk’s office before close of business on due date or placed in United States mail and postmarked on due date or given to third-party commercial carrier for delivery within three calendar days (Wis. Stat. § 809.19(12)(d); §809.80(3)(b))
- Electronic brief submitted on or before date paper brief is filed, before close of regular business hours (Wis. Stat. § 809.19(12)(d))
- Optional* electronic appendix filed in PDF format in addition to official paper appendix required by rules (Wis. Stats. § 809.19(8)(a)(4))
- If electronic appendix filed, content of electronic appendix certified as identical to content of paper appendix (Wis. Stat. § 809.19(13)(f))
- Service accomplished (Wis. Stat. § 809.80(2))

Additional Considerations for reply and non-party briefs

- Table of contents permitted but not required for reply brief or nonparty brief (Wis. Stat. § 809.19(1)(a), § 809.19(4)(b))
- Table of authorities permitted but not required for reply brief or nonparty brief (Wis. Stat. § 809.19(1)(a), § 809.19(4)(b))
- Copies of any unpublished opinion filed and served with reply or non-party brief in which opinion cited and included in appendix (Wis. Stat. § 809.23(3)(c), § 809.19(4)(b), § 809.19(7)(b)).