Holland & Knight



The Seventh Circuit covers the states of Illinois, Indiana and Wisconsin. The Seventh Circuit sits in Chicago, Ill. There are 11 authorized judgeships in the Seventh Circuit, and there are several judges who have taken senior status who continue to hear appeals.

General Information

- The Seventh Circuit maintains a <u>helpful website</u> that includes a copy of the Federal Rules of Appellate Procedure (FRAP) and Circuit Rules in a searchable format.
- There is a detailed <u>Practitioner's Handbook</u> for Appeals that provides information about how the Seventh Circuit operates and how to file appeals in the court.

Filing an Appeal

- Notices of appeal are filed in the district court, not the appellate court. Fed. R. App. P. 3(a)(1). A notice of appeal is jurisdictional and must be filed within the time specified in Fed. R. App. P. 4, which is generally 30 days from entry of the order or judgment appealed from.
- After a notice of appeal is filed and the requisite fees paid, counsel needs to file an appearance in the appellate court and disclosure, which is done by completing the Seventh Circuit's <u>appearance</u> and <u>disclosure form</u>.
- There are numerous deadlines in conjunction with filing an appeal. Many of these deadlines are triggered by the filing of notice of appeal. This <u>helpful timeline</u> lists most of the deadlines and their approximate times for compliance. The actual times for compliance vary based on the filing of the notice of appeal.

Briefing

- The Seventh Circuit has varied from the FRAP on the formatting and content of briefs. For example, briefs in the Seventh Circuit can be written in 12-point font, rather than the FRAP's 14-point font. The Seventh Circuit's website contains a helpful <u>guide on recommended formatting</u>. You can also review <u>examples of filed briefs</u> to see how others format briefs filed in the Seventh Circuit.
- Holland & Knight Representative Briefs
 - United States of America v. Rashid Bounds
 - Servin v. Ford Motor Company
 - Sanchez & Daniels v. John J. Koresko, et. al.
 - <u>Lucas Hernandez v. Bridgestone Americas Tire Operations, LLC</u>
 Accepted Appellant's Reply Cross-Appellee's Response Brief

Holland & Knight

- <u>Lucas Hernandez v. Bridgestone Americas Tire Operations, LLC</u>
 Opening Appellate Brief and Addendum
- United States of America v. Julio Ortega-Vargas
- o Daniels, et al. v. Bursey, et. al.
- Briefs are reviewed by the clerk's office during the filing process. There are numerous, detailed requirements for the briefs that can trip up even seasoned practitioners. The Seventh Circuit's <u>brief filing checklist</u> provides a list of the major requirements.

Oral Argument

- The Seventh Circuit grants oral argument in a high percentage of cases usually among the highest of any of the circuits. Most requests for oral argument are granted. However, the fact that a case was scheduled for oral argument does not foretell a particular outcome or interest by the court.
- This <u>memorandum</u> explains how oral argument proceeds in the Seventh Circuit and provides helpful information on how to orally argue before the Seventh Circuit.
- The Seventh Circuit provides access to <u>recordings of oral arguments</u> online, usually within a day of the case being argued.

Decisions

The Seventh Circuit publishes its opinions and orders online at the time they are released.



CHRISTOPHER W. CARMICHAEL
Partner | Chicago
christopher.carmichael@hklaw.com
312.578.6674