

## JOINT APPENDIX: FORMAT AND CONTENT CHECKLIST <sup>1</sup>

“All parties are required to consult and agree on the contents of the appendix. It is the duty of the parties in the first instance to cooperate in filing one Joint Appendix on appeal. The Supreme Court may permit **upon timely motion** the filing of separate appendices upon certification, **with supporting documents**, that a given party has failed to cooperate in the designation of a joint appendix.” V.I.R.APP.P. 24(b). (emphases added).<sup>2</sup>

### Content and Arrangement of Appendix – V.I.R.APP.P. 24(a), (c)

- Cover page
- Table of contents
- Notice of Appeal
- All Judgments Orders or Decisions Being Appealed
- Certified list of docket entries
- Other parts of the record designated by **both** parties preferably in chronological order

### Front Cover – V.I.R.APP.P. 15(a)

- Front cover page must be 

<b>WHITE</b>
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 and must include:
  - Supreme Court Case Number
  - Supreme Court Case Title
  - Superior Court Case Number

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<sup>1</sup> In the interest of maintaining a high quality of advocacy, this checklist is offered to parties that will file a joint appendix in the Supreme Court of the Virgin Islands. It is intended to provide guidance to, not replace, those portions of the Virgin Islands Rules of Appellate Procedure that relate to preparing briefs and joint appendices in the Court. All references to rules in this guide are to the Virgin Islands Rules of Appellate Procedure, and any conflicts should be resolved by referring to the Rules which can be found on our website.

<sup>2</sup> The Court recommends the following procedure:

Within 14 days after the transcript is prepared or the certification of no transcript being ordered, the appellant should serve on the appellee a list of documents of the parts of the record that the appellant intends to include with a statement of the issues that the appellant intends to present in his or her brief.

Within 14 days after receiving the designation, the appellee should serve the appellant with a list of additional parts of the record that the appellee deems necessary to present to the Supreme Court in order to address the issues that the appellant is raising. The appellant must include the appellee’s designated documents in the joint appendix.

If – **after discussion** – the appellant disagrees as to the necessity of the appellee’s documents **and** if the appellee refuses to advance the costs of including the documents, the parties may file a motion to present separate appendices which must include documents detailing the disagreement and the appellee’s refusal to advance costs. *See* V.I.R.APP.P. 24(b)

- Superior Court Division
- Title of Document (“Joint Appendix”)
- Names, Addresses, Phone Numbers and Fax Numbers of all Parties

**Required Redactions** – V.I.R.APP.P. 15(c)

Parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents:

- Social security numbers
- Names of minor children and victims of sexual assault crimes
- Dates of birth
- Financial account numbers
- Home addresses – in a criminal case, if a home address must be included only the city or island and the state or territory should be listed.

**Other Requirements**

- The Joint Appendix must be securely bound in a manner that allows it to lie flat when open V.I.R.APP.P. 15(a)
- Pages must be clearly and sequentially numbered - V.I.R.APP.P. 24(c), 15(a)
- All documents included must be clearly legible- V.I.R.APP.P. 15(a)
- Appendix shall be filed with the Appellant’s brief - V.I.R.APP.P. Rule 24(a)

**Separate Appendix**

If Appellee has designated portions of the record that Appellant finds irrelevant, then Appellee may file a Separate Appendix. Prior to doing so, Appellee must file – and the Court must grant – a Motion for Leave to file a Supplemental Appendix. A Motion for Leave to File a Separate Appendix must include records of the parties’ consultation showing the nature of their disagreement as to the relevance of Appellee’s designated portion of the record.

- Notes:
  - Appellant may be sanctioned for failing to consult Appellee prior to submitting an Appendix by reimbursing Appellee’s reasonable costs for preparing a Separate Appendix.
  - Appellee may seek reimbursement for a Separate Appendix where the parties disagreed on the relevance of a document but – after the appeal has been decided – the Court determines that the disputed documents were relevant. Reimbursement may be sought regardless of which party prevailed.