

## XI. Frequently Asked Questions

**1. Question: How many extra pages can I attach to my informal brief?**

**Answer:** You may attach up to 28 additional pages. Remember that all pages must be attached at the time of filing or they will require a motion to supplement the brief.

**2. Question: What is a certified list?**

**Answer:** A certified list is a document that adequately describes all documents, transcripts of testimony, exhibits, and other materials that constitute the record, or describes those parts designated by both parties. These materials will constitute a list of the lower tribunal's record.

**3. Question: What happens if I submit my social security number or other sensitive information on one of my documents?**

**Answer:** The Clerk's Office does not screen information for confidential material. Please black out personal information (e.g., social security numbers) or request that the document be filed under seal due to the use of confidential identification information. If you realize you have already sent confidential material to the court, please contact the Clerk's Office and request that they lock your document pending the submission of a redacted version.

**4. Question: What is the status of my case?**

**Answer:** You may obtain the status of your case by reviewing the docket on PACER or by going to your nearest Federal Depository Library. If you are unable to obtain the requested information or you require information that cannot be answered online or at a library, you may call the Clerk's Office at 202-275-8000.

**5. Question: Who do I need to serve my document on?**

**Answer:** Serve your document on the opposing counsel or agency listed on the docket. If there is no opposing counsel listed on the docket, contact the Clerk's Office and your case manager should be able to assist you in determining who represents the other party.

**6. Question: Am I allowed to file things via email/fax/electronically?**

**Answer:** Generally, electronic filing through the CM/ECF system is not available for unrepresented parties. You may email or fax a motion, response

to a motion, reply to a response, or a letter to [prose@cafc.uscourts.gov](mailto:prose@cafc.uscourts.gov) or to (202) 275-9678. Any document submitted by email must be attached to the email as a pdf or word document. No other document, including an appeal, petition, or brief may be filed or served by email or fax. A petition for review or notice of appeal submitted by an unrepresented party must be filed with the court by mail or hand delivery, and the court must receive the document by the due date.

**7. Question: How many copies of a document does the court require?**

**Answer:** The court requires three paper copies of an informal brief or petition for panel rehearing, six paper copies of a formal brief, and 18 paper copies of a petition for hearing or rehearing en banc. It requires one paper copy of your notice of appeal, petition for review, motion, or any other document.

**8. Question: Why do I need a Statement Concerning Discrimination if my case does not deal with discrimination?**

**Answer:** A discrimination statement form will be included in the docketing package provided to any petitioner seeking review of a decision of the Merit Systems Protection Board (MSPB) or an arbitrator. The court requires a statement on whether a claim of discrimination by reason of race, sex, age, national origin, or handicapped condition **has been** or **will be** made in the case. The court has created [Form 10](#) to allow unrepresented parties to easily comply with this requirement. Failure to complete a discrimination statement will result in dismissal of the petition for review.

**9. Question: What is a mandate?**

**Answer:** The mandate is the device by which the court closes an appeal and transfers jurisdiction to another court or agency.

**10. Question: What do I need to file with the court to open an appeal?**

**Answer:** In order to initiate a case, a notice of appeal or petition for review must be filed. In some cases, you must file your notice of appeal in another court or agency. For appeals from the U.S. Patent and Trademark Office (USPTO), a copy of the notice of appeal must be filed with both the USPTO and our court. Once you have filed your appeal or petition for review, the Clerk's Office will send you a docketing packet. The packet includes your Notice of Docketing, (which contains your case name, case number, and relevant due date information); caption sheet; and required forms. Please review the Notice of Docketing carefully for due dates and form requirements.

**11. Question: When is my brief due?**

**Answer:** If the case is from a court, the appellant's informal brief must be served and filed within 21 days after case opening, or 60 days after case opening for a formal brief. If the case is from an agency decision, the petitioner/appellant must serve and file the informal brief within 21 days after the certified list or index is served, or 60 days for a formal brief.

**12. Question: Does the court need to receive my notice of appeal or petition for review by the due date, or does it just need to be postmarked by that date?**

**Answer:** A petition for review or notice of appeal must be filed within the time allowed by the statute that authorizes it. Your petition or notice is not considered filed at the time it is postmarked; it must be physically received in the court or agency for filing within the time allowed by statute. You may not file a petition for review or notice of appeal by fax or email.

If you are an inmate, any filing - including a notice of appeal or brief - is timely if it is deposited in the institution's internal mail system on or before the last day for filing. You must include either a declaration that you filed in compliance with 28 U.S.C. § 1746 or have a notarized statement indicated you filed through the prison mail system. The declaration or statement must set forth the date of deposit and state that first-class postage has been prepaid. If you do not include a declaration or notarized statement, your filing will be considered late if not received by the due date.

**13. Question: Someone signed for the documents that I sent you. Why are they not on my docket? Did you receive them?**

**Answer:** The court receives over 1500 appeals every year with thousands of documents to process. It may take a few days to see a document reflected on the docket or it may take up to a week for your notice of appeal to be opened. Please rest assured that the Clerk's Office is processing your document. The court strongly suggests you keep track of your filings by reviewing your docket on PACER. If you do not see your document within a week, please feel free to contact the Clerk's Office to determine its status.

**14. Question: Can you appoint an attorney to represent me?**

**Answer:** The Federal Circuit is generally unable to appoint you an attorney. You may wish to contact the American Bar Association or your local state bar association and inquire whether they have a pro bono appointment or referral service.

**15. Question: Is this the right court for me to file my appeal?**

**Answer:** Please review Part IV of this Guide. Remember that this court is the United States Court of Appeals for the Federal Circuit and not the District of Columbia Circuit.

**16. Question: When will my case be decided?**

**Answer:** Cases can take months to be decided. Once a case has been fully briefed it is assigned to a panel for review. You will receive notice of whether the case will require oral argument or be decided on the briefs. Once a case has been submitted to a panel, the judges will review your case and make a decision in due course. The Clerk's Office is unable to give you a final determination of when a panel will make their decision.

**17. Question: The government sent me all these documents. What are they?**

**Answer:** Government counsel is required to serve you with all documents that they may file with the court. The Clerk's Office will attempt to assist you in determining if any of those documents are the same ones filed with the court. However, the documents may have been sent directly to you for review prior to filing. It is advised that you call or email government counsel in order to determine what you received.

**18. Question: I did not receive a copy of a document from the court or opposing party.**

**Answer:** All documents sent by the court are mailed to your last known address. Please confirm with the Clerk's Office that your address is correct. As a courtesy, the Clerk's Office may send you a second copy of your document. If you have not received a copy of a filing from the government, please contact the government and confirm they have your correct address. Additionally, if you need a copy of a filed document immediately, you may obtain a copy online through [PACER](#) or at your [local Federal Depository Library](#).

**19. Question: Do I need to file a certificate of interest or docketing statement?**

**Answer:** No, certificates of interest and docketing statements are only necessary in counseled cases. You do not need to file either if you are proceeding without an attorney.

**20. Question: What is an appendix and how do I file/compile it?**

**Answer:** The appendix is the underlying record of your case. FRAP 30 and FCR 30 provide a list of documents which must be included in the appendix. Please review those rules before filing your appendix with the court.

**21. Question: I am in the process of hiring an attorney. Can an attorney enter my case if I've already started it without counsel/pro se? What will happen when the attorney enters their appearance?**

**Answer:** Yes, an attorney can begin to represent you in your case at any point. Once an attorney enters their appearance, you will no longer be able to file things directly with the court. All correspondence with the court must be filed by your attorney. If you wish to file something directly with the court, it is suggested that you send it to your attorney who can file it on your behalf.

**22. Question: What does the "Notice of Calendaring" mean?**

**Answer:** The notice of calendaring is sent to the parties when the case has been assigned a court date for submission to a panel. The notice will inform you whether the case will be submitted on the briefs or if there will be oral argument. If the court will decide the case on the briefs, you will be given an opportunity to respond to the notice regarding why you wish to have oral argument.

**23. Question: How much is the filing fee, and are there other fees later?**

**Answer:** When you petition for review of a decision or appeal a decision of an agency, board, or commission to the Federal Circuit you are required to pay a docketing fee of \$500. Please make checks payable to: Clerk of the Court, U.S. Court of Appeals for the Federal Circuit.

If you appeal a judgment of a court, you must pay a docketing fee of \$505 (\$500 docketing fee and a filing fee of \$5) made payable to the clerk of that court. The U.S. Court of Appeals for Veterans Claims does not collect the \$5 filing fee. Exception: When appealing a decision in a vaccine case from the U.S. Court of Federal Claims, the \$500 fee must be paid at the Federal Circuit.

Please note that payment of the docketing fee is non-refundable once the notice of appeal has been filed.

You may be charged a fee for usage of PACER or for the reproduction of any record or paper. Please refer to the [fee schedule](#) for fees at the Federal Circuit at <http://www.cafc.uscourts.gov/rules-of-practice/fees>.

**24. Question: What constitutes the record, and do the judges have access to it?**

**Answer:** The record is the underlying materials in your case. The record is available to the judges should they require it. If you wish to direct their attention to something in the record, that should be done through your brief and the document should be included in your appendix.

**25. Question: I am an attorney proceeding pro se. Am I able to seek admission or use CM/ECF?**

**Answer:** Yes, you may seek admission to this court. Only attorneys admitted to the court may file documents with the court through CM/ECF.

**26. Question: What is a case manager, and how do they operate within the Clerk's Office?**

**Answer:** A case manager is your main point of contact regarding case processing. They will assist you in making sure your documents are correctly filed. Any case questions should be directed to a case manager.