

IN THE [NAME OF APPELLATE COURT]
STATE OF [STATE] / [CIRCUIT NUMBER] CIRCUIT

[APPELLANT'S FULL NAME],
Appellant,

v.

[APPELLEE'S FULL NAME],
Appellee.

Appeal No.: _____

*On Appeal from the [Trial Court Name], [County/District]
Case No. [Trial Court Case No.] | Hon. [Judge's Name], presiding*

APPELLANT'S OPENING BRIEF

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I. JURISDICTIONAL STATEMENT

The [trial court name] entered a final judgment in favor of Appellee on [date of judgment]. (R. at [page number in the record].) This Court has jurisdiction over this appeal pursuant to [cite applicable appellate jurisdiction statute, e.g., 28 U.S.C. § 1291 for final decisions of federal district courts]. Appellant timely filed a Notice of Appeal on [date], within [X] days of the entry of final judgment as required by [Fed. R. App. P. 4(a)(1) / applicable rule].

II. STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. [State Issue 1 precisely and concisely. Example: 'Whether the trial court erred in granting Defendant's Motion to Dismiss by failing to accept Plaintiff's well-pleaded factual allegations as true and draw all reasonable inferences in Plaintiff's favor.']

2. [State Issue 2. Example: 'Whether the trial court abused its discretion in excluding Plaintiff's expert witness testimony, which was critical to establishing causation.']
3. [Add additional issues as necessary. Keep issues focused and specific to the grounds for appeal.]

III. STATEMENT OF THE CASE

This is an appeal from a final judgment entered by [trial court] in favor of Appellee. (R. at [X].) [Describe the nature of the action, e.g., 'Appellant brought this action for breach of contract and fraud arising from Appellee's failure to perform under a written services agreement and related misrepresentations.'] After [brief summary of proceedings, e.g., 'full briefing on Appellee's Motion for Summary Judgment'], the trial court [describe the ruling, e.g., 'granted summary judgment in favor of Appellee on all claims, finding that no genuine dispute of material fact existed as to the element of damages']. (R. at [X].) This appeal followed.

IV. STATEMENT OF FACTS

[Provide a concise, accurate, and thorough statement of the facts material to the issues on appeal. All factual statements must be supported by citations to the record. Use parenthetical citations such as '(R. at [page])' or '(Ex. A at [page])' after each factual assertion.]

4. [State factual background. Example: 'On [date], Appellant and Appellee entered into a written contract for [subject matter]. (R. at [X].)']
5. [State key facts relevant to the first issue on appeal, with record citations.]
6. [Describe procedural history: motions filed, rulings made, and the specific error(s) at issue. Example: 'Appellant timely objected to the exclusion of expert testimony at the hearing. (R. at [X].)']

V. SUMMARY OF ARGUMENT

The trial court committed reversible error in [briefly describe the primary error(s)]. First, [summarize Argument A in two to three sentences, stating the error and why it requires reversal]. Second, [summarize Argument B]. The combined effect of these errors [was / is] prejudicial to Appellant and warrants reversal of the judgment [and remand for further proceedings].

VI. STANDARD OF REVIEW

This Court reviews [de novo / for abuse of discretion / for clear error] the trial court's [ruling on the motion to dismiss / grant of summary judgment / evidentiary ruling / jury instruction / etc.]. [Cite standard of review for each issue. Example: 'Questions of law, including the interpretation of a contract and the elements of a cause of action, are reviewed de novo. See [cite case].' 'The trial court's evidentiary rulings are reviewed for abuse of discretion. See [cite case]. Reversal is warranted only if the error was prejudicial, i.e., if it affected a party's substantial rights. See Fed. R. Evid. 103.']

VII. ARGUMENT

A. THE TRIAL COURT ERRED IN [DESCRIBE ERROR — e.g., GRANTING SUMMARY JUDGMENT] BECAUSE [REASON]

[Open with a clear, direct statement of the legal error. Example: 'The trial court erred in granting summary judgment because genuine disputes of material fact existed as to each element of Appellant's breach of contract claim that precluded summary disposition.']

1. [Sub-argument heading, e.g., Genuine Disputes of Fact Existed as to the Element of Breach]

[Develop argument with citation to record evidence, legal authority, and analysis. Structure as: (1) state the legal standard; (2) apply it to the facts of this case; (3) explain why the lower court's ruling was erroneous. Example: 'Summary judgment is appropriate only where 'there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.' Fed. R. Civ. P. 56(a). The court must view the evidence in the light most favorable to the non-moving party. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986). Here, [cite specific record evidence showing the dispute of fact].']

B. THE TRIAL COURT FURTHER ERRED BY [DESCRIBE SECOND ERROR]

[Develop second argument with the same structure: legal standard, application to the facts, analysis of error and prejudice. Continue with as many argument sections as there are issues presented for review.]

VIII. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court:

7. Reverse the judgment of the trial court in its entirety;
8. Remand the matter to the trial court for [further proceedings consistent with this Court's opinion / a new trial / entry of judgment in Appellant's favor];
9. Award Appellant its costs on appeal; and
10. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: _____

[Attorney's Full Name], Esq.

[Law Firm Name | Address | Phone | Email]

Counsel for Appellant [Appellant's Name]

Dated: _____

CERTIFICATE OF COMPLIANCE

Pursuant to [Fed. R. App. P. 32(g) / applicable local rule], I hereby certify that this brief complies with the type-volume limitations of [Fed. R. App. P. 32(a)(7)(B)] because it contains [X] words, excluding those parts of the brief exempted by [Fed. R. App. P. 32(f)]. This brief also complies with the typeface requirements of [Fed. R. App. P. 32(a)(5)] and the type style requirements of [Fed. R. App. P. 32(a)(6)].

[Attorney's Name]