Index

ABUSE OF DISCRETION

Standards of Review, this index

ACCRUAL OF APPEAL PERIOD

Time and Date, this index

ADMINISTRATIVE AGENCIES

Appealable decisions, **15:3**

Appeals, compared with judicial decision appeals, **15:1**

Choice of court, 15:3

Decision process, 15:4

Perfection of appeal, 9:9

Petition for review, 15:3

Record on appeal, 15:3

Standards of review, 5:10, 15:2

Stays, 15:4

ADMINISTRATIVE OFFICE OF U.S. COURTS

Statistical analysis of reversal rates, 4:1

AGREED STATEMENT

Record on appeal, 11:10

ALL WRITS ACT

Generally, **8:1, 16:2**

AMENDMENT OF PLEADINGS

Standards of review, procedural issues in civil cases, 5:5

AMICUS CURIAE

Briefs on appeal, **12:20** Supreme Court, **16:9**

,

ANTI-INJUNCTION ACT

Extraordinary writs, 8:1

APPEALABLE ISSUES

Generally, 7:1 et seq.

Administrative agency orders, 7:62, 15:2, 15:3

Bankruptcy matters, 7:54

Final Judgments, this index

Government appeals in criminal cases,

7:48 et seq.

Mootness, 7:64 to 7:66

Pendent appellate jurisdiction, 7:63

APPEALABLE ISSUES—Cont'd

Standing, **7:67**

Statutes conferring or denying appealability, **7:55 et seq.**

US Tax Court decisions, 7:53

APPEAL PERIOD

Perfecting appeal, 9:1

APPENDIX

Circuit differences, 11:3

Content, 11:1

Deferred, 11:5

Joint appendices, 11:4, 11:5

Mandamus petitions, 8:18

Preparation, 11:3, 12:3

Record excerpts, 11:6

Requirements, 11:3

Sealed appendices, 11:9

APPROVAL

Permission, this index

ARGUMENT

Briefs on Appeal, this index

Judgment, mandate, vacatur and rehearing, decision after argument, **14:1**

Oral Argument, this index

ARRANGEMENT

Classical rhetoric, appellate advocacy, 1:8

ASSEMBLY

Briefs on appeal, 12:5

Record on appeal, 11:3, 11:9

ATTORNEYS' FEES

Decision to appeal, investment decision, **6:2**

BAD FAITH

Decision to appeal, risk of sanctions, 6:3

BAIL

Pending appeal in criminal cases, 3:3

BANKRUPTCY

Perfection of appeal, 9:6

BANKRUPTCY—Cont'd

Standards of review, fact issues in civil cases, 5:3

BILL OF PARTICULARS

Standards of review, legal issues in criminal cases, 5:7

BONDS AND UNDERTAKINGS

Decision to appeal, investment decision, **6:2**

Perfection of appeal, **9:11** Post-judgment issues, **3:2**

BRIEFS ON APPEAL

Generally, 12:1 to 12:22

Amicus curiae, 12:20

Argument on issues presented, opening brief of appellant or petitioner, **12:13**

Assembly of brief, 12:5

Case and facts

counterstatements in responding brief of appellant or respondent, 12:15 statements in opening brief of appellant or petitioner, 12:11

Cross-appeals, 12:18

Decision to appeal, investment decision, **6:2**

Facts. Case and facts, above

Function of brief, 12:1

Issues presented

counterstatement in responding brief of appellant or respondent, **12:14**

statement in opening brief of appellant or petitioner, 12:10

Jurisdiction, statement in opening brief of appellant or petitioner, 12:9

Mechanics of brief-writing, 12:3 to 12:5

Monospacing, use of word processing and other computer programs in appellate practice, **12:4**

Multiple parties, 12:19

Notebook theory of brief-writing, 12:3

Opening brief of appellant or petitioner generally, 12:8 to 12:13

argument on issues presented, 12:13 case and facts, statements of, 12:11 issues presented, statement of, 12:10 selection of issues and order of presentation, 12:8

subject matter and appellate jurisdiction, statement of, 12:9

BRIEFS ON APPEAL—Cont'd

Opening brief of appellant or petitioner
—Cont'd

summary of argument, 12:12

Order of presentation, opening brief of appellant or petitioner, 12:8

Persuasion of judges, 12:6, 12:7

Pitch, use of word processing and other computer programs in appellate practice, 12:4

Point, use of word processing and other computer programs in appellate practice, **12:4**

Printing of brief, 12:5

Proportional spacing, use of word processing and other computer programs in appellate practice, **12:4**

Reply briefs, 12:17

Responding brief of appellant or respondent

generally, 12:14 to 12:16

argument in defense of judgment or order below, **12:16**

case and facts, counterstatements of, 12:15

issues, counterstatement of, 12:14

Rule-oriented vs. party-oriented writing of briefs, 12:6

Selection of issues, opening brief of appellant or petitioner, 12:8

Serif, use of word processing and other computer programs in appellate practice, **12:4**

Subject matter, statement in opening brief of appellant or petitioner, 12:9

Summary of argument, opening brief of appellant or petitioner, 12:12

Supplemental authorities, informing court regarding, 12:21

Time limits for filing of briefs, **12:2** Unpublished opinions or orders, references in briefs to, **12:22**

Word processing and other computer programs, use in appellate practice, 12:4

Writing of briefs, 12:3 to 12:5

CAPACITY

Standards of review, procedural issues in civil cases, **5:5**

CAPITAL CASES

Indigent persons, 3:4

CASE, STATEMENTS OF

Briefs on Appeal, this index

CERTIFICATE OF APPEALABILITY (COA)

Habeas corpus cases, 9:8

CERTIFICATION

To state supreme court, 14:3

CERTIORARI

Supreme Court, this index

"CERTWORTHINESS"

Supreme Court, 16:4

CHECKLIST

Generally, 1:2

CHIEF JUDGES

Courts of appeal, 2:1

CHIEF JUSTICE

Courts of appeal, 2:1

CLASS ACTIONS

Standards of review, procedural issues in civil cases, **5:5**

CLEARLY ERRONEOUS

Standards of Review, this index

CLERK OF COURT

Motions, decisions on, 10:4

COLLATERAL ATTACK

Judgments, 14:11

COMPLEX CASES

Extraordinary writs, 8:5

COMPROMISE

Decision to appeal, settlement as alternative to appeal, **6:5**

COMPUTER-BASED RESEARCH TOOLS

Generally, 1:7

COMPUTER PROGRAMS

Briefs on appeal, use in appellate practice, 12:4

CONFRONTATION, RIGHT OF

Evidence issues in civil and criminal cases, standards of review, **5:9**

Procedural issues in criminal cases, standards of review, **5:8**

CONSENT

Permission, this index

CONSTITUTIONAL LAW

Confrontation, Right of, this index

Double Jeopardy, this index

Due Process, this index

Equal Protection, this index

Extraordinary writs, 8:9

First Amendment, this index

Indigent persons, 3:4

Standards of Review, this index

CORRECTION

Record on appeal, 11:11

COSTS

Bond, 3:2

Decision to appeal, investment decision,

6:2

Judgments, 14:4

COURTS OF APPEAL

Generally, Appx F, 2:1

Chief judges, 2:1

Chief Justice, 2:1

Choice among courts, 2:1

Establishment, 2:1

Extraordinary Writs, this index

Federal Circuit, this index

Judicial council, 2:1

Quorum, **2:1**

Staffing, 2:1

Structure of appellate courts, generally,

2:1

CRIMINAL CASES

Generally, Appx D

Bail, this index

Capital Cases, this index

Confrontation, Right of, this index

Due Process, this index

Equal Protection, this index

Extraordinary Writs, this index

Federal Rules of Criminal Procedure,

Appx C

Final Judgments, this index

Habeas Corpus, this index

Indictments, this index

Racketeer Influence and Corrupt

Organizations Act, this index

Sentence and Punishment, this index

Standards of Review, this index

CROSS-APPEALS

Briefs on appeal, 12:18 Perfection of appeal, 9:10

CROSS-EXAMINATION

Standards of review, procedural issues in criminal cases, **5:8**

DATE

Time and Date, this index

DEATH PENALTY

Indigent persons, 3:4

DECISION TO APPEAL

Generally, **6:1 to 6:5**

Grounds for appeal, 6:1

Identification of preserved error, 6:1

Investment decision, **6:2**

Positioning case for appeal, 6:4

Rules and risk of sanctions, 6:3

Settlement as alternative to appeal, **6:5**

DEFAMATION

Standards of review, constitutional issues, 5:12

DEFERRED JOINT APPENDIX

Record on appeal, 11:5

DELAY

Decision to appeal, risk of sanctions, 6:3

DELIVERY

Classical rhetoric, appellate advocacy, 1:8

DE NOVO

Standards of Review, this index

DIGESTING

Record on appeal, 11:7

DIRECTED VERDICT

Standards of review, legal issues in civil cases, **5:4**

DISCOVERY

Extraordinary writs, 8:5, 8:6

Standards of review

Procedural issues in civil cases, **5:5**Procedural issues in criminal cases, **5:8**

DISCRETION

Perfection of Appeal, this index

DISCRETIONARY APPEAL

Ouestion of state law, 14:3

DISMISSAL OF ACTION

Final Judgments, this index

DISQUALIFICATION

Extraordinary writs, disqualification of judge or counsel, **8:8**

DUE PROCESS

Indigent persons, 3:4

Prisoners Litigation Reform Act, 3:4

Standards of review

Evidence issues in civil and criminal cases, **5:9**

Procedural issues in criminal cases, 5:8

EMPLOYEES

Courts of appeal, 2:1

EN BANC

Oral argument, 13:13

Rehearings, 14:6, 14:9

EQUAL PROTECTION

Indigent persons, 3:4

Prisoners Litigation Reform Act, 3:4

EVIDENCE

Standards of Review, this index

EXCERPTS

Record on appeal, 11:6

EXCUSABLE NEGLECT

Perfection of appeal, 9:1

EXHAUSTION OF REMEDIES

Standards of review, 5:1

EXPERT WITNESSES

Standards of review, evidence issues in civil and criminal cases, **5:9**

EXTRAORDINARY WRITS

Generally, 8:1 to 8:19

All Writs Act, **8:1, 16:2**

Anti-Injunction Act, 8:1

Availability of writs, 8:2, 8:3

Basis and background, 8:1

Challenged order, drafting of writ, 8:18

Civil cases, generally, 8:4 to 8:12

Complex cases, 8:5

Constitutional issues, 8:9

Criminal cases

generally, 8:13 to 8:15

defendant petitions, 8:15

government petitions, 8:14

EXTRAORDINARY WRITS—Cont'd

Discovery disputes, 8:5, 8:6

Disqualification of judge or counsel, 8:8

Drafting of writ, 8:18

Factual background, drafting of writ, 8:18

First Amendment, 8:9

Grand jury, defendant petitions in crimi-

nal cases, 8:15

Habeas Corpus, this index

Identification of issues appropriate for review, **8:10**

Issues presented, drafting of writ, **8:18**

Liberalization of availability of writs, 8:2

Novel issues, 8:5

Opposition to writ, 8:19

Prisoners Litigation Reform Act, 3:4

Procedure. 8:17 to 8:19

Reasons writ should issue, drafting of writ, 8:18

Relevant facts, drafting of writ, 8:18

Relief sought, drafting of writ, 8:18

Supreme Court, 16:2

Transfer orders, 8:7

Venue, defendant petitions in criminal cases, **8:15**

FACT ISSUES

Standards of Review, this index

FACTS, STATEMENTS OF

Briefs on Appeal, this index

FACTUAL BACKGROUND

Extraordinary writs, drafting of writ, 8:18

FEDERAL CIRCUIT

Generally, 2:2

Choice of circuit, 2:2, 15:3

Final judgments, 2:2

Intellectual property, 2:2

Jurisdiction, 2:2

FEDERAL RULES OF APPELLATE PROCEDURE

Generally, Appx A

FEDERAL RULES OF CIVIL PROCEDURE

Generally, Appx B

FEDERAL RULES OF CRIMINAL PROCEDURE

Generally, Appx C

FIFTH AMENDMENT

Standards of Review, this index

FILING APPEAL

Perfection of Appeal, this index

FINAL JUDGMENTS

Generally, 7:2 et seq.

Adverse, 7:3

Attorneys' fees, 7:9

Class Actions, this index

Collateral orders in civil cases, 7:15 et

Collateral orders in criminal cases, 7:29 to 7:33

Death knell doctrine, 7:8

Defendant's appeals in criminal cases,

7:11 et seq.

Difficult applications, 7:7

Discovery, this index

Documented, 7:4

Federal Circuit, 2:2

Grant or denial of preliminary injunction, 7:34

Particular orders, 7:6

Practical finality, 7:10

28 USCA Section 1292(a), 7:34 et seq.

FIRST AMENDMENT

Extraordinary writs, 8:9

Standards of Review, this index

FORMER JEOPARDY

Double Jeopardy, this index

FRAUD

Decision to appeal, risk of sanctions, 6:3

FRIVOLOUS ACTIONS

Decision to appeal, risk of sanctions, **6:3** Prisoners Litigation Reform Act, indigent litigants, **3:4**

FUNCTION

Briefs on appeal, 12:1

FURTHER REVIEW

Judgments, 14:11

GOOD CAUSE

Perfection of appeal, 9:1

GOOD FAITH

Decision to appeal, risk of sanctions, 6:3

GOVERNMENT APPEALS IN CRIMINAL CASES

Appealability, 7:48 et seq.

GRAND JURY

Extraordinary writs, defendant petitions in criminal cases, **8:15**Final Judgments, this index

GRANT, VACATE AND REMAND (GVR) ORDERS

Supreme Court, processing of certiorari petitions, **16:5**

GROUNDS FOR APPEAL AND STANDARDS OF REVIEW

Generally, 4:7

HABEAS CORPUS

Perfection of appeal, 9:8
Prisoners Litigation Reform Act, 3:4
Standards of review
generally, 5:1
Constitutional issues, 5:12

HARMLESS ERROR

Standards of Review, this index

HEARINGS

Decision to appeal, risk of sanctions, 6:3

HEARSAY

Standards of review, evidence issues in civil and criminal cases, **5:9**

HOLD

Supreme Court, processing of certiorari petitions, **16:5**

HYDE AMENDMENT

Decision to appeal, risk of sanctions, 6:3

IDENTIFICATION OF ISSUES APPROPRIATE FOR REVIEW

Extraordinary writs, 8:10

IDENTIFICATION OF PRESERVED ERROR

Generally, **4:1**Decision to appeal, **6:1**Grounds for appeal, **5:3**

IMMINENT DANGER

Prisoners Litigation Reform Act, indigent litigants, **3:4**

IMMUNITY

Final Judgments, this index Sovereign Immunity, this index

INDEXING

Record on appeal, 11:7

INDICATIVE RULINGS

Scope of review, 9:11

INDICTMENTS

Standards of Review, this index

INDIGENT PERSONS

Bond, **3:2**

Post-judgment issues, 3:4

INFORMAL PRACTICE

Motions, 10:2

INJUNCTIONS

Anti-Injunction Act, 8:1

INSTRUCTIONS TO JURY

Standards of Review, this index

INTELLECTUAL PROPERTY

Federal Circuit, 2:2

INTEREST

Judgments, 14:4

INTERNET

Arguing to distant court by, 13:14

INVENTION

Classical rhetoric, appellate advocacy, 1:8

INVESTMENT DECISION

Decision to appeal, 6:2

ISSUES PRESENTED

Briefs on Appeal, this index Extraordinary writs, drafting of writ, **8:18**

JOINDER OF OFFENSES

Standards of review, procedural issues in criminal cases, **5:8**

JOINT APPENDIX

Record on appeal, 11:4

JUDGMENT, MANDATE, VACATUR AND REHEARING

Generally, 14:1 to 14:11

Argument, decision after, 14:1

Collateral attack, 14:11

Costs, 14:4

JUDGMENT, MANDATE, VACATUR AND REHEARING—Cont'd

En banc rehearings, **14:6**, **14:9**

Further review, 14:11

Interest, 14:4

Judgment, generally, 14:3

Mandate, generally, 14:3

Motion to recall mandate, 14:7

Non-argued cases, 14:2

Opinions, **14:3**

Petitions

rehearings, 14:8

rehearings en banc, 14:9

Procedural steps before seeking rehearing, **14:7**

Rehearing, generally, 14:6 to 14:10

Rehearing and rehearing en banc, compared, **14:6**

Sanctions, 14:4

Stay of mandate, 14:7

Vacatur, generally, 14:5

JUDGMENT NOTWITHSTANDING VERDICT

Standards of review, legal issues in civil cases, **5:4**

JUDICIAL COUNCIL

Courts of appeal, 2:1

JUDICIARY AND JUDICIAL PROCEDURE

Generally, Appx E

JURISDICTION

Briefs on appeal, statement in opening brief of appellant or petitioner, 12:9

Federal Circuit, 2:2

Standards of review

Legal issues in civil cases, 5:4

Procedural issues in criminal cases, 5:8

Supreme Court, 16:2

JURY TRIAL

Standards of Review, this index

LEGAL ISSUES

Standards of Review, this index

LIBEL

Standards of review, constitutional issues, **5:12**

MALICE

Standards of review, constitutional issues, 5:12

MALICIOUS ACTIONS

Prisoners Litigation Reform Act, indigent litigants, **3:4**

MANDAMUS

Extraordinary Writs, this index

MANDATE

Judgment, Mandate, Vacatur and Rehearing, this index

MANIFESTLY ERRONEOUS

Standards of review, 5:1

MECHANICS

Brief-writing, 12:3 to 12:5

MEMORY

Classical rhetoric, appellate advocacy, 1:8

MIRANDA WARNINGS

Standards of review, constitutional issues, 5:12

MODIFICATION

Record on appeal, 11:11

MONOSPACING

Briefs on appeal, use of word processing and other computer programs in appellate practice, 12:4

MOOTNESS

Appealable issues, 7:64 to 7:66

MOTIONS

Generally, **10:1 to 10:10**

Clerk of court of appeals, motions decided by, **10:4**

Informal motion practice, 10:2

Opposition to motions, **10:9**

Panel of court, motions heard by, 10:6

Persuasive motion, writing of, 10:8

Prehearing conferences, 10:7

Role of motions in appellate practice, **10.1**

Single judge, motions heard by, 10:5

Timing, **10:3**

Voluntary dismissal, 10:10

MULTIPLE LAWYERS

Oral argument, 13:12

MULTIPLE PARTIES

Briefs on appeal, 12:19 Oral argument, 13:12

NEW TRIAL

Standards of review, legal issues in civil cases. **5:4**

NON-ADVERSARY SETTINGS

Trial Advocacy and Non-Adversary Settings, this index

NOTEBOOK

Brief-writing, **12:3** Oral argument, **13:7**

NOTICE

Decision to appeal, risk of sanctions, **6:3** Perfection of appeal, **9:1** to **9:4**

NOVEL ISSUES

Extraordinary writs, 8:5

OPENING BRIEFS

Briefs on Appeal, this index

OPINIONS

Generally, 14:3

ORAL ARGUMENT

Generally, 13:1 to 13:14

Additional time for argument, 13:4

Appellant's opening argument, 13:9

Appellee's argument, 13:10

Benefits, 13:1

Effective argument strategy

generally, 13:9 to 13:11

appellant's or petitioner's opening

argument, 13:9

appellee's or respondent's argument, 13:10

rebuttal argument, 13:11

En banc oral argument, 13:13

Focus on panel that will hear case, 13:6

Multi-party and multi-lawyer cases, 13:12

Oral argument notebook, 13:7

Petitioner's opening argument, 13:9

Phone or internet, arguing to distant court by, **13:14**

Practicing of argument, 13:8

Preparation

generally, 13:5 to 13:8

focus on panel that will hear case, **13:6** oral argument notebook, **13:7**

Index-8

ORAL ARGUMENT—Cont'd

Preparation—Cont'd

practicing of argument, 13:8

research and study, 13:5

Rationing of oral argument by court of appeals, 13:2

Rebuttal argument, 13:11

Research, preparation, 13:5

Respondent's argument, 13:10

Scheduling of oral arguments, 13:3

Study, preparation, 13:5

ORDER OF PRESENTATION

Briefs on appeal, opening brief of appellant or petitioner, 12:8

PANEL OF COURT

Motions, hearing of, 10:6

PARTIES

Intervention, this index

Standards of review, procedural issues in civil cases, 5:5

PENALTIES

Sanctions, this index

PENDENT APPELLATE JURISDICTION

Appealable issues, 7:63

PERFECTION OF APPEAL

Generally, **9:1 to 9:11**

Administrative agency orders, 9:9

Bankruptcy appeals, 9:6

Bond, 9:11

Contents of notice of appeal, 9:2

Cross-appeals, 9:10

Discretion or permission, appeal as matter of

generally, 9:5, 9:6

bankruptcy appeals, 9:6

habeas corpus cases, 9:8

tax court cases, 9:7

Enlargement of time for appeal, 9:1

Excusable neglect, 9:1

Good cause, 9:1

Habeas corpus cases, 9:8

Notice of appeal, 9:1 to 9:4

Permission. Discretion or permission, appeal as matter of, above

Post-trial motions, effect on time for appeal, **9:1**

PERFECTION OF APPEAL—Cont'd

Protective cross-appeals, 9:10
Right, appeal as matter of
generally, 9:2 to 9:4
civil cases, 9:3
contents of notice of appeal, 9:2
criminal cases, 9:4
tax court cases, 9:7
Stay, 9:11
Supersedeas, 9:11
Tax court cases, 9:7
Time for appeal, 9:1

PERJURY

Standards of review, procedural issues in criminal cases, 5:8

PERMISSION

Perfection of Appeal, this index

PERSUASION

Briefs on appeal, **12:6**, **12:7**Motions, writing of persuasive motion, **10:8**

PETITIONS

Judgment, Mandate, Vacatur and Rehearing, this index

PHONE

Arguing to distant court by, 13:14

PITCH

Briefs on appeal, use of word processing and other computer programs in appellate practice, 12:4

PLAIN ERROR

Standards of review, 5:1

POINT

Briefs on appeal, use of word processing and other computer programs in appellate practice, 12:4

POOR PERSONS

Bond, 3:2

Post-judgment issues, 3:4

POST-JUDGMENT ISSUES

Generally, **3:1 to 3:5**

Bail pending appeal in criminal cases, **3:3** Bond, **3:2**

Indigent litigants, 3:4

Positioning case for appeal in district court, **3:1**

POST-JUDGMENT ISSUES—Cont'd

Stay, **3:2**

Supersedeas, 3:2

United States as party, special problems and opportunities, **3:5**

POST-TRIAL MOTIONS

Civil cases, 9:3

Criminal cases, 9:4

Perfection of appeal, effect on time for appeal, **9:1**

Preservation of issues and deadlines, 3:1

PRACTICE

Oral argument, practicing of, 13:8

PREHEARING CONFERENCES

Motions, **10:7**

PREPARATION

Oral Argument, this index

PRESENTATION

Classical rhetoric, appellate advocacy, 1:8

PRESERVED ERROR

Identifying preserved error, 4:1

PRINTING

Briefs on appeal, 12:5

PRISONERS LITIGATION REFORM ACT

Indigent litigants, 3:4

PROBATION

Bail, revocation of probation, 3:3

PROCEDURAL ISSUES

Standards of Review, this index

PRO HAC VICE ADMISSION

Decision to appeal, risk of sanctions, 6:3

PROHIBITION

Extraordinary Writs, this index

PROPORTIONAL SPACING

Briefs on appeal, use of word processing and other computer programs in appellate practice, 12:4

PROTECTIVE CROSS-APPEALS

Perfection of appeal, 9:10

QUORUM

Courts of appeal, 2:1

RATIONING

Oral argument, 13:2

REAL PARTY IN INTEREST

Standards of review, procedural issues in civil cases, **5:5**

REBUTTAL

Oral argument, 13:11

RECORD ON APPEAL

Generally, 11:1 to 11:12

Administrative appeals, 15:4

Agreed statement, appeal on, 11:10

Assembly of record, 11:3, 11:9

Circuit-specific rules, 11:2

Correction of record, 11:11

Deferred joint appendix, 11:5

Digesting of record, 11:7

Excerpts from record, 11:6

Importance of assembly and transmission

of record, 11:3

Indexing of record, 11:7

Joint appendix, 11:4

Modification of record, 11:11

Supplementation of record, 11:12

Transcript, ordering of, 11:8

Transmission of record, 11:3, 11:9

Unavailability of record, 11:10

REHEARING

Judgment, Mandate, Vacatur and Rehearing, this index

RELEVANT FACTS

Extraordinary writs, drafting of writ, 8:18

RELIEF SOUGHT

Extraordinary writs, drafting of writ, 8:18

REPLY

Briefs on appeal, **12:17** Supreme Court, **16:8**

RESEARCH

Oral argument, preparation, 13:5

Tools, 1:7

Trial advocacy and non-adversary settings, depth of research into points of law, 1:5

RESPONSE

Supreme Court, petition for certiorari, **16:7**

RIGHT, APPEAL OF

Perfection of Appeal, this index

RULES OF APPELLATE PROCEDURE

Generally, Appx A

RULES OF CIVIL PROCEDURE

Generally, Appx B

RULES OF CRIMINAL PROCEDURE

Generally, Appx C

SANCTIONS

Decision to appeal, rules and risk of sanctions, **6:3**

Judgments, 14:4

SCHEDULES

Oral argument, 13:3

SCOPE OF REVIEW

Generally, **4:2 to 4:7**

Collateral attack, 4:5

Error preservation, 4:3

Harmless error, 4:6

Waiver, **4:7**

Waiver, forfeiture, and plain error, 4:4

SELECTION OF ISSUES

Briefs on appeal, opening brief of appellant or petitioner, 12:8

SERIF

Briefs on appeal, use of word processing and other computer programs in appellate practice, 12:4

SERVICE OF PAPERS

Decision to appeal, investment decision, **6:2**

SETTLEMENT

Decision to appeal, settlement as alternative to appeal, **6:5**

SEVERANCE OF CLAIMS

Final Judgments, this index

SINGLE JUDGES

Motions, hearing of, 10:5

SIXTH AMENDMENT

Standards of Review, this index

SOVEREIGN IMMUNITY

Decision to appeal, risk of sanctions, 6:3

STAFFING	STANDARDS OF REVIEW—Cont'd
Courts of appeal, 2:1	Grounds for appeal, generally, 5:1 to 5:12
STANDARDS OF REVIEW	Habeas Corpus, this index
Generally, 5:1 to 5:12	Harmless error
Abuse of discretion	generally, 4:6
generally, 5:1	legal issues in civil cases, 5:4
administrative agency cases, 5:10	legal issues in criminal cases, 5:7 procedural issues in criminal cases, 5:8
evidence issues in civil and criminal	tax court cases, 5:11
cases, 5:9	Indictments
procedural issues in civil cases, 5:5	legal issues in criminal cases, 5:7
procedural issues in criminal cases, 5:8	procedural issues in criminal cases, 5:8
Administrative agency cases, 5:10	Instructions to jury
Civil cases, 5:3 to 5:5, 5:9	legal issues in civil cases, 5:4
Clearly erroneous	legal issues in criminal cases, 5:7
generally, 5:1	procedural issues in civil cases, 5:5
constitutional issues, 5:12	Jurisdiction, this index
fact issues in civil cases, 5:3	Jury trial
Confrontation, Right of, this index	fact issues in civil cases, 5:3
Constitutional law	instructions to jury, above
generally, 5:12	procedural issues in civil cases, 5:5
Fifth Amendment, below First Amendment, below	Legal issues
Sixth Amendment, below	civil cases, 5:4
Criminal cases, 5:6 to 5:9	criminal cases, 5:7
De novo	Procedural issues
generally, 5:1	civil cases, 5:5
constitutional issues, 5:12	criminal cases, 5:8
evidence issues in civil and criminal	Sixth Amendment
cases, 5:9	evidence issues in civil and criminal
legal issues in civil cases, 5:4	cases, 5:9
legal issues in criminal cases, 5:7	procedural issues in criminal cases, 5:8 Summary judgment
tax court cases, 5:11	fact issues in civil cases, 5:3
Discovery, this index	legal issues in civil cases, 5.3
Due Process, this index	Tax court cases, 5:11
Evidence	, ,
generally, 5:9	STANDING
legal issues in criminal cases, 5:7	Appealable issues, 7:67
procedural issues in criminal cases, 5:8	STATISTICS
Fact issues	Reversal rates, 4:1
civil cases, 5:3	
criminal cases, 5:6	STAYS
Fifth Amendment	Mandate, 14:7
evidence issues in civil and criminal	Perfection of appeal, 9:11
cases, 5:9	Post-judgment issues, 3:2
procedural issues in criminal cases, 5:8	STUDY
First Amendment	Oral argument, preparation, 13:5
constitutional issues, 5:12	
evidence issues in civil and criminal	STYLE
cases, 5:9	Classical rhetoric, appellate advocacy, 1:8

SUBJECT MATTER, STATEMENT OF

Opening brief of appellant or petitioner, 12:9

SUBPOENAS

Final Judgments, this index

SUMMARY JUDGMENT

Standards of Review, this index

SUMMARY OF ARGUMENT

Opening brief of appellant or petitioner, 12:12

SUMMARY REVERSAL

Supreme Court, processing of certiorari petitions, **16:5**

SUPERSEDEAS

Perfection of appeal, 9:11 Post-judgment issues, 3:2

SUPPLEMENTAL AUTHORITIES

Briefs on appeal, 12:21

SUPPLEMENTATION

Record on appeal, 11:12

SUPREME COURT

Generally, 16:1 to 16:9

All Writs Act, 16:2

Amicus curiae, 16:9

Call for views of Solicitor General, processing of certiorari petitions, 16:5

"Certworthiness", 16:4

Drafting of petition for certiorari, **16:6** Extraordinary writs, **16:2**

Grant, vacate and remand (GVR) orders, processing of certiorari petitions, 16:5

Hold, processing of certiorari petitions, 16:5

Jurisdiction, 16:2

Practice before Supreme Court, **16:1** Processing of certiorari petitions, **16:5**

Reply by petitioner, **16:8**

Response to petition for certiorari, **16:7** Summary reversal, processing of certiorari petitions, **16:5**

Timing, 16:3

TAX COURT

Perfection of appeal, 9:7 Standards of review, 5:11

TIME AND DATE

Briefs on appeal, time limits for filing of briefs, 12:2

Motions, 10:3

Oral argument, additional time for argument, 13:4

Perfection of appeal, 9:1

Supreme Court, 16:3

TRANSCRIPT

Record on appeal, 11:8

TRANSFER ORDERS

Extraordinary writs, 8:7

TRANSMISSION

Record on appeal, 11:3, 11:9

TRIAL ADVOCACY AND NON-ADVERSARY SETTINGS

Generally, 1:3 to 1:6

Appellate advocacy, compared, generally, **1:3 to 1:6**

Methods by which appellate judges decide issues and cases, **1:4**

Questions on appeal, hard choices about, **1:6**

Research into points of law, depth of, 1:5

UNDERTAKINGS

Bonds and Undertakings, this index

UNITED STATES

Decision to appeal, risk of sanctions, 6:3

UNPUBLISHED OPINIONS OR ORDERS

Briefs on appeal, references in, 12:22

VACATUR

Judgment, Mandate, Vacatur and Rehearing, this index

VENUE

Extraordinary writs, defendant petitions in criminal cases, **8:15**

VOLUNTARY DISMISSAL

Motions, 10:10

WAIVER

Criminal and civil appeals, **4:7** Decision to appeal, risk of sanctions, **6:3**

WORD PROCESSING

Briefs on appeal, use in appellate practice, 12:4

INDEX

WRITS

Extraordinary Writs, this index