

### **Rule 31. Serving and Filing Briefs.**

#### **(a) Time to Serve and File a Brief.**

(1) The appellant must serve and file a brief within 40 days after the Clerk has notified the parties that the record is filed or, following such notice, after the court has denied a motion for summary affirmance. The appellee must serve and file a brief within 30 days after the appellant's brief is served. The appellant may serve and file a reply brief within 21 days after service of the appellee's brief, but a reply brief must be filed at least 7 days before oral argument.

(2) In consolidated appeals, individual appellants or appellees may join to file a single brief. If separate briefs are filed by individual appellants or appellees, the responsive brief or briefs must be filed in the time provided in paragraph (1) of this rule, with the time beginning to run after service of the latest brief to which a response is made.

(b) Number of Copies. An original and 3 copies of each brief must be filed with the Clerk, but if the case is to be heard en banc, then an original and 9 copies of each brief must be filed. A copy of each brief must be served on counsel for each separately represented party, as well as on each unrepresented party. By order in a particular case, the court may require the filing or service of a different number of copies.

(c) Consequence of Failure to File. If an appellant fails to file a brief within the time provided by this rule, or within the time as extended, an appellee may move to dismiss the appeal. A party who fails to file a brief will not be heard at oral argument unless the court grants permission.