

# Supreme Court of Virginia

## Rule 5:17 - Petition for Appeal

Time for Filing: Direct from a trial court, not more than three months after entry of order appealed from.

From the Court of Appeals, within 30 days after entry of the order appealed from or a denial of a Petition for Rehearing.

### **DO NOT FORGET TO FILE YOUR NOTICE OF APPEAL!!!**

Page Limit: 35 pages OR 6,125 words (excludes cover, table of contents, table of authorities, and certificate of service)

Color of Cover: White (the petition is not actually required to be bound with a cover - it can be stapled)

Form and Content: 14 point type; only acceptable fonts are Courier, Arial and Verdana; double spaced (footnotes and quotations can be single spaced), one inch margins all around.

The petition shall contain:

1. Subject Index and Table of Citations with cases alphabetically arranged.
2. Assignments of Error. An Assignment of Error which merely states that the judgment or award is contrary to the law and the evidence is NOT sufficient. A reference to the record, transcript or written statement of facts as to where the error was preserved for appeal must be noted. **If the Petition does not contain Assignments of Error, the appeal will be dismissed**
3. Required Statements when the Appeal is from the Court of Appeals: When appeal is taken from a judgment of the Court of Appeals in a case in which judgment is made final under Code § 17.1-410, the petition shall contain a statement setting forth in what respect the decision of the Court of Appeals involves either a substantial constitutional question as a determinative issue or matters of significant precedential value. If the petition for appeal does not contain such a statement, the appeal will be dismissed.
4. Statement of the Nature of the Case and Material Proceedings
5. Statement of the Facts (with references to the record, transcript, etc.)
6. Argument and Standard of Review for each Assignment of Error
7. Conclusion
8. Certificate

Required Certificate:

The certificate must include the names of all appellants and appellees, and the names, bar numbers, addresses, phone numbers, fax numbers and email addresses of the counsel for each party and any party not represented by counsel.

The certificate must state that a copy of the petition has been mailed or delivered on the date stated therein to all opposing counsel and all parties not represented by counsel.

If a word count is used, the number of words. If the petition is under the page limit, the word count is not necessary.

In a criminal case, the certificate must contain a statement whether counsel for defendant has been appointed or retained.

The certificate must also contain a statement as to whether or not counsel desires oral argument, and whether it is desired in person or by conference telephone call.

Filing Fee: \$50.00 (waived in court appointed cases) Number of copies:

7 for court, one for each opposing party.